

Freedom in Na'ini's Political Thought: A Contemplation on the Practical and Ideological Grounds

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Research Article



Abstract

The Shiite political thought experienced new evolutions with the entrance of new concepts and thoughts in the Constitutionalism period. One of those evolutions was the scholars' effort to explain and describe the conditions and foundations of legitimacy of the right to 'freedom' which had little record in the Shiite political thought up to that era. Mirza Muhammad Hussein Na'ini, one of the constitutionalist scholars of that day, attempted to offer a new reading of that concept. Accordingly, the present study uses Skinner's hermeneutic method to investigate Ayatollah Na'ini's political thought regarding freedom and answer the following question: "In which practical and ideological ground was

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Na'ini's view on freedom formed?" The findings of the study show that the ideological grounds of that thought have been formed by the non-religious texts of the constitutionalist intellectuals on the one hand, and the religious texts of jurists opposing constitutionalism on the other hand. Similarly, its practical ground must be looked for inside the despotism of the Qajar rulers and constitutional revolution. Due to being placed inside such grounds, Na'ini negates despotism in Islam by proposing freedom and conceptual expansion of *hurriyat* (freedom), proving freedom as a divine right of the Muslims from the religious viewpoint. This conceptual reading prepares the round for getting away from inconsistency between freedom and *Shari'a* in Na'ini's political thought.

Keywords

Constitutionalism, Mirza Na'ini, freedom, hermeneutic, practical ground, ideological ground.

Introduction

Mirza Muhammad Hussein Na'ini Gharavi (1239-1315 SH) can be considered as the most prominent religious thinker of early Constitutionalism. He was one of the modernist Muslim jurists with a special position in the arena of political thought in the Islamic world in general, and in the Shiite communities in particular. The product of his efforts in this regard is found in his well-known work entitled *Tanbih al-Umma wa Tanzih al-Milla*. This book contains Na'ini's political theory. There, he tries to introduce Constitutional State as the best option for political government in the Occultation Period (the era of the absence of twelfth Shiite Imam Mahdi). In that path, he offers a new understanding of religious texts. Inside the Shiite jurisprudential tradition, Na'ini attempts to employ the concepts and doctrines of that intellectual tradition to answer the theoretical concerns about political affair in his time. The political affair in that time enjoyed two features: on the one hand, based on the current intellectual tradition, it was inevitable to pose theological discussion on *Wilāyat Faqih* (i.e. the [qualified] jurist' authority); and on the other hand, constitutionalism and its evolutions made it essential to have jurisprudential reflection on constitutionalism and its dimensions. Like some other contemporary jurists, Na'ini also dealt with those discussions and offered his contemplations in that regard.

The present study aims at getting a more comprehensive understanding of the evident and hidden angles of Na'ini's political thought on freedom, and pays more attention to his unsaid ideas instead of mere inquiry of his said ideas. Besides, in finding the meanings of his said and unsaid ideas, it places each in its proper practical and ideological grounds to evaluate the historical limitations and capacities of Na'ini's political thought about the issue under discussion. The main question is in what practical and ideological ground Na'ini proposed the issue of freedom. We may risk to claim

that Na'ini has theorized inside the common and lasting religious jurisprudential literature in the Shiite world and in challenge with non-religious practical arrangements, attempting to state the concept of freedom from the jurisprudential perspective and emphasizing people's rights in this regard from religious viewpoint. To prove this hypothesis, we use Skinner's hermeneutic method to, firstly, mention Na'ini's reaction to ideologies of that age – including writings extant from the jurists with a traditional basis on the one hand, and the constitutionalist thought with a modernist basis on the other hand. Then, we will enter its practical arrangements to clarify how Na'ini's thought was linked to the practical ground of that time – of which, despotism and constitutionalism are two important factors – and the Shiite political jurisprudence recognizes – for the first time – freedom in Islam and prove it as the Muslims' divinely given right.

Regarding Na'ini's political thought, we must acknowledge that there are numerous books, articles and theses, and his thoughts have been reread, reviewed and evaluated. Among the most important books, we may refer to Dawoud Firahi's *Āstānāyi Tajaddud* (Firahi, 1395 SH), Sayyid Javad Vara'i's *Pazhūhishī dar Andīshayi Siyāsī Āyatullāh Nā'īnī* (Vara'i, 1342 SH), and Heydari Bahnu'iyya's *Andīshayi Siyāsī Mīrzā Muhammad Nā'īnī* (Heydari Bahnu'iyya, 1389 SH). None of these books has dealt specifically with freedom in Na'ini's political thought, and only one of their chapters is about freedom, sufficing with some general ideas about freedom in Na'ini's political thought. The articles entitled *Barrasī Jāyghāh Āzādī dar Andīshayi Siyāsī Āyatullāh Nā'īnī* (Malekshahinejad and Ahmadi, 1401 SH) and *Hudūd wa Jāyghāh Āzādī dar Andīshayi Siyāsī Mīrzā Nā'īnī* (Soleymani, 1382 SH) are among the articles somehow close to the subject of the present article. However, both of them have dealt with the importance of freedom in his thought and have focused on Na'ini's reaction to despotism. Indeed, none of them has referred to the conditions in which his thought has been formed. The two articles

entitled *Barrasī Āzādī dar Andīshayi Siyāsī Isaiah Berlin wa Nā'īnī* (Naderi Zarna et al., 1400 SH) and *Muqāyisayi Āzādī dar Andīshayi Siyāsī Sheikh Faḍlullāh Nūrī wa Nā'īnī* (Esfandiyar et al., 1399 SH) are among other writings that compare – as the titles suggest – two thinkers and aim at discovering their similarities and differences. After an inquiry among all studies (including articles, books and theses) published about Na'ini – which cannot be completely mentioned here – the writer of the present article claims that there is nothing similar to the present article as far as the content and the subject matter are concerned. The initiation of this article is that it deals – instead of dealing with Na'ini's main text – with the greater context inside which Na'ini's text has been created and attempts to discover his intention in dealing with the issue of freedom. This is because the political thought emerged in the geographical milieu of the Islamic Iran ensuing its acquaintance with the modern world cannot be free from such a context.

The claim that the present article is going to propose and further with such an approach seems mentionable in this way: Na'ini is a thinker that has proposed, in the Shiite jurisprudential tradition and in the context of constitutionalism and its evolutions, his thoughts and ideas about political affair in arenas like freedom. Thus, the present article uses Skinner's contextual hermeneutic model and studies the ideological and practical grounds as the presuppositions of Na'ini's political thought to investigate his political-social ideas and thoughts.

1. Methodology of Skinner's contextual hermeneutic

Affected by John Austin, Skinner puts more emphasis – among the three types of speech acts, i.e. locutionary, illocutionary and perlocutionary – on illocutionary speech act, and founds his methodology on that basis. The main theme in that type of speech act is that the speaker or the writer does something and has a purpose in doing it (Murtazavi, 1386 SH). From this perspective, what is important in

hermeneutics is discovering that purpose, and the interpreter's main task is nothing except that discovery. Accordingly, James Tully (1998), who is one of the main expositors of Skinner's discussions, maintains that Skinner has followed his analysis of understanding political thought by posing five questions. Three first questions are our basis in the present study. The first one is as follows: "What has the writer done, in writing the text, in regard with other texts that form the ideological ground?" the second question – posed in the context of practical grounds – is as follows: "What has the writer done, in writing a text, regarding the existing political act that form the practical ground?" Skinner's third question is focused on the following discussion: "In the writer's time, which less known minor ideologies existed that may be considered in line with the writer's new thought and may affect his thought?" (Tully, 1998, pp. 40-52).

The answer to the first question is prepared by placing the text in its ideological ground. That is, a series of texts written or common in that time about those subjects or similar subjects in a number of conventional norms. An ideology is a language of the science of politics defined with its conventional norms and used by some writers. Thus, in regard with Na'ini's political thought, the seminary texts on the one hand, and liberalism and socialism on the other hand are among ideologies of that time. The seminary texts are considered as Na'ini's special ideological ground and new political thoughts are considered as its general ideological grounds.

The answer to the second question is obtained by placing the text in its practical ground. Skinner believes that political life brings about major issues for political theoretician and causes a large part of issues to be problematic and turns a related group of questions into important subjects for disputes (Tully, 1998, pp. 47-50). In regard with this stage, we may say that any writer wants to rise against certain political behaviors and change them. However, he concludes that mental

obstacles do not allow persons to step forward to take necessary actions for political changes.

Skinner's third question focuses on the discussion that we must not pay all our attention to dominant ideologies; rather, we must investigate minor ideologies existing in the writer's era for better understanding of the text. This is because without understanding these minor ideologies, one cannot have a right perception of the ground for formation of great discourses. Indeed, there are two types of texts that can be studied. The first type consists of texts with high importance that reflect old ideas, and the second type includes texts that reflect new changes running in old ideas.

2. The ideological ground for constitutionalism

For stating the ideological ground governing the constitutionalism era, we must reread the texts produced in that era to understand inside which ground the freedom in Na'ini's thought was produced. Which view did he accept? Which one did he criticize and reject? The texts produced in that era included two types of religious and non-religious texts. The religious texts were produced by scholars and the non-religious texts were produced by intellectuals. In that era, the non-religious texts were of great importance because the religious texts were mainly proposed in reaction to them.

2-1. Non-religious texts: constitutionalist intellectuals

We may acknowledge that in the constitutionalism era, the liberalism could impose its dominance over other contemporary political thoughts. It is right that Socialism and Communism had also roles in Constitutionalism, but due to their leaning towards terrorism and violent behaviors (by persons such as Heydar Khan Amu Oghlu) they had no achievements. Those writers who published newspapers were mostly liberals (Zare'i, 1396 SH, p. 173). Accordingly, the non-religious

texts produced in that era had liberalist tints. In other words, we may somehow say that liberalism was widespread in the intellectual milieu of Iran in those days.

It seems that Mirza Saleh was the first who referred, in his memories, to the political and judicial systems of England. He offered a description of how the Magna Carta¹ was enacted and presented orders for freedom of people, and referred to the England as *'wilāyat āzādī'* (meaning 'province of freedom'), referred to the House of Commons as 'Consultation House', and called the representative there *'wakīl al-ru'āyā'* (meaning people's representatives). He points out that the members of the Parliament are elected by people and have the power to suspend any command issued by the King or the Nobles' Assembly that is not in line with people's interests. He then refers to the King and the two assemblies (Commons and Nobles) as the three powers in the British government (Ha'eri, 1364 SH, p. 12). Mirza Malkam Khan, one of the prominent intellectuals in Constitutionalism era, under the influence of liberals, explains – in his treatise entitled *Nidāyi 'Idālat* – the concept of freedom in its positive sense and says: "to explain the meaning of freedom, first we must understand the fact that in the universe, there is no right or obligation without a certain limitation, and the limit of freedom is that nobody's freedom must interfere with anyone's right" (Nazem al-Dowla, 1381 SH, p. 145). In the same treatise, he maintains that one of the preconditions for establishment of justice in the society is freedom and considers the development in progressive countries as a result of freedom of pen and voice (Adamiyyat,

1. Magna Carta Libertatum (Medieval Latin for "Great Charter of Freedoms"), commonly called Magna Carta (also Magna Charta; "Great Charter") is a royal charter of rights agreed to by King John of England at Runnymede, near Windsor, on 15 June 1215, wherein he agreed to accept the rights of people and respect some legal procedure. Most importantly, it would control and limit the King's powers.

1340 SH, p. 136). By translating a part of the book entitled *About Freedom* written by the well-known English liberal John Stewart Mill, Mirza Malkam Khan showed that his leaning towards liberalism was more than any other school. Talebov, another intellectual of the Constitutional era, also considers man to be free by nature and describes freedom as a human right. On the other hand, he considers freedom as an inherent inalienable right for human beings. Accordingly, he considers freedom as an existential component for human beings. He divides freedom into three parts: identity, beliefs, and promises, and defines freedom of identity as follows: "The freedom of identity is that no one can imprison anyone or enter his house except by law." Also, no one is responsible for his/ her actions as long as that action does not cause harm or damage to another person" (Talebov, 1324 SH, p. 97). Akhund-zada was among the intellectuals who dealt with freedom in the Constitutional era and asserted his opinion more explicitly than Talebov and Malkam Khan. By dividing freedom into two spiritual and physical senses, he defined spiritual freedom as being free from religious beliefs, and physical freedom as being free from the rulers' despotism, considering both as mutually essential and asserting that the main factor for despotism in the Islamic world is religion and religious beliefs, and that as long as we have not put them aside, it is not possible for us to be free from despotic oppression: "being freed from despotic oppression and absurd beliefs is not realized except with knowledge, and knowledge is not obtained except with progress, and progress is not realized except with being liberal, and liberalism is not obtained except with being freed from absurd beliefs. Your religion is an obstacle for your liberalism" (Adamiyyat, 1349 SH, p. 219). In this way, he demands freedom in its most naked form and does not accept any metaphysical limitation for it.

Along with the intellectuals' writings, we may not ignore the role of newspapers and in promoting the idea of freedom. *Sūr Isrāfīl* was one of the newspapers that discussed freedom in several issues. "In that publication, Constitutionalism was the main factor of freedom and placed against oppression and tyranny. In one of its issues, regarding the limits of freedom, it emphasizes that the limits of freedom are to the extent that it does not harm the others' rights. But who or which institution determines those limits? *Sūr Isrāfīl*'s answer is the law and legislative power. And no other person has such an authority. In this way, the writers of *Sūr Isrāfīl* newspaper achieve an understanding of the concept of freedom in accordance with John Locke's understanding. In another issue, that publication defines freedom as follows: 'Every spiritual and physical leader should allow man to be independent in distinguishing and recognizing his own perfection and to allow the mankind to use the very created tools to recognize perfection and follow up it without any concern'. Then, the writer deals with the merits of freedom and believes that without recognizing the right to freedom, the man cannot recognize himself; and in that case, rational and intellectual progress will not be possible. It is after achieving freedom that the man can attribute his action to himself and achieve the highest level of perfection" (Raf'ati Panah, 1395 SH, p. 130).

Tarbiat newspaper was another publication published under the management of Muhammad Hasan Khan Forughi, and proposed serious discussions about freedom. That publication defines freedom as follows: "Freedom means the person can do anything that is not opposing the law, and cannot do anything opposing the law; because if he can, it will disturb others' freedom. In other words, freedom is assurance and mental security; and to achieve freedom, the state must be in such an arrangement that nobody is afraid of others; and this requires that the power of government actions be not in the hands of a single person or a single board" (Raf'ati Panah, 1395 SH, p. 106). Under the

influence of Montesquieu, *Tarbiat* writes: "Every state has three types of power: in enacting laws, in implementing laws, in judging." It maintains if in a state, both the power to enact laws and implement laws are in the hands of one person or one group, nobody will be free in that state, because in that case, the government can enact oppressive laws and implement them by force. Accordingly, it emphasizes that since freedom requires that people's ruling belongs to themselves, the power to enact laws must also belong to the nation; otherwise, there will be no freedom (Raf'ati Panah, 1395 SH, p. 107). *Majlis* newspaper writes: "The natural freedom means the man is free to do what comes to his/her mind and he/ she is willing to do" (Raf'ati Panah, 1395 SH, p. 111).

Al-Jināb newspaper, while considering freedom as the basis of civilization and progress, adopts its definition of freedom from French laws. It writes, "Everyone is free to choose any job that is not harmful for others; and all people are equal before the law. Everyone is free to write what is in his mind and write and publish books. Everyone is free in going anywhere that he/ she wants, settle wherever he/ she wants and in employment in any craft he/ she wants; and nobody is allowed in preventing others..." (Raf'ati Panah, 1395 SH, p. 116).

Publishing this view in the society – which was sometimes along with extremisms of some thinkers and newspapers – carried the message of unconditioned surrender before modernity. This message was not welcomed by the religious scholars who considered themselves as guards of the Islamic tradition. Accordingly, publishing such texts led to the resistance from religious forces in the society. And we see production of religious texts that reject those views in line with protecting the Islamic tradition, and emphasize if the constitutionalism is founded on freedom, constitutionalism is basically infidelity and constitutionalists are infidels. Investigating those texts, even though briefly, helps us in better understanding of the ground of Na'ini's political thought.

2-2. Religious texts: religious scholars opposing constitutionalism

Among the most prominent figures of Constitutionalism who have spoken about freedom, we can name Sheikh Fazlullah Nouri, Tabrizi and Sistani. *Hurmat Mashrūṭa*, *Tadhkirat al-Ghāfil* and *al-Rashād al-Jāhil* are among the writings attributed to Sheikh Fazlullah Nouri, wherein he poses serious critics on intellectuals. Regarding freedom and equality as two pillars of Constitutionalism, Nouri writes: “Each of these two principles is destroying the strong pillar of divine law, because the strength of Islam is servitude [to God], not freedom; and the foundation of its laws is diffusion of its complexities and reconciliation of differences, not equality” (Zargari-nejad, 1374 SH, pp. 272-273). Regarding freedom, he writes more explicitly: “In Islam, freedom is infidelity, especially freedom in the sense these people have perceived. This freedom is infidelity in infidelity. I personally proved, based on the Quran’s verses, that freedom is infidelity in Islam” (Turkaman, 1362 SH, p. 210). Regarding freedom of expression and freedom of the press, Nouri writes: “O dear brother! Don’t you know that freedom of pen and tongue is in opposition to divine law from numerous aspects. Don’t you know that its benefit is that atheists can publish their infidel words on pulpits and suggest bills, affront and accuse believers, and infuse doubts in the pure minds of poor people” (Turkman, 1362 SH, pp. 60-61). In his treatise entitled *Tadhkirat al-Ghāfil wa Irshād al-Jāhil*, the martyred Sheikh (i.e. Sheikh Fazlullah Nouri) advises people to ignore the fatwas issued by the jurists advocating Constitutionalism and do not act accordingly, because the basis of those fatwas is accepting freedom: “If one thousand *mujtaheds* write that this assembly is founded on enjoining good and forbidding evil as well as implementing divine laws and assisting oppressed people, helping the needy and protecting the core of Islam; and you see that this is not the case, but they are wrong and it is founded on hindering enjoining good and forbidding evil, this is because it is founded on

freedom” (Zargari-nejad, 1374 SH, p. 293). Among the most common arguments offered by the opponents of Constitutionalism was that political freedom and constitutionalism are among the requisites of Christianity and Christian civilization. According to this group of opponents, since Christianity lacks detailed religious laws regarding transactions and political affairs, it is not needless of referring to the imperfect intellects of human beings and, thus, it has inevitably resorted to consultation and opinions of the majority. This is the process that is inconsistent with the general structure and the demands of Islam as the most perfect religion (Firahi, 1396 SH, p. 290). Such an analysis is found in Tabrizi's treatise entitled *Kashaf al-Murād*. There, he emphasizes that “if Constitutionalism means that people's representatives gather in the assembly to enact a law through consensus and call it constitutional law, then send it for enforcement... this is opposing the *Shar'* (religious law) of Islam... yes, this is right for France, England and other non-Islamic countries, because the states on the earth are either natural, Christian or pagan, and they do not have any of these celestial books that contain detailed laws on limits, political affairs, heritage, transactions and the like... Much thanks to God that we have achieved, by the definite divine grace, to the right path of Islam and, blessed by the guidance from Infallibles, we are needless of referring to people's intellects...” (Zargari-nejad, 1374 SH, pp. 212-213). Finally, in *Kashaf al-Murād*, Tabrizi rejects the institution of National Assembly that could free the nation from the yoke of tyranny and colonialism and be somehow a guarantee for freedom, and concludes – based on the rule of ‘rejecting the most corrupted with the corrupted’ – that the established state, though despotic, is better than the Constitutionalism and its accessories: “The command that must be necessarily obeyed is restricted to God's command and the command of the one who leads to God, including the prophets, the guided Imams and their specific or general deputies – i.e. the qualified jurists

– and the decree out of this circle is the decree of the tyrants, hence invalid and wrong; indeed, the corruptions of constitutionalism and its harms to the glorified religious law is much more than the existing government called despotic” (Firahi, 1392 SH, vol. 1, pp. 260-261). Sistani, another opponent of Constitutionalism, focused on freedom and finally declared that “Constitutionalism is infidelity and constitutionalist is infidel and his properties and his blood are worthless” (Adamiyyat, n.d., p. 259). These statements made the right perception of the concept of freedom obscure, and made people pessimistic about it. One of Na’ini’s concerns in *Tanbīh al-Umma* is responding to the same doubts. Na’ini’s political thought about freedom was not formed just inside these ideological grounds; rather, the objective evolutions (practical grounds) such as the despotic behavior of Qajar rulers and the victory of constitutional revolution were also influential in generating his view about freedom.

3. The practical ground of Constitutionalism

Any thinker is the child of his own time. The thinkers normally react to the political and social behaviors of their time and, in other words, react to the issues in their time and wish to rely on the instrument of ‘thought’ to create a proper and desirable change in the social arrangements governing their society. Now, we will pursue Ayatollah Na’ini’s view about the issue of freedom in the context of practical grounds to understand inside what objective evolutions Na’ini theorized in this regard and judged about the existence of numerous branches of freedom in Islam.

3-1. Qajar dynasty

Under the Qajars, following defeats in two wars with Russia and losing major parts of the lands under its dominance concluding the agreements of Turkmenchai, Golestan, and Paris as well as granting

unilateral trade concessions in favor of colonial powers such as Talbot, Reuter and Darcy concessions and finally dividing Iran into three neutral regions under the influence of Russia and England, the Iranian society got involved in political, social and economic crises caused by military defeats and inability of the despotic ruling system in confronting them (Abrahamian, 1384 SH, pp. 66-67). Under the Qajars, the king's power was not – theoretically – restricted except by the moral and religious traditions and principles; and all officials were subordinates and, indeed, not the owners of rights but enjoying the royal grace and favors (Bashiriya, 1382 SH, p. 45). And this is what Tabataba'i calls 'despotism crisis' of Qajar kings (Tabataba'i, 1386 SH, p. 2). According to many writers, the Iranian economy had a very improper and unorganized situation during the nineteenth century. Poverty, inflation, and reduction in value of the national currency on the one hand, and increase in expenses of the royal court and the king's costly travels to Europe, as well as granting commercial concessions to foreigners on the other hand, involved the country in serious unrest and misery, and this prepared the ground for people's dissatisfaction (Katouzian, 1379 SH, p. 90). Under such a condition, the Iranian society came across to a new phenomenon called 'modernity' and the discussions on reformations in Iran became serious. Reformation in Iran, due to its defeat against Russians that had newly stepped into modernity, started in the military section. When the military reforms had no desirable results, the reforms gradually extended to other sections, most importantly the sphere of educational system. Nevertheless, there were no considerable evolutions, and reforms went to the sphere of politics and all concluded that despotism was the most important factor for Iran's backwardness and had to be resolved. Thus, the reforms were focused on the sphere of politics (Khan-Muhammadi, 1392 SH, pp. 46-47). The despotic and violent response from the government to the Iranian society's request for political reformation prepared the ground for

severe dissatisfaction of many Iranian people in the second half of the nineteenth century. In such an atmosphere, the discussions on freedom and liberation from the despotic government was proposed by the elites and scholars, and was published in numerous writings. Ayatollah Na'ini's treatise entitled *Tanbīh al-Umma wa Tanzīh al-Milla* is analyzable in the same line. In the introduction of his treatise, the author emphasizes that his goal is struggling with any kind of despotism and tyranny in Islam.

3-2. Constitutional revolution

The Constitutional revolution in Iran left important effects and consequences in the country's domestic evolutions, especially in the sphere of political thought and practice. "This revolution, in domestic aspect, was indeed an effort for finding ideological justification or new prejudice for establishing and renewal of the better authority in conditions that the political structure was in the process of liquidation... was a response to the political crisis governing the Iranian society for establishing a political order based on the law that both limited the king's absolute power and – for the first time – granted legal personality to the inhabitants of this land as its citizens" (Raja'i, 1373 SH, p. 126). After the victory of Constitutional revolution and compilation of the constitutional law, some questions were raised in the society and among the religious scholars regarding the relationship between constitutional government and religion, between the humans' statute laws and the religious laws (*Shari'a*), and the relationship between people's representatives and the jurists' authority. In this regard, numerous opinions were written and some treatises were published in response to the aforementioned questions. Among those writings, certain religious works were produced in defense of constitutional system that must be considered as a response to the political and social arrangements under Qajars. In the era when those

works were produced, the Qajar kings would exert much power in interference in people's lives, positions and wealth as *Dillullāh* (God's shadow) and *Hāfiẓ al-Ru'āyā* (protector of the subjects). They would consider themselves as owners of all realms not already conceded to anyone. The granters of concessions and monopolies were just the kings themselves. Qajar kings considered their own statements as laws as long as they were not in apparent contrast to principles of Islam. A historiographer writes: "The wise men know that if they have an opinion in opposition to the king's opinion, they will lose their lives." Besides, the king had the latitude to appoint or depose high-rank officials. Another historiographer writes: "I have not seen or heard about any case wherein the king has deposed a vizier but has not confiscated his properties" (Abrahamian, 1384 SH, p. 62).

The Constitutional movement became victorious in 1285 SH with the aim of limiting the king's power and reducing the kings' oppressions, and the first national assembly was established. Although from 1285 SH to 1287 SH, there was a relatively open political milieu, very soon the anti-constitutionalism Muhammad Ali Shah gained power and cannonaded the national assembly in 1287 SH. A large number of constitutionalists were arrested and executed and some others escaped abroad. In that era, i.e. from Khordad 1287 (cannonading rush on the assembly) to Tir 1288 (recapture of Tehran by the constitutionalist), we find a stronger despotism compared to the former era. All public associations and communities – including the mourning meetings – were banned, the National Assembly was dissolved, the king returned to his absolute power, and political despotism was once again dominant all over the country (Abrahamian, 1384 SH, pp. 62-122). In his well-known book entitled *Ṭabāyi' al-Istibdād*, Kavakebi writes: "Many scholars with expertise in natural history of religions maintain that political despotism is born from religious despotism... There is an inextricable tie between religious despotism

and political despotism. Whenever one of them exists in a nation, the other will be attracted by it; and whenever one is dissolved, the other will also go away... there is much evidence for this, in a way that no time and place is void of it and all of them are proof for the fact that religion has a much stronger effect than politics” (Kavakebi, 1378 SH, pp. 53-54). Constitutional era experienced the link between religious despotism and political despotism. “Religious despotism attempted to introduce – through sophistry in the two concepts of freedom and equality – the constitutionalism as a system full of infidelity. This approach reduced political freedom to debauchery and moral licentiousness and other negative aspects of freedom to reduce its sanctity and made it abominable and delusive. Freedom from the slavery to tyrants – which is the most important divine blessing for human beings and the highest destination for the prophets – was defined as freedom in the sense of unlimited debauchery, evil, infidelity and the like. And in this way, he freed the energy hidden in the concept of freedom and institutionalized escaping freedom in the Muslim belief and society. In this way, freedom that was a principle in the Quran and the Sunnah turned into a heresy, and despotism that was a heretic idea turned into the common principle and thought. The concept of equality got involved in the same plight as freedom. The citizens’ political equality in typical affairs was reduced into the equality of Muslims and non-Muslims in the private sphere such as inheritance, marriage, blood money, and the like, and was driven towards an unforgivable heretical innovation, in a way that the proponents of political equality were considered as equal to atheists” (Firahi, 1396 SH, p. 188). The author of *Tanbīh al-Umma* has an interesting analysis of the relationships of those two branches: “in the beginning of the path and the onset of political despotism, the despotic rulers are in highest need of religious scholars and leaders for establishing despotic order. But as soon as the political despotism was established,

they find and invent a variety of efficient tools for persuading people and spreading their power. Afterwards, this branch of despotism, i.e. religious despotism, is in great need of political despotism to preserve and spread itself” (Firahi, 1396 SH, p. 482). In this way, liberation from despotism was Na'ini's main concern in the feverish years of constitutionalism. He attempted to remove any kind of despotism from the figure of Islam – as propagated in the Iranian society of that time – by proposing the issue of freedom.

4. The link between the practical and ideological grounds: freedom in Ayatollah Na'ini's political thought

Na'ini was the jurist of the constitutional era. Constitutional era was a critical era in the contemporary Iran because it was in a wavy state in the duality of despotism and freedom. In that era, on the one hand, the government was busy strengthening its pillars and, on the other hand, the intellectuals and scholars were busy – by posing anti-despotism concepts such as freedom – overthrowing it and establishing a new political system that founded freedom not on the kings' divine rights and privileges of royal despotism and political conservatism, but on the individuals' inalienable rights and the principles of equality.

Na'ini's political thought was formed inside such a practical and ideological ground. By observing the despotism crisis in the government of that time, he divided the governments into two types of *tamlīkiya* (possessive) and *wilāyatiya* (authoritative), and by rejecting the former type and any other despotic government in Islam, he proves the latter type and its accessories – one of the important pillars of which is freedom – from the religious point of view by relying on the Quranic verses and traditions. Na'ini's method in theorization is jurisprudential method. This method has special features. It starts from the Quran's verses and then moves through the Prophet's way of life towards the way of life of Imam Ali and other Infallible Imams.

Accordingly, he starts his analysis by referring to the Quran's verses and writes: "In the Blessed Surah Shu'arā, God says on Moses' part to Pharaoh, 'Is that the favor with which you reproach me that you have enslaved the Children of Israel?' and in another blessed verse, He says on the part of Pharaoh's people, 'while their people are our slaves' (Muminūn: 47); and still in another blessed verse, He says on their part, 'and indeed we are dominant over them' (A'rāf: 27)" (Na'ini, n.d., pp. 18-19). Na'ini's references are to Shu'arā: 22, Mu'minūn: 47, and A'rāf: 127 respectively; and in those verses, the Exalted God refers to the despotic behavior on the part of Pharaoh who negated humans' freedom and forced them to obey him. Accordingly, Moses' duty is reminded as freedom of Children of Israel from slavery to Pharaoh. In an interpretation of these statements, Firahi says, "Na'ini considers the Quran's logic as proving the principality of freedom and renouncing its opposite, i.e. slavery. In other words, he derives the denotation of these Quranic verse on freedom not from the logic but from the meaning of the verses" (Firahi, 1396 SH, p. 158). Another hadith adduced by Na'ini is the Prophet's hadith that says, "إِذَا بَلَغَ بَنُو الْعَاصِي ثَلَاثِينَ رَجُلًا اتَّخَذُوا دِينَ اللَّهِ دُولًا، وَ عِبَادُهُ حَوْلًا..." (Na'ini, n.d., pp. 19-21). This hadith is quoted by Allameh Majlesi in his *Biḥār al-Anwār*. It means when the number of Āṣ's son amounts to thirty, they will interfere in God's religion and take God's servants as their slaves (Majlesi, 1403 AH, vol. 31, p. 537). Na'ini himself explains this hadith as follows: "after the number of members of the damned dynasty amounts to thirty, they will turn the religion into a state and take God's servants as their slaves" (Na'ini, n.d., p. 21). To reinforce his own idea, Na'ini adduces the sayings of the Infallible Imams. He refers to the sermons 93 and 192 of *Nahj al-Balagha* wherein Imam Ali negates, by relying on the Quran and the Prophet's Sunnah, any slavery and subordination to anyone other than God (Na'ini, n.d., pp. 21-22). Similarly, he stresses on numerous speeches delivered by Imam

Hussein on Ashura day and claims that Imam, in various forms, negates slavery and obedience to tyrants and considers freedom a right of humans as humans (Na'ini, n.d., pp. 22-23). These statements produced by Na'ini must be understood in the practical context of Constitutional period – a period when the political despotism along with religious despotism would produce an atmosphere that negated any kind of human's freedom.

While struggling with the despotic government of Qajar through this activism, Na'ini is faced with texts and statements from religious scholars that neither reject nor criticize the corrupted government; rather, they justify it religiously and lead freedom – as the prophets' mission and blessing of the Exalted God – to astray. In response to these texts that reduce freedom to debauchery and anarchy, he divides freedom into freedom from despotism and freedom from religion; and considers the real freedom not as freedom from religion, but as freedom from despotism. He emphasizes that nowhere the liberalists' effort has been based on freedom from religion, for this type of freedom is, in Islam, equal to polytheism: "The truth of turning the mode of usurper tyrant sultanate is acquiring freedom from slavery and subordination. And all struggles and disputes between any nation and its *taml̄kiya* state is for this fact, not for taking away the authority from religion and its requirements" (Na'ini, n.d., p. 64). Finally, Na'ini summarizes his discussion on freedom as follows: "obedience to despotic commands of the tyrants of the nation and people's bandits is not only oppressing and depriving oneself of the greatest divine blessings; rather, ... it is among the orders of polytheism... the usurper of this position is not only oppressing people and usurping the position of authority, but also usurper of the divine robe and oppressing the domain of Oneness and divine dignity. And vice versa, freedom from this evil stingy slavery is – in addition to causing exit from the mode of vegetation and animosity into the noble world of

humanity – among the orders and states of faith in Oneness in the position of special [divine] Names and Attributes” (Na’ini, n.d., p. 28). This statement, though lengthy, shows all Na’ini’s thought about the issue of freedom. Here, Na’ini considers, firstly, the citizen’s obedience to tyrants’ despotism as oppressing themselves, because the human deprives himself of the most valuable divine blessing, i.e. freedom, and secondly, he believes that it is polytheism, because being servant to someone other than God means making him a partner for God in attributes such as absolute ownership and agency, which are specified to God. According to this text, Na’ini maintains that freedom from despotism is one of the requirements of faith and state of monotheism. Thus, combating despotism and inviting [people] to freedom is one of the most important goals of the prophets and must not be mixed up with freedom from religion.

In Na’ini’s thought, freedom means liberty (*hurriyat*), but not liberty in the sense of being free from servitude to God; rather, it means freedom from servitude to the rulers. Since Na’ini considers faith in God as dependent on being free from governance of the oppressors, his definition of freedom is a positive concept. In that definition, God is supposed to be the guard of freedom and the prophet’s goals finds meaning in this framework. He says, “Because of this, saving the usurped liberty of the nations, setting them free from that evil slavery and captivity, and making them enjoy divinely granted freedom are among the most important goals of the prophets” (Na’ini, n.d., p. 28). In Na’ini’s view, only God deserves having ‘governance as He wishes’ (Na’ini, n.d., p. 28). Besides, only God decides based on His wishes and enjoys ‘doing what He wishes’ and ‘no responsibility for what He does’ (Na’ini, n.d., p. 28). Na’ini maintains that the ruler’s leaning towards any of these states is polytheism. Thus, in Na’ini’s political words, we face with a God that has created human beings free and sees His servitude dependent on His servants’ being

free from slavery to oppressors and tyrants. Na'ini explains the missions of the prophets and the Shiite Imams in that framework, but since he sees himself in the absence of the divinely select persons, he turns to collective intellect that finds objectivity in the constitutional system and the institution of assembly.

Conclusion

In the present study, we reread 'freedom' in Na'ini's political thought inside its practical and ideological grounds using Skinner's hermeneutic method. We may acknowledge that the ideological ground has been formed on the one hand by the texts produced by constitutionalist thinkers and, on the other hand, the religious scholars opposing constitutionalism. The intellectuals, by posing the issue of freedom as one of the important pillars of the political system of constitutionalism – though it was accompanied by secular approaches – prepared the necessary capacity for thinking about that issue. Along with creating that capacity, that group generated a concern for religious scholars by posing the idea that the only way to achieve freedom and liberation from despotism is breaking through religion and its requisites. And it was quite natural that a group of religious scholars separated from constitutionalists and arrayed in confrontation to constitutional system. In that period, along with secular texts favoring constitutionalism, we see production of religious texts in opposition to the constitutional political system and all its requisites. Among the sharp statements and somewhat non-religious texts produced by intellectuals as well as anti-constitutionalism religious literature, Na'ini covered a positive, formative and interactive path with the concept of freedom. In reaction to those texts, he precisely distinguished between 'freedom from religion' and 'freedom from despotism', and took an important step in line with a better understanding of that issue in the Iranian society of that time. After

that distinction, Na'ini considered the most important goal of constitutionalism to be freedom from despotism and made that goal in a close tie with the prophets' mission and the Islamic tradition. The findings of this study show that the practical ground of Na'ini's thought was formed by the despotism of the government on the one hand, and by victory of the Constitutional revolution and establishment of the National Assembly on the other hand. The government put its despotic behavior at its zenith by cannonading the Assembly and massacre of the constitutionalists. Under that conditions, Na'ini sought to investigate that phenomenon from the religious viewpoint and posed the issue of freedom to struggle with it. Along with such an evolution, we must not ignore the victory of Constitutional revolution and its achievements. That revolution could enter new unprecedented political concepts into the political literature of the Iranian society, including freedom, equality, assembly, constitutional law and the like. In a summary, we may say that Ayatollah Na'ini's political thought about the idea of freedom was produced inside the practical and ideological ground of Constitutionalism. The ideological ground was formed by the constitutionalist intellectuals and religious scholars opposing Constitutionalism, and the practical ground was formed by despotism and Constitutional revolution.

Freedom is a central concept in Na'ini's discussions. Freedom in the sense of free will and volition in the Muslims' jurisprudential literature and especially that of the Shiite jurists has enjoyed a very important position, and has been explicitly stated in the theology of Mu'tazila and Shi'a. Since the jurists owe their theoretical foundations to theologians and theology, we can imagine that they have discussed their jurisprudential issues based on such an assumption (i.e. the willful man). The most important theological discussion related to the freedom is the discussion on slave and free man. This topic has a long history in the theological discussions and theological books. The free

man is placed in opposition to slave, and – due to being free – enjoys special rights. But such a man is considered a servant before God, and – from this angle – has the duty to just obey Him. Thus, ‘being free’ is a special condition that is realized in case of the absence of the slave-master relationship between two human beings. But even in that case, the man is not free in its real sense, because he is God’s servant. This discussion prepares a proper ground for some theologians in their discussions regarding the Constitutionalism. In Constitutional period, the concept of freedom from the western view was proposed by intellectuals; thus, freedom entered the religious literature and discourse as a new concept. Some scholars opposing Constitutionalism did not tolerate the idea of freedom and offered arguments for their claims. By equalizing freedom and liberty, they emphasized the conceptual contrast between liberty and servitude to God. In their view, the liberty in Constitutionalists’ view meant freedom from servitude to God, and such a freedom is inconsistent with Islam and *Shari‘a*.

In such a conceptual ground, Na’ini deals with proposing the concept of freedom as one of the newly emerged issues in political wording. In proposing this concept, he also like the scholars opposing Constitutionalism pays attention to making it equal to the concept of *hurriyat* (liberty). In his view, although freedom is a new concept, we can find an equal for it in the Shiite intellectual tradition. *Hurriyat* is considered as equal to freedom, but what is important in Na’ini’s perception is the conceptual expansion of the concept of *hurriyat*. This conceptual expansion causes a distance from the inconsistency between freedom and *Shari‘a* in Na’ini’s political thought.

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