

**THE BASIS OF LEADERSHIP: KHUMAYNĪ'S CLAIMS
AND THE CLASSICAL TRADITION**

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ABSTRACT

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The central and pivotal doctrine of the Imamate in the Twelver Shī'ī creed maintains that the Imams are endowed with the exclusive prerogative to assume the authority and functions of the Prophet in both the temporal and religious domains. This is so by virtue of explicit designation (*nass*) received by each Imam from his predecessor to act as custodian, protector and expositor of divine teachings. Unfavourable political circumstances during the ʿUmayyad and ʿAbbāsīd dynasties forced the Imams to adopt a quietist attitude and to opt for accommodation with the illegitimate authorities. The inaccessibility of the Imams and their inability to guide their followers in distant places resulted in delegation of certain functions of the the Imams to the ʿulamāʾ to guide the community. The prolonged occultation of the twelfth Shī'ī Imam led the jurists to arrogate to themselves the right to act as his indirect deputies (*nāʾib al-Imām*). Establishment of Imāmī Shī'ism as the state religion by the Safavids in the early sixteenth century, the victory of the Uṣūlī school over the Akhbārīs and the formulation of the institutions of *marjaʿīya* and *aʿlamīya* paved the way for Āyatullāh Khumaynī to lay the grounds for the jurist's assumption of all-comprehensive authority (*al-wilāya al-muṭlaqa*) by extrapolating arguments from tradition reports. The combination of the *marjaʿīya* and leadership (*rahbar*) of the Islamic State in the person of Āyatullāh Khumaynī had the potential of marshalling the Shī'ī ʿulamāʾ and masses to support for a political cause. However, bifurcation of these two roles in the 1989 revised Constitution of Iran forebodes the separation of the secular and the religious spheres.

RÉSUMÉ

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Selon la conception de l'Imāmat dans le Shī'isme duodécimain, les Imāms ont la prérogative exclusive d'exercer l'autorité et les fonctions du Prophète, à la fois dans les domaines temporel et religieux. Et cela en vertu de la désignation (*nass*) explicite que reçoit chaque Imam de son prédécesseur afin d'agir comme gardien, protecteur et interprète des enseignements divins. Les circonstances politiques défavorables sous les dynasties ʿUmayyade et ʿAbbāside forcèrent les Imams à adopter une attitude quétiste et à s'accommoder de l'autorité illégitime. L'inaccessibilité des Imams et leur incapacité à gouverner leurs partisans en région éloignée amenèrent la délégation de certaines fonctions des Imams aux ʿulamāʾ afin qu'ils dirigent la communauté. L'occultation prolongée du douzième Imam a amené les juristes à s'arroger le droit d'agir comme représentants de l'Imam (*nāʾib al-Imām*). L'établissement du Shī'isme Imāmite en tant que religion d'état par les Safavides au début du seizième siècle, la victoire de l'école Uṣūlīe sur l'école Akhbārīe et la formulation des institutions *marjaʿīya* et *aʿlamīya* ont ouvert la voie à l'Āyatullah Khumaynī pour sa fondation de la prétention des juristes à une autorité absolue (*al-wilāya al-muṭlaqa*) par l'extrapolation d'arguments tirés des sources traditionnelles. La cumulation en la personne de l'Āyatullāh Khumaynī des fonctions du *marjaʿīya* et du leadership (*rahbar*) de l'État Islamique a disposé les ʿulamāʾ Shīʿites et les masses à appuyer une cause politique. Cependant, la bifurcation de ces rôles dans la Constitution révisée de 1989 annonce la séparation des sphères religieuse et séculière.

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NOTE ON transliteration AND DATES

The system of transliteration of Arabic and Persian terms and phrases follows the style adopted by the Institute of Islamic Studies, McGill University with the following exceptions: The transliteration of the feminine ending *tā marbūṭa* (آ, ة) is rendered as [a] when it is not pronounced, in words such as *wilāya*, and [at] when it appears in a construct (*iḍāfa*) formation, like in the case of *wilāyat al-faqīh*. The *alif maqṣūra* (ِ) is written as [ā]. The respective *hijrī* and Christian dates are separated by an oblique. The translations from the Qurʾān have been taken from Mohammed Marmaduke Pickthall's *The Meaning of the Glorious Koran*.

INTRODUCTION

One of the salient features of the Twelver Shī'ī creed is the doctrine of the Imamate. This doctrine maintains that there was an explicit designation (*naṣṣ*) of 'Alī by Muḥammad and that the line of Imams continued in a definite individual from among the descendants of 'Alī and Fāṭima with designation of the next Imam by the preceding one until it reached the twelfth Imam, the Mahdī. This prerogative is bestowed by God upon a chosen person to act as the protector and expositor of the divine teachings until the end of time. It is incumbent upon God to appoint an Imam because such an appointment is an expression of His Grace (*luṭf*) - a process by which a human being is attracted to obey God and to desist from disobeying Him. Without an Imam, the Shī'īs assert, the world could not continue to exist. Thus, the earth can never be void of a proof (*ḥujja*) of God lest the people have a reason to protest on the Day of Judgement that they were left without a guide (Imam) and as a result strayed from the divine teachings.¹

The Imam acquires legitimacy through a process of designation (*naṣṣ*) from the preceding Imam and not by public acknowledgement. So long as the Imam was present, the Shī'īs were to have recourse to him to resolve their disputes and problems. However, the commencement of the major occultation (*al-ghayba al-kubrā*) of the twelfth Shī'ī Imam posed a serious question for the Imamite community: Upon whom should the authority of the Imam devolve after the end of special deputyship (260/874-

¹Muḥammad b. Ya'qūb b. Ishāq al-Kulaynī, *Al-Kāfī*, trans. Muḥammad Riḍā al-Ja'fārī, 1 vol., pts. 1-2 (Tehran: WOFIS, 1978-), vol. 1, pt. 2, p. 36.

329/941) which terminated with the death of the fourth agent Abū al-Ḥasan Muḥammad al-Samarī² in 941 A.D.?

The prolonged occultation of the twelfth Imam forced the jurists to delineate the scope of authority vested in them as indirect deputies of the Imam (*nāʾib al-Imam*). The 'ulamā' arrogated to themselves certain limited authority of the concealed Imam, pending his return, by virtue of tradition reports that invested them with the role of elucidating the teachings of Islam, resolving disputes and finding solutions to novel problems confronted by the Shī'ī community. This claim to authority is evidenced in their discussions of issues dealing with *qaḍā'*, *ḥisba*, *jihād*, *khums* and trusteeship over one who has no trustee (*walī man lā walī lah*). Thus, in general, the 'ulamā' have subscribed to the concept of *wilāyat al-faqīh*, however, in its restricted sense (*al-wilāya al-khāṣṣa*). What is novel in Mullā Aḥmad al-Narāqī's (d. 1245/1830) and Āyatullah Khumaynī's (d. 1409/1989) expositions of this concept is their widening of the scope of authority of the jurists to become identical with that of the Prophet and the infallible Imam during his absence (*al-wilāya al-muṭlaqa*). Aḥmad Narāqī in *ʿAwaʿid al-Ayyām* writes:

It is so obvious that any common or learned man understands and admits that if a prophet on the verge of a trip or his death had said of a certain person that: "so and so is my inheriter (*warith*), and he

²Since the Arabic words are usually written without the vowel signs, the last name of this agent has been pronounced in various ways. For instance, Abdulaziz Sachedina vocalizes it as al-Samarī (*Islamic Messianism*, p. 96) and Jassim Hussain as al-Sammari (*The Occultation of the Twelfth Imam*, p. 133 and footnote no. 3 on p. 200) based on Āghā Buzurg al-Ṭihirānī's work *Tabaqāt Aʿlām al-Shīʿa Nawābiḥ al-Ruwa* (Beirut: Dār al-Kutāb al-ʿArabi, 1971), 1.200. However, it appears that J. Hussain misread the vowel sign. The *shadda* is on the letter *sīn* and not on *mīm*. Thus, according to Āghā Buzurg, the name should be pronounced as al-Samarī, derived from the river al-Samar located in Baṣra. Other variants given are al-Sumari and al-Summari in Jalāl al-Dīn al-Suyūṭī, *Lubb al-Lubāb fī Tahrīr al-Ansāb* (Baghdad, Maktabat al-Muthanna, n.d.), p. 140; al-Summari in Ghulām-Ḥusayn Muṣāḥib, *Dāʾirat al-Maʿarif-i Fārsi* (New York: Franklin Book Programs Inc., 1953), 1.1336; al-Samri and al-Saynari in M. Jurfādaqānī, *ʿUlamā-yi Buzurg-i Shīʿa: Az Kulaynī tā Khumaynī* (Qum: Intishārāt-i Maʿārif-i Islāmī, 1985), p. 8. See also, Muḥammad b. al-Zubayr, *Muʿjam Asmāʾ al-ʿArab* (Beirut: Jāmiʿat al-Sulṭān Qābiūs, 1991), pp. 835-836. I have chosen the vocalization given by Āghā Buzurg, that is, al-Samarī.

is exactly like me (*mithli*), and has the same position as I do (*bi-manzilati*), and is my vicegerent (*khalifati*), and is my trusted person (*amini*), and the proof of [my authority upon you] (*hujjati*), and I have bestowed upon him authority upon you (*wa'l-hakim min gibali 'alaikum*), and that he is the source of authority for you in all your incidents (*wa'l-marja' lakum fi jami' hawadithikum*), and in his hands are the proper mandates of your affairs and obligations (*wa bi yadihi majari' 'umurikum wa ahkamikum*) and that he is the representative of my subjects [i.e., he is the spokesman for the common people] (*al-kafil li-ra'iyyati*), then undoubtedly to him belongs whatever belonged to the prophet in matters of the common subjects and whatever pertains to his [the prophet's] community [of believers].³

Āyatullāh Khumaynī concurs with the above delimitation of the jurist's authority in his statement:

If a worthy individual possessing those two qualities [knowledge of the law and justice] arises and establishes a government, he will possess the same authority as the Most Noble Messenger (upon whom be peace and blessings) in the administration of society, and it will be the duty of all people to obey him.⁴

He also states that "the authority that the Prophet and the Imam had in establishing a government, executing laws and administering affairs exists also for the *faqīh*."⁵ These opinions are an aberration from the general view held by the jurists that since they lacked the quality of *'isma* (infallibility), assumption of the total authority of the Imams was not possible: "The ulama indeed lacked the essential qualifications on which the comprehensive authority of the Imams rested: their infallibility."⁶

³Hamid Dabashi, "Mulla Ahmad Naraqi and the Question of the Guardianship of the Jurisconsult (*Wilayat-i Faqih*)," in *Expectation of the Millennium: Shi'ism in History*, eds. Seyyed Hossein Nasr, Hamid Dabashi and Seyyed Vali Reza Nasr (Albany: State University of New York Press, 1989), p. 296.

⁴Rūḥ Allāh al-Mūsawī al-Khumaynī, *Islam and Revolution*, trans. Hamid Algar (Berkeley: Mizan Press, 1981), p. 62.

⁵Ibid., p. 64.

⁶Wilferd F. Madelung, "Authority in Twelver Shi'ism in the Absence of the Imam," in *La notion d'autorité au Moyen Age: Islam, Byzance, Occident*, eds. George Makdisi and Janine S. Thomine (Paris: Presses Universitaires de France, 1982), p. 167.

Āyatullāh Khomeynī's claims for the notion of *al-wilāya al-muṭlaqa* primarily rest on tradition reports and the key term *ulū al-amr* from which he extrapolates arguments and interprets them in favor of the jurist's right to assume the all-comprehensive authority of the Prophet and the Imams. The thesis will examine the proofs advanced by him in the light of other Islamic sciences, such as *ʿilm al-ḥadīth* and *ʿilm al-rijāl*, to test for their validity, along with competing and counter arguments of others on this issue. In general, the tradition reports put forth by Āyatullāh Khomeynī suffer from weak chains of transmission (*asnād*), and the meanings he imposes upon the text (*matn*) of the *ḥadīth* are not in keeping with the way they were understood by earlier jurists.

The notion of *al-wilāya al-muṭlaqa* was stretched to its farthest limit with the proclamation of Āyatullāh Khomeynī in January, 1988, that the Islamic State has priority over secondary injunctions, such as prayers, fasting and *ḥajj* (pilgrimage). Debate on this issue was curtailed by his death in June, 1989, and his replacement by a junior cleric who lacks both his charisma and the credentials of a *marjaʿ al-taqlīd*. Thus, the Constitution of Iran was revised in 1989 to divide the two functions: leadership (*rahbar*) of an Islamic State and *marjaʿīya*.

CHAPTER ONE

EVOLUTION OF THE CONCEPT OF *AL-WILĀYA* *AL-MUṬLAQA* AND ITS CRITIQUE

The Shī'ī jurists uphold the concept of *niyāba* (deputyship) of the messianic Imam during his major occultation (*al-ghayba al-kubrā*). There is disagreement however, centering around the scope and nature of the authority that is vested in the religious scholars. Arrogation by jurists of certain functions of the Imam, such as issuing legal opinions and adjudicating disagreements, is not in dispute. Even jurists who dismiss the notion of *al-wilāya al-muṭlaqa* as ludicrous admit that the 'ulamā' are entrusted with certain duties of the concealed Imam during his absence from the worldly plane:

As for the *wilāya* in the first sense, that is the view that the [jurist] has discretionary authority [to manage the affairs of the Muslims], it is not proved in general, except that some people think so because of some traditions . . . But, if one looks at the context of these traditions and at the words preceding and following, then the sense of justice will make him certain that these traditions simply explain the duties of the *fuqahā'* in respect to religious ordinances (*al-aḥkām al-shar'īya*); and not their being like the Prophet and the Imams, may the blessings of God be upon them, in the sense that they possess authority over the people in their properties . . . In brief, one will have to accomplish an impossible task before he can prove that it is obligatory to obey a *faqīh* like an Imam in everything except that which is excluded from it by other proofs.¹

¹Mutraqqā al-Anṣārī, *Kitāb al-Makāsib*, ed. Muḥammad Kalāntar (Beirut: Mu'assasat al-Nūr li al-Maṭbū'āt, 1990), 9:325-330

The absence of the Imam from the physical plane postponed the issue of gaining temporal authority until his reappearance, as he was the redressor of all wrongs. Instead, Shī'īs yearned for the return of the Mahdī who would restore peace and justice and seek vengeance from those who had wronged the Imams and usurped their rights. This passive anticipation and awaiting for the return of the Mahdī who would redress all grievances and fill the earth with justice and equity after it has been engulfed in injustice and inequity is mocked by Āyatullāh Khumaynī:

Do not say, "We will wait until the coming of the Imam of the Age."
 Would you consider postponing your prayer until the coming of the Imam? The preservation of Islam is even more important than prayer.
 Do not follow the logic of the governor of Khumayn who used to say:
 "We must promote sin so that the Imam of the Age will come. If sin does not prevail, he will not manifest himself!"²

If the 'ulamā' are to play an active role in guiding the community, what functions of the concealed Imam are arrogated to them during his absence? Since the *wilāya* of the jurists is derived from the *wilāya* of the Prophet and the infallible Imams, it will be useful to elucidate briefly the doctrine of Imamate in Twelver Shī'ism and examine what functions of the Imam are transferable to the jurists during his occultation.

IMAMATE

The doctrine of the Imamate is central and pivotal for the Shī'īs to such an extent that one who fails to recognize the Imam of his time is regarded to have died in ignorance or unbelief.³ The Shī'īs regard the Imamate as more than a temporal political

²Khumaynī, *Islam and Revolution*, p. 76.

³Muḥammad b. Ibrāhīm b. al-Nu'mānī, *Ghaybat-i Nu'mānī*, trans. Muḥammad Jawād Ghaffārī (Tehran: Kitabhāna-yi Ṣadūq, 1985), p. 180.

office since it is a divine office ordained by God and ranking equally with the prophethood.

‘Allāma Ḥillī (d. 726/1325), in his discussion of Imamate delineates the authority of the Imams:

First, the Imāmate is a universal authority (*riyāsa*) in the things of religion and of the world belonging to some person and derived from (*niyāba*) the Prophet.⁴

Thus, the Imams are endowed with comprehensive authority to regulate both the spiritual and mundane affairs of the community. This investiture is bestowed by divine appointment (*naṣṣ*) on one who is infallible (*ma‘ṣūm*)⁵ and the best of his age (*afḍal*)⁶ in knowledge. Furthermore, it is incumbent upon God to designate such a person so that the believers can fulfill the obligations (*taklīf*) that have been imposed upon them by God:

And it is necessary (*wājib*) according to reason. For the Imāmate is a kindness (from Allāh) (*luṭf*), and we know absolutely that when men have a chief (*ra‘īs*) and a guide (*murshid*) whom they obey, who avenges the oppressed of his oppressor and restrains the oppressor from his oppression, then they draw near to soundness (*ṣalāh*) and depart from corruption. And we have shown previously that kindness is incumbent upon Allāh.⁷

The notion that the earth can never be void of an Imam is also captured in the following

⁴Ḥasan b. Yūsuf al-Ḥillī, *Al-Bābu 'l-Hādī ‘Ashar: A Treatise on the Principles of Shī‘ite Theology*, trans. William M. Miller (London: The Royal Asiatic Society of Great Britain and Ireland, 1928), p. 62.

⁵Ibid., pp. 64-65.

⁶Ibid., p. 69.

⁷Ibid., p. 62.

tradition attributed to Imam Ja'far al-Šādiq (d. 148/765):

'If mankind consisted of only two persons, one of them would have to be an Imām.' He (also) said: 'The last person to die will surely be the Imām so that no one may argue against Allāh, to Whom belong Might and Majesty, that He has left him without any Proof [ḥujja] from Allāh for him.'⁸

Shaykh Mufīd (d. 413/1022) summarizes the doctrine of the Imamate in his work *Awā'il al-Maḳālāt*:

- a) The Imamate is a necessity (*lā budda minhā*) and must exist in all ages. It is necessary for both God and the *mukallafin* on the basis of both revelation and reason.
- b) The Imam must be designated by an explicit designation (*naṣṣ*).
- c) The Imam must be infallible and sinless.
- d) The Imam must be the best of his age (*al-Afḍal*), perfect in his knowledge of all branches of learning.
- e) The Imams are twelve; the first is 'Alī b. Abī Ṭālib and the succeeding eleven Imams are, . . .
- f) 'Alī b. Abī Ṭālib was designated as Imam by God explicitly, and Muḥammad in his lifetime designated 'Alī to be Imam immediately after his death.
- g) All the eleven Imams after 'Alī were explicitly designated to be Imams.⁹

Immediately after the death of Prophet Muḥammad in 632 A.D., there arose serious disagreement among the Muslims on the question of his succession.

⁸Kulaynī, *Al-Kāfī*, trans. Muḥammad Riḍā al-Ja'farī, vol. 1, pt. 2, p. 41.

⁹Joseph Eliash, "'Alī b. Abī Ṭālib in Ithna-'Ashari Shī'ī Belief," (PhD diss., University of London, 1966), pp. 42-45.

Essentially, three groups emerged to assert their claim for succession. The first group comprised the emigrants (*muhājirūn*) who claimed precedence because they belonged to the Prophet's tribe and had been the earliest converts to accept his mission. The second party, the Medinese supporters (*anṣār*), asserted their preference by virtue of befriending Muḥammad and providing him refuge and asylum at a critical time. Without them, they declared, nascent Islam would have been terribly handicapped or would even have perished. The third group is designated as the legitimists (*aṣḥāb al-naṣṣ wa al-ta'yīn*) who believed that the Prophet had explicitly nominated ʿAlī b. Abī Ṭālib (d. 40/661), his cousin and son-in-law, as his successor before his demise. They claim that it was unthinkable that God would leave an important issue like that of succession to the whims of the infant Muslim community without giving them specific guidelines, especially since the Prophet had taken great pain meticulously to lay out in minutest detail issues of minor importance, like the rulings on ritual purity. Āyatullāh Mishkīnī puts it that "if one were to gather the fragments of teachings about the proper manners of going to the toilet, there would fill a big volume."¹⁰ Āyatullāh Muḥammad Bāqir al-Ṣadr (d. 1400/1980) argues in a similar vein:

The Prophet assigned due importance even to a seemingly ordinary matter such as the military preparedness, even in the last moments of his life. His thoughtfulness about it, showed the impossibility that he should be unmindful of the future of Islam, so as to leave unsettled a grave matter of succession for the benefit of the Islamic nation?¹¹

As the central evidence to prove ʿAlī's succession to the Prophet, Shīʿīs quote the tradition of *Ghadīr*.¹² This event was adduced as the proof that the Prophet had

¹⁰ʿAlī Mishkīnī, "Wilāyat al-Faqīh: Its Meaning and Scope," trans. Shahyār Saʿādat, *Al-Tawhīd* 3/1 (Dec. 1985):43.

¹¹Muḥammad Bāqir al-Ṣadr, *Shīʿism, the Natural Product of Islam* (Tehran: Bunyad Be'thet, 1982), p. 15.

¹²Muḥammad Ḥusayn Ṭabāṭabāʾī, *Shīʿite Islam*, trans. Hossein Nasr (London: George Allen and Unwin, 1975), p. 40.

made provisions for his succession by designating ʿAlī and his progeny to undertake leadership of the community. It is reported that the Prophet, on his way back to Medina after performing the rites of farewell pilgrimage in March 632 A.D., halted at a site called Khumm where he proclaimed that "he of whom I am the *mawlā*, of him ʿAlī is also the *mawlā*."¹³ The Shīʿīs interpret this tradition as an explicit designation of ʿAlī as successor to the Prophet. Both Sunnī and Shīʿī sources agree that the tradition of *Ghadīr* is authentic since it has been reported through numerous chains of reliable transmitters.¹⁴ The bone of contention and disagreement centres around the meaning and connotation of the word *mawlā*, as S. Jafri points out that the "Shīʿa unequivocally take the word [*mawlā*] in the meaning of leader, master and patron, and therefore the explicitly nominated successor of the Prophet. The Sunnīs on the other hand, interpret the word *mawlā* in the meaning of a friend, or the nearest kin and confidant."¹⁵ However, B. Lewis¹⁶ and M. Shaban¹⁷ attempt to oversimplify this complex issue by dismissing the tradition of *Ghadīr* as a later fabrication of the Shīʿīs. The authenticity of this tradition is beyond reproach, but its significance can be reduced by arguing that had the Prophet desired to nominate ʿAlī as his successor, then he would have done so in a fashion that there would have been no room for ambiguity or doubt to linger in the minds of his followers. The fact that the *Anṣār* hastily converged at Saqīfa to select the Prophet's successor while the Prophet's body still lay unburied indicates that the matter of succession was far from clear. The Shīʿīs attempt to deflect this objection by citing

¹³S. H. M. Jafri, *Origins and Early Development of Shiʿa Islam* (London: Longman Group Ltd., 1979), p. 19.

¹⁴Ṭabāṭabāʾī, *Shiʿite Islam*, pp. 68-69.

¹⁵Jafri, *Origins and Early Development of Shiʿa Islam*, p. 21.

¹⁶Bernard Lewis, *The Arabs in History* (London: Harper & Row, 1966), p. 50.

¹⁷M. A. Shaban, *Islamic History (600 - 750 A.D.). A New Interpretation* (London: Cambridge University Press, 1971), p. 16.

other proofs that the Prophet accorded 'Alī special treatment and that he "was groomed by the Prophet to assume the leadership of the new community of Islam after him."¹⁸

After lengthy deliberations and wrangling at Saqīfa, Abū Bakr, a close companion of the Prophet and an early convert to Islam, was chosen as the leader (Caliph). 'Alī and his intimate friends such as Salmān, Zubayr, Abū Dharr, Miqdād and 'Ammār felt slighted and strongly protested to those who were the principal actors in the Saqīfa proceedings for hastily choosing the Caliph and neglecting to take into account the virtues of 'Alī and his household.¹⁹ Thus, the minority group which separated from the majority came to be labelled as the 'partisans' or 'Shī'a of 'Alī'. However, the phrase 'Shī'a of 'Alī' was apparently used by the Prophet during his lifetime.²⁰

The Shī'īs regard 'Alī as the first divinely-inspired Imam who was to be followed by eleven successors, the last of whom, the Mahdī, is in occultation. The authority of the Imam is not derived from public acknowledgement like that of the Sunnī Caliph, but rests upon the two principles of *naṣṣ* (explicit designation by divine decree) and *'ilm* (divine knowledge).²¹ The first principle, *naṣṣ*, states that the Imamate is a prerogative bestowed by God upon a person chosen because of his qualifications. This principle is carried out by the Imams, who, prior to their deaths designate an infallible successor. The second principle embodied in the doctrine of the Imamate as elaborated by the Shī'ī scholars is that of *'ilm*. This encompasses and

¹⁸Mattī Moosa, *Extremist Shiites: The Ghulat Sects* (Syracuse: Syracuse University Press, 1987), p. 95. See also Moojan Momen, *An Introduction to Shi'ī Islam: The History and Doctrines of Twelver Shi'ism* (New Haven: Yale University Press, 1985), pp. 11-17.

¹⁹Ṭabāṭabā'ī, *Shi'ite Islam*, p. 41.

²⁰Kāshif al-Ghūṣa, *The Shia: Origin and Faith*, trans. M. Fazal Haq (London: Islamic Seminary, 1982), pp. 86-88. See also, Mattī Moosa, *Extremist Shiites*, p. 95.

²¹Momen, *An Introduction to Shi'ī Islam*, pp. 153-157.

includes both exoteric and esoteric knowledge concerning the Qur'ān and the details of religion which are inherited from the Prophet:

Abū 'Abdullāh (peace be upon him) said: "Verily, Sulaymān inherited from Dāwūd, and Muḥammad inherited from Sulaymān, and we inherited from Muḥammad. Truly with us is the knowledge of the Torah and the Injīl and the Zabūr (the Psalms of Dāwūd), and the explanation of what is on the Tablets (of Mūsā)." I said: "This is knowledge, indeed!" He said: "This is not the knowledge. The knowledge is that which comes (to us) day after day and hour after hour." ²²

'Alī was succeeded by his eldest son, Ḥasan (d. 49/669) in 661 A.D. who abdicated his right to the caliphate to the 'Umayyad, Mu'āwiyā b. Abī Sufyān (d. 60/680). Shī'īs maintain that Ḥasan was coerced into relinquishing his right to the caliphate due to his "love of peace, distaste for politics and its dissensions, and the desire to avoid widespread bloodshed among the Muslims. Moreover, he realistically assessed the situation and was fully aware of the disastrous consequences for himself, his family, and his handful of trustworthy followers should he insist on settling the issue by force of arms."²³ Ḥusayn (d. 61/680) succeeded his brother Ḥasan, and the chain of Imams continued in the line of Ḥusayn till it reached the twelfth Imam, the Mahdī, who went into major occultation in 329/941 and whose return will usher in an era of peace and justice after the world's having been engulfed in inequity and corruption:

If only a single day remained for the world, God would lengthen that day so that He could send on it a man from my descendants, whose

²²Kulaynī, *Al-Kāfī*, trans. Muḥammad Riqā al-Jafarī, vol. 1, pt. 2, p. 163.

²³Jafri, *Origins and Early Development of Shi'a Islam*, p. 155.

name is the same as mine. He will fill the world with justice and fairness as it was filled with oppression and tyranny.²⁴

‘ULAMA'S INDIRECT DEPUTYSHIP (*NIYĀBA*)

The question which the Shī‘ī jurists have persistently posed is what should be their role in implementing the *sharī‘a* while the Mahdī is in concealment? And to date, no viable solution has been reached by the Shī‘ī jurists in regard to the problem of sovereignty and legitimacy in a Shī‘ī state.²⁵ During the minor occultation (*al-ghayba al-sughrā*) of the Mahdī which spanned from 260/874 to 329/941, the believers had access to him by securing legal judgements through one of his agents. However, the period of *wikāla* (deputyship) was terminated upon the death of the fourth agent²⁶ Abū al-Ḥasan ‘Alī b. Muḥammad al-Samarī in 941 A.D. who delivered the following written pronouncement from the Imam:

In the name of God. O ‘Alī b. Muhammad al-Samarri, may God reward your brethren in your death, which is going to take place in six days' time. So take care of your affairs and do not appoint anyone in your place, since the complete occultation has taken place. I will not appear until God permits me to do so (may His name be exalted) and that will be after a long time and after the hearts become hard and the earth is filled with wickedness. In the near future there will be those among my followers who will claim to have seen me. Beware, those who claim this before the rise of al-Sufyani and the [hearing of the] voice from the sky are liars. . . .²⁷

²⁴Muhammad b. Muhammad al-Nu‘mān al-Mufīd, *Kitāb al-Irshād*, trans. I. K. A. Howard (New York: Tahrike Tarsile Qur‘an, 1981), p. 525.

²⁵Roger M. Savory, "The Problem of Sovereignty in an Ithna Ashari ("Twelver") State," in *Religion and Politics in the Middle East*, ed. Michael Curtis (Boulder: Westview Press, 1981), p. 131.

²⁶A. A. Sachedina maintains that there were other agents of the Imam besides these four. See Abdulaziz A. Sachedina, *Islamic Messianism: The Idea of the Mahdī in Twelver Shi‘ism* (Albany: State University of New York, 1981), p. 97.

²⁷Sachedina, *Islamic Messianism*, p. 96.

When Samarī was questioned as to who was to undertake the responsibility of his office, he replied: "To Allah belongs the matter which He shall accomplish."²⁸

The commencement of major occultation which extends to the present day, threw the Shī'ī community into confusion and left a serious vacuum in the Imamite leadership. It is evident that even Imamite scholars were perplexed at the prolonged occultation of the twelfth Imam whose return they were expecting soon. In anticipation of the imminent return of the Mahdī, Shaykh Mufīd refrained from utilizing the *sahm al-Imām* portion of the *khums* money and instead advised the Shī'īs to hold on to that money or bury it so as to give it to the Imam when he re-emerges.²⁹ This practise also indicates that the jurists did not view themselves as being entitled to claim the Imam's authority and to be his spokesmen in the absence of any categorical appointment from him.

The prolonged occultation prompted the *mujtahids* to fill the void by claiming indirect deputyship of the twelfth Imam while he is in concealment as it was necessary for the community to have authorities who would explicate the teachings of Islam. During the pre-Safavid period, the jurists were absolved of the need to articulate the doctrinal basis for claiming the deputyship of the Imam. The proclamation of Shī'ism as state religion by the Safavids forced the jurists urgently to address this issue. According to Abdulaziz Sachedina, the only evidence produced by Imamite scholars in support of their contention that they have doctrinal grounds for claiming the deputyship of the Imam is contained in a reply that Ishāq b. Ya'qūb received from the Imam Mahdī concerning the one to whom the people should have recourse to during his concealment when they were confronted with novel problems in matters of religion. The twelfth

²⁸Jassim M. Hussain, *The Occultation of the Twelfth Imam* (Cambridge: The Muhammadi Trust, 1982), p. 134.

²⁹*Ibid.*, pp. 149-150.

Imam's pronouncement, as preserved by Shaykh Muḥammad al-Ṭūsī (d. 460/1067) states:

As for the events which may occur [in future when you may need guidance in religious matters] refer to the transmitters (*ruwat*) of our sayings (*ḥadīth*) who are my *ḥujja* to you and I am the *Hujja* of God to you all.³⁰

However, a slightly different version with important implications for the authority of the *mujtahids* has been preserved by Muḥammad Bāqir al-Majlisī (d. 1111/1700). The last sentence reads: ". . . and I am the *ḥujja* to them (the transmitters)."³¹ Sachedina conjectures that the *ḥadīth* was tampered with to increase the power of the *mujtahids* because in Majlisī's version of the *ḥadīth*, the *mujtahids* would act as intermediaries between the Shī'īs and the twelfth Imam. However, J. Hussain dissents from Sachedina's assertion that traditions were fabricated or reinterpreted to give credence to the concept of *taqlīd* (imitation of one of the high ranking *mujtahids*) and cites other traditions that he feels unequivocally delegate authority to the *mujtahids*:

Al-Ṭabarsī mentions this tradition attributed to the eleventh Imam:

It is obligatory for the populace to follow the jurist who refrains from committing wrong, mentions his faith, opposes carnal desire, and obeys Allah's command.

Al-Ṭabarsī reports another transmission on the authority of the tenth Imam concerning the role of the *fuqahā'*:

After the occultation of your *Qā'im* a group of the '*ulamā'* will call people to believe in his (*al-Qā'im's*) Imamate and defend his religion by using proofs sent by Allah, so that they might save the weak-minded faithful from either the deceptions of Satan and his followers, or the

³⁰Sachedina, *Islamic Messianism*, p. 101.

³¹*Ibid.*

deceptions of the anti-^cAlids (*al-Nawāsib*). If none of these *‘ulamā’* remain, then everyone will stray from the religion of Allah. However, as the pilot holds the rudder of the ship, the *‘ulama’* will hold firmly onto the hearts of the weak-minded Shī‘ites, preventing them from straying. Those *‘ulamā’* are the most excellent in the view of Allah the Exalted.³²

If there were ample evidence for the indirect vicegerency of the *muṭahids* during the period of the Mahdī's occultation, why then were they averse to occupying political office and to governing? It was so because the *muṭahids* perceived that wielding authority was the prerogative of the twelfth Imam, and, thus, their involvement in governing would amount to usurpation of the exclusive right of the Mahdī.³³ No disagreement existed amongst the jurists concerning their role in expounding Islamic ordinances and adjudicating in matters of personal and religious duties. It was with respect to their role in public and political affairs, which was considered to be the domain of the infallible Imam, that the differences arose. In all probability, the concept of *wilāyat al-faqīh* would have remained dormant and only on a theoretical level had it not been for the proclamation of Twelver Shi‘ism as the religion of the new state by the Safavid Shah Ismā‘īl I in 1501. This declaration forced the *‘ulamā’* to address the political realities which gradually culminated in the concept of the governance of the jurisconsult elucidated by Āyatullāh Khumaynī in his treatise on Islamic Government. This work consists of a series of lectures that he delivered to theological students in 1970 during his exile in Najaf. He was incited to present a systematic exposition of the concept of *wilāyat al-faqīh* after having learnt that Āyatullāh Abu al-Qasim al-Musawi al-Khū‘ī (d. 1413/1992), a high ranking *muṭahid* residing in Najaf, in reply to a

³²J. Hussain, *The Occultation of the Twelfth Imam*, p. 151.

³³Hamid Algar, *Religion and State in Iran (1785-1906) The Role of the Ulama in the Qajar Period* (Berkeley: University of California Press, 1969), p. 5.

student's question stated that there was no scope for direct political authority for the jurist.³⁴

Even though the *mujtahids* regarded any worldly power that exercised authority as illegitimate, they were, nonetheless, willing grudgingly to acknowledge and condone the usurpation of political and military power by the Safavid rulers in the hope that their own power would be greatly enhanced under a state that promoted Twelver Shī'ism.³⁵ They acquiesced also in the claims made by the Safavid Shahs to be the descendants of the seventh Imam.

The Safavid Shahs attempted to solve the problem of sovereignty and legitimacy by relying upon three distinct bases of power: first, the ancient Persian concept of kingship which manifested itself in the concept of the king being the 'shadow of God on earth'; second, their position as heads of the Safavid order (*murshid-i kāmīl*) of Sufis which entitled them to unquestioned obedience from their followers; third, of primary concern was their claim that they had been accorded the prerogative to represent the Mahdī.³⁶ Towards this aim, they fabricated a genealogy tracing their descent to the seventh Imam, Mūsā al-Kāzīm (d. 183/799), to claim that they had been endowed with infallibility (*iṣma*). R. Savory points out that public perception of the close affinity between the Shah and the Imams led them to view the Shah as an intercessor with God,³⁷ a quality that has been ascribed to the infallible Imams. In addition, the Shahs advanced themselves as God. This is attested to in the poems of

³⁴Gregory Rose, "Velayat-e Faqih and the Recovery of Islamic Identity in the Thought of Ayatullah Khomeini," in *Religion and Politics in Iran*, ed. Nikki Keddie (New Haven: Yale University Press, 1983), p. 177.

³⁵Roger M. Savory, "The Emergence of the Modern Persian State under the Safavids," *Iran-Shinasi* 2/2 (Tehran: 1971):33.

³⁶Roger M. Savory, *Iran under the Safavids* (Cambridge: Cambridge University Press, 1980), p. 2, p. 27.

³⁷Roger M. Savory, "Some Reflections on Totalitarian Tendencies in the Safavid State," *Der Islam* 53/2 (1976):230.

Shah Ismāʿīl.³⁸ Such grand claims run counter to some of the most fundamental tenets of Twelver Shīʿism, and they later became a source of embarrassment to the Shahs who distanced themselves from these extremist dogmas.

The Safavid Shahs, through the use of effective propaganda, had usurped the prerogative of the *mujtahids* as indirect deputies of the Imam.³⁹ The *mujtahids* reluctantly acquiesced and refrained from undermining the newly-emergent state that was propagating Twelver Shīʿism. However, at opportune moments during the reigns of weak Shahs, such as Sulaymān and Ḥusayn, the *mujtahids* mustered enough strength to advance their claim to be the sole representatives of the Mahdī. Shah Ismāʿīl had foreseen such a confrontation and thus created the office of *ṣadr* as a means of controlling the religious classes.⁴⁰ Also, the seventeenth-century resident of Isfahan, Jean Chardin, shrewdly observed the threat to the legitimacy of the Safavid Shahs coming from the ʿulamāʾ's claim of being the sole deputies of the Imam:

The Persians are divided among themselves regarding who has the right to take [the Twelfth Imam's] place, and to be sovereign in both spiritual and temporal matters. The Men of the Church, and with them all devout persons, and all those who profess the strict observance of religion, hold that in the absence of the Imam, the royal seat should be filled by a *mujtahid masum*, terms that signify a man pure in manners who has acquired all the sciences to such a perfect degree that he can respond immediately and without prompting to all questions that are posed to him on religion and civil law. But the most accepted opinion, which has prevailed, is that in truth this right belongs to a direct descendant of the Imams, but that it is not absolutely necessary that this descendant be either pure or learned to such a great degree of perfection . . . This is, as I have just said, the dominant opinion, because it is the one that

³⁸Ibid., p. 232.

³⁹Roger M. Savory, "Religion and Government in an Ithna Ashari Shīʿi State," *Israel Oriental Studies* 10 (1980):198.

⁴⁰Savory, *Iran under the Safavids*, p. 30.

establishes and affirms the right of the reigning king. . . . "How can it be possible," say these men of the Church, "that these impious Kings, drinkers of wine and carried off by passion, be the Vicars of God?"⁴¹

The *mujtahids* made their presence felt and asserted independence, especially during the reigns of the two weakest Safavid Shahs, Shah Sulaymān (1666-1694) and Shah Sulṭān Ḥusayn (1694-1722) when the power of the *mujtahids* reached its climax.⁴²

Shah Sulaymān succeeded ʿAbbās II in 1666 and abandoned himself to drink and voluptuous enjoyment and took no interest in the task of governing the state. During his reign, the most influential and powerful Shīʿī *mujtahid*, Muḥammad Bāqir Majlisī was appointed to the post of Shaykh al-Islām and continued to occupy this office, which was renamed as *mullābāshī*, under the reign of Sulaymān's successor, Shah Sulṭān Ḥusayn. These appointments are clear testimony to the increased influence of the *mujtahids* over the Shahs who at times were even dominated and controlled by the *mujtahids*. R. Savory notes that the submissive and docile attitude of the Shahs to the dictates of the *mujtahids* found expression in a nickname of Shah Sulṭān Ḥusayn who was scoffingly dubbed 'Mullā Ḥusayn'.⁴³ But, L. Lockhart is of the opinion that this nickname was applied to Shah Sulṭān Ḥusayn on account of his piety and detachment from worldly pleasure.⁴⁴

Even though there was rivalry between the Shahs and *mujtahids* in so far as both were claiming deputyship of the Imam, the Shahs held the *mujtahids* in high

⁴¹Nikki Keddie, "The Roots of the Ulama's Power in Modern Iran," in *Scholars, Saints and Sufis. Muslim Religious Institution in the Middle East since 1500*, ed. Nikki Keddie (Berkeley: University of California Press, 1972), pp. 221-222.

⁴²Savory, "The Emergence of the Modern Persian State under the Safavids," p. 33.

⁴³Savory, "Religion and Government," p. 198.

⁴⁴L. Lockhart, *The Fall of the Safavi Dynasty and the Afghan Occupation of Persia* (Cambridge: Cambridge University Press, 1958), p. 35.

esteem and accorded them honor and respect. This is evident from the various anecdotes mentioned by E. Browne, in one of which, even the Great Shah ʿAbbās consented to a request from Mullā ʿAbdullāh Tūnī to walk ahead of him "as he rode through Maydān-i-Shāh, or Royal Square, of Iṣfahān, with the object of demonstrating to all men the honour in which learning was held."⁴⁵ In another instance, Shaykh Aḥmad (d. 993/1585) of Ardabīl who was asked to intercede on behalf of someone for pardon addressed Shah ʿAbbās as "the founder of a borrowed empire."⁴⁶ The Shah acceded to the request for pardon and signed the response with the following phrase: "Written by ʿAbbās, the dog of ʿAlī's threshold."⁴⁷

The power of the *mujtahids* which was already on the rise, especially during the latter part of Safavid period, was to get an added impetus during the Qajar period (1795-1924) when the Uṣūlī school triumphed over the Akhbārī. The position of the former was that in the absence of the Imam, it was permissible for *mujtahids* to resort to the use of reason (*ʿaql*) to derive a legal judgement (*fatwā*). In other words, they were advocating that the doors of *ijtihād* (scholarly effort to draw fresh rulings) remain open so as to deal with modern problems by relying upon intellect or rational capability in addition to the Qurʾān, *ḥadīth* and consensus (*ijmāʿ*). They further argued that the four Shīʿī canonical works on *ḥadīth* by Shaykh Kulaynī (d. 329/940), Ibn Babuya al-Ṣadūq (381/991) and Shaykh Ṭūsī should be subjected to scrutiny and not be accepted

⁴⁵Edward G. Browne, *A Literary History of Persia*, 4 vols. (Cambridge: Cambridge University Press, 1953), 4:368.

⁴⁶*Ibid.*, 4:369. Also, Shah Ṭahmāsp issued decrees granting broad religious and political authority to Shaykh ʿAlī al-Karakī (d. 940/1534) who is referred to as *naʾih-i Imām* (deputy of the Imam). See Said Amir Arjomand, "Two Decrees of Shāh Ṭahmāsp Concerning Statecraft and the Authority of Shaykh ʿAlī Al-Karakī," in *Authority and Political Culture in Shiʿism*, ed. Said Amir Arjomand (Albany: State University of New York, 1988), pp. 250-262.

⁴⁷*Ibid.*, 4:369. R. Savory argues that this incident is apocryphal and forged. See Savory, *Iran under the Safavids*, pp. 238-239.

uncritically.⁴⁸ Finally, they prohibited following (*taqlīd*) a deceased *mujtahid* to allow for continuous *ijtihād*.⁴⁹ Thus, the Uṣūlī school believed that during the period of concealment of the Imam, the community should be divided into *mujtahids* and *muqallids* (followers, imitators). If one does not have the necessary knowledge and expertise to infer legal judgements from the four sources mentioned before, then he is duty bound to follow the guidance and rulings of a qualified *mujtahid*. Should he not do so, all his acts of worship would be rendered void and unacceptable to God.⁵⁰ It is interesting to note that the chief ideologue of the Iranian revolution, Dr. ʿAlī Shariʿatī, called for the end of *taqlīd* which, according to him, had degenerated into blind imitation of persons. He argues that not only is *taqlīd* degrading to the intelligence, but it also leads one to commit the major sin of *shirk*, that is, associating other partners (*mujtahids*) in the pure conception of Divine Unity (*tawḥīd*).⁵¹ Instead, he suggests that following the guidance of religious experts should be confined only to limited technical issues: "Every person must do his own analysis, commensurate with his mental capacity and intellectual reserves . . . since *taqlid* is not a matter of intellect, it is - therefore - a technical or special matter *What is dangerous is intellectual emulation*."⁵²

The Akhbārī school contradicted the Uṣūlī on all points mentioned. They called for repudiation of reason in deriving fresh legal rulings and instead advocated recourse

⁴⁸Etan Kohlberg, "Aspects of Akhbari Thought in the Seventeenth and Eighteenth Centuries," in *Eighteenth-Century Renewal and Reform in Islam*, eds. N. Levtzion and John O. Voll (Syracuse: Syracuse University Press, 1987), p. 134.

⁴⁹Hamid Enayat, *Modern Islamic Political Thought* (Austin: University of Texas Press, 1982), p. 167.

⁵⁰Algar, *Religion and State in Iran*, p. 6.

⁵¹Abdulaziz A. Sachedina, "Ali Shariati: Ideologue of the Iranian Revolution," in *Voices of Resurgent Islam*, ed. John L. Esposito (Oxford: Oxford University Press, 1983), p. 203. Muḥsin Fayḍ al-Kāshānī (d. 1091/1680) of Akhbārī school also espouses this view. See Etan Kohlberg, "Aspects of Akhbari Thought," p. 140.

⁵²Shahrough Akhavi, "Shariati's Social Thought," in *Religion and Politics in Iran*, ed. Nikki Keddie (New Haven: Yale University Press, 1983), p. 140.

to traditions of the Prophet and the twelve infallible Imams. Essentially, they wanted *ijtihād* to be terminated and instead to follow the rulings of deceased authorities.⁵³ Had the Akhbārī school come out victorious, it would have drained the enormous power wielded by the *mujtahids* over the masses on account of the concept of *taqlid*, and the form of leadership that is enshrined in the Iranian Constitution would have been highly improbable.⁵⁴

It should be noted that the Qajar rulers, from the outset, were in no position to continue the same relationship with the *mujtahids* that the Safavids had enjoyed at the beginning of their rule. For one, the *ʿulamāʾ* had gained enough strength to stand on their own and challenge the Qajar rulers. Furthermore, the Qajars, unlike the Safavids, were unable to trace their lineage to the *Ahl al-Bayt* through the line of Husayn and were thus deprived of one of the most important bases of power that was available to the Safavid Shahs.⁵⁵ Thus, the *ʿulamāʾ* began to reassert their independence from the state.

In the nineteenth century, the notion that the most learned (*aʿlam*) jurist should be followed by the laity introduced the possibility of a strong and centralized leadership. The first person to be regarded as the supreme source for emulation was Shaykh Muḥammad Ḥasan Najafī (d. 1266/1850)⁵⁶ and he was followed by Shaykh Murtaḍā Anṣārī (d. 1281/1864). The notion of *aʿlamīya* has its genesis in the doctrine of Imamate which maintains that the Imam must be the best (*afḍal*) of his age in

⁵³Enayat, *Modern Islamic Political Thought*, p. 168.

⁵⁴Hamid Algar, *The Islamic Revolution in Iran*, ed. Kalim Siddiqui (London: The Muslim Institute, 1980), p. 6.

⁵⁵Algar, *Religion and State in Iran*, p. 22. p. 41.

⁵⁶Kazemī-Moussavi, "The Struggle for Authority in the Nineteenth Century Shiʿite Community. The Emergence of the Institution of *Marjaʿi Taqlid*" (PhD diss., McGill University, 1991), p. 151.

knowledge (*ʿilm*).⁵⁷ Likewise, it is preferable to seek juridical opinions from an expert who is most knowledgeable because, according to Muḥaqqiq Ḥillī, "a *fatwā* is derived from learning, not from piety."⁵⁸ The institutionalization of *marjaʿ al-taqlīd* allowed the loose and unstructured clerical establishment to become centralized in the person of a *marjaʿ* who could galvanize the masses for political action.

With the triumph of the Uṣūlī school and the institutionalization of *marjaʿ al-taqlīd*, the power of the *mujtahids* was on the rise. This was clearly manifested in their ability to force the Shah to rescind the concession of a tobacco monopoly granted to an English company in 1892. It was the leading *mujtahid* of the day, Mīrzā Ḥasan Shīrāzī (d. 1312/1895) who equated consumption of tobacco with fighting against the twelfth Imam: "The use of tobacco" he said, "is tantamount to war against the Imam of the Age."⁵⁹ Despite this ascendancy in power, the *ʿulamāʾ* were unable to agree on any form of political theory during the absence of the Imam because any rule other than that of the Imam would be illegitimate. In an attempt to reduce this inevitable illegitimacy, Āyatullāh Mīrzā Muḥammad Ḥusayn al-Nāʾinī (d. 1355/1936) supported the Constitutional movement:

There remains no room to doubt the necessity of changing a despotic regime into a constitutional one. This is true, because the former consists of three sets of usurpations and oppressions: (1) it is usurpation of the authority of God and injustice to Him; (2) it is a usurpation of the Imam's authority and an oppression of the Imam; and (3) it is also an oppression of the people. In contrast, a constitutional system oppresses only the Imam, since his authority is usurped. Thus, a constitutional

⁵⁷Kazemi-Moussavi, Ahmad. "The Establishment of the Position of *Marjaʿ-i Taqlid* in the Twelver Shiʿi Community," *Iranian Studies* 18 (Winter 1985):39.

⁵⁸Kazemi-Moussavi, "The Struggle for Authority," p. 106.

⁵⁹Khumaynī, *Islam and Revolution*, p. 155; Algar, *Religion and State in Iran*, p. 211.

regime reduces three sets of oppression to merely one; consequently it is necessary to adopt it.⁶⁰

The Constitution finally adopted in 1907 recognized Twelver Shī'ism as the official religion and provided for a committee of five *mujtahids* who could veto any legislation which was contrary to the *sharī'a*. It would not be out of place to speculate that if this article had been implemented, then perhaps the 'ulama' would have remained content with this arrangement and that Āyatullāh Khumaynī's concept of *wilāyat al-faqīh* would not have exercised as much appeal. In fact, in his initial protest against the Shah, Āyatullāh Khumaynī was not calling for the dismantling of the monarchy. Rather, he demanded that the Shah respect the Constitution and confine himself within its parameters: "We do not claim that the government (*hukumat*) should be in the hands of the theologians (*faqih*)' but that the government should act 'according to the divine law' and that the religious leadership should have 'supervision (*nezarat*) over the legislative and the executive branches of the Islamic state'."⁶¹

From the above overview of the 'ulamā's response to worldly power, it is possible to conclude that their position has evolved with the passage of time. It began with the adoption of a passive and withdrawn attitude towards politics, in expectation of the return of the Mahdī. This stand was supported by the statements attributed to the fifth and sixth Shī'ī Imams respectively, Muḥammad al-Bāqir (d. 117/735) and Ja'far al-Ṣādiq, who prohibited the Shī'īs from engaging in any armed rebellion.⁶² It is also related that Imam Ṣādiq declined to accept an offer from Abu Salama to assume

⁶⁰Azar Tabari, "Shi'i Clergy in Iranian Politics," in *Religion and Politics in Iran*, ed. Nikki Keddie (New Haven: Yale University Press, 1983), p. 58.

⁶¹David Menashri, "Shi'ite Leadership: In the Shadow of Conflicting Ideologies," *Iranian Studies* 13 (1980):127.

⁶²Said Amir Arjomand, *The Shadow of God and the Hidden Imam* (Cambridge: University of Chicago Press, 1984), p. 34. See also Nu'mānī, *Ghaybat-i Nu'mānī*, pp. 166-167.

leadership of the ʿAbbāsīd movement.⁶³ Āyatullāh Bāqir al-Ṣadr contends that the Imams were reluctant to accept pleas made by the Shīʿīs for their participation in armed rebellion because the Shīʿīs did not have a proper comprehension of Imamate. The Imam is deserving of unconditional obedience, and only when such devoted followers present themselves would the Imam respond to their appeals:

You must have heard the story of that man (Sahl b. Hasan) of Khurasan who called upon Imam Sadiq and requested him to give support to the revolt of the Khurasani revolutionaries. The Imam gave him no immediate reply and decided to put him to test. One day he asked him to enter the furnace full of fire. The Khurasani was terror stricken. He declined to enter the furnace. In the meantime Abu Basir, who was one of the companions of the Imam, arrived and heard the order of the Imam. He without any hesitation plunged into the furnace which was full of fire. The Imam turned to the Khurasani and asked him: "How many Abu Basirs have you in Khurasan?" Thus the Imam rejected the proposal of the Khurasani.⁶⁴

This quiescent attitude towards politics was followed by a period when the ʿulamāʾ questioned the legitimacy of the monarchy and subsequently attempted to contrive ways to reduce the inevitable illegitimacy by constraining its power through a Constitution. Ultimately, this process culminated with the concept of *wilāyat al-faqīh*.

CRITIQUE ON WILĀYAT AL-FAQĪH

This evolution of Shīʿī political thought has been subjected to close scrutiny by scholars after the culmination of the Iranian revolution in 1979. Of particular concern is Āyatullāh Khomeynī's assertion that during the major occultation of the Imam, the jurists are entitled to assume the all-comprehensive authority (*al-wilāya al-muṭlaqa*) of

⁶³Ibid., p. 34.

⁶⁴Muḥammad Bāqir al-Ṣadr, *Introduction to Islamic Political System*, trans. M. A. Ansari (New York: Islamic Seminary, 1982), p. 99.

the Imam. He argues that Islamic ordinances cannot be held in abeyance during the occultation of the Imam which may extend for centuries:

In order to clarify the matter further, let us pose the following questions: From the time of the Lesser Occultation down to the present (a period of more than twelve centuries that may continue for hundreds of millenia if it is not appropriate for the Occulted Imam to manifest himself), is it proper that the laws of Islam be cast aside and remain unexecuted, so that everyone acts as he pleases and anarchy prevails? Were the laws that the Prophet of Islam labored so hard for twenty-three years to set forth, promulgate, and execute valid only for a limited period of time? Did God limit the validity of His laws to two hundred years? Was everything pertaining to Islam meant to be abandoned after the Lesser Occultation? Anyone who believes so, or voices such a belief, is worse situated than the person who believes and proclaims that Islam has been superseded or abrogated by another supposed revelation.⁶⁵

Certain scholars such as Said Arjomand, David Menashri, Shahrough Akhavi and Joseph Eliash view the concept of *al-wilāya al-muṭlaqa* as an innovation of Āyatullāh Khumaynī and an aberration from the Shī'ī doctrine of the Imamate. They note that Āyatullāh Khumaynī in his initial protest against the Shah was not calling for the dismantling of the monarchy and supplanting it with the rule of Muslim jurists:

The 'ulamā never wanted to destroy the foundation of the government. If, at times, they opposed a ruler, *they opposed him personally*, because they considered him an obstacle in the realization of the country's interest. They have never to this day opposed the principal foundation of monarchy. In fact, most of the great 'ulamā, such as Khaja Nasir al-Din (d.1273), Allama Helli (d.1327) Muhaquq Sani (d.1532) and Majlesi (d.1699), accompanied and assisted the monarch. (emphasis added).⁶⁶

⁶⁵Khumaynī, *Islam and Revolution*, p. 42.

⁶⁶Farhang Rajaei, *Islamic Values and World View* (New York: University Press of America, 1983), p. 57.

Instead, Āyatullāh Khumaynī demanded that the Shah respect the 1906 Constitution and confine himself within its parameters.⁶⁷ However, other scholars such as Hamid Algar, Abdulaziz Sachedina, Nikki Keddie and Farhang Rajaei find Khumaynī's concept of *al-wilāya al-muṭlaqa* to be the logical conclusion derived from the institution of *al-niyāba al-ʿamma* or indirect deputyship of the Mahdī bestowed on the *fuqahā'* to implement Islamic rulings.

In this connection, Arjomand writes that "he [Khumaynī] has been instrumental in a far-reaching transformation of the Shi'ite tradition that can best be characterized as a revolution *in* Shi'ism."⁶⁸ As a case in point, he elaborates on how Āyatullāh Khumaynī was the first to manoeuvre the interpretation of *ulū al-amr* in the "authority verse" of the Qur'ān (4:59) to include the ʿulamā'.⁶⁹ The Shī'ī exegetes of the past had consistently reserved the appellation of *ulū al-amr* exclusively for the Imams who are infallible (*maʿṣum*) and protected from committing any error and sin.

Āyatullāh Muntazārī in his lectures on *wilāyat al-faqīh* advances several arguments to support the contention that the term *ulū al-amr* includes the *fuqahā'* and those entrusted to govern.⁷⁰ He points out that there are three possible ways of interpreting *ulū al-amr* within the context of the Qur'ān: (1) *ulū al-amr* is a general, all-inclusive term that incorporates all those who in some respect are custodians of people's affairs, even if they are unjust and cruel. The *ḥadīth* narrated by Abū Hurayra conveys this sense: The *ulū al-amr* are "rulers from amongst yourselves."⁷¹

⁶⁷Menashri, "Shi'ite Leadership: In the Shadow of Conflicting Ideologies," p. 129.

⁶⁸Said Amir Arjomand, *The Turban for the Crown* (New York: Oxford University Press, 1988), p. 177.

⁶⁹*Ibid.*, p. 177

⁷⁰Husayn ʿAlī Muntazārī, *Dirāsāt fī Wilāyat al-Faqīh wa Fiqh al-Dawla al-Islāmīya*, 3 vols. (Qum: al-Markaz al-ʿĀlamī li al-Dirāsāt al-Islāmīya, 1988), 1:68-69.

⁷¹*Ibid.*, p. 68.

(2) The term *ulū al-amr* is reserved exclusively for the twelve infallible Imams as confirmed by the traditions attributed to them. For example, in *Uṣūl al-Kāfi*:

“I asked Abū Jaʿfar (p.b.u.h.) about the words of Allāh, to whom belong Might and Majesty: *Allāh commands you to convey the trusts to their owners; and when you judge between the people, that you judge with justice* (an-Nisāʾ, 4:58). He said: ‘He (Allāh) means us, that the preceding (Imām) should convey the Books, Knowledge and the Amr to the Imām who is after him. “And when you judge between the people, that you judge with (the) justice” which is in your hands. Then He tells the people: *O believers, obey Allāh, and obey the Messenger and those in authority among you* (an-Nisāʾ, 4:59). He means us exclusively; He commands all believers till the Day of the Resurrection to obey us. Then if you fear contention in any matter, refer it to Allāh, and the Messenger and those in authority among you’ thus was it sent down. How could Allāh, to whom belong Might and Majesty, order them to obey those who have been given authority and allow strife among them? Surely this was said concerning those who were commanded, to whom it was said: *Obey Allāh, and obey the Messenger and those in authority among you.*”⁷²

It is also in keeping with common sense and reason that the order to obey someone unconditionally is not proper unless the person issuing the command is immune from committing any sins (*maʿṣūm*).⁷³

(3) *Ulū al-amr* be applied to those who have been delegated authority to manage the affairs of the Muslims. This includes even those who are not infallible as in the case of Mālīk al-Ashtar and Muḥammad b. Abī Bakr to whom obedience was made mandatory by Imam ʿAlī, so long as they governed with justice⁷⁴ To support this thesis,

⁷²Kulaynī, *Al-Kāfi*, trans. Muḥammad Ridā al-Jaʿfari, vol. 1, pt. 2, pp. 315-316.

⁷³Muntazari, *Dirāsāt fī Wilāyat al-Faqīh*, 1:66-7.

⁷⁴Ibid., p. 68.

Āyatullāh Muntazārī advances *ḥadīth* reports. In one, Ibn ʿAbbās is reported to have said that *ulū al-amr* refers to those who are “well-versed in *fiqh* and religion, pious and who transmit the teachings of their religion and they command them to do what is good and forbid them from what is evil”.⁷⁵ In another *ḥadīth* report, Jābir equates *ulū al-amr* with “jurists and virtuous men”.⁷⁶ And, Mujāhid has defined *ulū al-amr* to include all the *fuqahāʾ* and *ʿulamāʾ* of the time.⁷⁷

Further, to strengthen his argument, Āyatullāh Muntazārī adduces statements attributed to Imam ʿAlī from *Nahj al-Balāgha*:

If you leave me then I am the same as you are. It is possible I would listen to and obey whomever you make in charge of your affairs (*amr*). I am better for you as counsellor than as a chief.⁷⁸

O' people, the most rightful of all persons for this matter (namely the caliphate) is he who is most competent among them to maintain it, and he who knows best Allah's commands about it.⁷⁹

Shaykh Murtaḍā Anṣārī in his *Al-Makāsib* writes that the conventional (*ʿurf*) meaning attached to *ulū al-amr* is that they are persons to whom Muslims must take their affairs for which the divine religion of Islam has not specified an authority to handle them.⁸⁰

Āyatullāh Muntazārī also surmises that the reason why the command "Obey" in the "authority verse" is not repeated before *ulū al-amr* and is instead linked with obedience to the Prophet indicates that the command to obey the Prophet and the

⁷⁵Ibid., p. 69.

⁷⁶Ibid.

⁷⁷Ibid.

⁷⁸ʿAlī b. Abī Ṭālib, *Nahjul Balagha*, trans. Sayed Ali Reza (Rome: European Islamic Cultural Centre, 1984), p. 234.

⁷⁹Ibid., p. 343.

⁸⁰Muntazārī, *Dirāsāt fī Wilāyat al-Faqīh*, 1:66.

command to obey *ulū al-amr* are of the same category.⁸¹ He rejects the other explanations offered that the command "Obey" is repeated before *al-Rasūl* (Prophet) for emphasis and to dispel the conjecture that it is not incumbent to follow that which is not mentioned in the Qur'ān. Likewise, he disagrees with the interpretation that the first command "Obey" before Allāh is an injunction to obey God and the second "Obey" before *al-Rasūl* denotes obedience to the Prophet in the *Sunna*.⁸²

What is striking is to observe the disparity in Āyatullāh Khumaynī's definition of *ulū al-amr* in the lectures that he delivered in Najaf, Iraq in 1969 on the concept of *wilāyat al-faqīh* and in his *Kitāb al-Bay'c*, which is a commentary on Shaykh Anṣārī's *Al-Makāsib*. In his discourse on Islamic Government in Najaf, Āyatullah Khumaynī mentions that "it is also our duty to follow and obey the holders of authority [*ulu al-amr*], who according to our beliefs, are the Imams (upon whom be peace)."⁸³ In contrast, in *Kitāb al-Bay'c* he does not confine *ulū al-amr* to the infallible Imams and implies that even the jurists are included.⁸⁴

The above concepts are captured in Article 5 of the constitution of the Islamic Republic of Iran:

During the occultation of the Lord of the Age (may God hasten his renewed manifestation!) the governance [*wilāyat-i amr*] and leadership [*imāmat-i ummat*] of the nation devolve upon the just and pious *faqīh*.⁸⁵

J. Madanī comments on this article of the constitution: "the *ulū al-amr* refers equally to the Imam and the Deputy (*na'eb*) of the Imam, and the Deputy of the Imam is the jurist

⁸¹Ibid., p. 64

⁸²Ibid., p. 64.

⁸³Khumaynī, *Islam and Revolution*, p. 91.

⁸⁴Rūḥ Allāh al-Mūsawī al-Khumaynī, *Kitāb al-Bay'c*, 5 vols. (Najaf: Maṭba'at al-Ādāb, 1971), 2:477.

⁸⁵*Constitution of the Islamic Republic of Iran*, trans. Hamid Algar (Berkeley: Mizan Press, 1980), p. 29.

who is installed in this position with the necessary conditions."⁸⁶ This is in sharp contrast to the view held by Āyatullāh Shari'atmadārī (d. 1407/1986) who carefully segregated the station of the Prophets and Imams from that of the jurists: "They (i.e. prophets and Imams) were God's appointed representatives, whereas now, no Prophet or Imam exists; the leader of the (Islamic) state will be an ordinary man, elected and dismissed by other men."⁸⁷

Inclusion of the jurists in the category of *ulū al-amr* comes close to the interpretation advanced by Sunnī scholars. This proximity to the Sunnī version has brought about charges against Āyatullāh Khumaynī from his detractors that he is prepared to forego the pivotal concept of Imamate in Twelver Shī'ism in order to promote his theory of *al-wilāya al-muṭlaqa*.

Another example in which present-day exponents of *al-wilāya al-muṭlaqa* have relied upon Sunnī interpretation is the case of offensive *jihād* (*al-jihād al-ibtidā'ī*). Early Shī'ī scholars had reserved this type of *jihād* as the exclusive prerogative of the Prophet and the infallible Imams since they possess the quality of *ʿiṣma*. However, Āyatullāh Muntazārī attempts to widen the scope of offensive *jihād* to incorporate defensive *jihād*:

It is possible to subsume offensive [*jihād*] under defensive [*jihād*] because it is indeed defending the rights of God and mankind...although religion is a matter of conscience which admits no coercion. Most people in their primordial state in which God creates them are inclined towards truth and justice. Therefore, if unbelievers or oppressive authorities in the country oppose establishing Unity (*tawḥīd*) and justice, and they impose themselves upon the society and they waste the wealth of God and turn His servants into slaves and cause mischief on earth,

⁸⁶Arjomand, *The Turban for the Crown*, p. 179.

⁸⁷Menashri, "Shi'ite Leadership: In the Shadow of Conflicting Ideologies," p. 124.

then it is necessary according to the rationalistic principle of divine grace to eliminate their evil so the truth can be known and manifested and religion would naturally dominate. So, offensive *jihād* is in fact the defense of monotheism, justice and equity and if you will, you can say it is a defense of humanity.⁸⁸

This position is almost identical with the tone of argument and the proofs adopted by Sayyid Quṭb (d. 1386/1966) who vociferously argues that any impediments posed to the call of Islam in reaching the non-Muslims gives sanction to the Muslims to remove those obstacles by any means available.⁸⁹ This use of force, he argues, would fall under the natural right of defense. He is confident that once people receive the pure and untainted message of Islam, they will be receptive to it and profess their faith in it willingly because human nature has been fashioned in such a way that it yearns to submit to the divine will⁹⁰. This inherent disposition is misplaced and distorted through persistent injection of non-Islamic and irreligious ideas that becloud the clarity of their thought. Thus, according to him, shattering and demolishing these obstacles constitute a constructive and healthy exercise. With the removal of a poisonous atmosphere and its replacement with sound and conducive ideas, people will embrace Islam voluntarily:

Indeed, Islam has the right to take the initiative. Islam is not a heritage of any particular race or country; this is God's religion and it is for the whole world. It has the right to destroy all obstacles in the form of institutions and traditions which limit man's freedom of choice. It does not attack individuals nor does it force them to accept its beliefs; it

⁸⁸Muntaẓarī, *Lirāsāt fī Wilāyat al-Faqīh*, 1:115.

⁸⁹Sayyid Quṭb, *Fī Zilāl al-Qurʾān*, 15th ed., 6 vols. (Beirut: Dār al-Shurūq, 1988), 1:270-271. Mawḍūdī in his work *al-Jihād fī al-Islām* subscribes to this interpretation of defensive *jihād*. See Masudul Hasan, *Sayyid Abu Aʿala Maududi and His Thought* (Lahore: Islamic Publications (Pvt.) Ltd., 1984), 1:54-56.

⁹⁰*Ibid.*

attacks institutions and traditions, which distort human nature and which curtail human freedom.⁹¹

Āyatullāh Khumaynī's definition of what constitutes offensive *jihād* and defensive *jihād* is very much in keeping with the classical viewpoint. He points out that offensive *jihād* can be initiated only with the Imam's presence and command:

There are two types of wars in Islam-one is Jihād: that is, the war of expansion...and the other is *Defā'*, struggle to preserve one's independence.

Jihād means expansion and the taking over of other countries, which will be carried on by the Imam himself or under his command. In that case it will become everyone's duty...to fight and to spread the Islamic laws throughout the world...

The second type, what we call *Defā'*, is a war to defend one's independence, which does not require the Imam nor his command.⁹²

What is startling is to observe that Āyatullāh Abū al-Qāsim al-Khū'ī, an eminent jurist who passed away recently in Najaf, rejects the jurist's right to assume full-fledged political authority but nevertheless confers upon the jurist the right to initiate offensive *jihād* (*al-jihād al-ibūdā'ī*) during the absence of the infallible Imam.⁹³ A natural question that arises concerns what happens to territories that are conquered as a result of an offensive *jihād*. Furthermore, competence in the field of warfare would demand an army, armaments and a sound political and administrative machinery. Under whose authority would these be subsumed?

He enumerates three classes of people against whom offensive *jihād* is mandatory. One is the polytheists (*mushrikūn*) who desist from embracing Islam after

⁹¹Sayyid Quṭb, *Milestones* (Iowa: Unity Publishing Co, n.d.) p. 75.

⁹²Rajace, *Islamic Values and Worldview*, p. 89.

⁹³Abū al-Qāsim al-Mūsawī al-Khū'ī, *Minhāj al-Ṣāliḥīn* (Qum: Mihr, 1990), 1:366.

the invitation has been extended to them. He cites famous Qur'ānic verses usually advanced to validate warfare against the polytheists.⁹⁴ The second is the *Ahl al-Kitāb* consisting of Christians, Jews, Zoroastrians and Sabians, if they decline to pay the *jizya* (poll tax) and to be humbled. The third group is the rebels (*bughāt*).⁹⁵ Thereafter, Āyatullāh Khū'ī poses the question whether it is necessary to acquire the consent of the infallible Imam or his special appointed deputy before engaging in an offensive *jihād*. He points out that the view adhered to by the majority of past jurists considers consent of the Imam to be mandatory. However, Āyatullāh Khū'ī dismisses this view as untenable on the basis that the precedents of the past jurists do not constitute a binding proof for later jurists.⁹⁶

Another proof used by earlier jurists in favor of explicit consent of the Imam prior to undertaking offensive *jihād* consists of two traditions. In one of them Suwayd al-Qallā' relates his dream to Imam Ja'far al-Ṣādiq:

I saw in a dream that I said to you: "Fighting with other than the Imam is as unlawful as eating non-ritually slaughtered meat, blood and pork."
The Imam said: "Yes it is so."⁹⁷

Āyatullāh Khū'ī finds two deficiencies in this *ḥadīth*. One is that the chain of transmission is not sound. Second, even if this tradition is accepted as *mursal* from *Al-Kāfi*, the content prohibits engaging in warfare without an appointed Imam who is obeyed and followed. This does not preclude the possibility for a person who is knowledgeable and far-sighted to initiate war for the general welfare of the Muslims

⁹⁴Qur'ān, 4:74; 8:39,65; 9:5,36.

⁹⁵Khū'ī, *Minhāj al-Ṣāliḥīn*, 1:360-361.

⁹⁶Ibid., 1:364

⁹⁷Ibid.

and to elevate the call of *tawhīd* (unity of God) without explicit permission from the Imam.⁹⁸

Another tradition that is often cited to prove that permission of the Imam is a necessary prerequisite before the initiation of war is attributed to Imam Riḍā. He was asked if it is permissible to fight against Qazwīn to which the Imam responded that one ought instead to go for pilgrimage and await the decree of the Imam, and that this act would be as meritorious as becoming a martyr in the battle of Badr.⁹⁹ Āyatullāh Khūʾī interprets this *ḥadīth* as being a prohibition in a special instance which does not extend to the period of the *ghayba* of the Imam. For, if fighting were not permissible during the *ghayba*, then collecting *jizya* would also not be in order. The latter is a payment made by the *Ahl al-Kitāb* to substitute for fighting.¹⁰⁰ Thus, he concludes that a qualified jurist, under *ḥisba* (a post of public trusteeship) is best equipped to assess the merit of embarking on an offensive *jihād* after consulting competent and foresighted people to ensure that the Muslims have an adequate capability to overpower the unbelievers. He adds that if a non-jurist initiates war, it would result in chaos and disorder.¹⁰¹

Farhang Rajaee views Āyatullāh Khumaynī's exposition of the concept of *wilāyat al-faqīh* as "a logical progression in the evolution of the Shīʿī political thought."¹⁰² The establishment of Twelver Shīʿism as the state religion of Iran by the Safavids and the triumph of the Uṣūlī over the Akhbārī school paved the way for Āyatullāh Khumaynī to take a step further in Shīʿī political thought and to argue for a government in which authority is arrogated to the jurists by virtue of their being the

⁹⁸Ibid., 1:365

⁹⁹Ibid.

¹⁰⁰Ibid.

¹⁰¹Ibid., 1:366.

¹⁰²Rajaee, *Islamic Values and World View*, p. 23.

infallible Imam's indirect deputies.¹⁰³ F. Rajae cautions not to mistake the novelty in Āyatullāh Khumaynī's elucidation of *wilāyat al-faqīh* for innovation and aberration:

The notion of the guardianship of a theologian jurisconsult (*Velāyat-e-Faqīh*), in the manner presented by Ayat-Allah Khomeyni is a relatively new idea within Shī'ī political thought. This notion grants far-reaching political authority to a *faqīh*; indeed, he is considered to be the sovereign. As this discussion has shown, none of the Shī'ī thinkers granted as much authority to the *ulamā* as this new concept does. The novelty of the notion of guardianship of the *faqīh*, however, should not be mistaken for innovation. Today, there are a number of scholars, who insist on the drastic differences between Ayat-Allah Khomeyni's political ideas and those of the classical Shī'ī doctrine. Such assertions, to say the least, are exaggerations.¹⁰⁴

Hamid Algar observes no inconsistency in Āyatullāh Khumaynī's political thought as exhibited in his earlier acceptance of monarchy and later forceful rejection of this institution. In *Kashf al-Asrār*, Āyatullāh Khumaynī writes that "up to the present no member of this class (the ulama) has expressed opposition to the principle of monarchy itself."¹⁰⁵ This is in sharp contrast to his later emphatic rejection and his claim of the incompatibility of monarchy and Islam:

Islam proclaims monarchy and hereditary succession wrong and invalid. When Islam first appeared in Iran, the Byzantine Empire, Egypt, and the Yemen, the entire institution of monarchy was abolished...Islam, then, does not recognize monarchy and hereditary succession, they have no place in Islam.¹⁰⁶

¹⁰³Ibid., p. 13.

¹⁰⁴Ibid., p. 23.

¹⁰⁵Hamid Algar, "Imam Khomeini, 1902-1962: The Pre-Revolutionary Years, in *Islam, Politics and Social Movements*, eds Edmund Burke, III and Ira M. Lapidus (London: I. B. Tauris and Co. Ltd., 1988), p. 276.

¹⁰⁶Khumaynī, *Islam and Revolution*, p. 31.

H. Algar reconciles this apparently contradictory stance by pointing out that Āyatullāh Khumaynī envisioned a monarchy wherein there would be “a just monarch who will not violate God's laws and will shun oppression and wrongdoing, who will not transgress against men's property, lives and honor.”¹⁰⁷ Thus, the legitimacy and tenure of the king would be conditional upon his observance of Islamic law. The significant disparity between the practises of the Iranian monarchy and the Islamic norm was glaringly evident. Even if the monarch were just and implemented the Islamic law, still this would fall short of the ideal, and Āyatullāh Khumaynī gives his grudging acceptance “as long as no better system (*nizam*) can be established.”¹⁰⁸

In explanation of Āyatullāh Khumaynī's role prior to 1962, which has been characterized as one of relative inactivity and public silence, H. Algar argues that it was due to Āyatullāh Khumaynī's strong loyalty to the religious institution and “his conviction that a transformation of state and society in accordance with Islamic precepts could be brought about only under the aegis of the *ulama*, acting as a cohesive body and led by the *marja' al-taqlid*.”¹⁰⁹ Āyatullāh Burūjirdī's (d. 1381/1962) quietist stance prompted Āyatullāh Khumaynī to refrain from an active political role in order to avoid disrespect to the *marja'* and the institution.

David Menashri, in his article examining ideological differences between Āyatullāh Shari'atmadārī and Āyatullāh Khumaynī, suggests that the latter's views on the jurist's role in government are a bold innovation and have evolved with the passage of time.¹¹⁰ He finds that Āyatullāh Shari'atmadārī's vision of clerical authority is far

¹⁰⁷Algar, “Imam Khomeini, 1902-1962: The Pre-Revolutionary Years”, p. 276.

¹⁰⁸*Ibid.*, p. 277.

¹⁰⁹*Ibid.*, p. 279.

¹¹⁰Menashri, “Shi'ite Leadership: In the Shadow of Conflicting Ideologies,” p. 120.

more in keeping with the "traditionalist" Shi'ite doctrine than Āyatullāh Khomeynī's unprecedented arrogation of comprehensive authority to the jurists:

Neither is it [Khomeynī's concept] the "traditionalist" Shi'ite doctrine; many of the views presently expressed by Khomeini are unprecedented in the Shi'ite doctrine as evolved over the last few hundred years.¹¹¹

Abdulaziz Sachedina, in his study of Imamite jurisprudence came to the conclusion that the *ḥadīth* reports cited by the 'ulamā' to claim deputyship of the infallible Imam in certain restricted matters, always left room open for them to extrapolate and assume the total and comprehensive (*al-wilāya al-ʿamma*) authority of the Imam:

It is plausible that in Imāmī Shi'ism, in the absence of the political authority of the Imam throughout the period preceding the occultation, and the period following the termination of the manifest Imamate, there always existed the potential for assumption of such authority by a well-qualified jurist - the functional imam of the Shi'a - when circumstances so demanded...If the deputyship of the jurist could be established during the Complete Occultation, especially in the absence of the directly designated deputies during the Short Occultation, then there surely was room for growth in the *wilāya* (authority) of such a deputy to include all-comprehensive authority - *al-wilāyat al-ʿamma* - in the name of the Imam in concealment.¹¹²

... it was as a consequence of the belief in the continuation of religious leadership through the extension of "apostolic succession" that gradually a way was prepared for the religiously learned among the Imamites to assume socio-religious leadership of the Imamite community as functional Imams. And if they possessed the Imamlke qualities, these

¹¹¹Ibid.

¹¹²Abdulaziz A. Sachedina, *The Just Ruler (al-sultān al-ʿādil) in Shi'ite Islam: The Comprehensive Authority of the Jurist in Imamite Jurisprudence* (New York: Oxford University Press, 1988), p. 117.

functional imams could be regarded as just rulers and could assume the comprehensive authority of the Imam, the Just Ruler.¹¹³

Thus, Sachedina dissents from the assertion that the Imamite jurists viewed any temporal authority which is not headed by the infallible Imam as being necessarily unrighteous and illegitimate.¹¹⁴ This erroneous outcome, he feels is due to a literal reading of the texts written under *taqīya* (precautionary dissimulation) by Imamite jurists under the Buyid dynasty. He cites cases in which deliberate ambiguity and inconsistency are displayed in the employment of the terms *al-sulṭān al-ʿādil*, *sulṭān al-zamān* and *sulṭān al-waqt* in order to allow for the option that a competent jurist could assume the full and all-comprehensive authority of the Imam when conducive circumstances presented themselves.¹¹⁵

Hamid Enayat¹¹⁶ and Wilferd Madelung¹¹⁷ concur that it is possible to conceive of a just ruler during the period of the greater occultation (*al-ghayba al-kubrā*) who is not the infallible Imam. However, Norman Calder, in his analysis of Muḥammad Bāqir al-Sabzawāri's (d.1090/1679) *al-Kifāya fī al-Aḥkām*, concludes that primary legitimacy belongs only to the Imam. Terms such as *al-sulṭān al-muḥiqq al-ʿādil* and *sulṭān al-haqq al-ʿādil* refer only to the Imam without whom any temporal government is inherently illegitimate.¹¹⁸ Joseph Eliash¹¹⁹ and Shahrough Akhavi¹²⁰

¹¹³Ibid., p. 31.

¹¹⁴Ibid., p. 94

¹¹⁵Ibid., pp. 100-105

¹¹⁶Enayat, *Modern Islamic Political Thought*, p. 173; See also his article "Iran: Khomeini's Concept of the 'Guardianship of the Jurisconsult'," in *Islam in the Political Process*, ed. James P. Piscatori (Cambridge: Cambridge University Press, 1983) pp. 160-161, p. 173

¹¹⁷Madelung, "A Treatise of the Sharīf al-Murtaḍā on the Legality of Working for the Government (*Masʿala fī l-amal maʿa l-sulṭān*)," BSOAS 43 (1980): 30.

¹¹⁸Norman Calder, "Legitimacy and Accommodation in Safavid Iran: The Juristic Theory of Muḥammad Bāqir al-Sabzawāri (d 1090/1679)," *Iran* 25 (1987):91.

¹¹⁹Joseph Eliash, "Misconceptions Regarding the Juridical Status of the Iranian 'Ulama'," *JMES* 10 (1979): 13-15

maintain that the traditions are interpreted out of context and meanings are imposed upon them to validate clerical authority.

These variant views on the concept of *al-wilāya al-muṭlaqa* find expression today in Iran in lively discussions about the extent and scope of the jurist's authority. The complexity of this issue is best demonstrated in the Friday sermon in which 'Ali Khāmana'i articulated his understanding of this concept and was later chastised by Āyatullāh Khumaynī for having failed to comprehend the notion of *al-wilāya al-muṭlaqa*:

I should state that the Government which is part of the absolute vicegerency of the Prophet of God...is one of the primary injunctions of Islam and has priority over all other secondary injunctions, even prayers, fasting and *hajj* (pilgrimage).¹²¹

The commencement of the major occultation of the Imam led the 'ulama' to adopt a passive and quietist attitude to worldly power and instead they anxiously awaited for the return of the Imam who would inaugurate peace and order in the world. But, as William M. Watt had shrewdly observed, this concept of *intizār* (awaiting the return of the Mahdī) had the potential of being transformed into a militant and dynamic force when conducive circumstances presented themselves. The establishment of the Safavid dynasty and subsequent events paved the way for W. M. Watt's prediction to materialize:

In their historical context, however, they (the doctrines of *ghaybat*) can be regarded as justifying a de facto acceptance of the existing regime. Those who believe in the 'hidden Imam' are not required to do anything in the immediate future, not even to work for any particular reform. At

¹²⁰Shahrough Akhavi, "Shi'ism, Corporatism, and Rentierism in the Iranian Revolution," in *Comparing Muslim Societies*, ed. Juan R. Cole (Ann Arbor: The University of Michigan Press, 1992), pp. 272-276.

¹²¹"Operationalising Ijtihad," *Inquiry*, March 1988, p. 20

the same time it is implied that the regime is not perfect, and the way is left open for action at some future date. Such an attitude might often be politically harmless, but there lurked in it a potential danger. A change of circumstances might suggest to the adherents of the movement that the time for action had come.¹²²

¹²²Algar, *Religion and State in Iran*, pp. 3-4.

CHAPTER TWO

ANALYSIS OF ĀYATULLĀH KHUMAYNĪ'S PROOFS FOR AL-WILĀYA AL-MUṬLAQA

This chapter will examine the proofs put forth by Āyatullāh Khumaynī to establish the all-comprehensive authority (*al-wilāya al-muṭlaqa*) for the jurists in the light of other Islamic sciences, such as *ʿilm al-ḥadīth* and *ʿilm al-rijāl*, to test for their validity. Also, the terms employed by Āyatullāh Khumaynī and the meaning attached to them by him will be compared with their original connotation at the time they were first employed.

FIRST PROOF

The first tradition cited by Āyatullāh Khumaynī in expounding the concept of *al-wilāya al-muṭlaqa* is as follows:

The Prophet said: "O God! Have mercy on those that succeed me [*khulafāʾī*]." He repeated this twice and was then asked: "O Messenger of God, who are those that succeed you?" He replied: "They are those that come after me, transmit my traditions and practice, and teach them to the people after me."¹

Shaykh Ṣadūq has narrated the above tradition through five chains of transmission (*asnād*) with variations at the end of the *ḥadīth*. In one instance, the last part of the tradition, "and teach them to the people after me" is totally omitted, and in another instance it is replaced by "and teach them." Another version states that "they are my friends in paradise."² What is of major concern to Āyatullāh Khumaynī is the last part

¹Khumaynī, *Islam and Revolution*, p. 68; Khumaynī, *Kitāb al-Bayʿ*, 2:467.

²Muḥammad Ḥusayn al-Nūrī, *Mustadrak al-Wasāʾil*, 3 vols. (Tehran: Al-Maktaba al-Islāmīya, 1962), 3:182.

of the *ḥadīth* "and teach them to the people after me" since it has implications for the nature and scope of the jurists' authority. This is crucial for him in order to substantiate that the jurists' role extends beyond just narrating traditions to guide the masses. As a result, he conjectures that either the copyist inadvertently dropped the last part of the *ḥadīth* or it was omitted by Shaykh Ṣadūq or that they are altogether different traditions. However, these assumptions are contrary to the established rules in *ʿilm al-ḥadīth*, and he acknowledges this deviation (*khilāf al-aṣl*).³

The other deficiency in this tradition is that it is regarded as *mursal*; that is, its authenticity and veracity are not complete because there is a flaw in the chain of transmission. *Mursal*, as defined by the Imamite jurists is a tradition whose chain of transmission goes only as far back as the "followers" (*tābiʿī*) of the Prophet. Thus, there is a break in the chain of transmission with one or more persons (*raʿjūl*) missing. Amongst the Imamite jurists who unquestioningly accepted *mursal* traditions as being authentic is Aḥmad b. Muḥammad b. Khālīd al-Barqī (d. 274/887) and his father. The other Imamite jurists viewed a *mursal* tradition as inadequate proof (*ʿadm al-ḥujjiyya*) on its own. This group includes al-Muḥaqqiq al-Ḥillī (d. 676/1277), ʿAllāma Ḥillī (d. 726/1325), Shahīd I (d. 786/1384) and Shahīd II (d. 966/1558). Shaykh Ṭūsī followed a middle course by validating a *mursal* tradition provided that there was no contradiction between it and an authentic text with a sound chain of transmission.⁴ Āyatullāh Khumaynī dismisses this defect in the chain of transmission by arguing that since it was cited by Shaykh Ṣadūq who was a great jurist, he should be accorded the same status as Muḥammad b. Abī ʿUmayr whose *mursal* traditions are accepted because he is from amongst the *aṣḥāb al-ijmāʿ* and his integrity is unquestionable

³Khumaynī, *Kitāb al-Bayʿ*, 2:470.

⁴Al-Shaykh ʿAbdullāh al-Mānaqānī, *Miqbās al-Hidāya* (Qum: Muʿassasat Āl al-Bayt li Ihyaʿ al-Turāth, 1990), pp. 341-344.

(*thiqa*).⁵ Again this practise contravenes precedents established by earlier jurists, for although they respect and have a high estimation of Shaykh Ṣadūq, they do not accord any special distinction to the *mursal* traditions narrated by him. In fact, Āyatullāh Khumaynī in his own works asserts that every *muṭtahid* should scrutinize each tradition by engaging in personal research (*ijtihād*) and not be bound by the conclusions of previous jurists.⁶

In an attempt to substantiate the veracity of this tradition, Āyatullāh Khumaynī classifies narrations received from Shaykh Ṣadūq into two categories. First are those traditions that he records by appending to them the verb *qāla* (he said) as in "Amīr al-Mu'minīn (upon whom be peace) said so and so."⁷ The second form uses the passive form of the verb *R W Y* (it was said). Āyatullāh Khumaynī surmises that the first form is equivalent to an accepted *mursal* tradition because the active form of the verb *qāla* indicates that Shaykh Ṣadūq had personal certainty on the reliability of the *ḥadīth*. In contrast, when Shaykh Ṣadūq employs the passive form, *ruwiya*, the usage suggests that he is hesitant and unsure to validate the tradition as being authentic.⁸ However, this division of the *ḥadīth* is more common in the Sunnī *ḥadīth* literature, and the meaning attached to it was probably not the intent of Shaykh Ṣadūq. This is clearly evidenced in the beginning pages of his work *Man lā Yaḥḍuruh al-Faqīh* where he writes:

I do not intend to present all of what they have narrated; rather I intend to present that which I choose and believe in its authenticity, and believe that it is a proof between me and God.⁹

⁵Khumaynī, *Kitāb al-Bayʿ*, 2:468.

⁶Rūḥ Allāh al-Mūsawī al-Khumaynī, *Al-Rasā'il*, 2 vols. (Qum: al-'Ilmiya, 1965), 2:96-99.

⁷Khumaynī, *Kitāb al-Bayʿ*, 2:468.

⁸Ibid.

⁹Muḥammad b. 'Alī Ibn Bābūya al-Ṣadūq, *Man lā Yaḥḍuruh al-Faqīh*, ed. Ḥasan al-Khirsān, 4 vols. (Beirut: Dār al-Aḍwā', 1985), 1:3.

CHAIN OF TRANSMISSION (SANAD)

A central argument advanced by Āyatullāh Khumaynī to reconcile the variation in the four texts of the ḥadīth is that they are reported by narrators who live at a great distance from each other and thus, could not possibly have been able to conspire in concocting similar versions of the tradition.¹⁰ This argument is crucial in explaining why the end of the ḥadīth differs in each case. Furthermore, he argues that since the ḥadīth is reported by several independent chains of transmission, it provides adequate proof that they are authentic despite the fact that three are *mursal*.

This tradition has been reported through 8 channels. Three of them are *mursal* recorded by Ibn Abī Jumbūr al-Aḥsāʾī in *ʿAwālī al-Laʾālī al-ʿAzīziya*¹¹, by Qutb Rāwandī¹² and by Shayk Ṣadūq in *Man lā Yaḥḍuruh al-Faqīh*.¹³ One is recorded in *Amālī* of Shaykh Ṣadūq and another in *Maʿānī al-Akḥbār*, both of which are linked to ʿĪsā b. ʿAbdullāh. There are three traditions recorded in *ʿUyūn Akḥbār al-Riḍā*.¹⁴

The two versions of this tradition narrated through the intermediary ʿĪsā b. ʿAbdullāh are both deficient. For instance, Muḥammad b. ʿAlī is a weak narrator.¹⁵ In fact, ʿĪsā b. ʿAbdullāh is grouped amongst the unreliable transmitters even by Sunnī jurists and labelled as a liar.¹⁶ Some of the Shīʿī scholars concur with this assessment; however, others view him as trustworthy and reliable because his name is mentioned in

¹⁰Khumaynī, *Kitāb al-Bayʿ*, 2:468; Khumaynī, *Islam and Revolution*, p. 68.

¹¹Muḥammad Mahdī Mūsawī Khakhālī, *Ḥākūmiya dar Islam* (Tehran: Intishārāt-i Āfāq, 1982), p. 339.

¹²Ibid.

¹³Ibid.

¹⁴Ibid.

¹⁵Abū al-Qāsim al-Mūsawī al-Khūʾī, *Muʿjam Rijāl al-Ḥadīth*, 3d ed., 23 vols. (Qum: Madinat al-ʿIlm, 1983), 16:298-300.

¹⁶Al-Khaṭīb al-Baghdādī, *Sharaf Aṣṣhāb al-Ḥadīth* (Ankara: Maṭbaʿat Jāmiʿat Ankara, 1971), pp. 30-31

Kāmil al-Ziyārāt.¹⁷ Another observation worth noting is that Kulaynī in his *Al-Kāfi* relates several traditions from ʿĪsā b. ʿAbdullāh but does not record the one under consideration.¹⁸

One chain of transmission is linked to Aḥmad b. ʿĀmir b. Sulaymān (b. 157/773) who reportedly heard this tradition from Imam ʿAlī al-Riḍā (d. 202/817). Several factors cast doubt on the veracity of this transmitter. One is that he is reported to have heard this tradition from Imam Riḍā in 194 A.H. but it is narrated by his son, ʿAbdullāh b. Aḥmad, in the year 260 A.H., i.e. 66 years after first hearing the tradition.¹⁹ The natural question is why was this tradition transmitted so late? The year 260 A.H. coincides with the beginning of the minor occultation (*al-ghayba al-sughra*) of the twelfth Shīʿī Imam. Secondly, although ʿAbdullāh b. Aḥmad died in the year 324 A.H. and had in his possession a manuscript of traditions,²⁰ neither Kulaynī nor Himyārī in *Qurb al-Asnād* record any tradition from him.

The second chain through Dāwūd b. Sulaymān is also suspect for several reasons. For one, he relates this tradition in the year 330/941, which is approximately 130 years after the death of Imam Riḍā. He is alleged to have recorded this tradition from a manuscript which was composed while Imam Riḍā was kept in hiding in Qazwīn.²¹ History cannot attest to an instance when Imam Riḍā's whereabouts were concealed because of fear. On the contrary, in *ʿUyūn Akhbār al-Riḍā* an incident is recounted in great detail in which Imam Riḍā is escorted with pomp and fanfare by a

¹⁷Khūʿī, *Muʿjam*, 13:198.

¹⁸Ibid., 13:193-199.

¹⁹Khūʿī, *Muʿjam*, 2:130.

²⁰Ibid., 2:131.

²¹Raḍī al-Dīn Muhammad Qazwīnī, *Ḍiyāfat al-Ikhwān*, ed. Aḥmad al-Ḥusaynī (Qum: Al-ʿIlmiyya, 1976), p. 210.

government official, Rajā³ b. Ḍaḥḥāk.²² In addition, the ʿAbbāsīd caliph, Maʾmūn had on several occasions offered to abdicate the caliphate in favor of Imam Riḍā.

I (i.e. Mūsā b. Salama) was in Khurāsān with Muḥammad b. Jaʿfar. I heard that the man with two offices (i.e. al-Faḍl b. Sahl, who was in charge of the military and civil administration) had gone out one day saying: "How fantastic, I have seen a wonder. Ask me what I have seen?" They asked him: "What have you seen, may God set you right?" "I have seen al-Maʾmūn, the Commander of the faithful," he answered, "saying to ʿAlī b. Mūsā: 'I will invest you with the affairs of the Muslims. I relieve myself of my responsibility and make it yours.' Then I saw ʿAlī b. Mūsā saying: 'Commander of the faithful, I have no ability or power for that.' I have never seen the caliphate more abandoned than that. The Commander of the faithful deprives himself of it and offers it to ʿAlī b. Mūsā. Then ʿAlī b. Mūsā rejects it and refuses it."²³

Thus, two things become apparent from the above analysis of Āyatullāh Khumaynī's first proof to establish full-fledged authority for the jurists. One is that the chains of transmission of this tradition are weak and lack historical validity. To compensate for this flaw, Āyatullāh Khumaynī argues that since it is narrated by several independent chains with minor variations, it can lead one to attest to its authenticity.²⁴ But even this claim cannot be supported as two chains link with ʿĪsā b. ʿAbdullāh, one each to Ahmad b. ʿAbdullāh, Aḥmad b. ʿĀmir and Dāwūd b. Sulaymān, and three are *mursal*. It would also not be far-fetched to conjecture that the latter three obtained this tradition from the same manuscript (*nuskha*) as in *Riyāḍ al-ʿUlamāʾ* there is a mention of a *nuskha* attributed to Imam Riḍā dated 194 A.H.²⁵

²²Muḥammad b. ʿAlī Ibn Bābūya al-Ṣadūq, *ʿUyūn Akhbār al-Riḍā*, 2 vols. (Qum: Dār al-ʿIlm, 1957), 2:136-138.

²³Muḥīd, *Kutāb al-Irshād*, trans. I K. A. Howard, p. 470.

²⁴Khumaynī, *Islam and Revolution*, p. 68.

²⁵Nūrī, *Mustadrak al-Wasāʾil*, 3:334.

Aḥmad Najāshī also mentions that Aḥmad b. ʿĀmir had in his possession a reliable manuscript (*nuskha ḥasana*).²⁶ Thus, Āyatullāh Khumaynī's assertion that it is possible to arrive at certitude on the basis that this tradition is reported through several independent chains of transmission is untenable.

TEXT (MATN) OF THE ḤADĪTH

Pertaining to the text of the *ḥadīth*, the key term *khulafāʾ* has been given three possible interpretations:

1. It refers exclusively to the twelve infallible Imams who have been endowed with comprehensive knowledge and are thus capable to guide humanity.²⁷
2. Reference is to all transmitters of traditions irrespective of whether they are expert jurists (*faqīh*) competent in Islamic sciences and able to sift through the corpus of *ḥadīth* literature or not.²⁸
3. The term applies only to the expert jurists who can carefully scrutinize the traditions and sift the forged traditions from the authentic ones.²⁹

Āyatullāh Khumaynī rejects the first two interpretations of the word *khulafāʾ* and adopts the third. He argues that if the term *khulafāʾ* were delimited to the twelve infallible Imams, then the Prophet would have employed magnificent attributes (*sifāt jamīla*) to refer to them as they are "the treasure of His knowledge, the Exalted,"³⁰ instead of referring to them simply as mere transmitters of traditions. Furthermore, if only the Imams were made reference to in this tradition, then for the sake of clarity it

²⁶Khūʿī, *Muʿjam*, 2:131.

²⁷Khumaynī, *Kitāb al-Bayʿ*, 2:469.

²⁸Ibid.

²⁹Ibid.

³⁰Ibid.

would be appropriate for the Prophet to state explicitly "Alī and his infallible progeny"³¹ in the place of the term *khulafāʾ*. However, there are several instances in the *ḥadīth* literature where the infallible Imams have been referred to as *khulafāʾ* and this usage is not viewed as being pejorative or as lowering the noble station enjoyed by them. In *Al-Kāfī*, several traditions are recorded in praise of the Imams following the consecutive chapter headings: "Concerning the fact that the Imams are the witnesses (*shuhadāʾ*) of Allah, to Whom belongs Might and Majesty, regarding His creatures;"³² "Concerning the fact that the Imams, peace be upon them, are the guides (*al-hudāʾ*);" ³³ "Concerning the fact that the Imams, peace be upon them, are the custodians of Allah's affairs and the treasurers of His knowledge (*khazanat ʿilmih*);" ³⁴ and "Concerning the fact that the Imams, peace be upon them, are the vicegerents (*khulafāʾ*) of Allah, to Whom belong Might and Majesty on His earth and His gates through which He can be reached."³⁵ Thus, it is evident that the appellation *khulafāʾ* is one of the meritorious titles employed to refer to the Imams. The tradition under the latter chapter reads:

I heard Abū al-Ḥasan al-Riḍā (peace be upon him) say: "The Imams are the vicegerents (*khulafāʾ*) of Allah, to Whom belongs Might and Majesty, on His earth."³⁶

Another tradition in which the sixth Shīʿite Imam, explicating the Qurʾānic verse "God has promised unto those of you who believe and do good deeds that He will certainly appoint them successors (*la-yastakhlifanna-hum*) in the earth as He appointed successors those before them,"³⁷ equates the successors to the Imams.³⁸ The verb

³¹Ibid.

³²Muḥammad b. Yaʿqūb b. Ishāq al-Kulaynī, *Uṣūl al-Kāfī*, with translation and commentary in Persian by Jawād Muṣṭafawī, 4 vols. (Tehran: n.p., 1969), 1:270.

³³Ibid., 1:272

³⁴Ibid., 1:273.

³⁵Ibid., 1:275.

³⁶Ibid.

³⁷Qurʾān, 24:55

used for successors in this verse is derived from the same root KH L F as the noun *khalīfa*

Āyatullāh Khumaynī dismisses the second interpretation as being more absurd and far-fetched than the first. He argues that the term *khulafāʾ* cannot encompass all the transmitters of traditions (*muḥaddith*) because the tradition under consideration qualifies the role of the *khulafāʾ* as one of disseminating the teachings of the Prophet to the people. This task demands certain prerequisites and competence to be able to discriminate the authentic traditions from the unauthentic ones, as many traditions were either forged or related by the Imams under *taqīya* (precautionary dissimulation). Thus, he advocates that the term *khulafāʾ* be confined to expert jurists who have attained the level of *ijtihād* and "it certainly does not apply to those whose task is simply the narration of tradition and who are not competent to express an independent juridical opinion or judgement."³⁹ The last part of the tradition - "and teach them to the people" - is central to his argument in rejecting the second interpretation of *khulafāʾ*.

ETYMOLOGY

In Lane's Lexicon, the word *khulafāʾ* has a general sense of one who comes after, or follows, or succeeds.⁴⁰ Thus, the context of the sentence would indicate the extent of authority that the successor would possess. However, Āyatullāh Khumaynī construes the word *khulafāʾ* in this tradition to signify all the authority that was vested in the Prophet and the Imams except that which is explicitly excluded by proof:

It appears from the tradition that the *ʿulamāʾ* should possess that [authority] which is possessed by the Prophet (peace be upon him and

³⁸Kulaynī, *Uṣūl Al-Kāfi*, 1.276.

³⁹Khumaynī, *Islam and Revolution*, p 69.

⁴⁰Edward William Lane, *Arabic-English Lexicon*, 2 vols. (Cambridge: The Islamic Texts Society Trust, 1984), 1:792-798

his progeny) unless there is a proof which indicates its exclusion, then it [the proof] should be followed.⁴¹

Thus, the jurists are successors of the Prophet and enjoy all of his functions of prophethood. He denounces those who attempt to reduce the role of the jurists to being one of disseminating Islamic ordinances:

It is remarkable that nobody has taken the phrase: "Ali is my successor," or "the Imams are my successors," as referring to the simple task of issuing juridical opinions; instead, they derive the tasks of successorship and government from them, whereas they have hesitated to draw the same conclusion from the word "my successors" in the tradition under consideration.⁴²

According to Sayyid Murtaḍā ʿAskarī, a contemporary scholar in Iran, equating the term *khilāfa* with governorship is a late development deriving from the constant usage of this term by the believers in the context of government. A more appropriate term to refer to this function of governing would be *ulū al-amr*.⁴³ He argues, that a similar distortion of the original meanings also applies to terms such as *ijtihād*, *qiyās* and *istiḥsān*.⁴⁴ Thus, he asserts that it is erroneous to render the term *khulafāʾ* as successors to the Prophet in all his capacities as this meaning was applied by jurists and theologians when formulating the Islamic political structure.⁴⁵ Furthermore, the tradition explicitly states in what capacity they are the successors of the Prophet - in disseminating Islamic ordinances to the people ("and teach them to the people"). Thus, he finds it untenable to advance a claim for absolute and comprehensive authority for the jurists based upon this tradition. In addition, if this claim were true, then the

⁴¹Khumaynī, *Kitāb al-Bayʿ*, 2:469.

⁴²Khumaynī, *Islam and Revolution*, p. 72.

⁴³Sayyid Murtaḍā ʿAskarī, *ʿAwāmil-i Tahṛīf* (Qum: n.p., n.d.), p. 15.

⁴⁴Ibid., p. 14.

⁴⁵Ibid.

singular noun for successor, i.e. *khalīfa* would have been used instead of the plural, *khulafāʾ*, suggesting that the function of the Prophet which is transferred is one of propagating Islamic knowledge.⁴⁶

Traditions which are attributed to the Prophet in *Kanz al-ʿUmmāl* employ the term *khulafāʾ* to refer to the ʿulamāʾ in the restricted sense of being expositors and disseminators of Islamic knowledge:

Should I guide you to the *khulafāʾ* who are related to me, to my companions and Prophets before me? They are the bearers of the Qurʾān and the traditions . . .⁴⁷

The bearers of knowledge in this world are *khulafāʾ* of Prophets in the hereafter. . .⁴⁸

ʿAskarī divides the technical terms into two categories, *sharʿī* and *mutasharriʿ*.⁴⁹ The distinctive feature of a *sharʿī* term is that it has retained its original (*aṣlī*) meaning that was given either by God or the Prophet, such words as *ṣala* (ritual prayers), *wuḍūʾ* (ritual ablution) and *ḥajj* (pilgrimage). In contrast, the *mutasharriʿ* terms acquire meanings and connotations as a result of constant usage by believers and scholars who endow them with a disparity in meanings. For instance, the term *iqṭhād* is defined differently by Shīʿī and Sunnī jurists; however, gradually through incessant usage of the term, it erroneously became to be considered a *sharʿī* term. Such is the case, he argues, with the meaning of the term *khalīfa* whose original meaning is apparent in works dealing with the Imamate and the guide for the community.⁵⁰

⁴⁶Ibid., p. 15.

⁴⁷ʿAlī al-Dīn ʿAlī al-Muttaqī al-Hindī, *Kanz al-ʿUmmāl*, eds. Bakrī Hayyānī and Ṣafwat al-Saqā, 16 vols. (Halab. Maktabat al-Turāth al-Islāmiya, 1969-1977), 10:151; Nūrī, *Mustadrak al-Wasāʾil*, 3:185.

⁴⁸Ibid., 10:170.

⁴⁹ʿAskarī, *ʿAwāmil-ī Tahṛīf*, p. 14.

⁵⁰Ibid., pp. 14-15. Patricia Crone and Martin Hinds in footnote no. 57 point out that in tradition reports and poetry, Imam ʿAlī was addressed as *khalīfat Allah fī*

However, with the passage of time and repeated usage, the term *khalīfat Rasūl* was equated to the *sharʿī* term *khalīfat Allāh* and found its way even in the work of the learned scholar Ibn Khaldūn who writes that "*khalīfa* in reality is on behalf of the Prophet (*ṣāhib al-sharʿ*) in safeguarding religion and managing the affairs of the world."⁵¹

In the Qurʾān, when the term *khalīfa* is employed, it is used in the sense of someone's being *khalīfa* of God (*khalīfat Allāh*) and not of the Prophet. This is evident when the Qurʾān refers to Adam⁵² and David⁵³ as the *khalīfa* of God. It would be absurd to regard Adam as *khalīfa* of a prophet as there was none before him.⁵⁴ Further, to dispel any ambiguity, the term *khalīfa*, in the beginning was employed in a construct as *khalīfat Rasūl Allāh* or *khalīfat abīh*; however, later on, the second part of the construct was omitted and the term *khalīfa* came to mean a ruler who succeeds the Prophet.⁵⁵ Thus, this later accretion to the meaning of the term *khalīfa* should be discarded in the effort to understand the scope and nature of the authority invested in the jurists in their capacity as successors to the Prophet.

arḥīh/bilādih. See Patricia Crone and Martin Hinds. *God's Caliph: Religious Authority in the First Centuries of Islam* (Cambridge: Cambridge University Press, 1986), p. 17.

⁵¹Ibid., p. 14

⁵²Qurʾān, 2:30.

⁵³Qurʾān, 38:26.

⁵⁴Askarī, *ʿAwāmil-ī Taḥrīf*, p. 14.

⁵⁵Ibid., p. 15; See also Patricia Crone, *God's Caliph*, pp. 4-25.

SECOND PROOF

The second tradition adduced by Āyatullāh Khumaynī in favor of all-comprehensive juristic authority in the absence of the infallible Imam is the following:

Whenever a believer dies, the angels weep, together with the ground where he engaged in the worship of God and the gates of heaven that he entered by means of his good deeds. A crack will appear in the fortress of Islam, that naught can repair, for believers who are *fuqahā'* are the fortresses of Islam, like the encircling walls that protect a city.⁵⁶

CHAIN OF TRANSMISSION (SANAD)

Āyatullāh Khumaynī points out that there is a serious flaw in the chain of transmission of this tradition due to ʿAlī b. Abī Ḥamza al-Baṭāʾinī, who is reported to have been condemned and disowned by Imam Riḍā because of his conversion to the Wāqifī sect. He is alleged to have been the first to subscribe to this sect upon the death of Imam Mūsā al-Kāẓim.⁵⁷ He asserted that the Imam had not died but rather was in a state of temporary absence and would return soon. There are reports that Baṭāʾinī propagated this notion because of material ambition as he had in his possession a substantial amount of wealth collected in his capacity as an agent (*wakīl*) of Imam Mūsā al-Kāẓim.⁵⁸ This money would have had to be transferred to Imam Riḍā if he believed in the continuation of the Imamate. Because of these considerations, Baṭāʾinī is well-known for being classified as a weak transmitter (*ḍaʿīf ʿalā al-maʿrūf*)⁵⁹ and is thus, not accepted.

⁵⁶Khumaynī, *Islam and Revolution*, p. 73; Khumaynī, *Kitāb al-Bayʿ*, 2:470-471.

⁵⁷Muhyī al-Dīn al-Mūsawī al-Ghurayfī, *Qawāʿid al-Ḥadīth* (Qum: Maktabat al-Mufīd, n.d.), pp. 79-80.

⁵⁸Ibid., p. 80.

⁵⁹Khumaynī, *Kitāb al-Bayʿ*, 2:471.

Āyatullāh Khumaynī argues that there is no contradiction between the deficiency in the chain of transmission of this tradition and using it to substantiate the all-comprehensive authority of the jurists, because of three factors:⁶⁰

1. Shaykh Ṭūsī has mentioned in his book *‘Uddat al-Uṣūl* that the Imamite jurists relied upon traditions narrated by Baṭā’inī.
2. Ibn al-Gaḍā’irī’s characterization of Baṭā’inī as being more trustworthy than his father (*abūh awthaq minh*).
3. The *aṣḥāb al-ijmā‘*, whose tradition reports are accepted unquestioningly by Imamite jurists have narrated traditions from Baṭā’inī.

The above three factors collectively, according to Āyatullāh Khumaynī, compensate for the weakness in its chain and make it, thus, acceptable. This is known in the science of tradition as *jābir li al-ḍa‘f*. However, Ghurayfī in his *Qawā‘id al-Ḥadīth* argues that Shaykh Ṭūsī amends his opinion of Baṭā’inī in his later work *Kitāb al-Ghayba* wherein he says about the deputies of Imam Kāẓim:

Among the blameworthy ones from the group are ‘Alī b. Abī Ḥamza al-Baṭā’inī, and ... all of them were agents of Abū al-Ḥasan Mūsà and they possessed abundant property. When Abū al-Ḥasan Mūsà passed away, they embraced the Wāqifī sect out of greed for the wealth, and rejected the Imamate of al-Riḍā and denied him.⁶¹

⁶⁰Ibid.

⁶¹Ghurayfī, *Qawā‘id al-Ḥadīth*, p. 79; Muḥammad b. al-Ḥasan al-Ṭūsī, *Kitāb al-Ghayba*, 2d ed. (Najaf: Maktabat al-Šādiq, 1966), p. 285.

In addition, Baṭā'inī is reported to have been cursed by Imam Riḍā and labelled as a polytheist and one who is desirous of extinguishing the light of Allah, based on the Qur'ānic verse:

Fain would they put out the light of Allah with their mouths, but Allah disdaineth (ought) save that He shall perfect His light, however much the disbelievers are averse.⁶²

Other evidence put forth by Ghurayfī to discredit Baṭā'inī as a reliable transmitter is his character assessment by other scholars. For instance, 'Allāma Ḥillī writes that Baṭā'inī was the pillar of the Wāqifī sect and was extremely unreliable.⁶³ In addition, Majlisī also regards Baṭā'inī as being weak and Māmaqānī concurs with this assessment in his *Tanqīḥ al-Maqāl*.⁶⁴ Al-Kashshī further substantiates the view that Baṭā'inī was not reliable by recounting an incident that took place in the time of Imam Riḍā. Baṭā'inī read a tradition from Imam Riḍā and omitted a sentence from it, upon which the Imam disowned him and cautioned him to fear God.⁶⁵

It is argued that accepting the credibility of a transmitter is not contingent on his sharing the faith of the twelver Shī'īs or possessing the quality of justice (*'adāla*) in its comprehensive sense. What is required is that the transmitter not be a liar. However, collective reports against Baṭā'inī such as his being cursed by the Imam, forewarning him of punishment in the hereafter, and his disassociation from the Imamites due to greed for the wealth that was entrusted to him in his capacity as the agent of Imam Kāẓim, malign his character to an extent that reports transmitted by him would be questionable.⁶⁶

⁶²Qur'ān, 9:32. See also 61:8.

⁶³Ghurayfī, *Qawā'id al-Ḥadīth*, p. 84.

⁶⁴Ibid., p. 92.

⁶⁵Ibid.

⁶⁶Ibid., pp. 85-92.

Despite strong defamatory statements against Baṭā'inī, he is still viewed as a reliable transmitter by Āyatullāh Khumaynī because of Shaykh Ṭūsī's assertion in *Uddat al-Uṣūl* that the three persons from *aṣḥāb al-ijmā'*, i.e. Muḥammad b. Abū 'Umayr, al-Bazanī and Ṣafwān b. Yaḥyà do not relate traditions from any transmitter unless he is reliable. Since they narrate traditions from Baṭā'inī, thus, the latter must be a trustworthy transmitter.⁶⁷ The fact that these three individuals along with other members of *aṣḥāb al-ijmā'* record traditions from Baṭā'inī lends credence to his veracity.⁶⁸

Other points cited in favor of accepting Baṭā'inī's reports is a tradition related by him on the authority of the Prophet that the number of Imams after him will be twelve. The first one amongst them would be 'Alī b. Abī Ṭālib and the last one al-Qā'im. They are his successors, testators, friends and proofs for his community after his demise. Those who associate with them are believers, and those who reject them are unbelievers.⁶⁹ Furthermore, Imam Riḍā prayed for mercy upon the deceased Baṭā'inī, suggesting that he had not disowned him. Ghurayfī argues that this act in no way confirms the moral integrity of Baṭā'inī as it was customary for the Imam to pray for forgiveness for all the Shī'īs.⁷⁰ Also, the Prophet petitioned God to forgive people, even the hypocrites (*munāfiqūn*) as the Qur'ānic verse testifies:

Ask forgiveness for them (O Muhammad), or ask not forgiveness for them; though thou ask forgiveness for them seventy times Allah will not forgive them. That is because they disbelieved in Allah and His messenger, and Allah guideth not wrongdoing folk.⁷¹

⁶⁷Ibid., p. 93.

⁶⁸Khumaynī, *Kitāb al-Bay'*, 2:471.

⁶⁹Ghurayfī, *Qawā'id al-Ḥadīth*, p. 94.

⁷⁰Ibid., pp. 95-96.

⁷¹Qur'ān, 9:80.

Pertaining to the statement by Ibn al-Gaḍā'irī about Baṭā'inī that "his father [i.e. Baṭā'inī] is more trustworthy than him," Ghurayfī argues that it does not establish the reliability of Baṭā'inī because his son is unanimously viewed by the jurists as being a weak transmitter. Thus, what can be deduced from this statement is that Baṭā'inī's son was less reliable than his father but it does not vouch for the character of Baṭā'inī.⁷²

TEXT (MATN) OF THE ḤADĪTH

The significance of this tradition has been marginalized by interpreting it to mean that the jurists' role is to expound the ordinances of Islam and that by so doing they would preserve Islam. Since the tradition does not employ any verb of appointment like *J ʿ L* as in the case of *maqḥūla* of ʿUmar b. Ḥaṣṣala, Āyatullah Khumaynī has been taken to task for extrapolating all-comprehensive juristic authority from this *ḥadīth*. However, he dissents from this restricted interpretation and vociferously objects:

If a *faqīh* sits in the corner of his dwelling and does not intervene in any of the affairs of society, neither preserving the laws of Islam and disseminating its ordinances, nor in any way participating in the affairs of the Muslims or having any care for them, can he be called "the fortress of Islam" or the protector of Islam?⁷³

To supplement this tradition, Āyatullāh Khumaynī narrates another one which is attributed to the Prophet:

The *fuqaha* are the trustees [*umanāʾ*] of the prophets, as long as they do not concern themselves with the illicit desires, pleasures, and wealth of this world. The Prophet was then asked: "O Messenger of God! How may we know if they do so concern themselves?" He replied: "By

⁷²Ghurayfī, *Qawāʿid al-Ḥadīth*, p. 100.

⁷³Khumaynī, *Islam and Revolution*, p. 73.

seeing whether they follow the ruling power. If they do that, fear for your religion and shun them."⁷⁴

There are also other traditions, attributed to the Prophet, where the *ʿulamāʾ* are referred to as the trustees of God:

The *ʿālim* is the trustee of God on earth.⁷⁵

The *ʿulamāʾ* are the trustees of God over the creatures.⁷⁶

The *ʿulamāʾ* are the trustees of my community.⁷⁷

He argues that trusteeship is not confined to issuing juridical opinions but rather extends to establishing a just social system based on the Qurʾānic prescription, thus, all tasks that were entrusted to the Prophet would now devolve upon the jurists:

We verily sent Our messengers with clear proofs, and revealed with them the Scripture and the Balance, that mankind may observe right measure.⁷⁸

Āyatullāh Khumaynī is criticized for reading too much into this tradition. It is argued that all that this *ḥadīth* attempts to point out is that the *fuqahāʾ* are custodians of prophets' knowledge. However, to claim by extension, that it endows them with exclusive prerogative to govern is not plausible. In addition, the chains of transmission of this tradition are all weak. Another objection levelled against Āyatullāh Khumaynī's interpretation of this tradition is that the second part of it implies that ruling and government is not the exclusive right of the jurists - "By seeing whether they follow the ruling power. If they do that, fear for your religion and shun them." If only jurists

⁷⁴Ibid., p. 76, Khumaynī, *Kitāb al-Bayʿ*, 2:472.

⁷⁵Al-Hindī, *Kanz al-ʿUmmāl*, 10.134.

⁷⁶Ibid.

⁷⁷Ibid

⁷⁸Qurʾan, 57.25.

were competent to govern, then the admonition to shun jurists who follow the ruling establishment would not be in order. Furthermore, the last part of the tradition - "fear for your religion" - also implies that the jurists' trusteeship is over strictly religious matters, and, thus, people are advised to disassociate themselves from those who are enslaved to the governing power because it would have an adverse effect on religion.

THIRD PROOF

The third tradition adduced by Āyatullāh Khumaynī in favor of *al-wilāya al-muṭlaqa* is a *tawqīʿ* (rescript) in which the Imam Mahdī responds to a number of questions posed to him by Ishāq b. Yaʿqūb during the minor occultation.⁷⁹ The text of the questions that was conveyed to the Imam through his second deputy, Muḥammad b. ʿUthmān al-ʿAmrī, has not survived, but the full text of the Imam's answers on various issues is preserved.⁸⁰ To one of the questions of Ishāq b. Yaʿqūb in which he presumably asked the Imam with whom to seek recourse in the event of new contingencies in the future, the Imam wrote:

As for the newly occurring events (*al-ḥawādīth al-wāqīʿa*), return to the transmitters (*ruwā*) of our traditions, for they are my proof (*ḥujja*) over you as I am God's proof.⁸¹

CHAIN OF TRANSMISSION (SANAD)

The chain of transmission of this tradition has been subjected to criticism because Ishāq b. Yaʿqūb is an unknown (*majhūl*) personage in works of *rijāl*.⁸² However, Āyatullāh Khumaynī accepts this tradition because he subscribes to the view

⁷⁹Khumaynī, *Kitāb al-Bayʿ*, 2:473-474.

⁸⁰Abū Manṣūr Aḥmad al-Ṭabarī, *al-Iḥtijāj*, 2 vols. (Najaf: Dār al-Nuʿmān, 1966), 2:281-284.

⁸¹Ibid., 2:283.

⁸²Khumaynī, *Kitāb al-Bayʿ*, 2:474, 475.

that it is possible to attain confidence in the veracity of a tradition by way of external factors in the event that the moral probity of the individuals who narrated the tradition is unknown or questionable, rather, even if they are known to be immoral. This view is adopted by the majority of the jurists, including Shaykh ʿAbd al-Karīm Hāʿirī (d. 1355/1937) and Shaykh Anṣārī. The other view, to which Āyatullāh Khūʿī subscribes, is that only a sound chain of transmission can produce confidence in its authenticity. What is crucial is critically to examine the individuals on whose authority the tradition is narrated. Other factors like the text of the tradition, historical proofs and the opinions of previous jurists do not justify acceptance of a tradition which contains an unsound chain of transmitters. Thus, he rejects this *tawqīʿ* as being unreliable because the trustworthiness of Ishāq b. Yaʿqūb has not been established.⁸³

This tradition has been recorded by Shaykh Ṣaḍūq in *Kamāl al-Dīn wa Tamām al-Niʿma*, by Shaykh Ṭūsī in *Kitāb al-Ghayba* and by Abū Maṣṣūr Aḥmad al-Ṭabarsī in *Iḥtijāj*⁸⁴. All of them have derived it from a chain that links to Muḥammad b. Yaʿqūb al-Kulaynī, the author of *Al-Kāfī*. However, surprisingly, this tradition is not recorded in the *ḥadīth* collection of the latter, and it is likely that he mentioned it instead in *Rasāʾil al-Aʿimma*, which is on the twelve Shīʿī Imams. This work apparently has been lost. The fact that Kulaynī is the common link for this tradition strengthens its authenticity as he lived during the period of minor occultation which is characterized as one in which the Shīʿīs were perplexed by the absence of the Imam and the proliferation of factions. Kulaynī was cognizant of this troubled situation, and his cognizance is evinced in his relating an incident that took place between Himyārī, a prominent Shīʿī scholar, and the second deputy of the Imam, Muḥammad b. ʿUthman al-ʿAmrī, in which Himyārī probes the agent about the Imam's whereabouts, identity

⁸³Khūʿī, *Muʿjam*, 3:75-76.

⁸⁴Khalkhālī, *Hākimiya dar Islam*, p. 369.

and whether he has seen him in order to strengthen his faith (*īmān*) and attain certitude about the existence of the Imam.⁸⁵

TEXT (MATN) OF THE ḤADĪTH

The text of this tradition is more important than the previous two traditions in establishing *wilāyat al-faqīh* because the Imam commands his followes to resort to the transmitters of traditions in the case of resolving new contingencies. These *ruwā* cannot be simply transmitters of traditions, argues Āyatullāh Khumaynī, because merely narrating the traditions would not result in resolution of novel problems and issues confronting the Muslims. Thus, the *ruwā* are expert jurists who can issue juridical opinions after exercising *ijtihād*.⁸⁶

Āyatullāh Khumaynī interprets the term "*ḥujjatī 'alaykum*" (my proof upon you) that is used in reference to the transmitters, as equivalent to bestowing the comprehensive authority of the Prophet and the Imams upon the jurists and as not limited to issuing legal judgements or transmitting traditions, which was the case even during the time of the infallible Imams.⁸⁷

Today, the *fuqaha* of Islam are proofs to the people. Just as the Most Noble Messenger (upon whom be peace and blessings) was the proof of God - the conduct of all affairs being entrusted to him so that whoever disobeyed him had a proof advanced against him - so, too, the *fuqaha* are the proof of the Imam (upon whom be peace) to the people. All the affairs of the Muslims have been entrusted to them. God will advance a proof and argument against anyone who disobeys them in

⁸⁵Husayn al-Ṭabāṭabā'ī al-Burūjirdī, *Jāmi' Aḥādith al-Shī'a* (Qum: al-ʿIlmiya, 1978), 1:226-221.

⁸⁶Khumaynī, *Kutāb al-Bay'*, 2:474.

⁸⁷Ibid.

anything concerning government, the conduct of Muslim affairs, or the gathering and expenditure of public funds.⁸⁸

A. A. Sachedina observes that the version of the tradition preserved by Majlisī ends with "I am proof over them [the transmitters] (*anā ḥujja alayhim*)" instead of "I am proof of God (*anā ḥujjat Allāh*)."⁸⁹ This has important implications for the authority of the jurists as it implies a hierarchy in which the jurists overlook the needs of the people, and the Imam caters to the needs of the jurists. Thus, Sachedina conjectures that the tradition was tampered with to give credence to the concept of *taqlīd* and to arrogate for the jurists the position of deputyship of the Imam.⁸⁹

Another key term in the tradition is "*al-ḥawādith al-wāqī'a*" (new occurrences), to resolve which, the Imam instructs the Shī'īs to seek recourse to the *ruwā*. Āyatullāh Khumaynī infers that what is meant by newly occurring contingencies includes the socio-political affairs of the community and extrapolates further that the *fuqahā'* possess *wilāya* over all affairs.⁹⁰ It is also important to note that the pronoun in *fī-hā* refers to the new contingencies, suggesting that the jurists' role encompasses social issues and is not limited to issuing decrees; otherwise, it would have been appropriate to replace the pronoun with *fī-ḥukm* (in legal judgements). This stand is in contrast to the interpretation of Āyatullāh Khū'ī who restricts the scope of authority of the jurists to *ḥisba* and issuing legal judgements.⁹¹ Nonetheless, even if "new contingencies" is interpreted in its widest sense to refer to all forms of exigencies - political, social and economic - still it does not follow that only a jurist should head the government. The jurists' counsel in executing affairs of the State could be sought by a non-jurist.

⁸⁸Khūmaynī, *Islam and Revolution*, p. 87.

⁸⁹Sachedina, *Islamic Messianism*, p. 101.

⁹⁰Khūmaynī, *Kitāb al-Bay'at*, 2.475

⁹¹Abū al-Qāsim al-Mūsawī al-Khū'ī, *al-Ra'y al-Sadīd fī al-Ijtihād wa al-Taqlīd*, 2d ed. (Qum: al-Ilmiya, 1991), pp. 194-195.

However, Āyatullāh Khumaynī has been insistent in his demand that only a jurist would be eligible to assume leadership because of his knowledge, justice and piety.⁹²

FOURTH PROOF

The next tradition which is instrumental for Āyatullāh Khumaynī in establishing *al-wilāya al-muṭlaqa* is the *maqḅūla* of ʿUmar b. Ḥaṇṣala:

I asked Imam Sadiq (upon whom be peace) whether it was permissible for two of the Shiʿis who had a disagreement concerning a debt or a legacy to seek the verdict of the ruler or judge. He replied: "Anyone who has recourse to the ruler or judge, whether his case be just or unjust, has in reality had recourse to *taghut* [i.e., the illegitimate ruling power]. Whatever he obtains as a result of their verdict, he will have obtained by forbidden means, even if he has a proven right to it, for he will have obtained it through the verdict and judgment of the *taghut*, that power which God Almighty has commanded him to disbelieve in." ("They wish to seek justice from illegitimate powers, even though they have been commanded to disbelieve therein" [4:60].)

ʿUmar ibn Hanzala then asked: "What should two Shiʿis do then, under such circumstances?" Imam Sadiq answered: "They must seek out one of you who narrates our traditions, who is versed in what is permissible and what is forbidden, who is well acquainted with our laws and ordinances, and accept him as judge and arbiter, for I appoint [*jaʿaltu*] him as judge [*ḥākim*] over you."⁹³

CHAIN OF TRANSMISSION (SANAD)

The chain of transmission of this tradition is not flawless as the character, integrity and moral probity of ʿUmar b. Ḥaṇṣala has not been established in the works of *rijāl*. Āyatullāh Khumaynī is aware of this deficiency in the chain; however,

⁹²Khumaynī, *Islam and Revolution*, p. 79.

⁹³Khumaynī, *Islam and Revolution*, p. 93; Sachedina, *The Just Ruler*, pp. 140-141.

evidence that the previous Imamite jurists acted upon it and accorded it the status of *maqbulā* (approved) is compelling enough for him to disregard any doubt about the chain.⁹⁴ However, some jurists have questioned the reliability of ʿUmar b. Ḥanzala, and as a consequence Āyatullāh Khūʾī rejects this tradition because of a weak link in the chain of transmission.⁹⁵ It should be noted that this tradition is also related by Ṣafwān b. Yaḥyā who is from amongst the *aṣḥāb al-ijmāʿ* whose traditions are generally authenticated on the basis that they do not relate traditions unless the transmitters are reliable (*lā yarwī illa ʿan al-thiqa*).⁹⁶

TEXT (MATN) OF THE ḤADĪTH

The operative phrase in the above tradition which invests the jurists with a mandate to resolve disputes on behalf of the Imams is "I have appointed him a *ḥākim* over you (*fa innī qad jaʿaltuh ʿalaykum ḥākim*)."

This is interpreted by Āyatullāh Khumaynī to encompass not only adjudicating disputes but also to include the necessary means and resources to enforce the verdict:

I said earlier that for the adjudication of both civil and penal cases, one must have recourse to judges, as well as to the executive authorities or general governmental authorities. One has recourse to judges in order to establish the truth, reconcile enmities, or determine punishment; and to the executive authorities, in order to obtain compliance with the verdict given by the judge and the enactment of his verdict, whether the case is civil or penal in nature. It is for this reason that in the tradition under discussion the Imam was asked whether we may have recourse to the existing rulers and powers, together with their judicial apparatus.⁹⁷

⁹⁴Khumaynī, *Kitāb al-Bayʿ*, 2:476,

⁹⁵Khūʾī, *Murjaʿ*, 13:27-29.

⁹⁶*Ibid.*, 13:29.

⁹⁷Khumaynī, *Islam and Revolution*, p. 93.

As further evidence, Āyatullāh Khumaynī underlines that the Imam's admonition to eschew seeking a judgement from a *ṭāghūt* (illegitimate ruling power) and instead resort to the narrators of traditions implies that the latter are invested with the judicial and executive authority, not unlike the tyrannical government.⁹⁸ In addition, having authority to pronounce a judgement without power to enforce compliance with it would be ludicrous.⁹⁹ This all-comprehensive authority, he feels, is also expressed in the following Qurʾānic verse:

Lo! Allah commandeth you that ye restore deposits to their owners, and, if ye judge between mankind, that ye judge justly. Lo! comely is this which Allah admonisheth you. Lo! Allah is ever Hearer, Seer.

O ye who believe! Obey Allah, and obey the messenger and those of you who are in authority; and if ye have a dispute concerning any matter, refer it to Allah and the messenger if ye are (in truth) believers in Allah and the Last Day. That is better and more seemly in the end.¹⁰⁰

FIFTH PROOF

Another evidence to support the investiture of the jurists as deputies of the Imam is the *mashhūra* of Abū Khadija:

I was commanded by the Imam [Sādiq] to convey the following message to our friends [i.e., the Shiʿa]: "When enmity and dispute arise among you, or you disagree concerning the receipt or payment of a sum of money, be sure not to refer the matter to one of these malefactors for judgment. Designate as judge and arbiter someone among you who is acquainted with our injunctions concerning what is permitted and prohibited, for I appoint [*jaʿaltu*] such a man as judge [*qāḍī*] over you.

⁹⁸Ibid.

⁹⁹Ibid., pp. 98-99.

¹⁰⁰Qurʾān, 4:58-59.

Let none of you take your complaint against another of you to the tyrannical ruling power."¹⁰¹

This tradition like the *maqbūla* of ʿUmar b. Ḥaṣṣala is categorized as *khavar al-wāḥid*, i.e. it has been conveyed by just one source.¹⁰² Again, the verb J ʿ L (to appoint) is of primary significance in this tradition, and Āyatullāh Khumaynī argues that the investiture is of a permanent nature and not temporary:

According to this tradition, then, the ʿulama of Islam have been appointed by the Imam (upon whom be peace) to the positions of ruler and judge, and these positions belong to them in perpetuity. The possibility that the next Imam would have annulled this ruling and dismissed the *fuqaha* from these twin functions is extremely small.¹⁰³

In this tradition, unlike the *maqbūla* of ʿUmar b. Ḥaṣṣala, the noun used in the investiture sentence is *qāḍī* and not *ḥākim* (*fa innī qad jaʿaltuh ʿalaykum qāḍī*). The former restricts the authority of the jurists to issuing verdicts on legal issues and is narrower in scope than *ḥākim*. However, Āyatullāh Khumaynī dissents from this interpretation and instead feels it plausible that the scope of authority of a *qāḍī* be broader than that of a *ḥākim* based on Qurʾānic verse 36 in chapter 33 where the verb Q Ḍ Y has been used in reference to a decision rendered by God and His messenger:

And it becometh not a believing man or a believing woman, when Allah and His messenger have decided [*qadā*] an affair (for them), that they should (after that) claim any say in their affair; and whoso is rebellious to Allah and His messenger, he verily goeth astray in error manifest.¹⁰⁴

¹⁰¹Khūmaynī, *Islam and Revolution*, p. 96.

¹⁰²Sachedina, *The Just Ruler*, p. 220.

¹⁰³Khūmaynī, *Islam and Revolution*, p. 98.

¹⁰⁴Qurʾān, 33:36.

OTHER PROOFS

The other traditions cited by Āyatullāh Khumaynī constitute supplementary evidence to establish *al-wilāya al-muṭlaqa* and are susceptible to differing interpretations:

The Prophet is reported to have said:

For whoever travels a path in search of knowledge, God opens up a path to paradise, and the angels lower their wings before him as a sign of their being well pleased [or God's being well pleased]. All that is in the heavens and on earth, even the fish in the ocean, seeks forgiveness for him. The superiority of the learned man over the mere worshipper is like that of the full moon over the stars. Truly the scholars are the heirs [*waratha*] of the prophets; the prophets bequeathed not a single dinar or dirham; instead they bequeathed knowledge, and whoever acquires it has indeed acquired a generous portion of their legacy.¹⁰⁵

Another version of the tradition has the following appended at the end:

Therefore, see from whom you may acquire this knowledge, for among us, the Family of the Prophet, there are in each generation just and honest people who will repel those who distort and exaggerate, those who initiate false practices, and those who offer foolish interpretations [that is, they will purify and protect religion from the influence of such biased and ignorant people and others like them].¹⁰⁶

Both the above traditions appear to establish the excellence of knowledge and the great merit in seeking it. Furthermore, the legacy of the prophets which is inherited by the scholars is explicitly stated to consist of knowledge, their sayings and traditions. This would suggest that the role of the scholars is limited to disseminating the teachings of

¹⁰⁵Khumaynī, *Islam and Revolution*, p. 99.

¹⁰⁶*Ibid.*, p. 100.

the Prophet and does not necessarily extend to governance. Āyatullāh Khumaynī rejects this interpretation:

The meaning of the next expression in the tradition, "The prophets bequeathed not a single dinar or dirham," is not that they bequeathed nothing but learning and traditions. Rather it is an indication that although the prophets exercised authority and ruled over people, they were men of God, not materialistic creatures trying to accumulate worldly wealth. It also implies that the form of government exercised by the prophets was different from monarchies and other current forms of government, which have served as means for the enrichment and gratification of the rulers.¹⁰⁷

It is important to note that the above tradition appears in *Al-Kāfī* under the section titled "Divine rewards for the scholars and the students," suggesting that it was earlier viewed as outlining the merits of acquiring knowledge and making this task commendable and meritorious. In the same section, the following tradition is recorded on the authority of the fourth Shīʿī Imam, Zayn al-ʿĀbidīn (d. 95/713):

Had the people known the real worth of the acquisition of knowledge, they would have acquired it even if they had to pay for it with a bleeding heart or if they had to dive in the deep seas. Almighty Allah revealed to Dāniyāl, "Most wretched among My creation is the rustic who makes light of the learned and stops following them. And the most lovable among My creation is the person who guards himself against evil seeking My maximum rewards, attaches himself to the learned, follows the path of the patient and the forbearing, and always accepts the words of the wise."¹⁰⁸

Another objection levelled against employing this tradition to establish the authority of the jurists is that the word *ʿālim* (scholars) may be ascribed to the infallible Imams and

¹⁰⁷Ibid., p. 106.

¹⁰⁸Kulaynī, *Al-Kāfī*, trans. Sayyid Muhammad Hasan Rizvi, vol. 1, pt. 1, pp. 87-88.

not to the *fuqahāʾ*. Āyatullāh Khumaynī finds this interpretation flimsy because the virtues and characteristics of the Imams are far more sublime and exalted than the attributes mentioned in this tradition. In addition, in the second version of the tradition, the warning "therefore, see from whom you may acquire this knowledge," indicates that the reference cannot be to the infallible Imams as they do not revert to others to acquire knowledge.¹⁰⁹ However, in the section preceding this one titled "Categories of people," the following tradition is recorded in *Al-Kāfī* where the word *ʿālim* is used to refer to the Imams:

Imam Ṣādiq: People are of three types; (i) The learned scholars; (ii) the learners; and (iii) the rubbish. We are the learned scholars [*al-ʿulamāʾ*], our disciples [*shīʿatunā*] are the learners and the rest are just rubbish.¹¹⁰

Another piece of supplementary evidence advanced by Āyatullāh Khumaynī in support of *wilāyat al-faqīh* is a tradition from Imams ʿAlī b. Abī Ṭālib and Ḥusayn b. ʿAlī from *Tuḥaf al-ʿUqūl*. It castigates scholars for neglecting to address the plight of the oppressed and allowing their rights to be trampled. It calls for those who are knowledgeable concerning God (*al-ʿulamāʾ bi Allāh*) to wrest power from the wretched tyrants by engaging in *jihād* and remedy the state of affairs by enjoining good and forbidding evil:

The administration of affairs and the implementation of law ought to be undertaken by those who are knowledgeable concerning God and are trustees of God's ordinances concerning what is permitted and what is forbidden.¹¹¹

¹⁰⁹Khumaynī, *Kitāb al-Bayʿ*, 2:484-485,

¹¹⁰Kulaynī, *Al-Kāfī*, trans. Sayyid Muhammad Hasan Rizvi, vol. 1, pt. 1, p. 84.

¹¹¹Khumaynī, *Islam and Revolution*, p. 121; Khumaynī, *Kitāb al-Bayʿ*, 2:486.

The chain of transmission of this tradition is weak, and the author of *Mustadrak al-Wasā'il* casts doubt on the identity of the author of *Tuḥaf al-Uqūl*.¹¹² The author is supposedly Ḥasan b. 'Alī al-Ḥirrānī who was a teacher of Shaykh Mufīd and who lived during the fourth century A.H. In addition to the weak link in the *sanad*, it is postulated that the term *al-ʿulamāʾ bi Allāh* refers to the infallible Imams who are viewed as the bona fide repositories of knowledge. This interpretation is disputed by Āyatullāh Khumaynī on the basis that the advice in this tradition is not restricted to any particular period; rather, it is for all times, and, thus, he argues that it is the scholars who have been addressed as *al-ʿulamāʾ bi Allāh*.¹¹³

Based on the above traditions, Āyatullāh Khumaynī asserts with certitude that all the power and authority (*al-wilāya al-muṭlaqa*) which was vested in the Prophet and the infallible Imams now devolves upon the *ʿulamāʾ*. He acknowledges that some of the traditions advanced to support his thesis exhibit weak links in the chain of transmission; however, textual and historical proofs compensate for this deficiency. His extrapolation that the jurist has a prerogative even over the fundamentals of Islam, like ritual prayers and fasting in order to promote public welfare, is a novel concept which is not found in the works of his predecessors who wrote on *wilāyat al-faqīh*, people such as Muḥammad Ḥusayn Kāshif al-Ghiṭāʾ (d. 1374/1954), Mullā Aḥmad Naiāqī or Mīrzā Muḥammad Ḥusayn Nāʾīnī. This theme of the all-embracing authority of the jurists is consistently reiterated in the works of Āyatullāh Khumaynī.

¹¹²Nūrī, *Mustadrak al-Wasā'il*, 3:327.

¹¹³Khumaynī, *Kitāb al-Bayʿ*, 2:487.

CHAPTER THREE

REVISIONS TO THE CONCEPT OF WILĀYAT AL-FAQĪH

The notion of *wilāyat al-faqīh*, which has precedents in the works of Mullā Aḥmad Narāqī and Āyatullāh Kāshif al-Ghiṭā, nonetheless has become almost totally identified with the political vision of Āyatullāh Khomeynī. This is true partly because the previous jurists have discussed the notion of *wilāyat al-faqīh* on an academic level whereas Āyatullāh Khomeynī was able to implement this concept and have it enshrined in the Constitution of Iran. Mehdi Mozaffari maintains that those who disregarded the "textual" dimension of Āyatullāh Khomeynī's works were bewildered by his single-minded determination to implement his version of *wilāyat al-faqīh*.¹ As a case in point, he quotes the assessment of William Sullivan, United States' ambassador in Tehran, on the role that Āyatullāh Khomeynī would play upon his return to Iran: "Khomeini, would be likely to return to Iran as a consequence of a religious-military accommodation and . . . would play a 'Gandhi-like' role."² Abū al-Ḥasan Banī Šadr, former President of Iran, also acknowledges that he became acquainted with Āyatullāh Khomeynī's book on Islamic Government very belatedly.³ What is even more startling is that his devout and loyal student, Sayyid ʿAlī Khāmānāʿī had misread his mentor's views on the extent of authority vested in the jurist and the State during the occultation of the infallible Imam. In a Friday prayer sermon on January 1, 1988, ʿAlī Khāmānāʿī seemed to imply that an Islamic government has limited power and that both the

¹Mehdi Mozaffari, *Authority in Islam: From Muhammad to Khomeini*, trans. Michel Vale (New York: M. E. Sharpe Inc., 1987), p. xi.

²Ibid.

³Ibid.

executive and legislative bodies are subordinate to a superior religious law.⁴ He was prompted to make this statement in order to deflect criticisms made against the twelve member Council of Guardians who were being taken to task for vetoing government legislation on issues such as "foreign trade, land reform and private sector industry"⁵ on the basis that they were not compatible with Islamic principles. 'Alī Khāmana'i's sermon was met with an immediate rebuttal from Āyatullāh Khumaynī who characterized it as a "misquotation and a misrepresentation which completely contradicts my beliefs"⁶ and added that "it appears that you [Khāmana'i] don't recognize government as a supreme regency bestowed by God on the Holy Prophet and that it is among the most important of divine laws and has priority over all other peripheral divine laws."⁷ Then he forcefully gave expression to his concept of *al-wilāya al-muṭlaqa* that takes precedence over obligatory acts of devotion, such as prayers, fasting and pilgrimage:

The government which stems from the absolute power of the prophet Mohammad is the primary rule in Islam . . . taking precedence over praying, fasting, and making the Haj.⁸

Furthermore, the government is empowered to revoke any contracts which it deems to be against the interests of the country or Islam.⁹ 'Alī Khāmana'i dutifully submitted to the declaration of Āyatullāh Khumaynī and expressed his total agreement (*qabūl dāram*) with the views expressed therein.¹⁰ 'Alī Khāmana'i ended with a statement that

⁴Roger Owen, *State, Power and Politics in the Making of the Modern Middle East* (New York: Routledge, 1992), p. 177.

⁵"Chuckling out the Checks and Balances," *Middle East*, March 1988, p. 27.

⁶*Ibid.*

⁷Roger Owen, *State, Power and Politics in the Making of the Modern Middle East*, p. 177.

⁸M. Reza Ghods, *Iran in the Twentieth Century* (Boulder: Lynne Rienner Publishers Inc., 1989), p. 225.

⁹*Ibid.*

¹⁰*Kayhan*, January 10, 1988.

his Friday prayer sermon was perhaps misconstrued and that he would clarify what he meant by the boundaries of the *sharīʿa* at a later time when deemed appropriate.¹¹

Āyatullāh Khomeynī's declaration of January, 1988, is not a totally new interpretation of his views on *al-wilāya al-muṭlaqa* as he has expressed similar opinions in his works and speeches, albeit not as forcefully and vigorously. For instance, in his work on *wilāyat al-faqīh*, he asserts that preservation of Islam is more important than observing prayers and fasting:

It is our duty to preserve Islam. This duty is one of the most important obligations incumbent upon us; it is more necessary even than prayer and fasting.¹²

On another occasion he underlines that the importance of preserving the Islamic State far outweighs even safeguarding the life of the awaited savior, the Imam Mahdī:

The preservation of the Islamic Republic is a divine duty which is above all other duties. It is even more important than preserving the Imām of Age (*Imām-e ʿaṣr*), because even the Imām of Age will sacrifice himself for Islam. All the prophets from the birth of the universe to the present were sent to strive for preservation of God's words. . . . Islam is a divine endowment. . . . Its preservation is an inexcusable individual obligation (*vājeb-e ʿeynī*).¹³

In his last will and testament he exhorts the Iranians to remain steadfast in their struggle to implement Islam in all aspects of their lives, "since the preservation of Islam takes precedence over all other obligations."¹⁴ When Āyatullāh Khomeynī was asked

¹¹Ibid.

¹²Khomeynī, *Islam and Revolution*, p. 75.

¹³Rajee, *Islamic Values and World View*, p. 70.

¹⁴Rūḥ Allāh al-Mūsawī al-Khomeynī, *Imam's Final Discourse* (Tehran: Ministry of Islamic Culture, n.d.), p. 17.

whether violation of minor laws, such as those relating to traffic would constitute a sin (*gonā*), he replied:

Obeying the rules and regulations of the Islamic government [i.e., the Iranian government] is a religious obligation (*vājeb-e sharʿī*) and their violation is sin.¹⁵

According to earlier statements of Āyatullāh Khumaynī, it appears that he was not too eager to promote clerical involvement in the executive and administrative affairs of the state because it was beneath the clergy's dignity and to become entangled in such trivial matters. Instead, they should devote their time and energy to more important tasks:

I have said from the beginning of the Revolution and from the time victory appeared in sight . . . , in Najaf and in Paris, that the religious leaders (*rohāniyūn*) have more important duties than getting involved in executive affairs.¹⁶

However, he asserts that he was forced to reconsider this position due to lack of competent non-religious leaders, and, thus, the clergy had no choice but intervene temporarily to fill this void.¹⁷

The full-fledged authority of the jurist was incorporated in July, 1989, under Article 57 of the revised Constitution where the phrase *wilāyat-i muṭlaqa-yi amr* is employed to refer to the authority possessed by the leader of the State.¹⁸ The debate on this issue was cut short by the death of Āyatullāh Khumaynī and the appointment of Khāmeneʿi as successor. The latter lacks both the charisma of the former and the

¹⁵Rajaei, *Islamic Values and World View*, p. 54.

¹⁶Ibid., p. 63.

¹⁷Ibid.

¹⁸*Qānūn-i Asāsī: Jumhūrī-yi Islāmī-yi Īrān* (Tehran: Wizārat-i Farhang wa Irshād-i Islāmī, 1990), p. 45.

credentials of a *marja' al-taqlid*. Since he is a junior cleric, the issue of *al-wilāya al-muṭlaqa* has not been broached by him since his appointment as leader (*rahbar*) except for general remarks that the institution of *wilāyat al-faqīh* must not be subject to criticism:

Any opposition to 'Velayat-e Faqih (Office of the Religious Jurisprudence) is opposition against the most crucial pillar of the system.¹⁹

In effect, subsequent to the death of Āyatullāh Khumaynī in June, 1989, the issue of expanding the powers of the jurist and enhancing the supremacy of the Islamic State has been made redundant. 'Alī Khāmaṣī, who until his appointment as leader of Iran was addressed as *ḥujjat al-Islām*, which is indicative of his junior status, lacks the authority to delve into the controversial issue of the scope of the jurist's authority. It was only after his succession to Āyatullāh Khumaynī that the title 'Āyatullah' was appended to his name.²⁰

The Assembly of Experts which had the mandate under Article 107 of the Iranian Constitution to designate a successor to Āyatullāh Khumaynī had chosen Āyatullāh Muntazarī in 1985. However, his critical remarks about the excesses of government officials and the scandalous activities of his relative, Mahdī Hashimī, probably prompted Āyatullāh Khumaynī to re-evaluate the soundness of Āyatullah Muntazarī's appointment as his successor. Āyatullāh Khumaynī in March 1989 praised the latter for his knowledge and piety but felt that he was not competent to assume the post of *rahbar* (supreme leader) of the Islamic State as he "lacked political acumen, did not clean his house [of 'liberals'] and failed to control his emotions."²¹ The dismissal or

¹⁹ *Tehran Times*, February 24, 1992, p. 1

²⁰ *Risālat*, June 5, 1989, p. 1.

²¹ "The Mullah Goes Back to the Mosque," *Middle East*, May 1989, p. 21.

resignation²² of Āyatullāh Muntazarī necessitated that Articles 107 and 109 of the Iranian Constitution be amended in order to pave the way for a junior cleric to assume the post of *rahbar*. These two Articles enumerated the qualifications of a *rahbar*, one of which was being a *marja'*:

Article 107: Whenever one of the *fuqaha* possessing the qualifications specified in Article 5 of the Constitution is recognized and accepted as *marja'* and leader by a decisive majority of the people - as has been the case with the exalted *marja'-i taqlid* and leader of the revolution, Ayatullah al-Uzma Imam Khomeini - he is to exercise governance and all the responsibilities arising therefrom. If such should not be the case, experts elected by the people will review and consult among themselves concerning all persons qualified to act as *marja'* and leader. If they discern outstanding capacity for leadership in a certain *marja'*, they will present him to the people as their leader; if not, they will appoint either three or five *marja'*s possessing the necessary qualifications for leadership and present them as members of the Leadership Council.²³

Article 109: The following are the qualifications and attributes of the leader or members of the Leadership Council:

- a. suitability with respect to learning and piety, as required for the functions of *mufti* and *marja'*;
- b. political and social perspicacity, courage, strength, and the necessary administrative abilities for leadership.²⁴

The above two articles were revised essentially to bifurcate the twin functions that were performed by Āyatullāh Khomeinī: *marja' al-taqlid* and political leadership.²⁵ This is also evidenced in the promotion of Āyatullāh Muḥammad 'Alī

²²R. K. Ramazani, "Challenges for US Policy," in *Iran's Revolution: The Search for Consensus*, ed. R. K. Ramazani (Bloomington, Indiana University Press, 1990), p. 138.

²³*Constitution of the Islamic Republic of Iran*, trans. Hamid Algar, p. 66.

²⁴*Ibid.*, p. 67.

²⁵The term *marja'* is replaced with *a'lam* (most knowledgeable) in *fiqh* and legal rulings. This still poses a problem for 'Alī Khāmānī's succession as he is not *a'lam*.

Arākī as the next *marjaʿ al-taqlīd* to whom the followers (*muqallidūn*) were encouraged to revert for religious guidance after the demise of Āyatullāh Khumaynī.²⁶ In addition, numerous announcements and press releases were issued by *mujtahids* permitting the *muqallidūn* of Āyatullāh Khumaynī to continue to observe *taqlīd* towards him after his death while recourse could be sought with another *marjaʿ* to solve any new problems and issues.²⁷ This division of responsibilities of *marjaʿ* and political leadership was inevitable since ʿAlī Khāmānī is not amongst the eminent jurists, and the Shīʿī jurisprudence calls for the followers (*muqallidūn*) to perform *taqlīd* in religious matters to a *mujtahid* who is the most knowledgeable in the Islamic sciences.²⁸ Other attributes, such as political acumen, administrative talent and courage, which are prerequisites for a *rahbar* are not factors in choosing a *marjaʿ*.

Each follower (*muqallid*) arrives at a decision on who is *aʿlam* by one of three possible ways: (i) personal certainty through one's own knowledge by having read the works of the *mujtahids*. (ii) testimony of two learned persons (*ahl al-khibra*) who vouch that a particular *mujtahid* is *aʿlam*. (iii) massive following of a *mujtahid* and widespread nature of his renown that gives one satisfaction that he is the *aʿlam*.²⁹

Although the influence and authority of the *rahbar* is diminished as a result of not being a *marjaʿ*, nevertheless his appointment by the Assembly of Experts was made possible partly on the strength of statements attributed to Āyatullah Khumaynī that on three occasions he had privately expressed his preference for ʿAlī Khāmānī as

See *Qānūn-i Asāsī*, p. 62. Also, the option of forming a leadership council of 3 or 5 *marjaʿs* is removed from the Constitution.

²⁶*Risālat*, June 12, 1989, p. 11.

²⁷*Risālat*, June 7, 1989, pp. 1-2, June 10, 1989, pp. 1-2.

²⁸Ahmad Kazemi-Moussavi, "The Struggle for Authority," pp. 104-110.

²⁹Khūʾī, *Minhāj al-Ṣāhhm*, 18

the next *rahbar*.³⁰ Apparently, there was controversy surrounding the appointment of a jurist who is not a *marja'* and whether this contravened Articles 107 and 109 of the Constitution. Āyatullāh Ādhārī Qummī, a committee member entrusted to revise the Constitution, responded that reference must be made to the revised version of Article 109 where the condition of being a *marja'* has been removed as a necessary qualification to assume the position of *rahbar*. Instead, preference is given to one who is most perspicacious in *fiqh* as well as in politics.³¹ Furthermore, any person by virtue of having been appointed by the Assembly of Experts is entitled to assume the role of *walī al-amr* and is endowed with the all-comprehensive authority. Obedience to the *walī* is mandatory (*wājib*) even if he were not a *faqīh*. He maintains that order cannot prevail without a leader. It is better to have an unjust and corrupt unbeliever (*kāfir*) as a leader than to have no one to regulate the affairs of the State. As a case in point, he cites that the government of Mu'āwiyā and Yazīd is preferable to the chaos and disorder that would ensue in the absence of a leader.³² This conclusion is based on a statement attributed to Imam 'Alī that there is no escape for the people from a leader, be he righteous or corrupt. Thus, the Assembly of Experts is duty bound to choose a leader who is best qualified to assume the post of *rahbar* based on the following order

³⁰*Risālat*, June 5, 1989, p. 1. It is interesting to note that Āyatullāh Khomeynī in the addendum to his last will and testament had cautioned people not to rely upon any statements attributed to him unless they are documented by written text or broadcast by himself on the media: "During my life I have at times been quoted as saying things which I never said, and it is likely that more misquotations will be attributed to me after my death. Therefore, I need to say that nothing attributed to me is true unless it is my own voice or my own handwriting and has my own signature, and is authenticated as such by experts, or unless it is based on my own words, as broadcast on the I.R.I.B (The Islamic Republic of Iran Broadcasting) during my lifetime." See *Imam's Final Discourse*, p. 66.

³¹*Risālat*, June 6, 1989, p. 1.

³²*Risālat*, April 30, 1989, p. 1.

of priority.

1. A *mujtahid* who is a *marja'* and possesses administrative and managerial capabilities.
2. A *mujtahid* who is specialized in a particular area of jurisprudence.
3. One who has familiarity with *fiqh* and has leadership qualities and is virtuous.
4. A follower (*muqallid*) believer who has no knowledge of *fiqh* but possesses managerial and administrative skills.
5. A just unbeliever (*kāfir*) with leadership qualities.
6. An unjust unbeliever with managerial and administrative skills.³³

The media in Iran published numerous statements made by other jurists that the *rahbar* while not being a *marja'* is not stripped of any authority. Hāshimī Rafsanjānī went so far as to assert that not only is it mandatory for the laity to obey the *walī*, but the *marja's* are also obliged to obey the *rahbar*.³⁴ Āyatullāh Fāḍil Lankarānī voiced a similar view that a just *walī al-amr*'s opinions and judgments cannot be negated by anyone else. For instance, if the *walī* were to declare *ḡhād*, then everyone is duty bound to participate in it.³⁵ Āyatullāh Ḥusayn Mazāhirī concurs that it is incumbent (*wājib*) on everyone, including the *fuqahā'* and the *mujtahids* to obey the decrees issued by the *walī* who has been chosen by the Assembly of Experts.³⁶ Āyatullah Mahdawī Kanī subscribes to similar views.³⁷ Āyatullah Muḥammad Ḥusayn Fadl

³³*Risālat*, May 10, 1989, p. 1.

³⁴*Risālat*, June 10, 1989, p. 1, p. 4.

³⁵*Risālat*, June 12, 1989, p. 2.

³⁶*Ibid*.

³⁷*Risālat*, June 13, 1989, p. 11.

Allāh also maintains that *aʿlamīya* is not a prerequisite for assuming the role of *rahbar*. Instead, a jurist with expertise in political, social and administrative affairs is better qualified to be the leader of the State.³⁸ An attempt was also made to validate ʿAlī Khāmanaʿi's appointment through wide circulation of reports that the public and jurists had pledged allegiance (*bayʿa*) to him as *rahbar*.³⁹ However, these activities were viewed with apprehension by Āyatullāh Muḥammad al-Riḍā al-Musawī al-Gulpaygānī,⁴⁰ a *marjaʿ* residing in Qum. In response to a letter of condolences, after the death of Āyatullāh Khumaynī, sent by ʿAlī Khāmanaʿi to Āyatullāh Gulpaygānī, the latter addressed the former as *ḥujjat al-Islām* and not as Āyatullāh (*janāb-i mustaṭab ḥujjat al-Islām wa al-muslimīn aqā-yi ḥājj sayyid ʿAlī Khāmanaʿi, rahbar-i jumhūrī-yi Islāmī-yi Īrān, dāmat tawfiqātuh*).⁴¹ In addition, he exhorts ʿAlī Khāmanaʿi to pay heed to the Islamic *sharīʿa* in carrying out the tasks of a *rahbar* which is fraught with danger (*khaṭir*).⁴²

Āyatullāh Khumaynī in a letter to Āyatullāh ʿAlī Mishkinī, Chairman of the Assembly of Experts, maintains that when the first draft of the Iranian Constitution was being written in 1979, he was of the opinion that *marjaʿīya* should not be made a necessary condition for assuming the role of leadership of the Islamic State. However, due to the insistence of friends, he accepted *marjaʿīya* as one of the necessary qualification of a *rahbar* but knowing full well that it would not be practical in the near future.⁴³

³⁸Muhammad Husayn Faḍl Allāh, "Al-Qiyāda al-Islāmīya fī Dākhil al-Dawla," *Al-Risāla* 21 (1987) 10

³⁹*Risāla*, June 8, 1989, p. 3, June 17, 1989, p. 2, p. 10

⁴⁰After the death of Āyatullāh Abū al-Qāsim al-Khūʾī in August 1992, Āyatullāh Gulpaygānī has been acclaimed by most as the next *marjaʿ*. The other candidates are Āyatullāh Muḥammad ʿAlī Arākī in Qum and Āyatullāh ʿAbd al-Aʿlā al-Sabzawārī in Najaf

⁴¹*Risāla*, June 13, 1989, p. 1.

⁴²*Ibid*

⁴³*Risāla*, June 10, 1989, p. 4

ĀYATULLĀH ŠĀLIHĪ NAJAF-ĀBĀDĪ

A novel interpretation of the doctrinal justification for the notion of *wilāyat al-faqīh* is advanced by a contemporary Iranian jurist, Āyatullāh Šālihī Najaf-Ābādī in his work titled *Wilāyat-i Faqīh: Hukūmat-i Šālihān*. He argues that the prevalent method of relying on tradition reports to prove the *wilāya* of a jurist is faulty and misleading. Jurists who follow this method interpret traditions and extrapolate from them to establish their indirect appointment by God which is not contingent upon public assent. He classifies this method as *khbarī* (abstract).⁴⁴ In contrast, *wilāya* that is based on *inshā'ī* (concrete) evidence becomes actualized only with the approbation of the public that is endowed with intellect (*‘aql*) and conscience (*fiṭra*).⁴⁵ Furthermore, he argues that the traditions usually cited to establish *wilāyat al-faqīh* deal with the role of the jurists in guiding people on non-governmental issues. They are also not categorical and are susceptible to differing interpretations as evidenced in the jurists' employment of them both to prove and to disprove *wilāyat al-faqīh*.⁴⁶ It should also be observed that the plural form of the nouns, such as *khulafā'* and *‘ulama'* are used in the traditions when referring to the jurists. However, every jurist cannot become a *walī al-faqīh* as this would lead to chaos and disorder because the jurists differ in their opinions and, thus, would issue contradictory orders. Since it is detestable (*qabīh*) for God to promote chaos, the traditions cannot be interpreted to establish the authority of the jurist to govern. On the other hand, if only one jurist assumes the role of the leader based on the tradition reports, then this situation would imply that God made nonsensical statements by using the plural form of the nouns when referring to the jurists.⁴⁷ Thus,

⁴⁴Šālihī Najaf-Ābādī, *Wilāyat-i Faqīh: Hukūmat-i Šālihān* (Tehran: Rasa, 1984), p. 23. See also Ahmad Kazemi Moussavi, "A New Interpretation of the Theory of *Wilāyat-i Faqīh*," *Middle Eastern Studies* 28 (January 1992):101.

⁴⁵*Ibid.*

⁴⁶Šālihī Najaf-Ābādī, *Wilāyat-i Faqīh*, pp. 177-178.

⁴⁷*Ibid.*, pp. 178-179.

he asserts that the *walī al-faqīh*'s authority can be validated only through public acceptance, and this acceptance constitutes a contract (*‘aqd*) between the *walī* and the people.⁴⁸ This is in sharp contrast to the approach adopted by Āyatullāh Khumaynī and other jurists who attempt to establish *wilāyat al-faqīh* by enumerating traditions that appear to delegate authority to the jurists.

In keeping with his approach, Āyatullāh Ṣāliḥī maintains that there is a clear distinction between the qualifications and functions of a *marjaʿ* and a *walī al-faqīh*:

1. A *walī al-faqīh*, in accordance with Articles 5 and 107 of the Constitution is chosen by the majority of the people or elected by the Assembly of Experts whereas it is possible that a *marjaʿ* has very few or no followers (*muqallidūn*).
2. A *walī al-faqīh* implements social legislation whereas the *marjaʿ* lacks such authority and competence.
3. The people are not at liberty to renounce their allegiance to the *walī al-faqīh*, which is a binding contract, unless the latter forfeits a condition necessary for being a leader. In contrast, it is permissible to change *taqlīd* from one *marjaʿ* to another if they are equal in knowledge.
4. It is possible to have several *marjaʿ*s in one country with followers for each; however, there can be only *walī al-faqīh* who would regulate the affairs of the State.
5. According to some jurists, it is permissible to continue following the decrees of a deceased *marjaʿ*. But, the same is not possible for a *walī al-faqīh* whose active presence is necessary to deal with the affairs of government.

⁴⁸Ibid., pp. 125-126.

6. It is incumbent upon everyone, including the *marjaʿ*, to abide by the *ḥukm* (judgement) of a *walī al-faqīh* that is issued for the welfare (*maṣlaḥa*) of the community. The converse is not valid because the *walī* is a *mujtahid* in his own right and, thus, is not allowed to follow the decrees of another *mujtahid*.
7. A *walī al-faqīh* is given the mandate to govern as a result of public allegiance (*bayʿa*) to him based on *inshāʾī*. The *marjaʿ* is in no need of such public acknowledgement as his status is not dependent upon it.
8. A *walī al-faqīh* can simultaneously be a *marjaʿ* but the converse is not necessarily true.
9. A *walī al-faqīh* can be dismissed from his post by the Assembly of Experts by virtue of Article 111 of the Constitution if he is deemed to be unfit to rule, unlike the *marjaʿ* who cannot be dismissed officially except indirectly by refusing to follow (*taqlīd*) the rulings issued by the *marjaʿ*.
10. A *walī al-faqīh* needs to possess other attributes in addition to justice and knowledge of jurisprudence, that is, political insight, social perspicacity, administrative skills and courage.
11. A *walī al-faqīh* possesses authority over only the people of his country who have pledged their allegiance to him, whereas the *marjaʿ* may have followers in different countries.
12. It is possible for a *walī al-faqīh* who is also a *marjaʿ* to have two kinds of followers, that is, as a *rahbar* and also as a *mujtahid*.⁴⁹

⁴⁹Ibid., pp. 132-135.

Āyatullāh Ṣāliḥī's division between a *marja'* and a *rahbar* has now been enshrined in the revised Constitution of Iran, and this became a vehicle for validating the appointment of a junior jurist, Sayyid 'Alī Khāmana'i to the post of *rahbar*. However, Āyatullāh Ṣāliḥī's stand that the jurist possesses no *wilāya* until it is bestowed upon him by the public has not been adopted in formulating the revised Constitution. He also vigorously opposes any notion of *al-wilāya al-muṭlaqa* for the jurists on the basis that they are not infallible and the ascription of such status to them would lead to a form of dictatorship.⁵⁰

ĀYATULLĀH BĀQIR AL-ṢADR

Āyatullāh Bāqir al-Ṣadr was a zealous supporter of establishing an Islamic State under the guidance of a *walī al-faqīh* and expressed great confidence in the leadership of Āyatullāh Khumaynī:

I would like to emphasize that the gallant Imam who has initiated this movement and led it to success is fully capable of laying down a judicious program. We are convinced that as he has successfully destroyed the evil forces and pulled Iran out of darkness, he will also be able to lead this great triumph to its logical conclusion and will strike the whole world with great astonishment by enforcing the Islamic system fully.⁵¹

He made the above statement in a short treatise on the Islamic Republic that he wrote in January, 1979, in response to a request from five Lebanese jurists that he lay down the "intellectual basis of the Islamic Republic" to discredit those who hold that in Islam religion and politics are two distinct entities:

⁵⁰Ibid., p. 218, pp. 207-218.

⁵¹Bāqir al-Ṣadr, *Introduction to Islamic Political System*, p. 70.

They assert that the government is a worldly affair and has nothing to do with religion, and that every effort in this regard is a hollow slogan.⁵²

Āyatullāh Ṣadr maintains that it is only an Islamic State that can unleash the inexhaustible energy of the Muslims and channel it for constructive reform and progress. Any borrowings from an alien ideology, even if only perceived to be so by the public, will diminish the zeal and vigor of the Muslims.⁵³ He argues that although people's faith in Islam has become diluted with the passage of time, they are still passively loyal to it as evidenced by their voluntary payment of religious dues, such as *khums* and *zakā*.⁵⁴ Establishment of an Islamic State will enliven the hearts of the Muslims, and they will be spared "the tragedy of two fold or split personality of a Muslim which has been imposed on his life as a result of contradictory ruling forces."⁵⁵ This dual personality arises because the people have to adhere to one set of norms and values when in the precincts of the mosque and a contradictory set of values in their social life:

But if an Islamic government comes to power, the masjid and the office would be placed in the same orbit. In that case prayers instead of being an escape from reality would mean looking forward to future and being ready for it. To attend to external realities would not be inconsistent with spirituality and the spirit of the masjid, but would have the support of the general spirit of them. In consequence of all this, man would regain the true unity and total harmony of his personality. That will induce him to play his role earnestly and show endurance and firmness in the face of difficulties.⁵⁶

⁵²Ibid., p. 69.

⁵³Ibid., p. 33

⁵⁴Ibid., p. 29

⁵⁵Ibid., p. 30.

⁵⁶Ibid.

Āyatullāh Ṣadr laments that the jurists have ignored the social aspect of Islam, and this negligence is reflected in the scope of *ijtihād* which is limited to finding solutions to difficulties encountered by the Muslim individual and not the society.⁵⁷ This one-sided *ijtihād* fails to take into account that the individual life is intertwined with collective life, and if the latter sustains harm, then it has a direct detrimental impact on the individual:

For example, the present banking system is based on usury. It is a part of the existing socio-economic actuality. This position compels the jurist to think that [the] Muslim individual is facing a great difficulty in determining what he should do in respect of the banking transactions. Therefore the jurist directs his efforts to finding and showing a lawful way of solving this economic problem of the Muslim individual within the existing framework. Actually the jurists should have realized that the real problem is the interest-bearing banking system and that it is a social problem.⁵⁸

However, he is optimistic that the future looks promising and that the one-dimensional *ijtihād* will give way to a universal and wholistic *ijtihād*.⁵⁹

Āyatullāh Ṣadr maintains that the need for government arose as a result of social complexities and conflicting interests between the powerful and the weak.⁶⁰ In the beginning, people had a uniform outlook:

Mankind were one community, and Allah sent (unto them) Prophets as bearers of good tidings and as warners, and revealed therewith the Scripture with the truth that it might judge between mankind concerning that wherein they differed. And only those unto whom (the Scripture)

⁵⁷Ibid., p. 45.

⁵⁸Ibid., p. 50.

⁵⁹Ibid., pp. 46-47.

⁶⁰Ibid., p. 71.

was given differed concerning it, after clear proofs had come unto them, through hatred one of another.⁶¹

The Prophet Muḥammad established the best model of a just government in history, and the task of preserving it was passed on to the infallible Imams and subsequently to the jurists during the occultation of the Imam: "As Imamate was a continuation of prophethood, similarly after the major occultation Imamate ended in 'marja'iyat'."⁶² He lavishly praises Āyatullāh Khomeynī and the Iranian nation for having succeeded "to break off the strongest fetters and get rid of the shackles of servitude"⁶³ and castigates those who discourage and impede establishment of an Islamic State:

Imam Khomeyni by unveiling the hidden face of Islam has not only furnished the best proof of the vigour of Islam but has also exposed the gravity of the crime of those who do not allow Islam to be used as a marvellous constructive force.⁶⁴

Āyatullāh Ṣadr in his earlier work *Iqtisādunā*, which was published in 1959, had implied that the jurist (*walī al-amr*) has the discretionary authority as head of the Islamic State to issue legal rulings in the area of *minṭaqat al-farāgh* (the sphere of lacuna).⁶⁵ The lacuna zone has purposely been left to the discretion of the ruler (*walī al-amr*) in order to accommodate the needs of the nation that vary in each age based upon what is in their best interest and what is expedient.⁶⁶

⁶¹Qur'ān, 2:213.

⁶²Ibid., p. 72.

⁶³Ibid., p. 73.

⁶⁴Ibid., p. 74.

⁶⁵Ali Al-Oraibi, "The Development of the Doctrine of *Wilāyat al-Faqīh* in Shī'ī Jurisprudence" (paper submitted to Prof. C. J. Adams in his seminar course, Islamic Resurgent Movements, March 1989), p. 21; See also, Amazia Baram, "The Impact of Khomeini's Revolution on the Radical Shi'ī Movement of Iraq," in *The Iranian Revolution and the Muslim World*, ed. David Menashin (Boulder: Westview Press, 1990), p. 133.

⁶⁶Muḥammad Bāqir al-Ṣadr, *Iqtisādunā* (Our Economics), 2 vols. (Tehran: WOFIS, 1982-1984), vol. 2, pt. 1, p. 34.

The all comprehensive and universally (sic) general power and authority which are given to the State for intervention in economic life of the community will be deemed one of the fundamentally important principles of Islamic economic system.⁶⁷

In his work on Islamic economics, he evades the issue of laying down the qualifications of a *wali al-amr* by arguing that it falls outside the purview of the subject matter under discussion. However, in all probability, he reserved this post for a jurist:

It is obvious that as long as this book talks of the economic doctrine, it is no part of its business to talk about the system of government in Islam and the kind of person or the governing authority who will be suitable to succeed the Prophet.⁶⁸

In his later work on the Islamic Republic, he reserves the position of supreme leader to the jurist who is the deputy of the Imam and who fulfills the following conditions:

1. He should be an absolute *mujtahid* and just.
2. He should have firm belief in the necessity of establishing an Islamic government and defending it from all assaults.
3. His *marja'īya* should be established in conformity with the general process which has been adhered to in the past.
4. He should be elected by the majority of the members of the Consultative Council consisting of religious authorities. In addition, other members of the religious elite, such as religious scholars, students of Islamic sciences, leaders of congregational prayers and Islamic thinkers should support his candidacy. In the event that there is

⁶⁷Ibid., vol. 2, pt. 2, p. 178.

⁶⁸Ibid., vol. 2, pt. 1, p. 35.

more than one *marja'* to qualify as *walī al-amr*, then one of them should be chosen through public election.⁶⁹

Āyatullāh Ṣadr allows for public participation in selecting the leader of the Islamic State either directly or indirectly through electing representatives to the Assembly, who in turn would designate the leader. Thus, his theory combines the notion of *shūrā* (consultation) and *wilāyat al-faqīh*.⁷⁰ However, he falls far short of the thesis adopted by Āyatullāh Ṣāliḥī that the jurist's *wilāya* can be actualized only with public endorsement as it is a contract between the leader and the people. Furthermore, according to Āyatullāh Ṣadr, only a *marja'* can assume the role of leader, whereas for Āyatullāh Ṣāliḥī, the position of *marja'* and *walī al-amr* are two distinct and unrelated positions.

The division between the role of *marja'* and *rahbar* or *walī al-amr* which was formulated to address Sayyid 'Alī Khāmānī's succession to Āyatullāh Khumaynī became crystallized upon the death of Āyatullāh al-Khū'ī in August, 1992, and acclamation of Āyatullāh Gulpaygānī as the next *marja'*. This forebodes of the separation of the secular and religious spheres as remarked by one expert:

We are seeing the beginning of the separation of the state and the mosque in Iran again. The constitution will have to be changed so that the most senior ayatollah of the time cannot automatically expect to become the supreme leader - as is his prerogative at present. And if that happens, the state will end up ruled by the junior, politicised clergy, while the leadership of the Shia faith will lie in older, traditional hands.⁷¹

⁶⁹Bāqir al-Ṣadr, *Introduction to Islamic Political System*, p. 79.

⁷⁰*Ibid.*, pp. 76-77, pp. 81-82.

⁷¹"The Mullah Goes Back to the Mosque," p. 21.

CONCLUSION

The oft-quoted *ḥadīth al-thaqalayn* (the two weighty things) on the inseparability of the Qur'ān and his progeny (infallible Imams) attributed to the Prophet underlines the function of the Imams to preserve the teachings of Islam from distortion and to act as authoritative guides and interpreters of the Qur'an to guide humanity:

It seems that God has called me unto Himself and I must obey His call.
But I leave two great and precious things among you: the Book of God
and My Household. Be careful as to how you behave towards them.
These two will never be separated from each other until they encounter
me at Kawthar (in paradise).¹

The Imams are believed to have inherited both the exoteric and esoteric knowledge of the Prophet along with all the functions that were entrusted to him excluding only revelation. According to the *ḥadīth* of *manzilat Hārūn* (position of Aaron), the Prophet is reported to have said to 'Alī:

Are you not content to be with respect to me as Aaron was to Moses,
except that after me there shall be no other Prophet.²

Thus, the Imams were to be authoritative guides in both religious and temporal affairs after the age of prophethood which ended with Muḥammad. It follows that only the infallible Imams could secure a just reign, and those who denied them their right were regarded as unjust and oppressors.

Unfavourable political circumstances prompted the Imams to adopt a quietist attitude and forged a form of accommodation with the illegitimate rulers. This depoliticization is reflected in the Imams' disclaimer of any political aspirations and in

¹Ṭabāṭabā'ī, *Shi'ite Islam*, p. 180, Āyatullāh Khumayni begins his Last Will and Testament by quoting this tradition. See *Imam's Final Discourse*, p. 5.

²Moojan Momen, *An Introduction to Shi'i Islam*, p. 13.

their distancing themselves from those who engaged in rebellious activities against the existing government. Instead, hopes for establishment of an ideal State were placed in a divinely inspired saviour, the Mahdī, who would usher in an era of peace and justice on earth, and eliminate all forms of injustice and oppression.

The twelfth Shīʿī Imam who went into minor occultation in 874 A.D. appointed a series of four agents as intermediaries between himself and the community. The people sought answers to their problems by writing to the Imam. This period ended in 941 A.D. with the death of the fourth agent and the commencement of the major occultation during which "no one was able to get in touch with the Imam who may only occasionally appear to a favored one among his followers."³ The prolonged occultation of the Imam prompted the ʿulamāʾ to articulate their role as indirect deputies of the Imam (*nāʾib al-Imām*) and to arrogate to themselves certain limited authority of the concealed Imam. They received an added impetus in the early sixteenth century with the proclamation of Twelver Shīʿism as the state religion in Iran by the Safavids. The triumph of the Uṣūlī school and formulation of the institutions of *marjaʿīya* and *aʿlamīya* greatly enhanced the authority of an eminent jurist to marshal the Shīʿī ʿulamāʾ and the masses to support a political cause.⁴ We observe that from the nineteenth century onward, the ʿulamāʾ have acknowledged a greater political role for themselves and have been steadily pushing for more authority. This is evidenced in their ability to force the Shah to rescind the tobacco concession and in the Constitutional movement. Titles of accomplishment, such as *ḥujjat al-Islām*, *Āyatullāh* and *Āyatullāh al-ʿUẓmā* give a semblance of an informal hierarchical system. These factors paved the way for Āyatullah Khumaynī to propose the notion of *al-wilāya al-mutlaqa* which

³Madelung, "Authority in Twelver Shīʿism in the Absence of the Imam," p. 165.

⁴Juan R. Cole "Imamī Jurisprudence and the Role of the Ulama: Mortaza Ansari on Emulating the Supreme Exemplar," in *Religion and Politics in Iran: Shīʿism from Quietism to Revolution*, ed. Nikki Keddie (New Haven: Yale University Press, 1983), p. 46.

represents a logical culmination of the process set in motion with the establishment of Twelver Shī'ism as the official religion by the Safavids.

During the centuries of the Abbāsid dynasties, the caliphs were apprehensive of the Imams and their followers harboring the notion that only the infallible Imam had the prerogative to govern. Thus, they were kept under surveillance or imprisoned by the ruling authorities and consequently practised *takīya* (precautionary dissimulation). This fact, coupled with the dispersion of their followers in distant places, resulted in the *ʿulamāʾ*'s exercising the functions of the Imam based upon the latter's authorization.⁵ Thus, the *ʿulamāʾ* would claim for themselves the right to guide the community in the religious sphere during the occultation of the Imam:

The mediatorship of the general deputy during the Complete Occultation and the function he was required to perform were the logical conclusion of the development of the leadership of the *rijāl* from the time of al-Sādiq onward.⁶

However, there is no evidence of any categorical ex-ante appointment of the jurists to assume the all-embracing authority of the Imam during the major occultation. Mullā Aḥmad Narāqī and Āyatullāh Khumaynī attempt to overcome this lack by extrapolating arguments from tradition reports and interpreting them in favor of the jurist's right to assume the role of a just ruler (*al-sultān al-ʿādil*) and disqualify all non-jurists. This view runs counter to the opinion held by Shaykh Ṭūsī who left open the possibility for a non-jurist who upholds the doctrine of the Imamate and who "orders what is proper, forbids what is reprehensible, and places things in their places"⁷ to be considered a just

⁵Sachedina, *The Just Ruler*, pp. 32-57.

⁶Ibid., p. 56.

⁷Madelung "A Treatise of the Sharīf al-Murtaḍā on the Legality of Working for the Government (*masʾala fī ʿamal maʿ al-sultān*)," p. 30.

ruler. Furthermore, there are precedents established by eminent Shī'ī jurists who supported the rulers and sought accommodation with them.

Āyatullāh Khumaynī makes use of methodological advances developed within the Uṣūlī context and was able to implement his version of the jurist's authority in Iran. He relies on tradition reports and the key term *ulū al-amr* that is contained in the authority verse to advance his claims of *al-wilāya al-muṭlaqa*. His interpretations of traditions and extrapolations derived from them are at variance with the classical view. In particular, the term *ulū al-amr* which had been consistently applied to refer exclusively to the infallible Imams is reinterpreted by him to refer to the 'ulamā'. Moreover, the traditions that he cites to prove the jurist's claim for *al-wilāya al-muṭlaqa* are almost all, without exception, deficient because of weak links in the chains of transmission (*asnād*) or they are *khawatir al-wahid*. He acknowledges that the textual demonstration of the *ḥadith* reports are not conclusively supportive of his claim for *al-wilāya al-muṭlaqa*; nonetheless, reason dictates that there is a need for a just Government, and the jurists are most competent to assume the role of leadership in guiding the community towards felicity and success because of their expertise in the Islamic sciences. Given Āyatullāh Khumaynī's deviations from classical positions, it is no surprise that Shaykh Murtaḍā Anṣārī dismisses as ludicrous the possibility of establishing *al-wilāya al-muṭlaqa* on the basis of these tradition reports and that Āyatullāh Khū'ī subscribes to a similar view.⁸ Even Āyatullāh Khumaynī's zealous admirers, such as Jawād Maghniya, a Lebanese scholar who is full of adoration for the former which at times reaches supernatural heights, nonetheless, dissents from Āyatullāh Khumaynī's claims for *al-wilāya al-muṭlaqa* on the basis that a fallible mortal is not qualified to assume the functions which require the quality of *'isma* (infallibility).⁹ The

⁸Khū'ī, *Al-Ra'y al-Sadid fī al-Ijtihād wa al-Taqlid*, p. 194.

⁹Enayat, "Iran Khumaynī's Concept of the 'Guardianship of the Jurisconsult'," pp. 167-169.

senior jurists who disagree with Āyatullāh Khomeynī's version of *al-wilāya al-muṭlaqa* have for the most part remained silent; however, at times they have expressed their displeasure indirectly.

Āyatullāh Khomeynī's cherished life-long dream to establish an Islamic State under the leadership of a jurist was actualized with the inclusion of the concept of *wilāyat al-faqīh* in the Constitution of Iran in 1979. His insistence on the unbounded authority of a jurist and the supremacy of the State found expression in his January, 1988, proclamation that gave the State precedence over secondary injunctions. Further elaboration of this concept was curtailed by his death in June, 1989, and the appointment of a junior cleric, Sayyid ʿAlī Khāmānāʿī, who, as his successor lacks both the charisma and the credentials as *marjaʿ al-taqlīd* which were enjoyed by the founder of the Islamic Republic of Iran. The amendment introduced in the 1989 revision to the Constitution divides the functions of the leader (*rahbar*) of the Islamic State and the *marjaʿ*, thus foreboding the separation of the secular and the religious spheres.

BIBLIOGRAPHY

- Abī Ṭālib, ʿAlī ibn. *Nahjal-Balāgha*. Trans. Sayed Ali Reza. Rome: European Islamic Cultural Centre, 1984.
- Afkhami, Gholam R. *The Iranian Revolution: Threats on a National Scale*. Washington: The Middle East Institute, 1985.
- Akhavi, Shahroogh. "Islam, Politics and Society in the Thought of Ayatullah Khomeini, Ayatullah Tāliqani and Ali Shariati." *Middle Eastern Studies* 24 (Oct. 1988): 404-431.
- . *Religion and Politics in Contemporary Iran: Clergy-State Relations in the Pahlavī Period*. Albany: State University of New York Press, 1980.
- . "Shariati's Social Thought." In *Religion and Politics in Iran*, ed. Nikki Keddie, 125-144. New Haven: Yale University, 1983.
- . "Shiʿism, Corporatism, and Rentierism in the Iranian Revolution." In *Comparing Muslim Societies*, ed. Juan Cole, 261-293. Ann Arbor: The University of Michigan Press, 1992.
- Algar, Hamid. "Imam Khomeini, 1902-1962: The Pre-Revolutionary Years." In *Islam, Politics and Social Movements*, eds. Edmund Burke, III and Ira M. Lapidus, 263-288. London: I. B. Tauris and Co. Ltd., 1988.
- . *The Islamic Revolution in Iran*. Ed. Kalim Siddiqui. London: The Muslim Institute, 1980.
- . "The Oppositional Role of the Ulama in Twentieth-Century Iran." In *Scholars, Saints and Sufis: Muslim Religious Institutions in the Middle East Since 1500*, ed. Nikki Keddie, 231-249. Berkeley, University of California Press, 1972.
- . *Religion and State in Iran (1785-1906): The Role of the Ulama in the Qajar Period*. Berkeley: University of California Press, 1969.
- Amjad, Mohammed. *Iran: From Royal Dictatorship to Theocracy*. New York: Greenwood Press, 1989.
- Anṣārī, Shaykh Murtaḍā al-. *Kitāb al-Makāsib*. Ed. Muḥammad Kalāntar. 15 vols. Beirut: Muʾassasat al-Nūr li al-Maṭbūʿāt, 1990.
- Arjomand, Said Amir. *The Shadow of God and the Hidden Imam*. Cambridge: University of Chicago Press, 1984.

- . "Shi'ite Islam and the Revolution in Iran." *Government and Opposition* 16 (1981):293-316.
- . "The State and Khomeini's Islamic Order." *Iranian Studies* 13 (1980): 147-164.
- . "Traditionalism in Twentieth-Century Iran." In *From Nationalism to Revolutionary Islam*, ed. Said Amir Arjomand, 195-232. London: The Macmillan Press Ltd., 1984.
- . *The Turban for the Crown*. New York: Oxford University Press, 1988.
- . "Two Decrees of Shāh Tahmāsp Concerning Statecraft and the Authority of Shaykh 'Alī Al-Karakī. In *Authority and Political Culture in Shi'ism*, ed. Said Amir Arjomand, 250-262. Albany: State University of New York, 1988.
- . "A Victory for the Pragmatists: The Islamic Fundamentalist Reaction in Iran." In *Islamic Fundamentalisms and the Gulf Crisis*, ed. James Piscatori, 52-69. Chicago: The American Academy of Arts and Sciences, 1991.
- ʿAskarī, Sayyid Murtaḍā. *ʿAwāmil-i Taḥrīf*. Qum: n.p., n.d.
- Baghdādī, al-Khaṭīb al-. *Sharaf Aṣḥāb al-Ḥadīth*. Ankara: Maṭbaʿat Jāmiʿat Ankara, 1971.
- Bakhash, Shaul. *The Reign of the Ayatollahs*. New York: Basic Books, Inc., 1984.
- Baram, Amazia. "The Impact of Khomeini's Revolution on the Radical Shi'i Movement of Iraq." In *The Iranian Revolution and the Muslim World*, ed. David Menashri, 131-151. Boulder: Westview Press, 1990.
- Bayat, Mangol. "The Iranian Revolution of 1978-79: Fundamentalist or Modern?" *The Middle East Journal* 37/1 (Winter 1983):30-42.
- . *Iran's First Revolution: Shi'ism and the Constitutional Revolution of 1905-1909*. New York: Oxford University Press, 1991.
- . "Shi'a Islam as a Functioning Ideology in Iran. The Cult of the Hidden Imam." In *Iran since the Revolution: Internal Dynamics, Regional Conflict, and the Superpowers*, ed. Barry M. Rosen, 21-29. New York: Columbia University, 1985.
- Browne, Edward G. *A Literary History of Persia*. 4 vols. Cambridge: Cambridge University Press, 1953.
- Burūjirdī, al-Ṭabāṭabā'ī al-. *Jāmiʿ Aḥādith al-Shī'a*. Qum: Al-ʿIlmiya, 1978.
- Calder, Norman. "Legitimacy and Accommodation in Safavid Iran: The Juristic Theory of Muḥammad Bāqir al-Sabzavāri (d. 1090/1679)". *Iran* 25 (1987). 91-105.

Chehabi, H. E. *Iranian Politics and Religious Modernism: The Liberation Movement of Iran Under the Shah and Khomeini*. London: I. B. Tauris & Co Ltd., 1990.

"Chuckling out the Checks and Balances." *Middle East*, March 1988, pp. 27-28.

Cole, Juan R. "Imami Jurisprudence and the Role of the Ulama: Mortaza Ansari on Emulating the Supreme Exemplar." In *Religion and Politics in Iran: Shi'ism from Quietism to Revolution*, ed. Nikki Keddie, 33-46. New Haven: Yale University Press, 1983.

Constitution of the Islamic Republic of Iran. Trans. Hamid Algar. Berkeley: Mizan Press, 1980.

Cooper, John. "Allama al-Hilli on the Imamate and *Ijtihād*." In *Authority and Political Culture in Shi'ism*, ed. Said Amir Arjomand, 240-249. Albany: State University of New York, 1988.

Crone, Patricia and Martin Hinds. *God's Caliph: Religious Authority in the First Centuries of Islam*. Cambridge: Cambridge University Press, 1986.

Dabashi, Hamid. "Mulla Ahmad Naraqı and the Question of the Guardianship of the Jurisconsult (*Wilayat-i Faqih*).". In *Expectation of the Millennium: Shi'ism in History*, eds. Seyyed Hossein Nasr, Hamid Dabashi and Seyyed Vali Reza Nasr, 287-380. Albany: State University of New York, 1989.

Dorraj, Manochehr. *From Zarathustra to Khomeini: Populism and Dissent in Iran*. London: Lynne Rienner Publishers, 1990.

Eliash, Joseph. "Alı b Abı Tālib in İthna-ʿAsharī Shīʿī Belief." Ph.D. diss., University of London, 1966.

———. "Misconceptions Regarding the Juridical Status of the Iranian ʿUlamāʾ." *International Journal of Middle East Studies* 10 (1979): 9-25.

Enayat, Hamid. "Iran: Khomeini's Concept of the 'Guardianship of the Jurisconsult'." In *Islam in the Political Process*, ed. James P. Piscatori, 160-180. Cambridge: Cambridge University Press, 1983.

———. *Modern Islamic Political Thought*. Austin: University of Texas Press, 1982.

Faḍl Allāh, Muḥammad Ḥusayn. "Al-Qiyāda al-Islāmīya fī Dākhl al-Dawla." *Al-Risāla* 21 (1987). 3-10.

Ghūṭāʾ, Kashif al-. *The Shia: Origin and Faith*. Trans. M. Fazal Haq. London: Islamic Seminary, 1982.

Ghods, M. Reza. *Iran in the Twentieth Century*. Boulder: Lynne Rienner Publishers, Inc., 1989.

Ghurayfī, Muḥyī al-Dīn al-Mūsawī al-. *Qawā'id al-Hadith*. Qum: Maktabat al-Mufid, n.d.

Ha'iri 'Abd al-Hadi. *Shi'ism and Constitutionalism in Iran*. Leiden: Brill, 1977.

Ḥillī, Ḥasan b. Yūsuf al-. *Al-Bābu 'l-Hādī 'Ashar: A Treatise on the Principles of Shi'ite Theology*. With commentary by Muqaddā Fāḍil al-Ḥillī. Trans. William M. Miller. London: The Royal Asiatic Society of Great Britain and Ireland, 1928.

Hindī, 'Alā' al-Dīn 'Alī al-Muttaqī al-. *Kanz al-'Ummal*. Eds. Bakr Hayyami and Ṣafwat al-Saqā. 16 vols. Halab: Maktabat al-Turāth al-Islamiya, 1969-1977.

Hodgson, Marshall G. S. "How did the Early Shi'a Become Sectarian?" *JACS* 75 (1955): 1-13.

Hussain, Jassim M. *The Occultation of the Twelfth Imam*. Cambridge: The Muhammadi Trust, 1982.

Ibn Bābūya al-Ṣadūq, Muḥammad b. 'Alī. *Man lā Yaḥduruh al-Faqih*. Ed. Hasan al-Khiṣān. 4 vols. Beirut: Dār al-Aḍwā', 1985.

_____. *Uyūn Akhbār al-Ridā*. 2 vols. Qum: Dār al-'Ilm, 1957.

Jafri, S. Husain M. *Origins and Early Development of Shi'a Islam*. London: Longman Group Ltd., 1979.

Kazemi-Moussavi, Ahmad. "The Development of the Doctrine of *Wilāyat-i Faqih*: The Role of Mullā Ahmad Narāqī (1185/1770-1245/1830)." M.A. Thesis, McGill University, 1983.

_____. "The Establishment of the Position of *Marja'-i Taqlid* in the Twelver-Shi'a Community." *Iranian Studies* 18 (Winter 1985): 35-51.

_____. "A New Interpretation of the Theory of *Wilāyat-i Faqih*." *Middle Eastern Studies* 28 (January 1992): 101-107.

_____. "The Struggle for Authority in the Nineteenth Century Shi'ite Community: The Emergence of the Institution of *Marja'-i Taqlid*." Ph.D. diss., McGill University, 1991.

Keddie, Nikki. "The Roots of the Ulama's Power in Modern Iran." In *Scholars, Saints and Sufis: Muslim Religious Institutions in the Middle East Since 1500*, ed. Nikki Keddie, 212-229. Berkeley: University of California Press, 1972.

Khalkhālī, Muḥammad Mahdī Mūsawī. *Ḥākimiya dar Islām*. Tehran: Intisharāt-i Āfāk, 1982.

Khū'ī, Abū al-Qāsim al-Mūsawī al-. *Minhāj al-Ṣāliḥīn*. 2 vols. Qum: Mihr, 1990.

_____. *Mu'jam Rijāl al-Ḥadīth*. 3d ed. 23 vols. Qum: Madīnat al-ʿIlm, 1983.

_____. *Al-Ra'y al-Sadīd fī al-Ijtihād wa al-Taqlīd*. 2nd ed. Qum: Al-ʿIlmīya, 1991.

Khumaynī, Rūḥ Allāh al-Mūsawī al-. *A Clarification of Questions*. Trans. J. Borujerdi. Boulder: Westview Press, 1984.

_____. *Imam's Final Discourse*. Tehran: Ministry of Islamic Culture, n.d.

_____. *Islam and Revolution*. Trans. Hamid Algar. Berkeley: Mizan Press, 1981.

_____. *Kitāb al-Bayʿ*. 5 vols. Najaf: Maṭbaʿat al-Ādāb, 1971.

_____. *Al-Rasā'il*. 2 vols. Qum: Al-ʿIlmīya, 1965.

Kohlberg, Etan. "Aspects of Akhbari Thought in the Seventeenth and Eighteenth Centuries." In *Eighteenth-Century Renewal and Reform in Islam*, eds. N. Levtzion and John O. Voll, 133-160. Syracuse: Syracuse University Press, 1987.

_____. "Imam and Community in the Pre-Ghayba Period." In *Authority and Political Culture in Shi'ism*, ed. Said Amir Arjomand, 25-53. Albany: State University of New York, 1988.

Kulaynī, Muḥammad b. Ya'qūb b. Ishāq al-. *Al-Kāfī*. 1 vol., 2 pts. Trans. Muḥammad Riḍā al-Jaʿfarī. Tehran: WOFIS, 1978-

_____. *Uṣūl al-Kāfī*. With translation and commentary in Persian by Jawād Muṣṭafawī. 4 vols. Tehran: n.p., 1969.

Lambton, Ann. "A Reconsideration of the Position of *Marjaʿ al-Taqlid* and the Religious Institution." *Studia Islamica* 20 (1964): 115-135.

Lane, Edward William. *Arabic-English Lexicon*. 2 vols. Cambridge: The Islamic Texts Society Trust, 1984.

Lewis, Bernard. *The Arabs in History*. London: Harper & Row, 1966.

Limbert, John W. *Iran: At War with History*. Boulder: Westview Press, 1987.

Lockhart, L. *The Fall of the Safavi Dynasty and the Afghan Occupation of Persia*. Cambridge: Cambridge University Press, 1958.

Madelung, Wilferd F. "Authority in Twelver Shiism in the Absence of the Imam." In *La notion d'autorité au Moyen Age. Islam, Byzance, Occident*, eds. George Makdisi and Janine S. Thomine, 163-173. Paris: Presses Universitaires de France, 1982.

- _____. *Religious Trends in Early Islamic Iran*. Albany: The Persian Heritage Foundation, 1988.
- _____. "A Treatise of the Sharīf al-Murtaḍā on the Legality of Working for the Government (*Masʿala fī 'l-ʿamal maʿ 'l-sulṭān*)." BSOAS 43 (1980) : 18-31.
- Māmaqānī, al-Shaykh ʿAbdullāh al-. *Miqbās al-Hidāya*. Qum: Muʾassasat Āl al-Bayt li Ihyaʾ al-Turāth, 1990.
- Mazzaoui, Michel. *The Origins of the Safawids*. Wiesbaden: Franz Steiner Verlag, 1972.
- McDermott, Martin. *The Theology of al-Shaykh al-Mufīd*. Beirut: Dar al-Mashreq, 1978.
- Mehrpur, Husayn. "The Council of Guardians under the Constitution of the Islamic Republic of Iran." *Islamic and Comparative Law Quarterly* 8/1 (March 1988):65-76.
- Menashri, David. "Shiʿite Leadership: In the Shadow of Conflicting Ideologies." *Iranian Studies* 13 (1980): 119-145.
- Milani, Mohsen M. *The Making of Iran's Islamic Revolution: From Monarchy to Islamic Republic*. London: Westview Press, 1988.
- Mishkīnī, ʿAlī. "Wilāyat al-Faqīh: Its Meaning and Scope." Trans. Shahyār Saʿādat. *Al-Tawḥīd* 3/1 (Dec. 1985): 29-65.
- Momen, Moojan. *An Introduction to Shiʿi Islam: The History and Doctrines of Twelver Shiʿism*. New Haven: Yale University Press, 1985.
- Moosa, Matti. *Extremist Shiites: The Ghulat Sects*. Syracuse: Syracuse University Press, 1987.
- Mozaffari, Mehdi. *Authority in Islam: From Muhammad to Khomeini*. Trans. Michel Vale. New York: M. E. Sharpe Inc., 1987.
- Mufīd, Muḥammad b. Muḥammad al-Nuʿmān al-. *Kitāb al-Irshād*. Trans. I. K. A. Howard. New York: Tahrike Tarsile Qurʾan, 1981.
- "The Mullah Goes Back to the Mosque." *Middle East*, May 1989, pp. 20-21.
- Muntazari, Husayn ʿAlī. *Dirāsāt fī Wilāyat al-Faqīh wa Fiqh al-Dawla al-Islāmiya*. 3 vols. Qum: al-Markaz al-ʿĀlamī li al-Dirāsāt al-Islāmiya, 1988.
- Najaf-Ābādī, Šālihī. *Wilāyat-i Faqīh: Hukūmat-i Šālihān*. Tehran: Rasā, 1984.

- Nouraiie, Fereshte M. "The Constitutional Ideas of a Shi'ite Mujtahid: Muhammad Husayn Na'ini." *Iranian Studies* 8 (Autumn 1975):234-247.
- Nu'mānī, Muḥammad b. Ibrāhīm al-. *Ghaybat-i Nu'mānī*. Trans. Muḥammad Jawād Ghaffārī. Tehran: Kītābkhāna-yi Šadūq, 1985.
- Nūrī, Muḥammad Husayn al-. *Mustadrak al-Wasā'il*. 3 vols. Tehran: Al-Maktaba al-Islāmīya, 1962.
- "Operationalising Ijtihad." *Inquiry*, March 1988, pp. 18-20.
- Oraibi, Ali al-. "The Development of the Doctrine of *Wilāyatal-Faqīh* in Shī'ī Jurisprudence." (Paper submitted to Prof. C. J. Adams in his seminar course, Islāmī Resurgent Movements, March 1989).
- Owen, Roger. *State, Power and Politics in the Making of the Modern Middle East*. New York: Routledge, 1992.
- Pickthall, Mohammed Marmaduke, trans. *The Meaning of the Glorious Koran*. New York: A Mentor Book, n.d.
- Qānūn-i Asāsī: Jumhūrī-yi Islāmī-yi Īrān*. Tehran: Wizārat-i Farhang wa Irshād-i Islāmī, 1990.
- Qazwīnī, Raḡī al-Dīn Muḥammad b. al-Ḥasan. *Ḍiyāfat al-Ikhwān*. Ed. Aḥmad al-Husaynī. Qum: Al-ʿIlmiya, 1976.
- Quṭb, Sayyid. *Fī Zīlāl al-Qurʿān*. 15th ed. 6 vols. Beirut: Dār al-Shurūq, 1988.
- _____. *Milestones*. Iowa: Unity Publishing Co., n.d.
- Rajaei, Farhang. *Islamic Values and World View*. New York: University Press of America, 1983.
- Ramazani, R. K. "Challenges for US Policy." In *Iran's Revolution: The Search for Consensus*, ed. R. K. Ramazani, 125-140. Bloomington: Indiana University Press, 1990.
- Rizvi, Sayyid Saeed Akhtar. "Religion and State." (Unpublished paper, n.d.).
- Rose, Gregory. "Velayat-e Faqih and the Recovery of Islamic Identity in the Thought of Ayatullah Khomeini." In *Religion and Politics in Iran*, ed. Nikki Keddie, 166-188. New Haven: Yale University Press, 1983.
- Sachedina, Abdulaziz A. "Ali Shariati: Ideologue of the Iranian Revolution." In *Voices of Resurgent Islam*, ed. John L. Esposito, 191-214. Oxford: Oxford University Press, 1983.

- _____. *Islamic Messianism: The Idea of the Mahdi in Twelver Shi'ism*. Albany: State University of New York, 1981.
- _____. *The Just Ruler (al-sultān al-ʿādil) in Shi'ite Islam: The Comprehensive Authority of the Jurist in Imamite Jurisprudence*. New York: Oxford University Press, 1988.
- Şadr, Muḥammad Bāqir al-. *The Awaited Saviour*. Trans. Mustajab A. Ansari. Karachi: Islamic Seminary Pakistan, 1979.
- _____. *Introduction to Islamic Political System*. Trans. M. A. Ansari. New York: Islamic Seminary, 1982.
- _____. *Iqtisādunā (Our Economics)*. 2 vols. Tehran: WOFIS, 1982-1984.
- _____. *Shi'ism, the Natural Product of Islam*. Tehran: Bunyad Be'thet, 1982.
- Savory, Roger M. "The Emergence of the Modern Persian State under the Safavids." *Iran-Shinasi* 2/2 (Tehran: 1971): 1-44.
- _____. "The Export of Ithna Ashari Shi'ism: Historical and Ideological Background." In *The Iranian Revolution and the Muslim World*, ed. David Menashri, 13-39. Oxford: Westview Press, 1990.
- _____. *Iran Under the Safavids*. Cambridge: Cambridge University Press, 1980.
- _____. "The Problem of Sovereignty in an Ithna Ashari ("Twelver") State." In *Religion and Politics in the Middle East* ed. Michael Curtis, 125-138. Boulder: Westview Press, 1981.
- _____. "Religion and Government in an Ithna Ashari Shi'i State." *Israel Oriental Studies* 10 (1980): 195-210.
- _____. "Some Reflections on Totalitarian Tendencies in the Safavid State." *Der Islam* 53/2 (1976): 226-241.
- Shaban, M. A. *Islamic History (600-750 A.D.). A New Interpretation*. London: Cambridge University Press, 1971.
- Tabari, Azar. "Shi'i Clergy in Iranian Politics." In *Religion and Politics in Iran*, ed. Nikki Keddie, 47-72. New Haven: Yale University Press, 1983.
- Ṭabarsī, Abū Maṣṣūr Aḥmad al-. *Al-Iḥtijāj*. Ed. Muḥammad Bāqir al-Khirsān. 2 vols. Najaf: Dār al-Nuʿmān, 1966.
- Ṭabāṭabāʾī, Muḥammad Ḥusayn al-. *Shi'ite Islam*. Trans. Hossein Nasr. London: George Allen and Unwin, 1975.

- Tamaddonfar, Mehran. *The Islamic Polity and Political Leadership: Fundamentalism, Secterianism, and Pragmatism*. London: Westview Press, 1989.
- Ṭūsī, Muḥammad b. al-Ḥasan al-. *Kitāb al-Ghayba*. 2d ed. Najaf: Maktabat al-Ṣādiq, 1966.
- Yunus, Muhammad Rafii. "The Necessity of Imāmah According to Twelver-Shī'ism; with Special Reference to *Tajrīd al-I'tiqād* of Naṣīr al-Dīn al-Ṭūsī." M.A. Thesis, McGill University, 1976.
- Zabih, Sepehr. *Iran since the Revolution*. London: Croom Helm, 1982.
- Zedler, Beatrice. "The Ayatollah Khomeini and his Concept of an Islamic Republic." *International Philosophical Quarterly* 21 (1981):83-98.
- Zubaida, Sami. *Islam, the People and the State*. London: Routledge, 1989.