

Khomeini and Muḥammad al-Shīrāzī

Scharbrodt, Oliver

DOI:

[10.1163/15700607-00600A08](https://doi.org/10.1163/15700607-00600A08)

License:

None: All rights reserved

Document Version

Peer reviewed version

Citation for published version (Harvard):

Scharbrodt, O 2020, 'Khomeini and Muḥammad al-Shīrāzī: revisiting the origins of the "guardianship of the jurisconsult" (wilāyat al-faqīh)', *Die Welt des Islams*, vol. 61, no. 1, pp. 9–38. <https://doi.org/10.1163/15700607-00600A08>

[Link to publication on Research at Birmingham portal](#)

General rights

Unless a licence is specified above, all rights (including copyright and moral rights) in this document are retained by the authors and/or the copyright holders. The express permission of the copyright holder must be obtained for any use of this material other than for purposes permitted by law.

- Users may freely distribute the URL that is used to identify this publication.
- Users may download and/or print one copy of the publication from the University of Birmingham research portal for the purpose of private study or non-commercial research.
- User may use extracts from the document in line with the concept of 'fair dealing' under the Copyright, Designs and Patents Act 1988 (?)
- Users may not further distribute the material nor use it for the purposes of commercial gain.

Where a licence is displayed above, please note the terms and conditions of the licence govern your use of this document.

When citing, please reference the published version.

Take down policy

While the University of Birmingham exercises care and attention in making items available there are rare occasions when an item has been uploaded in error or has been deemed to be commercially or otherwise sensitive.

If you believe that this is the case for this document, please contact UBIRA@lists.bham.ac.uk providing details and we will remove access to the work immediately and investigate.

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 Šādiq 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-taqlīd*, 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 founds its

¹ I would like to thank the anonymous reviewers for their very helpful suggestions and recommendations.

² On the concept and its implementation in Iran, see, for example, Shahrugh Akhavi, “Iran: Implementation of an Islamic State”, in John L. Esposito (ed.), *Islam in Asia* (Oxford and New York: Oxford University Press, 1987), pp. 27-52; Samih K. Farsoun and Mehrdad Mashayekhi (eds.), *Iran: Political Culture in the Islamic Republic* (London: Routledge, 1992); Mehrdad Haghayeghi, “Politics and Ideology in the Islamic Republic of Iran”, *Middle Eastern Studies* 29(1) (1993), 36-52; Vanessa Martin, *Creating an Islamic State: Khomeini and the Making of a New Iran* (London: IB Tauris, 2000).

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 *ijtihād*, 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’ taqlid* (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 Muḥammad (1928-2001), Ḥasan (1927-1980) and Šādiq al-Shīrāzī (b. 1942) and their nephew Muḥammad 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-ʿādil*) should be the head of an Islamic state.⁶ The article thereby provides the first comprehensive discussion of the development of Muḥammad 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 Muḥammad 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-niyāba al-ʿamma*) of the *ʿulamā* 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

⁵ See Norman Calder, "Accommodation and Revolution in Imami Shi'i Jurisprudence: Khumayni and the Classical Tradition", *Middle Eastern Studies* 18(1) (1982), pp. 3-20; Hamid Enayat, "Iran: Khumayni's Concept of the 'Guardianship of the Jurisconsult'", in James P. Piscatori (ed.), *Islam in the Political Process* (Cambridge and New York: Cambridge University Press, 1983), pp. 160-180; Michael M. J. Fischer, "Imam Khomeini: Four Levels of Understanding", in John L. Esposito (ed.), *Voices of Resurgent Islam* (Oxford and New York: Oxford University Press, 1993), pp. 150-174; Abbas Kelidar, "Ayatollah Khomeini's Concept of Islamic Government", in Alexander S. Cudsi and Ali E. Hillal Dessouki (eds.), *Islam and Power* (London: Routledge, 1981), pp. 75-94; Baqer Moin, *Khomeini: Life of the Ayatollah* (London and New York: I.B. Tauris, 1999); Arshin Adib-Moghaddam (ed.), *Khomeini: a Critical Introduction* (Cambridge: Cambridge University Press, 2014).

⁶ For similar observations, see Aḥmad al-Kātib, *Al-marjaʿiyya al-dīniyya al-shīʿiyya wa-āfāq al-taṭṭawur: Al-imām Muḥammad al-Shīrāzī numūdhajan*, 2nd ed. ([London?]: no publisher, 2007), p. 4, and Muḥammad al-Sayyid al-Šayyād, *Fiqh al-intizār: Al-tayyarāt al-dīniyya al-irāniyya wa-al-širāʿ alā al-ḥaqq al-muṭlaq li-l-faqīh fi-l-wilāya* (Riyāḍ: Al-maʿhd al-duwwalī li-l-dirasāt al-irāniyya, 2017/2018-1439H.), pp. 53-54. See also Laurence Louer, *Transnational Shia Politics: Religious and Political Networks in the Gulf* (New York: Columbia University Press, 2008), p. 97.

⁷ This theory assumes that during the occultation of the 12th Imam, the *ʿulamā* 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-faqīh* and a stronger political mandate of the ‘*ulama*’.⁸ Narāqī argues that the guardianship (*wilāya*) exercised by the Imam entails all the prerogatives the Prophet Muḥammad 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.⁹ At the time of the Constitutional Revolution (1905-1911), one of its main clerical supporters, Muḥammad Ḥusayn Nā’īnī (1860-1936) used the concept of *wilāyat al-faqīh* to argue for a clerical mandate in ensuring the Islamic orientation of the state.¹⁰ For him, a constitutional government with an elected parliament is the best form of government during the occultation of the Imam.¹¹ 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.¹² Equally, they can occasionally step in to curb the despotic tendencies of a ruler and to protect the rights of the people.¹³ In this sense, Nā’īnī combines popular participation through *shūrā* and the notion of *wilāyat al-faqīh* by suggesting to institutionalise legislative oversight of the clerics and their judicial autonomy.¹⁴

The relevance of the concept of *wilāyat al-faqīh* among Iraqi clerics in the mid-20th century is evident in a brief Twelver Shi’i catechism, penned in 1951, by Muḥammad Riḍā’ al-Muẓaffar (1913-1964), a student of Nā’īnī:¹⁵

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 (*qāḍī*) and in exercising judicial authority among the people (*al-ḥukūma 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-‘amma*). He is referred to when it comes to making a ruling (*ḥukm*), rendering a decision (*faṣl*) and issuing a judgement (*qaḍā’*). 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 *ḥadd* penalties (*ḥudūd*) and discretionary punishments (*ta’zīrāt*) except by his command and judgement.¹⁶

⁸ Dāwūd Fayrāhī, “Shī’i va-demūkrasī-ye moshawwaratī dar īran”, *Majalle-ye dāneshkade-ye huqūq va-‘olūm-e seyāsī* 47 (1384SH. [2005/2006]), p. 139; Amirhassan Boozari, *Shi’i Jurisprudence and Constitution: Revolution in Iran* (New York: Palgrave Macmillan, 2011), p. 90.

⁹ Moḥsen Kadīvar, *Naẓariyyehā-ye dowlāt dar feqh-e shī’i*, 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-nahī ‘an al-munkar*), promoting public welfare (*maṣlaḥa*) and protecting the integrity of Islam (*baydā’ al-islām*). For a discussion of the term, see Boozari, *Shi’i Jurisprudence and Constitution*, pp. 73-85.

¹⁰ Muḥammad Ṭāhir al-Ḥusaynī (ed.), *Usus al-dawla al-islāmiyya – Sayyid Muḥammad Bāqir al-Ṣadr* (Baghdād, Al-markaz al-islāmī li-l-dirasāt wa-l-takḥṭīṭ, 2017), pp. 38-40.

¹¹ Boozari, *Shi’i Jurisprudence and Constitution*, p. 104

¹² Ibid., pp. 122, 128, 135. See also al-Ḥusaynī, *Usus al-dawla al-islāmiyya*, p. 44.

¹³ Fayrāhī, “Shī’i va-demūkrasī”, p. 143. Boozari, *Shi’i Jurisprudence and Constitution*, pp. 107-109.

¹⁴ Al-Ḥusaynī, *Usus al-dawla al-islāmiyya*, p. 45.

¹⁵ Ḥusayn Manṣūr al-Shaykh, *Al-duktūr ‘Abd al-Hādī al-Faḍlī: ta’rīkh wa-wathā’iq*, 2nd ed. ([n.p.]: Lajna mu’allifāt al-‘allāma al-Faḍlī, 2013), p. 66.

¹⁶ Muḥammad Riḍā’ al-Muẓaffar, *Al-‘aqa’id al-imāmiyya* (Qum: Markaz al-abḥāth al-‘aqa’idiyya, 1422H. [2001/2002]), pp. 22-23.

Al-Muẓaffar, following Narāqī, emphasises the absolute guardianship of the jurisconsult while his explication of what it entails primarily refers to his judicial mandate.¹⁷ Al-Muẓaffar also remains within the quietist tradition of Twelver Shi'i jurisprudence by suggesting that Shi'is should be loyal to the state.¹⁸ Referring to the quietist approach of the Imams after Imam Ḥusayn, 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."¹⁹ Contrasting the political attitude of the Imams to the various failed revolts against the 'Abbasid 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."²⁰

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.²¹ Narāqī played an important role in legitimising early Qajar rule in Iran and sanctioned the Russo-Persian Wars of 1804-1813 as *jihād*.²² 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.²³

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'eyān-e Eslām*, under the leadership of Navvāb Safavī (1924-1956) never argued for the establishment of a state run by a jurisconsult.²⁴ 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 naẓar*) of the clergy in the religious seminaries and the pure scholars of the first rank."²⁵

¹⁷ On the meaning of the term *ḥākim* in Shi'i jurisprudence, see Boozari, *Shi'i Jurisprudence and Constitution*, p. 89.

¹⁸ Al-Muẓaffar, *Al-'aqā'id al-imāmiyya*, p. 146. On this issue, see also Wilferd Madelung, "A Treatise of the Sharif Al-Murtada on the Legality of Working for the Government (*Mas'ala fi 'amal ma'a al-sultan*)", *Bulletin of the School of Oriental and African Studies* 43(1) (1980), pp. 18-31.

¹⁹ Al-Muẓaffar, *Al-'aqā'id al-imāmiyya*, p. 151.

²⁰ *Ibid.*, p. 153.

²¹ Hamid Dabashi, "Mulla Ahmad Naraqi and the Question of the Guardianship of the Jurisconsult (*Wilayat-i Faqih*)", in Seyyed Hossein Nasr, Hamid Dabashi and Seyyed Vali Reza Nasr (eds.), *Expectations of the Millennium: Shi'ism in History* (Albany: State University of New York Press, 1989), pp. 288-300. See also Boozari, *Shi'i Jurisprudence and Constitution*, pp. 93-94.

²² Dabashi, "Mulla Ahmad Naraqi", p. 297

²³ Tawfiq Sayf, *Nazariyyat al-ṣulṭa fī fiqh al-shī'a: mā ba'd wilāyat al-faqīh*, 2nd ed. (Bayrūt: no publisher, 2014 [2002]), pp. 146-171; Amr GE Sabet, "Wilayat al-Faqih and the Meaning of Islamic Government", in Arshin Adib-Moghaddam (ed.), *A Critical Introduction to Khomeini* (Cambridge: Cambridge University Press 2014), pp. 71-72. See also p. 71, n. 6; Behrooz Ghamari-Tabrizi, "The Divine, the People, and the *Faqih*: On Khomeini's Theory of Sovereignty", in *ibid.*, p. 225.

²⁴ Sohrab Behdad, "Islamic Utopia in Pre-Revolutionary Iran: Navvab Safavi and the Fada'ian-e Eslām", *Middle Eastern Studies* 33(1) (1997), pp. 55-56.

²⁵ Quoted in Fayrāhī, "Shī'e va-demūkrasī", p. 151.

Based on the memoirs of Khomeini's early associate and student Ḥusayn-ʿAlī Montazerī (1922-2009), Khomeini did not believe that the just jurisconsult should be head of state before his exile to Iraq.²⁶ In Khomeini's earliest political work of 1943, *Kashf al-asrār* (*Unveiling the Secrets*), in line with Nāʾīnī, he argues for "clerical supervision (*nezāriyyat-e rouḥānī*)" of the state to ensure the implementation of Islamic law and to restrain the despotic tendencies of the ruler.²⁷ This stance did not significantly change when Khomeini began his exile in Turkey in 1964. In his *Tahrīr al-wasīla* (*Liberating the Means [of Salvation]*) that he completed in Iraq,²⁸ Khomeini remains within arguments articulated by Narāqī and Nāʾīnī who primarily saw the jurisconsults' guardianship being manifest in their comprehensive legal and judicial authority. Like Narāqī, Khomeini extends his mandate to "political matters (*al-umūr al-siyasiyya*)"²⁹ 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*"³⁰ as part of his mandate.

In his Najaf lectures of 1970, however, Khomeini takes the implications of *wilāyat al-faqīh* to a new level.³¹ Similar to Sunni Islamists, he argues that in order to ensure the complete implementation of "the laws of Islam (*qawānīn al-islām*)"³² an Islamic government needs to be formed. Given the nature of an Islamic state, its ruler (*ḥākim*) needs to fulfil two conditions: "knowledge of Islamic law (*ʿilm bi l-qānūn al-islāmī*) and justice (*ʿadāla*)."³³ 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 ʿālim ʿādil*) needs to rise to lead the formation of government."³⁴ 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."³⁵ 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

²⁶ Ḥusayn-ʿAlī Montazerī, *Khāṭerāt-e ayat allāh Montazerī*, vol. 1 (Spanga-Vincennes-Essen: Etteḥād-e nāsherīn-e orūpā, 2001), p. 110. See also Sussan Siavoshi, *Montazeri: the Life and Thought of Iran's Revolutionary Ayatollah* (Cambridge: Cambridge University Press, 2017), p. 199.

²⁷ Emām Khomeynī, *Kashf al-asrār* ([n.p.]: [n.d.] [1943]), p. 222. See also Kadivar, *Naẓariyyehā-ye dowlāt*, p. 140, n. 1; Siavoshi, *Montazeri*, p. 197; Vanessa Martin, "Religion and State in Khomeini's *Kashf Al-Asrār*", *Bulletin of the School of Oriental and African Studies* 56(1) (1993), pp. 34-45.

²⁸ Akbar Fallāḥī, *Sālehā-ye tabʿīd-e emām-e Khomeynī* (Tehrān: Markaz-e asnād-e enqelāb-e eslāmī, 2006), p. 120.

²⁹ Rūḥollāh al-Khumaynī, *Tahrīr al-wasīla*, vol. 1 ([n.p.], 1390H. [1970/1971]), p. 482. The Persian translation makes this more explicit, defining "the implementation of political matters (*ejrā-ye seyasāt*)" as lying in enforcing *ḥadd* penalties (*ḥodūd*) and discretionary punishments (*taʿzerāt*). Rūḥollāh Khomeynī, *Tahrīr al-wasīla*, vol. 1 (Tehrān: Moʿassesa-ye tanẓīm wa-nashr-e āthār-e Emam Khomeynī, 1385 HS [2006/2007]), p. 548.

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.³⁶ 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 *Tahrīr al-wasīla* do not yet articulate a significant departure from understandings developed by Narāqī 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 Shī'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-Ḥakīm (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.³⁷ 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.³⁸ In response to the intellectual and popular appeal of Communism, al-Ḥakīm issued a fatwa in 1960 equating Communism with heresy (*ilhād*) and unbelief (*kufr*).³⁹ 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.⁴⁰

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 Shī'i Islamist discourse and activism which included other young clerical figures like Muḥammad Ḥusayn Faḍlallah (1935-2010), Mūsā al-Ṣadr (1928, disappeared in 1978) or Muḥammad Mahdī Shams al-Dīn (1936-2001).⁴¹ 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-tahrīr al-islāmī* (Party of Islamic Liberation).⁴² In *Ḥizb al-da'wa's* earliest manifesto, written in 1957 by Bāqir al-Ṣadr, the party develops an extremely

³⁶ Mahdavi, "Rise of Khomeinism", pp. 43-68; Ghamari-Tabrizi, "The Divine, the People, and the *Faqih*", pp. 219-226.

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

³⁸ Ḥaydar Nizār al-Sayyid Salmān, *Al-marja'iyya al-dīniyya fī-l-najaf wa-muwāqifuhā al-siyāsiyya fī-l-'irāq min 1958-1968* (Bayrūt: Mu'assasat al-ta'rīkh al-'arabī, [n.d.]), pp. 89-95.

³⁹ Salmān, *Al-marja'iyya al-dīniyya*, p. 103.

⁴⁰ 'Ādil Ra'ūf, *Al-'amal al-islāmī fī-l-'irāq bayna al-marja'iyya wa-l-ḥizbiyya: qarā'a al-naqdiyya li-masīrat niṣf al-qarn (1950-2000)*, 2nd ed. (Dimashq: Al-markaz al-irāqī li-l-i'lām wa-l-dirāsāt, 2003), pp. 11-60; Fouad Ibrahim, *Al-faqīh wa-l-dawla: taṭawwur al-fiqh al-siyāsī al-shī'ī*, 2nd ed. (Bayrūt: Dār al-murtaḍā, 2012), pp. 495-497; Salmān, *Al-marja'iyya al-dīniyya*, pp. 130-135.

⁴¹ Chibli Mallat, *The Renewal of Islamic Law: Muḥammad Baqer as-Sadr, Najaf and the Shi'i International* (Cambridge: Cambridge University Press, 1993), p. 15.

⁴² Ra'ūf, *Al-'amal al-islāmī*, pp. 179-186; Ibrahim, *Al-faqīh wa-l-dawla*, pp. 498-500.

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 (*ḥukm al-umma*).⁴³

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.⁴⁴ Muḥammad al-Shīrāzī,⁴⁵ 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 Shīrāzīs 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, Muḥammad al-Shīrāzī moved to Karbala at the age of nine with his father, Maḥdī al-Ḥusaynī al-Shīrāzī (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-Shīrāzī adopted a similar approach to the Najafi clerical establishment in the 1950s, establishing educational and religious institutions to ensure the social outreach of Shī'i clerical authority.⁴⁶ By emphasising Shī'i ritual practices, in particular those performed to mourn the death of the third Imam and grandson of the Prophet Muḥammad, Ḥusayn, and his ability to engage with his followers in an accessible manner without the intellectual aloofness of other clerical figures, al-Shīrāzī gained strong popular appeal.⁴⁷

Al-Shīrāzī 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-Shīrāzī attended.⁴⁸ 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.⁴⁹ Muḥammad al-Shīrāzī 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.⁵⁰ Al-Shīrāzī 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 Shī'i clerical authority. While his position as *marja' al-taqlīd* has not been recognised by the Najafi establishment,⁵¹ its rejection served as important marker of the distinct identity of the Shīrāzī network.⁵² Being the most senior cleric in Karbala which

⁴³ Al-Ḥusaynī, *Usus al-dawla al-islāmiyya*, pp. 65-83.

⁴⁴ 'Abd al-Ḥādī al-Faḍlī (1935-2013), one of the founding members of *Ḥizb al-da'wa*, developed similar ideas around the role of the jurisconsult in an Islamic state in his book *Fī intizār al-imām* (*Waiting for the Imam*) ([n.p.]: Mo'assasa-ye nashr-e farhang-e ahl al-bayt, 1969) which he wrote when he was a student at the seminaries in Najaf in 1964. In his memoirs, al-Faḍlī mentions that he introduced Khomeini to his ideas when he met him in Qom in 1964. See Al-Shaykh, 'Abd al-Ḥādī al-Faḍlī, p. 124.

⁴⁵ He and his brothers stem from a prominent clerical family with Iranian roots. Among their ancestors are Mīrzā Ḥasan Shīrāzī (1815-1895), the Samarra-based cleric who issued a fatwa in the Tobacco Revolt in Iran in 1891. They are also related to Muḥammad Taqī al-Shīrāzī (1853-1920), one of the leaders of the anti-British revolt in Iraq in 1920. See Roswitha Badry, s.v. "Shīrāzī", *EP*, pp. 479-481.

⁴⁶ Muḥammad al-Shīrāzī, *'Ishtu fī Karbalā'*, 3rd ed. (Al-Kūwayt: Maktabat hay'at al-amīn, 2006 [1973?]), pp. 22-61.

⁴⁷ Al-Kātib, *Al-marja'īyya al-dīniyya*, pp. 26-29; Al-Ṣayyād, *Fiqh al-intizār*, pp. 49-50.

⁴⁸ Salmān, *Al-marja'īyya al-dīniyya*, p. 127, no. 1.

⁴⁹ Faleh A. Jabar, *The Shī'ite Movement in Iraq* (London: Saqi, 2003), pp. 217-219.

⁵⁰ Ra'ūf, *Al-'amal al-islāmī*, pp. 234-235.

⁵¹ In the early 1970s, al-Khū'ī, as leader of the clerical establishment of Najaf, denied that al-Shīrāzī had acquired the ability to perform *ijtihād*. Hence, he could not claim the position of *marja' al-taqlīd*. See Al-Kātib, *Al-marja'īyya al-dīniyya*, p. 43. See also Louer, *Transnational Shia Politics*, pp. 91-92.

⁵² Jabar, *Shī'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 Taqī al-Mudarrisī, operated as political arm of the network under his clerical leadership.⁵⁴ Their movement rejected the pragmatic and evolutionary approach of *Ḥizb 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 *Ḥarakat al-risāliyyīn al-ṭālī'* (Movement of Vanguard's Missionaries), *Ḥarakat al-risāliyyīn* (Movement of Missionaries) or *Ḥarakat al-marja'iyya* (Movement of the Source of Emulation). The use of the term "vanguard" (*ṭālī'a*) marks the imprint of Sayyid Quṭb (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 *Ḥarakat al-marja'iyya* reflects al-Shīrāzī's distinct political profile: he demarcated his organisation from the party-based approach of *Ḥizb 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 *Ḥizb 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'ṯh 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 Ṣabāḥ 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'ṯh 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 countries⁶¹ before being assassinated by Iraqi government agents in Beirut in 1980.⁶²

Khomeini and the Shīrāzīs

⁵³ Al-Ṣayyād, *Fiqh al-intizār*, p. 49.

⁵⁴ Fouad Ibrahim, *The Shi'is of Saudi Arabia* (London: Saqi, 2006), pp. 73-75; Ra'ūf, *Al-'amal al-islāmī*, p. 241, n. 1; Muḥammad Al-'Akīdī, "Al-ḥaraka al-islāmiyya al-mu'aṣira fī-l-'irāq: munaẓẓama al-'amal al-islāmī al-'irāqī anamūdhan", *Majallat abḥāth kullīyyat al-tarbiyya al-asāsiyya* 7(3) (2008), pp. 202-203.

⁵⁵ Ra'ūf, *Al-'amal al-islāmī*, pp. 256-261.

⁵⁶ See Sayyid Quṭb, *Ma'ālim fī-l-ṭarīq* (al-Qāhira: Dār al-shurūq, 1988 [1964]).

⁵⁷ Ibrahim, *Al-faqīh wa-l-dawla*, p. 558.

⁵⁸ Ibid., pp. 557-558; Louer, *Transnational Shia Politics*, pp. 96-97.

⁵⁹ Ra'ūf, *Al-'amal al-islāmī*, p. 252; Al-'Akīdī, "Al-ḥaraka al-islāmiyya", pp. 206-207.

⁶⁰ Ibrahim, *Shi'is of Saudi Arabia*, pp. 75-76.

⁶¹ Louer, *Transnational Shia Politics*, p. 120.

⁶² Muḥammad al-Shīrāzī, *Tilka ayyām: ṣafḥāt min ta'rīkh al-'irāq al-siyāsī* (Bayrūt: Mu'assat al-wa'ī al-islāmī, 2000), p. 281.

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-Ḥakīm, on whose invitation Khomeini stayed in Najaf, belittled his political activism.⁶⁴ Upon al-Ḥakīm's death, Khomeini competed with Abū l-Qāsim al-Khū'ī, who was less willing to engage in politics than al-Ḥakīm, 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 Bāqir al-Ṣadr.⁶⁵ With al-Shīrāzī, however, Khomeini entertained a warm relationship⁶⁶ 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 1963⁶⁸ 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 Ḥusayn 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-Ḥakīm, 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-Mudarrisī was centrally involved in the political mobilisation of Shi'i 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-Mudarrisī settled in Iran after having formed the *Munazzama al-'amal 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

⁶³ Mallat, *Renewal of Islamic Law*, pp. 50-53.

⁶⁴ Khātam Yazdī, *Khāṭerāt-e ayat allāh Khātam Yazdī* (Tehrān: Mo'assese-ye tanẓīm wa-nashr-e āthār-e emam Khomeynī, 1392 HS. [2013/2014]), p. 93.

⁶⁵ Sayyid 'Alī Akbar Moḥtashemīpūr, *Khāṭerāt-e ḥojjat al-eslām va-moslemīn sayyid 'Alī Akbar Moḥtashemīpūr* (Tehrān: Daftar-e adabīyyāt-e enqelāb-e eslāmī, 1386 HS. [2007/2008]), pp. 486-492. See also Jabar, *Shi'ite Movement in Iraq*, p. 219. For a discussion of Khomeini's relationship with the Najafi clerical establishment, see Elvire Corboz, "Khomeini in Najaf: the Religious and Political Leadership of an Exiled Ayatollah", *Die Welt des Islams* 55(2) (2015), pp. 221-248.

⁶⁶ Fallāḥī, *Sālhā-ye tab'īd*, p. 169. See also Louer, *Transnational Shia Politics*, p. 97.

⁶⁷ Al-Sayyād, *Fiqh al-intizār*, p. 53; Al-Kātib, *Al-marja'īyya al-dīniyya*, p. 48; Jamā'a min al-'ulamā', *Aḍwā' 'alā ḥayāt al-imām al-Shīrāzī* (Bayrūt: Dār al-manhal, 1993).

⁶⁸ Anonymous, *Riḥla fī āfāq al-ḥayāt wa-l-ma'rifa: sīra wa-masīrat al-imām al-mujaddid ayat allāh al-'uẓmā al-sayyid Muḥammad al-Ḥusaynī al-Shīrāzī*, vol. 2 (Springfield, VA: Mu'assat al-imām al-Shīrāzī al-'ālamīyya, 2018), pp. 85-86.

⁶⁹ Yazdī, *Khāṭerāt*, p. 92.

⁷⁰ Ibid., p. 92.

⁷¹ Moḥtashemīpūr, *Khāṭerāt*, pp. 472-473; Yazdī, *Khāṭerāt*, p. 92.

⁷² Moḥtashemīpūr, *Khāṭerāt*, p. 484.

⁷³ Jeffry Halverson, *Searching for a King: Muslim Nonviolence and the Future of Islam* (Washington, D.C.: Potomac, 2012), p. 97.

⁷⁴ Anonymous, *Riḥla fī āfāq al-ḥayāt wa-l-ma'rifa: sīra wa-masīrat al-imām al-mujaddid ayat allāh al-'uẓmā al-sayyid Muḥammad Al-Ḥusaynī Al-Shīrāzī*, vol. 1 (Springfield, VA: Mu'assat al-imām al-Shīrāzī al-'ālamīyya, 2018), pp. 332-333.

PLO in Lebanon.⁷⁵ Links with Mehdī Hāshemī (1947-1987) and Moḥammad Montazerī (1944-1981) who were responsible for exporting the revolution and mobilising and militarising Shi'i communities outside of Iran were established at that time.⁷⁶ These links gave the Shīrāzīs access to a senior political figure in the Islamic regime and provided al-Mudarrisī's organisation with a privileged position compared to other Iraqi Shi'i opposition groups. Mohammed Montazerī was the son of Ḥusayn-'Alī Montazerī, then Khomeini's designated successor, and Hāshemī the brother of Montazerī's son-in-law.⁷⁷

The Iranian background or roots of leading figures in the Shīrāzī network and their ability to speak Persian allowed them to establish close rapport with the new political elite after the revolution. Al-Mudarrisī'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.⁷⁸ 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-Mudarrisī's organisation.⁷⁹ Muḥammad 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 1979.⁸⁰

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 1963.⁸¹ Instead, Khomeini's son offered him to become his father's representative (*wakīl*) 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.⁸² 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 fī-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.⁸³
- (2) The formation of the Supreme Council equally sidelined the Islamic Action Organisation of al-Mudarrisī 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 Muḥammad Bāqir al-Ḥakīm (1939-2003) a figurehead who, as the son of Muḥsin al-Ḥakīm, came from a prominent Najafi clerical family.⁸⁴ Al-Mudarrisī 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-intizār*, pp. 52-53.

⁷⁸ Ra'ūf, *Al-'amal al-islāmī*, pp. 286-287; Al-'Akīdī, "Al-ḥaraka al-islāmiyya", pp. 208-209, *Riḥla fī āfāq* 2, p. 243.

⁷⁹ Al-'Akīdī, "Al-ḥaraka al-islāmiyya", p. 208.

⁸⁰ Al-Kātib, *Al-marja'iyya al-dīniyya*, pp. 92-94.

⁸¹ *Riḥla fī āfāq* 2, p. 392.

⁸² Al-Ṣayyād, *Fiqh al-intizār*, p. 55.

⁸³ Al-Kātib, *Al-marja'iyya al-dīniyya*, 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-Ḥakīm 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 *ḥawza* 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 Zahra' 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 *Rihla fi āfāq* 2, pp. 370-371, 393; Al-Kātib, *Al-marja'iyya al-dīniyya*, p. 94.

⁸⁷ *Rihla fi āfāq* 2, pp. 240-245, 400. See also Jabar, *Shi'ite Movement in Iraq*, p. 252.

⁸⁸ *Rihla fi āfāq* 1, pp. 327-328, 332-333, 350; *Rihla fi āfāq* 2, p. 153.

⁸⁹ Houchang E. Chehabi, *Iranian Politics and Religious Modernism: The Liberation Movement of Iran under the Shah and Khomeini* (London: I.B. Tauris, 1990), p. 294.

⁹⁰ Al-'Akīdī, "Al-ḥaraka al-islāmiyya", pp. 217-218; Ra'ūf, *Al-'amal al-islāmī*, p. 289.

⁹¹ See Constance Arminjon, "De l'apologie à la critique des institutions de la République islamique: l'héritage doctrinal contrasté de l'ayatollah Montazerī", *Studia Islamica* 109(2) (2014), pp. 303-328.

⁹² Ra'ūf, *Al-'amal al-islāmī*, 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 (*naṣṣ*):

Islam prohibits anyone from holding leadership unless it includes prior designation, be it a prophet (*nabī*), an Imam (*waṣī*) or a source of emulation (*marja'*), because God, the Exalted, does not bestow ultimate authority (*ākhir ṣultān*) 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-ṭāqāt al-ma'nawīyya*) – 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 (*maṣḍar al-sultāt*)”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 (*waḥdāt 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

⁹⁵ Ibrahim, *Al-faqīh wa-l-dawla*, p. 558. Ra'ūf, *Al-'amal al-islāmī*, p. 247.

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-wuzarā'*)¹⁰⁴ but falls short of suggesting that the just jurisconsult should become head of an Islamic state.

Ḥasan al-Shīrāzī 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-Shīrāzī'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, *Hādhā hūwa al-niẓām 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 (*istishārī*)"¹⁰⁶. The leader of such an Islamic order needs to be "a male believer who has complete understanding of religion (*yafquhū al-dīn tamāman*), knows the affairs of the world and possesses complete justice (*'adāla*)."¹⁰⁷

In another book, written in the same year, *Al-ḥurriyya al-islāmiyya* (*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-ḥukm*) 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 (*'adāla*) fulfils the required conditions to become "the supreme head of the state (*al-ra'īs al-a'lā li-l-dawla*)."¹⁰⁹ Muḥammad al-Shīrāzī 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 Šādiq al-Shīrāzī who discusses the role of the jurisconsult in an Islamic state in *Al-siyāsa min wāqi' 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-ra'īs al-a'lā fi-l-bilād al-islāmī*)"¹¹³

Muḥammad al-Shīrāzī's final contribution to debates around the nature of an Islamic state in the 1960s is his book *Hākadhā ḥukm 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.

¹⁰⁶ Muḥammad al-Shīrāzī, *Hādhā hūwa al-niẓām al-islāmī*, 2nd ed. (Al-Kūwayt: Lajnat ahl al-bayt al-khayriyya, 1998 [1960/1]), p. 7.

¹⁰⁷ Ibid., p. 8.

¹⁰⁸ Muḥammad al-Shīrāzī, *Al-ḥurriyya al-islāmiyya*ūt: Dār al-firdaws, 1989 [1960/1])¹⁰⁹ Muḥammad al-Shīrāzī, "*Ḥiwār ḥawla al-ḥukm*", in *idem*, *Ḥiwār ḥawla ṭaṭbīq al-islām* (n.p.: no publisher, 1999 [1962]). Available at: http://alshirazi.com/compilations/islamiceducation/hewar_hawlaislam/part1/1.htm. Last accessed: 16 December 2018.

¹⁰⁹ Muḥammad al-Shīrāzī, "*Ḥiwār ḥawla al-ḥukm*", in *idem*, *Ḥiwār ḥawla ṭaṭbīq al-islām* (n.p.: no publisher, 1999 [1962]). Available at: http://alshirazi.com/compilations/islamiceducation/hewar_hawlaislam/part1/1.htm. Last accessed: 16 December 2018.

¹¹⁰ Muḥammad al-Shīrāzī, *Al-ḥurriyya al-islāmiyya*, p. 16.

¹¹¹ Ibid.

¹¹² Šādiq al-Shīrāzī, *Al-siyāsa min wāqi' al-islām* (Qum: Yās al-zahrā', 2000 [1966]), p. 259.

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 Muḥammad 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...”¹¹⁴ Furthermore, as a constitutional text, his book also outlines the relationship between other organs of the state. Muḥammad 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.”¹¹⁵

Muḥammad 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-marāji’*). 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-taqlīd*, the question arises how this highly individualised mode of selecting a religious authority is translated in the political sphere. Muḥammad 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 Ḥasan. As such, collective or elected bodies of the state merely implement the laws but do not possess any legislative power.¹¹⁶

At the same time, Muḥammad 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’ī*) either was a jurisconsult who fulfilled all conditions or legitimised by a jurisconsult who fulfilled all conditions.”¹¹⁷

On the other hand, Muḥammad al-Shīrāzī is aware that becoming a *marja’ al-taqlīd* requires being recognised as such by other clerics and by Muslims who decide to emulate him. As such, being a *marja’ al-taqlīd* 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 Muḥammad al-Shīrāzī’s statement that “the majority of the people (*aghlabiyyat al-umma*)”¹¹⁸ 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-’aqq*)”¹¹⁹ which he defines as

¹¹⁴ Muḥammad al-Shīrāzī, *Hākadhā ḥukm al-islām* [1969], reprinted in *idem, Ilā ḥukūma alf milyūn muslim* (Qum: Dār al-qur’ān al-ḥakīm, n.d.), pp. 74-75.

¹¹⁵ *Ibid.*, p. 75.

¹¹⁶ *Ibid.*, p. 82 [Art. 26]. See also Ibrahim, *Al-faqīh wa-l-dawla*, pp. 560-562.

¹¹⁷ Muḥammad al-Shīrāzī, *Taqrīb al-qur’ān ilā-l-adhhān*, vol. 5 (Bayrūt: Dār al-’ulūm, 2003-1424H. [1962/3]), p. 37.

¹¹⁸ Muḥammad al-Shīrāzī, *Al-nizām al-islāmī*, p. 9. See also *idem, Al-ḥurriyya al-islāmiyya*, p. 13.

¹¹⁹ Muḥammad al-Shīrāzī, *Ḥukm al-islām*, p. 75 [Art. 10]. *Ahl al-ḥall wa l-’aqq* 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.” Muḥammad Qasim Zaman, s.v. “*ahl al-ḥall wa l-’aqq*”, *EP*. Available at: http://dx.doi.org/10.1163/1573-3912_ei3_COM_0027. Last accessed: 17 December 2018.

a council of *mujtahids*,¹²⁰ choose from their midst the person to be appointed as “head of state (*raʾīs al-dawla*)”¹²¹ or the people (*al-umma*) can appoint him directly. Article 86 of the same document also proposes the possibility that

the religious seminaries (*al-ḥawza al-ʿilmiyya*) 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.¹²²

From these statements it is evident that Muḥammad al-Shīrāzī attempts to translate the informal process of becoming a *marjaʿ al-taqlīd* into the political realm: it requires a social and intellectual formation in Shiʿi 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 *marjaʿ* 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 Muḥammad al-Shīrāzī’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.

Muḥammad Taqī al-Mudarrisī as leader of the political organisation of the Shīrāzī network further explicated al-Shīrāzī’s ideas around *wilāyat al-faqīh* in his book *Al-qiyāda al-islāmiyya* (*The Islamic Leadership*), which was completed in 1969. Like the Shīrāzī brothers, al-Mudarrisī extends the communal mandate of the *marjaʿ* beyond merely religious and legal matters, arguing that the secularisation of his authority is a Western ploy, implemented to weaken Islam.¹²³ 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.”¹²⁴ Referring to the tradition that the *ʿulamāʾ* are the heirs of the Prophet, their status also implies that they inherit the crucial political aspects of his mission.¹²⁵

Engaging more with the argument of Sunni Islamist movements and the thought of Abū Al-Aʿlā Mawdūdī (1903-1975) and Sayyid Quṭb, al-Mudarrisī adopts their concept of *ḥākimiyya*.¹²⁶ The doctrine of *tawḥīd* asserts sole divine sovereignty which any social and political system in Islam needs to adhere by.¹²⁷ 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 Shiʿi context with reference to the general deputyship of the *ʿulamāʾ* (*al-niyāba al-ʿamma*); 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-Shīrāzī, *Ḥukm al-islām*, p. 77.

¹²¹ Ibid., p. 75 [Art. 10].

¹²² Ibid., p. 104 [Art. 86].

¹²³ Raʾūf, *Al-ʿamal al-islāmī*, pp. 269-270.

¹²⁴ Muḥammad Taqī al-Mudarrisī, *Al-qiyāda al-islāmiyya*, 2nd ed. (Bayrūt: Muʿassasat al-wafāʾ, 1979/1980-1400H. [1970]), p. 47.

¹²⁵ Ibid., pp. 49-50.

¹²⁶ Ibrahim, *Al-faqīh wa-l-dawla*, pp. 562-563; 574-575.

¹²⁷ Al-Mudarrisī, *Al-qiyāda 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 (*wahī*) and infallibility (*'iṣma*).¹²⁸

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 *Ḥizb 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 shar'ī*), because its leadership is not Islamic.”¹²⁹ 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-ḍamīr wa-l-wijdān*).”¹³⁰

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.¹³¹ Their writings also reveal different approaches to the question of clerical authority in an Islamic state. Muḥammad 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 Ḥasan al-Shīrāzī and Taqī al-Mudarrisī provide further ideological refinement. Ḥasan al-Shīrāzī engages in a detailed critique of different types of political and Islamist activism and argues for the primacy of the clerical leadership. His analogy between the administrative structure of the office of a *marja' al-taqlīd* is reflected in Muḥammad 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 Shīrāzī 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-Shirazi'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-siyāsa* (*Jurisprudence of Politics*, 1982) and *Fiqh al-*

¹²⁸ Al-Mudarrisī, *Al-qiyāda al-islāmiyya*, p. 19. See also Ibrahim, *Al-faqīh wa-l-dawla*, p. 576.

¹²⁹ Quoted in Ibrahim, *Al-faqīh wa-l-dawla*, p. 577. See also Ra'ūf, *Al-'amal al-islāmī*, p. 245.

¹³⁰ Quoted in Ibrahim, *Al-faqīh wa-l-dawla*, p. 577. See also Ra'ūf, *Al-'amal al-islāmī*, p. 245. Similarly, Muḥammad al-Shīrāzī eschews any terminology suggesting an election of the ruling jurisconsult, referring to his “selection (*ikhtiyār*)” (Muḥammad al-Shīrāzī, *Al-ḥurriyya al-islāmiyya*, p. 13), “approval (*ridā'*)” (*idem*, *Al-nizām al-islāmī*, p. 9) or “appointment (*ta'ayyun*)” (*idem*, *Ḥukm al-islām*, p. 104).

¹³¹ Ibrahim, *Al-faqīh wa-l-dawla*, pp. 568-569.

dawla al-islāmiyya (*Jurisprudence of the Islamic State*, 1989). These more comprehensive discussions contain significant continuities and further expand the notion of *wilāyat al-faqīh*.¹³² Al-Shīrāzī continues to argue that political authority should be held by the jurisconsult as a result of his general deputyship for the Imam in occultation:

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.¹³³

Al-Shīrāzī 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.”¹³⁴ For instance, like the Imam “his general or special deputy can declare *jihād*.”¹³⁵ In line with earlier arguments, Muḥammad al-Shīrāzī characterises the process of choosing a *marjaʿ al-taqlīd* within the *ḥawza* institutional context as a quasi-consultative process that acquires in his reading a political dimension.¹³⁶ The transfer of the *marjaʿiyya* 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 Shīʿi community chooses its religious leaders; the process of being recognised as *marjaʿ* depends on popular recognition and its outcome is unpredictable and non-coercive.¹³⁷

This element of popular approval is further exploited by al-Shīrāzī in his attempts to revise *wilāyat al-faqīh* in his response to the autocratic nature of the Islamic Republic in the 1980s. Al-Shīrāzī’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*).”¹³⁸ Discussing the process of choosing the head of an Islamic state, al-Shīrāzī 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-Shīrāzī 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.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.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.

¹³² See also Muḥammad al-Shīrāzī, *Fiqh ḥukm fī-l-islām*, 2nd ed. (n.p. [Qum?], no publisher, 1989/1990-1410H. [1971-79?]). Available at: http://alshirazi.com/compilations/patg/hukum_in_islam/fehres.htm. Last accessed: 16 December 2018.

¹³³ Muḥammad al-Shīrāzī, *Fiqh al-dawla al-islāmiyya*, vol. 1 (Bayrūt: Dār al-ʿulūm, 1989/90-1410H.), p. 57.

¹³⁴ Muḥammad al-Shīrāzī, *Al-ḥukm fī-l-islām*.

¹³⁵ Muḥammad al-Shīrāzī, *Al-masāʾil al-islāmiyya* (Bayrūt: Muʾassasat al-wafāʾ, 1985), p. 348.

¹³⁶ Muḥammad al-Shīrāzī, *Al-dawla al-islāmiyya*, p. 65.

¹³⁷ Mallat, *Renewal of Islamic Law*, p. 56.

¹³⁸ Muḥammad al-Shīrāzī, *Fiqh al-siyāsa*, vol. 2 (Bayrūt: Dār al-ʿulūm, 1986/87-1410H [1982]), pp. 117-118. For a similar shift in the perspective of Taqī al-Mudarrisī, see Raʾūf, *Al-ʿamal al-islāmī*, pp. 272-277 and Ibrahim, *Al-faqīh wa-l-dawla*, pp. 580-581.

¹³⁹ Muḥammad al-Shīrāzī, *Fiqh al-siyāsa* 2, p. 271.

¹⁴⁰ Ibid., pp. 109-111. See also Muḥammad Ghālib Ayūb, *Malāmiḥ al-naẓariyya al-siyāsiyya fī fikr al-imām al-Shīrāzī* (Bayrūt: Dār al-manhal, 1991), p. 106.

In line with a stronger support for a popular mandate which de-emphasises the role of the *ahl al-ḥall wa-al-ʿaqq* as electoral body,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 prevent the formation of an autocratic system.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."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.¹⁴⁴ In a possible attack on the Islamic Republic, Shīrāzī criticises "the governments in the present age who rise in the name of Islam"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 (*niẓām ḥizbī*).¹⁴⁶ Al-Shīrāzī asserts that "the foundation in Islam is freedom."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-dīmuqrāṭiyya (al-istishāriyya)*) is the best mode of government"¹⁴⁸ and has allowed the West to achieve its civilisational progress and power.¹⁴⁹

A shift also occurred in the question of party politics, contrary to the earlier opposition to the party structure and organisation.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-ḥizb)*)

¹⁴¹ Muḥammad al-Shīrāzī, *Fiqh al-siyāsa* 2, pp. 278-279

¹⁴² Ibid., pp. 10-12.

¹⁴³ Muḥammad al-Shīrāzī, *Al-dawla al-islāmiyya*, p. 48.

¹⁴⁴ Muḥammad al-Shīrāzī, *Al-shūrā fī-l-islām* (ūt: Dār al-firdaws, 1988/1989-1409H.), p. 25

¹⁴⁵ Ibid., p. 26.

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]).

¹⁴⁷ Muḥammad al-Shīrāzī, *Fiqh al-siyāsa*, vol. 1 (Bayrūt: Dār al-'ulūm, 1986/1987-1410H [1982]) p. 271.

¹⁴⁸ Muḥammad al-Shīrāzī, *Fiqh al-siyāsa* 2, p. 58

¹⁴⁹ Muḥammad al-Shīrāzī, *Al-shūrā fī-l-islām*, p. 28.

¹⁵⁰ Ibrahim, *Al-faqīh wa-l-dawla*, pp. 557-558.

occurred.”¹⁵¹ 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-hākīm*) which has reached power through a free process of consultation and election by the majority” and “the party of the ruler (*ḥizb al-hākīm*) which is dictatorial.”¹⁵²

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”¹⁵³, 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.”¹⁵⁴ 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.”¹⁵⁵ 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 *marjaʿ*. 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.¹⁵⁶ 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.¹⁵⁷ 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.¹⁵⁸

Conclusion

The article highlights the understudied contribution the Shīrāzīs - Muḥammad al-Shīrāzī, his brothers Ḥasan and Ṣādiq and their nephew Taqī al-Mudarrisī - made to the ideological formation of Shiʿi 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 Muḥammad 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'ṯh 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 onwards, clerical leadership was instrumental for Shi'i Islamist activism to be legitimate and effective. This also meant turning clerical activists into revolutionary leaders to establish an Islamic state.

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, Ḥusayn 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-intizār*, p. 73. For an excerpt of the actual lecture see <https://www.youtube.com/watch?v=Xr0li4zi1GU>. 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 Yāsir 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'i Islamism in Iran.

After the death of Muḥammad 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'i communities in the Arab Gulf monarchies.¹⁶⁰ The other response, fostered by al-Shīrāzī's younger brother Ṣādiq, as new *marja'*, is the de-politicisation of Shi'i polity by referring to the messianic utopianism of Shi'i Islam and marketing "cultural authenticity"¹⁶¹ against the alleged adulteration of Shi'i Islam by its current political and clerical leaders in Tehran, Qom and Najaf.

¹⁶⁰ Toby Mathiesen, *Sectarian Gulf: Bahrain, Saudi Arabia, and the Arab Spring that Wasn't* (Stanford: Stanford University Press, 2013), pp. 34-35.

¹⁶¹ Sajjad Rizvi, "Political Mobilization and the Shi'i Religious Establishment (*marja'iyya*)", *International Affairs* 86(6) (2010), p. 1306.