Khomeini and Muḥammad al-Shīrāzī (1928-2001):
Revisiting the origins of the “guardianship of the jurisconsult” (wilāyat al-faqīh)¹

Abstract

This article revisits the origins of Khomeini’s concept of the guardianship of the jurisconsult (wilāyat al-faqīh) and argues that his own formulation of this concept needs to be embedded in debates around the clerical mandate in the state among clerical activists in Iraq he encountered during his exile. Focus will be on the so-called Shīrāzī network around the brothers Muḥammad (1928-2001), Ḥasan (1927-1980) and Ṣādiq al-Shīrāzī (b. 1942) and their nephew Muḥammad Taqī al-Mudarrisī (b. 1945) The article discusses the close relationship between Khomeini and Muḥammad al-Shīrāzī and the important role the religio-political networks associated with the Shīrāzī brothers played in early post-revolutionary Iran. A detailed discussion of the writings of the Shīrāzī brothers and Taqī al-Mudarrisī, written between 1960 and 1970, is undertaken to illustrate that debates around wilāyat al-faqīh among Iraq clerical activists preceded Khomeini’s own lectures on the concept in Najaf in 1970.

Keywords: Muḥammad al-Shīrāzī, Khomeini, wilāyat al-faqīh, Islamic state, Taqī al-Mudarrisī, shūrā

Introduction

Khomeini’s concept of the guardianship of the jurisconsult (wilāyat al-faqīh)² marks a significant departure from the traditional views of how the Twelver Shi‘i clerical establishment should engage with the state. While Shi‘i clerical figures were increasingly involved in politics from the early 19th century with the rise of the Qajar dynasty in Iran, Khomeini’s radical departure from traditional conceptions of clergy-state relations lies in his argument that the most senior cleric, the source of emulation (marja’ al-taqlī, pl. marāji‘),³ is not only the supreme religious, legal and judicial authority in Twelver Shi‘ism but should also be the head of an Islamic state. Khomeini presented these ideas in series of lectures given during his exile in Najaf in January and February 1970 (Dhū al-qa‘da/Dhū al-ḥijja 1389H.) which were initially published in Arabic under the title Al-ḥukūma al-islāmiyya (The Islamic Government).⁴ The concept of the guardianship of the jurisconsult finds its

¹ I would like to thank the anonymous reviewers for their very helpful suggestions and recommendations.
³ Twelver Shi‘ism possesses more formalised structures of religious authority. Every lay Shi‘i needs to follow the religious guidance of a senior cleric and emulate his edicts. These clerics are referred to as grand ayatollah (ayat allāh al-‘uzmā) or “source of emulation” (marja‘ al-taqlīd). In order to become a source of emulation, a cleric needs to acquire the license to perform ijtiḥād, i.e. he needs to become a mujtahid. See Linda Walbridge, “Introduction”, in idem (ed.), The Most Learned of the Shi‘a: the Institution of the marja‘ taqlīd (Oxford and New York: Oxford University Press, 2001), pp. 3-13.
⁴ Rūḥullāh al-Khumaynī, Al-ḥukūma al-islāmiyya ([Beirut?): no publisher, [1970]).
manifestation in Articles 5 and 107 of the Iranian Constitution which introduced the office of the supreme leader (rahbar) as ultimate political authority in the Islamic Republic.5

This article revisits the origins of Khomeini’s concept of the guardianship of the jurisconsult and provides evidence that his hallmark idea was already developed by clerical activists in Iraq in the early 1960s. Khomeini’s own formulation of this concept, therefore, needs to be embedded in debates around the clerical mandate in the state he encountered during his exile in Iraq. Focus will be on clerical activists of the so-called Shīrāzī network around the brothers Muhammad (1928-2001), Hasan (1927-1980) and Šādiq al-Shīrāzī (b. 1942) and their nephew Muhammad Taqī al-Mudarrisī (b. 1945). They initially argued for the primacy of clerical leadership in any kind of Islamic political activism and subsequently formulated the idea that “the just jurisconsult” (al-faqīh al-ādil) should be the head of an Islamic state.6 The article thereby provides the first comprehensive discussion of the development of Muhammad al-Shīrāzī’s political thought and of other key figures associated with his network and their influence on the ideological formation of Shi’i Islamism.

The article begins with a discussion of the origins of the concept of wilāyat al-faqīh in Twelver Shi’i jurisprudence before moving to the development of Khomeini’s ideas. Setting out the context in Iraq in which Khomeini developed his ideas, the article identifies various centres of gravity of clerical and Islamist activism and positions the Shīrāzī brothers and their networks therein. The close relationship between Khomeini and Muḥammad al-Shīrāzī and the important role the religio-political networks associated with the Shīrāzī brothers played in early post-revolutionary Iran are then explored. A detailed discussion of the writings of the Shīrāzī brothers and al-Mudarrisī, written between 1960 and 1970, illustrates that debates around the concept of wilāyat al-faqīh among Iraqi clerical activists preceded Khomeini’s lectures in Najaf in 1970. Despite the close ties between Khomeini and Muhammad al-Shīrāzī, the latter – as many other supporters of the Islamic Revolution – grew increasingly sceptical of the autocratic tendencies of the Islamic Republic. From the early 1980s, al-Shīrāzī concluded from the collective deputyship (al-niyyāba al-‘āmma) of the ‘ulamā’ during the occultation of the Hidden Imam7 that they should also exercise collective and consultative executive power in an Islamic state (shūrā al-fuqahā’).

The guardianship of the jurisconsult: from legal theory to political authority

---


7 This theory assumes that during the occultation of the 12th Imam, the ‘ulamā’ act as his collective deputies and can therefore assume some of his prerogatives – though the scope of their deputyship is disputed. See. Calder, “Accommodation and Revolution”, p. 5.
The Iranian scholar Aḥmad Narāqī (1771/72-1829) was among the earliest advocates of the notion of wilāyat al-faqīḥ and a stronger political mandate of the ‘ulama’. Narāqī argues that the guardianship (wilāya) exercised by the Imam entails all the prerogatives the Prophet Muhammad possessed, and this guardianship has then been passed onto the ‘ulama’ as the deputies of the Imam who equally possess all prerogatives of the Prophet and the Imam. At the time of the Constitutional Revolution (1905-1911), one of its main clerical supporters, Muhammad Ḥusayn Nā’īnī (1860-1936) used the concept of wilāyat al-faqīḥ to argue for a clerical mandate in ensuring the Islamic orientation of the state. For him, a constitutional government with an elected parliament is the best form of government during the occultation of the Imam. The clerics fulfil their mandate by exercising oversight over the legislative process, for example, as part of the committee of mujtahids that scrutinises all legislation. Equally, they can occasionally step in to curb the despotic tendencies of a ruler and to protect the rights of the people. In this sense, Nā’īnī combines popular participation through shūrā and the notion of wilāyat al-faqīḥ by suggesting to institutionalise legislative oversight of the clerics and their judicial autonomy.

The relevance of the concept of wilāyat al-faqīḥ among Iraqi clerics in the mid-20th century is evident in a brief Twelver Shi’i catechism, penned in 1951, by Muhammad Rida’ al-Muẓaffar (1913-1964), a student of Nā’īnī:

Our creed on the mujtahid who fulfils all conditions: he is the deputy of the Imam during his occultation. He is the absolute ruler (ḥākim) and leader (ra’īs). He possesses the same distinction as the Imam in acting as a judge (qīḍāya) and in exercising judicial authority among the people (al-hukmāna bayna al-nās)... The mujtahid who fulfils all conditions is not only the source of reference for issuing fatwas but he possesses general guardianship (al-wilāya al-āmma). He is referred to when it comes to making a ruling (hukm), rendering a decision (fasl) and issuing a judgement (qadā’). This is among his specific prerogatives. No one is allowed to assume authority without him and only with his permission. In the same way, it is not permissible to implement the hadd penalties (hudūd) and discretionary punishments (ta’zirāt) except by his command and judgement.

---

9 Moḥsen Kāḏivār, Nazariyeyeh-ye dowlat dar feqh-e shi‘e, 5th ed. (Tehrān: Nashr-e nay, 2001), p. 96; Boozari, Shi‘i Jurisprudence and Constitution, p. 91. Narāqī does not explicate whether the guardianship is restricted to ḥisbī matters or moves beyond them. Ḥisbī matters is a contested term in Shi‘i jurisprudence and its actual scope is disputed. The usual translation as custodial matters for those who are incapacitated, such as orphans or widows, does not do justice to the meaning it is given in Shi‘i jurisprudence. Ḥisbī matters also include much broader issues of socio-political relevance such as commanding good and prohibiting evil (al-amr bi-l-ma‘rūf wa-l-nahi ‘an al-munkar), promoting public welfare (maslaḥa) and protecting the integrity of Islam (baydā’ al-islām).
11 Boozari, Shi‘i Jurisprudence and Constitution, p. 104
12 Ibid., pp. 122, 128, 135. See also al-Husaynī, Usus al-dawla al-islāmīyya, p. 44.
14 Al-Husaynī, Usus al-dawla al-islāmīyya, p. 45.
Al-Muẓaffar, following Narāqī, emphasises the absolute guardianship of the jurisconsult while his explication of what it entails primarily refers to his judicial mandate. Al-Muẓaffar also remains within the quietist tradition of Twelver Shi’i jurisprudence by suggesting that Shi’is should be loyal to the state. Referring to the quietist approach of the Imams after Imam Husayn, Al-Muẓaffar points out that “when they realised that the state of truth (dawlat al-ḥaqq) would not return to them, they devoted their time to teaching the people the principles of their religion.” Contrasting the political attitude of the Imams to the various failed revolts against the ‘Abbāsid dynasty, he concludes that “treason and deception are not part of their habit, nor is it part of their conduct to revolt and rebel against an authority whose reign is religiously-sanctioned in the name of Islam.”

The concept of wilāyat al-faqīh has been used since Narāqī to constitute the overall authority of the jurisconsults in legal and judicial matters and to justify their involvement in politics. Narāqī played an important role in legitimising early Qajar rule in Iran and sanctioned the Russo-Persian Wars of 1804-1813 as jihād. Nā’īnī, while supportive of a constitutional government and a parliament, refers to wilāyat al-faqīh in order to argue for the necessity of clerical oversight over parliament’s legislative approach. Al-Muẓaffar suggests the absolute authority of the just jurisconsult, but defines its remit as lying within their judicial authority. He equally postulates a quietist ethos of Twelver Shi’ism and the need to be loyal and cooperate with a government that has some Islamic foundations. While these scholars supported clerical involvement in politics, they never suggested that the just jurisconsult should assume ultimate executive authority within the state.

In the Iranian context, the discussions around the scope of clerical authority did not move beyond the understandings provided by Nā’īnī before the 1960s. Even one of the most radical Shi’i movements in post-World War II Pahlavi Iran, the Fadā’eyn-e Eslām, under the leadership of Navvāb Safavī (1924-1956) never argued for the establishment of a state run by a jurisconsult. Safavī’s own view on the role of the ‘ulamā’ resembles the constitutional ideas of Nā’īnī. Referring to the responsibilities of the elected members of parliament, he states that “in the execution of their responsibility in the national consultative assembly they make decisions under the supervision (taḥt-e nazar) of the clergy in the religious seminaries and the pure scholars of the first rank.”

---

17 On the meaning of the term ḥākim in Shi’i jurisprudence, see Boozari, Shi’i Jurisprudence and Constitution, p. 89.
20 Ibid., p. 153.
22 Dabashi, “Mulla Ahmad Naraqi”, p. 297
Based on the memoirs of Khomeini’s early associate and student Husayn-ʿAlī Montazeri (1922-2009), Khomeini did not believe that the just jurisconsult should be head of state before his exile to Iraq. In Khomeini’s earliest political work of 1943, Kashf al-asrār (Unveiling the Secrets), in line with Ṣādiqī and Nāʿīnī who primarily saw the jurisconsults’ guardianship being manifest in their comprehensive legal and judicial authority. Like Ṣādiqī, Khomeini extends his mandate to “political matters (al-umūr al-siyasiyya)” as part of their collective deputyship but defines them as lying in implementing Islamic punishments, exercising judicial authority and collecting religious taxes. In line with previous scholars, Khomeini considers issuing fatwas and acting as judges as the core responsibilities of the jurisconsult and explicitly excludes “initiating jihād” as part of his mandate.

In his Najaf lectures of 1970, however, Khomeini takes the implications of wilāyat al-faqīh to a new level. Similar to Sunni Islamists, he argues that in order to ensure the complete implementation of “the laws of Islam (qawānīn al-islām)” an Islamic government needs to be formed. Given the nature of an Islamic state, its ruler (ḥākīm) needs to fulfil two conditions: “knowledge of Islamic law (ʿilm bi l-qānūn al-islāmī) and justice (ʿadāla).” During the occultation of the Imam, only one person is entitled to establish and to lead the Islamic state: “A just and knowledgeable jurisconsult (faqīh ʿālīm ʿadīl) needs to rise to lead the formation of government.” As the deputy of the Imam, the jurisconsult adopts all his prerogatives in political and legal matters and is henceforth, the only person entitled “to govern the people, administer the state and execute Islamic rulings.” The final conclusion marks a significant departure from how wilāyat al-faqīh has been understood by Khomeini and his predecessors before. They used the concept to argue for clerical involvement in politics, clerical oversight over parliamentary legislation and the autonomy of the clerics in issuing fatwas and exercising judicial authority. In Khomeini’s Najaf lectures, the just jurisconsult becomes the only legitimate leader of an Islamic state.

Scholarship accounting for the change in Khomeini’s reading of wilāyat al-faqīh search for reasons within the Iranian context. After the suppression of demonstrations against the Shah’s White

---


28 Akbar Fallāḥī, Sālhā-ye tab‘īd-e emām-e Khomeynī (Tehrān: Markaz-e asnād-e enqelāb-e eslāmī, 2006), p. 120.


30 Al-Khumaynī, Tahrīr al-wasīla, p. 482.

31 Mojtaba Mahdavi, “The Rise of Khomeinism: Problematizing the Politics of Resistance in Pre-Revolutionary Iran, in Adib-Moghaddam, Critical Introduction to Khomeini, pp. 43-44.

32 Al-Khumaynī, Al-ḥukūma al-islāmiyya, p. 27.

33 Ibid., p. 45.

34 Ibid., p. 49.

35 Ibid., p. 50.
Revolution in 1963 and the subsequent exile of Khomeini, his stance towards the Pahlavi dynasty hardened. At that stage, Khomeini saw in the revolutionary overthrow of the monarchy in Iran the only way to counter the Westernising and secularising policies of the Pahlavis. While the political developments in Iran are certainly an important factor, they do not sufficiently explain his new reading of wilāyat al-faqīh. His early exilic writings such as Taḥrīr al-wasila do not yet articulate a significant departure from understandings developed by Naẓīrī and Nā’īnī. Therefore, Khomeini’s conception of wilāyat al-faqīh needs to be embedded in debates about the role of the jurisconsult in the state among Iraqi clerical activists in the late 1950s and early 1960s.

Between Najaf and Karbala: The Shīrāzīs in the clerical and Islamist field of post-World War II Iraq

From the mid-1950s three poles of Shi‘i clerical and political activism emerged in Iraq, based in the two shrine cities of Najaf and Karbala. There was the clerical establishment in Najaf under the leadership of Muḥsin al-Hakīm (1889-1970). While the approach taken by al-Ḥakīm and his successor Abū l-Qāsim al-Khū‘ī (1899-1992) has often been described as quietist, this designation is misleading. They rejected any direct involvement of clerics in the state, but were concerned about protecting the independence of the seminaries and clerical authority vis-à-vis the state and ensuring the social outreach of their authority. Following the military coup of 1958 that replaced the British-backed Hashemite monarchy with a regime in line with leftist Pan-Arab socialism, the appeal of Communism and the secularising policies of the new Iraqi republic made the clerical establishment intervene in political matters. The personal status law of 1959, that regulated some provisions of Islamic law, became a major site of contestation between the Najafi clerical establishment and the new regime. In response to the intellectual and popular appeal of Communism, al-Ḥakīm issued a fatwa in 1960 equating Communism with heresy (ilḥād) and unbelief (kufr). However, most activities of the clerical establishment were concerned about modernising the seminary institutions and increasing their social outreach. Various educational institutions and publishing houses were established to target a broader spectrum of society.

The second pole emerged around young politicised seminary students in Najaf. Muḥammad Bāqir al-Ṣadr (1935-1980) and the formation of Ḥizb al-da‘wa al-islāmiyya (Party of the Islamic Call) between 1957 and 1959 is the most prominent example of the emergence of Shi‘i Islamist discourse and activism which included other young clerical figures like Muḥammad Husayn Fadlallah (1935-2010), Mūsā al-Ṣadr (1928, disappeared in 1978) or Muḥammad Mahdī Shams al-Dīn (1936-2001). This group considered the structure of a party as the best instrument for political mobilisation. They were influenced by the Communist party organisation and (Sunni-)Islamist parties, present in Iraq at that time, such as the Muslim Brotherhood or Ḥizb al-taḥrīr al-islāmi (Party of Islamic Liberation). In Ḥizb al-da‘wa’s earliest manifesto, written in 1957 by Bāqir al-Ṣadr, the party develops an extremely...

---


37 Elvire Corboz, Guardians of Shi’ism: Sacred Authority and Transnational Family Networks (Edinburgh: Edinburgh University Press, 2015), pp. 120-121.


39 Salmān, Al-marjā’iyya al-dinīyya, p. 103.


pragmatic and minimalist understanding of an Islamic state: any state with some commitment to Islamic principles can be defined as Islamic. There is little regard for the role of clerics in the state in the manifesto which primarily argues for consultative decision-making processes (shūrā) and invests sovereignty within the people (hukm al-UMMA).

A third group of clerical activists developed ideas that anticipated Khomeini’s own reading of wilāyat al-faqīh and was sceptical of both party politics and the political quietism of the Najafi clerical establishment. Muhammad al-Shirāzī, with his base in the Iraqi shrine city of Karbala, began discussing the role of clerics in an Islamic state in the early 1960s and led a religio-political network that incorporated, developed and disseminated his religio-political ideology. He became the figurehead of the so-called Shirāzīs who constitute a transnational network of clerical families, their followers and political groups who adhere to his religious and socio-political teachings. Born in Najaf in 1928, Muhammad al-Shirāzī moved to Karbala at the age of nine with his father, Mahdī al-Husaynī al-Shirāzī (1887-1960), and succeeded him as the leading cleric in the city after his death. To counter the secularising influence of the new political regime, Muḥammad al-Shirāzī adopted a similar approach to the Najafi clerical establishment in the 1950s, establishing educational and religious institutions to ensure the social outreach of Shi’i clerical authority. By emphasising Shi’i ritual practices, in particular those performed to mourn the death of the third Imam and grandson of the Prophet Muḥammad, Husayn, and his ability to engage with his followers in an accessible manner without the intellectual aloofness of other clerical figures, al-Shirāzī gained strong popular appeal.

Al-Shirāzī was initially involved in the formation of Ḥizb al-da’wa. The meeting that established the party, after informal meetings that began in 1957, took place in Karbala in 1959 although it is not quite clear whether al-Shirāzī attended. He and his brother Ḥasan were particularly concerned about the leadership structure of the new party and the role clerical authority would play in directing the party’s ideological orientation and activities. Muḥammad al-Shirāzī seems to have developed his own leadership ambitions, made his continuous involvement in the party dependent on becoming one of its main ideologues and decided to withdraw when his intention was rejected.

Al-Shirāzī made his own claim to the marja’īyya at a very young age in 1965, with the aim to compete with Najaf as the centre of gravity of Shi’i clerical authority. While his position as marja’ al-taqūlīd has not been recognised by the Najafi establishment, its rejection served as important marker of the distinct identity of the Shirāzī network. Being the most senior cleric in Karbala which

44 ‘Abd al-Hādī al-Fadlī (1935-2013), one of the founding members of Ḥizb al-da’wa, developed similar ideas around the role of the jurist in an Islamic state in his book Fi intiẓār al-imām (Waiting for the Imam) (n.p.): Mo’assasa-ye nasr-e farhang-e ahl al-bayt, 1969 in which he wrote when he was a student at the seminars in Najaf in 1964. In his memoirs, al-Fadlī mentions that he introduced Khomeini to his ideas when he met him in Qom in 1964. See Al-Shaykh, ’Abd al-Hādī al-Fadlī, p. 124.
45 He and his brothers stem from a prominent clerical family with Iranian roots. Among their ancestors are Mirzā Ḥasan Shirāzī (1815-1895), the Samarra-based cleric who issued a fatwa in the Tobacco Revolt in Iran in 1891. They are also related to Muhammad Taqī al-Shirāzī (1853-1920), one of the leaders of the anti-British revolt in Iraq in 1920. See Roswitha Badry, s.v. “Shirāzī”, ER, pp. 479-481.
50 Raʿūf, Al-‘amal al-islāmiyya, pp. 234-235.
51 In the early 1970s, al-Kūrī, as leader of the clerical establishment of Najaf, denied that al-Shirāzī had acquired the ability to perform ʿitihād. Hence, he could not claim the position of marja’ al-taqūlīd. See Al-Kātib, Al-marja’īyya al-diniyya, p. 43. See also Louer, Transnational Shia Politics, pp. 91-92.
52 Jabar, Shi’ite Movement in Iraq, pp. 220-221.
hosts the shrine of Imam Ḥusayn and has attracted Shi‘i pilgrims from across the world, allowed al-Shīrāzī to extend his appeal beyond the Shi‘i population in the city.53

The study circles formed around his network, the wider politicisation of young Shi‘i clerics and their followers in Iraq and the political writings of his two brothers Ḥasan and Ṣādiq published in the early 1960s led to the formation of al-Shīrāzī’s own political movement in 1967 or 1968 which under the leadership of his nephew, Muḥammad Ṭaqī al-Mudarrisī, operated as political arm of the network under his clerical leadership.54 Their movement rejected the pragmatic and evolutionary approach of ʿHizb al-da‘wa and promoted a revolutionary overhaul of the existing political system in Iraq.55 Different names have been used to designate this movement such as ʿḤarakat al-risāliyyīn al-tāli‘ (Movement of Vanguards’ Missionaries), ʿḤarakat al-risāliyyīn (Movement of Missionaries) or ʿḤarakat al-marja‘iyya (Movement of the Source of Emulation). The use of the term “vanguard” (tāli‘a) marks the imprint of Sayyid Ḏū’l-Qār (1906-1966) on Islamist movements at that time who uses it in his political writings in the 1960s, adopting the notion from leftist party politics.56 The designation ʿḤarakat al-marja‘iyya reflects al-Shīrāzī’s distinct political profile: he demarcated his organisation from the party-based approach of ʿHizb al-da‘wa and emphasised the centrality of clerical leadership in Islamic political activism, further supported in the writings of his brother Ḥasan.57 Concentrating authority within the marja‘ al-taqlīd was meant to avoid the dual leadership structure that characterised ʿHizb al-da‘wa, with its political direction determined by the party’s lay executive council which followed the religious leadership of the marja‘iyya in Najaf but did not involve it in political activism.58 While al-Shīrāzī became the clerical figurehead of the movement as its marja‘ al-taqlīd and made significant contributions to its ideological orientation, al-Mudarrisī became its political head.59

The rise of the Ba‘th party and the subsequent suppression of Shi‘i and other opposition movements after 1968 forced al-Shīrāzī to move to Kuwait in 1971. The close collaboration and good rapport of Shi‘i notables in Kuwait with the ruling ʿṢabāh family provided al-Shīrāzī with wide-ranging freedom to build a significant religious infrastructure in Kuwait. The country turned into the centre of transnational religious training and political activism of the Shīrāzī network which extended its reach to Shi‘i communities across the Arab peninsula.60 Muḥammad al-Shīrāzī’s brother Ḥasan moved to Syria in 1970, after having been detained by the Ba‘th regime. In Syria, he played a crucial role in turning the area around the shrine of Sayyida Zaynab on the outskirts of Damascus into another important centre for the religious training of Shi‘i scholars from Iraq and other Gulf countries before being assassinated by Iraqi government agents in Beirut in 1980.62

Khomeini and the Shīrāzīs

53 Al-Ṣayyād, Fiqh al-intonār, p. 49.
55 Ra‘ūf, Al-ʿamal al-islāmī, pp. 256-261.
56 See Sayyid Ḏū’l-Qār, Ma‘ālim fi-l-tarīq (al-Qāhirah: Dār al-shurūq, 1988 [1964]).
57 Ibrahim, Al-faqīh wa-l-dawa‘lī, p. 558.
58 Ibid., pp. 557-558; Louer, Transnational Shia Politics, pp. 96-97.
60 Ibrahim, Shi‘is of Saudi Arabia, pp. 75-76.
61 Louer, Transnational Shia Politics, p. 120.
Khomeini entertained a difficult relationship with the clerical establishment in Najaf during his exile, as it adopted a more cautious approach when engaging with the state and remained sceptical towards political activism.\(^{63}\) Muḥsin al-Hākim, on whose invitation Khomeini stayed in Najaf, belittled his political activism.\(^{64}\) Upon al-Hākim’s death, Khomeini competed with Abū l-Qāsim al-Khūṭūrī, who was less willing to engage in politics than al-Hākim, over the allegiance of seminary students in Najaf. Neither were Khomeini’s lectures on *wilāyat al-faqīh* well received among the Najafi clerics nor, within the 13 years of his exile, did he ever meet Bāqīr al-Sadr.\(^{65}\) With al-Shīrāzī, however, Khomeini entertained a warm relationship\(^{66}\) that dated back to 1963 when al-Shīrāzī was one of the first Iraqi clerics expressing solidarity with Khomeini as he emerged as leader of the clerical opposition to the Pahlavi dynasty.\(^{67}\) Al-Shīrāzī urged the senior clerics in Najaf to respond to Khomeini’s imprisonment and death sentence in 1963\(^{68}\) and wrote a number of letters to international organisations and the Arab League to protest against Khomeini’s exile to Turkey in 1964.\(^{69}\) When Khomeini arrived in Iraq, he first went to Karbala with transportation for him arranged by al-Shīrāzī.\(^{70}\) Al-Shīrāzī also prepared a reception of him in Karbala, asking him to lead prayers at the shrine of Imam Husayn and inviting him to stay in the city for seven or ten days.\(^{71}\) The reception of Khomeini in Najaf, having left Karbala after one week, was much cooler. While Khomeini was invited to stay in Najaf by al-Hākim, the latter only visited him three days after his arrival.\(^{72}\)

After the success of the Islamic Revolution in 1979, al-Shīrāzī moved to Qom, perhaps in anticipation of playing an important political role in the new Islamic state.\(^{73}\) Khomeini visited al-Shīrāzī in Qom after his arrival in the city which reflects the regard the former held the latter.\(^{74}\) The political branch of al-Shīrāzī’s network under the leadership of al-Mudarrisi was centrally involved in the political mobilisation of Shi`ī communities across the Gulf from the late 1970s onwards and in efforts of the new regime to export the revolution to other parts of the Middle East. Like al-Shīrāzī, al-Mudarrisi settled in Iran after having formed the *Munāẓẓama al-‘āmal al-islāmī* (Islamic Action Organisation) in 1979 out of its predecessor movement. In the mid-1970s, members of the Islamic Action Organisation had established close ties with militant Iranian groups, that later formed the Revolutionary Guards, having received military and guerrilla training together in camps run by the

---

70 Ibid., p. 92.
72 Mohtashemīpūr, *Khāṭerāt*, p. 484.
Monta Ḥusayn’s position compared to other Iraqi Shi’i opposition groups. Mohammed Montaṣer the relationship between the of the 1980s resulting in a complete break with the regime when Khamenei’s organisation was also more successful in reaching out to Iraqi activists and dissidents that had been exiled to Iran in the 1970s, given the strong political backing of the new regime. Militants of the Islamic Action Organisation led incursions from Iran into Iraq before the outbreak of the war to destabilise the regime of Saddam Hussein. The Arabic service of Iranian public radio whose broadcasts incited Shi’is in Iraq and the Gulf monarchies to revolt and overthrow the respective ruling regimes and to follow the example of Iran in launching an Islamic revolution was staffed by members of Al-Mudarris’s organisation. Muhammad al-Shīrāzī made regular announcements on the Arabic service calling on Shi’is and all Muslims in Iraq to rise against the Ba’th regime, in particular after Saddam Hussein had become president in 1979.

The relationship between the Shīrāzīs and the Islamic regime turned more contentious in the course of the 1980s resulting in a complete break with the regime when Khamenei became supreme leader in 1989. While reasons for the split cannot be determined with certainty, a number of developments might account for it:

1. Al-Shīrāzī perhaps hoped to assume a more prominent political role in Iran after the revolution, given his support for Khomeini from 1963. Instead, Khomeini’s son offered him to become his father’s representative (wakil) in the primarily Arabic-speaking province of Khūzistān close to the Iraqi border in 1981. Al-shīrāzī who – as a marja’ – saw himself en par with Khomeini rejected the proposal and stayed in Qom. Despite his ties to Khomeini, al-Shīrāzī was not chosen as leader of the Iranian-backed Al-majlis al-a’lā li-l-thawra al-islāmiyya fi-l-‘irāq (Supreme Council for the Islamic Revolution in Iraq), the umbrella organisation of exiled Iraqi Shi’i Islamist movements formed in 1982 under Iranian patronage.

2. The formation of the Supreme Council equally sidelined the Islamic Action Organisation of Al-Mudarris which until then had held a privileged position among Iraqi opposition groups in Iran. The establishment marked a shift in the Iranian policy: the regime preferred to support an umbrella organisation that united different groups and had with Muhammad Bāqir al-Ḥakīm (1939-2003) a figurehead who, as the son of Muḥsin al-Ḥakīm, came from a prominent Najafī clerical family. Al-Mudarris was member of the executive committee of

---

75 Louer, Transnational Shia Politics, p. 179; Ra’ūf, Al-‘amal al-islāmī, p. 263.
76 Ra’ūf, Al-‘amal al-islāmī, p. 263
77 Al-Ṣayyād, Fiqh al-intīzār, pp. 52-53.
80 Al-Kāṭib, Al-marja’iyya al-diniyya, pp. 92-94.
81 Riḥla fi ʿāfāq 2, p. 392.
82 Al-Ṣayyād, Fiqh al-intīzār, p. 55.
83 Al-Kāṭib, Al-marja’iyya al-diniyya, p. 94.
84 Ra’ūf, Al-‘amal al-islāmī, pp. 308-309.
the Supreme Council from 1982 to 1986. However, he was just one of several members and lost his privileged position and also disagreed with the strategy Bāqir al-Hakīm adopted to topple Saddam Hussein.85

(3) While supporting the removal of Saddam Hussein, al-Shīrāzī became more critical of the prolonged war between Iran and Iraq and expressed his opposition to continuing it.86 Rather than engaging in a protracted war that remained inconclusive, al-Shīrāzī hoped that Iran would arm militias and tribes in Iraq itself to overthrow the Ba’th regime.87

(4) Al-Shīrāzī also appeared to have grown increasingly concerned about how Khomeini and his supporters treated clerical opposition to his rule. The public humiliation and clerical defrocking of Moḥammad Kāẓem Shari’atmadārī (1906-1986), one of the most senior clerics at the time in Iran and outspoken clerical opponent of Khomeini, was an important watershed event for al-Shīrāzī, leading him to reconsider his relationship to Khomeini, according to Shīrāzī sources.88 In 1982, Shari’atmadārī was implicated in an alleged plot to assassinate Khomeini and forced to confess and beg for forgiveness on television.89

(5) The Shīrāzīs might have equally been one of the victims of internal power struggles of the Iranian regime prior to Khomeini’s demise in 1989.90 The Shīrāzīs were close to Mehdi Hāshemī who was executed in 1987 for publicising the secret arms deal between the US and Iran. They also enjoyed a close relationship to Montazerī - out of whose office Hāshemī operated – who was demoted in 1987 when he called for political reforms and criticised Khomeini’s autocratic leadership.91

The relationship further deteriorated when Khamenei succeeded Khomeini and the Iranian leadership under the president Rafsanjani gave up the aim of exporting the revolution and preferred a more pragmatic engagement within other governments in the Middle East.92 Al-Shīrāzī – like many other marāji’ - did not recognise the clerical standing of Khamenei and found his election as rahbar contradictory to the notion of wilāyat al-faqīh. Al-Shīrāzī also opposed the Iranian state’s interference in the religious sectors, in particular Khamenei’s attempts to take full control of the hawza institutions in Qom. Due to al-Shīrāzī’s vocal criticism of Khamenei and the political developments in Iran, he was placed under house arrest and members of his family have been harassed and detained by Iranian security agencies. Al-Shīrāzī died in 2001, according to his followers having been poisoned by the Iranian regime.93 During the funeral procession in Qom, his body was taken away by security forces and buried in the women’s section of the Behesht-e Zahrā’ cemetery south of Tehran to prevent male pilgrims from visiting his grave.94

The state of the jurisconsult: the political writings of the Shīrāzī brothers and al-Mudarrisī (1960-1970)

85 Jabar, Shi‘ite Movement in Iraq, pp. 239-243; 249-252.
86 Riḥla fī ʿafāq 2, pp. 370-371, 393; Al-Kātib, Al-marja‘iyya al-diniyya, p. 94.
87 Riḥla fī ʿafāq 2, pp. 240-245, 400. See also Jabar, Shi‘ite Movement in Iraq, p. 252.
88 Riḥla fī ʿafāq 1, pp. 327-328, 332-333, 350; Riḥla fī ʿafāq 2, p. 153,
92 Ra‘ūf, Al-‘amal al-islāmi, pp. 290-291.
93 Halverson, Searching for a King, p. 99.
94 Ibid., p. 99.
When investigating the political writings of the Shīrāzī brothers and al-Mudarrisī, it becomes clear that they were the very earliest proponents of wilāyat al-faqīh, deliberating on the political leadership of the jurisconsult and expanding his mandate beyond his legislative and judicial authority. The translation of traditional modes of clerical authority in political activism is evident in Ḥasan al-Shīrāzī’s Kalimat al-islām (The Creed of Islam), written in 1963, which engages in a critique of Islamist parties.95 He is particularly critical of the consultative or democratic mode of making decisions in political parties as it invests sovereignty into humans and thereby undermines the sole sovereignty of God. An Islamic order, however, is ultimately defined by determining its leader via divine designation (nāṣṣ):

Islam prohibits anyone from holding leadership unless it includes prior designation, be it a prophet (nabī), an imam (wasī), or a source of emulation (marja’), because God, the Exalted, does not bestow ultimate authority (ākhir ṣūltān) on a human unless He approves of it.96

The only form of political activism that includes leadership structures based on divine designation is “the movement of jurisconsults who are sources of emulation (ḥarakat al-fuqahā’ al-marāji’).”97 A political movement headed by a jurisconsult is organically tied to the authority structures essential to Islam: the Shi‘i concept of emulation (taqlīd) by which every Muslim establishes a personal connection with a marja’ to derive his or her understanding of Islam is thereby translated into the sphere of political activism to ensure its religious legitimacy and moral integrity. This latter goal is achieved, according to Ḥasan al-Shīrāzī, as the leadership model and characteristics that the institution of the marja’ al-taqlīd offers is superior to any other leadership: “it is founded in its existence and continuation on spiritual powers (al-tāqāt al-ma’nawiyya) – powers which appear and become manifest in knowledge (‘ilm) and justice (‘adāla).”98 In addition, a secular political system, in particular in a representative democracy, makes the head of state and the government subservient to the will of the people, because it places the people as “the source of power (maṣdar al-sulṭān)”99.

The marja’ al-taqlīd, in contrast, is “the master of the people (sayyid al-umma) and not their servant... for the people – according to the discourse of Islam from the source of emulation derives his role – are not the source of power but God, Mighty and Exalted, He is the source of power. The source of emulation is the intermediary (wasīṭ) between God and the people.”100

Ḥasan al-Shīrāzī’s discussion of the political role of the jurisconsult does not explicitly elevate him to the head of an Islamic state but emphasises the primacy of clerical leadership in any type of Islamic political activism. However, his argumentation alludes to a more formal political leadership role of the jurisconsult. This is, for instance, evident in the analogy he creates between the office of the marja’ al-taqlīd, his bayt, and the state. The office of a marja’ consists of three layers: the head (qimma), which is the marja’ himself, the apparatus (jihāz) and the base (al-qā’ida).101 The apparatus refers to the network of the marja’s representatives (wukalā’) in various parts of the Muslim world who head different “administrative units (wahdāt idāriyya)”102 of his network. The base is the community of Muslims following a particular marja’. For Ḥasan al-Shīrāzī, this administrative organisation of the office of a marja’ resembles the structure of the state which has a head or president who implements policies with the support of a government apparatus, while the people

96 Ḥasan al-Shīrāzī, Kalimat al-islām (Bayrūt: Dār al-‘ulūm, n.y. [1963]), p. 95.
97 Ibid., p. 134.
98 Ibid., p. 124.
99 Ibid., p. 125.
100 Ibid.
101 Jabar, Shi‘ite Movement in Iraq, p. 218.
102 Ḥasan al-Shīrāzī, Kalimat al-islām, p. 119.
(al-sha‘b) constitute the base of the state.103 He compares the network of a marja‘s representatives with a modern government cabinet (majlis al-wuzurā’)104 but falls short of suggesting that the just jurisconsult should become head of an Islamic state.

Hasan al-Shirāzī theorises the clerical primacy in political activism to demarcate his brother’s movement from other Islamist actors but does not engage with the concept of wilāyat al-faqīh. Muḥammad al-Shirāzī’s political writings, from 1960 onwards, already establish the need to form “the state of the jurisconsult (dawlat al-faqīh)”105. In probably his earliest political piece, Ḥādhā hūwa al-nizām al-islāmī (This is the Islamic Order), written 1960/61 (1380H.), he demarcates an Islamic political system from both republican and monarchical forms of government as being a system sui generis, best described as “consultative (istiṣhārī)”106. The leader of such an Islamic order needs to be “a male believer who has complete understanding of religion (yaẓūḥ al-dīn tamāman), knows the affairs of the world and possesses complete justice (ʿadāla).”107

In another book, written in the same year, Al-hurrīyya al-islāmīyya (Islamic Freedom), he identifies the leadership of an Islamic government with clerical authority more explicitly and connects the political mandate of the jurisconsult with the notion of the collective deputyship of the ‘ulamā‘ during the occultation of the Imam: “The government (al-hukm) is only sound (ṣaḥīḥ) when it is established by the jurisconsult – for the reason that the jurisconsults in their entirety are the deputy of the Imam.”108 As the a state needs to be based on Islamic principles and implement justice, only a person who possess expertise in Islamic jurisprudence (fiqh) and justice (ʿadāla) fulfils the required conditions to become “the supreme head of the state (al-raʾis al-aʾlā li-l-dawla).” 109 Muḥammad al-Shirāzī also includes the option of a council of clerical leaders, if several sources of emulation fulfil the required conditions, who possess “overarching, executive and judicial power”110 and are “vicegerents, trustees and rulers.”111 The same argument is presented in the early writings of his brother Sādiq al-Shirāzī who discusses the role of the jurisconsult in an Islamic state in Al-siyāsā min wāqīʾ al-islām (Politics from the Perspective of Islam), written in 1966. If several jurisprudents possess both qualities to a sufficient degree to exercise guardianship, “a council of jurisprudents”112 should be formed directing the country. Otherwise, a single jurisprudent would become the “the supreme head in the Islamic country (al-raʾis al-aʾlā fi-l-bilād al-islāmī)”113

Muḥammad al-Shirāzī’s final contribution to debates around the nature of an Islamic state in the 1960s is his book Ḥākadhā hukm al-islām (Such is the Government of Islam), written in 1969, in

103 Ibid., pp. 122-123.
104 Ibid., p. 119
105 Ibrahim, Al-faqīh wa-l-dawla, p. 568.
107 Ibid., p. 8.
110 Muhammad al-Shirāzī, Al-hurrīyya al-islāmīyya, p. 16.
111 Ibid.
113 Ibid., p. 261.
which he develops a draft constitution for an Islamic state. Its first articles affirm the absolute sovereignty of God and his legislative power which He delegated to the Prophet Muhammad and emphasise the comprehensive nature of Islamic law that covers all aspects of life and needs to be implemented by an Islamic state. Several articles outline the structure of the state with Article 8 introducing wilāyat al-faqīh: “The absolute ruler in the Islamic state is the mujtahid who fulfils all conditions...” Furthermore, as a constitutional text, his book also outlines the relationship between other organs of the state. Muhammad al-Shīrāzī refers to the separation of powers and proposes that “in Islam, legislative power is not separated from executive power but both powers are combined in the hands of the head of state who is the mujtahid who fulfils all condition.”

Muhammad al-Shīrāzī’s writings in the 1960s clearly advocate the concept of wilāyat al-faqīh and propose the option of a single jurisconsult becoming head of the Islamic state or several assume this position collectively in a council of sources of emulation (shūrā al-marājī). His writings also discuss the manner in which jurisconsult is chosen as head of state. While choosing a marja’ as religious, legal and judicial reference is a personal choice of each Muslim who is free to follow any marja’ al-taqālid, the question arises how this highly individualised mode of selecting a religious authority is translated in the political sphere. Muhammad al-Shīrāzī’s aversion to a parliamentary and representative democracy derives from his assertion that sole legislative power rests with God or those he designated to legislative on His behalf such as the Prophets, the Imams and the jurisconsults – reiterating an argument made by his brother Hasan. As such, collective or elected bodies of the state merely implement the laws but do not possess any legislative power.

At the same time, Muhammad al-Shīrāzī demarcates the Islamic system of government from republican and monarchical models and defines it as “consultative”, evident in the possibility of forming a clerical council to head the state. In his commentary of Qur’an 42:38, he discusses his approach to consultation (shūrā) further and rejects any suggestion that it can be equated with parliamentarism in the sense of a liberal representative democracy. Repeating an argument made in previous writings, al-Shīrāzī maintains that legitimate authority in Islam stems from divine designation (naṣṣ): “As God appointed the Messenger and the Twelve Imams, so did the Imams appoint the jurisconsults who fulfil all conditions. Every Shi’i king (malik shī‘i) either was a jurisconsult who fulfilled all conditions or legitimised by a jurisconsult who fulfilled all conditions.”

On the other hand, Muhammad al-Shīrāzī is aware that becoming a marja’ al-taqālid requires being recognised as such by other clerics and by Muslims who decide to emulate him. As such, being a marja’ al-taqālid contains an element of popular approval, albeit in an informal manner. This mode of electing a marja’ as religious source of authority is reflected in Muhammad al-Shīrāzī’s statement that “the majority of the people (aghlabiyat al-umma)” appoints the Islamic ruler without further specification. In his draft constitution, he introduces different possibilities: if there are several qualified candidates, “the people who loosen and bind (ahl al-ḥall wa l-ʿaqd),” which he defines as

---

115 Ibid., p. 75.
116 Ibid., p. 82 [Art. 26]. See also Ibrahim, Al-faqīh wa-l-dawla, pp. 560-562.
119 Muḥammad al-Shīrāzī, Hukm al-islām, p. 75 [Art. 10]. Ahl al-ḥall wa l-ʿaqd is “a term commonly used by classical scholars to signify those members of the religious and the political elite whom they expect to play some role in the selection and deposition of the ruler.” Muhammad Qasim Zaman, s.v. “ahl al-ḥall wa l-ʿaqd”, EI. Available at: http://dx.doi.org/10.1163/1573-3912_ei3_COM_0027. Last accessed: 17 December 2018.
a council of mujtahids, choose from their midst the person to be appointed as “head of state (ra‘īs al-dawla)” or the people (al-umma) can appoint him directly. Article 86 of the same document also proposes the possibility that

the religious seminaries (al-hawza al-ilmiyya) which consists of thousands of scholars and students who work together with other Muslims to appoint the source of emulation as the head of the government of Muslims. The source of emulation will be the commander-in-chief of the armed forces. In case there are a number of sources of emulation fulfilling all conditions, the seminaries and the people (al-ḥawza wa-l-umma) appoint from them a consultative council that will lead the country based on majority opinion.

From these statements it is evident that Muḥammad al-Shirāzī attempts to translate the informal process of becoming a marja‘ al-taqlīd into the political realm: it requires a social and intellectual formation in Shi‘i seminaries and rising through the ranks of clerical authority until one is recognised as source of emulation by one’s peers. At the same time, a marja‘ needs to be chosen by the community of believers as their religious guide. Similarly, both the seminaries and the community of believers cooperate in order to elect the head of state. These discussions reveal a certain tension in Muhammad al-Shirāzī’s endorsement of consultation in determining who should hold political leadership and in exercising political power, on the one hand, and his explicit rejection of party politics, parliamentarism and representative democracy, on the other. While such consultative processes occur within the framework of wilāyat al-faqīh, his discussions contain elements of popular approval and some quasi-electoral process.

Muhammad Taqī al-Mudarrisī as leader of the political organisation of the Shirāzī network further explicated al-Shirāzī’s ideas around wilāyat al-faqīh in his book Al-qiyyāda al-islāmiyya (The Islamic Leadership), which was completed in 1969. Like the Shirāzī brothers, al-Mudarrisī extends the communal mandate of the marja‘ beyond merely religious and legal matters, arguing that the secularisation of his authority is a Western ploy, implemented to weaken Islam. The mandate and guardianship of the jurisconsult is absolute and unrestricted: “The just jurisconsult is the leader (imām) of the Muslims, not only in providing a source of religious emulation but also in political and social matters.” Referring to the tradition that the ‘ulamā‘ are the heirs of the Prophet, their status also implies that they inherit the crucial political aspects of his mission.

Engaging more with the argument of Sunni Islamist movements and the thought of Abū Al-‘Alā Mawdūdī (1903-1975) and Sayyid Quṭb, al-Mudarrisī adopts their concept of ḥākimiyya. The doctrine of tawḥīd asserts sole divine sovereignty which any social and political system in Islam needs to adhere by. Therefore, any political system that hands sovereignty and legislative power to somebody other than God leads to shirk. Mudarrisī embeds Mawdūdī’s and Quṭb’s notion of ḥākimiyya and its socio-political implementation in a Shi‘i context with reference to the general deputyship of the ‘ulamā‘ (al-niyāba al-‘amma); at the time of the Prophet and the Imams, they were in charge of implementing ḥākimiyya. During the occultation, their deputies, the jurisconsults, need to fulfil this role. Al-Mudarrisī creates a functional analogy between the Prophet and Imams

---

120 Muḥammad al-Shirāzī, Ḥukm al-islām, p. 77.
121 Ibid., p. 75 [Art. 10].
122 Ibid., p. 104 [Art. 86].
123 Ra‘ūf, Al-‘amal al-islāmī, pp. 269-270.
125 Ibid., pp. 49-50.
126 Ibrahim, Al-faqīh wa-l-dawla, pp. 562-563; 574-575.
127 Al-Mudarrisī, Al-qiyyāda al-islāmiyya, pp. 6-9, 33. See also Ibrahim, Al-faqīh wa-l-dawla, pp. 574-575.
and their deputies by creating parallels between their respective sources of authority. The complete leadership of the just jurisconsult is based on his jurisprudential expertise (fiqh) and justice (‘adāla) which is parallel to the two sources of prophetic authority: revelation (waḥī) and infallibility (‘isma).  

Al-Mudarrisī likewise contrasts the election of the jurisconsult from standard electoral processes, also in order to reject the party-based organisational approach adopted by the Hizb al-da’wa and to demarcate his own movement from its main rival. For al-Mudarrisī, an approach where the leadership of a political movement, organisation or institution is elected by its members is a Western model and alien to Islam. Islam only accepts leadership that is based on divine sovereignty. As the prophets and Imams manifested divine sovereignty, obedience to them is obligatory. In contrast, “the party organisation is not Islamic (ghayr sharʿi), because its leadership is not Islamic.” In determining the leadership of an organisation, al-Mudarrisī considers elections illegitimate. When it comes to choosing one’s source of emulation and political leader, “Islam has a different way and approach of electing a leader. It is a conscientious and intuitive approach (manhaj al-ḍamir wa-l-wijdān).”

The Shīrāzī brothers and al-Mudarrisī read wilāyat al-faqīh in terms of an explicit mandate for the jurisconsult to lead the Islamic state and developed ideas around it a few years before Khomeini gave his influential lectures. Their discussions mark a significant break of the understanding of clerical authority within Shi’i jurisprudence. Their writings also reveal different approaches to the question of clerical authority in an Islamic state. Muhammad and Ṣādiq introduced the notion that an Islamic state needs to be led by the just jurisconsult as early as 1960/61 without further explication. Their primary concern was to present an Islamic system of government as a political system sui generis that is delineated from secular forms of government and does not include any form of popular participation. The writings of Hasan al-Shirāzī and Taqī al-Mudarrisī provide further ideological refinement. Hasan al-Shirāzī engages in a detailed critique of different types of political and Islamist activism and argues for the primary of the clerical leadership. His analogy between the administrative structure of the office of a marja’ al-taqālid is reflected in Muhammad al-Shirazi’s later draft constitution of an Islamic state which discusses the relationship of the ruling jurisconsult to other organs of the state. Al-Mudarrisī incorporates notions of divine sovereignty as they were developed by Sunni Islamist such as Mawdūdī and Sayyid Quṭb in his discussion of wilāyat al-faqīh. He also considers the jurisconsult’s guardianship and authority to be absolute, unrestricted and comprehensive and therefore was more explicit about the status of the jurisconsult in an Islamic state than the Shirāzī brothers – or Khomeini in his Najaf lectures.

The council of jurisprudents (shūrā al-fuqaha’): Muḥammad al-Shīrāzī’s political thought in the 1980s

In the 1980s, Muḥammad al-Shirāzī’s writings on politics became more systematic and frame his discussions of the nature of an Islamic state and its leadership in the discourse of Islamic jurisprudence, in particular in his books Fiqh al-siyyāsa (Jurisprudence of Politics, 1982) and Fiqh al-

---

129 Quoted in Ibrahim, Al-faqīh wa-l-dawla, p. 577. See also Raʿūf, Al-ʿamal al-islāmī, p. 245.
130 Quoted in Ibrahim, Al-faqīh wa-l-dawla, p. 577. See also Raʿūf, Al-ʿamal al-islāmī, p. 245. Similarly, Muhammad al-Shirāzī eschews any terminology suggesting an election of the ruling jurisconsult, referring to his “selection (ikhtiyār)” (Muhammad al-Shirāzī, Al-hurriyya al-islāmiyya, p. 13), “approval (riḍā)” (idem, Al-nizām al-islāmī, p. 9) or “appointment (taʾayyun)” (idem, Hukm al-islām, p. 104).
131 Ibrahim, Al-faqīh wa-l-dawla, pp. 568-569.
The government of Muslims belongs to the Messenger (peace be upon him), then to the Imam and, in his absence, to his deputies. This is not the government of a single person elected by the people, either independent of or bound by a parliament, as in a constitutional government. It is neither a government whose leadership is inherited by a family or held by a group from the nobility or the elite, or similar systems mentioned in books on politics.\textsuperscript{133}

Al-Shirāzī is also explicit about the comprehensive authority of the jurisconsult: “Our followers agree that the just jurisprudent who fulfils all conditions to be a mujtahid and to issue legal precepts is the deputy of the rightly-guided Imams in the time of occultation in all aspects his deputyship entails.”\textsuperscript{134}

For instance, like the Imam “his general or special deputy can declare jihad.”\textsuperscript{135} In line with earlier arguments, Muhammad al-Shirāzī characterises the process of choosing a marja’–taqlīd within the hawza institutional context as a quasi-consultative process that acquires in his reading a political dimension.\textsuperscript{136} The transfer of the marja’iyya model to a quasi-electoral process of choosing the leader of an Islamic state – despite its inherent ambiguities – also hints at an element of popular approval in how the Shi’i community chooses its religious leaders; the process of being recognised as marja’ depends on popular recognition and its outcome is unpredictable and non-coercive.\textsuperscript{137}

This element of popular approval is further exploited by al-Shirāzī in his attempts to revise wilāyat al-faqīh in his response to the autocratic nature of the Islamic Republic in the 1980s. Al-Shirāzī’s new reading emphasises that the just jurisconsult also needs to gain approval of the people: “The head of state in the Islamic country must be – in addition to being approved by God, the Mighty - elected by the majority of the people (akthariyyat al-umma).”\textsuperscript{138} Discussing the process of choosing the head of an Islamic state, al-Shirāzī emphasises the importance of free elections by the people either directly or indirectly via an electoral body whose members are chosen by the people. In contrast to his earlier approach, al-Shirāzī begins to dismiss any suggestion that there is no place for elections in Islam and stresses that elections for the head of state need to be held on a regular basis and should be fair and transparent.\textsuperscript{139} A system that does not include a regular electoral oversight over the ruling jurisprudent and the possibility to impeach him, if he does not fulfil the necessary requirements any more, runs the danger of leading to despotism.\textsuperscript{140} His warning that a ruling jurisprudent without checks and balances might become a despot can be read as an attack against Khomeini’s autocratic leadership and the manner in which Khamenei asserted his power towards the religious establishment after he had succeeded Khomeini.


\textsuperscript{134} Muhammad al-Shirāzī, Al-ḥukm fl-l-islām.


\textsuperscript{136} Muhammad al-Shirāzī, Al-dawla al-islāmiyya, p. 65.

\textsuperscript{137} Mallat, Renewal of Islamic Law, p. 56.


\textsuperscript{139} Muhammad al-Shirāzī, Fiqh al-siyyāsā 2, p. 271.

In line with a stronger support for a popular mandate which de-emphasises the role of the *ahl al-hall wa-al-*l-aqd as electoral body,\textsuperscript{141} al-Shīrāzī’s writings also contain a stronger commitment to the separation of powers. Unlike his earlier writings in which he suggested that legislative and executive authority merge in the figurehead of the jurisconsult, al-Shīrāzī conceives now the separation of powers and, in particular, the independence of the legislature from the executive as central to preventing the formation of an autocratic system.\textsuperscript{142} Such a commitment to some type of checks and balances is meant to delimit the power of the ruling jurisconsult. From the early 1980s, al-Shīrāzī maintained that the political leadership of the just *faqīh* also includes “the consultative aspect in the form of the plurality of ‘ulama’ who are sources of emulation.”\textsuperscript{143} While al-Shīrāzī rejected the equation of the Qur’anic notion of *shūrā* with a parliamentary democracy in his previous writings, *shūrā* as popular oversight over the ruler becomes now the *sine qua non* of establishing an Islamic state.\textsuperscript{144} In a possible attack on the Islamic Republic, Shīrāzī criticises “the governments in the present age who rise in the name of Islam”\textsuperscript{145} but fail to adhere to the principle of *shūrā*.

In addition, al-Shīrāzī increasingly uses terminology from the liberal democratic repertoire such as freedom (*ḥurriyya*), pluralism (*ta’addudiyya*) and party organisation (*nizām hizbī*).\textsuperscript{146} Al-Shīrāzī asserts that “the foundation in Islam is freedom.”\textsuperscript{147} Therefore, an Islamic political system needs to safeguard freedom, freedom of expression in particular, in order to avoid becoming oppressive and autocratic. This particular emphasis on freedom – which also includes liberation from Western imperialism – reflects al-Shīrāzī’s experience in Iraq under the Ba’th regime but can likewise be seen as a disillusionment with the Islamic Republic in Iran in which his own freedom of expression and that of his follower has been curtailed. Al-Shīrāzī sees the main cause for the decline of countries throughout history in the unitary rule by one party or a specific group that does not give anyone else the opportunity to compete over government; such an exclusivist approach leads to oppression and backwardness. Political pluralism, on the contrary, allows different groups to compete over policies in order to progress and develop the country further. At this stage, even the West becomes a role-model for al-Shīrāzī by allowing the free encounter of views to advance knowledge and understanding: “Democracy (in a consultative form) (*al-dimuqrāṭīyya* (*al-istishāriyya*)) is the best mode of government”\textsuperscript{148} and has allowed the West to achieve its civilisational progress and power.\textsuperscript{149}

A shift also occurred in the question of party politics, contrary to the earlier opposition to the party structure and organisation.\textsuperscript{150} For Muḥammad al-Shīrāzī, the establishment of political parties becomes permissible and is a natural result of the diversity of society. Echoing similar theories of political pluralism, al-Shīrāzī argues that different groups in society share particular characteristics and pursue particular interests. Forming parties around these groups, their ideologies and interests are a natural phenomenon that has always existed, even in the context of a tribal society: “when the head issued an order to his tribe, political mobilisation (the party) (*al-tajammu’ al-siyāsī* (*al-hizb*))

---

\textsuperscript{141} Muḥammad al-Shīrāzī, *Fiqh al-siyāsə* 2, pp. 278-279

\textsuperscript{142} Ibid., pp. 10-12.

\textsuperscript{143} Muḥammad al-Shīrāzī, *Al-dawla al-islāmiyya*, p. 48.


\textsuperscript{145} Ibid., p. 26.

\textsuperscript{146} As another shift, al-Shīrāzī also made non-violence a central element of his political teachings. See Muḥammad al-Shīrāzī, *Al-lā-‘unf fī-l-islām* ([n.p.], [n.d.] 1420H. [1999/2000]).


\textsuperscript{148} Maḥammad al-Shīrāzī, *Fiqh al-siyāsə* 2, p. 58

\textsuperscript{149} Muḥammad al-Shīrāzī, *Al-shūrā fī-l-islām*, p. 28.

\textsuperscript{150} Ibrahim, *Al-faqīh wa-l-dawla*, pp. 557-558.
As channels of political mobilisation and means to create political awareness, competition between them is not only permissible in an Islamic state but necessary to prevent the emergence of an autocratic one-party system. Al-Shīrāzī distinguishes between "the ruling party (al-ḥizb al-ḥākim) which has reached power through a free process of consultation and election by the majority" and "the party of the ruler (ḥizb al-ḥākim) which is dictatorial."  

However, despite his support for party politics as a reflection of a pluralist society and as a means to prevent autocracy, al-Shīrāzī sets certain limits on the ideological and political scope of parties in an Islamic state: "If the party is premised on a parliament which decides based on arbitrary opinions and desires" it is prohibited. Likewise, a party cannot operate "if it is based on assuming the reigns of politics in the country without gathering under the banner of the just jurisconsult who fulfils all the conditions." Finally, in recognising the potential autocratic tendencies of any political system, a party is prohibited "if it is based on gaining power without the approval of the majority of the people, even if it was led by a just jurisconsult." For al-Shīrāzī, the competition between different parties is meant to counter the concentration of excessive political power and clerical authority in the jurisconsult who is head of state.

Al-Shīrāzī sets basic ideological parameters under which a political party can operate in an Islamic state: it cannot be based on a non-Islamic ideology or independent of the leadership of the marja’. Al-Shīrāzī compares the competition between different political parties in an Islamic state to the plurality of mujtahids who refer to the same sources of Islamic jurisprudence but might disagree on the details of law and its interpretation. Responding to the obvious charge that such an ideological limitation of the remit of parties restricts political freedom, al-Shīrāzī – conscious of liberal democracies as a reference point – asserts that the full political freedom granted in countries like the US, France or Britain leads to chaos and anarchy and undermines morality and social cohesion. Furthermore, the remit of political parties in Western nation-states is also limited by their need to adhere to the ideology of nationalism. Similarly, Islamic parties in an Islamic state adhere to Islam as their sole ideological reference point. Despite al-Shīrāzī’s critique of the political direction the Islamic Republic took in the 1980s and his apparent rejection of wilāyat al-faqīh and support for political pluralism and freedom, the basic ideological premise of wilāyat al-faqīh, the establishment of a polity under the direct leadership of the jurisconsult, is still maintained.

Conclusion

The article highlights the understudied contribution the Shīrāzīs - Muḥammad al-Shīrāzī, his brothers Ḥasan and Šādiq and their nephew Taqī al-Mudarrisī - made to the ideological formation of Shi’i Islamism in Iraq and beyond. Their role in emphasising the primacy of clerical leadership in political activism, in developing the idea of wilāyat al-faqīh further and in popularising and transnationalising their ideology through the networks and movements associated with them has been overlooked. While the formulation of the concept is usually attributed to Khomeini in his 1970 lectures in Najaf,

---

151 Muhammad al-Shīrāzī, Fiqh al-siyāsa 2, p. 100.
152 Ibid., p. 109.
153 Ibid., p. 117
154 Ibid.
155 Ibid., pp. 117-118.
156 Ibid., p. 121.
157 Ibid., pp. 125-126. Non-Muslim minorities are, however, allowed to form political parties representing their interests. See Ibid., pp. 174-177.
158 Ibrahim, Al-faqīh wa-l-dawla, p. 565.
the development of his hallmark idea needs to be embedded in debates around clerical authority among Iraqi clerical activists in the 1960s which marked a significant departure from how clerical authority in the state had been defined in Twelver Shi'ism before. It is difficult to establish a clear trajectory of intellectual influence of these activists on Khomeini. Yet, Khomeini only presented his politicised reading of *wilāyat al-faqīh* in Iraq while his writings before his exile and at its beginning do not deviate significantly from its previous readings.

Khomeini and the Shīrāzīs responded to the political contexts in both Iran and Iraq and the emergence of autocratic regimes in the two countries. The enforcement of the Shah’s radical modernisation and secularisation agenda in the early 1960s and the repressive measures against any type of opposition were certainly significant factors for Khomeini to reconsider the legitimacy of the Pahlavi monarchy in Iran and work for a revolutionary overhaul of the political system. In Iraq, the establishment of military regime after the coup in 1958, the appeal of Communism and the spread of secular ideologies as a consequence and the increasing repressiveness of the regime with the rise of the Ba’th party in 1968 equally encouraged the Shīrāzīs to create a political organisation in order to establish an Islamic state by revolutionary means. For both Khomeini, as he emerged as leader of the clerical opposition to the Pahlavis in 1963, and the Shīrāzīs, as they witnessed the lacking involvement of clerics in political action from 1958 inwards, clerical leadership was instrumental for Shi’i Islamist activism to be legitimate and effective. This also meant turning clerical activists into *faqīh*. The development of his political ideas is, however, more complex and demarcating his

This is the first comprehensive discussion of the political thought of the Shīrāzīs which embeds the development of their ideas within the evolving relationship between Khomeini and the Shīrāzīs before and after the Islamic Revolution. The Shīrāzīs have become the *bête noire* of contemporary Twelver Shi’ism which explains why their role in and contribution to the rise of Shi’i Islamism have been ignored. This neglect is partially due to the Shīrāzīs’ distance to and rivalry with the clerical establishment in Najaf which has not taken their scholarly credentials seriously. The open hostility of the Shīrāzīs to the Islamic Republic is another reason. The deterioration of the relationship between Khomeini and al-Shīrāzī, the side-lining of al-Mudarrisī’s Islamic Action Organisation and the pragmatic turn under the leadership of Khamenei from 1989 onwards - which moved Iran’s policies away from exporting the revolution - appeared as a betrayal of the original support the Shīrāzīs have provided to Khomeini and the Islamic Revolution and have created a deep-seated antagonism between the Shirazis and the political establishment of the Islamic Republic.¹⁵⁹

To articulate their opposition to the political system in Iran, followers of Muḥammad al-Shīrāzī often present his notion of the collective leadership of the jurisconsults (*shūrā al-fuqahā*) as distinctive feature of his political thought which separates him from Khomeini’s understanding of *wilāyat al-faqīh*. The development of his political ideas is, however, more complex and demarcating his

¹⁵⁹ In 2018, Ṣādiq al-Shīrāzī’s son and possible future *marja’* of the Shīrāzī network, Husayn al-Shīrāzī, was arrested by Iranian authorities after a clip of his lecture emerged on social media in which he compared Khamenei with the Qur’anic pharaoh. See Al-Ṣayyād, *Fiqh al-intiẓār*, p. 73. For an excerpt of the actual lecture see https://www.youtube.com/watch?v=XrOl4zi1GU. Last accessed: 17 December 2018. Clerical and political associates of Khamenei in Iran refer to the Shīrāzī network as “British Shi’ism (*tashayyo’-e englīsī*)” – designating it as a movement sponsored by the British government to increase sectarian tensions among Muslims worldwide. See Tashayyo’-e englīsī: mo‘ādele’i barā-ye mahār-e tamaddon-e shī‘e ([n.p.]: Maqṣad, 1394 S.H. [2015/16]). The activities of the controversial Kuwait-born cleric ʿYāsir al-Ḥabīb (b. 1979) who is associated with the Shīrāzī network and runs his own centre in Buckinghamshire near London are a particular focus of attention by the political and clerical figures in Iran. Al-Ḥabīb moved to Britain in 2004 and has gained particular notoriety for his strong anti-Sunni sectarian discourse. On al-Ḥabīb see Oliver Scharbrodt, “Creating a Diasporic Public Sphere in Britain: Twelver Shia Networks in London”, *Islam and Christian-Muslim Relations* (2019). https://doi.org/10.1080/09596410.2019.1643098.
conception of Islamic government as decisively distinct from Khomeini’s is more the result of the split between the Shīrāzīs and the Islamic Republic that occurred in the 1980s. Muḥammad al-Shīrāzī’s more explicit support for consultative forms of government, regular elections and public accountability of the leadership was a response to the autocratic direction of the regime and state control over clerical authority. However, in his rejection of the trajectory of the Islamic Republic, one sees less a rejection of wilāyat al-faqīh but rather an attempt to preserve a sense of political idealism and utopianism in the light of the perceived failure of “real existing” Shi’ī Islamism in Iran.

After the death of Muhammad al-Shīrāzī, conflicting claims to authority and status within the Shīrāzī network became more evident and a split occurred among his followers. Muḥammad Taqī al-Mudarrisī developed his own clerical leadership ambitions as a marja’ and maintained a commitment to political activism among his followers within Shi’ī communities in the Arab Gulf monarchies. The other response, fostered by al-Shīrāzī’s younger brother Ṣādiq, as new marja’, is the de-politicisation of Shi’ī polity by referring to the messianic utopianism of Shi’ī Islam and marketing “cultural authenticity” against the alleged adulteration of Shi’ī Islam by its current political and clerical leaders in Tehran, Qom and Najaf.

---
