

Iranian Religious-political Development in Light of Three Epochal Transformations

**Bahman Khodadadi,
Faculty of Law, University of Münster, Germany
email: Bahmankhodadadee@yahoo.com**

Abstract

Three epoch-making upheavals have had a tremendous impact on the Iranian polity throughout its long history. These upheavals have radically reshaped and restructured the society in terms of its religio-political and jurisprudential institutions. The invasion of the Arabs, the rise of Safavids, and the Islamic Revolution, respectively, changed the religion of the Iranians from Zoroastrianism to Islam, made Shiite Islam the official religion in the whole of Iran, and established the theocratic state based on Shiism. As the first phase begins with the prevalence of Islam in Iran, the body of discussion in this paper revolves around the Islam-inspired norms that have shaped the religio-political framework of the country. The paper seeks to highlight these seasons by analyzing the systematic-normative outcomes that the Iranian society witnessed.

Keywords: Islamic norms, Shiite ideology, Safavid dynasty, Islamic Revolution

Introduction

When it comes to contemporary countries whose social, political, and legal norms have been strongly affected by Islam throughout their history, we should note that diverse parameters which were not necessarily Islam-related ones could play the norm in the formation of these countries. However, at least one thing in the Islamic world seemed to be common among Islamic countries. Indeed, the framework of political thought in the Islamic world remained grounded in religion and theology, whereas, despite the enormous influence of Christian perspectives, the framework of political thought in the Western world was found predominantly in philosophy.¹ This contrast gave birth to some significant outcomes: politics, then in the eyes of many Muslim scholars, was mainly part of theology and therefore never attained true independence. What is more, while political thought in the Western world enjoyed more fertile ground due to its nature – in addition to historical conditions – Islamic civilization interconnected comprehensively with understanding *fiqh*² and *Sharia*, which kept political thought away from other pivotal subject matters. The argument for such a perspective was simple: there is no need to embark on such subjects, for all solutions are included in *Sharia*.³ This was rooted in the religious basis of society, government, right, and more generally, morality. I think there is much truth in the foregoing argument.

¹ For the development of Islamic political thought see Antony Black, *The History of Islamic Political Thought: From the Prophet to the Present* (Edinburgh: Edinburgh University; 2011).

² *Fiqh* [understanding] is a term for Islamic law, particularly as it is interpreted and implemented by legal experts from among scholars [*Ulama*]. With the *Sharia* being the body of law which has been ordained by God, *fiqh* essentially means the commitment to understanding the law of God. As such, it is a religious form of what is called ‘jurisprudence’ in the West.

³ Scholars who defend this argument refer to the following Quranic verse: ‘And with Him are the keys of the unseen; none knows them except Him. And He knows what is on the land and in the sea. Not a leaf falls but that He knows it. And no grain is there within the darkness of the earth and no moist or dry [thing] but that it is [written] in a clear record.’ (6:59)

The history of Iran as a country that has tremendously been affected by Islamic norms throughout its long history could be an excellent example for the evaluation of the given argument. I have no intention of attempting here a comprehensive evaluation. Indeed, given the limited scope of this article, it is not possible to do so. Instead, my ambition here is to shed some light on three momentous epochs and significant turning points that played a crucial role in the religio-political framework of Iran throughout its history. These watershed periods have been chosen based on the tremendous impact which new systems of religious normativity has had on Iranian polity and its societal structure. The first one which will be discussed in the first section revolves around the Arab invasion that introduced Islam and its normative values/jurisprudence to Iran; the second one addresses the rise of the Safavid dynasty that caused the conversion of Iran from Sunni Islam to Shiite Islam; and the third one which discusses the rise of Islamic Revolution that led to the establishment of the world's most prominent constitutional theocracy based on Shiism. In doing so, I will be attempting to address the most important issues related to the theme of this article, namely the impact of religio-political upheavals on Iranian polity.

I. The Islamization project of Zoroastrian Persia

Some scholars taking a religiously loyal view (a committed approach) regard the fall of the Sasanian Empire caused by the Arab attack that occurred around 633 as a sign of divine mercy and felicity whereas others view it as a cruel invasion that marked the starting point for the decline of Iranian national power and authority. No matter what position we take, there is no doubt that the birth of Islam was a watershed moment for Persia.

A. Pre-Islamic religio-political context

Persia has been characterized by Iranian scholar Homayoun Katuziam as a short-term society in which leadership has often been insecure. It has been suggested that lasting social developments have often been thwarted by the absence of a stable and inviolable legal framework which could otherwise

guarantee long-term sustainability (Katuzian, 2011:9); this was demonstrated most strikingly during the politically volatile Sasanian dynasty. This social feature stands out more clearly when one compares it to the relative continuity of European society. In contrast to the traditions of the European aristocracy and even the merchant classes, social status and ownership were considered to be personal privileges and although the concept of inheritance existed in Persian society, it was rarely adhered to particularly among the leadership. The resulting social dynamism contributed to the destabilization of political leadership, easily leading to sedition or regicide and the characteristics which led to its portrayal as a short-term society. Katouzian, the Iranian sociologist, likened the resulting political structure to a “pick-axe building” (Ibid, 10). According to Sassanid era Zoroastrianism, the king was superior in rank to the religious establishment. He was the guardian of religion, in charge of order and justice in society. On the other hand, the king needed religion to provide him with such authority. It is no wonder that the Zoroastrian priesthood was regarded as such an impressive societal institution and, along with the kings, the basis of government. Seen in this light, the close relationship between the offices of clergy and king is clear. The king was responsible for upholding the religion with his rule, while also deriving his legitimate authority from it. With this fact in mind, the relationship between religion and government was a two-way street and the king could be regarded as a symbol of these two, standing at the peak (Bahadori, 2015: 38-39).

B. The development of Islamic norms

The evolution of political thought in Iran decisively impacted Islamic political thought itself. The evolution was triggered by the fall of the Persian Empire and the prevalence of Islam in Iran. According to the claims of leading Iranian contemporary scholars, the Arab invasion and conquest of Persia was the greatest watershed in the history of the land and its people as it gave rise to the most fundamental changes ever to occur in Persia, embracing the political, judicial, religious and social spheres.⁴ Indeed, Persia’s

⁴ Although some authors argue that Persians welcomed Arabs and Islam, leading Persian historians have challenged this perspective. See Zarinkoub, Alihosein, *Do gharnsokout* [Silence for Two Centuries] (Tehran: Amirkabir Press, 1956).

whole socio-political structure in this era was impacted by the Arab invasion and the ensuing clash of two different social, religious and cultural systems. After the conversion to Islam from Zoroastrianism⁵, whether voluntarily or by the sword, a large amount of ancient Persian motifs was interwoven with Islamic directives and continued on in the form of a new synthesis. Thus, the influence of ancient Persian cosmology and the theory of the Ideal King on political thought related to Shiite attitudes was considerable.

The development of Islamic norms in Iran was not merely restricted to the so-called manifestation of ethical norms that advised only on moral virtues. Rather, given norms slowly penetrated into various areas of Iranian civilization. It seems that the most important field in this regard was the field of jurisprudence and governance, which were influenced by Islamic norms. As far as the sources of law are concerned, the Quran, which was believed by Muslims to be the direct speech of God revealed to the Prophet by the angel Gabriel, was not the only source of religious dictates that penetrated into the normative legal-political structure of Iran. Narrative sources (the *hadith*) were also considered as a set of guidelines for life. Indeed, most judges appeared to have also referred to narrative sources and discretionary opinion (*Ra'y*) to solve criminal or civil cases (Hallaq, 2011: 43-44).

However, because the scope of the Quranic verses on legal cases was limited, Muslim jurists did not have a fully comprehensive guide on complex human incidents and novel cases. As such, judicial jurisdiction was developed and the jurists were given concurrent jurisdiction over cases that had not been stipulated in the Quran or spoken of by the Prophet or Caliphs – those which I would like to call secular cases (novel cases).⁶ In doing so, discretionary opinion based on judges' personal reasoning played a significant role in settling legal matters by using established norms and earlier precedents. The sources

⁵ Zoroastrianism is the ancient, pre-Islamic religion of Persia.

⁶ This claim, however, would be challenged by those who held that the Divine Laws were so all-inclusive that they covered all laws concerning all social issues. A Quranic verse (6:59) – And no grain is there within the darknesses of the earth and no moist or dry [thing] but that it is [written] in a clear record– which would be taken into account literally was of those evidences on which this argument was furnished

of Islamic jurisprudence which were systematically and gradually developed in Iran were mainly inspired by Sunnism until the Safavid-era conversion of Iran from Sunni Islam to Shiite Islam, which took place, roughly, between the sixteenth and eighteenth centuries. The next section turns to this epoch-making religio-political turn in Iran.

II. Safavid-era: Shiism as an official sect in the religious monarchy (1502–1736)

The rise of the Safavid dynasty was a watershed moment for the development of Iranian politics and, most importantly for the present topic, for the growth of clerical influence in Iranian society.

The reason lies in the fact that the Iranian society witnessed a tremendous religio-political upheaval during Safavid-era, which is often considered the starting point of modern Iranian history and the rebirth of the Persian Empire. The upheaval I am referring to here is the conversion of Iran from Sunni Islam to Shiite Islam as a significant ideological turning point, based on which Shiite political discussions were later initiated.

A. Theoretical background

In light of the essential issue in the theory of Shiism which revolved around the absence of the twelfth *Imam*⁷, *the expectation was of the appearance of their Imam* and of his establishment of a true, long-awaited theocratic state. This could brook different interpretations; the given issue could easily indicate that any other types of government are illegitimate. Such a doubt cast on the legitimacy of political status of kings made scholars – especially the ones that had political affiliations – rethink their views on the legitimacy of authority and government.

Nizam al Molk⁸, who lived about four centuries before the Safavids came to power, was an outstanding scholar who left behind a complex intellectual

⁷ **Twelver Shiites** see him as the **Mahdī**, the saviour of mankind and the final **Imam** of **the Twelve Imams**.

⁸ The vizier of two Saljuq sultans (1018-1092), he became the de facto ruler of the empire, eventually being seen as the archetypal good vizier in the world of Islam.

legacy in which he essentially broke with tradition and expounded a powerful argument on the legitimacy and essence of political institutions. In order to come up with a new solution, he brought up a theory which was thereafter considered political realism (Hasan, 1987: 224). His theory supports the kingship which stems from the theory of the Ideal King going back to ancient Iran. According to him, the King does not receive his legitimacy and authority from the *Calipha*, but rather these are independently bestowed due to the divine royal glory. Shahab Suhrawardī was another leading thinker who attempted to find a way to reconcile the opposing concepts of nationhood and the new religion in the country. To that end, he interpreted the ancient religious-political concept of divine royal glory by means of Islamic philosophy (Corbin, 1996: 126).

When the theory of the Ideal King was combined with Persian mysticism, the office of the king was associated with prophecy – in an echo of the old cosmocratic monarchy; this meant the king became a viceroy of God on earth (Puladi, 2006: 108). These two scholars, i.e. Nizam al Molk and Shahab Suhrawardī, exemplify the ways in which efforts were made to deal with the justification of legitimacy of political power. Moreover, the Iranian monarchs gradually came to accept that force could never offer them the legitimacy they were striving for. In view of this fact, the demands of the king had to be met by religious scholars – which the king could support in exchange. To meet the king's demand, scholars would employ different methods in their reasoning, such as analogy or *a fortiori*.

1. Akhbarizun camp

However, such a legal tradition did not come into existence overnight, indeed, it had many challenges. One of these challenges was created by a group called *Akhbariyun* [The Transmitters of Tradition] coinciding with the advent of the Safavids. This religious stream forbade Muslims who would routinely refer to the Quran in order to make the above arguments. The *Akhbariyun* believed that only the Prophet and the Imams were entitled to refer to the Quran and ordinary people were only allowed to resort to the hadiths of

the Prophet and Imams (Momen, 1985: 223). Yet they would also not make any room for ‘consensus’ and ‘intellect’, for they argued that ‘consensus’ has been formulated by Sunnis and ‘intellect’ is not reliable due to the fallibility of man’s ability to judge (Sharifi and Faez, 2014: 142-143). Such perspectives could reduce the influence of those jurists who were inclined to make more room for ‘intellect’, ‘flexible exegeses’, and ‘innovations’ in the sphere of Sharia. As a result, the antagonism between these types of jurists and the *Akhbariyyun* culminated in different perceptions of the scope of reasoning, the status of custom, and the role of time and place concerning deduction from religious edicts.

2. Usuliyun camp

On the other hand, the *Usuliyun* [Usulis] would validate ‘consensus’ and ‘intellect’ as two sources of law by which legal indicants can be inferred from the textual evidences, i.e. the Quran and tradition. Moreover, they would accept *Ijtihad* [legal reasoning] and held that laymen should imitate high-ranking Islamic jurists regarding such aspects. Islamic *Usul’alfiq* [legal theories], therefore, is used by them to take advantages of its rule such as the principle of the presumption of continuity and the principle of presumption of innocence. Last but not least, the authoritativeness of outward appearance of the Quranic verses is also a matter of dispute; that is, whereas *Akhbariyyun* maintain that one cannot follow the outward show of the Quranic verses unless they have been interpreted by the saying of the infallible Prophet and Imams, *Usulis* believe in the authoritativeness of the outward appearance of the Quranic verses even if there is no *hadith* of the Prophet and Imams clarifying such verses (Mansouri, et al, 2017: 28).

B. Shiism: An epoch-making religio-political turn in Iran

Coincidentally, it was at around the same time that the Ottoman Empire took the lead of the Sunni community and, as the most powerful neighbour of Iran, seemed a serious threat to its territory (Jafariyan, 2011: 39). In turn, the

Ottomans warily watched the rising Safavid power to their East. Under such conditions, the charismatic Shah Ismail I (1501-1524) gradually managed to unite the Iranian realm and other allied peoples. The Safavid strategy of combining a dynamic religious ideology with centralising reforms (Ibid, 29) arguably contributed to a sense of common national identity⁹ and, at the same time, strengthened the Iranian polity against its Ottoman rival.

However, it is worth mentioning here that the willingness to such a conversion was not purely based on political interests, but rather on a historical Iranian background and neo-Platonic philosophy were also facilitator factors which had prepared the ground (Puladi, 130). Based on this argument, the idea of the 'rightfulness of Imam Ali¹⁰ and his descendants after the Prophet's death' which lies at the heart of Shiism was rooted in the national and political thought of the Sassanid era, according to which 'divine royal glory' and 'the right to rule' only belonged to Sassanid kings. In other words, the just and chosen individual who enjoys the divine royal glory is entitled to rule the society, and by extension, ideally, the world. Consequently, such a figure is the demonstration of both political and religious power. Hence, it follows that such a political ideology proved sufficient to keep Iran away from the idea of Caliphate (Zarinkoub, 1956: 255).

Safavid kings were in dire need of religious support and regulatory instrument to maintain their worldly power over the country in which the majority of people were Muslims. As such, Shah Ismail I (1487–1524) was forced to seek a compiled book of jurisprudence based on Shiism that could be a designated go to for governmental and religious issues. 'The Book of Rules' (*Ghava'ed*) written by a noted Shiite jurist called Allame Helli was the one which was

⁹ Note that by 'national identity' one does not refer to the 'the ancient, pre-Islamic identity', for Safavid authorities were Muslims and some of them even held a traditional Islamic approach. In this case, this simply meant a separated identity in opposition to the Ottoman Empire.

¹⁰ For Shiite Muslims imam is associated with a fundamental doctrine concerning charismatic male leadership that comes from the Prophet of Islam via his daughter Fatima, and son-in-law and cousin, Ali who is regarded as as the first *Shia Imam* and in *Sunni Islam* as the fourth of the "rightly guided" caliphs.

chosen by the King, and sat the stage for ‘the project of shariatization’ in light of Shiite jurisprudence and ideology (Jafariyan, 1991: 112). Accordingly, when this age is analyzed, one should keep it in mind that the institutions of law and religion did not enjoy an independent existence and therefore failed to function independently. Indeed, religious conceptions of politics and law emerged in theoretical and technical ways based on Shiite theological based arguments and concepts.

Since the Safavids came to power, literature revolving around the Shiite jurisprudence and political theology has grown bigger and bigger like an avalanche flowing down a mountain. Meanwhile, mainstream Shiite jurisprudence was forced to adapt itself to the new reality and religious scholars became motivated to assist the political authorities – a situation which was referred to by them as ‘submission to the guardianship of an unrighteous temporal ruler’ (Soltan Mohamadi, 2001: 2019). Indeed, many Shiite scholars came to believe that although all rulers were essentially illegitimate during the Occultation of the twelfth Imam, we could at least distinguish two different types of ruler: a just ruler and unjust ruler. They argued further that as Safavid kings are Shiite, we are free to cooperate with the former as far as his measures do not contradict Islamic directives (Ravandi, 1984: 542). Such a realistic and pragmatic position, from the establishment of the Safavid dynasty onwards, made more room for Shiite jurists to participate in the political arena. This trend, despite its ups and downs, continued until 1979, when the first Shiite theocracy emerged. In the next section, I will discuss the formation of Shiite theocracy that has survived to this day.

III. The emergence of the Iranian constitutional theocracy (1979–present)

As already mentioned, it was during the period of the Safavid dynasty, that the socio-political status of clergymen was strengthened. With clerical influence continuing to increase over time, this would later contribute to its ultimate triumph – taking political power in 1979. The reasons for its ultimate success are varied and can be linked to the nomic crisis engulfing Iranian society

during the last years of the Shah's reign – while also including the impact of Iranian leftism on the religious factions – and by Ayatollah Khomeini's successful use of Islamic tradition to pursue his agenda. Most significantly, in comparison to the National Socialist conquest of political power, the Iranian ideocracy could make use of an existing legal order¹¹ without needing to create a new one. Moreover, one must mention the term 'westoxication' as one of the most important concepts developed during this point in time.

A. The conceptualization of 'westoxication': An antithesis to western liberalism

During the Shah's reign, despite the fact that Iranian society had achieved social and economic progress due to rapid development, the restriction of political freedom which stemmed from the centralization of power and the Shah's autocratic practices cast doubt on the legitimacy of the government. The eclipsing of Islamic jurisprudence over the Pahlavi dynasty (1925–1979) which occurred within the modernization and westernization project, was stigmatized by revolutionists and reframed as 'legal colonialism', 'westoxication', and 'occidentosis', and then broken down by the hard revival of Islamic principles asserted by Shiite militant clerics, the vanguards of the Islamic movement. Modernism, subsequently, turned to be tantamount to the so-called "westoxication" – infatuation with Western culture and lifestyle. If 'westoxication' could provide the negative impetus for the new ideocratic project, the word *Umma* [the Muslim community] held the opposite role. The concept of the *Umma* may be considered of great importance in the rise and expansion of the Iranian ideocratic project. Perhaps its most important use was in the interpretation of Iranian conservatives who could portray the Islamic *Umma* as besieged by the corrupt forces of Western-imposed

¹¹ As Jonathan Acuff points out, "The legal order also supported Khomeini, for it was not only a text upon which to base his claims to legitimacy and a code upon which to discipline his followers, *sharia*, it was also an already extant institutional structure, although one that had yet to be employed politically." Jonathan Acuff, 'Islam and the Charismatic Revolutionary Social Transformation in Iran', *Totalitarian Movements and Political Religions* 4:2 (2003), p. 144.

modernity. Thus, modernity itself could be considered against Islamic principles and the West being associated to the *dar al-harb* [House of War]. The concept of *Umma* has remained useful for the Islamic Republic after the revolution of 1979, being consistently utilized in order to contribute to the social cohesion of Iranian society, especially as a sort of bulwark against the presence of Western ideas. Its purpose was thus – in an ideal case scenario for its proponents – to save and preserve the distinctly Iranian and Muslim character of the new ideocracy by protecting it from Western ideological imports.

Remarkably, the term has not been replaced by its Farsi equivalent *mardom* (which simply means “people”), either in the media or in specialist literature. The main reason for this seems to be that *Umma* bears a particular connotation, namely, while the latter associates with Islam and the idea of theocracy, the former deals more with the basic notion of nation and citizens. For conservative factions for which the concept of *Umma* came to be considered essential as a resistance potential, the solution was found in the implementation of *Sharia* laws in order to help both purify Iranian society from its alleged ills and for blocking the perceived influence of liberalism.

B. The theological framework: The guardianship of the Islamic jurist

The main political doctrine which prepared the way for the Islamic revolution of Iran was the doctrine of ‘The Governance of the Jurist’, which had been initially put forward by Mulla Ahmad Naraghi and was expanded upon by Ayatollah Khomeini. According to the doctrine, during the Occultation of the Imam, ‘the ruling jurist’, who was the inheritor of the Prophet’s knowledge and representative of Imams, was qualified as a political governor. This essentially depicted the Imams as the legitimate governors and administrators of the country. Based on the given theory, the concept of Imamatus was replaced by the concept of Guardian [Vali]; such a conscious replacement entered the guardianship to the scope which exclusively belonged to Imams, as they were supposed to be the unrivalled individuals who could enjoy grace

POLITICAL STUDIES FORUM

(Adamiat, 1986: 58). Strengthening the theory, Some Shiite scholars adduce several Quranic verses that, according to their theological exegesis, support the intermingling of the religious aspects of Islam with political sovereignty. Two oft-quoted verses are as follows:

Indeed, Allah commands you to render trust to whom it is due and, when you judge between people, to judge with justice. Excellent is that which Allah instructs you to do. Indeed, Allah is ever Hearing and Seeing. (4:58)

O you who have believed, obey Allah and obey the Messenger and authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you should believe in Allah and the Last Day. That is the best [way] and best in result. (4:59)

Accordingly, the guardianship was deemed a ‘continuity and the hidden interior’ of Prophecy; hence, the guardian was a perfect figure who could exist in every age, for the divine grace never comes to an end and is not restricted just to Imams or the Prophet. If Ayatollah Khomeini’s works merely outlined the general frame of a theocratic state, after the publication of ‘The Islamic State’ and in the wake of the Islamic revolution, various ideas were formulated on the essence of the Islamic state, with several theories on the Governance of the Jurist being put forward. In this respect, one can find two main arguments on formalizing the given theory – the protective guardianship and contract and guardianship, respectively. The Protective Guardianship essentially means guarding the populace by a contractual office. In this sense, the Governance of the Jurist is considered a branch of the supervising guardianship of prophets or *Imam*, that is to say, it is very much in the same line with the prophetic mainstream.

However, such a synthesis shed also some doubts on the correct interpretation of the main directives of the Guardianship of the Jurist. As such, one of the controversies which led to more discussion revolved around this question of whether the concept of ‘Guardianship’ refers to ‘representative of the populace’ or ‘lord of the populace’? If the answer happens to be ‘Yes’ to the former, then the Supreme Leader is the ‘People’s Chosen’. By contrast, if the

same answer goes to the latter question, then it would be argued as follows: The concept of ‘guardianship’ is on the basis of this idea that if people are left without any supervision, they cannot follow the guideline given by God. That being so, the Supreme Leader is considered a ‘leader’ rather than the ‘People’s Chosen’. This argument is also furnished by adding that sovereignty is not a ‘social contract’ in Islam; guardianship essentially offers ‘Divine Legitimacy’ and therefore God must be the origin of sovereignty, rather than the people. More conservative proponents of the theory of the Governance of the Jurist argue that it has been entrusted with tasks which cannot simply be offered to anyone. That the people have a chance to select and empower the Supreme Leader does not mean having a contract with him, they merely pave the way for this office to be realized. They fulfil their obligation and do not make a contract. In making this argument, these scholars also refer their opponents to the Caliphate of *Imam Ali*, maintaining that although people selected him as their *Calipha* at that time, this does not mean that they bestowed upon him the rulership of the Caliphate. Bearing this in mind, it follows that the role of people is restricted to *finding* a competent Supreme Leader but not *electing* him as their representative. Yet such theoretical points aside, the Constitution of Iran and the Iranian ideocratic project have followed a mixed strategy in practice.

C. The constitutional framework: The amalgamation of religion, law, and politics

Generalizing on the types of legislation, one can simply group modern Muslim states into categories of Islamic and hybridic, following how given bodies of legislation have been developed in these states (Lua, 235). Speaking from a constitutional point of view, whereas some present-day Muslim countries’ constitutions a) articulate that all legal regulations shall be Islamic, some others b) simply declare that no regulation can be in contrast to Islamic jurisprudence or c) declare that Sharia is only one of the sources of law. Following Masykuri Abdillah, only constitutions that stipulate “that Islam is the state religion, the head of state should be Muslim, and Sharia is national

POLITICAL STUDIES FORUM

law” should be regarded as “theocratic” (Abdillah, 56). Seen in this light, the Iranian Constitution should be regarded as theocratic since it meets all three parameters with articles 4¹², 5¹³, 12¹⁴.

Although being theocratic, the Constitution of Iran is an amalgamation of traditional and modern principles including the fact that political leaders can come to power just through the election, accountability of the state toward the populace, participation of people in governing the society and many other democratic principles (Puladi, 174). Republicanism is addressed in Article 6 of the Constitution:

In the Islamic Republic of Iran, the affairs of the country must be administered on the basis of public opinion expressed by means of elections, including the election of the President, the representatives of the Islamic Consultative Assembly, and the members of councils, or by means of referenda in matters specified in other articles of this Constitution.

Articles 62 and 114 of the Constitution are also worth mentioning here:

The Islamic consultative Assembly is constituted by the representatives of the people elected directly and by secret ballot. The qualifications of votes and candidates, as well as the nature of election, will be specified by law.

The President is elected for four-year term by the direct vote of the people. His re-election for successive term is permissible only once.

¹² All civic, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle governs all the articles of the constitution, and other laws and regulations. The determination of such compatibility is left to the Fiqaha of the Guardian Council.

¹³ During the absence (ghayba) of his holiness, the Lord of the Age, May God all mighty hasten his appearance, the sovereignty of the command [of God] and religious leadership of the community [of believers] in the Islamic Republic of Iran is the responsibility of the faqih who is just, pious, knowledgeable about his era, courageous, and a capable and efficient administrator, as indicated in Article.

¹⁴ The official religion of Iran is Islam and the Twelver Ja'fari school of [shī'ī] religion. This principle shall remain eternally unchangeable... .

As far as these articles are concerned, republicanism in the political system of Iran paves the way for the people's involvement in determining their political destiny through the direct election of Parliament and the President. That said, as Islamic norms were considered as the centrepiece of all political and legal prerequisites, the 'Islamite' component became a far-reaching and wall-to-wall element which was intertwined with the Iranian Constitution from the beginning and was conspicuously present throughout the Constitutional articles. Such a prevailing theocratic atmosphere pushed an Iranian intellectual lawyer to claim that "one can hardly find an article in the Constitution which is free of Islam" (Gholami, 2017: 19). Hence, when it comes to the reality on the ground with respect to the enactment and enforcement of Islamic legislation, one finds that, at least in the field of law, the project of shariatization was successful. Indeed, various laws with both civil and criminal nature which are explicitly stipulated in the Islamic *corpus juris* were incorporated in the Civil and Penal Code. In this regard, no article is more instrumental than Article 4 of the Constitution, which serves as a vehicle for the Islamization of all laws and regulations in the Constitution. It reads:

All civil, penal financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the Constitution as well as to all other laws and regulations, and the Islamic jurists of the Guardian Council are judges in this matter.

Nonetheless, some might argue that it would be inaccurate to consider the Iranian ideocratic project in its current state as a totalistic ideocracy¹⁵, due to the importance played by constitutionalism. Thus, theoretical discourses on its coexistence with political Islam (Jackson, 2013) aside, the concept of republicanism has become one of the pillars of the Iranian political system. While the Iranian ideocracy has come to be primarily defined by a hybrid nature, its primary ideocratic aims have not been relinquished at this point in time, internal and external challenges aside. This means that the importance of the

¹⁵ On the term see M. Murariu, *Totality, Charisma, Authority*, pp. 218.

main guidelines set by the Iranian revolution should not be underestimated. With the legal framework itself contributing to the continued existence of the Islamic Republic, and with short-term successes achieved in relations with the West and, most importantly, in projecting its power from the Iranian heartland to the Mediterranean Sea, the authority model of the Islamic Republic has come to enjoy considerable prestige among Shia communities, even as its Sunni neighbours regard it with increasing suspicion.

Be that as it may, it should also be mentioned that although the rights of Sunnis as a minority are theoretically guaranteed in the Constitution¹⁶, in practice there are sometimes tensions that lead to violence. By the way of illustration, one can refer to a Sunni militant organization of Jundallah (People's Resistance Movement of Iran) which was based in Sistan and Baluchestan, a province in southeast Iran, which claimed that it was fighting with Iranian government for the "equal rights of Sunni Muslims in Iran".

Conclusion

This article attempted to provide readers with a walking tour through five momentous epochs and significant turning points that played a preeminent and crucial role in Iranian ideocratic history in the field of religion, politics, and law. I have touched upon three significant periods in which the new religion and denomination strongly affected the Iranian political and social system. Arab invasion that brought Islam and its trademarks, i.e. Islamic jurisprudence, changed the ancient religion of the Iranians and, the political and legal system. After that, until the Safavids came to power, the Iranian jurisprudential and religious system was mainly based on Sunni Islam. The rise of the Safavid dynasty in Iran expanded Shiism and fundamentally transformed social, political, and legal institutions. Although Iran witnessed

¹⁶ It reads "The political parties, associations and trade unions, Islamic associations, or associations of the recognized religious minorities are free to exist on the condition that they do not negate the principles of independence, freedom, national unity, Islamic criterion, and the foundation of the Islamic Republic. No one can be prevented from participation in these gatherings or forced to participate in one of them".

POLITICAL STUDIES FORUM

a period of secularization and modernization during the Pahlavi era, the 1979 Islamic Revolution institutionalized Shiite jurisprudence in the country. The Iranian Islamic Revolution indeed completely and radically reshaped and restructured a society. The Revolution has succeeded in dynamically re-creating the political and legal system in Iran and gave birth to the world's most prominent constitutional theocracy based on Shiism.

References

1. Abdillah, M. (2008) "Ways of Constitution Building in Muslim Countries – the Case of Indonesia" in Krawietz, B. and Reifeld, H. (eds.) *Islam and the Rule of Law*. Berlin: Konrad-Adenauer-Stiftung, 51-64.
2. Acuff, J. (2003) "Islam and the Charismatic Revolutionary Social Transformation in Iran", *Totalitarian Movements and Political Religions* 4(2), pp. 133-156.
3. Adamiyat, F. (1986) *Ideologi-e nebzat-e mashbrontiat-e Iran* [The Ideology of Iranian Constitutional Movement]. Tehran: Payam.
4. Bahadori, A. (2015) "Tahlil-e jaygah-e mubadan dar karkarde-e eghtesadi-e anandarsakhtar-e nezam-e siasiejtemai-e Sasanian" [Analysis of the Position of Zoroastrian Priest and their Economic Function in the Sociopolitical Sasanian System], *The History of Islam and Iran*, 25(27), pp. 35-63.
5. Black, A. (2011) *The History of Islamic Political Thought: From the Prophet to the Present*. Edinburgh: Edinburgh University Press.
6. Corbin, H. (1996) *History of Islamic Law*, Vol. 2, transl. Jafar Tabatabai, [Tarikhfalsafe Eslami Iran]. Tehran: Amirkabir.
7. Corbin, H. (1996) *History of Islamic Law*, Vol. 2, transl. Jafar Tabatabai, [Tarikhfalsafe Eslami Iran]. Tehran: Amirkabir.
8. Faez, Gh and Sharifi, M. (2014) "Peydayesh, Seyre tatavor va tadavom-e akhbarigari" [Advent, Development, and the Continuity of Transmitters of Tradition], *Ketab Ghayem*, 4(1), pp. 213-250.
9. Hallaq, W. (2011) *The Origins and Evolution of Islamic Law*. Cambridge: Cambridge University Press.
10. Jackson, R. (2013) "Islam, Democracy and the Spiritual Path", *Transformation*, 30(2), pp. 107-116.
11. Jafariyan, R. (1991) "Mashaghel-e edarie olama dar dowlat-e safavi" [Religious Scholars' Administrative Jobs in Safavid], *Noure elm*, 37, pp. 120-145.

POLITICAL STUDIES FORUM

12. Jafariyan, R. (2011) *Safaviy-e dar arse-ye din vafarhang* [Safavid in the Arena of Politics and Culture], Qom: Pajouheshgahe Howze va Daneshgah.
13. Katuzian, H. (2011). *Iran, Short-Term Society and Three Other Articles*, [Iran, jame- e koutah moddat va se maghale-e digar], Tehran: Ney press.
14. Lua, M. (2014) “The Re-Islamization of Legal Systems” in Peters, R. and Berman, P. (eds.) *The Ashgate Research Companion to Islamic Law*. Surrey: Ashgate, 235-236.
15. Mansouri, E., et al. (2017) “Barresi-e hojyat-e zavaheer- e ghor’an az manzar-e olama-e osuli va akhbarai]The Examination of the Authoritativeness of the Quran for the Usuli and Akhbar’s Perspective[, *Nokhbeگان olum va mohandesi*, 7, pp. 27-38.
16. Momen, M. (1985) *An Introduction to Shi’i Islam. The History and Doctrine of Twelver Shi’ism*. New Haven and London: Yale University Press.
17. Murariu, M. (2017) *Totality, Charisma, Authority. The Origins and Transformations of Totalist Movements*. Wiesbaden: Springer VS.
18. Puladi, K. (2006) *Tarikh e Andishe Siasidar Iran va Eslam* [History of Political Thought in Iran and Islam]. Tehran: Markaz.
19. Ravandi, Gh. (1984) *Almakaseb fi feghbel Ghoran*]Almakseb in Jurisprudence of Quran[Vol. 3, Qom: Maktabe Ayatollah Marashi Press.
20. Roknodin, H. (1987) *Khaje Neẓam al Molk Tusi*, Vol. 2, Tehran: Central University Press.
21. Soltan Mohamadi, A. (2001) “Hamkari ba hokoomat-e jaer dar negah-e alame majlesi”]Cooperation With the Unrighteous Temporal Ruler[, *The Quarterly Journal of Islamic State*, 20, pp. 209–235.
22. Zarinkoub, A. (1956) *Do gharmsokout* [Silence for Two Centuries]. Tehran: Amirkabir Press.