Divine Sovereignty and Clerical Authority in Early Shiʿi Islamism: Bāqir al-Ṣadr (1935–80) and Taqī al-Mudarrisī (b. 1945) on the Islamic State[1]

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Abstract

Divine sovereignty (ḥākimiyya)—as conceived by Abū al-Aʿlā Mawdūdī (1903–79) and popularised by Sayyid Quṭb (1906–66) - has been a central component of Islamist thought. This article investigates the reception of the concept within Shiʿi Islam. As case studies, the article choses two prominent actors in the formative period of Shiʿi Islamism in Iraq: Muḥammad Bāqir al-Ṣadr (1935–80) and Muḥammad Taqī al-Mudarrisī (b. 1945). By discussing their reflections on the nature of an Islamic state, the article pursues three objectives: first, it overcomes a trend in academic scholarship that disregards Sunni influences on the development of Shiʿi Islamism. Second, the article highlights the role that the Iraqi Shiʿi intellectual milieu played in incorporating key Islamist concepts into Shiʿi political thought. Finally, the article demonstrates the different receptions of ḥākimiyya. Bāqir al-Ṣadr uses the ideological repertoire of Islamism to explore in pragmatic terms the parameters that define the state as Islamically legitimate. In contrast, Taqī al-Mudarrisī uses ḥākimiyya to redefine the sovereignty of the state in Islamic terms. He operationalises the concept in a Shiʿi context by arguing that the state must be led by a just jurisconsult (al-faqīh al-ʿādil) who becomes the sole agent of divine sovereignty in the state.

Keywords: Islamic state; Islamism; ḥākimiyya; Bāqir al-Ṣadr; Taqī al-Mudarrisī

The notion of divine sovereignty (*ḥākimiyya*)—as conceived by Abū al-Aʿlā Mawdūdī (1903–79) and further popularised in the Arab world by Sayyid Quṭb (1906–66)—has been a central component of Islamist thought. Defining *ḥākimiyya* as foundational to the ethos of an Islamic state, Mawdūdī and Quṭb translate the cosmic, moral and legal

sovereignty of God into the political realm: the Islamic belief that God as the creator and sustainer of the cosmos holds absolute power and sets out the parameters of rightful moral and legal conduct via His *sharī'a* needs to become manifest in the state as well. In the ideal Islamic state, sovereignty can never be held by humans, and its "constituent authority"[2] is legitimised by defining the state as an instrument to implement divine sovereignty.[3] The notion of *ḥākimiyya* travelled widely, influencing Islamist thinkers and activists throughout the Muslim world. Zaman suggests that the two major proponents of the concept—despite being Sunnis—must have influenced "Shi'i circles"[4] as well, bringing as evidence the constitution of the Islamic Republic of Iran which was formulated in the aftermath of the Islamic Revolution in 1979 and asserts the sole sovereignty of God (*ḥākemiyyat*) in articles 2 and 56.

This article investigates the different reception of the concept of *ḥākimiyya* within Shi'i Islam. Although the concept was formulated in the intellectual milieu of Sunni Islamism, it has equally informed Shi'i political theory in the latter half of the twentieth century—though in different ways as this article illustrates. As case studies, the article choses two central actors in the formative period of Shi'i Islamism in Iraq: Muḥammad Bāqir al-Ṣadr (1935–80) and Muḥammad Taqī al-Mudarrisī (b. 1945) and their earliest political writings in which they set out their visions of an Islamic state. Both figures were among the first Shi'i activists to engage theoretically with the nature of an Islamic state and established and headed the two of the most prominent Islamist movements stemming from Iraq. Bāqir al-Ṣadr was the chief ideologue of *Ḥizb al-Da'wa al-Islāmiyya* (Party of the Islamic Call) which he founded with other activists in 1957/58. His *Usus al-Dawla al-Islāmiyya* (Principles of the Islamic State), written around the time when the party was founded, became its first programmatic text. After establishing the *Ḥarakat al-Risāliyīn al-Ṭāli'* (Movement of the Vanguard Missionaries) in 1967/68 as a political movement that sought to rival *Ḥizb al-Da'wa*, al-Mudarrisī sets out its ideology in his *Al-Qiyāda al-Islāmiyya* (The Islamic Leadership) in 1969.

By discussing the earliest reflections of Bāqir al-Ṣadr and Taqī al-Mudarrisī on the nature of an Islamic state, the article pursues three objectives: first, it overcomes a trend in academic scholarship that disregards Sunni influences on the development of Shi'i Islamism.[5] The discourses of these Iraqi Shi'i Islamists give evidence of the emergence of "a *lingua franca* of political Islam […] across sectarian lines"[6] after the Second World War which this article

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[2]A. F. March, *The Caliphate of Man: Popular Sovereignty in Modern Islamic Thought* (Cambridge, MA, and London, 2019), p. 16.

[3]S. A. A. Maududi, *The Islamic Law and Constitution* (Lahore, 1960), pp. 123–152; S. Quṭb, *Al-'Adāla al-Ijtimā'iyya fī al-Islām* (Beirut, 1995 [1954]), pp. 75–86.

[4]M. Q. Zaman, 'The Sovereignty of God in Modern Islamic Thought', *Journal of the Royal Asiatic Society* XXV, 3 (2015), p. 417.

[5]One of the most authoritative publications on Khomeini does not contain a single reference to Quṭb or Mawdūdī. See A. Adib-Moghaddam (ed.), *Khomeini: a Critical Introduction* (Cambridge, 2014). On the disregard for Sunni-Shi'i Islamist confluences, see also Y. Ünal, 'Sayyid Qutb in Iran: Translating the Islamist Ideologue in the Islamic Republic', *Journal of Islamic and Muslim Studies* I (2016), p. 37. On contacts between Ḥasan al-Bannā and the Egyptian Muslim Brotherhood with Iranian Islamists in the 1940s, see R. Brunner, *Islamic Ecumenism in the 20ᵗʰ Century: The Azhar and Shiism between Rapprochement and Restraint* (Leiden, 2004), pp. 180–181.

[6]E. Sadeghi-Boroujerdi, *Revolution and Its Discontents: Political Thought and Reform in Iran* (Cambridge, 2018), p. 90. Despite making this observation, Sadeghi-Boroujerdi's analysis of Islamist thought in Pahlavi Iran does not engage with any possible Sunni influences.

explores. Second, by providing novel insights into the initial reception of ideological components of Sunni Islamism by Shiʿi theorists in Iraq, the article highlights the central role the Iraqi Shiʿi intellectual milieu played in incorporating key Islamist terms and concepts into Shiʿi political thought. Most academic scholarship has focussed on the rise of Shiʿi Islamism in Iran and tends to view it in isolation, overstating the singularity of the Iranian revolutionary moment and ignoring significant intellectual contributions of Shiʿi Islamist actors outside of Iran.[7]

Finally, in their appropriation of *ḥākimiyya*, Bāqir al-Ṣadr and Taqī al-Mudarrisī articulate different conceptions of the nature of an Islamic state and justifications of its sovereignty. Bāqir al-Ṣadr reiterates the traditional perspective of Shiʿi legal and political theory, by suggesting that only a state led by an infallible Imam implements divine sovereignty. He uses the ideological repertoire of Islamism to explore in pragmatic terms the parameters that define the state as Islamically legitimate. Taqī al-Mudarrisī uses the concept of *ḥākimiyya* to undertake a discursive shift away from traditional approaches in Islamic thought that seek to give secular power, exercised by state, religious legitimacy. He follows Mawdūdī and Quṭb in arguing that the sovereignty of the state itself needs to be re-defined so that the state not only accords with Islamic values and principles but becomes the very means to ensure their implementation. In addition, Taqī al-Mudarrisī operationalises *ḥākimiyya* in a Shiʿi context by radically redefining the place of Shiʿi clerical authority within the state. The state must be led by a just jurisconsult (*al-faqīh al-ʿādil*) whose expertise in Islamic jurisprudence (*fiqh*) transforms him into the sole agent of divine sovereignty. He thereby anticipates Khomeini's understanding of the guardianship of the jurisconsult (*wilāyat al-faqīh*) that has served as ideological foundation of the Islamic Republic of Iran since 1979. The ideological shift between Bāqir al-Ṣadr and Taqī al-Mudarrisī from reflecting on the Islamic legitimacy of the state to defining its sovereignty in Islamic terms was shaped by the dissimilar political contexts of Iraq in the 1950s and 1960s and by the domestic repercussions of geopolitical developments in the Middle East.

Divine Sovereignty and Political Legitimacy in Modern Islamic Thought

By translating divine sovereignty into the political realm, Mawdūdī reconfigured the Qurʾanic dictum that "authority belongs to God alone (*al-ḥukm li-llāh*)"[8] to the central ideological foundation of an Islamic state. Mawdūdī's formulation of *ḥākimiyya* signifies his acceptance of the modern state as a reality[9] while at the same time responding to the ideological marginalisation of Islam and the loss of significance which the *sharīʿa* had suffered.[10] Thereby, Mawdūdī's idea breaks with the modalities of legitimising secular power in

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[7]Numerous examples could be cited, but for the tendency to interpret Khomeini's ideological formation solely within an Iranian-Shiʿi framework, see, among others, F. Azimi, 'Khomeni and the "White Revolutuion"', in *Khomeini*, (ed.) Adib-Moghaddam, pp. 19–42; R. Namazi, 'Ayatollah Khomeini: From Islamic Government to Sovereign State', *Iranian Studies* LII (2019), pp. 111–131; S. Akhavi, 'Islam Politics and Society in the Thought of Ayatullah Khomeini, Ayatullah Taliqani and Ali Shariati', *Middle Eastern Studies* XXIV, 4 (1988), pp. 404–431.
[8]Qurʾan 12:40.
[9]H. Iqtidar, 'Theorising Sovereignty in the Colony: Abul Aʿla Maududi's "Theodemocracy"', *Review of Politics* LXXXII, 4 (2020), pp. 595–617.
[10]W. Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* (New York, 2012), pp. ix–x.

pre-modern Muslim societies.[11] Before the rise of the modern nation-state, Islamic political theory assumed a dualism between "*Sulṭān* and Scholar".[12] The *sulṭān*, as secular ruler, possessed "discretionary authority",[13] known as *siyāsa*, which included maintaining order and promoting the welfare of his people. Political authority was conceived as temporal and temporary; dynastic rule (*dawla*) came and passed and was ultimately of no particular significance in ensuring that Islamic law was upheld.[14] The latter role fell to the *'ulamā'* who exercised independent legal and adjudicative authority by issuing *fatwa*s and acting as judges in *sharī'a* courts. The legal and judicial autonomy of the *'ulamā'* curtailed the sovereignty of the *sulṭān* who had to govern in line with Islamic law in order to make his rule legitimate in Islamic terms (*siyāsa shar'iyya*). Pre-modern Muslim polities were therefore characterised by a close cooperation between political rulers and religious scholars, while both acted autonomously in their respective spheres of action.

Modernist discourses in the late nineteenth century that engaged with European ideas of constitutionalism and parliamentarism equally worked on the basis of pre-modern Islamic political theories. By equating the Qur'anic concept of consultation (*shūrā*)[15] with constitutional and consultative forms of government, modernist reformers like the Young Ottoman Namık Kemal (1840–88) and the Syrian reformer 'Abd al-Raḥmān al-Kawākibī (1855–1902) sought to create better forms of governance that are not entirely dependent on the whims and fancies of an individual ruler.[16] Al-Kawākibī presents both the *sharī'a* and "the will of the people (*irādat al-umma*)"[17] as means to limit the power of the ruler. The Egyptian modernist Muḥammad 'Abduh (1849–1905) argues that *shūrā* as a general "Islamic requirement (*wājib shar'ī*)" is meant to curb the potential despotism of secular rule.[18] 'Abduh's disciple Muḥammad Rashīd Riḍā (1856–1935) equally affirms that Islam provides foundations for a political system in which "authority (*sulṭa*) belongs to the people (*umma*), 'their matter is consultation among them'[19] and their government is akin to the republic (*al-jumhūriyya*)".[20] The founder of the Muslim Brotherhood, Ḥasan al-Bannā (1906–49) followed similar arguments in his discussions of the nature of an Islamic government: the ruler needs to respect the will of the people (*irādat al-umma*) and promote their welfare by consulting with them.[21]

Muslim modernists of the late nineteenth and early twentieth centuries sought to tame the potentially despotic power of the state by finding antecedents of modern notions of popular sovereignty in the Islamic tradition. Al-Bannā intended to immunise Islam from state interference by re-Islamising society. Mawdūdī's approach, however, signifies a shift

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[11]Zaman, 'Sovereignty of God', pp. 394–395.
[12]March, *Caliphate of Man*, p. 18.
[13]*Ibid.*, p. 20.
[14]Hallaq, *Impossible State*, pp. 63–67.
[15]Qur'an 3:159; 42:38.
[16]N. Kemal, 'And Seek Their Counsel in the Matter [Qur'an, Sura 3, Verse 159]', in *Modernist Islam, 1840–1940: A Sourcebook*, (ed.) C. Kurzman (Oxford and New York, 2002), pp. 144–148.
[17]'A. al-Kawākibī, *Ṭabā'i' al-Istibdād wa-Maṣāri' al-Isti'bād* (Cairo, 2011 [1902]), p. 15.
[18]M. 'Abduh, 'Fī al-shūrā', in *al-A'māl al-Kāmila li–l-Imām al-Shaykh Muḥammad 'Abduh*, Vol. 1, (ed.) Muḥammad 'Imāra (Beirut, 1993), p. 385.
[19]Qur'an 42:38.
[20]M. R. Riḍā, *Al-Khilāfa* (Cairo, 2015 [1922]), p. 9.
[21]H. al-Bannā, 'Niẓām al-ḥukm', in *Rasā'il al-Imām al-Shahīd Ḥasan al-Bannā* (n.p., n.d.), p. 248.

from previous approaches seeking to circumscribe secular power. He seeks to reconceptualise the ideological orientation of the state as such.[22] Any political system that invests political authority to the people which includes their right to give themselves their own laws is un-Islamic and will yield injustice. Such a legislative prerogative, however operationalised, contravenes fundamental Islamic principles, as "Islam admits of no sovereignty except that of God and, consequently, does not recognise any Law-giver other than Him".[23] Mawdūdī defines an Islamic state as "an ideological state"[24] whose foundation is a shared commitment to Islam that transcends geographical, ethnic and national boundaries. Quṭb uses *ḥākimiyya* in his writings to emphasise the uniqueness of the Islamic socio–political order which "is based on the premise that sovereignty (*ḥākimiyya*) belongs to God alone"[25] and demarcates it from "a society of ignorance (*mujtamaʻ jāhilī*)"[26] which "is built on the premise to attack the power of God (*sulṭān allāh*) on earth".[27] Any political order that does not implement *ḥākimiyya* constitutes idolatry (*shirk*).[28]

While Mawdūdī critiques notions of popular sovereignty as potentially despotic and Quṭb sees in the promotion of democracy signs for the resurgence of the pre-Islamic age of ignorance (*jāhiliyya*), their theories include elements of popular participation and consultative forms of decision-making. The Islamic state is based on the *sharīʻa*, but Mawdūdī recognises the need of the human interpretation of law to ensure its implementation to new circumstances and the role *ijtihād*, as independent legal reasoning, plays in this process.[29] The interpretation of the *sharīʻa* is a communal mandate, and "in this sense the Islamic polity is a democracy".[30] The restricted legislative authority of the community in interpreting the law reveals "a limited popular sovereignty under the suzerainty of God".[31] Mawdūdī calls this "theo-democracy".[32] God has delegated his sovereignty to humanity appointing the Muslim community and the Islamic state as His vicegerent (*khalīfa*).[33] Even Quṭb with a more demanding vision of *ḥākimiyya* recognises consultative elements in an Islamic state and refers to *shūrā* as "a pillar of the life of the Muslim community".[34]

These discourses on divine sovereignty, political legitimacy and consultative and constitutional forms of government form one backdrop that shaped the early political reflections of Bāqir al-Ṣadr and Taqī al-Mudarrisī. Both were influenced by modernist and Islamist discourses in Sunni Islam[35] but as trained religious scholars who had studied at the Shiʻi

[22]Iqtidar, 'Theorising Sovereignty'; Zaman, 'Sovereignty of God', pp. 393–396.
[23]Maududi, *Islamic Law and Constitution*, p. 72.
[24]*Ibid*., p. 146
[25]*Ibid*., p. 76
[26]S. Quṭb, *Maʻālim fī al-Ṭarīq* (Beirut 1979 [1964]), p. 105.
[27]*Ibid*., p. 8.
[28]Zaman, 'Sovereignty of God', p. 390. See also S. Khatab, '*Hakimiyyah* and *Jahiliyyah* in the Thought of Sayyid Qutb', *Middle Eastern Studies* XXXVIII, 3 (2002), pp. 145–170; W. E. Shepard, 'Sayyid Quṭb's Doctrine of *Jāhiliyya*', *International Journal of Middle Eastern Studies* XXXV, 4 (2003), pp. 521–545.
[29]Maududi, *Islamic Law and Constitution*, pp. 55–88.
[30]*Ibid*., p. 140
[31]*Ibid*.
[32]*Ibid*., p. 139. See also Iqtidar, 'Theorising Sovereignty'.
[33]Maududi, *Islamic Law and Constitution*, p. 139.
[34]Quṭb, *Al-ʻAdāla al-Ijtimāʻiyya*, p. 83.
[35]On the transmission of modernist ideas in Iraq, see O. Bashkin, 'The Iraqi Afghanis and ʻAbduhs: Debate over Reform among Shiʻite and Sunni ʻulama' in Interwar Iraq', in *Guardians of Faith in Modern Times: ʻUlama' in the Middle East*, (ed.) M. Hatana (Leiden, 2008), pp. 141–169.

seminaries (*ḥawza*) in the Iraqi cities of Najaf and Karbala, they were equally influenced by developments within Shi'i political theory that dated back to the late eighteenth century. Reflecting particular theological concerns of Twelver Shi'ism and its distinct structure of religious authority, these debates were concerned with identifying the conditions for legitimate political authority and the relationship of clerical authority to secular power. In a Twelver Shi'i context, legitimate authority—both religiously and politically—can only be exercised by the Imam from the family of Prophet (*ahl al-bayt*) who is *qua* his divine designation (*naṣṣ*) the only infallible (*ma'ṣūm*), and hence legitimate, leader of the *umma*. With the exception of the caliphate of 'Alī, none of the 12 Imams ever held political authority. The 12th Imam has lived in occultation since 874 CE and will only establish his rule when he re-appears as Mahdī at the end of times. Therefore, all existing polities are from a theological perspective illegitimate.[36]

This has created a certain scepticism towards political power and the state in Twelver Shi'i legal theory and provides a potential source for political dissent. The revolt of the third Imam Ḥusayn against the Umayyad dynasty in 680 CE provides the mythico-historical paradigm which has been given a particular revolutionary reading by Shi'i Islamist thinkers in the latter half of the twentieth century.[37] At the same time, the occultation of the 12th Imam has made the establishment of a legitimate polity a messianic aspiration in Twelver Shi'i thought and allows for a pragmatic acceptance of the political realities and even cooperating with illegitimate rulers under certain circumstances.[38] As any existing polity is illegitimate, it does not really matter what form it takes, as long as it is somehow committed to Islamic principles and the *'ulamā'* can freely exercise their religious prerogatives of issuing *fatwa*s and exercising judicial authority. Similar to pre-modern Sunni notions of *siyāsa shar'iyya*, the political sovereignty held by a ruler, such as the shah in Iran, was personal and arbitrary—and theologically illegitimate. The role of the *'ulamā'* was to guide them to implement divine law to give their rule religious legitimacy (*salṭanat-e mashrū'*).[39]

The *'ulamā'* justified their authority by arguing that they collectively deputise for the Hidden Imam (*al-niyāba al-'āmma*). After the establishment of the *uṣūlī*[40] school as the mainstream understanding of Twelver Shi'i jurisprudence in the late eighteenth century, clerical authority became more formalised distinguishing between *'ulamā'* entitled to arrive at independent legal judgements (*mujtahid*) and lay Shi'i followers (*muqallid*) who need to follow the legal rulings of a particular scholar, referred to as grand ayatollah (*ayat allāh al-'uẓmā*) or source of emulation (*marja' al-taqlīd*, pl. *marāji'*).[41] The extent of clerical deputyship

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[36]A. A. Sachedina, *The Just Ruler in Shi'ite Islam: The Comprehensive Authority of the Jurist in Imamite Jurisprudence* (New York and Oxford, 1988), pp. 89–118.

[37]See, for example, 'A. Sharī'atī, *Tashayyo'-e 'Alavī va-Tashayyo'-e Ṣafavī* (Tehran, 1973).

[38]W. Madelung, "A Treatise of the Sharif Al-Murtada on the Legality of Working for the Government (*Mas'ala fi 'amal ma'a al-sultan*)", *BSOAS* XLIII (1980), pp. 18–31.

[39]M. Kadivar, *Naẓariyye-hā-ye Dowlat dar Feqh-e Shī'e*, 5th edition (Tehran, 2001), p. 58. See also Sadeghi-Boroujerdi, *Revolution and Its Discontents,* p. 66.

[40]The *uṣūlī* school in Shi'i jurisprudence considers the *'ālim* or jurisconsult (*faqīh*) to be entitled to engage in independent reasoning (*ijtihād*) based on the four sources of Shi'i jurisprudence (*uṣūl al-fiqh*): the Qur'an, the *sunna*, consensus (*ijmā'*) and reason (*'aql*). The *uṣūlī* school thereby contravenes the approach of the more scripturalist *akhbārīs* who reject the use of reason and primarily rely on the traditions (*akhbār*) attributed to the 12 Imams. See R. Gleave, *Scripturalist Islam: The History and Doctrines of the Akhbārī Shī'ī School* (Leiden, 2007), pp. 177–215.

[41]L. Walbridge (ed.), *The Most Learned of the Shi'a: The Institution of the* marja' taqlid (Oxford and New York, 2001).

has been contested. In the early nineteenth century, Shiʻi scholars like Aḥmad Narāqī (1771/72–1829) developed the notion of the guardianship of the jurisconsult (*wilāyat al-faqīh*) and a stronger political mandate of the *ʻulamāʼ*.[42] 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 *ʻulamāʼ* who equally possess all prerogatives of the Prophet and the Imam.[43] Murtaḍā Anṣārī (1781–1864), although a student of Narāqī, restricts the authority of the *ʻulamāʼ* to exercising judicial authority and issuing *fatwa*s and does not assign any political authority to them.[44] For Anṣārī, during the occultation of the Imam, any government is illegitimate, but a government that promotes Twelver Shiʻism is preferable to one that does not.[45]

Debates on the extent of clerical involvement in affairs of the state resurfaced at the time of the Constitutional Revolution (1905–11) in Iran. The influence of Muslim modernist discourses around *shūrā* and the distinction between despotic and constitutional forms of government shaped efforts by its clerical supporters to find antecedents for these concepts within traditions of Shiʻi legal and political theory. For Muḥammad Ḥusayn Nāʼīnī (1860–1936), consultation and the collective deputyship of the *ʻulamāʼ* are the two sources of a constitutional government. While infallibility (*ʻiṣma*) is the foundation of the leadership of the Imam, *shūrā* replaces infallibility as a means to decision-making during the occultation of the Imam while being circumscribed by the collective authority of the *ʻulamāʼ*. The clerics fulfil their mandate by exercising oversight over the legislative process, for example, as part of the committee of *mujtahid*s that scrutinises all legislation.[46] Equally, they can occasionally step in to curb the despotic tendencies of a ruler and to protect the rights of the people. Al-Kawākibī expands the traditional role of the *sharīʻa* in circumscribing the sovereignty of the ruler by adding consultation and a constitution as further curtailing institutions. Nāʼīnī, following him, embraces a constitutional government and ensures the conformity of parliamentary legislation with the *sharīʻa* by restricting it to matters of governance (*siyāsa*), known in Shiʻi jurisprudence as *ʻurf* (customary law), and by enshrining clerical oversight over the legislative process.[47]

Shiʻi legal and political theory until the mid-twentieth century accepted the separate, yet interconnected, spheres of political and religious authority in the state and sought to delimit the extent of secular power. The concept of *wilāyat al-faqīh* has been used in Shiʻi jurisprudence to constitute the autonomous authority of the jurisconsults in legal and judicial matters and to justify their involvement in affairs of the state in order to ensure its religious legitimacy, similar to classical Sunni conceptions of *siyāsa sharʻiyya*. While the extent of *wilāyat al-faqīh* has been contested, even the strongest supporters of the comprehensive

[42]D. Fayrāḥī, 'Shīʻe va-Demūkrasī-ye Moshawwaratī dar Īrān', *Majalle-ye Dāneshkade-ye Ḥoqūq va-ʻOlūm-e Seyāsī*, XLVII (2005/2006), p. 139; A. Boozari, *Shiʻi Jurisprudence and Constitution: Revolution in Iran* (New York, 2011), p. 90.
[43]Kadivar, *Naẓariyye-hā-ye Dowlat*, p. 96; Boozari, *Shiʻi Jurisprudence and Constitution*, pp. 91–94. See also H. Dabashi, 'Mulla Ahmad Naraqi and the Question of the Guardianship of the Jurisconsult (*Wilayat-i Faqih*)', in *Expectations of the Millennium: Shiʻism in History*, (eds.) Seyyed Hossein Nasr, Hamid Dabashi and Seyyed Vali Reza Nasr (Albany, 1989), pp. 288–300.
[44]Fayrahi, 'Shīʻe va-Demūkrasī', p. 141.
[45]*Ibid.*, pp. 140–142.
[46]M. Ṭ. al-Ḥusaynī (ed.), *Usus al-Dawla al-Islāmiyya—Sayyid Muḥammad Bāqir al-Ṣadr* (Baghdad, 2017), p. 44.
[47]Kadivar, *Naẓariyye-hā-ye Dowlat*, p. 58. See also March, *Caliphate of Man*, p. 20.

independent authority of the *'ulamā'*, such as the twentieth-century Iraqi scholar Muḥam-mad Riḍā al-Muẓaffar (1913–64) never questioned the discretionary authority held by secu-lar power and postulated the need to be loyal and cooperate with a government that has some Islamic foundations.[48] These debates on the legitimacy of secular power, the place of clerical authority in a state and its relationship to consultative forms of government in Shi'i political and legal theory shaped the ideological trajectories of the emergent Shi'i Islamist field in Iraq. Formative discourses within Sunni Islamism in the mid-twentieth cen-tury equally had a significant impact.

Bāqir al-Ṣadr and his *Usus al-Dawla al-Islāmiyya* (1957–1960): Text and Context

Context: Iraq in 1958 - Between Two Regimes

Ḥizb al-Da'wa has been the most prominent and influential Shi'i Islamist party in Iraq. It was founded in a period when the young Iraqi state was at a critical juncture. Created in 1921, Iraq was a British-controlled monarchy, ruled by a Hashemite king, that enjoyed some freedoms with a quasi-independent press and a multi-party system with regular elections. The monarchy came to an end on 14 July 1958 when army officers, led by 'Abd al-Karīm Qāsim (1914–63), deposed and killed the king and established the Iraqi republic. They followed the example of Egyptian Free Officers under Gamal Abdel Nasser (1918–70) who had ended the British-backed monarchy in Egypt six years earlier. Qāsim's new regime was equally inspired by pan-Arab socialism and its anti-imperialism. Leftist groups, in particular the Iraqi Communist Party (*Al-Ḥizb al-Shuyū'ī al-'Irāqī*), were initially an import-ant power base for the new regime.[49]

The seat of the clerical leadership of Iraqi Shi'is is the city of Najaf in southern Iraq in which the shrine of Imam 'Alī is located. Najaf also hosts the most important Shi'i seminaries (*ḥawza*) which, in that time, were led by Muḥsin al-Ḥakīm (1889–1970). As grand ayotallah and *marja' al-taqlīd*, he was the clerical leader of Iraqi Shi'is in the 1950s and 1960s. The Shi'i clerical establishment in Najaf was characterised in that period by a strong proclivity towards political quietism avoiding any association with the state. The memory of the failed 1920 revolt against the British occupation, which was led by senior clerics in Najaf, was a reason for this attitude. Many clerics were forced to leave Iraq in the aftermath of the revolt and only allowed to return in the 1930s with a commitment to stay out of politics.[50]

However, the distance towards politics and the dissociation from the state had an impact on the Shi'i majority in the newly-established Iraqi state. Shi'is had been largely disenfran-chised, being poorly represented in the political and socio-economic elite of the country.[51] The only means of political mobilisation for Shi'is lay in secular leftist parties such as the pan-Arabist and socialist Ba'th Party or the Communist Party which had many Shi'i

[48]M. R. al-Muẓaffar, *Al-'Aqā'id al-Imāmiyya* (Qom, 2001/2002 [1951]), pp. 142–153.

[49]A. Dawisha, *Iraq: A Political History from Independence to Occupation* (Princeton, 2009), pp. 171–183; C. Tripp, *A History of Iraq*, 3rd edition (Cambridge, 2007), pp. 144–157.

[50]'A. 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 edition (Damascus, 2003), p. 20.

[51]Dawisha, *Iraq*, pp. 69–79. See also E. Kedourie, 'Anti-Shiism in Iraq under the Monarchy', *Middle Eastern Studies* XXIV, 2 (1988), pp. 249–253.

members. Islamist movements were also present. An offshoot of the Egyptian Muslim Brotherhood had been active in Iraq since 1948 with Sayyid Quṭb being one of the contributors to its journal. The Iraqi Brotherhood was involved in domestic politics supporting a series of national strikes and protests against the Hashemite monarchy and British influence over Iraq in 1952, inspired by the Free Officers' coup in Egypt.[52] Another prominent Islamist organisation which branched out to Iraq was *Ḥizb al-Taḥrīr* (Party of Liberation), established by the Palestinian scholar Taqī al-Dīn al-Nabahānī (1917–77) in Jerusalem in 1953 with the aim to restore the Islamic caliphate.[53] The Muslim Brotherhood and *Ḥizb al-Taḥrīr* also had Shi'i members some of whom would later become leading figures in *Ḥizb al-Da'wa*.[54]

While earlier efforts by young activists to establish a Shi'i political party in 1952 had failed,[55] the domestic repercussions of another regional conflict gave the initial impetus for the formation of *Ḥizb al-Da'wa*. The Suez Crisis of 1956 led to anti-British solidarity protests in Iraq that senior clerics in Najaf endorsed with Muḥammad Riḍā al-Muẓaffar writing a letter of support to the *shaykh al-azhar* in Cairo.[56] Shi'i activists approached two sons of Muḥsin al-Ḥakīm, Mahdī (1935–88) and Bāqir (1939–2003), to secure the tacit approval of the senior clerics in Najaf and seminary students such as Bāqir al-Ṣadr to provide intellectual leadership.[57] Initial informal meetings began towards the end of 1956 on a regular basis before *Ḥizb al-Da'wa* was established in Najaf in October 1957 and its leadership elected in Karbala in the summer of 1958, shortly after Qāsim's coup.[58]

The coup was cautiously welcomed by Shi'i clerics and political activists. Qāsim's mother was Shi'i, and he presented himself as a "Shi'i leader (*zā'im shī'ī*)" when Muḥsin al-Ḥakīm agreed to meet him in 1958.[59] Muḥsin al-Ḥakīm also appeared more open to using parties as means of political mobilisation after the coup. When Qāsim, during a brief liberalising period, permitted the formation of political parties,[60] al-Ḥakīm endorsed the formation of *Al-Ḥizb al-Islāmī* (The Islamic Party) in 1960 which was the political wing of the Iraqi Muslim Brotherhood.[61] However, the initial 'honeymoon period' with the new regime did not last long. The introduction of a new Personal Status Law in 1959 that sought to limit polygamy and gave equal inheritance to men and women was the first arena of conflict between the new regime and senior clerics who had to witness the state's interference into their domain of legal authority. Qāsim's support for the Communists led Muḥsin al-Ḥakīm to issue a *fatwa* in 1960 equating Communism with unbelief (*kufr*) and heresy (*ilḥād*). He also

[52]B. al-'Azami, 'The Muslim Brotherhood: Genesis and Development', in *Ayatollahs, Sufis and Ideologues: State, Religion and Social Movements in Iraq*, (ed.) Faleh Abdul-Jaber (London, 2002), pp. 162–173.

[53]On the movement, see S. Taji-Farouki, *A Fundamental Quest: Hizb al-Tahrir and the Search for the Islamic Caliphate* (London, 1996).

[54]A. al-'Āmilī, *Muḥammad Bāqir al-Ṣadr: Al-Sīra wa-l-Masīra fī Ḥaqā'iq wa-Wathā'iq*, vol. 1 (Beirut, 2006), pp. 240, 243. See also A.-H. al-Ruhaimi, 'The Da'wa Islamic Party: Origins, Actors and Ideology', in *Ayatollahs, Sufis and Ideologues*, pp. 149–150.

[55]Al-Ruhaimi, 'The Da'wa Islamic Party', p. 150; Al-'Āmilī, *Bāqir al-Ṣadr*, pp. 211–113.

[56]Al-'Āmilī, *Bāqir al-Ṣadr*, pp. 237–238. See also Brunner, *Islamic Ecumenism*, p. 279.

[57]F. A. Jabar, *The Shi'ite Movement in Iraq* (London, 2003), pp. 100–103.

[58]*Ibid.*, pp. 95–6, 99–100; al-'Āmilī, *Bāqir al-Ṣadr*, pp. 245–256; al-Ruhaimi, 'The Da'wa Islamic Party', p. 151.

[59]Al-'Āmilī, *Bāqir al-Ṣadr*, p. 254.

[60]Tripp, *History of Iraq*, p. 153.

[61]*Ibid.*, pp. 153–154; Jabar, *Shi'ite Movement in Iraq*, pp. 124–127.

instructed the clerical members of *Ḥizb al-Daʿwa*, including Bāqir al-Ṣadr, in 1960 to end their relations with the party in order to avoid the seminaries being drawn into a possible confrontation with the regime.[62]

Text: The Islamic State between Modern Utopia and Traditional Pragmatism

Bāqir al-Ṣadr began the formulation of his initial political ideas that were later put together as the party's first manifesto *Usus al-Dawla al-Islāmiyya* (*The Principles of the Islamic State*) during the party's preparatory meeting that began in 1956. Bāqir al-Ṣadr studied the literature of various secular leftist and Islamist parties before the formation of the party.[63] He also read several books by al-Nabahānī, the founder of *Ḥizb al-Taḥrīr*, and engaged with broad spectrum of publications of the Muslim Brotherhood, including various journals published in Iraq and Egypt and the writings of Ḥasan al-Bannā and Sayyid Quṭb.[64] That Bāqir al-Ṣadr conceived the party in similar lines as the Muslim Brotherhood is evident in his interest in the variety of cultural, charitable and educational activities of Islamic religious foundations in Iraq—whether Sunni or Shiʿi.[65] Bāqir al-Ṣadr also suggested the name of the party,[66] which might have been inspired by the writings of al-Bannā who characterised the agenda of the Brotherhood as *daʿwa* (call or mission to Islam).[67]

The *Usus* became the central ideological document of *Ḥizb al-Daʿwa* formulating a number of principles that define the character of an Islamic state. According to Bāqir al-Ṣadr's students, there were originally up to 30 principles of which either nine or 13 have been reprinted in different sources.[68] These principles were not published and only circulated internally which partially explains why most of them might have been lost. The format of the text consisting of shorter theses of a few sentences and paragraphs might have been inspired by the foundational text of *Ḥizb al-Taḥrīr*, *Niẓām al-Islām* (*The Order of Islam*), written in 1953 by al-Nabahānī, which equally sets out short principles to outline the ideological parameters and the structure of a restored Islamic caliphate.[69] At the same time, the *Usus* bears the imprint of a variety of Sunni Islamist sources to different degrees while referring to specific concerns of Shiʿi legal and political theory.

The starting point of Bāqir al-Ṣadr's book—common with other Islamist discourses—is the affirmation that Islam not just represents a particular belief system but has introduced "a complete social order (*niẓām ijtimāʿī shāmil*)"[70] that Muslims need to establish (Principle 1). He, similar to Mawdūdī, defines an Islamic state as "ideological state (*al-dawla*

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[62]Al-ʿĀmilī, *Bāqir al-Ṣadr*, pp. 422–423. See also R. Alaaldin, 'The Islamic Daʿwa Party and the Mobilization of Iraq's Shiʿi Community, 1958–1965', *Middle East Journal* LXXI, 1 (2017), pp. 54–55; F. Bernhardt, 'The Legitimacy of Party Politics and the Authority of the *ʿulama*' in Iraq's Shiʿa Islamist Movement: The Example of the Islamic Daʿwah Party (1957–1988)', *Journal of Shiʿa Islamic Studies* IV, 2 (2011), pp. 169–170.
[63]On the structural similarities in Islamist and Marxist thought that allowed a certain degree of permeability between both movements in the South Asian context, see Iqtidar in this volume.
[64]Al-ʿĀmilī, *Bāqir al-Ṣadr*, p. 243; Jabar, *Shiʿite Movement in Iraq*, p. 81.
[65]Al-ʿĀmilī, *Bāqir al-Ṣadr*, p. 243.
[66]T. M. Aziz, 'The Role of Muḥammad Bāqir al-Ṣadr in Shiʿi Political Activism in Iraq from 1958 to 1980', *International Journal of Middle East* XXV, 2 (1993), p. 209.
[67]Ḥ. al-Bannā, *Mudhakirāt al-Daʿwa wa-l-Dāʿiyya* (Kuwait, 2012).
[68]Al-Ḥusaynī, *Usus al-Dawla al-Islāmiyya*, p. 37.
[69]T. al-Nabahānī, *Niẓām al-Islām* (n.p. [Jerusalem?], 1953), pp. 91–134.
[70]Al-Ḥusaynī, *Usus al-Dawla al-Islāmiyya*, p. 65.

al-fikriyya)"[71] (Principle 5) whose identity is based on a shared adherence to Islam rather than ethno-national ties or geographical boundaries.[72] The establishment of an Islamic state needs to be preceded, however, by a complete re-Islamisation of society, "a transformative mission (*daʿwa taghayiriyya*)".[73] European colonialism has introduced "foreign intellectual and political frameworks"[74] into Muslim societies that can only be addressed by a radical reorientation of the political order and social life towards Islamic principles (Principle 12). Reflecting the approach promulgated by Ḥasan al-Bannā, assuming power or changing the political system alone is not sufficient to establish an Islamic state,[75] as the locus of change needs to be the Islamic community (*umma*) itself:

> If the *umma* does not transform in its innermost constitution, even if the government (*ḥukm*) is to change, it will not mean that the fundamental and complete revolution (*al-inqilāb al-asāsī al-shāmil*) within the inner nature and spirit of the *umma* will occur.[76] (Principle 13).

Other principles exhibit Bāqir al-Ṣadr's political pragmatism: an Islamic state does not enforce an Islamic way of life on its Muslim citizens and treats them as Muslims—regardless of their conduct—if they profess Islam (Principle 2).[77] He endorses the Pan-Islamic utopian ideal of a politically united *umma* and the aim to establish an Islamic state stretching the entire globe.[78] At the same, the state can be given a piece of a land as a trust and be tasked to administer it on behalf of the *umma*. By presenting the state's responsibility of governing a certain area as a "religious ruling (*ḥukm sharʿī*)",[79] Bāqir al-Ṣadr accepts on pragmatic grounds the *de facto* division of the Muslim world in different states (Principle 3). Countering Western imperialism and "the influence of the unbeliever"[80] is part of the responsibility of the Islamic state and can include military confrontation as part of its *jihād* (Principle 11). Nevertheless, its foreign relations are primarily based on bilateral or multilateral treatises, in particular if economic ties with non-Muslim countries increase "Islamic welfare (*maṣlaha islāmiyya*)"[81] (Principle 10).

Bāqir al-Ṣadr's pragmatism comes further to the fore when he discusses different types of states (Principle 4): he echoes Mawdūdī and Quṭb when he characterises Communist, liberal democratic or authoritarian states as constituting "the government of unbelief and ignorance (*ḥukm al-kufr wa-l-jāhiliyya*)",[82] because either their ideological foundations are not based on Islamic principles or they exhort the absolute power of an individual. However, he only sees opposing such a state reasonable if such activism, that can include violence, would promise

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[71] *Ibid.*, p. 73. In Arabic, the designation of the Islamic state as *fikrī* could also be translated as 'ideational', i.e. a state built on shared ideas and concepts. For Quṭb's discussion of the concepts (*fikrāt*) distinguishing an Islamic state from other polities, see idem, *Al-ʿAdāla al-Ijtimāʿiyya*, pp. 78–80.
[72] Al-Ḥusaynī, *Usus al-Dawla al-Islāmiyya*, p. 73.
[73] Al-ʿĀmilī, *Bāqir al-Ṣadr*, p. 279.
[74] *Ibid.*
[75] Raʾūf, *Al-ʿAmal al-Islāmī*, p. 185.
[76] Al-ʿĀmilī, *Bāqir al-Ṣadr*, p. 280. See also al-Ruhaimi, 'The Daʿwa Islamic Party', p. 154.
[77] Al-Ḥusaynī, *Usus al-Dawla al-Islāmiyya*, p. 66.
[78] *Ibid.*, p. 67.
[79] *Ibid.*
[80] Al-ʿĀmilī, *Bāqir al-Ṣadr*, p. 278.
[81] *Ibid.*
[82] Al-Ḥusaynī, *Usus al-Dawla al-Islāmiyya*, p. 70.

success. In fact, Bāqir al-Ṣadr, develops quite a broad understanding of what an Islamic state is and distinguishes three types of states that equally qualify to be Islamic:

(1) A state that fully implements Islamic principles without any caveat: Such a state historically only existed at the time of the Prophet and when 'Ali became the fourth caliph. In line with Shi'i conceptions of legitimate political authority, a true Islamic state can only exist in the presence of the Imam as its infallible leader who demands absolute obedience of Muslims. Such a state alone possesses "the divine form (*al-shakl al-ilāhī*)"[83] and, being led by the designated successor of the Prophet Muḥammad, implements "the sovereignty (*ḥākimiyya*) of the Messenger of God".[84]

(2) A state in which not all laws are derived from Islamic principles and its leadership cannot be considered Islamically legitimate: Such a state is still Islamic, but "the scholar (*al-'ārif*) among the Muslims must explain to the state the principles of Islam it is ignorant of and in addition teach the principles of Islam to anyone who is ignorant of them, in particular the ruling authority (*al-sulṭa al-ḥākima*)".[85] Muslim scholars are able to play a political and public advisory role directing the policies and legislation of the ruling authorities to conform to Islamic principles as much as possible and being capable of propagating Islamic principles in the public. Obedience to such a state is required, even "when the ruling authority decides on an erroneous point of view".[86]

(3) A state that entirely counters Islamic principles and is based on arbitrary decisions of its ruler, when Muslims can still work within the government and are in a position to mitigate the state's despotic character and work towards the establishment of justice: For Bāqir al-Ṣadr, Muslims need to accept the existence of such a state, despite its illegitimacy, as long as there is a chance to uphold an Islamic lifestyle and to promote it publicly. Only when the integrity of Islam as such is in danger, they are required to dissociate themselves from such a state and, under certain circumstances, entitled to oppose it.

Bāqir al-Ṣadr develops an extremely broad and pragmatic understanding of an Islamic state—from a state, led by the infallible Imam as the sole agent of *ḥākimiyya*, to the most minimalist definition. In a counterintuitive, if not contradictory, manner, he characterises even the third type as Islamic as long as it allows its Muslim citizens to practice and propagate their religion freely: "the state in *all three types* is an Islamic state as it is established on the ideological foundation of Islam and its existence centres around an Islamic base".[87]

Shūrā is the legitimate mode of decision-making in an Islamic state in the absence of an infallible leader and results from "the government of the people (*ḥukm al-umma*)"[88] (Principle 6), reflecting a similar argument made by clerical supporters of the Constitutional Revolution in Iran such as Nā'īnī.[89] Bāqir al-Ṣadr does not really explicate how *shūrā* should

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[83] *Ibid.*, p. 76.
[84] *Ibid.*
[85] *Ibid.*, p. 71.
[86] *Ibid.*
[87] *Ibid.*, p. 72 (emphasis added).
[88] *Ibid.*, p. 77.
[89] Al-Zaynī suggests that Bāqir al-Ṣadr's encounter with the thought of the Egyptian Brotherhood and Mawdūdī in particular led him to embrace *shūrā*. See J. al-Zaynī, *Al-Dawla fī Fikr Muḥammad Bāqir al-Ṣadr* (Beirut, 2009), p. 337.

function in an Islamic state and, similar to al-Bannā, only attaches some general conditions to its operation such as that the form of government must not contradict Islamic principles and promote the welfare of the people (Principle 7). Bāqir al-Ṣadr initiates some considerations on how *shūrā* might operate in the legislative processes differentiating between "legal rulings (*aḥkām al-sharīʻa*)"[90] and "legal directives (*taʻālīm*) or laws (*qawānīn*)":[91] the legislative authority of the people and their elected representatives is restricted to the latter which respond to the specific needs of the time and the government (Principle 8).

While laws can be determined by the state in a consultative process, Bāqir al-Ṣadr equally restricts its legislative and judicial authority. Judicial authority is germane to the clerics, must remain outside of state control and "is not part of the government apparatus"[92] (Principle 9). Equally explaining legal rulings remains the sole prerogative of scholars qualified to undertake *ijtihād*:

> The just *mujtahid* alone has the right to explain the legal rulings (*aḥkām al-sharīʻa*) in light of the four sources of jurisprudence [Qurʾan, *sunna*, consensus and reason]. His explanation of the religious rulings is on these grounds called *iftāʾ*.[93]

Bāqir al-Ṣadr integrates in his discussion of the legislative authority of the state vis-à-vis the legal prerogative of the *ʻulamāʾ* concerns of modernist and Islamist thought into traditional Shiʻi legal theory. The distinction between unchangeable and flexible parts of the *sharīʻa* goes back to modernist reformers of the nineteenth and early twentieth century such as Muḥammad ʻAbduh and Rashīd Riḍā[94] and is also reiterated in the works of Islamists such as Mawdūdī,[95] in particular with the aim to relax restrictive views of *ijtihād* in Sunni jurisprudence. Bāqir al-Ṣadr is equally concerned about legal flexibility in socio-political matters but does not have make an argument for *ijtihād* as it is a central element of Shiʻi jurisprudence. His distinction between legal rulings issued by *mujtahid*s and laws made by the state mirrors the traditional division between *sharīʻa* rulings (*aḥkām al-sharīʻa*) and the legal discretion of the ruler that is described as *ʻurf* (customary law) in Shiʻi jurisprudence. While in traditional jurisprudence the ruler would determine *ʻurf*, Nāʼīnī assigns this aspect of legislative authority to the people in a constitutional government. Bāqir al-Ṣadr follows his footsteps while moving away from traditional terminology.

The manifesto does not give the question of clerical authority in an Islamic state a very prominent role. The discussion of the relationship between the *marājiʻ al-taqlīd* and the state remains vague in contrast to political theories developed by later Shiʻi Islamists in which these reflections are central.[96] The aim is to protect the two core prerogatives of the *mujtahid*s, issuing *fatwa*s (*iftāʾ*) and legal judgements (*qaḍāʾ*), by denying any role for the state therein. Nevertheless, the *mujtahid*s play a role within the state's legislative process though it remains unclear to what extent they are involved in the aforementioned

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[90]Al-Ḥusaynī, *Usus al-Dawla al-Islāmiyya*, p. 79.

[91]*Ibid.*

[92]*Ibid.*, p. 82.

[93]*Ibid.*

[94]M. ʻAbduh and M. R. Riḍā, *Tafsīr al-Qurʾān al-Hakīm al-Mushtahir bi-sm Tafsīr al-Manār*, vol. 1, 2nd edition (Cairo, 1947), pp. 114–118; Riḍā, *Al-Khilāfa*, pp. 88–93.

[95]Maududi, *Islamic Law and Constitution*, pp. 58–68.

[96]Al-Zaynī, *Al-Dawla fī Fikr Muḥammad Bāqir al-Ṣadr*, p. 332.

consultative process to determine legal directives. Bāqir al-Ṣadr argues that if there is one single *marja'*, his *fatwa*s become the official legal ruling (*ḥukm*) of the state. If several *marāji'* co-exist and issue different *fatwa*s on a certain question, the government chooses one *fatwa* and implements as part of the state's laws or policies. This political decision does not undermine the legal validity of the other *fatwa*s or the other *marāji'*s status as sources of emulation but merely results from the pragmatic need to have a single law or policy in place for the state.[97]

Bāqir al-Ṣadr's *Usus* is a hybrid document of experimental nature and perhaps lacks intellectual coherence. The manifesto blends different Islamist trends while positioning them within traditional Shi'i legal and political theory. Even as the text reveals the influence of Mawdūdī and Quṭb, Bāqir al-Ṣadr does not apply their overtly political reading of *ḥākimiyya* to the state. For him, *ḥākimiyya* is only implemented in a state led by the Imam and is not central to define a state as Islamic in his absence. His definition remains pragmatic and traditional: the manifesto is more concerned about setting out the parameters of legitimate government in Islam when an infallible leader is absent. The state needs to conform to Islamic principles and to promote the welfare of Muslims. Reflecting the influence of modernist Muslim thought and Nā'īnī's constitutional theories, in the absence of an infallible leader, people manage their affairs in a consultative manner and are entitled to arrive at laws pertaining to the organisation of the state that are informed by the principles of the *sharī'a* and cannot contradict them. Most importantly, the state needs to respect and protect the legal and judicial autonomy of the *'ulamā'* and implement their rulings, as pre-modern Muslim polities had done before, in order to be Islamically legitimate.

The manifesto is not a programme for revolutionary change to establish a state that implements *ḥākimiyya*. While Bāqir al-Ṣadr pays rhetorical adherence to the utopian ideal of a global Islamic state, he dissociates himself from ideas put forward by al-Nabahānī and resembles more Hasan al-Bannā's pragmatic acceptance of the political realities and his emphasis on the socio-moral transformation of Muslim societies. The reality of the state and its political sovereignty are accepted and its governance is legitimate, even if it exhibits a most minimal conformity to Islamic principles. The state does not need to become an instrument to implement *ḥākimiyya*, as only the Imam as the *umma*'s infallible leader can do so. Bāqir al-Ṣadr's own intellectual lineage as a Shi'i scholar comes to the fore as well: he was a student of Muḥammad Riḍā al-Muẓaffar who remained within the quietist tradition of Twelver Shi'i jurisprudence by suggesting that Shi'is should be loyal to the state.[98] The patronage of Muḥsin al-Ḥakīm also explains the manifesto's oscillation between ideological purity and pragmatic adjustments to *realpolitik*. Al-Ḥakīm gave his tacit approval to the formation of the party but remained a cautious political actor and rejected any openly oppositional stance to the state.[99] Bāqir al-Ṣadr's manifesto gave permission to cooperate with the Hashemite monarchy or the new Qāsim regime as long as some commitments to Islamic principles are retained and the legal and judicial autonomy of the *'ulamā'* is respected.[100]

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[97]Al-Ḥusaynī, *Usus al-Dawla al-Islāmiyya*, pp. 81–82.
[98]Al-Muẓaffar, *Al-'Aqā'id al-Imāmiyya*, p. 146.
[99]Ra'ūf, *Al-'Amal al-Islāmī*, pp. 38–39.
[100]Y. Dai, 'Transformation of the Islamic Da'wa Party in Iraq: From the Revolutionary Period to the Diaspora Era', *Asian and African Area Studies* VII, 2 (2008), p. 247.

Taqī al-Mudarrisī and his *Al-Qiyāda al-Islāmiyya* (1969–1970): Text and Context

Context: Iraq in 1969 – Authoritarianism and the Demise of Pan-Arabism

Iraq in 1969, when Taqī al-Mudarrisī began writing his book, had experienced four *coup d'états* and more than ten years of military rule. Qāsim was assassinated in February 1963 in a coup launched by military officers supported by the Baʿth party. A few months later, Colonel ʿAbd al-Salām ʿĀrif (1921–66) who played a leading role in 1958 coup and became president when the Baʿth party took power launched a counter-coup deposing members of the Baʿth party from the government. He died in an airplane crash in 1966, and his brother, ʿAbd al-Raḥmān ʿĀrif (1916–2007) became new president. The political infighting that marked the first years of the Iraqi republic occurred within different elements in the army and different political parties that were all broadly committed to pan-Arabism and social-ism.[101] The political leadership was dominated by pan-Arabist Sunnis who doubted the Arabness of Shiʿis—many clerics and prominent Shiʿi families had Iranian roots—and pursued a socialist nationalisation policy that disproportionally disadvantaged the Shiʿi mercantile class.

Both repressive authoritarian policies and economic reforms ensured that the Sunni dominance became more enshrined in the regime which adopted an increasingly anti-Shiʿi sectarian tone.[102] The demise of the Iraqi Communist Party following the first Baʿth coup in 1963 also created an organisational void for political activists of a Shiʿi background. This lack of Shiʿi political mobilisation within existing secular parties provided an opportunity for Shiʿi Islamist parties such as *Ḥizb al-Daʿwa* to become the centres of Shiʿi political activism while further enshrining sectarian identities.[103] The second coup of the Baʿth party in 1968, under the leadership of Saddam Hussein (1937–2006) created more stability but further marginalised political activists and clerical leaders of Iraq's Shiʿi community. A first major clampdown—with many more to come in the following decades—on Shiʿi religious leaders, activists and institutions began in the summer of 1969.[104]

Regionally, this period inaugurated the demise of Nasserist pan-Arabism when Arab forces were defeated in the Six-Day War with Israel in 1967. Leftist politics of various shades and secular Arab nationalism appeared ineffective and discredited leading to the wider regional 'Islamic resurgence' in the 1970s in which Islamist mass politics became the major site of resistance against various regimes in the Middle East. This resistance was increasingly inspired by the more revolutionary writings of Sayyid Quṭb, who had died in prison as a symbol of Islamist opposition against the 'un-godly' regime of Nasser in 1966, and began to include militant activism.[105] Bāqir al-Ṣadr wrote in the more liberal context of the Iraqi kingdom that had a fairly free press and a multi-party system and experienced regular mass protests and revolts.[106] He might have shared the cautiously optimistic outlook

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[101]Dawisha, *Iraq*, pp. 183–202; Tripp, *History of Iraq*, pp. 161–185.
[102]Dawisha, *Iraq*, pp. 202–206; Jabar, *Shiʿite Movement in Iraq*, pp. 128–134.
[103]Jabar, *Shiʿite Movement in Iraq*, p. 129; Alaaldin, 'The Islamic Daʿwa Party', pp. 59–63.
[104]O. Bengio, 'Shiʿis and Politics in Baʿthi Iraq', *Middle Eastern Studies* XXI, 1 (1985), p. 3.
[105]J. Calvert, *Sayyid Quṭb and the Origins of Radical Islamism* (London, 2010), pp. 229–271.
[106]A. Dawisha, 'Democratic Attitudes and Practices in Iraq, 1921–1958', *Middle East Journal* LIX, 1 (2005), pp. 11–30.

towards the new regime that came to power in 1958, given its strong anti-imperialist orien-
tation. However, ten years of political instability and increasing authoritarianism, a further
sectarianisation of Iraqi politics and the rise of more militant forms of Islamism provided a
very different context for Taqī al-Mudarrisī.

In these tumultuous years, he emerged as leader of the political branch of the Shīrāzī cler-
ical network, whose figurehead was Muḥammad al-Shīrāzī (1928–2001), a cleric stemming
from a family with Iranian roots in Karbala, the city that hosts the shrine of Imam Ḥusayn.
Reflecting the historical rivalry between the two shrine cities, Najaf and Karbala, the rise of
Muḥammad al-Shīrāzī and his claim to be a *marjaʿ al-taqlīd* in the early 1960s at a very young
age aimed at competing with Najaf as the centre of gravity of Shiʿi clerical authority. While
his position as grand ayatollah has not been recognised by the Najafi establishment, its rejec-
tion served as important marker of the emergent distinct identity of the Shīrāzī network.[107]
Muḥammad al-Shīrāzī and his brothers Ḥasan (1927–80) and Ṣādiq (b. 1942) were involved
in preliminary meetings of the *Ḥizb al-Daʿwa* but parted ways being concerned about the
role of clerical authority within its structure.[108] The Shīrāzīs developed their own distinct
political profile by demarcating their movement from the party-based approach of *Ḥizb
al-Daʿwa*, emphasising the centrality of clerical leadership in any Islamic political activism[109]
and espousing a more confrontational outlook towards the state.[110] The activities of study
circles in the 1960s led to the formation of their own political group, known under different
names such *Ḥarakat al-Risāliyīn al-Ṭaliʿ* (Movement of Vanguard Missionaries). In 1967–68
the organisation took form under the leadership of Taqī al-Mudarrisī, who was the nephew
of the Shīrāzī brothers. Al-Mudarrisī in his role as main ideologue of the movement engaged
more with Islamist thinkers of both Shiʿi and Sunni backgrounds such as the influential Iran-
ian revolutionary ideologue ʿAli Sharīʿati (1933–77), Mawdūdī, Hasan al-Bannā and Sayyid
Quṭb.[111] The imprint of Sayyid Quṭb is particularly evident in one of the self-designations
of al-Mudarrisī's movement: the vanguard (ṭalīʿa) which Quṭb adopted from leftist party
organisations.[112]

Text: Ḥākimiyya *and the State of the Jurisconsult*

Al-Mudarrisī was a student of Muḥammad al-Shīrāzī and headed the political wing of his
clerical network. His political writings, therefore, need to be embedded in the writings of
the Shīrāzī brothers and their own reflections on the nature of Islamic political activism
and an Islamic state that centre around ways in which traditional modes of clerical authority
can be translated into the political realm.[113] Ḥasan al-Shīrāzī in his *Kalimat al-Islām* (*The
Creed of Islam*), written in 1963, engages in a critique of Islamist parties. The very concept
of a political party is a foreign import without precedent in Islam, introduced in the context
of European imperialism. An Islamic order, not only needs to exhibit its adherence to the

[107]Jabar, *Shiʿite Movement in Iraq*, p. 216.
[108]Raʾūf, *Al-ʿAmal al-Islāmī*, pp. 245–251; Jabar, *Shiʿite Movement in Iraq*, pp. 98, 217.
[109]Jabar, *Shiʿite Movement in Iraq*, p. 58.
[110]Raʾūf, *Al-ʿAmal al-Islāmī*, pp. 257–265.
[111]F. Ibrahim, *The Shiʿis of Saudi Arabia* (London, 2006), pp. 73–75.
[112]*Ibid.*, p. 81. See also Quṭb, *Maʿālim*, p. 9.
[113]F. Ibrahim, *Al-Faqīh wa-l-Dawla: Al-Fikr al-Siyāsī al-Shīʿī*, 2nd edition (Beirut, 2012), p. 558; Jabar, *Shiʿite
Movement in Iraq*, pp. 217–218.

will of God in its legislation, but 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 power (*ākhir sulṭān*) on a human unless He approves of it.[114]

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'*)".[115] A political movement headed by such a jurisconsult is organically tied to the authority structures essential to Shi'i Islam: the concept of emulation (*taqlīd*) by which every Shi'i 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 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'nawiyya*)—powers which appear and become manifest in knowledge (*'ilm*) and justice (*'adāla*)".[116]

For the Shīrāzī brothers, clerical leadership is not just the *sine qua non* of Shi'i political activism. The concept of *wilāyat al-faqīh* is taken to another level by Muḥammad al-Shīrāzī. In his first political writings in the early 1960s, he explicitly identifies the leadership of an Islamic government with clerical authority 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".[117] As a state needs to be based on Islamic principles and implement justice, only a person who possess expertise in Islamic jurisprudence (*fiqh*) and exhibits justice (*'adāla*) fulfils the required conditions to become "the supreme head of state (*al-ra'īs al-a'lā li-l-dawla*)".[118]

Following Ḥasan and Muḥammad al-Shīrāzī, Taqī al-Mudarrisī explicates ideas around *wilāyat al-faqīh* further in his book *Al-Qiyāda al-Islāmiyya* (*The Islamic Leadership*) and relates them to the discourse of Sunni Islamist movements and the thought of Mawdūdī and Quṭb.[119] Adopting their concept of *ḥākimiyya*, al-Mudarrisī asserts that "absolute sovereignty belongs to God (*al-ḥākimiyya al-muṭlaqa li-llāh*)".[120] Any political system that hands sovereignty and legislative power to somebody else than God leads to idolatry (*shirk*).

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[114] Ḥ. al-Shīrāzī, *Kalimat al-Islām* (Beirut, n.d. [1963]), p. 95.

[115] *Ibid.*, p. 134.

[116] *Ibid.*, p. 124.

[117] M. al-Shīrāzī, *Al-Ḥurriyya al-Islāmiyya* (Beirut: 1989 [1960/1]), p. 13. For a comprehensive discussion of the political ideas of Muḥammad al-Shīrāzī, see O. Scharbrodt, 'Khomeini and Muḥammad al-Shīrāzī (1928–2001): Revisiting the Origins of the "Guardianship of the Jurisconsult" (*wilāyat al-faqīh*)', *Die Welt des Islams LXI*, 1 (2020), pp. 9–38.

[118] M. al-Shīrāzī, 'Ḥiwar ḥawla al-Ḥukm', in *Ḥiwar ḥawla Taṭbīq al-Islām* (n.p.: no publisher, 1999 [1962]), available at http://alshirazi.com/compilations/islamiceducation/hewar_hawlaislam/part1/1.htm (accessed 16 December 2018). See also Ibrahim, *Al-Faqīh wa-l-Dawla*, pp. 568–573.

[119] Ibrahim, *Shi'is of Saudi Arabia*, pp. 98–89.

[120] M. T. al-Mudarrisī, *Al-Qiyāda al-Islāmiyya*, 2nd edition (Beirut: 1979/1980 [1970]), p. 6.

Al-Mudarrisī dissociates his theory from traditional modes of Islamic governance, demanding a shift from the traditional view that "the ruler (*al-ḥākim*) is God's shadow on earth" to "the view of Islam that 'authority belongs to God alone (*al-ḥukm li-llah*)'".[121] Pre-modern theories of Islamic governance adopted a defensive stance seeking to protect Islam from corrupt rulers and thereby preventing Islam from shaping politics. Similar to Quṭb, al-Mudarrisī seeks to make Islamic morality and its sustenance dependent on the state.[122] By implementing *ḥākimiyya*, a political order is established whose "form (*shakl*)" and "spirit (*rūḥ*)"[123] not only conform to Islamic structures of governance but whose *raison d'être* lies in the implementation of Islamic values.

Taqī al-Mudarrisī embeds Mawdūdī's and Quṭb's notion of *ḥākimiyya* and its socio-political implementation in Shiʻi theories of clerical authority referring to the general deputyship of the *ʻulamā'*; at the time of the Prophet and the Imams, they were in charge of implementing *ḥākimiyya*. At the time of occultation, their deputies, the jurisconsults, need to fulfil this role. Al-Mudarrisī creates a functional analogy between the Prophet and Imams and their deputies in the time of occultation by creating parallels between their respective sources of authority. The complete leadership of the jurisconsult is based on his jurisprudential knowledge (*fiqh*) and justice (*ʻadāla*) which is parallel to the two sources of prophetic authority: revelation (*waḥī*) and infallibility (*ʻiṣma*):[124]

> And it is like that with a leader (*ra'īs*) who rules over the Muslims during the occultation of the Imam, as his position is based on two conditions: jurisprudential knowledge (*fiqh*), which is knowledge in the religion, and justice, which is impartiality in the religion and resembles infallibility and serves the same purpose. Without these two conditions leadership in religion is not legitimate, neither for the Prophet, nor for the Imam, nor for the just jurisconsult (*al-faqīh al-ʻādil*) who succeeds the Imam and leads the community in his absence.[125]

Al-Mudarrisī extends the communal mandate of the *marja'* beyond merely religious and legal matters, arguing that the secularisation of his authority is a Western ploy, implemented to weaken Islam. On the contrary, the mandate and guardianship of the just jurisconsult is absolute and unrestricted: "The just jurisconsult is the leader (*imām*) of the Muslims, not only in providing a source of religious emulation (*al-marjaʻiyya al-dīniyya*) but also in political and social matters".[126] Referring to the tradition that the *ʻulamā'* are the heirs of the Prophet, he suggest "the spiritual connection (*al-rābiṭa al-maʻnawiyya*) and the real proximity that connects the prophets and the scholars".[127] For al-Mudarrisī, the jurisconsults are not simply the guardians of prophetic knowledge and sources of legislative authority but partake in the prophetic charisma that entitles them to assume his political mandate as well:[128]

> The Messenger was a war leader (*qā'id ḥarb*), and the head of administrative units (*ra'īs waḥdāt idāriyya*), he executed penalties (*ḥudud*) and established the rule of God (*ḥukm allāh*) on earth.

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[121] *Ibid.*, p. 20. See Qur'an 12:40.
[122] March, *Caliphate of Man*, pp. 144–145. See also Quṭb, *Al-ʻAdāla al-Ijtimāʻiyya*, pp. 126–130.
[123] Al-Mudarrisī, *Al-Qiyāda al-Islāmiyya*, p. 3.
[124] *Ibid.*, p. 19. Ibrahim, *Al-Faqīh wa-l-Dawla*, p. 576.
[125] Al-Mudarrisī, *Al-Qiyāda al-Islāmiyya*, p. 19.
[126] *Ibid.*, p. 47.
[127] *Ibid.*, p. 50.
[128] *Ibid.*, pp. 49–50.

There is no doubt that it is permissible to say that his vicegerent (*khalīfatuhu*) engaged in the affairs of life on the very first day they were delegated to him.[129]

Taqī al-Mudarrisī rejects the quietist-pragmatic argument—derived from a Shiʿi theological point of view—that a government that fully implements divine sovereignty, an authentic Islamic state, will only be established upon the appearance of the Hidden Imam as Mahdī—a point reiterated by Bāqir al-Ṣadr as well. Taqī al-Mudarrisī turns this argument upside down. The Shiʿi belief in the Imamate as the only righteous and legitimate form of spiritual and political leadership implies that Muslims cannot accept a corrupt or un-Islamic leader. The need to establish a socio-political order that implements divine sovereignty is permanent and not restricted to particular periods of Islamic history or dependent on the presence of the Imam as infallible leader: "Islamic government is a perpetual requirement".[130] Depriving Islam of the socio-political order it seeks to establish would undermine the perfection of God's final revelation to humanity.[131]

Taqī al-Mudarrisī rejects intellectual traditions that support constitutional or consultative forms of government and declares them as un-Islamic. He engages with the suggestion of a "*sharīʿa* committee in the state which would possess absolute sovereignty (*ḥākimiyya*) in the country".[132] However, for him, the supporters of an elected *sharīʿa* council as supreme legislative and executive organ in the state would lead to "the government of the people (*ḥukm al-shaʿb*)"[133] and establish "democracy"[134] and not a socio-political order implementing divine sovereignty. Unlike other Islamists, Taqī al-Mudarrisī rejects even a limited popular sovereignty within the confines of the *sharīʿa*, based on the communal vicegerency of the *umma*.[135] For him, the ruling jurisconsult as the deputy of the Hidden Imam becomes God's sole vicegerent, combining the executive, legislative and judicial authority of the state.[136] In a totalitarian manner, al-Mudarrisī identifies the will of the people with the will of the ruler: he as "the peak of the state and the representative of the people"[137] embodies their aspirations.

Al-Mudarrisī's reflections on the nature of an Islamic state mark a shift from traditional approaches that sought to make the secular power and the discretionary authority of the ruler legitimate in Islamic terms. By correlating *wilāyat al-faqīh* with Sunni Islamist conceptions of *ḥākimiyya*, in particular its more revolutionary reading by Quṭb, al-Mudarrisī proposes a clerical appropriation of the state. The scope of the state's sovereignty does not

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[129]*Ibid.*, p. 65.

[130]*Ibid.*, p. 48.

[131]Within a Twelver Shiʿi theological framework, the establishment of the institution of the Imamate, i.e. legitimate and righteous leadership of the community in spiritual and political matters, marks the perfection of Islam as a religion. In Shiʿi exegesis, Qurʾan 5:3: "Today I have perfected for you your religion…", is understood to have been revealed when the Prophet Muḥammad appointed ʿAlī as his successor during his last sermon at the Pond of Khumm (*ghadīr khumm*). The perfection of Islam, Shiʿi exegesis argues, required the formation of the Imamate to ensure the continuation of infallible guidance for the Muslim community. See M.-A. Amir-Moezzi, 'Ghadīr Khumm', in *Encyclopaedia of Islam*, 3rd edition (eds.) K. Fleet, G. Krämer, D. Matringe, J. Nawas and E. Rowson, http://dx.doi.org/10.1163/1573-3912_ei3_COM_27419 (accessed on 13 May 2020).

[132]Al-Mudarrisī, *Al-Qiyāda al-Islāmiyya*, p. 31.

[133]*Ibid.*

[134]*Ibid.*

[135]*Ibid.*, p. 75. Ibrahim, *Shiʿis of Saudi Arabia*, pp. 99–101.

[136]Al-Mudarrisī, *Al-Qiyāda al-Islāmiyya*, pp. 60–64.

[137]*Ibid.*, p. 42.

need to be curtailed anymore to prevent corruption and despotism as traditional theories suggest. The state is righteous, just and Islamic when its sovereignty is embodied by the just jurisconsult. Al-Mudarrisī's teacher, Muḥammad al-Shīrāzī, took the scope of the 'ulamā's authority as deputies of the Hidden Imam to a new level, by adding to their trad-itional legal and judicial authority full political authority in an Islamic state, mirroring Mawdūdī's translation of divine sovereignty from the legal realm to the sovereignty of the state.[138] The jurisconsult, traditionally conceived as the agent of God's legal sovereignty, becomes in Muḥammad al-Shīrāzī's and al-Mudarrisī's reading the sole legitimate agent of God's political sovereignty. They retain the personification of charismatic authority in Shi'i theology: divine sovereignty—or guardianship (*wilāya*) in Shi'i terms—is personified by the Prophet, transferred to the Imams after his death and fully exercised by the just jur-isconsult as head of state.

The Islamic Revolution in Iran ten years after al-Mudarrisī wrote his book implemented a political system that institutionalised the deputyship of the Shi'i clergy, known as *wilāyat al-faqīh*, within the state's political apparatus by making the ruling jurisconsult (*valī-ye faqīh*) the head of state who holds supreme executive, legislative and judicial authority. Al-Mudarrisī anticipates Khomeini's own formulation of *wilāyat al-faqīh* that the latter would develop during his exile in Najaf in 1970. Yet, Khomeini's reflections on the role of the jurisconsult remain rather vague, emphasising his mandate to form an Islamic government to ensure the implementation of Islamic law. Al-Mudarrisī is more explicit about the status of the jurisconsult in an Islamic state, by considering his authority to be absolute, unrestricted and including the state's executive, legislative and judicial powers.

Conclusion

The article suggests that understanding the genesis of Shi'i Islamism in the 1950s and 1960s requires a systematic reflection on the organisational and ideological connections that existed between Sunni and Shi'i Islamists.[139] The earliest ideological formulations of Bāqir al-Ṣadr and Taqī al-Mudarrisī engage with the conceptual repertoire of nascent Sunni Islamism as the terminology both employ in their writings clearly suggests. While they embed Sunni Islamist thought in Shi'i legal and political theories, their approaches to delineating the con-tours of an Islamic state remain indebted to reflections provided by al-Bannā, Mawdūdī, Quṭb and other Sunni Islamists. The article also demonstrates how Iraq provided a particu-larly fertile ground for such reflections among Shi'i Islamist activists. The presence of Sunni Islamist organisations, the accessibility of publications and journals disseminating their ideas and the involvement of Iraqi Shi'is in these movements allowed for the creative appropri-ation of the diverse range of Sunni Islamist ideological iterations into Shi'i political thought.

The capaciousness of Islamist thought at that time included a spectrum of different views from a more pragmatic approach put forward by Hasan al-Bannā to a more comprehensive rejection of the non-Islamic ideological sources of political systems by Quṭb, as an

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[138]Ibrahim, *Al-Faqīh wa-l-Dawla*, pp. 562–563.
[139]See Fuchs in this volume on the relationship between the Pakistani Jamaat-i Islami and the Islamic Republic of Iran.

articulation "high utopian Islamism".[140] This capaciousness also impacted on the early political views of Bāqir al-Ṣadr and Taqī al-Mudarrisī and allowed them to respond ideologically to changing political circumstances in their countries and the wider Middle East. Bāqir al-Ṣadr, despite a rhetorical commitment to the ideological nature of an Islamic state, operates more in a traditional manner seeking to translate the modalities of pre-modern clergy-state relations into the context of a modern state and being more concerned about how to make the existing political order legitimate. His intervention suggests a continuation of the dual sovereignty of pre-modern Muslim polities: the state retains its responsibility for political matters and possesses some discretionary legislative authority, based on the collective authority of the *umma*, while legal and adjudicative authority (*iftāʾ* and *qaḍāʾ*) is held by the *ʿulamāʾ*. A truly Islamic state that implements *ḥākimiyya* remains a messianic aspiration: only the Imam as infallible leader can fully implement divine sovereignty. Bāqir al-Ṣadr's minimalist approach to Islamic legitimacy resonates with the pragmatism of the early Muslim Brotherhood and is indebted to the ideas of clerical supporters of the Constitutional Revolution who accepted the secular rule of the Iranian shah but sought to curtail his despotism by the legal and judicial authority and oversight of the *ʿulamāʾ* and an elected parliament. Similar to the more liberal context of the Egyptian monarchy in the 1930s in which al-Bannā began his activities, Bāqir al-Ṣadr established *Ḥizb al-Daʿwa* in the freer environment of the Hashemite monarchy in Iraq and the promises and hopes connected to the pan-Arabist coup of Qāsim in 1958.

At the time when al-Mudarrisī wrote his book, the domestic context, the wider geopolitical configuration and the ideological spectrum of Islamism had altered. Ten years of increasingly authoritarian rule in Iraq illustrated the intrusive and repressive powers of the state of which Shiʿi political and clerical activists in Iraq were of the receiving end. The demise of pan-Arabism and the momentum that more militant forms of Islamism had gained as a consequence limited the room for pragmatic adjustments and allowed Taqī al-Mudarrisī to embrace the concept of *ḥākimiyya* more fully. Unlike Bāqir al-Ṣadr and previous Shiʿi scholars, he does not seek to tame the state and to make it Islamically legitimate but conceives of the state and its sovereignty as a political necessity to establish an Islamic socio-moral order. That al-Mudarrisī does not theorise any further on the meaning of *ḥākimiyya* or feels the need to define it illustrates how much the term had gained currency in Islamist thought at that time. He can take the concept as a starting point of his political theory and embed it in Shiʿi notions of political and clerical authority. This allows him to operationalise divine sovereignty in an Islamic(-Shiʿi) state by focussing on the individual authority of the jurisconsult: as traditional agent of God's legal sovereignty, arriving at new legal judgements (*aḥkām*) by interpreting the sources of Islamic jurisprudence, he becomes the sole agent of God's political sovereignty as ruler (*ḥākim*) of the Islamic state. His reading marks a radical reinterpretation of clerical authority in Shiʿi Islam and a complete re-appraisal of the sovereignty of the state: while the notion of *wilāyat al-faqīh* has been used to justify a more assertive public and political advisory role for *ʿulamāʾ*, al-Mudarrisī employs it to suggest that only the state of the jurisconsult implements divine sovereignty.

The flexibility of Islamist thought and the selective engagement with its diverse repertoire also become evident in the intellectual trajectories that would shape the later political ideas

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[140]March, *Caliphate of Man*, p. 75.

of Bāqir al-Ṣadr and Taqī al-Mudarrisī. Bāqir al-Ṣadr's political writings he produced 20 years later in the context of the Islamic Revolution in Iran are more systematic theorising on the place of clerical authority in an Islamic state. In these writings, he suggests a shared dual sovereignty: the people to whom God has delegated his sovereignty as part of their human vicegerency (*khilāfat al-insān*) rule the state under the supervision of the most senior cleric.[141] However, Bāqir al-Ṣadr could not work towards the establishment of such a system in Iraq. Fearing the repercussions of the Islamic Revolution in Iran, Iraqi security forces arrested and executed him in 1980.

Given the ideological affinity between Khomeini and Taqī al-Mudarrisī, the latter's movement played an important role in the early years of the Islamic Revolution in Iran. Taqī al-Mudarrisī's organisation, renamed as *Munaẓẓama al-ʿAmal al-Islāmī* (Islamic Action Organisation) in 1979, was central in the new regime's efforts to export the revolution to other parts of the Middle East and steered the political mobilisation of Shiʿi communities in Arab Gulf countries in the early 1980s. The Islamic Republic's turn towards political pragmatism after the death of Khomeini in 1989 and the experience of "real existing" Shiʿi Islamism in post-revolutionary Iran led Taqī al-Mudarrisī re-evaluate his earlier political ideas.[142] He moved away from his totalitarian reading of the clerical political mandate and included *shūrā* as a necessary checks-and-balance to curtail the absolute authority of the ruling jurisconsult.[143] In the cases of both Bāqir al-Ṣadr's and Taqī al-Mudarrisī's later political theories, clerics remain the main instruments of implementing *ḥākimiyya* in an Islamic state, in their collective capacity as representatives of the Hidden Imam. Yet, both equally view the delegation of sovereignty to the people—based on the notion of human vicegerency—central to countering the potentially despotic tendencies of the state of the jurisconsult.

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[141]M. B. al-Ṣadr, *Al-Islām Yaqūd al-Ḥayāt* (Tehran, 1982/83). For a discussion see Al-Zaynī, *Al-Dawla fī Fikr Muḥammad Bāqir al-Ṣadr*; C. Mallat, *The Renewal of Islamic Law: Muhammad Baqer as-Sadr, Najaf and the Shiʿi International* (Cambridge, 1993), pp. 59–78; J. al-Rikabi, 'Baqir al-Sadr and the Islamic State: A Theory of "Islamic Democracy"', *Journal of Shiʿa Islamic Studies* V, 3 (2012), pp. 249–275.
[142]Scharbrodt, 'Khomeini and Muḥammad al-Shīrāzī'.
[143]Ra'ūf, *Al-ʿAmal al-Islāmī*, pp. 272–7; Ibrahim, *Al-Faqīh wa-l-Dawla*, pp. 580–1.