

The Scope of the Duties and Mandates of Rulers in Islamic Jurisprudence According to Sayyid ‘Alī Ṭabāṭabā’ī, the Author of *Riyāḍ*

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Abstract

This research, employing a descriptive-analytical method and relying on library studies—with particular reference to the works of Sayyid ‘Alī Ṭabāṭabā’ī, especially his book *Riyāḍ al-masā’il*—has been conducted with the aim of elucidating his political thought concerning the foundations of legitimacy and the scope of authority of rulers in Islamic society under varying circumstances and periods. The findings of the study demonstrate that the author of *Riyāḍ*, having departed from the Akhbārī discourse and relying instead upon the authentic method of ijtihad, constructed a coherent juridical-political system that, while emphatically upholding the sovereignty of legitimate rulers in society, simultaneously – in light of the realities prevailing during the era of Occultation (*ghayba*) of the Infallible Imam—issued a ruling in favor of positive interaction with rulers. By classifying rulers into two fundamental categories—the just ruler and the tyrannical ruler—he ascribed intrinsic legitimacy exclusively to just rulers (the Infallible Imam, his specially designated deputies, and the fully qualified jurist) and recognized for them a broad range of authority to administer society. In contrast, although he regarded the tyrannical ruler as lacking legitimacy and deemed cooperation with him – even in permissible matters – impermissible, he nevertheless, taking into account social necessities, granted such a ruler certain secondary and exigent authorities. The fundamental distinction of this theory lies in the separation between a Shia ruler (regarded as a “concordant tyrant”) and a Sunni ruler (regarded as a “discordant tyrant”). This distinction leads to the prescription of maximal interaction with the concordant tyrannical ruler, particularly in matters such as preserving the Islamic order, promoting religion, and repelling foreign enemies. A concrete historical instance of this theory can be seen in the author of *Riyāḍ*’s conferral of legitimacy upon Faḥr-‘Alī Shāh Qājār’s leadership during the wars with Russia and his issuance of the ruling of jihad. Beyond concluding that the political thought of the author of *Riyāḍ* exemplifies the dynamism of Imāmī jurisprudence in integrating normative

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religious idealism with political realism in order to safeguard the interests of the Islamic community, the present study also delineates a spectrum of duties and authorities for rulers under diverse conditions and eras.

Keywords

Sayyid 'Alī Ṭabāṭabā'ī, *Riyāḍ al-masā'il*, political jurisprudence, just ruler, tyrannical ruler, legitimacy, governmental mandate, Qajar era.

1. Introduction

Sayyid ‘Alī Ṭabāṭabā’ī belonged to the noble lineage of Ḥasanī sayyids. In the twelfth century AH, his family migrated from Isfahan and settled in Karbala, where they left a profound and lasting impact on the Islamic world. Regarded as one of the most prominent jurists of the thirteenth century AH, he was born in 1161/1748 in Kāzīmāyn (Qummī, 2006, p. 404; Davani, 1983, p. 99). From the earliest stages of his studies in the traditional seminary curriculum, he displayed exceptional brilliance and aptitude, attracting the attention of Waḥīd Bihbahānī, who admitted him into his inner circle of students. His familial ties with Waḥīd Bihbahānī – being both his nephew by marriage and his son-in-law – undoubtedly played a role in this regard. In Waḥīd Bihbahānī’s classes, Sayyid ‘Alī consistently surpassed his fellow students and emerged as the most outstanding disciple. He carried forward Waḥīd Bihbahānī’s school of *ijtihād*, which stood in direct opposition to the Akhbārīs and sought to revive the practice of independent juridical reasoning. In his own advanced courses on jurisprudence, he employed a method of *ijtihād* that strengthened the Usūlī school while systematically refuting Akhbārī positions. This distinctive approach to *ijtihād* set the discussions of the author of *Riyāḍ* apart from Akhbārī juridical works and their methods of derivation. It opened the way for the renewal of *ijtihād* by emphasizing rational principles, rejecting strict literalism in the interpretation of traditions, and firmly establishing rigorous Usūlī methodologies.

2. His Time and Context

During the 11th and 12th centuries AH, the dominant intellectual paradigm in Shiite seminaries was Akhbārism, which effectively emptied the field of jurisprudence of rationalist reasoning and *ijtihād*. However, toward the end of the 12th century AH, Mīrzā Muḥammad Bāqir Bihbahānī—widely known as Waḥīd Bihbahānī—launched a comprehensive and decisive campaign against this trend, ultimately liberating the intellectual structure of the seminaries from Akhbārī dominance. Although the Akhbārī movement had practically lost its foothold in the seminaries following the death of Shaykh Yūsuf al-Baḥrānī (author of *al-Ḥadā’iq*, d. 1186/1772), Waḥīd Bihbahānī, in order to consolidate and expand the logic of *ijtihād* and to adapt it to contemporary needs, dispatched many of his prominent students to various Shiite scholarly centers across the Islamic world. To this end he sent: ‘Allāma Sayyid Maḥdī Baḥr al-‘Ulūm and Shaykh Ja‘far Kāshif al-Ghiṭā’ to the Najaf seminary; Shaykh Ibrāhīm Karbāsī and Sayyid Muḥammad Bāqir Iṣfahānī to Isfahan;

Mīrzā Abu-l-Qāsim Qummī (author of *Qawānid al-Uṣūl*) to Qom; Mullā Aḥmad Narāqī to Kashan. Meanwhile, Sayyid ‘Alī Ṭabāṭabā’ī (author of *Riyāḍ al-Masā’il*) and Mīrzā Maḥdī Shahrastānī remained in Karbala, where they firmly established and propagated the Uṣūlī approach to ijtihad. On the other hand, in the early thirteenth century AH, when the Wahhabis, having gained control over Arabia, launched an attack on Iraq, the scholars of the two seminary centers of Najaf and Karbala made immense efforts to protect the holy shrines (‘*atabāt*), the seminaries, and the Shi‘a population. To such an extent that Shaykh Ja‘far Kāshif al-Ghiṭā’ in Najaf armed himself, armed the scholars, students, and ordinary people as well, and, engaging the invaders in battle, forced them to flee. Moreover, after this attack, he ordered the construction of a wall around the city of Najaf so that, in the event of another possible assault, the city and its inhabitants would remain safe. Similarly, the author of *Riyāḍ al-masā’il* erected a high wall around the city of Karbala in 1217/1802–1803 to defend it against Wahhābī raids (Amīn ‘Āmilī, 1987, vol. 8, p. 315). Furthermore, in order to maintain order and uphold the rule of law in Karbala, he took the initiative to establish a police force. To this end, he settled a tribe of Baluch—known for their strong physiques and fierce temperament—in Karbala so that they could assist in preserving order and enforcing the law. Among the significant events that occurred during the lifetime of the author of *Riyāḍ* was the decade-long series of wars between Iran and Russia. In 1224/1809–1810, due to intense Russian military pressure, the Iranian army suffered defeats on various battlefields, and a portion of Iranian territory fell under Russian occupation. The Iranian government turned to seeking assistance from the spiritual authority and extraordinary influence that the scholars (‘*ulamā*’) exercised over the people. Consequently, many prominent scholars and *marāji‘ al-taqlīd* (authorities of emulation), including Sayyid ‘Alī Ṭabāṭabā’ī, issued fatwas calling for jihad (Dunbulī, 2013, pp. 145–146).

3. Necessity of Government

Since human beings are considered social creatures by nature, they possess—beyond their individual status and personal needs—certain needs that cannot be fulfilled except under the umbrella of an established government and political system responsible for managing the social affairs of the people. Consequently, there has never been any society that has not recognized the necessity and obligatoriness of government and has not entrusted the administration of public affairs to political authority. For the absence of

government in a society necessarily entails numerous consequences such as chaos and disorder, lack of security, the impossibility of realizing justice, the inability to punish aggressors, the failure to distribute public wealth equitably, and so forth. Therefore, no thinker—because of these manifold disastrous consequences—has ever ruled that forming a government in society is forbidden or impermissible. Rather, the obligatoriness of government is regarded as self-evident and taken for granted both in the intuitive understanding of thinkers and in the common consciousness of the masses. As Imam ‘Alī (peace be upon him) responded to the doubt raised by the Kharijites (Khawārij)—who rejected the very institution of government and claimed to entrust the affairs of society entirely to God—by declaring governance to be indispensable and its obligatoriness to stem from functions such as “securing the roads, providing security against the enemy, establishing justice, regulating economic resources, ensuring the amenities of life, protecting society from criminals and wrongdoers, and so forth”: “Indeed, people must have a ruler (*amīr*), be he righteous or wicked: so that the believer may work under his rule, the unbeliever may enjoy the fruits of life under it, and Allah may cause the appointed term [of each person] to be reached therein; through him the spoils (*ḡay*) are collected, the enemy is fought, the roads are made safe, and the right of the weak is taken from the strong—until the righteous may rest and the people may be relieved from the wicked” (Nahj al-Balāgha, Sermon 40).

Sayyid ‘Alī Ṭabāṭabā’ī, in the same vein, regarded the establishment of government and a political system as a given, considering its proof to require no further evidence and deeming its obligatoriness to follow from the very suitability between the ruling and its subject (Ṭabāṭabā’ī Karbalā’ī, 2003, vol. 9, p. 257).¹ In this same context, he emphasized that general authority (*al-ri’āsa al-‘amma*) over the affairs of religion and this world—equivalent to governance—is taken for granted, and he treated the authority to issue fatwas as one of the branches of this general authority, aimed at establishing and securing rights for those entitled to them, declaring its ultimate purpose to be the elimination of disputes within society (Ṭabāṭabā’ī Karbalā’ī, 2003, vol. 15, p. 5).² Likewise, he considered the formation of government to depend on

1. “The ruler is a general guardian (*walī ‘amm*); his assumption of authority does not require proof.”

2. “In the Sharia, as a group have defined it: the authority of judicial ruling belongs legally to one who possesses the competence to give fatwas on particular applications of the divine laws, over specific persons among mankind, by establishing rights and securing them for the entitled party. Its origin is general presidency over the affairs of religion and this world, and its purpose is to put an end to disputes.”

objectives such as establishing a humane order, restoring the right of the oppressed from the oppressor, and enjoining good and forbidding evil (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 15, p. 6).¹ Furthermore, the author of *Riyāḍ* repeatedly refers to the sphere of government and the ruler, employing numerous terms such as “Imām,” “just Imām,” “just sultan,” “the Infallible (peace be upon him),” “just ruler,” “tyrannical ruler,” “tyrannical ruler whose decrees oppose the Sharia,” “tyrannical ruler whose decrees accord with the Sharia,” “governor” (*wālī*), “guardian” (*walī*), and the like—not only indicating the types and forms of existing, desirable, or undesirable governments, but also identifying the supreme functionary of those governments.

4. Typology of Governments

Although the necessity of government is acknowledged in all societies, the form, structure, and model of government varies across different societies. Naturally, the differences and distinctions among these governments depend on numerous factors, including religious foundations, the source of legitimacy, dominant culture, habitat, political-cultural geography, and the overarching beliefs held by the majority of the society. These factors give rise, in the political sphere, to a diversity of political systems, each requiring a distinct mode of administering the country, a different governmental structure, and specific functionaries. Despite this diversity and multiplicity of political systems, the most important types of government to which one may refer include democracy, theocracy, oligarchy, socialism, totalitarianism, monarchy, aristocracy, and so forth (Heywood, 2008, pp. 105, 163). Regardless of the distinctions among political systems in the terminology of political science, within the domain of Islam one can identify specific forms of government such as the system of prophethood, the system of Imamate, the system of caliphate, the system of guardianship (*wilāya*), the system of monarchy, and the system of constitutional monarchy. Each of these is founded upon particular principles and gives rise to a distinct mode of governance, a different structure, and a limited set of functionaries.

Despite these differences in the types of government, Shiite jurisprudence has established a precise logic for classifying them, and Sayyid ‘Alī Ṭabāṭabā'ī himself, following the same criterion, refers to various forms of

1. “Because the order of the human species depends upon it; because oppression is inherent in human souls, there must be a ruler who exacts retribution from the oppressor on behalf of the oppressed; and because of what it entails in terms of enjoining good and forbidding evil.”

government. In doing so, he not only addresses the legitimacy of these governments (and, by extension, of the rulers heading them) but also delineates for them a specific scope of authority and duties. On the one hand, in accordance with the logic of the Sharia, he divides governments (or rulers) into the just and the tyrannical (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 8, p. 207).¹ Naturally, just rulers—who possess legitimacy on the basis of evidentiary proofs—enjoy a defined range of powers and responsibilities, and the people and citizens are obliged, within that range, to obey and submit to them. Tyrannical rulers, by contrast, lack any right to govern and the people have no obligation to obey them. On the other hand, under each of these two categories—just and tyrannical—he identifies further sub-types. For example, in his discussion of authority over the estate of a person who dies without appointing an executor (*waṣī*), he enumerates, under the heading of the legitimate (or Sharia-based) ruler, several ranks of authority that succeed one another hierarchically. Thus, when a person leaves no executor, authority over his estate belongs, first and foremost, to the Infallible Imam (peace be upon him); in the event of the Imam's occultation, it is delegated to the fully qualified jurist (*faqīh*); and if neither the Infallible Imam nor a fully qualified jurist is present, authority passes to upright believers: "Whoever has no appointed executor, the ruler is the guardian of his estate—there is no disagreement on this, nor on the fact that 'the ruler' means the Imam (peace be upon him) if he is present; otherwise, the jurist who meets all the conditions for issuing fatwas; and in the absence of the latter, authority belongs to righteous believers" (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 10, p. 348). In contrast to the various ranks of just rulers—who stand in hierarchical succession to one another (the Infallible Imam, the special deputy of the Imam, the fully qualified jurist, and the upright believer)—there exist different categories of tyrannical rulers. These are subdivided into the "concordant tyrannical ruler," i.e., a Shiite ruler, and the "discordant tyrannical ruler," i.e., a Sunni one. Although these two types of tyrannical rulers stand laterally in relation to each

1. "Authority to judge, to rule among people, and the like is permissible—without disagreement—when it comes from the just sultan, on the basis of the original principle and the absence of any impediment; indeed, it may even be obligatory in certain cases, such as when he (upon him be peace) commands it. From the tyrannical ruler, however, it is forbidden—without disagreement—as previously indicated along with its reliable proofs in [the chapter on] assisting in cases of injustice, except under fear and dissimulation (*taqiyya*) concerning one's life, property, or honor—either one's own or that of the believers, wholly or partially—in a manner that a person in the circumstances of coercion, whether of high or low status, would not normally be expected to endure with respect to the humiliation involved."

other (in parallel rather than in hierarchy), and the presence of a Sunni tyrannical ruler is not contingent on the absence of a Shiite tyrannical ruler, each is nevertheless granted a scope of authority commensurate with the specific degree of legitimacy that the Sharia accords to his station.

5. General Duties and Mandates of Rulers

Governments, which are established for purposes such as providing security, realizing justice, creating welfare, legislating, adjudicating disputes, distributing resources equitably, punishing criminals and wrongdoers, and the like, are endowed with duties and mandates in the public sphere of society in order to achieve these objectives, and the means and instruments necessary for governance are likewise placed at their disposal. Naturally, despite the differences among types of government, it is possible to identify a minimum threshold (*ḥadd al-niṣāb*) and a common core of powers and responsibilities that serve the fundamental aims of government itself. However, in certain forms of government these powers may, in accordance with their own foundational principles and ultimate goals, be expanded beyond the general baseline required for administering the country and thereby undergo development and extension. Although the jurisprudential discussions of Sayyid ‘Alī Ṭabāṭabā’ī are not primarily concerned with the overall system of governing a state, but rather with resolving practical problems and providing answers for the faithful observance of the Sharia by those juristically accountable, he nonetheless addresses certain instances and the scope of the ruler’s authority whenever they bear upon Sharia rulings and the religious life of believers. Consequently, whenever he speaks of the concrete instances or extent of a ruler’s powers, these are cases that arise within the various chapters of jurisprudence and in which the exercise of authority is deemed necessary or desirable. In this context, he refers on numerous occasions to specific duties and powers of the ruler; taken together, these allow us to delineate the general scope of the ruler’s authority in his view.

Regarding the authority to arrange the marriage of a girl who has no guardian, he assigns this guardianship to the ruler. Citing the well-known prophetic hadith: “The sultan is the guardian of one who has no guardian” (Bayhaqī, 1925, vol. 7, p. 105; Nasā’ī, 1986, vol. 3, p. 285—he counts the sultan or ruler as the one responsible for this matter and, on the basis of the general proofs establishing the ruler’s deputyship, extends this authority to his legitimate deputies. He further regards the existence of such authority as indispensable: “He [the ruler] marries them off in the absence of both [father

and paternal grandfather] when it is in their best interest—this is by consensus; for he is their guardian with respect to property, so he likewise undertakes their marriage. There is also the authentic report: ‘The one who holds the marriage tie in his hand is her *walī al-amr* [guardian of affairs],’ and no one claims any distinction here. And the prophetic hadith: ‘The sultan is the guardian of one who has no guardian,’ which includes his deputies by virtue of the general proofs of deputyship. In addition to the pressing need for his authority—and this, like the two previous reports, encompasses minors—so the well-known position that denies him authority over them in marriage is not evident, unless it rests on consensus, and that itself is open to question” (Ṭabāṭabā’ī Karbalā’ī, 2003, vol. 11, p. 100).

On the other hand, with regard to the necessity of the ruler’s existence and the referral of public affairs to him, two points must be noted. First, the default ruling is that the ruler’s intervention is permissible, and any intervention by others is precluded whenever it is possible to refer the matter to him. Second, however, when pressing public needs must be addressed within a limited time and the ruler is absent, it becomes necessary to restrict oneself, in indispensable interventions, to only what is absolutely certain and unavoidable, postponing everything that can be delayed until the ruler’s presence (even if delayed): “And if the ruler is far away and it is possible to refer to him—even after some time—they must limit their intervention to only that which is indispensable and postpone whatever admits of postponement” (Ṭabāṭabā’ī Karbalā’ī, 2003, vol. 10, p. 349). From the statements of Sayyid ‘Alī Ṭabāṭabā’ī, Ṣāhib al-Riyāḍ, it may be inferred that whoever occupies a position of guardianship is expected, in the exercise of that authority, to observe and perform three essential duties—duties that must be regarded as required for governance itself. In the first instance, the ruler must engage in policy-making within his domain of authority. In the second, he is obliged, in the exercise of guardianship over society, to undertake certain interventions that—although the default rulings prohibit others from acting in such matters—are rendered permissible and necessary for him precisely because the resolution of societal problems requires them. In the third, in order to preserve the moral and social health of the community, he must give due attention and emphasis to the punishment of criminals, wrongdoers, and sinners through the proper judicial process. In addition to legislation—which in jurisprudence falls under the heading of *iftā’* (fatwa issuance), is the exclusive prerogative of the jurist, and through which he engages in policy-making and the regulation of faithful religious life in society—one of the matters that may be classified as

policy-making and for which the ruler bears direct responsibility is the fixing of prices (*tas'ir*) for goods. The author of *Riyāḍ* discusses this issue with reference to the statements of earlier jurists and with particular attention to the ruler's duty to prevent injustice both to sellers and to buyers (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 8, p. 287).

On the other hand, Shiite jurisprudence recognizes numerous instances in which the ruler is permitted to intervene in the affairs and properties of others. For example: A spendthrift or legally incapacitated (*maḥjūr*) persons are prohibited from disposing of their own property, and such disposal falls under the authority of the ruler (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 9, p. 252).¹ If a husband is unable to provide maintenance or alimony for his wife, the ruler must secure it for her—even by selling the husband's real estate if necessary (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 12, p. 94).² Likewise, if the owners of animals are incapable of feeding them, the ruler must compel them to provide sustenance, or sell the animals, or—if they are intended for slaughter—slaughter them, in order to save the creatures from perishing (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 12, p. 193).³ In addition to the dual functions of policy-making and the enforcement of law, another duty of the ruler is the imposition of punishments upon criminals and sinners. In Shiite jurisprudence, this takes the form of *ḥudūd* (fixed penalties), *qiṣās* (retaliation), and *diyāt* (blood-money). Moreover, in cases where no specific penalty has been prescribed in Shi'ite jurisprudence, the Islamic ruler is entitled to inflict discretionary punishment (*ta'zīr*) upon offenders and sinners in accordance with his own judgment and discretion (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 5, p. 387; vol. 8,

1. "The basic ruling, like the original principle, together with the generality of the verse prohibiting the handing over of property to the spendthrift, the implied meaning of {but if you see maturity in them...} and the explicit meaning of {and if the debtor is a spendthrift ...}—both indicating legal interdiction (*ḥajr*) merely on the ground of folly without requiring a judicial ruling from the ruler—likewise applies to the removal of the interdiction. This is in accordance with the apparent sense of the first verse and constitutes one of the two well-known opinions on the issue, as well as the sounder of the two, in agreement with a number of scholars."
2. "And if he refuses to spend, it is permissible for the ruler to spend on her from his property, even by selling some of his real estate if the matter depends upon it."
3. "Then he [the owner] is compelled to spend on it [the animal], unless it can suffice with grazing and reach water by itself, in which case that suffices if possible. Otherwise, if its owner refuses, he is compelled either to spend on it, or to sell it, or—if it is intended for slaughter for meat or hide—to slaughter it. Otherwise he is compelled to sell it or to spend, in order to preserve it from perishing. If he persists in refusal, the ruler acts on his behalf in whatever he deems appropriate—by selling some of his property to provide sustenance, or by selling the animal itself. He has discretion only when multiple options are possible; otherwise the feasible option becomes obligatory."

p. 287; vol. 14, pp. 449, 532; vol. 16, p. 14).¹

5.1. Just Ruler

As previously mentioned, the designation “just ruler” is employed in direct contrast to the “tyrannical ruler.” In its primary and essential referent is the Infallible Imam (peace be upon him), and the most certain instance of a “just Imām” is one of the Infallible figures. Nevertheless, in hierarchical extension of the guardianship of the Infallible Imam and by way of deputyship from him, the title may also apply to certain other authorities: his specially appointed deputies (*nā'ib khāṣṣ*) during the era of his presence or in other regions, fully qualified jurists as his general deputies (*nā'ib 'āmm*), and righteous believers when the exercise of authority by the general deputies of the Infallible Imam is not feasible. Thus, the author of *Riyāḍ* defines the “just sultan,” on the basis of consensus among our [Shiite] scholars and numerous proofs, as “the Infallible (peace be upon him) or whoever he has explicitly appointed” (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 3, p. 315).² Sayyid 'Alī Ṭabāṭabā'ī (the author of *Riyāḍ*), although he employs the designation “just ruler” for all of these ranks, yet he consistently conditions the interventions of every category of just ruler upon the requirement of public interest or expediency (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 10, p. 314).³ At the same time, taking into account the distinctive qualities and station of each, he assigns to them differing duties and a graduated scope of authority, thereby establishing clear distinctions among these various just rulers. In what follows, the specific powers or mandates corresponding to each rank of “just ruler” will be indicated, and the precise extent of authority delegated to each will be delineated.

A. Infallible Imam

Although legitimacy of governance during the presence of the Infallible Imam (upon him be peace) belongs exclusively to him, and any other ruler in his era is deemed tyrannical, the Infallible Imam therefore possesses the totality of powers that a ruler requires for administering society. Nevertheless,

1. “He who knowingly and deliberately breaks the fast in the month of Ramadan—yet without regarding it as lawful, but acknowledging it as an act of disobedience even once—shall be subjected to *ta'zīr* in whatever measure the ruler deems appropriate.”
2. “The just sultan means the Infallible (peace be upon him) or the one he has appointed—by consensus among us.”
3. “The difference is that the testator has full dominion over his own property: he may give it to whomever he wishes and appoint whomever he chooses to administer it, because people having dominion over their own property; whereas the intervention of the legitimate Sharia-based ruler is strictly tied to [the existence of] public interest (*al-maṣlaḥa*).”

the author of *Riyāḍ* holds that designations employed in the narrations concerning offensive jihad—such as “the Imam whose obedience is obligatory” and “the just Imam”—apply solely to the Infallible Imam (Ṭabāṭabā’ī Karbalā’ī, 2003, vol. 8, p. 13). Consequently, he reserves certain powers that pertain to the management of societal affairs exclusively for the Infallible Imam and declares the remaining categories of just ruler to lack competence in those domains. In this regard, he counts offensive or initial jihad (*al-jihād al-ibtidā’ī*) among the exclusive prerogatives of the Infallible Imam (upon him be peace), who, during his lifetime, may delegate it to specifically designated individuals. Consequently, offensive jihad is not permissible in the era of occultation, even under the leadership and guardianship of a fully qualified jurist (Ṭabāṭabā’ī Karbalā’ī, 2003, vol. 8, p. 13).¹ Likewise, he restricts the appointment of an arbitrator-judge (*qāḍī al-tahkīm*) exclusively to the era of the Imam’s presence and to his explicit, special appointment. For adjudication in its established sense may be referred to a jurist who possesses all the qualifications of a judge and who, by virtue of the general deputyship, is already appointed to the judicial function (Ṭabāṭabā’ī Karbalā’ī, 2003, vol. 15, p. 18). Likewise, in agreement with the majority of jurists, he does not place the establishment of Friday prayer in the era of occultation on the same footing as in the era of the Imam’s presence. He therefore rules that Friday prayer during the presence of the Infallible Imam (peace be upon him) is an individual obligation (*wājib ‘aynī*), whereas in the era of occultation its obligation is only optional (*wājib takhyīrī*) (Ṭabāṭabā’ī Karbalā’ī, 2003, vol. 3, p. 320).² Another matter that clearly distinguishes the authority of the Infallible Imam (upon him be peace) from that of other just rulers is the ruling on accepting governmental or judicial office under a just authority: In ordinary circumstances, such acceptance is merely recommended on an individual basis (*mustaḥabb ‘aynī*) for one who is confident of fulfilling all the required conditions, while it is simultaneously a collective obligation (*wājib kifā’ī*). However, if the Infallible Imam (upon him be peace) explicitly commands a qualified person to accept the post, it becomes an individual obligation upon

1. “Jihad in the first sense [offensive] is obligatory only upon one who fulfils all the aforementioned conditions in the presence of the just Imam, that is, the Infallible (upon him be peace), or the person he has explicitly appointed for that purpose—namely the special deputy appointed either specifically for jihad or for a more general mandate. As for the general deputy, such as the jurist, it is not permissible for him, nor with him, during the occultation—without any disagreement that I am aware of.”

2. “Requiring the presence of the Imam or someone explicitly appointed by him for the individual obligation is beyond doubt. The only point of discussion concerns the optional obligation.”

that person to accept and assume the responsibility (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 15, p. 25).¹

B. Imam's Deputy

Although the majority of matters pertaining to the governance of society fall directly upon the Infallible Imam (peace be upon him), it is practically impossible for him to personally undertake every single one of them. Therefore, in certain cases the Imam may delegate specific tasks to a designated individual as his special deputy, while in the era of occultation he may entrust certain functions—through general deputyship—to persons possessing the requisite qualifications. Since these deputies, whether by special or general appointment, are formally installed by the Imam in those functions, the execution of those duties and the interventions that arise from them are fully legitimate. Consequently, the people are likewise obliged to regard themselves as bound by the orders of the Imam's deputies and to render obedience to them. Authority over taxation: One of the matters in which the authority of the Imam's deputies is expressly recognized is authority over *kharāj* (land tax) and *muqāsama* (crop-sharing tax), which historically constituted the principal sources of state revenue. Accordingly, whenever the deputy of the Imam is able to collect such taxes independently, he, as the legitimate Sharia-based ruler, possesses the right to administer them and to expend them in the best interests of the Muslims, exactly as the Imam himself would do (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 10, p. 116).² Authority over the marriage of minors: Since the validity and permissibility of marriage are contingent upon attaining the age of maturity and full intellectual capacity, the authority over marriage for those who lack these qualifications belongs, in the first instance, to the father and paternal grandfather. However, in the absence of both, this authority passes to the special or general deputy of the Imam (i.e., the fully qualified jurist). Because he already possesses authority over the minors' property, he likewise assumes guardianship over their marriage,

1. "Accepting judicial office from the just sultan is recommended for one who trusts and relies upon himself to fulfil the conditions of judgeship; the recommendation is individual, and thus does not contradict what we have previously stated, namely that it is a collective obligation. It may even become an individual obligation if the Imam (peace be upon him) imposes it upon him, or if no other qualified person is found to undertake it. There is no difference in this ruling between the states of the Imam's presence and his occultation, and there is no disagreement among us on any part of this."

2. "Whatever the deputy of the Imam is able to undertake independently, he is the Sharia-based ruler in that regard; the matter is entrusted to him, and he expends it in the interests of the Muslims, just as the original authority [the Imam] would do."

provided that he strictly observes their best interest (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 11, p. 98).¹

Authority over testamentary matters: Another domain falling under the authority of the ruler as deputy of the Imam is authority over the affairs of a deceased person when no executor has been appointed. Thus, if the deceased has no living heir with guardianship rights, the appointed executor assumes responsibility for his estate and funeral arrangements. In the absence of an executor, this duty devolves upon the ruler. Consequently, the fully qualified jurist, in his capacity as ruler, takes charge of the deceased's affairs (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 9, p. 255).² Authority over adjudication (*qaḍā'*): According to the author of *Riḡāḍ*, exercising judicial authority under a just sultan is not only permissible but may, in certain circumstances, become obligatory (especially when it is directly commanded by the Infallible Imam (upon him be peace)) (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 15, p. 25; vol. 8, p. 206).³ In another passage, he clarifies that although, during the presence of the Infallible Imam, the appointment of judges (even if they are fully qualified mujtahids) belongs exclusively to him, and even the authority of an arbitrator-judge, whose legitimacy rests on the consent of the litigants, requires the

1. "Likewise the ruler, meaning the just Imam, or the one he has appointed specially or generally, and included therein is the jurist who meets all the conditions for issuing fatwas. According to the well-known view, he may not marry off minors unconditionally, nor intellectually incompetent adults while the paternal grandfather or father is alive (this is by consensus), in accordance with the evidence previously cited and the unqualified prohibition applying to the executor. But he may marry them off in the absence of both [father and grandfather] when it is in their best interest (this too is by consensus), for he is their guardian with respect to property and therefore undertakes their marriage."
2. "If both [father and paternal grandfather] are absent, then the executor of either of them; and if there is no executor, then the ruler—there is no disagreement on either of these points nor on the order of priority among the guardians. It is likewise agreed—and in *al-Masālik* there is consensus on this final point—that wherever the term 'ruler' is used without qualification, it includes the jurist who meets all the conditions for issuing fatwas. This is the decisive proof, supported by the numerous and widespread narrations concerning the authority of the executor in testamentary matters; some of them also establish the authority of the ruler when the executor is absent, and of righteous believers when the ruler himself is absent."
3. "Authority to judge, to rule among people, and the like is permissible, without disagreement, when it comes from the just sultan. This is because of the default principle and lack of hindrances... and it may even become obligatory in certain cases, such as when he (peace be upon him) commands it (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 8, p. 206). Accepting judicial office from the just sultan is recommended for one who is confident of fulfilling its conditions; the recommendation is individual (*'aynī*)... and it may become an individual obligation if the Imam (upon him be peace) imposes it upon him ..."

Imam's explicit installation, in the era of occultation, when the Imam is absent and his hand is withheld, the judicial function no longer requires special appointment by the Imam. Instead, by virtue of numerous hadiths (most notably the well-known report of Abū Khadīja and the accepted report of 'Umar ibn Ḥaṣṣala), the office of judge is transferred, through deputyship from the Infallible Imam, to the fully qualified jurist (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 15, p. 20).¹

5.2. Tyrannical Ruler

The tyrannical ruler, who stands in direct opposition to the just ruler, is defined as one whose authority that is not derived from God and who possesses no legitimate right to occupy the seat of governance. Consequently, on the basis of the juridical proofs—including verses of the Quran and widely transmitted (*mutawātir*) hadiths—cooperating with or assisting such a ruler is forbidden (*ḥarām*). Indeed, even desiring the continuation of such rulers, or aiding them in any way (even in building a mosque), is prohibited. Nevertheless, certain hadiths permit entry into the service of a tyrannical ruler for specific reasons, such as alleviating the difficulties of believers, securing the release of captive Muslims, or repaying their debts. In some reports, service to the sultan is regarded as a sin whose expiation consists precisely in relieving the needs of one's believing brethren (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 8, pp. 176–178).

A. General Authorities of a Tyrannical Ruler

Establishing order, guaranteeing security, resolving disputes, implementing the rule of law, and ensuring that people enjoy their fundamental rights are among the essential functions that necessitate the institution of government. In precisely this context, Imam 'Alī (peace be upon him), responding to the Kharijites—who rejected the very establishment of any government—ruled that a ruler must inevitably be installed in society in order to fulfil the core functions of governance, namely: “the normal flow of life,” “allowing unbelievers to enjoy life,” “collecting the spoils and taxes,” “fighting the enemy,” “securing the roads,” “recovering the right of the weak from the strong,” “granting rest and tranquility to the righteous,” and “protecting

1. “The previously mentioned requirement of the Imam's appointment of the judge—even if he be a qualified mujtahid—and the non-enforcement of his ruling except with mutual consent, is restricted to the state of the Imam's presence and his ability to appoint judges. But when that is not the case—whether due to his occultation or the withholding of his hand—this condition [namely appointment by the Imam] is dropped from the list of conditions altogether.”

the people from the harm of the wicked” (Nahj al-Balāgha, Sermon 40). Accordingly, although the tyrannical ruler—whose occupation of authority over society is founded on illegitimacy and usurpation—possesses, in Shiite jurisprudence, no rightful claim to intervene in societal affairs and has no legitimate right to dispose over the affairs of the people, nevertheless, because the administration of society is in many respects incapable of suspension, and because the essential functions of government depend upon the existence of some ruler (even if tyrannical), Shiite jurisprudence therefore assigns to the tyrannical ruler, in the absence of a just ruler, responsibility for a wide range of social and public matters. The author of *Riyāḍ*, while classifying as tyrannical all rulers who have not been explicitly appointed by the Infallible Imam and who therefore possess no legitimate right to the office of governance, nevertheless considers certain of their interventions in societal affairs to be permissible, and even calls upon the believers to cooperate with them in those domains. Some of the specific instances that he particularly emphasizes in his jurisprudence are reviewed below.

1. Defending the Islamic Territory: Although the well-established position among Shiite jurists is that offensive jihad may only be waged under the direct leadership and permission of the Infallible Imam (upon him be peace), defensive jihad becomes an exception when an enemy suddenly attacks the borders of the Islamic land, threatens the Islamic community is placed in real danger, and the security of the society is at serious risk. In such circumstances, defending the country is no longer conditional upon the permission or leadership of the Imam or his deputy. The tyrannical ruler is then permitted to undertake the command of the defense of society, and it becomes obligatory upon the believers to take part in the fighting and to defend their homeland. However, the believers’ participation in this defensive war must be with the sole intention of protecting Islam, the Muslims, and the Islamic territory—not with the intention of cooperating with or assisting the tyrannical ruler (Ṭabāṭabā’ī Karbalā’ī, 2003, vol. 8, p. 13).¹

2. Land tax and crop-sharing levy: Governments have always required a budget to meet the needs of the state administration. Unlike the present era, in

1. “Jihad alongside the tyrannical ruler is not permissible except when an enemy suddenly assaults the Muslims and there is fear for the very heart of Islam—i.e., its foundation and its community. In that case it becomes obligatory without the permission of the Imam or his deputy. Or when one is among a group of polytheists and an enemy attacks them; then one fights with the intention of repelling [harm] from Islam and from oneself in both situations—not with the intention of aiding the tyrannical ruler—as stated in the authentic hadith and others.”

which state revenue is primarily derived from subterranean resources or taxes on commerce, in former times the principal source of government income consisted of a fixed land tax and a proportional crop-sharing levy. Since the state was the ultimate owner of most arable land, it allocated these lands to farmers for cultivation; in return, it collected either a predetermined amount (as in land tax) or a fixed percentage of the harvest (as in crop-sharing levy). Through these revenues, the government financed most public needs and paid the salaries of state officials and employees. What renders the delegation of these matters to tyrannical rulers problematic is that, according to the jurists, such lands are classified among the *anfāl* (public resources belonging to the Imam), and authority over them is vested exclusively in the Infallible Imam, who alone may dispose of them in whatever manner public interest requires (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 5, p. 253). Nevertheless, since the livelihood of a great many believers depends on agriculture, and their ability to cultivate is contingent upon the lawful leasing of land from the ruler, the author of *Riyāḍ*—taking into account the exigencies of state administration—rules that it is permissible to lease agricultural land under the land tax and crop-sharing levy systems and to pay the resulting taxes to the ruler. Relying on certain authentic hadiths, he further holds that the tyrannical ruler's disposal of these lands is, roughly (*fī-l-jumla*), equivalent to the disposal of a just Imam (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 8, p. 198).¹ Consequently, believers are also permitted to accept state revenues derived from land tax and crop-sharing levy—whether as gifts, through purchase and sale, or by any other means sanctioned by the ruler's Sharia-based ruling (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 8, p. 116).²

3. Acting as agent or judge under a tyrannical ruler: The authority of a tyrannical rulers being founded on usurpation and lacking legitimacy, it follows, as a general rule, that it is forbidden for believers: to take their disputes for judgment before the judges of tyrannical regimes (Ṭabāṭabā'ī

1. "The authentic report states: 'There is no harm in a man accepting land together with its cultivators from the sultan.' And when asked about share-cropping with the people of land tax on the basis of one-quarter, one-half, or one-third, he replied: 'Yes, there is no harm in it.' This is virtually explicit that the ruling on the tyrannical ruler's disposal of these lands is, roughly, the same as the disposal of the just Imam."

2. "During the Imam's occultation, whatever is in the hands of the tyrannical ruler—it is permissible to proceed with him according to his ruling regarding it. Thus it is lawful to accept land tax and crop-sharing levy from him by way of gift, sale, or any other mode required by his Sharia ruling—as is the evident position of our companions and of the hadiths that declare permissible whatever the tyrannical ruler takes or whatever is taken from him in the form of land tax and crop-sharing levy."

Karbalā'ī, 2003, vol. 15, p. 23),¹ or to accept office as an agent (*wakīl*) or judge under such a regime. However, in view of the pressing social necessities and the need to safeguard the interests of the believers, the author of *Riyāḍ* qualifies this prohibition: the ban applies only when the intention or foreseeable outcome is to assist the tyrannical ruler in his tyranny. He therefore rules that: When there exists fear or dissimulation (*taqiyya*) concerning one's life, property, or honor (or that of other believers), accepting such office is permissible, and this ruling is grounded in the proofs establishing dissimulation. When a person is confident that by accepting office he will be able to enjoin good and forbid evil and assist in righteousness and piety, then such service and judgeship under a tyrannical ruler is not only permissible, but indeed recommended (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 8, pp. 206–207).²

B. Discordant Tyrannical Ruler

The relatively accommodating approach adopted by Shiite jurists toward “concordant” tyrannical rulers (i.e., those who were Shiite by creed) and their willingness to grant them a measure of provisional, pragmatic legitimacy stemmed from a realistic assessment of the times and from calculated expediency: only under the protection of a Shiite ruler was it possible to implement long-suspended Sharia rulings and to safeguard the interests of the Shiite community. This consideration, however, did not apply to non-Shiite rulers, and thus no basis existed for extending even limited legitimacy to their governments. Nevertheless, although the prohibition on interaction with tyrannical rulers discussed earlier primarily concerns “discordant” tyrannical rulers, meaning that believers should refrain from dealing with them except in cases of necessity or clear public interest, certain statements of the author of *Riyāḍ* indicate that, when the orderly conduct of life so demands and believers have no practical alternative, interaction even with discordant tyrannical rulers is permissible in specific cases. For example, the author of *Riyāḍ* rules that it is lawful to purchase from a discordant tyrannical ruler the goods he has seized in the name of crop-sharing levy, land tax, or even zakat—such as fruit, grain,

1. “What is derived from the two narrations concerning the prohibition of seeking judgment from the rulers of tyranny is agreed upon among us; other narrations on the subject are widespread, indeed reaching the level of *tawātur* [widely reported].”

2. “From the tyrannical ruler it is forbidden (without disagreement) ... except under fear and dissimulation concerning one's life, property, or honor... However, if one is certain or strongly believes that he can escape sin and will be able to enjoin good and forbid evil, then it is permissible—even voluntarily—by consensus. Indeed, a group of scholars have said that it is recommended because of the assistance it renders in righteousness and piety.”

or livestock—even though the ruler himself has no legitimate entitlement to it, provided that the amount he has taken does not exceed what a manifest just Imam would have taken (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 8, p. 195).¹

C. Concordant Tyrannical Ruler

After the prolongation of the occultation of Imam al-Mahdi, the last Shiite Imam (may Allah hasten his reappearance), the loss of hope for his imminent advent, and the accession of Shiite sultans to power, the jurists—while steadfastly preserving the original ideal that sovereignty belongs exclusively to the Infallible Imam—strove to turn toward these Shiite rulers in order to implement many long-suspended Shiite rulings that can only be put into effect under the aegis of a government. They therefore declared obedience to such rulers permissible: in some cases on the basis of dissimulation, and in others on the grounds of public interest. Although these rulers were not instances of just and legitimate authorities and were technically regarded as tyrannical, they were nevertheless classified as “concordant” tyrannical rulers, obedience to whom is permissible (Najafī, 1984, vol. 21, p. 282). Accordingly, the author of *Jawāhir* considers a contract of protection (*'aqd al-dhimma*) concluded by a tyrannical ruler to be equivalent to a contract of protection concluded by the Infallible Imam or his deputy (Najafī, 1984, vol. 21, p. 263).

In this context, the author of *Ri'yāḍ*, while drawing a clear distinction between the Shiite tyrannical ruler and the Sunni tyrannical ruler, holds that although, according to the verses of the Quran and the narrations, assisting tyrannical sultans—even in intrinsically permissible matters—is forbidden, and even desiring their continued rule is blameworthy, this ruling may be restricted to Sunni tyrannical rulers. Consequently, obedience to a Shiite tyrannical ruler in permissible matters is permitted. For this reason, desiring the continued rule of “concordant” tyrannical sultans and repelling the evil of their enemies—because of the rulers’ possession of faith and adherence to Shiism—has been declared permissible (Ṭabāṭabā'ī Karbalā'ī, 2003, vol. 8, pp. 179–180).² When Iran, under the rule of “concordant” tyrannical rulers

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1. “It is permissible—according to the sounder view, though not unrestrictedly—to purchase from the discordant tyrannical sultan whatever he takes under the name of crop-sharing levy, land tax, or zakat, such as fruit, grain, or livestock, even though the sultan has no rightful claim to it, on condition that he has not taken more than what the manifest just Imam would have taken.”
 2. “Even if we uphold the generality [of the prohibition] including permissible matters, the apparent implication of the texts in their context is that the ruling is restricted to assisting the oppressors from among Sunni Muslims. Therefore, assisting Shiite sultans in permissible matters is not forbidden, desiring their continued rule is permissible because of their faith, and repelling the evil of their enemies is allowed.”

(i.e., Shiite sovereigns), faced invasion by Tsarist Russia—which, in pursuit of imperial expansion, attacked Ganja and other northern border regions of Islamic Iran—the Shiite scholars fully supported the sovereignty of Islamic Iran, issued fatwas declaring the defense of Iranian territory obligatory, and proclaimed jihad against the aggressor (Sipihr, 2015, vol. 1, p. 181). The author of *Riḡāḍ*, who lived during this very period, in accordance with the logic of defending Islamic territory and permissible cooperation with “concordant” Shiite tyrannical rulers, ruled as follows: When the infidel Russians launch an invasion against the abode of Islam and seek to conquer the lands of the Muslims, the honor and flourishing of the religion depend upon the continued existence of an independent Islamic state and sovereign. Therefore, in order to repel the harm of the infidels from the Islamic state, participation in jihad under the Qajar rulers is obligatory. Moreover, while strongly encouraging the faithful to defend the borders of Islamic Iran (under the sovereignty of Shiite-creed sultans), he regarded the obligation and reward of this defensive struggle and resistance as no less than that of jihad waged in the presence and under the direct leadership of the Infallible Imam (Rajabi Davani, 2011, vol. 1, p. 68).

Sayyid ‘Alī Ṭabāṭabā’ī, in the course of supporting the Islamic homeland, on the one hand regarded Fath-‘Alī Shāh Qājār, as a Shiite sultan, to be duty-bound to “wage jihad against the infidels, repel the evil of the wicked, and preserve the heartland of Islam from falling under the domination of vile unbelievers,” so that “the infidels may not gain the upper hand over the lands of the Muslims, may not oppress and seize their lives, property, and honor, may not cause the rites of Islam to fall into abeyance, and may not allow the Sharia of the All-Knowing Sovereign to remain suspended” (Rajabi Davani, 2011, vol., p. 71). Likewise, he viewed the Qajar sultan as the one who, by virtue of his power and resources, possessed the necessary capacity for this task, and therefore considered the obligation of defending the edifice of Islam to be specifically and personally incumbent upon Fath-‘Alī Shāh:

This weighty matter cannot be set in order except by the existence of a supreme leader who equips armies and troops and directs soldiers and followers. And since presidency, state authority, caliphate, and sultanate ultimately issue, by the leave of the Absolute Sultan—exalted be His sultanate—to the greatest sultan ... Fath-‘Alī Shāh, and since His Most Exalted Majesty is capable of waging jihad and able to undertake defense, it is therefore personally and specifically obligatory upon His Majesty to shoulder the burdens of jihad, to equip

armies and troops, and to do whatever is required to bring the jihad to successful completion. (ibid.).

6. Conclusion

Shiite jurisprudence, by virtue of its comprehensiveness in addressing all human needs in the private, social, and governmental spheres, has never been indifferent to issues of governance, the public domain, or the orderly administration of society. Although, throughout most periods of Shiite history under “discordant” tyrannical rulers, jurists were unable, due to the stringent requirements of dissimulation, to openly discuss matters of state, political authority, or the duties and powers of government, the corpus of jurisprudential discussions was never entirely detached from these concerns. Sayyid ‘Alī Ṭabāṭabā’ī, living as he did under “concordant” (Shiite) tyrannical rulers, faced no compelling need for maximal dissimulation toward the political authority. Moreover, in full conformity with the methodological requirements of *ijtihād* and endowed with the capacity to employ rational inference, he incorporated into his jurisprudential discussions a perspective (albeit not maximalist and always commensurate with the exigencies of his era) on the sphere of governance and societal administration, even when focused primarily on the faithful religious life of believers. Thus, while classifying governments into legitimate (just) and illegitimate, he assigned to each category a set of powers and duties calibrated according to their degree of legitimacy, the pressing needs of the time, and the overarching interests of the Islamic community. Consequently, he did not remain silent on major political questions affecting the community or on the invasions of Islamic territory by the enemies of Islam; rather, he offered practical solutions for meeting the general needs of the Islamic homeland and the requirements of the believing society. Therefore, the jurisprudence of the author of *Riyāḍ* must be regarded as: a timely and contemporary jurisprudence whose rationality was fully attuned to the demands of its own era, grounded in a rationality consonant with the revival of *ijtihād* in the post-Akhbārī period, rigorously text-based and anchored in the sacred sources, realistic and responsive to the actual, day-to-day needs of the Islamic society, acutely sensitive to the higher interests of the Islamic community, and capable of providing authoritative answers to the challenges of its time.

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