

## Mīrzā Muḥammad Taqī Shīrāzī's Theory and Practice in Confronting Political Orders in Iraqi Society

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### Abstract

Mīrzā Muḥammad Taqī Shīrāzī, who during the Ottoman rule had adopted an approach of cooperation with the unjust Sunni ruler and did not issue a fatwa for confrontation, after the fall of the Ottoman Empire in World War I and the British mandate over Iraq, declared a fatwa for jihad against the infidels in the Islamic lands and for the independence of Iraq. Furthermore, while emphasizing the preservation of order and the elimination of chaos in society, he issued a fatwa for armed struggle against the oppression of the British occupiers. This study aims to elucidate the structure of Islamic governance in the political theory and practice of Mīrzā Shīrāzī following the victory of the 1920 revolution in Iraq and the absence of governance in the city of Karbala. In doing so, he emphasized elements such as the Islamic nature of the government, rejection of the sovereignty of non-Muslim rulers, Iraq's independence, and the people's consent. He placed the administration of the city in the hands of two councils, one scholarly and the other executive. On the one hand, he entrusted the tasks of policy-making, decision-making, and adjudication of disputes to a group of scholars from the region. On the other hand, responsibilities such as maintaining security, collecting taxes, and appointing city officials were assigned to seventeen qualified individuals. Considering his broad religious, social, and political authority, he also assumed the responsibility of supervising these two councils to ensure the Islamic nature of governance and to resolve potential conflicts arising from differences in opinion between the two councils, thereby preventing dual governance. This research seeks to answer the main question: What is Mīrzā Muḥammad Taqī Shīrāzī's jurisprudential view on governance during the occultation of the last Shiite Imam, particularly concerning his contemporary circumstances? Using descriptive and analytical methods, the study

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demonstrates that the second Mīrzā Shīrāzī, while addressing various political orders in the occultation era based on different contexts, stipulated that the desired governance system includes, among other conditions, the existence of both scholarly and executive councils under Islamic rule. As a case study, he presented an indigenous interpretation of political order for the city of Karbala.

### **Keywords**

Mīrzā Muḥammad Taqī Shīrāzī, governance, independence, Iraq, Karbala, 1920 revolution.

## 1. Introduction

The theory and thought of any intellectual are shaped not only based on the foundations, principles, and frameworks prevailing in their time but also in relation to and in accordance with the issues and concerns of their respective society. Accordingly, although Shiite jurisprudence (*fiqh*) is a religious theory arising from religious foundations and texts, jurisprudential discussions—particularly those related to society, politics, and governance—are not merely abstract or theoretical. They are not solely understood in connection with jurisprudential principles but are significantly influenced by societal conditions and events. The appropriate understanding of jurisprudential issues is shaped within the context of the time, and indeed, a proper comprehension of the conditions, the era, and the evolving needs of society plays a critical role in the formation of jurisprudential rulings. Thus, the political and social theory of jurists (*fuqahā'*), apart from the theoretical discussions that stem directly from religious principles irrespective of the time, should be evaluated in relation to the circumstances of their era and its social context. Accordingly, differing views among scholars can often be attributed to factors such as changes over time, prevailing societal conditions, and the evolution of social issues. On the other hand, various models of governance have emerged across different parts of the world, which may be influenced by each region's prevailing intellectual schools, dominant cultures, predominant beliefs of the citizens, and the environmental and local circumstances. Naturally, many of these models arise as secondary alternatives, developed out of necessity when the ideal and authentic model cannot be realized due to societal constraints in a particular period. Consequently, some thinkers may propose two or more different models of governance, which can reflect the transformation of conditions, requirements, and the feasibility of their implementation at a given time. What highlights the role of the temporal and social contexts in the views of jurists is that jurists have always responded to the needs of their time, deriving jurisprudential rulings and shaping their perspectives in accordance with the evolving demands of society. They have sought to guide the community toward religious values and ensure that major social behaviors are rooted in religious principles, consistently emphasizing the importance of establishing religion in society to the extent that circumstances allow. These points necessitate that the jurists' views across different eras be influenced by a proper comprehension of temporal and social context, as well as the prevailing political and social conditions of their period. Accordingly, this study aims to analyze Mīrzā Muḥammad Taqī Shīrāzī's juristic views on governance models

and structures during three distinct periods of his era. First, it considers the years of Ottoman rule, focusing on the legitimacy of governance and engagement with the unjust Sunni Ottoman rulers. After the collapse of the Ottoman Empire and the transfer of Iraq's sovereignty to the British occupying forces, Shīrāzī emphasized non-compliance and confrontation with the unjust non-Muslim rulers. Finally, he issued a ruling advocating for resistance and revolution as a transitional phase from the struggle against the British occupying government (as an unjust non-Muslim authority) toward the establishment of an ideal government. Taking into account Iraq's historical circumstances and contemporary conditions, he proposed a local model for governing the country, meeting the demands of the limited political environment. This model, designed for the administration of the city of Karbala, is presented as a tentative theory reflecting the time and conditions, rather than a timeless, ideal juristic perspective.

## **2. An Assessment of Iraq's Situation during the Time of Mīrẓā Muḥammad Taqī Shīrāzī**

Mīrẓā Shīrāzī's multiple interpretations of governance structures and models are not viewed as contradictory; rather, since political structures and models are shaped by the temporal and spatial contexts, and take into account the circumstances of the time, the perspective of the religion in this regard is derived with consideration of temporal and social conditions. Therefore, examining Mīrẓā Shīrāzī's three interpretations within the context of Iraq requires an understanding of the country and the prevailing conditions at that time. Consequently, Iraq's situation during that period will be briefly reviewed. In the early 20<sup>th</sup> century, World War I broke out across large parts of the world. Aside from the numerous conflicts in Europe, in late October 1914, Russia, France, and Britain prepared for war against the Ottoman Empire, a vast country considered the representative of Islamic civilization ('Azzāwī, 2004, vol. 8, p. 254). In this context, Britain summoned its forces from India to the Persian Gulf and stationed them in Bahrain. Following the declaration of war, British forces advanced towards Iraq, capturing al-Faw on November 6, 1914 (25 Dhū al-Ḥijja 1332 AH) (Bell, 1971, p. 110). After the Ottoman Empire was ultimately defeated in World War I and was reduced to administering a smaller, newly-formed country called Turkey, the victorious powers took control of significant parts of the former Ottoman territories. Since Britain had occupied a large portion of Iraq, it assumed governance over the region following the collapse of Ottoman rule. On August 10, 1920,

Britain established the country of Iraq and took control of its administration. However, during these years, the injustices committed by the British led to widespread discontent among the Iraqi people. The presence and dominance of Britain in Iraq following the collapse of the Ottoman Empire presented issues for the jurists, who were expected to engage with these matters and guide the Iraqi community in the absence of Ottoman power. In this context, Mīrzā Shīrāzī, who had been committed to the Ottoman government and complied with its laws, could not accept the rule of non-believers over Islamic lands and thus issued a fatwa calling for jihad against Britain. Furthermore, this required him to outline an ideal form of governance during the decline of the Ottoman state, based on the principles of Shiite jurisprudence and the religious, ethnic, and communal conditions of Iraq.

### 3. Refusal to Oppose and to Interact with the Ottoman State

Within Shiite jurisprudence, obedience to an unjust ruler has always been deemed prohibited, as compliance with the ruler's commands is only considered permissible when the ruler is appointed by God through specific or general designation and their governance is based on religious evidence and principles. However, jurists have adopted different approaches when dealing with unjust rulers. While they issued rulings based on the principle of "negating the dominance" (*nafy al-sabīl*) that called for resisting a non-believing ruler—both rejecting the legitimacy of their rule and emphasizing the necessity of opposing them to overthrow their government—they adopted a different approach when confronting a Muslim unjust ruler. This variation was aligned with the needs of society and the interests highlighted by Islam. For instance, the author of *Jawāhir al-kalām* argues that assisting unjust (Sunni) rulers in their quest for power and status—thereby increasing their army and strengthening their rule—is considered a form of aiding oppression and is thus forbidden. However, he permits cooperation and interaction with them in matters such as tailoring clothing or constructing houses, which are inherently permissible and do not imply an intention to support their authority, such actions remain disliked (*makrūh*). Ultimately, he acknowledges that these actions are permissible in the context of *taqiyya* (dissimulation) but still considers closeness to them undesirable (Najafī, 1983, vol. 21, pp. 53–54). In contrast, he issued a different ruling regarding the rulers who “maintain the truth” (that is, Shiite rulers), stating that assisting them in permissible matters is not only not discouraged but also that a desire for their preservation, if aimed at correct intentions such as “strengthening the word of the followers of

the truth and their dignity,” is exempt from the prohibition (ibid, vol. 21, p. 54). Based on this reasoning, Mīrzā Muḥammad Taqī Shīrāzī did not issue a ruling for fighting against the Ottoman rulers (as Sunni unjust rulers) during the time of the Ottoman Empire, and thus he remained committed to their authority, although he also did not issue a ruling to interact with them. In contrast to the British rulers, whose authority he rejected, leading him to issue a fatwa for jihad against them, he did not declare opposition to the Ottoman kings during their reign. This discrepancy may be rooted in the fatwas of scholars regarding the possibility of not opposing unjust rulers and aligning with the historical lack of opposition from Shiites toward Sunni rulers (Shīrāzī, 1991, vol. 1, p. 138). However, it seems that the broader interests of the Islamic community, the prevailing circumstances in Iraq, and the prohibition against weakening the Ottoman Empire—as a symbol of a state that the infidel nations sought to destroy—should also be considered influential factors in the lack of opposition from Iraqi scholars toward the Ottoman rulers.

#### 4. Confrontation with Unjust Non-Muslim Rulers

While Shia jurists, during the Ottoman Empire, were unable to establish an independent government and thus chose to coexist with the Sunni Ottoman rulers, living under Sunni authority for many years, they did not tolerate living under non-Muslim rule following the collapse of the Sunni Ottoman rule. Based on jurisprudential evidence that rejects the authority of non-Muslims over Islamic lands, they issued fatwas calling for jihad against the British. In this context, Sayyid Muḥammad Kāzīm Yazdī, a leading scholar in Najaf, delivered a speech in the courtyard of Imam ‘Alī’s shrine, declaring jihad against British domination and the defense of Islamic lands. In Kadhimayn, Shaykh Mahdī Khālīsī, through a booklet titled *al-Ḥisām al-tayyār fī jihād al-kuffār*, ruled that jihad should continue until the expulsion of the infidels. Sayyid Mahdī Ḥaydarī, in a large gathering in the Kadhimayn shrine, also called the people to jihad. Finally, reference can be made to the fatwa of Mīrzā Muḥammad Taqī Shīrāzī in Samarra, who not only issued a ruling for obligatory warfare against British rule in Iraq but also sent his son, Muḥammad Riḍā, to support Sayyid Mahdī Ḥaydarī (Al-Wardi, 2004, pp. 127-128). Although Shia jurists during the Ottoman Empire did not make a concerted effort to oppose the central authority or declare independence from it, and recognized life under *Dār al-Islām* or the Islamic territory (albeit with an Ottoman interpretation) as legitimate—adopting a cooperative approach

toward living under Ottoman rule—this stance shifted with the change in governance. As the rulers transitioned from unjust Sunni rulers to unjust non-Muslim rulers, the jurists' cooperative approach transformed into one of confrontation. The confrontational approach adopted by Iraqi jurists is grounded in the categorization of rulers based on religious principles as well as the external realities of the Islamic world. This led the jurists to classify rulers into several categories. Firstly, they divided rulers into two main groups: just rulers (legitimate) and unjust rulers (illegitimate). Secondly, they further subdivided unjust rulers into three types: non-Muslim unjust rulers, non-Shiite (Sunni) unjust rulers, and Shiite unjust rulers (Shīrāzī, 1991, Vol. 1, p. 3). Regarding cooperation with Shia rulers who governed parts of the Islamic world, the author of *Jawāhir al-kalām* acknowledged the illegitimacy of these rulers, but on one hand, he ruled against the authority of non-Muslims over Muslims (Najafī, 1983, vol. 22, p. 334), and on the other hand, when it came to Muslim rulers, he differentiated between unjust Sunni and Shia rulers. For unjust Sunni rulers, he declared it forbidden to assist them in gaining power and, with respect to actions not inherently aimed at strengthening their rule, he deemed it merely reprehensible or disliked (*ibid.*, vol. 21, pp. 53-54). However, assistance to unjust Shia rulers was deemed permissible if it contributed to the empowerment of the Shia faith and the implementation of many religious rulings that could only be actualized through governance. Thus, although these rulers were considered unjust, one could still comply with them for many religious rulings, and their rule could even be preferred over that of just rulers in times of *taqiyya* (dissimulation) (*ibid.*, vol. 16, p. 144; vol. 21, p. 282). However, Mīrzā Muḥammad Taqī Shīrāzī, while emphasizing the dual logic of legitimate governance—distinguishing between the just ruler (*al-ḥākīm al-'ādil*) and the illegitimate unjust ruler (*al-ḥākīm al-jā'ir*)—stresses the obligation of obedience to the Imām as the divinely appointed just ruler (Shīrāzī, 1991, vol. 1, p. 3). He further emphasizes the permissibility of obedience to just rulers and their governors, affirming that their administration of public wealth is legitimate, while any control by others would be considered usurpation (*ghasb*) (*ibid.*, vol. 1, pp. 178-179). However, given the circumstances of the time and the prevailing political geography of Iraq, it was not feasible to have a just ruler. Thus, the central issue for Mīrzā Muḥammad Taqī Shīrāzī was how to engage with the unjust rulers of the era. Considering his jurisprudential principles, he deemed the authority and guardianship of an unjust, non-Muslim ruler over Islamic territories to be invalid, in accordance with the principle of *nafy al-sabīl* (negating the

dominance of non-believers over Muslims).

After World War I, with Britain's dominance over Iraq, plans were made to hold elections to appoint a puppet ruler endorsed by Britain. This initiative faced opposition from many scholars, including Mīrẓā Muḥammad Taqī Shīrāzī. Emphasizing the necessity of a Muslim ruler for Iraq, he issued a fatwa on 20 Rabī' al-Awwal 1337 AH (December 24, 1918), stating the prohibition of electing or accepting a non-Muslim ruler by Muslims: "A Muslim is not permitted to choose a non-Muslim as a ruler over them" (Hakimi, 1999, pp. 113–115; Zirikī, 1989 CE, vol. 6, pp. 288–289). In addition to rejecting the legitimacy of the authority of the occupying rulers, Mīrẓā Muḥammad Taqī Shīrāzī also issued a fatwa declaring it forbidden to work in the British Mandate administration or act as agents for the oppressive non-Muslim rulers (Kātib, 1981, p. 46). This fatwa led to the resignation of many employees from this administration, and gradually, the number of resignations increased (Shubbar, 2006, p. 119). Although Mīrẓā Muḥammad Taqī Shīrāzī did not adopt a confrontational stance toward the authority of an unjust Muslim ruler, instead choosing a non-confrontational approach toward the Sunni rulers of the Ottoman Empire (who were considered unjust non-Shiite rulers) in line with the demographic and political necessities of Iraq. While he criticized the recommendation (*istihbāb*) of serving in their administration, he conditioned the permissibility of working under such rulers on factors like the ability to enjoin good and forbid evil and the capacity to do good and serve the believers. Moreover, if individuals can perform enjoining good and forbidding evil without holding governmental positions, there is no recommendation for them to take up such roles (Shīrāzī, 1991, vol. 1, p. 138). However, he argued that if the only way to fulfill the duty of enjoining good and forbidding evil is through holding government positions and accepting the authority of unjust rulers, then it would become obligatory as a preliminary for an obligation (*muqaddamat al-wājib*) (ibid., p. 138). Obviously, what matters in this perspective pertains to serving an unjust ruler. Otherwise, if a conflict arises between the two concepts of serving an unjust ruler and enjoining good and forbidding evil, the outcome of the conflict would lead to the negation of both principles if the evidence contradicts each other, prioritizing one over the other based on a hierarchy of priorities in the case of competing obligations. Since acts of good and evil do not hold equal status and governmental positions do not possess the same level of importance and influence, the conflict between the prohibition of serving an unjust ruler and the obligation to enjoin good and forbid evil must be examined in light of the significance and

priority of that ruling. Consequently, at certain times, this may result in a ruling of prohibition, preference, or recommendation for serving the unjust government (ibid., p. 139).

## **5. Revolution as a Transition from the Authority of an Unjust Ruler to the Authority of a Just Ruler**

Maintaining order involves the implementation of methods that, if disrupted, can jeopardize the security of society or the lives of its people. Since Islam aims to organize the social lives of individuals, it prohibits actions that lead to the disintegration of societal order and mandates those activities necessary for preserving the community. In this regard, it has established rules and laws designed to protect society from chaos, disorder, insecurity, and instability. In this context, the protection of life, property, and the maintenance of people's livelihoods, as well as the prevention of any form of chaos, are emphasized in Shiite jurisprudence. Shiite political jurisprudence has established rules aimed at safeguarding the lives and property of individuals; therefore, it prohibits any actions that could lead to the loss of life, cause harm to individuals, or put their assets at risk. The Mīrzā Muḥammad Taqī Shīrāzī emphasized principles such as the protection of life, property, and respect for the actions of believers and the value of their deeds. He believes that the preservation of order must be considered in a way that does not undermine these principles (ibid, pp. 153-154). Although Mīrzā Muḥammad Taqī Shīrāzī addresses the issue of preserving the order in relation to the professions on which people's livelihoods depend, he believes that maintaining the order, based on the logic derived from the hadith in *Tuḥaf al-'uqūl*, is essential for the sustenance and life of the people. Thus, the order encompasses matters such as drinking, food, marriage, contracts, professions, and occupations, which are necessary for the preservation of individuals' lives and what is essential for the continuity of their way of life (Shīrāzī, 1991, vol. 1, p. 1). However, maintaining the order is not limited to individual and social aspects related to people's lives and livelihoods; it can also extend to broader concerns about societal security, such as threats from external enemies at the borders of the Islamic country and the insecurity posed by theft and oppression. Accordingly, based on the principle of maintaining the order, anything that threatens the security of the community and puts the lives and property of people at risk is prohibited. What must be considered regarding the issue of maintaining the order during the time of Mīrzā Muḥammad Taqī Shīrāzī in the context of British dominance over Iraq is that, although maintaining the order is regarded as a fundamental and

overarching principle of jurisprudence, this does not imply that one should refrain from fighting back and placing the lives of believers at risk in the event of foreign invasion or insecurity caused by banditry. Just as the principle of negating the dominance (*nafy al-sabīl*) suggests that a non-believing tyrant does not have authority over the affairs of the Islamic community, it is the responsibility of Muslims to resist this authority—not only by refusing to comply with its commands but also by opposing it. While the change of a governmental system and its officials may lead to short-term disorder and chaos, ultimately, this disruption should lead to the establishment of a desirable political order and result in the stability of society and government. Mīrzā Muḥammad Taqī Shīrāzī, on the one hand, permitted the use of weapons against the British occupiers as a consequence of their violent actions and the suppression of the protesting populace, as well as the arrest of some revolutionary leaders, stating:

It is obligatory for Iraqis to demand their rights, and they must ensure peace and security in their requests. If Britain refuses to accept their demands, it is permissible for them to resort to defensive force. (Āl Far‘awn, 1952, pp. 145-144)<sup>1</sup>

However, while Mīrzā Muḥammad Taqī Shīrāzī called for an uprising against the non-believing tyrants in Baghdad following the killing of a protester by British occupying forces on the 10<sup>th</sup> of Ramadan 1338 AH, corresponding to May 29, 1920, he framed this call as part of the struggle for the establishment of an Islamic government and the independence of Iraq.<sup>2</sup> He continually emphasized the importance of maintaining security, order, and the lives of the people, advising them: "I fear that the order will be disrupted, security will be lost, and the land will descend into chaos. You know that maintaining security is more important than the uprising and, in fact, more obligatory" (‘Abūd, 2017, p. 275). Even when he issues a ruling for armed revolt, he does not neglect the principle of maintaining order: "It is obligatory for Iraqis to demand their rights, and it is essential that peace and security be

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1. Here is a transliteration of the original Arabic statement: “muṭālabat al-ḥuqūq wājiba ‘alā al-‘Irāqīyyīn wa-yajib ‘alayhim fī ḍimn muṭālabātihim ri‘āyat al-silm wa-l-amn, and yajūz lahum al-tawassul bi-l-quwwat al-difā‘iyya idhā imtana‘ al-Inkilīz ‘an qabūl muṭālabātihim” (Āqā Buzurg Tihirānī, 2009, vol. 1, p. 263).

2. “A large group has peacefully participated in the aforementioned demonstrations, prioritizing security and tranquility. Their goal is to demand their legitimate rights, which, God willing, will lead to the establishment of an Islamic government and the independence of Iraq” (Al-Rahīmi, 1380 AH, p. 198).

maintained in the process" (ibid., p. 278). Certainly, one key factor to consider for the success of the Iraqi revolution against the occupiers, which could also preserve Iraqi society from disruption and chaos while preventing fragmentation and discord in the quest for independence, is the approach of unity among Shias and Sunnis, as well as a unifying stance among the tribes. Mīrzā Muḥammad Taqī Shīrāzī, in alignment with the people of Iraq against the occupiers, called for unity and cooperation among different sects and tribes, emphasizing the independence of Iraq and warning against disputes and conflicts. In a message widely distributed in Iraq during Ramadan 1338 AH (May-June 1920), he urged Muslims to unite and avoid any controversies and disagreements:

I warn you against opposing and arguing with one another, for it is detrimental to your objectives and leads to the infringement of your rights. I advise you to protect the life, property, and dignity of all followers of religions and sects in our land (Kātib, 1981, p. 44; Baṣīr, 1924, pp. 98-97).

Another letter from Mīrzā Muḥammad Taqī Shīrāzī in response to a letter from Ja'far Abū al-Taman, a leader of the Iraqi revolution also underscores the unity of the people and the leaders of Iraq in confronting the occupiers:

We are pleased with the unity of the people of Baghdad and the uprising of the scholars, dignitaries, and leaders of that land to demand the legitimate rights of the nation and its sacred objectives (Āqā Buzurg Tihirānī, 2009, vol. 1, p. 263).

## **6. Islamic Government (Authority of a Just Ruler)**

At the height of the Iraqi people's revolution led by religious scholars, Karbala became a center for the revolutionaries. Following the clashes between the revolutionaries and the British occupiers, eighty-four revolutionaries were martyred and one hundred fifty-four were injured. In contrast, the British suffered twenty dead, sixty injured, and three hundred eighteen missing. In solidarity with the revolutionary community of Iraq, the revolutionaries of Karbala launched an attack on the Karbala governorate and seized it. When the authority of the British occupiers was breached and given the absence of Ottoman control over Iraqi territory, revolutionaries and leaders of the movement emphasized that the new country of Iraq must have a political system and order based on Islamic norms. According to the jurisprudential perspectives of Mīrzā Muḥammad Taqī Shīrāzī, society should not undergo

chaos and insecurity due to a lack of government. Therefore, after the liberation of Karbala on the 29<sup>th</sup> of Shawwal, 1338 AH (July 16, 1920), the revolutionaries, recognizing this issue and under the leadership and authority of Mīrzā Muḥammad Taqī Shīrāzī during the 1920 revolution, visited his residence to inquire about the governance of the community in the current situation of the city. Ultimately, considering the conditions and needs of Karbala, it was decided that the city would be governed in a council format with two assemblies: a Scholarly Assembly and a National Assembly. One assembly would be responsible for legislative matters, religious affairs, and adjudication of disputes within the city and among tribes, with its members needing to possess a scholarly approach and consist of the scholars of Karbala. The members of this assembly included individuals such as Sayyid Hibat al-Dīn al-Shahraṣṭānī, Sayyid Abū al-Qāsim al-Kāshānī, Mīrzā Aḥmad al-Khurāsānī, Sayyid Ḥusayn al-Qazwīnī, and Mīrzā ‘Abd al-Ḥusayn al-Shīrāzī (Mīrzā Shīrāzī’s son). Meanwhile, the other assembly (the National Assembly), composed of seventeen members, was responsible for the executive affairs of the city, including taxation, the appointment of military and administrative officials, and ensuring security in Karbala and its surrounding areas. Naturally, considering that managing a city with two councils is practically unfeasible, there needed to be a mechanism to unify decision-making and guide it toward the goals of the revolution. Thus, oversight of these two assemblies was entrusted to Mīrzā Shīrāzī as the Shiite authority and leader of the 1920 revolution (Wiley, 1994, p. 218; Rahimi, 2001, pp. 203-204). Regardless of whether the dual council administrative order could effectively manage the city of Karbala or whether this arrangement aligned with Mīrzā Shīrāzī’s final view or was merely a transitional system toward an ideal order, it is essential to examine his views on the concept of the ideal guardianship and governance of society in terms of jurisprudential teachings. Since the administration of a society may occur either under guardianship and appointment or through delegation by the people, he distinguishes between guardianship (*wilāya*) and agency (*wikāla*), asserting that guardianship is considered a position of authority. The governor, or one who is regarded as such, typically does not require the consent or approval of those over whom he has authority to assume his office. In this type of governance, individuals under the governor's authority accept his guardianship and act accordingly. Naturally, the obligation to adhere to the governor can be understood in the context of acting on behalf of a just ruler or can pertain to acting on behalf of an unjust ruler. In both cases, the

management of affairs assigned to the governor, similar to what is seen in monarchs, does not depend on the opinions, preferences, or permissions of those under his authority. In contrast, in the case of agency, the tasks assigned to an individual under the principle of agency or delegation must be based on the opinions, preferences, and permissions of the people.<sup>1</sup> Mirza Shirazi defines guardianship in two ways: the guardianship of a just ruler and that of an unjust ruler. Naturally, he considers the most definitive examples of guardianship to be those associated with the infallible Imams, asserting that guardianship is among the matters entrusted to the infallible Imams by God.<sup>2</sup> However, under the topic of prohibited transactions and following al-Shaykh al-Anṣārī in his commentary on *al-Makāsib al-muḥarrama*, he does not mention the extension of the infallible Imam's guardianship during the period of the Imam's occultation or its delegation to his representatives (the jurists). Although Mīrzā Shīrāzī does not explicitly discuss the concept of a government in terms of popular sovereignty (under representation or agency) or the government's mandate under the theory of guardianship of the jurist (*wilāyat al-faqīh*) during the era of the Imam's occultation, he does acknowledge the desire of the people of Iraq for a new, independent Arab-Islamic state and their preference for a Muslim monarchy bound by a national consultative assembly. He references this theory in a letter co-signed with Shaykh al-Sharīf al-Iṣfahānī to the President of the United States at the time, describing it as an ideal perspective for the governance of Iraq (Khalili, 2005, p. 125). Furthermore, in his jurisprudential writings, he emphasizes the principle "people have dominance over their property and themselves," highlighting that this principle implies that no action regarding people or their affairs can be taken without their consent.<sup>3</sup> Mīrzā Shīrāzī distinguishes between two elements regarding authority over the community. In certain situations, it may be appropriate to refer to just believers or even unjust believers for governance in the absence of an infallible Imam or a Sharia ruler,

1. "Indeed, guardianship is akin to a position of authority, where the governor or one in a similar role is appointed without the need for the consent or approval of those over whom he governs. Rather, it is incumbent upon them to accept his authority and act according to its requirements, whether in the case of guardianship from a just ruler or in the claim of guardianship from an unjust one" (Shīrāzī, 1991, vol. 1, p. 3).
2. The guardianship itself, assigned by God, is a position for the Imam (Shirazi, 1991, vol. 1, p. 3).
3. "In addition to the necessity of adhering to the principle of "the people have dominance over their property and themselves," its first aspect implies that no one's property should leave their ownership without their will and consent, while the second aspect indicates that nothing should enter their ownership without their consent" (Shīrāzī, 1991, vol. 1, p. 99).

and their actions can be considered valid. However, the validity of their actions does not equate to establishing authority for them; authority is a designation appointed by a competent authority (God and the infallible Imam), which is absent in the case of these individuals. Nevertheless, their actions can be deemed valid and permissible in areas endorsed by religious law and aligned with the greater interests of the community.<sup>1</sup> The form of government endorsed by Mīrzā Shīrāzī is characterized by two main attributes. On one hand, he sought a government that would not be under the domination of infidels and would possess independence. On the other hand, he envisioned a government that could be deemed Islamic. In this regard, he also recognized the fundamental role of the people's satisfaction within this government. These three points are evident from a message delivered by Mīrzā Shīrāzī on the 10<sup>th</sup> of Ramadan 1338 AH (May 29, 1920): "Their goal in this endeavor is to demand their legitimate rights, which, God willing, will lead to the establishment of an Islamic government and the independence of Iraq" (Rahimi, 2001, p. 198).

## 7. Conclusion

The situation in Iraq during the second decade of the twentieth century can be likened to its current state. The conditions in Iraq over the past century, resulting from the First World War, the decline of the Ottoman Empire, British mandate over Iraq, and foreign dominance over Islamic land, sparked a wave of opposition and struggle against British colonialism, ultimately leading to the country's independence and the establishment of a government arising from the will of its people and religious scholars. In contrast, the early years of the twenty-first century in Iraq coincided with the fall of Saddam and the subsequent mandate and occupation by the United States. Therefore, revisiting the experience of the 1920 Iraqi revolution, led by religious scholars, can serve as a model for the people and scholars of Iraq. This can help them assert the end of American occupation based on those same principles, secure their country's independence, and establish an Islamic and indigenous interpretation of governance. It can also ensure the unity of Iraq's sects and tribes by fostering rationality, forming a scholarly council, and entrusting the governance of the country to representatives of the people and religious scholars, thereby guaranteeing the country's prosperity and well-being.

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1. "That the mere validity of an action does not imply authority, as they mentioned regarding the authority of just believers or any believers in the absence of a Sharia ruler" (Shīrāzī, 1991, vol. 1, p. 206).

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