

**Examining the Views of 'Allâmah Majlisî on
Legitimate Political Authority (Saltanat- i Mashru'ah)
and the Guardianship of the Jurist (Wilâyat- i Faqhîh)**

Yasuyuki Matsunaga*

Abstract

This article is going to find and review the roots of two concepts in political jurisprudence from Majlisî's viewpoint. Firstly, the question of the legitimate temporal political authority (saltanat-i mashru'ah). Secondly, the guardianship of the jurist (wilâyat- i faqhîh) and its parameters. The main source of the research will be Majlisî's *'Ayn al- hayât*. It will be proved that wilayat-i faqhîh has been dealt with by Imami scholars a long before Imam Khomeini.

1. Introduction

Al-'Allâmah Muhammad Bâqir al-Majlisî (1037-1110/1627-1699) is called an unprecedentedly influential author in the world of Imami Shi'ism. Although best known as the author of his encyclopedic *hadîth* collection, *Bihâr al-anwâr*, 'Allâmah Majlisî was also a very powerful religio-political figure in his capacity as *Shaikh al- Islâm* of the Safavid capital Isfahan during the reigns of Shâh Sulaymân (r. 1666-1694) and Shâh Sultân-Husayn (r. 1694-1722). In addition to his determined campaign against Sufism and Sunnism, he has been credited for propagating Imami Shi'ism among the mass of the people of Iran, and for the first time, truly capturing their minds and souls

* Assistant Professor, College of International Relations, Nihon University

through his telling narration of the lives and sayings of the Prophet and the Imams.

This article has two objectives. In the first place, I will review 'Allâmah Majlisî's writings in order to re-examine the contemporary scholarly views on the question of the legitimate temporal political authority (*mas'alah-yi sultanat-i mashrû'ah*) in Imami Shi'ism. In dealing with Majlisî, the contemporary Western scholarship has long set an eye for a Persian book entitled '*Ayn al-hayât*' for his views toward temporal political authority. However, it has so far failed to connect its findings in this regard to the general theory of *Imâmah*—the cornerstone of both Imami theology and jurisprudence—and, in particular, its development after the occultation of the last Imam in the field of political jurisprudence (*fiqh-i siyâsi*). I will attempt to fill this gap by re-reading the relevant passages of '*Ayn al-hayat*' and other relevant passages of Majlisî's writings.

Secondly, I will review the views of 'Allâmah Majlisî on the guardianship of the jurist (*wilâyat-i faqîh*) and its parameters. Since the 1979 Islamic Revolution in Iran and the establishment of the *faqîh*-headed Islamic Republic there, the issue of the guardianship of the jurists has apparently gained sudden practical importance. While a tendency exists which emphasizes the innovative character in the arguments made by Âyatollâh Ruhollâh Mûsavî-Khomeinî (1902-1989) on this subject, it is also important to recognize that the matter has been dealt with by Imami scholars ever since the occultation of the last Imam in the 9th century, A.D., and that the views expressed by different jurists, in part, reflect the concrete historical socio-political conditions of the time in which they lived. In this context, reviewing the views of 'Allâmah Majlisî on this subject will shed some light on the historical development of the doctrine of *wilâyat-i faqîh* in Imami political jurisprudence.

2. The Problematic

In the Western scholarship on Imami Shi'ism, there are two distinct views relating to the Imami attitudes toward political authority during the occultation of the infallible Imam (*ghaibat-i Imâm-i ma'sûm*).

The first view emphasizes the core of the Imami teachings that the infallible Imam is the sole legitimate authority, both in religious and political matters. From this, it concludes, all *de facto* temporal political rulers are usurpers of the authority rightly belonging to the infallible Imam (*ghâsibân-i wilâyat-i Imâm-i ma'sûm*). It does not consider that the situation in this regard has essentially changed after the occultation of the Twelfth Imam. Among the scholars who hold this view are, notably, Ann Lambton and Norman Calder (Calder, 3-20). For example, Lambton states:

While the conception of the imam as the interpreter and executor of the divine law and the acceptance of the belief that the divine light was present in the house of 'Ali provided for the possibility of change ... the apparently greater flexibility of the Shi'i position was also lost when the divine light became stationary with the disappearance of the last *imam* in 260/873. Since that time political authority is held by the Shi'a to be usurped, whether it is exercised by Sunnis or by Shi'is... Legal and just government would not, they believed, be re-established until *imama* and *wilaya* were united in one person (Lambton, 240-1).

For his part, Calder argues that Imami juristic literature of the pre-Qajar period was premised on the principle that the actual government during the occultation of the Imam is illegitimate (*jâ'ir/zâlim*) (Calder, 3-5). It should be pointed out that the thrust of Calder's argument is that the Imami jurists were in pursuit of what he calls accommodation, or

modus vivendi, vis-à-vis *de facto* powers in spite of their acknowledged illegitimacy. Yet the fact remains that he is categorically firm on his interpretation that the actual temporal rulers were considered *de jure* illegitimate.

The alternative view, while adhering to the same cornerstone of the Imami teachings, sees some flexibility in interpreting the dictum during the occultation of the last Imam. Contrary to the first group's categorical view on the impossibility of legitimate temporal political authority in the absence of the infallible Imam, the holders of this second view emphasize the following two developments: first, the unavailability of the Imam during his occultation and the vital importance of government for safeguarding the interests of the Muslim community; and second, the appearance of professing Imami temporal rulers. These new developments, holds the second view, has created a new environment in which a legitimate temporal ruler (*sultân-i mashrû'*) has become a possibility. This alternative approach to the Imami attitudes toward political authority has also been proposed by some Western scholars. For example, Wilferd Madelung has stated:

Is then all government in the absence of the imam inescapably illegitimate, as has sometimes been maintained by western scholars? In the presence of the imams, the historical caliphate was necessarily illegitimate and unjust (*ja'ir*), since it usurped their position and refused to recognize their rights. The only way for the caliphs to restore justice would have been to turn over the reign to the imams. In the *ghayba*, this is not possible. A ruler or government thus does not usurp the position of the imam if he or it recognizes the ultimate sovereignty of the imam, is prepared to deliver the rule to him on his appearance and tries to govern in accordance with the will of the imams as embodied in Imami law (Madelung, 170).

While seemingly much more nuanced in interpreting the implication of the absence of the infallible Imam, Madelung has also added that the Imami jurists have "failed to develop this rudimentary concept into a clear-cut, practicable doctrine of just and legitimate government in the absence of the imam" (*Ibid*, 170-1). On this point, however, Abdulaziz Abdulhussein Sachedina has argued that we must bear in mind that these Imami jurists were writing under rather precarious political conditions. He states:

In the Imamite jurisprudence, the chapters on *makasib*, more particularly those treating the legality of working for the caliphal authority, seem to have been written under *taqiyya*, because it is in these chapters that the Imamite doctors were under pressure to include, however ambiguously, their opinions about Imamite political authority during the occultation... It is this difficulty in discovering their explicit opinion on the question of the legitimacy of Imamite temporal authority in the Period of occultation that has led to erroneous opinions among Western scholars regarding the unrighteousness of *any* government pending the return of the twelfth Imam (Sachedina, 94).

Now, while one must be careful not to over-schematize the differences described above, it seems worthwhile re-examining the writings of 'Allâmah Majlisî in light of this alternative view.

3. The Life and Works of Muhammad Bâqir Majlisî

Mullâ Muhammad Bâqir al-Majlisî was born into a distinguished clerical family in the Safavid capital Isfahan in 1037/1627— during the last years of the reign of Shâh 'Abbâs the Great (d. 1629). He grew up during the reigns of Shâh Safî (r. 1629-1642) and Shâh 'Abbâs II (r. 1642-

1666), the period known for the flourishing of the 'irfânî philosophical school in the Persian capital. Among those 'ulamâ' who were favored by Shâh 'Abbâs II was his own father, Mullâ Muhammad Taqî Majlisî (d. 1070/1659). It was apparently during the final years of Shâh Abbâs II's reign that the younger Majlisî decided to shun the dominant *irfânî* approach and devote himself instead to collecting a massive number of *hadîths* which eventually was published under the title *Bihâr al-anwâr*. During the same period, Majlisî also took up writing a series of books in the Persian language in which he quoted numerous *hâdiths* in an effort to propagate the central Imami teachings among the mass of the people. Thus, it was also during the reign of Shâh 'Abbâs II— in 1074-/1664— that Majlisî composed his renowned '*Ayn al-hayât*, a 600-page commentary on a testament given by the Prophet to Abû Dharr al-Ghaffari.

The practical impact of Mullâ Majlisî, however, began to be felt much later, that is, during the reign of Shâh Sulaymân (r. 1666-1694). In 1090/1679 (or 1098/1687), the Shah appointed him *Shaikh al-Islâm* of Isfahan, the office of the highest religious authority and a source of great practical influence over the Shâh himself as well as the administration of his empire¹. It was during this period that Mullâ Majlisî began his campaign against the Sufis, the 'irfânî 'ulamâ', the Sunnis and non-Muslim minorities. His political prominence was about to peak in 1106/1694 when he was asked to administer the coronation ceremony of the young Shâh Sultân-Husayn who had come under the influence of his teacher, the *Shaikh al-Islâm*, in his harem. Until his death in 1110/1699, Mullâ Majlisî was said to be the most powerful political figure in the Capital.

In addition to the encyclopedic *Bihâr al-anwâr*, Majlisî has written his commentaries on two of the four early canonical *hadîth* collections: *al-Kâfi* of Muhammad al-Kulainî (d. 328/939) and *Tahdhîb al-ahkâm* of Shaikh

Muhammad al-Tûsî, also known as Shaikh al-Tâ'ifah (d. 460/1067). As for his views on the doctrine of *Imamah*, one would like to consult the as-yet unedited volume 3 of his Persian work, *Hayât al-qulûb*, in addition to the relevant sections of his inescapably important *Bihâr al-anwâr* and two *hadîth* commentaries.

4. 'Allâmah Majlisî's views on Temporal Political Authority

The sections of '*Ayn al-hayât* in which Majlisî has pondered on the rulers (*salâtin*) and their justice ('*adl*) and injustice (*jawr*) have long caught the attention of the scholars writing in the Western languages and have also been the almost singular source for identifying his political views' (Majlesi, 1333: 487-506).²

In line with the first view in the above on the Imami attitudes toward temporal political authority, the dominant interpretation in the West does not consider that Majlisî was breaking new ground when he preached the need to pay respect for the rights of the kings (*huqûq-i pâdshâhân*). Thus, Abdul-Hâdi Hairi states:

One of Madjlisî's fundamental teachings is that the Shi'a should have full respect for the rulers. He emphatically warns that anyone "who despises the kings" will suffer abasement: he says that "one who does not obey the kings, has not in fact obeyed God." He also reminds his audience that "the hearts of the kings and those of all mankind are in the hands of God; one must have regard for all tyrannical kings and other oppressors, and it is even compulsory to exercise dissimulation before them, to prevent [oneself] from their harms. and not to expose [oneself] to their wrath "(Hâiri, 1087).

For her part, in reviewing the relevant sections of '*Ayn al-hayât*, Lambton states, "Muhammad Bâqir Majlisî, while

accepting the existence of kingship, makes no attempt to validate it (Lambton, 283)," and concludes:

Majlisî ... made no real advance on the work of earlier writers. He recognises, like others before him, the necessity of coercive power and permits co-operation with temporal rulers with or without the practice of *taqiyya*. Like many writers before him, both Sunni and Shi'i, he admits the interdependence of religion and kingship; but by permitting the believer to co-operate with an unjust government while practising *taqiyya* he enables him to avoid any responsibility for its actions and canonises the irresponsibility of government. Belief in the return of the *imam* directed the expectation of believers to the future and away from the present. The true king was the Hidden Imam but there was no indication of when he would return and take up his power. Meanwhile the reign of usurpers was to be endured until such time as he would return (*Ibid*, 286).

It is, however, possible to read the same passages of *'Ayn al-hayât* according to the alternative view on the Imâmi attitudes toward temporal political authority as expressed by Madelung. Although, to my knowledge, he has not used Majlisî's works to demonstrate his thesis, the three conditions Madelung has cited to qualify as a legitimate political ruler during the occultation of the infallible Imam are readily applicable here. Again, in his interpretation, a ruler or government can be considered legitimate, if (1) he or it recognizes the ultimate sovereignty of the Imam, (2) is prepared to deliver the rule to him on his appearance, and (3) tries to govern in accordance with the will of the Imams as embodied in Imami law.

Similar conditions have been formulated by a contemporary Shi'i religious scholar. According to Mohsen Kadivar, the conditions for qualifying as "legitimate political ruler" (*sultan-i mashrû'*) are as follows:

(1) being Muslim; (2) being a follower of the authority of the progeny of Prophet Muhammad (*qâ'il bih wilâyat-i ahl-i bait*); (3) possessing might and capacity (*shaukat wa iqtidâr*) necessary for managing an Islamic kingdom and defending Muslims against the outsiders; (4) having formal respect for the Islamic law (*zawâhir-i shar'i'at râ muhtaram bi-dârad*); and (5) being courteous to religious scholars and officially acknowledging the authority of the jurists in shar'i matters (*wilâyat-i faqihân dar shar'i'iyat*) (Kadivar, 59).

In the section of *'Ayn al-hayât* entitled "the elucidation on the modality of association with the holders of commanding authority (*bayân-i kaifiyat-i mu'âsharat-i arbâb-i hukm*)," Majlisî declares that God has given each person in the world a portion of sovereignty (*sultanatî*). Kings have sovereignty over their subjects, he states, just as parents over their children and each person over his senses and body parts. He then states that there is no one in the world who does not possess some portion of authority and rule (*wilâyat va hukûmat*) (Majlesî, 1333: 491-2).

With regard to the kings, in particular, he states the following in the beginning of the section entitled "on the rights of kings, heeding them, praying for their moral probity, and not disputing their authority (*satwat*):"

Know that kings who follow the true religion have many rights upon the subjects (*pâdshâhâni kih bar dîn-i haqq bâshand ishan râ bar ra'iyyat huqûq-i bisiyâr ast*), for the kings guard and defend them and repel the enemies of religion from them. Kings preserve and protect their religion, life, property, and honor. Hence people must pray for them and recognize their rights, especially when they act with justice (*Ibid*:496).

The above passage is one of the clear indications that Majlisî believed that holders of temporal political authority, such as Safavid shahs, could be legitimate. If these professing Imami kings are illegitimate (*ghair-i mashrû'*), one has to wonder how they could be argued as having "legitimate rights" (*huqûq*) over their subjects? This interpretation is confirmed by Mohsen Kadîvar who further cites some indications to this effect from Majlisî's *Bihâr al-anwâr* (Kadîvar, 64-5).

Now, given the above passage one might be tempted to add to the lists of the conditions for a legitimate temporal ruler one additional condition, that is, being just (*'âdil*). However, it must be clearly recognized that being legitimate and being just is not one and the same thing. One must remember that the key criterion for judging whether a temporal ruler is legitimate or not is whether he has usurped the authority of the Hidden Imam. On this point, Majlisî explicitly states:

It is related that the Commander of the Faithful (AS) said, "Be on guard for your religion against a possessor of kingship who imagines that obeying him is obeying God and disobeying him is disobeying God. He is lying, for he is in the midst of nothing but disobedience toward his Creator, and it is not necessary to obey someone who disobeys God. Obedience is only mandatory toward God, the Messenger, and those in authority (*ulû al-amr*), who are the infallible Imams (*Imâm-i ma'sûm*) (*Ibid*:487).

This passage clearly indicates that, in Majlisî's belief, kings could possess sovereign authority (*sultanat*) only in non-religious, secular (*'urfî*) matters. Therefore, no temporal political authority could infringe on the divine authority of the infallible Imam. The important point for us is, however, that this does not make it impossible for a professing king to be a *legitimate* temporal ruler,

nonetheless— if only during the occultation of the infallible Imam.

5. 'Allâmah Majlisî's views on Wilâyat-i Faqîh

In the passages cited above, Majlisî clearly circumscribed the authority of temporal rulers within the limits of *urfî* matters and appears to be content with the de fact and de jure division of authority between the kings and jurists (*fuqahâ'*). That is, the temporal rulers are responsible for keeping the borders secure and maintaining order in the kingdom, while the *fuqahâ'* exercise their religious leadership and authority. By the time of 'Allâmah Majlisî, the successive Imami jurists had developed the list of *shar'î*, or *hisbî*, matters that come under their authority (*wilâyat*). One of such contemporary formulations cite the following six areas:

1. Issuing juridical opinions and propagating divine ordinances (*iftâ' wa tabligh-i ahkâm-i shar'î*);
2. Being the ultimate authority in enjoining good and forbidding evil (*marâhil-i nahâ'i-i yi amr bih ma'rûf wa nahy az munkar*);
3. Leading Friday and collective prayers (*iqâmah-yi jum'ah wa jamâ'at*);
4. Handing down juridical judgment and executing legal punishment (*qidâwat wa lawâzim-i ân az qabûl-i ijrâ'i hûdud wa ta'zirât*);
5. Collecting the legally collectable alms (*jam'-âvari-yi mâliyât-hâ-yi shar'î*);
6. Administering public endowments and being the guardian of those without guardians (*idârah-yi auqâf-i 'âmm wa sarparastî-yi afrâd-i bî-sarparast*) (*Ibid*: 58).

While that Majlisî was among those jurists who upheld the position of the guardianship of the jurists in *shar'î* matters can be known from his commentary on the oft-cited *hadîth* of Imâm Sâdiq narrated by 'Umar b, Hanzalah—

which appears in *Mir'ât al-'uqûl*, his commentary on al-Kulainî's *al-Kâfi* (pp:221-7)³—the following citation of a *hadîth* of the Prophet which appears in his *'Ayn al-hayât* may be an indication that Majlisî considered sanctioned the *de jure* division between the king and the jurists:

The Messenger (AS) has been quoted by a reliable chain of narrators as saying: if they are upright and worthy, my community will be upright. If they are corrupt, my community will also become corrupt. He was asked, "Oh Messenger of God, who are they?" He replied, "They are jurists (*fuqahâ'*) and commanders (*umarâ'*)" (Majlesî, 1333: 492)."

A further question remains, however. Was Majlisî in *taqîyah* when he stated the above and was his true heart with the government by *faqîh*? For, not only is he considered a supporter of *wilâyat-i faqîh* in *shar'î* matters, he was also an exemplary who actually exercised strong juridical *wilâyah* in his capacity as the powerful *Shaikh al-Islâm* under the reigns of Shâhs Sulaymân and Sultân Husayn. Was he very close to declare the government by jurists?

On this question, the same commentary on the *hadîth* narrated by 'Umar b. Hanzalah in his *Mir'ât al-'uqûl* is insightful. There, writing in Arabic, he probably felt less Pressure, if any, toward concealing his true viewpoints. In his rather long word-by-word elucidation of the *hadîth*, he comments on the meaning of the term *hâkim* in the key sentence of the *hadîth* "I have appointed him *hâkim* over you (*fa-inni qad ja'altu-hu 'alai-kum hâkiman*)." While he makes a reference to possible different interpretations, he is quite firm in declaring that the explicit meaning of the sentence is that Imâm Sâdiq appointed the '*âlim* among the Shî'ah to the position of judge (*al-qâdi*) to whom the people

are obliged to take their case for *shar'î* judgment (Majlesî, 1363: pp. 223-4).

6. Conclusion

I have examined the views of 'Allâmah Majlisî on legitimate temporal authority and the guardianship of the jurist. In the above, I have submitted that 'Allâmah Majlisî believed the possibility of a legitimate temporal political ruler during the period of the occultation of the infallible Imam. I have also suggested that Majlisî also considered the *de facto* division between the temporal political ruler (the king) and the Imami jurists *sanctioned*, thereby making the *de facto* division a *de jure* one as well.

In concluding, it seems important to emphasize that the views of 'Allâmah Majlisî reviewed in the above were apparent reflections of the time and historical environment in which he lived. The *de facto* and *de jure* separation of religious and political authority was practicable only as long as a legitimate temporal ruler was considered a real possibility. Theological arguments may last long once they are formulated; juridical arguments, by contrast, may find themselves much more malleable according to the changing socio-political circumstances. It is in this sense that these views of 'Allâmah Majlisî constitute part of the dynamic processes of the development of Shî'î political jurisprudence.

Notes

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1-Whereas the oft-cited author Sayyid 'Abd al-Husayn Khâtûn-âbâdî reports that the appointment was made in 1098, Rasûl Ja'fariân

cites in his renowned book the year 1090 from Sayyid Ni'matullâh Jazâ'irî. See his *Dîn wa Siyâsat dar Daurah-yi Safawî* (Qom:Ansâriân. 1370), p. 97.

2- The passages have been translated into English by William Chittick under the title "the third spring on the explication of a few of the situation of rulers and commanders, on associating with them, and on their justice and injustice." See "Two Seventeenth-Century Persian Tracts on Kingship and Rulers," in *Authority and Political Culture in Shi'ism*, ed Said Amir Arjomand (Albany: SUNY Press, 1988), pp. 267-303. See also a long citation from the sections concerned in Lambton's *State and Government*, pp. 283-86. A new edition has recently, been published in Qom, which this author has seen in Iran but does not currently have a copy at hand.

3- Incidentally, this is the same *hadîth* on the authority of which the doctrine of rulership of the jurist, that is, the contemporary version of *wilayât-i faqîh*, has been developed by Âyatollah Ruhollâh Mûsavî-Khomeinî.

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