

Political Rights: The Evolution of Islamic Tradition in Contemporary Iran

document type: Research Article

Abbas Emadi*

Received: 2024/04/22

Accepted: 2024/06/08

Abstract

Political rights are one of the achievements of modernity that emerged in the realm of Iranian political thought concurrently with the Constitutional Movement and have been recognized as one of the components of the modern state in Iran through an evolutionary process. This article examines the historical and intellectual contexts of Iranian's confrontation with the issue of political rights on the threshold of modernity. The main question is why and under the influence of what factors were modern political rights proposed in the Iranian-Islamic tradition as a suitable strategy for transition from traditional order to the modern one. This research, utilizing Alasdair MacIntyre's perspective and referring to the documents and writings of the Constitutional Revolution era, descriptively and analytically explains the transition of the Islamic intellectual tradition based on the people's political rights. The article argues that on the threshold of constitutionalism, a combination of intertwined political crises (despotism and dominance of Western powers) and economic crises (poverty and societal backwardness), alongside the Iranian people's familiarity with new political concepts and institutions, resulted in epistemological crisis of the tradition, thereby facilitating the transition to a new political order. Indeed, the acceptance of the rights and political freedoms, and the establishment of a new political order grounded in these principles, has been regarded as an idea to overcome the epistemological crisis of the Islamic tradition, particularly in the absence of a local alternative or the inability to realize one.

Keywords:

Islamic Tradition, Modernity, Modern State, Political Rights, Constitutionalism.

* Assistant Professor, Department of Political Science, Tarbiat Modares University, Tehran, Iran
emadi@modares.ac.ir

Introduction

The transition from tradition to modernity is an experience that occurred in the West, and during this process, many theoretical and practical areas of Western society underwent tremendous changes. One of the most important concepts to receive a new understanding in this historical process is that of the "state". Although the modern state is a new phenomenon, it cannot be deemed universal, as its theoretical and practical foundations emerged in the second half of the European Middle Ages, evolved into an absolute state, and later into a democratic one from the beginning of the 17th century. (Poggi, 1998, p. 105) Since the early 19th century, the formation of modern states in a non-native context, especially in the Third World, has often occurred under the pressure of foreign forces or the demands of political elites. This process has remained incomplete and continues to represent one of the most significant political challenges and concerns in these societies. (Badie, 2001) Sociologists currently identify several features and indicators of modern states, including the concentration of political power, sovereignty in a specific territory, public bureaucracy, the rule of law, and impersonal governance. (Pierson, 1996, p. 8-30) In modern democratic states, sovereignty is founded upon the people's political rights and freedoms. This was initially realized in the theory of constitutional government and later in the liberal or liberal-democratic states with modern concepts such as consent, participation, contract, limitation of power, natural and human rights, popular sovereignty, and public votes. (Vincent, 2012, p. 123-181) Political rights are rights based on which all individuals can freely and equally participate in society's affairs and other political processes. Today, the right to self-determination, to enjoy political freedoms, and equality are among the most fundamental political rights of the people. (Lippset, 2008, p. 621). Although attention to the political rights of the people has a long history in political thought (AbuSa'idi, 1966), this matter did not receive attention from Muslim thinkers before the intellectual influence of the West, as historical evidence shows. So, what is discussed today in the Islamic tradition as political rights is a new issue that has entered the Muslims episteme system from the episteme system of the West through cultural exchange.

In Iran, at the same time as the constitutional movement, the issue of political rights and freedoms captured the interest of various religious scholars and intellectuals. This led to extensive debates about whether these concepts were compatible or incompatible with the principles of rationality in the Islamic tradition. (Zargarinezhad, 1995) Despite the opposition and

resistance to modernity until today, many modern political rights have been accepted in the Iranian-Islamic intellectual tradition, albeit with reductions, modifications, and possibly ambiguities. (Ajoudani, 2004) As I will explain in detail, none of the previous intellectual currents—such as Sharia treatises, political treatises, and advice literature—considered the people's political rights and freedoms to be fundamental components of the legitimacy of the state. However, on the threshold of modernization, this rich intellectual and cultural tradition necessitated an epistemic reconstruction to address the crises of the time, thereby appropriating new concepts from an external tradition (modernity) to establish a new order. The main question is "Why and under the influence of what factors were modern political rights proposed in the Iranian-Islamic tradition as a suitable strategy for transition from traditional order to the modern one?" This question is important because the discussion of "the political rights of the people" and its theoretical foundations is one of the significant issues in political thought, and there have always been serious debates regarding its relationship with the rationality of Islamic tradition.

Utilizing Alasdair MacIntyre's perspective on intellectual traditions and their development, the hypothesis suggests that the emergence of the novel issue of the political rights in the Islamic tradition can be considered as a consequence of the epistemological crisis stemming from authoritarian narratives of that tradition. Iranian thinkers considered a political system based on the political rights of the people, along with its religious justification, as a suitable idea to overcome the epistemological crisis faced by the Islamic tradition. To examine this hypothesis, it is necessary to explain the socio-political crises of Iran at the threshold of modernity and investigate how the Islamic intellectual tradition confronted these crises. Following a literature review and an explanation of the theoretical framework, I will first address the authoritarian thought prevalent in the Islamic tradition and its associated epistemological crisis. I will then discuss and analyze the responses from members of the tradition as they confronted this crisis, as well as the proposed solutions for overcoming it.

1. Literature Review

The issue of political rights in Iranian thought was introduced by intellectuals familiar with Western ideas from about three decades before the Constitutional Revolution. This subject was subsequently examined by Iranian thinkers through various jurisprudential, legal, and historical perspectives. Research works on political rights within

the Iranian-Islamic intellectual tradition can generally be divided into three distinct categories:

A. Jurisprudential Researches

Many of these researches have addressed the reasons and jurisprudential evidence for political rights, justifying them by citing certain jurisprudential topics such as shura (consultation), bay'ah (allegiance), wakala (representation), hesbeh (non-litigious matters), and amr be ma'ruf wa nahy az munkar (Promotion of Virtue and the Prevention of Vice).

One of the pioneering works in this field is Na'ini's unique work, "Tanbih al-Ummah wa Tanzih al-Millah". This scholarly work, written amidst the conflict between constitutionalism and its opponents, has provided jurisprudential reasons for some political rights, such as political participation, freedom from despotism, and equality before the law. (Na'ini, 2003)

Mohammad Kazem Khorasani, another jurist who supported constitutionalism, held a similar view and offered religious justification for people's political rights.

Many other pro-constitutionalist jurists have also addressed the jurisprudential justification of political rights and freedoms in independent treatises written in defense of constitutionalism. (Zargarinejad, 1995).

Numerous jurisprudential works on this topic were also written in the post-constitutional era, especially after the victory of the Islamic Revolution (for example, see Montazeri, 1987; Shams al-Din, 1999).

In recent studies, Feyrahi has examined the relationship between jurisprudence and the institutions of the constitutional state endeavoring to demonstrate the jurisprudential tradition capacities for explaining the theoretical foundations of the new state. (Feyrahi, 2012).

An examination of jurisprudential works on political rights indicates that none of these works have addressed the evolution of Islamic thought and the reasons for its inclination towards modern political rights and freedoms. Instead, they have merely sought to provide religious justification and articulate religious documentation.

B. legal researches

Some other studies have examined this issue from the perspective of constitutional law. In these investigations, in addition to the structure of the government and the relationship between its organizations, public rights and freedoms have also been discussed.

As an example, Abolfazl Ghazi, in his book "Constitutional Law and Political Institutions," has dedicated its fifth section to the topic of the people and the government, discussing human freedoms and fundamental rights (Ghazi, 1992, p. 623-781)

Jalal al-Din Madani has also dedicated a relatively extensive discussion of the rights of the nation in his book "Fundamental Rights and Political Institutions of the Islamic Republic of Iran." (Madani, 1996, p. 69-114)

Amid Zanjani, in his book "Political Jurisprudence," has dedicated one of its ten chapters to fundamental rights and freedoms in Islam and the Constitution, discussing topics such as equality, security, freedoms, and so on (Amid Zanjani, 1998, p. 558-588)

These works and other similar studies have not sought to examine the reasons for the acceptance of modern political rights in the Islamic tradition.

C. History of Thought

Some other studies that have analyzed the causes of the Constitutional Revolution have examined the acceptance of a political order based on the political rights of the people from the perspective of economic and political factors.

Lambton articulates the economic and political factors that motivated Iranian scholars to support the Constitutional Revolution, asserting that their motivations were not rooted in an acceptance of its epistemological foundations, but rather in material interests, ambitions, and personal rivalries, or ultimately in the adoption of certain aspects of Western civilization as a means to counter foreign influence. (Lambton, 2000, p. 157-187)

Algar, in his examination of why religious groups tend to support modern political rights, has discussed the influence of non-clerical forces and secret societies. However, he does not consider the

underlying epistemological factors that led to this tendency. (Algar, 1990, p. 355-381)

Some other researchers, such as Abdolhadi Haeri and Fereydoun Adamiyat, have also endeavored to illustrate the historical trajectory of Iranian thinkers' familiarity with the ideas of constitutionalism and democracy. They have expressed their judgments and evaluations regarding Islamic constitutionalism while discussing the disputes surrounding constitutionalism and the intellectual and practical reactions of religious scholars. (Haeri, 2002; Adamiyat, 1976, Vol. 1, p. 195-254)

None of these studies has addressed the epistemological crisis in the Islamic intellectual tradition when confronting modern political concepts, despite well-articulated contexts of transformation of this tradition.

Therefore, research conducted from a legal or jurisprudential perspective, or works that have addressed the issue of political rights from the standpoint of the history of thought, have not paid attention to the epistemological crisis of the Islamic tradition during that historical period, which significantly influenced the acceptance of modern political rights by members of the tradition. Therefore, the examination of the evolution of the Islamic tradition rationality and its inclination from authoritarianism to democracy is a matter that has been addressed in the present research.

2. Theoretical framework

This research is grounded in MacIntyre's perspective on the epistemological crisis of intellectual traditions. He is one of the contemporary philosophers who made significant contributions in various fields such as philosophy, ethics, history, politics, and epistemology. One of the topics he addresses in the field of epistemology, which is pertinent to this research, is the discussion of the particular rationality of each intellectual tradition and the elucidation of the stages of their historical development. From MacIntyre's perspective, a tradition of thought is "a reasoning that has developed over time, in which specific foundational agreements are defined and redefined based on two types of conflict: one is the conflict of external critics and opponents who reject all those

agreements or at least key parts of them, and the other is the conflict of internal critics and opponents who articulate the meaning and rationality of foundational agreements through interpretation, thereby constructing a tradition." (MacIntyre, 1988, p. 12)

Therefore, according to MacIntyre, what constitutes a tradition are the differences and conflicts that arise not only from external competition with other traditions but also from within among the adherents of a tradition regarding its interpretation. From his perspective, the continuation of traditions is contingent upon the expansion of arguments presented by their proponents. Therefore, conflict and disagreement, reasoning, and rational inquiry are essential components of an intellectual tradition. Another characteristic of tradition from MacIntyre's perspective is its historical scope and social embodiment; this means that intellectual traditions are not merely a collection of mental and abstract arguments, but rather they are continuous rational deliberations that have been shaped through interaction with social life and evolve alongside its changes. Therefore, traditions are a collection of rational arguments that require reconstruction and sometimes transformation for their continuity. This revolutionary reconstruction has a research and epistemological aspect and is carried out based on the internal resources and capabilities of tradition. (MacIntyre, 1977, p. 461).

According to MacIntyre, the evolution and advancement of any research tradition occurs in three historical stages:

The first stage is the stage of the authority of the intellectual tradition. In this initial stage, beliefs, texts, and relevant references have not yet been challenged. Individuals follow the beliefs, statements, texts, and figures without any question, or at least without systematic inquiry.

The second stage is a phase in which a cognitive tradition encounters an epistemological crisis; this means that it may face the event where its progress, according to its internal criteria, has stalled, and the research methods that have thus far facilitated rational advancement have become barren and unproductive. Additionally, inconsistencies and logical incoherence within the established system of beliefs and official doctrines may become apparent. It is also possible to reveal that the entrenched system of beliefs and social actions due to confrontation with new situations lacks the necessary internal

resources and capabilities to provide answers to novel questions or to justify the responses that have been offered. In all these situations, what can safeguard a tradition from the threat of dissolution is cognitive reconstruction and identification of appropriate solutions to overcome the crisis.

The third stage is the stage of responding to the epistemological crisis. In this stage, the reactions of the members of the tradition, aimed at overcoming limitations and addressing inadequacies, lead to the emergence of a set of reformulations and reassessments. These reactions may manifest in various forms, such as the rejection, completion, and correction of beliefs, the reevaluation of references, the reinterpretation of texts, the emergence of new forms of authority and legitimacy, and the production of new texts. (MacIntyre. 1988, p. 355 - 369)

Therefore, responding to a crisis of epistemology and overcoming it necessitates the invention or discovery of new concepts and the presentation of a new type or types of theory that, firstly, is conceptually rich enough to provide solutions to issues that were previously impossible to resolve in an organized and coherent manner; secondly, in defending the legitimacy of its claims, It should be able to clearly explain the shortcomings of the competing tradition. Therefore, traditional members facing a crisis, if they are unable to provide a solution based on the criteria within their tradition, are compelled to turn to a foreign tradition. They inevitably should accept the reality that, within the framework of this foreign tradition, it is possible to achieve something that they have been unable to present using their own theoretical and conceptual resources and capabilities. In this case, that intellectual tradition experiences dissolution and failure, and its adherents inevitably rely on other traditions.

Based on the points above, MacIntyre's theory has the potential to clarify the epistemological reconstruction of the Islamic tradition at the threshold of modernity and to explore the intellectual contexts of political rights and freedoms in this period.

3. Old Intellectual Tradition and the Role of the People

Iran's political and social structure before the Constitutional Revolution was based on elements of Iranshahri's political thought and

Islamic traditions, which facilitated a structure of power known as the Islamic kingdom (Sultanate). With the establishment of the Shiite Safavid state, the political system was governed based on a dual authority of the Sultan and Jurist. In this political order, neither the kings nor the jurists were dependent on each other's power and exercised their authority independently. Politics, as a secular matter, was under the domain of kings, while religious affairs were the responsibility of the jurists. (Mirmousavi, 2005, p. 162) Therefore, in the old power structure, the people lacked political rights and had minimal, if any, role in the political arena. They had no involvement in selecting their rulers, and at times, their criticism or protest against the government led to severe repercussions.

The significant point is that this dual sovereignty was justified by the Political and some jurisprudential texts authored by sages, politicians, and jurists during the Safavid and Qajar periods.

In his book *Rawdat al-Anwar* Abbasi, the Sabzevari (1017-1090) writes regarding the necessity of kingship: "In a time when the Imam is concealed and hidden from view, ... if there is no just and prudent king among the people, to govern this world, the affairs of this world will lead to corruption and disorder, and no one will be able to sustain their livelihood. It is, therefore, imperative and necessary for the people to have a king who lives by justice, follows the conduct of the Imam, and strives to repel the harm of the oppressors..." (Sabzevari, 2002, p. 32-33) Considering this perspective, the preferred political order in the absence of the infallible imam is a just monarchy that follows the infallible Imam in its governance.

Majlisi (1037-1110) also considers kingship to be a continuation of prophethood and Imamate. (Nasiri, 1994, p. 22) So has enumerated rights for kings who adhere to the true faith and act justly which the people are obliged to respect, in return for the duties and services they provide. (Majlesi, 2012, p. 464) He substantiates this matter by referencing the hadith of the Prophet (PBUH), which states: "Indeed, among the reverence of Allah, the Exalted, is the honoring of the just ruler" and Other similar narrations that can be abundantly found in Islamic sources. (Ameli, 1989, Vol. 16, p. 221; Majlisi, 1982, Vol. 72, p. 368).

Naraqi, a jurist from the early Qajar period, recognizes divine authority as the basis for legitimate governance. He believes this authority is limited to jurists following the Prophet and the Imams. (Naraqi, 1996, p. 536) However, he also asserts the necessity of obedience to just kings. Citing a narration from Imam Kazem (AS), he states: "As kings must practice justice and prioritize the well-being of the people, and it is essential for them to extend the shadow of kindness over the people, it is also obligatory for everyone to obey them, to speak their names with reverence and respect, and to pray for them". (Naraqi, 1973: p. 417)

Kashfi's statements, a sage in the Qajar era, also clearly express the recognition of Islamic kingship and the necessity of the subjects' obedience to the king. He believes that kingship is necessary for establishing order and preventing chaos. Based on the well-known and brief narration "Al-mulk va al-din taw'aman" (Kingship and religion are intertwined), he regards kingship as intertwined with the Sharia.

He concludes that obedience to kings, who organize the livelihood of the people while upholding religious law, is obligatory due to their representation. Obedience to kings who do not like this is necessary, not due to representation, but to avoid chaos and fulfill necessity. (Kashfi, 2002, p. 900-898)

Generally, these views reveal the authoritarianism embedded in the old intellectual tradition. Furthermore, they suggest that the emphasis on the necessity of monarchy was not intended to legitimize it; rather, it arose from the specific demands of the time. (Hosseini Zadeh, 1996: p. 218-219)

Another pillar of authoritarian thought during the Islamic Sultanate era was the emphasis on the wilayat al-fuqaha (guardianship of the jurists), which religious and rational arguments have proven. Shi'a jurists unanimously consider the assumption of religious offices as the responsibility of a fully qualified jurist, due to the general guardianship or the principle of hisbah theory (matters of public welfare), which will create an unbreakable link between the religious society and the jurists.

Jurists have Some religious authorities, and others do not have the right to interfere without their permission, such as issuing fatwas,

judging, executing Islamic punishment, collecting religious taxes, and overseeing the properties of orphans, the insane, and the incompetent if they have no guardian, managing the assets of bankrupt or missing persons, administering endowments (awqaf), and so forth. (Naraqi, 1996, p. 539-582)

From the above, it can be concluded that the necessity of kingship and the velāyat-e faqīh (guardianship of the jurists) in the old Islamic tradition are two main pillars of political sovereignty during the era of the Islamic Sultanate. Although the authority of the Sultan was attempted to be justified based on religious legitimacy and the claim of succession from the Imams at some historical junctures, it was, however, based on force or inheritance. Similarly, the authority of the Mujtahids was based on the premise of their representation of the Imam (peace be upon him). Therefore, the legitimacy of neither the kings nor the Mujtahids, in theory or practice, was founded on the participation of the people and their presence in the arena of power. So, the people's political rights and participation in governance have never been addressed within the Iranian-Islamic tradition during the pre-modern era. Of course, in *Mirrors for Princes* and admonitions, the rights of the people against the tyranny of rulers were consistently addressed, and kings were advised to uphold justice; however, the rights emphasized therein were a type of social rights that included social justice and the alleviation of poverty and deprivation (Sabzevari, 2002, p. 447). These rights are certainly distinct from modern political rights, which emphasize the sovereignty of the people and regard various freedoms and political equality as their inherent rights.

This authoritarian tradition in Iran persisted until the late 19th century (until the Constitutional Revolution), without any significant challenge. However, as MacIntyre states, intellectual traditions inevitably encounter new issues that they should respond to, and their success or failure depends on their appropriate responses.

4. Contexts of Transformation in Tradition

From the establishment of the Safavid state in Iran until the late 19th century, the theory of the "Islamic Sultanate," based on the political authority of the kings and the religious authority of the jurists, was an

unparalleled model and unchallenged authority. In the final decades of the Qajar dynasty, the validity of this theory was questioned, and most supporters of this tradition found that their narratives, which did not recognize the rights and political freedoms of the people, were ineffective. This ineffectiveness stemmed from their inability to adapt to new circumstances and conditions, leading to a failure in achieving their objectives.

As MacIntyre rightly points out, there is a reciprocal and intimate relationship between theoretical and philosophical discussions and objective and social issues. Thus, the epistemological crisis in intellectual traditions and the emergence of new theories cannot be understood without considering the concrete developments within society (MacIntyre, 1988, p. 390) The most significant issues that the government and society of Iran faced in the years leading up to the Constitutional Revolution, which challenged the Islamic tradition in justifying the existing state of affairs, are as follows.:

A. The Authoritarian Structure of the Political System

Sociologists who have examined the Qajar era unanimously agree that the political structure of Iran during this period was autocratic, arbitrary, and despotic. (Abrahamian, 1997, p. 15; Katouzian, 2002, p. 74). The absence of law, the lack of security, and the deprivation of political rights and freedoms are significant characteristics of this political structure. No right was considered inherent and inviolable; instead, they were privileges granted to individuals. Citizens were treated as subjects with minimal personal or social rights, and their lives and property were at the king's disposal. The natural consequence of such a political order was the increasing and overt oppression of the rulers over the people, which provided the grounds for widespread and profound discontent among various social strata. Parts of Seyyed Mohammad Tabatabaei's letter to Mozaffar al-Din Shah also clearly reveal the conditions of Iranian life in that era:

"Your Majesty! The country is in ruins; the subjects are distraught and beggars; the hands of the oppressors and officials stretch forth to seize the wealth, honor, and lives of the subjects; the oppression of the rulers and officials knows no bounds. They take from the property of the subjects as much as they desire. Their wrath and lust compel them

to strike, kill, and mutilate without hesitation. Where did these edifices, furnishings, riches, and estates come from in such a short time? All of this belongs to the wretched subjects whose condition Your Majesty is aware of..." (Kasravi, 2004, p. 85)

These expressions aptly demonstrate how the structure of absolute monarchy led to compounded oppression of the people and widespread injustices, thereby creating the conditions for political and social crises in society.

B. Decline and Backwardness of Society:

Another challenge faced by the Qajar government was poverty and economic dilemmas. Iran's economy in the 19th century, while not entirely stagnant, lagged significantly behind the social and economic transformations occurring in Europe and even in some Islamic countries, such as Turkey and Egypt.

Towards the end of this century, clear manifestations of economic crises emerged, such as the expansion of foreign empires, the relinquishment of commercial privileges, the accumulation of foreign debts, the rapid increase in the balance of payments deficit, the swift depreciation of the national currency, and the weakening of central control over provinces and regions (Katouzian, 1993, p. 70-72). Consequently, the economic conditions of Iran during the Qajar era, particularly towards its end, have been reported as exceedingly dire and underdeveloped. The level of trade, agriculture, and industrial development was significantly lagging behind those of European nations. The standard of living for the general populace was also low, and most people, both in rural and urban areas were living in poverty (Ashraf and Bano azizi, 2007, p. 69). Some researchers identify the primary factor of this backwardness in the authoritarian structure of the state. From this perspective, the tyrannical nature of the political system has resulted in nothing but the stagnation of society. (Ashraf and Benoyzizi, 2007: p. 69).

During this period, the authoritarian political structure, characterized by a concentration of power, led to an economically distressed and underdeveloped state, creating the most formidable obstacles to economic growth and development.

Because of the absence of private property rights and security, long-term investment and capital accumulation - the most significant factors for economic growth and advancement - did not occur (Katouzian, 1995, p. 188-189).

Some other researchers, such as John Foran, attribute these economic crises to Iran's dependence on the global economy and the policies of foreign powers. They argue that in the years leading up to the Constitutional Revolution, various social classes and groups were dissatisfied with the existing conditions due to the economic dominance of foreign powers.

For instance, when export controls and some domestic markets fell under Western influence, the majority of medium and small-scale merchants were significantly weakened and dissatisfied; Artisans from various professions faced immense pressure due to the disruption of their livelihoods; Urban lower working and working classes were in distress due to rising food prices and unemployment. The economic conditions of the peasants were deteriorating day by day, and the nomadic tribes were also enduring significant hardships, because urban products and agricultural goods were gaining greater value, thereby complicating their economic activities.

Two key groups, namely the clergy and intellectuals, attributed the responsibility for these calamities to the Qajar government and the intervening foreign states, due to the threats posed to Islam by this dependency or the jeopardization of national interests at the hands of industrial and economic powers of the West (Foran, 1999, p. 268-269). The consequences of Western economic penetration were not limited to its detrimental effects on the country's economy; rather, it also brought about numerous social and cultural risks. According to John Foran, dependency was an economic process, yet it had long-term political ramifications and traversed the value systems and cultural beliefs of Iranian society. Many scholars have raised concerns regarding the increasing presence of Westerners and their adverse effects on the beliefs and lifestyles of the people, attributing the primary responsibility to the government.

C. Familiarity with the Technical and Scientific Advancements of the West

Another factor that played a crucial role as an accelerator in weakening the monarchy and its legitimacy crisis was the awakening of Iranians and their awareness of their dire situation. Issues such as oppression, despotism, insecurity, poverty, and backwardness were not new in Iran and had existed in many historical periods, typically not disrupting the foundations of the monarchy. However, it was only in light of awareness of the significant advancements of European societies and the confrontation with the material and technical manifestations of modernity that a new perception of the government and its duties emerged.

One of the primary factors that acquainted Iranians with the advancements of Western civilization was individuals who traveled to Western countries for education or tourism and documented their observations in travelogues. These travelogues highlighted the technical and scientific progress of the West, such as factories, mines, military centers, social services, and the welfare facilities available to the populace. Additionally, they addressed governance methods, including the rule of law, parliamentary systems, the limitation of rulers' powers, and political freedoms (Nasri, 2011, Vol. 1, p. 48).

The explanation of the backwardness of Iranian society can also be observed in some of the treatises written during the Qajar era (Zargarinejad, 2001). These writings depict a devastated country that is significantly lagging behind other nations. Clerics such as Seyyed Jamal al-Din Asadabadi, Malek al-Takallamin, Seyyed Jamal al-Din Vaez, and intellectuals like Akhundzadeh, Moshtashar al-Dawlah, Malekum Khan, among others, were individuals who, years before the Constitutional Revolution, recognized the afflictions of Iranian society and were concerned about changing the existing conditions. Consequently, in most of their works, they discuss the absolute dominance of despotism, the absence of law, and the backwardness of Iranian society. By studying these travelogues, letters, and the works of Iranian intellectuals, one can conclude that the chaotic condition of Iranian society, despotism, oppression, inefficacy, and incompetence

of the statesmen, as well as foreign influence, are the bitter realities of this period in Iran's history.

In general, a complex of intertwined political crises (despotism; the influence and dominance of Western powers) and economic challenges (poverty and societal backwardness), alongside the awareness of the masses regarding the government's inability to uphold Islamic identity or national interests, called into question the legitimacy of Islamic monarchy. The Islamic tradition could no longer justify such an unfavorable situation by relying on the dual authority of the king and Faqih. In the late nineteenth century, the monarchy had become so unpopular that it was easy to attribute all the hardships and calamities of society to it, holding the inept kings as the primary culprits. Public opinion no longer accepted the belief that the king was the shadow of God or representative of the Imam. As a result, there were numerous instances of public protests and uprisings against the government and the king himself. The scholars and clergy, who had previously justified the necessity of the monarchy, largely refrained from collaborating with the government. In some instances, the policy of cooperation and compromise is replaced by direct opposition to the state. (Algar, 1981, p. 30-31).

Thus, authoritarian narratives within the Islamic intellectual tradition faced skepticism and necessitated a new formulation to provide an alternative understanding of government.

5. Ideas for Solving the Crisis

As mentioned, the disarray in Iranian society at the end of the Qajar period undermined the foundations of the monarchy's legitimacy and created the conditions for the emergence of reformist thought. In such a situation, the Iranian-Islamic tradition could no longer justify the continuation of authoritarian order by relying on its principles and criteria; rather, it had to utilize its theoretical resources to propose a new solution for overcoming the crisis, or accept the proposed models of the rival tradition, namely modernity, and act accordingly. The intellectual debates of the Constitutional Era and the multitude of treatises and political texts produced during this period all reflect the theoretical efforts of the Islamic tradition to overcome this crisis. A brief examination of the proposed solutions can effectively illustrate

the reasons behind this intellectual tradition's inclination to adopt new concepts from a foreign tradition. The most important of these strategies are as follows.

A. Recommendation for patience and silence

One of the solutions promoted by some writers, citing religious texts, was to pray for the rectification of affairs and to exercise patience regarding the existing situation. In this perspective, there was no provision for securing the rights of the people, restraining power, or preventing the corruption of the ruler. The only recourse for the subjects in the face of tyrannical governments was patience, the admonition of the ruler, and, possibly, the anticipation of relief. The "Khaghaniyeh Treasure" by Nezam Al-Olama Tbrizi, the treatise "Formation of a Civilized Nation" by Seyyed Hassan Mousavi, and the treatise by Sheikh Abolhassan Marandi are examples of the problem-solving approaches of traditional thinkers in response to the issue. (In this regard, see: Adamiyat, 1976, p. 195-254) The solution proposed by the traditional scholars was to encourage the populace to pray for the rectification of affairs while urging the monarchs to uphold justice and fairness. However, according to Malkom Khan, in Iranian society, the emphasis is solely on advising the rulers; from poets to sages and philosophers, all stress that rulers must possess virtuous qualities, yet they have never articulated how to remove a king or minister from power if they are corrupt. In other words, traditional thought considers the internal justice of the ruler as a prerequisite for their legitimacy and does not conceive of mechanisms for external oversight and control of their power.

B. Efforts to establish the House of Justice

Some religious scholars, who were concerned with limiting the power of the Reign, turned to the religious concept of "justice" to address the existing problems. They considered a just sovereign's rule was essential and that its dissolution contradicted the requirements of Islamic governance; however, they called for a council that would prevent injustices and reform governmental affairs. Such an institution had previously been proposed during the Nasir al-Din Shah era under

various titles such as "the Council of Regulations", "the House of Expediency", "the Council of Inquiry", and "the Grand Council".

Although during the Constitutional Revolution, the scholars of Tehran demanded the establishment of the "House of Justice" in the cities; however, the idea lacked a unified conception. One perspective held that it would be composed of individuals appointed by the monarch and others elected by the populace. Another view posited that the members would be selected not by the people but by scholars. In any case, it was not clearly defined how the members of this institution should be selected and through what process, and the proponents of it never sought to elucidate this matter. Furthermore, the boundaries, authorities, and responsibilities of this institution were not clearly defined, and its relationship with the extensive powers of the monarch remained shrouded in ambiguity. Its historical context also indicated that without fundamental changes in the political system, such institutions would not succeed in resolving the problems.

C. Acceptance of Western Constitutionalism

Some thinkers believed that the solution lay in recognizing the political rights and freedoms of the people and establishing a new political order based on those principles.

Mostashar al-Dowleh is one of the intellectuals of this era who speaks of the political rights of the people and advocates for the transformation of absolute monarchy into constitutional governance. While, in the society of that time, no one acknowledged any rights for the peasantry, he emphasized the rights of the nation, namely personal freedom, freedom of assembly, freedom of expression and publication, the right to elect representatives before the state council, and the preservation of personal and financial security (Mostashar al-Dowlah, 2003, p. 24).

Mirza Malkum Khan (1834–1908) extensively discussed the political rights of individuals and endeavored to promote such ideas within Iranian society. In his treatise "The Straight Path," he identifies four fundamental pillars of human rights: "security, choice or freedom, equality, and preferential distinction" (Malek Khan, 1948, p. 214).

Talibov Tabrizi (1834–1911) also paid serious attention to the rights of the people and considered the order of society to be dependent on the preservation of individual and social rights. He identifies the right to freedom as one of the fundamental rights, emphasizing various forms of freedom, including freedom of identity, freedom of beliefs, freedom of speech, freedom of elections, freedom of the press, and freedom of assembly. He also acknowledged the right to equality and spoke of the unity of freedom and equality, meaning that freedom cannot be realized without equality (Talebov, 1977, p. 186).

In general, Iranian intellectuals emphasized cultural and social reforms alongside advocating for the people's political rights to overcome the crises of monarchy.

D. Islamic Constitutionalism

Some religious scholars endeavored to provide a solution by adopting modern concepts and aligning them with Islamic principles. One of the most prominent jurists who dedicated his theoretical work on constitutionalism to this issue is Akhund Khorasani. His defense of the people's political rights is evident in many of his letters, statements, and telegrams. As an example, in response to a letter from a group of people in Hamadan that sought clarification regarding constitutionalism, he considered political affairs during the period of occultation to be the responsibility of the rational members of the Muslim community and trustworthy believers, considering the parliament (National Assembly) to be one of its specific instances. (Kadivar, 2006, p. 215). In a letter to the scholars regarding the parliamentary elections, he also considers the people to be the real rulers of the country, perceiving the election of representatives as a form of delegation of authority and granting absolute sovereignty over all state matters for a specified period. (Ibid, p. 288). So, the rulers during the Occultation era are the just and trustworthy believers who are elected by the majority of the nation and ensured the welfare of the Islamic community in accordance with the laws of Sharia. (Daryabegi, 2007, p. 134-135).

The defense of the people's political rights in the works of Naini, another prominent jurist of the Constitutional Revolution era,

has been pursued with greater clarity and detail. In his defense of the constitutional movement, he discusses and examines the political rights of the people, providing numerous religious arguments and evidence. According to him, the ideal and legitimate government during the presence of the infallible Imam (peace be upon him) is confined to the authority of the infallible Imam, and In the Occultation era (in the absence of the divinely inspired imam) and assuming the inability of the jurist to establish a government, it is based on consultation and people's participation in political affairs (Naini, 2003, p. 44-50). So, the council system and the participation of the entire nation in state affairs, their oversight and supervision of governmental matters, and freedom from the tyranny of despotism are among the most significant characteristics of the desired government, which Naini has referred to as "Wilayat." (Ibid, pp. 43 & 71)

In addition to Akhund Khurasani and Na'ini, other constitutionalist scholars such as Mulla Abd Al-Rasul Kashani and Sheikh Ismail Mahallati have also justified the right of freedom in its various affirmative and negative aspects, citing religious evidence such as the hadith "People are in control of their property" and the hadith "There should be no harm" (Zargarinejad, 1995, p. 487-550). Therefore, these religious scholars considered the solution for the transition to a modern state to be the rejection of absolute monarchy and adherence to the political rights and freedoms of the people. They endeavored to extract such modern concepts from traditional and ancient notions.

Conclusion

Before the Iranian's confrontation with modern political concepts and institutions, authoritarian narratives of the Islamic tradition were predominant, and the notion of "political rights of the people" in its modern sense was not articulated within the thought system of Muslim thinkers. In this article, the term "authoritarianism" does equate to "despotism" or "dictatorship"; rather, it signifies that the desired political order in the Islamic-Iranian tradition has been based on the authority of kings and religious scholars. So, the issue of the political rights of the people and their participation in government was never raised in the pre-modern era. This authoritarian political order, whose

theoretical foundations were justified by sages, politicians, and jurists—either out of necessity and expediency or as a politically desirable and legitimate order—gradually encountered an epistemological crisis in the final decades of the Qajar era.

In response to the crisis within the Islamic tradition, numerous Muslim scholars and thinkers proposed solutions to save it from failure and dissolution. Some scholars merely urged the populace to exercise patience and advised rulers to uphold justice; others insisted on the establishment of a "house of justice", the mechanisms of which were not clearly defined and had historically proven to be ineffective. Additionally, some advocated for an Islamic government based on *velāyat-e faqīh*, but the conditions for its realization were never adequately met.

Under these circumstances, some intellectuals and scholars found that traditional ideas not only do not provide a basis for resolving this crisis but will also exacerbate its dimensions. Acceptance of this premise necessitated a reevaluation of Islamic tradition and created the conditions for reinterpretation of this intellectual heritage. This reinterpretation was based on concepts derived from the tradition of modernity, and none of the philosophy or jurisprudence were the sources of modernity. They only evaluated the modern concepts based on their philosophical and jurisprudential criteria, ultimately coming to terms with them. This shift was not due to the pressure of political realities or material motivations but solely because of the inability of Iranian-Islamic tradition to provide an alternative model based on its theoretical capabilities. Indeed, the acceptance of modern political rights and freedoms, along with the establishment of a new political order based on them, aimed to overcome the epistemological crisis within the Islamic tradition, occurring in the absence of suitable indigenous theories. In this regard, some reformist clerics endeavored to provide theoretical foundations for such a theory by referencing religious sources, considering it a part of the rationality of the Islamic tradition. Examining the theoretical foundations and logical coherence of this idea, as well as its practical obstacles, is an important issue that is suggested to be addressed in future studies.

References

- Abrahamian, Ervand (1997), *Essays on the Political Sociology of Iran*, translated by Soheila Torabi Farsani, Tehran: Shirazeh Publishing.
- Abusa'idi, Mehdi (1966), *Human Rights and its Evolutionary Path in Western History*, Tehran: Asia Publications.
- Adamiyat, Fereydoun (1976), *The Idea of Freedom and the Prelude to the Iranian Constitutionalism*, Tehran: Kharazmi.
- Ajudani, Mashallah (2004), *The Iranian Constitutionalism*, Tehran: Akhtaran.
- Algar, Hamid (1981), *The Islamic Revolution of Iran*, translated by Morteza As'adi and Hasan Chizari, Tehran: Qalam Publishing.
- Algar, Hamid (1990), *Religion and Government in Iran*, translated by Abolqasem Seri, Tehran: Tous Publications, 2nd Edition.
- Ameli, Mohammad ibn Hasan (1989), *Wasa'il al-Shi'ah*, Qom: Al al-Bayt Institute.
- Amid Zanjani, Abbas Ali (1998), *Political Fiqh, Vol. 1, Constitutional Law and the Foundations of the Constitution in the Islamic Republic*, Tehran: Amirkabir Publishing.
- Ashraf, Ahmad & Banuazizi, Ali (2007), *Social Classes, the State, and Revolution in Iran*, translated by Soheila Torabi Farsani, Tehran: Niloofer.
- Badie, Bertrand (2001), *The Two States: Power and Society in the West and in Islamic Lands*, translated by Ahmad Naghibzadeh, Tehran: Center for the Re-identification of Islam and Iran.
- Daryabeygi, Mohammad (2007), *The Political, Cultural, and Social Life of Akhund Khorasani: Collection of Articles and Interviews*, Tehran: Institute for Research and Development of Human Sciences.
- Firahi, Davood (2012), *Fiqh and Politics in Contemporary Iran*, Tehran: Ney Publishing.
- Foran, John (1999), *Fragile Resistance*, translated by Ahmad Tadayyon, Tehran: Rasa Cultural Services Institute, 2nd Edition.
- Ha'eri, Abdolhadi (2002), *Shi'ism and Constitutionalism in Iran*, Tehran: Amirkabir Publishing, 3rd Edition.
- Hosseinzadeh, Mohammad Ali (1996), *Ulama and the Legitimacy of the Safavid State*, Tehran: Ma'aref Publishing.
- Kadivar, Mohsen (2006), *Khorasani's Treatise on Politics*, Tehran: Kavir.
- Kashfi, Ja'far (2002), *Tohfah al-Muluk: Discourses on Political Wisdom*, edited by Abdolvahhab Forati, Qom: Bustan-e Ketab.
- Kasravi, Ahmad (2004), *History of the Iranian Constitutional Revolution*, Tehran: Amirkabir, 20th Edition.
- Katouzian, Mohammad Ali (1993), *The Political Economy of Iran*, translated by Mohammad Reza Nafisi and Kambiz Azizi, Tehran: Markaz.
- Katouzian, Mohammad Ali (1995), *Fourteen Articles on Literature, Society, Philosophy, and Economy*, Tehran: Markaz Publishing.

- Katouzian, Mohammad Ali (2002), *The Conflict Between State and Nation; A Theory of History and Politics in Iran*, translated by Alireza Tayeb, Tehran: Ney Publishing, 2nd Edition.
- Lambton, A.K.S. (2000), *The Theory of the State in Iran*, translated by Changiz Pahlevan, Tehran: Giv Publishing.
- Lipset, Seymour Martin (2008), *Encyclopedia of Democracy*, Persian translation supervised by Kamran Fani and Norollah Mofidi, Tehran: Specialized Library of the Ministry of Foreign Affairs.
- Macintyre, Alasdair, 1977, "Epistemological Crisis, Dramatic Narrative And The Philosophy Of Science", *The Monist*, Oxford University Press, Vol. 60, No. 4 pp. 453 - 472
- Macintyre, Alasdair, 1988, *Whose Justice? Which Rationality?*, Indiana: University of Notre Dame Press
- Madani, Seyyed Jalal al-Din (1996), *Constitutional Law and Political Institutions of the Islamic Republic of Iran*, Tehran: Allameh Tabataba'i Printing House, 4th Edition.
- Majlesi, Mohammad Baqer (1982), *Bihar al-Anwar*, Beirut: Dar al-Ihya al-Turath al-Arabi.
- Majlesi, Mohammad Baqer (2012), *Ayn al-Hayat*, Tehran: Behnashr
- Malkum, Nazem al-Dawleh (1948), *Collected Works*, edited by Mohammad Mohit Tabataba'i, Tehran: Danesh Library.
- Mirmousavi, Ali (2005), *Islam, Tradition, Modern State*, Tehran: Ney Publishing.
- Montazeri, Hosseinali (1987), *Studies on the Guardianship of the Jurist and the Jurisprudence of the Islamic State*, Qom: Scientific Center for Islamic Studies.
- Mostashar al-Dawleh, Yousef (2003), *One Word and One Letter*, edited by Mohammad Sadegh Feyz, Tehran: Sabah.
- Na'ini, Mohammad Hossein (2003), *Tanbih al-Ummah wa Tanzih al-Millah* (Admonition to the Nation and Purification of the People), Qom: Islamic Propaganda Office.
- Naraqi, Ahmad (1973), *Me'raj al-Sa'adah* (The Ladder of Felicity), Tehran: Scientific Bookstore.
- Naraqi, Ahmad (1996), *Awa'id al-Ayyam*, Qom: Islamic Media Office.
- Nasiri, Mohammad Ebrahim (1994), *Dastoor-e Shahriyaran* (The Constitution of Kings), Tehran: Dr. Mahmoud Afshar Endowments Foundation.
- Nasri, Abdullah (2011), *Confrontation with Modernity*, Tehran: Elm Publishing.
- Pierson, Christopher (1996) *The Modern state*, New York & London, Routledge
- Poggi, Gianfranco (1998), *The Development of the Modern State*, translated by Behzad Bashi, Tehran: Agah Publishing.
- Qazi, Abolfazl (1992), *Constitutional Law and Political Institutions*, Tehran: University of Tehran Press, 3rd Edition.

- Sabzevari, Mohammad Baqer (2002), *Rawzat al-Anwar Abbasi*, Qom: Bustan-e Ketab.
- Shams al-Din, Mohammad Mahdi (1999), *On Islamic Political Sociology*, Beirut: International Institute for Studies and Publishing.
- Talebov, Abdolrahim (1977), *Masael al-Hayat (Issues of Life)*, edited by Baqer Mo'meni, Tehran: Shabgir.
- Vincent, Andrew (2012), *Theories of the State*, translated by Hossein Bashiriyeh, Tehran: Ney Publishing.
- Zargarinejad, Gholamhossein (1995), *Constitutional Treatises*, Tehran: Kavir.
- Zargarinejad, Gholamhossein (2001), *Political Treatises of the Qajar Era*, Tehran: National Library.