

Comparative Analysis of Political Legitimacy in the Thought of Mirzā-ye Nā'inī and David Beetham: With an Emphasis on the Complementary Role of the People and Legality

Reza Isania¹, Hamid Nikrou²

¹ Assistant Professor, Islamic Sciences and Culture Academy, Qom, Iran. R.eisania@isca.ac.ir

² MA., Baqir al-Olum University, Qom, Iran (**Corresponding author**).
h.nikrou1363@gmail.com



Abstract

The question of political legitimacy in a religious government during the age of occultation (*ghaybat*) has always stood at the intersection of a historical and theoretical tension between "divine rightfulness" (derived from scriptural text and designation) and "popular acceptability" (derived from public consent and allegiance). In the context of the Constitutional Crisis, Mirzā Nā'inī faced the challenge of reconciling the jurisprudential tradition with political modernity. Previous comparative studies in this field have largely contented themselves with superficial and formal comparisons of concepts, while neglecting a precise analysis of the ontological and epistemological distinctions between classical jurisprudential theories and modern theories of political sociology. The central question of this research is whether, by moving beyond reductionism, it is possible to uncover the hidden layers of legitimacy in the political thought of Mirzā Nā'inī using the three-layered theoretical framework of David Beetham. In particular, the concepts of "allegiance" (*bay'a*) and "oversight by the wise" in Shiite political jurisprudence have often been treated as merely legal or ceremonial terms; yet in Nā'inī's reading, these concepts perform a vital function in completing and consolidating legitimacy. What exactly is the role of this popular layer in preventing the transformation of a "guardianship-based" (*wilāya*) government into a "proprietary-domineering" (*tamlikiyya*) one, and how can the modern mechanisms of power limitation be explained without reducing divine foundations to a social contract? The present research aims to move beyond the superficiality of previous comparisons by undertaking a critical and structural analysis of Nā'inī's political thought as articulated in his work *Tanbīh al-Umma* and David Beetham's three-layered model. The ultimate goal is to demonstrate that Nā'inī, with jurisprudential acumen, utilized the capacities of both "sacred law" (sharia) and "constitutional law" to create a

Cite this article: Isania, R. & Nikrou, H. (2026). Comparative Analysis of Political Legitimacy in the Thought of Mirzā-ye Nā'inī and David Beetham: With an Emphasis on the Complementary Role of the People and Legality. *Journal of Islamic Political Studies*, 8(2), pp. 159-180. <https://doi.org/10.22081/jips.2026.80176>

Received: 2025/11/02 ; **Received in revised form:** 2026/01/23 ; **Accepted:** 2026/02/14 ; **Published online:** 2026/07/10

Article type: Research Article

Publisher: Islamic Sciences and Culture Academy

©2026/authors retain the copyright and full publishing rights



"functional equivalence" with modern theories for the purpose of limiting power and preventing despotism, without reducing the ontological foundations of Shiite jurisprudence. A further objective is to redefine "allegiance" not as the origin of legitimacy, but as a "complementary supervisory institution" to address the question of how to guarantee efficiency and justice during the age of occultation. The research method is descriptive-analytical with a comparative-structural approach. Data have been collected through library research, with direct reference to primary sources, including the treatise *Tanbīh al-Umma wa-Tanzīh al-Milla* (edited by Hosseinian) and David Beetham's (1991) principal work, *The Legitimation of Power*. This approach ensures that key concepts such as "guardianship," "proprietary-domineering rule," "general permission" (*idhn 'āmm*), and "expressed consent" are analyzed in their original contexts without distortion through secondary translations. The findings of the research show that although Nā'īnī's mechanisms exhibit structural overlap with Beetham's model (conformity to rules, shared beliefs, and expressed consent), they are ontologically quite distinct. In the first layer, rules in Beetham's model are positivist and worldly in nature, whereas in Nā'īnī's thought the constitution "discloses" (*kashf*) the fixed divine ordinances. In the second layer, shared beliefs in Beetham's view arise from social consensus, whereas Nā'īnī grounds them in "rational good and evil" (*husn wa-qubh 'aqlī*). The most significant finding lies in the third layer: in Beetham's model, popular consent is one of the principal pillars constituting the "origin" of legitimacy; however, in Nā'īnī's intellectual system, popular allegiance and participation are never the "origin of creating rightfulness" but rather merely the "condition of actualization" and the "guardian" of a pre-existing divine legitimacy. In other words, without popular consent and oversight, in Nā'īnī's view the government loses its quality of "guardianship" and degenerates into "proprietary despotism" (*istibdād tamlikī*), becoming practically unworkable. Ultimately, this research demonstrates that Shī'ī political jurisprudence does not need to secularize its foundations or merely adopt Western theories in order to engage with modern political concepts. By carefully distinguishing between the "divine origin of legitimacy" and the "popular process of its consolidation," Nā'īnī offers a model of "hybrid legitimacy." This framework explains how—without reducing religion to a mere social contract, and by elevating "allegiance" from a simple disclosive act to a "complementary supervisory institution"—one can both prevent deviation toward religious despotism and ensure stable political authority during the age of occultation. This achievement opens the way for a reformulation of the relationship between religion and democracy in contemporary Islamic societies and shows that the Shī'ī jurisprudential tradition possesses an internal capacity to reproduce modern concepts of governance without losing its theoretical authenticity.

Keywords

Political Legitimacy, Religious Government, Muḥammad Ḥusayn Nā'īnī, David Beetham, *Tanbīh al-Umma*, Consent.

1. Introduction

The question of legitimacy in political systems is among the most fundamental and challenging issues in contemporary political science and particularly in Shiite political jurisprudence. In the age of the Major Occultation (*ghaybat kubrā*), Islamic government has always stood between the duality of "divine legitimacy" (*mashrū'īyyat ilāhiyya*—derived from scriptural text and designation) and "popular acceptability" (derived from public consent and allegiance). On the one hand, Shiite theological foundations emphasize the divine appointment of the Imam and his deputy (*wilāyat fuqahā*), and on the other hand, social and political realities necessitate that government enjoy public acceptance for the sake of stability and efficiency. The imbalance between these two matters has, throughout the contemporary history of Iran and the Islamic world, led to serious challenges in the sustainability of political systems claiming religious legitimacy. Mīrzā Muḥammad Ḥusayn Nā'inī,¹ a prominent jurist of the Constitutional era, in his enduring work *Tanbīh al-Umma wa-Tanzīh al-Milla*, endeavors through an ijtihad-based reading of Shiite jurisprudence to build a bridge between tradition and political modernity. By distinguishing governments into "wilāyatiyya" (guardianship-based) and "tamlikīyya" (proprietary-domineering), Nā'inī regards intrinsic legitimacy as belonging to a government that operates within the framework of the sacred law (*Sharia*), for the preservation of its foundations and of the Islamic system. However, he considers the practical realization of this legitimacy to be conditional upon popular participation, the oversight of the wise among the community, and the existence of a constitution. Nevertheless, Nā'inī's framework remains formulated within jurisprudential concepts such as allegiance (*bay'a*), consultation (*shūrā*), and general permission (*idhn 'āmm*)—concepts that require conceptual reexamination. On the other hand, David Beetham,² the contemporary political sociologist, in his theory of the "legitimacy of power," critiques both purely normative approaches (such as

1. Famously known as Mīrzā Nā'inī (1276–1355 AH / 1240–1315 SH / 1860–1936 CE), he was a Shiite jurist (*faqīh*), a source of emulation (*marāji'ī taqlīd*), and a scholar of the principles of jurisprudence (*uṣūl al-fiqh*) in the thirteenth and fourteenth centuries AH (nineteenth and twentieth centuries), and was among the scholars who supported the Constitutional Movement (*nahḍat mashrūṭa*).

2. David Beetham (1938–2022) was a social theorist who made extensive contributions to the fields of democracy and human rights (including in his approach to the role of social and economic rights) and was a professor of political science at the University of Leeds.

Weber's¹⁾ and purely descriptive²⁾ ones, and offers a three-layered model of legitimacy that includes: (1) conformity to rules, (2) justifiability in terms of shared beliefs, and (3) expressed consent.

Although classical theories such as those of Max Weber or David Easton³⁾ are better known in Iranian research literature, the dual nature of legitimacy in the thought of Mīrzā Nā'īnī—namely, the combination of religious-legal rightfulness and customary acceptability—does not correspond to purely descriptive or purely normative theories. The central question of this research is whether, by employing David Beetham's analytical framework, it is possible to uncover the hidden layers of legitimacy in Nā'īnī's political thought. In particular, the concept of allegiance in Shiite political jurisprudence has often been treated as a merely elementary legal term, whereas in the reading of the late Nā'īnī, allegiance and popular participation perform a vital function in the "completion" and "consolidation" of legitimacy. Now one must ask whether "allegiance" can be considered equivalent to "expressed consent" in Beetham's theory, and if so, how a deficiency in any of Beetham's three layers could lead, from Nā'īnī's perspective, to the regression of a guardianship-based government into proprietary despotism.

In this research, three hypotheses can be envisaged:

1) Distinction between origin and process: It appears that although the "origin of legitimacy" in Nā'īnī's thought (divine permission and general designation) differs from David Beetham's theory (positive laws and social custom), in the "structure of realization and continuity" of political power, there exists a meaningful functional overlap between the two.

2) The complementary role of allegiance: The concept of "allegiance and popular consent" in the view of the late Nā'īnī is not a secondary criterion but rather a condition for the "actualization" and "completion" of intrinsic legitimacy.

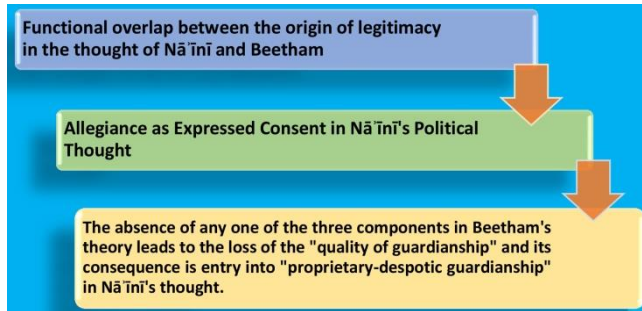
3) The consequence of deficiency in acceptability: The absence of any of the components (conformity to rules, shared beliefs, popular consent) in the reading of the late Nā'īnī leads to the decline of the quality of "guardianship"

1. Max Weber (1864–1920), the prominent German sociologist. Weber's bibliography includes: *Economy and Society*, *Basic Concepts of Sociology*, and *The Protestant Ethic and the Spirit of Capitalism*.

2. An approach that is also referred to as "positivism" or the "explanatory approach," the focus of which is on the objective analysis of facts without intervention in values or subjective interpretations.

3. David Easton (1917–2014), a Canadian political theorist and political scientist.

and the regression of government to the nature of "proprietary despotism." Thus, legitimacy in the age of occultation is a hybrid (divine-popular) process.



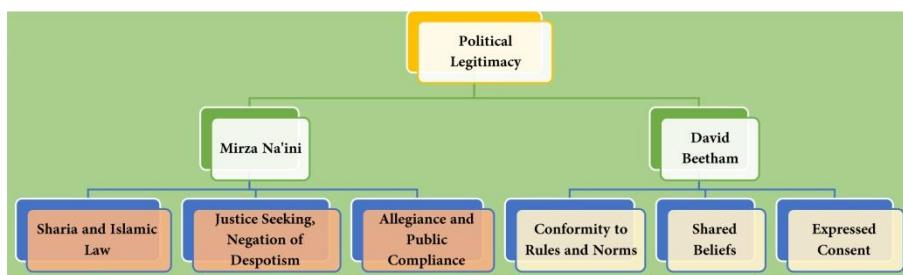
Conceivable Hypotheses

2. Conceptual Foundations and the Theoretical Framework

The theoretical framework of this research is derived from David Beetham's three-layered theory of legitimacy as presented in his book *The Legitimation of Power*. Beetham, moving beyond the traditional dichotomy of the "normative approach"—such as Weber's—and the "purely descriptive approach," offers a hybrid model of legitimacy. In his view, legitimacy is realized when three conditions are simultaneously met. Conformity to Rules: The first and most fundamental condition of legitimacy from Beetham's perspective is that power must be acquired and exercised in accordance with pre-established rules. These rules may be written (such as a constitution or ordinary laws) or unwritten (such as traditions, established political customs, or institutional procedures). Beetham emphasizes that without such conformity, power merely represents force or domination and will lack any legal or institutional justification. Thus, legitimacy at this layer requires regularity in both the acquisition and the exercise of power (Beetham, 1991, pp. 65–73). Legality: The first and most fundamental condition of legitimacy from Beetham's perspective is that power must be acquired and exercised in accordance with pre-established rules. These rules may be written (such as a constitution or ordinary laws) or unwritten (such as traditions, established political customs, or institutional procedures). Beetham emphasizes that without such conformity, power merely represents force or domination and will lack any legal or institutional justification. Thus, legitimacy at this layer requires regularity in both the acquisition and the exercise of power (Beetham, 1991, pp. 65–73).

Justifiability of Shared Beliefs: Beetham states that the mere existence of a law or rule is not, in itself, a source of legitimacy (since laws can be unjust or

despotic). Therefore, a second layer is necessary: the governing rules must be normatively defensible. This means that the laws and the structure of power must be compatible with the fundamental values, beliefs, and norms shared between rulers and subjects (such as justice, equality, or the preservation of human dignity). Legitimacy is strengthened when subjects can justify the rules governing them not merely as an imposed reality, but as something that is morally and valuationally "right" and "fair" (Beetham, 1991, pp. 74–83). Expressed Consent: Finally, Beetham argues that legitimacy requires objective and behavioral evidence from subjects. Subjective belief alone is not sufficient; consent must be expressed through specific actions. This expression of consent can take the form of active participation (such as voting in elections, allegiance, or participation in civil institutions) or even, under certain conditions, appear as non-resistance and voluntary obedience to the rules. However, Beetham specifies that active and overt consent is the strongest form of consolidating legitimacy, and its absence—even if the previous two layers are present—exposes the political system to a crisis of legitimacy (Beetham, 1991, pp. 84–95). In this model, legitimacy is not a static condition; rather, it enables the distinction between the "origin of power" and the "process of consolidating power."



The logic underlying this framework is "complementary" in nature, meaning that it is assumed that in the thought of 'Allāmah Nā'īnī, divine legitimacy is a prerequisite and foundation, but without the third layer (the people/allegiance), this legitimacy does not reach the stage of "political reality." Thus, the theoretical framework of this research demonstrates how a deficiency in any of Beetham's three layers can, from the perspective of the late Nā'īnī, lead to the decline of the quality of "guardianship" and a regression to "proprietary despotism."

A review of previous research and literature shows that numerous studies have been conducted under three general categories, and they can be classified as follows:

◆ **a)** Studies focused on the political thought of Mīrzā Nā'īnī, in which the greater part of the existing sources have addressed the historical and jurisprudential exposition of the book *Tanbīh al-Ummah wa-Tanzīh al-Milla*.

1) Feirahi, in his book *Fiqh and Politics in Contemporary Iran* (2016), introduces Nā'īnī as one who transitioned Shiite jurisprudence from the state of "jurisprudence of the Imam" to "jurisprudence of the system," and emphasizes the role of Mīrzā Nā'īnī in conferring legitimacy upon the Constitutional movement. He has also addressed the question of legitimacy and the views of Mīrzā Nā'īnī and his book *Tanbīh al-Umma* in his other works.¹

2) Heidari Behnouiye, in his book *The Political Thought of Ayatollah Mīrzā Muḥammad Ḥusayn Nā'īnī* (2007), examines the views and opinions of this prominent jurist in the Constitutional era and undertakes a re-reading of the political thought of the late Nā'īnī with reference to his treatise.

3) Hossein Abadian, in *The Crisis of Legitimacy in Iran* (1995) and *Old Concepts and New Thought* (2013), has analyzed the internal contradictions in Nā'īnī's thought and his attempt to reconcile guardianship of the jurist (*wilāyat al-faqīh*) with popular sovereignty (democracy).

4) Mohsen Kadivar, in numerous articles, has characterized the late Nā'īnī's reading of guardianship of the jurist as "proxy-based" (*vikālatī*) or "representative" (*niyābatī*), and has emphasized the supervisory role of the people in his thought.

5) Seyed Javad Varaei, in his book *A Study of Nā'īnī's Political Thought* (2003), has examined Nā'īnī's thought and, according to his own statement, seeks to emphasize the unambiguous points of Nā'īnī's views and refer the ambiguous ones back to the unambiguous.

◆ **b)** Studies related to theories of political legitimacy (with emphasis on Beetham's theory).

David Beetham has put forward his three-layered theory in the book *The Legitimation of Power* (translated into Persian by Dr. Mohammad Abedi Ardakani, published by Yazd University Press). In Iran, research has been conducted (by Hosseinizadeh²) on the general outlines of Beetham's theory,

1. Knowledge, Power, and Legitimacy in Islam; The History of the Evolution of the State in Islam; The Political System and the State in Islam; Fiqh and Politics in Contemporary Iran: Political Jurisprudence and Constitutional Jurisprudence (Volume One).

2. Multi-Layered Legitimacy: A Reflection on the Foundations of Legitimacy of the Political System in the Life and Discourse of Imām 'Alī (upon him be peace), *Quarterly Journal of Political Science*, Issue 17 / Number 68 / Winter 1393 (2014–2015).

but within the framework of the life and practice (*sīra*) of Imām 'Alī (upon him be peace).

Abdolhossein Nikgohar¹ and Mohammad Amin Ghaneirad² have addressed the application of theories of legitimacy in Iran in their works, but their main focus has been on the post-Islamic Revolution periods.

This category of research has provided the analytical tool (Beetham's model), but has not applied it to classical texts of Shiite political jurisprudence (such as the treatise *Tanbīh al-Umma*).

◆ c) Comparative studies (political jurisprudence and modern theories)

Seyed Sadegh Haghighat, *The Foundations of Political Thought in Islam* (2010); Seyed Abdollah Mirghiasi, *The Foundations of the Legitimacy of Political Power in Islamic Political Thought* (2012); and Mohammad Hasan Roozbeh, *The Foundations of Legitimacy in the Islamic Political System* (2006).

Given the above three classifications, it can be said that few studies have demonstrated how a deficiency in any layer of legitimacy (for example, a deficiency in popular consent), from the perspective of Nā'īnī himself, leads to a transformation in the nature of government from "guardianship-based" to "proprietary-domineering." In most interpretations of Mīrzā Nā'īnī's thought, the role of the people has been viewed either as the "complete origin of legitimacy" (a secular reading) or merely as "that which discloses the Imam's consent" (a traditional reading). Thus, the gap regarding the role of the people as "complement and actualizer"—neither as origin nor merely as discloser—has not been carefully analyzed.

3. Research Method

The goal of the present research is "fundamental-theoretical"; it therefore seeks innovative inquiry in the field of political jurisprudence and contemporary political theories, rather than solving an immediate practical problem. In terms of nature and method, it is "descriptive-analytical," as it first provides a precise description of the components of legitimacy in the thought of Mīrzā Nā'īnī and David Beetham's theory, and then proceeds to analyze the

1. *Fundamentals of Sociology*, Tootia Publications, 2008.

2. *The Sociology of the Rise and Decline of Science in Iran*. Tehran: National Scientific Policy Center, 2005; *The Genealogy of Modern Rationality (A Postmodern Reading of Ali Shariati's Thought)*. Edited by Bijan Abdolkarimi. Tehran: Intishārāt-i Naqd-i Farhang, 2002. And others.

relationship between them.

The data collection method is "library-based." The sources used are divided into two categories:

a) Primary sources:

the text of the book *Tanbīh al-Umma wa-Tanzīh al-Milla* (critically edited versions), and David Beetham's principal work (*The Legitimation of Power*).

b) Secondary sources:

books and scholarly-research articles related to the political thought of Mīrzā Nā'inī, legitimacy in the Islamic political system, and contemporary political theory texts.

4. Conceptual and Theoretical Foundations of Political Legitimacy

First, we must define concepts such as "legitimacy" and "religious government." Then, after a brief review of earlier theories of legitimacy, we will provide a detailed exposition of "David Beetham's three-layered theory" as the main analytical framework of this research.

Legitimacy: In theoretical political literature, "legitimacy" is a concept that explains the relationship between "power" and "right" (Vincent, 1992, p. 67). Abdolhamid Abolhamd also defines legitimacy as a belief on the basis of which the right to command is realized for leaders and the duty to obey is realized for citizens (Abolhamad, 1974, p. 245). Any power may exist, but not every power is necessarily legitimate. Legitimacy in political science theories has two distinct dimensions:

1) Normative: It refers to "rightfulness" and the "moral or religious permissibility" of exercising power. In this sense, a government is legitimate when it acts in accordance with higher standards (such as sacred law/Sharia or justice). This is the same meaning that in Islamic jurisprudence is known as "intrinsic legitimacy." This dimension addresses what ought to be and values, and has its roots in moral philosophy, theology, and jurisprudence.

2) Sociological: It refers to "acceptability" and "the people's belief in the rightfulness of the government." In this sense, a government is legitimate when the people accept it and obey it, regardless of whether it is morally right or not. This dimension addresses what is and objective realities, and has its roots in political sociology.

Table: Distinction of Legitimacy from Other Synonymous Concepts

Concept	Difference from Legitimacy
Acceptability	May lack normative justification
Efficiency	Relates to function, not rightfulness
Authority	Is the capacity to exercise power, not necessarily its being legitimate
Consent	Is only one dimension of legitimacy

Religious Government: Government has numerous definitions. According to one definition, government is the set of institutions that, in a defined interconnection and relationship with one another, exercise sovereignty within a specific territory over the human community residing therein. At times, government is also defined as the coherent and organized political power that makes decisions and issues commands and prohibitions in various social affairs (Vaezi, 2007, pp. 31–32). By "religious government" is meant a government that derives its goals, resources, and limitations from Sharia, but due to the inaccessibility of the Infallible Imam, its administration is entrusted to jurists or the people's representatives. According to this definition, religious government seeks to establish a "religious society"; that is, it aims to shape all social relations—whether cultural, economic, political, or military—on the basis of religious teachings (ibid., pp. 28–32). In Shiite political thought, sovereignty in its primary and original sense belongs to the Infallible Imam. With the beginning of the Major Occultation (*ghaybat kubrā*), a fundamental question arises: in the absence of the Infallible Imam (upon him be peace), what is the status of the political power structure? Is every government illegitimate? Or is it possible to formulate a type of "legitimate government to the extent possible"?

Nā'īnī thinks precisely within the context of this crisis. In his treatise *Tanbīh al-Umma wa-Tanzīh al-Milla*, Nā'īnī divides governments into two main types:

- **Proprietary-Domineering (Despotic):** Based on the personal will of the sovereign, lacking legal limitation, founded on despotism, and involving disposal over public affairs without oversight. The late Nā'īnī calls this type of government "the enslavement of the nation's subjects" (Nā'īnī, 2006, p. 67).

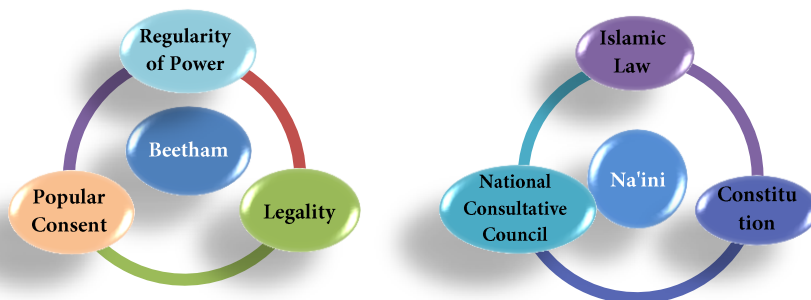
- **Guardianship-Based (Limited and Law-Governed):** In this type of rule/government, power is bound by law and public oversight. Accountability and the distinction between the ruler and personal ownership are among the requirements of this type of government in Nā'īnī's thought. Here, Nā'īnī places constitutional government (*mashrūṭa*) under the category of "wilātiyya"

(guardianship-based) (ibid., p. 71).

In Nā'īnī's view, the realization of the truth of sovereignty/rule in the first instance is possible through "divine appointment," because if the truth of sovereignty is "guardianship," then God is the Guardian/*Walī bi al-dhāt* (by essence). Thus, only one who is placed in such a position by the Exalted God can have a share and portion of this guardianship, and no one other than God can bestow "guardianship" (Varaei, 2003, p. 39).

In this view, the realization of the truth of sovereignty and government (guardianship) is impossible without the bestowal of the true possessor of guardianship. For this reason, those who have interpreted the term "trust" (*amānat*) in Nā'īnī's writings as a kind of "contract between the people and the government" have erred; in his political thought, the truth of sovereignty is by divine appointment (*naṣb ilāhī*), and this government is a divine trust, not a popular one (ibid., p. 39).

He considers constitutional government not as the ideal government, but rather as "the nearest means to reducing oppression" (Nā'īnī, 2006, p. 78). On this basis, a very important point that exists in Nā'īnī's theory is the theory of "the possible legitimate government."



**The Mechanism of Legitimacy of Power in the Thought
of the Late Nā'īnī and David Beetham**

- Political Legitimacy in Nā'īnī's Thought with Emphasis on (*Tanbīh al-Umma*)

Legitimacy refers to "rightfulness" and consists of the rational justification of the exercise of government by the ruler. In other words, legitimacy is a feature of the governmental system by virtue of which the ruler considers his governance to be correct and the people regard obedience to the government as their duty (Vaezi, 2007, p. 38). Legitimacy provides an answer to the questions of why certain people have the right to govern and others are

obligated to obey them, and what characteristics and qualifications the ruler must possess for his command to be binding. These questions indicate that in every society, on the basis of the prevalent beliefs in that society, only certain people are qualified to rule; and if they enact a law or issue commands and prohibitions, it is due to a right they possess, and the obedience of the nation is likewise due to their belief in the qualification and authority of those persons to exercise governance (Babapour Golafshani, 2014, p. 52). Nāʾīnī thought within the context of the Constitutional crisis—a time when despotism in the Qajar era, under the designation "proprietary-domineering," stood opposed by constitutionalism with its slogan of "limitation of power." He redefined concepts such as the "consultative assembly" (*majlis-i shūrā*), "constitution," and "oversight" not as imported modern concepts, but within the framework of Shīʿī jurisprudence and by employing such capacities as "consultation," "allegiance," "oversight by the wise of the community," and "general permission" (Nāʾīnī, 2006, pp. 67–83).

According to Nāʾīnī, legitimacy has two dimensions: an intrinsic dimension, which derives from divine permission and the general designation of the jurists, and a dimension of realization and actualization, which is contingent upon popular acceptance and allegiance. In other words, the "rightfulness" of government belongs to the sacred law, but "political legitimacy" in practice is realized when this rightfulness is accompanied by popular acceptability. Thus, allegiance is not the origin of legitimacy, but rather the criterion for its realization and continuity in the political arena. This distinction is also seen in Beetham's theory, where popular consent (the third layer) is regarded not as the origin of lawfulness, but as a condition for the completion of legitimacy (Nāʾīnī, 2006, pp. 42–43). Nāʾīnī considers the intrinsic legitimacy of government to be conditional upon adherence to "Islamic sacred law" (Sharia) and the "constitution," and deems any domination without the permission of the sacred law to be null and void. He writes: "After the inclusion of all aspects (systematic and legal character) within the aforementioned limitation, and after the exhaustive consideration of all the necessary universal interests, no condition other than non-contravention of the laws of the sacred law shall be valid" (Nāʾīnī, 2006, p. 74). The center of gravity and the point of completion of legitimacy occurs in the third layer, namely "expressed consent," which in Beetham's thought—without it—power is reduced to sheer force. Nāʾīnī, with equal precision, translates the traditional concept of "allegiance" into a modern mechanism called "election of representatives" and "public oversight," and emphasizes that "the assembly

(parliament) is the place where the people's representatives gather for the purpose of limiting the monarchy" (ibid., p. 74). Nā'īnī, by warning against the transformation of a guardianship-based government into a proprietary-domineering one in the absence of popular oversight—whether directly or through the representation and deputyship of representatives—demonstrates that popular consent and participation are the missing link that actualizes divine legitimacy in the political realm. Thus, in Nā'īnī's thought, allegiance and popular acceptability are not the primary origin of rightfulness, but rather the completing condition and guarantor of the continuity of political legitimacy in the age of occultation of the Imam.

The distinction between legitimacy and illegitimacy can be identified in Beetham's layer of "shared beliefs." The shared belief in Islamic society is that power is a trust. Any ruler who acts contrary to this belief loses his legitimacy.

Nā'īnī emphasizes that the government must be the executor of divine ordinances, and the entire structure of power must operate within the framework of the sacred law's rulings. He writes: "The purpose of establishing government is the preservation of the Islamic entity and the implementation of the sacred law's rulings" (Nā'īnī, 2006, p. 61). Thus, if the ruler issues a ruling contrary to the sacred law, or if his policies are contrary to the laws of Islam, he exits the sphere of "guardianship" and enters the sphere of "despotism." This signifies a deficiency in the first layer of legitimacy.

1. Positive Laws (the Constitution)

What can be counted as an innovation in Nā'īnī's treatise compared to his predecessors becomes evident here. In order to prevent despotism, he considers the existence of a "constitution" to be obligatory.

"[A constitution] is an orderly and codified [legal] framework that, with the aforementioned limitation, distinguishes the necessary universal interests from those matters in which intervention and transgression are not permissible; that is fully sufficient; and that formally includes, in accordance with the requirements of the religion, the manner of carrying out those duties, the degree of the sovereign's authority, the liberty of the nation, and the recognition of all the rights of the classes of the people of the country" (ibid., p. 73). Nā'īnī regards the restriction of the ruler's power by law as a "collective obligation" (*wājib kifā'ī*) and even, in some cases, an "individual obligation" (*wājib 'aynī*), in order to prevent the transformation of a guardianship-based government into a proprietary-domineering one (ibid., p. 75). Here, Nā'īnī precisely echoes and agrees with Beetham that power must be "bound by rules." But Nā'īnī goes one step further and says that these rules should not

merely be derived from Sharia, but must be codified in the form of a "written pact" (the constitution) so that they can be cited and relied upon. Thus, when the constitution encompasses all the necessary universal interests and possesses the capacity to limit political power, it acquires the necessary conditions for legitimacy.

2. The Second Layer of Legitimacy: Justifiability in Terms of Shared Beliefs

Beetham emphasizes that the mere existence of law is not sufficient; rules must be compatible with the fundamental values of society. He maintains that rules must be consistent with the beliefs of society. In Nā'īnī's thought, the fundamental beliefs of Islamic society are the implementation of "justice" and the "negation of despotism." Nā'īnī writes: "Despotism is forbidden (*ḥarām*) in Islam, and the people have no right to submit to despotism" (ibid., p. 83). This statement shows that the "shared belief" of the Islamic community is the negation of despotism. Therefore, a government that is despotic—even if it bears an Islamic name—contradicts the shared beliefs (Beetham's second layer) and lacks legitimacy. To determine whether a government conforms to shared beliefs, Nā'īnī refers to the "wise of the community." He writes: "The discernment of the common interests and their application in accordance with the sacred law are the responsibility of the wise of the people." An examination and formulation of this layer demonstrate that legitimacy in Nā'īnī's thought is not an individual matter (between the ruler and God), but rather a social matter that must be measured against the standard of public beliefs (by the wise of the community).

- The Third Layer of Legitimacy: Expressed Consent (Allegiance and Participation)

Although Nā'īnī does not use the new and modern term "elections," it can be argued that he views allegiance as a traditional vessel into which a modern content (the right of oversight and choice) has been poured. He considers the concept of "representation" as a mechanism for limiting the ruler. He writes: "The assembly is the place where the representatives of the community gather for the purpose of binding power and overseeing its execution." It can be said that the election of representatives in Nā'īnī's thought is, in terms of political function, equivalent to expressed consent in Beetham's theory, although the two are not identical in terms of foundation and legal form. Beetham writes on this matter: "Consent must be expressed through public actions such as voting or acclamation."

**Table 1. The Model of Legitimacy in Nā'īnī's Thought
Based on Beetham's Framework**

Dimension of Legitimacy	In Nā'īnī's Thought
Lawfulness / Conformity to Rules	Binding power to sacred law and the constitution
Normative Justification	Justice, negation of oppression, prohibition of despotism
Consent	Popular participation and oversight by the wise

4. Comparative Analysis

a) Fundamental Distinctions and the Transition from Formal Comparison to Functional Analysis

Although at first glance the components of Beetham's model (lawfulness, shared belief, consent) appear to overlap superficially with the mechanisms of Nā'īnī's thought (sacred law, justice, allegiance), a deeper examination reveals clear ontological and epistemological distinctions that prevent a one-to-one correspondence or functional homology between the two theories. These distinctions can be explained along three axes:

1. The Origin of Rules (Legal Positivism versus Divine Normativism):

In Beetham's theory, rules (the first layer) are the product of social contract, custom, or human legislative enactment; they are entirely worldly, positivist in nature, and subject to change according to the will of society. In Nā'īnī's thought, however, the rules governing power are rooted in the "sacred law" and divine ordinances, which have a revelatory and fixed origin. Thus, the constitution in Nā'īnī's view is not a source of law-making but rather a "discloser" of pre-existing Sharia-based limitations.

2. The Nature and Status of Consent (Origin of Legitimacy versus Condition of Actualization): In Beetham's model, "expressed consent" (the third layer), together with the other two layers, can serve as one of the principal sources of legitimizing a political system (even a secular one). In Nā'īnī's thought, however, consent, allegiance, or the election of representatives can never serve as the "origin" or "creator" of the government's rightfulness. Popular consent here is merely the "condition of actualization" of a pre-existing divine legitimacy. In other words, without popular consent, the government does not become "illegitimate" (in the sense of losing its intrinsic rightfulness), but rather becomes "unenforceable" and degenerates into proprietary despotism.

3. The Foundations of Shared Beliefs (Social Contract versus Rational and Sharia-based Good and Evil): Shared beliefs in Beetham's model arise from consensus and the changing values of society. But Nā'īnī regards the

"shared belief" of the Islamic community—such as the negation of despotism and the demand for justice—not merely as a social custom, but as rooted in "rational good and evil" (*husn wa qubh-i 'aqlī*) and in definitive Sharia rulings, which the ruler is obliged to observe regardless of whether the people demand them or not.

Thus, the claim of the present research is not that "sacred law" in Nā'īnī's thought is exactly equivalent to "positive rules" in Beetham's, nor that allegiance is identical to expressed consent in a secular system. Rather, the claim is that Nā'īnī, with jurisprudential acumen, employed the capacities of "sacred law" and the "constitution" to create a "functional homology" with modern theories. The common function of both theories is the "limitation of power and the prevention of proprietary despotism," even though their ontological foundations (transcendent versus worldly) remain entirely distinct.

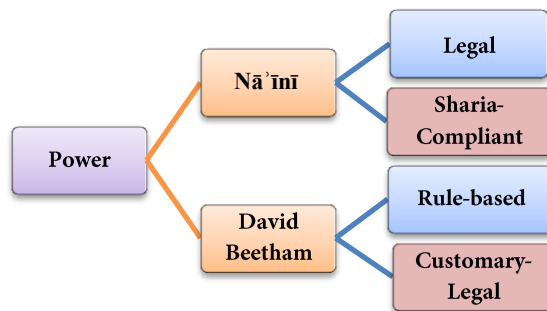
b) Functional Overlaps (Commonalities)

1. First Layer: Conformity to Rules (Legality of Power)

In this layer, the overlap between Nā'īnī's view and Beetham's regarding the conformity of law with established rules and norms among custom is quite striking, although the origin of the rules differs. Beetham makes legitimacy conditional upon power being acquired and exercised in accordance with pre-established rules. Nā'īnī likewise labels any power outside this framework as "despotism." Beetham states: "Power is legitimate only when it is obtained and exercised in accordance with established rules." Thus, in Beetham's view, legitimacy depends on the regularity of power, not merely on its effectiveness or acceptability. Therefore, both the acquisition of power and its exercise must conform to rules. In Beetham's view, established rules can include the constitution, electoral laws, political customs, and legal procedures. Thus, legitimacy derives from "lawfulness" (*qānūnmindī*), not from force, not from success, and not even from momentary consent. Beetham emphasizes that this is only the first level of legitimacy. Therefore, if power is acquired through usurpation, it lacks legitimacy. The duality between "government" and "domination" lies precisely in this regularity, because power that is acquired outside pre-established mechanisms—such as the constitution or legal procedures—will lack legitimacy at the first level, even if it later gains social acceptability. Thus, lawfulness is a necessary condition for legitimacy; a condition that, by restraining the personal will of the ruler, ensures political predictability and enables the institutional limitation of power, even though it is not sufficient on its own for the full realization of legitimacy. In Nā'īnī's

political thought, the first condition for the legitimacy of power is its being bound by the sacred law and its departure from the state of the sovereign's personal will. Nā'īnī calls despotic and arbitrary government "proprietary-domineering," because in it the sovereign considers himself the owner of the nation's subjects and disposes over public affairs in an unrestricted manner (Nā'īnī, 2006, pp. 67–70).

In contrast, a legitimate government in the age of occultation is a "guardianship-based" government bound by law; meaning that intervention in public and necessary affairs must be carried out in accordance with Sharia criteria and specific rules established in the sacred law, and must be separated from the personal authority of the ruler (*ibid.*, pp. 71–73). Nā'īnī, by defending the constitution and the National Consultative Assembly, introduces these mechanisms as instruments for limiting power and preventing the return of despotism, and explicitly states that legislation within the framework of the sacred law and the oversight of jurists is the condition for power to exit its usurpative form and draw closer to the rank of legitimacy (*ibid.*, pp. 74–76). Thus, just as in Beetham's theory lawfulness is the first condition of legitimacy, in Nā'īnī's thought political legitimacy also begins with the "regularity" of power; with the difference that the valid rule here, in addition to legal mechanisms, is rooted in Sharia criteria. Examining the thought of both thinkers reveals the difference in their views: for Beetham, rules can be merely customary or legal, but for Nā'īnī, rules must be aligned with the "sacred law." Nevertheless, in terms of function, both thinkers regard power without legal rules as illegitimate.



2. Second Layer: Justifiability in Terms of Shared Beliefs

In this layer, Nā'īnī and Beetham agree on the role of culture and values in consolidating power. Beetham maintains that rules must be justifiable to the people. "Rules must be justifiable by reference to the shared beliefs and values of society" (Beetham, 1991, p. 11). Beetham explicitly states that the

lawfulness of power alone is not sufficient for legitimacy; rather, the rules governing the distribution and exercise of power must also be normatively "justifiable." "Legitimacy is realized when political rules are compatible with the 'shared beliefs' of society concerning the source of right, justice, and authority" (ibid., pp. 15–19). Beetham's understanding of shared beliefs is not merely social habit or unquestioning consent, but rather a set of value norms by which members of society evaluate the rightfulness of a political order. Thus, if a power operates completely in accordance with the law, but that law is incompatible with the values and beliefs of society—such as justice, equality, or the rule of law—it will face a crisis of legitimacy at the second level (ibid., pp. 69–74). Therefore, in Beetham's view, legitimacy is not merely obedience, but rather the rational and value-based acceptance of the political order. Nā'īnī also regards the "negation of despotism" and "justice" as the shared belief of the Islamic community. He writes: "Despotism is contrary to justice, and Islam commands justice and forbids oppression" (Nā'īnī, 2006, p. 76). In Nā'īnī's political thought, a similar normative structure exists, but on a divine-Sharia basis. Nā'īnī rejects the existence of despotism not only due to the absence of law, but also because it stands in opposition to principles such as justice and divine unity in sovereignty. He considers the proprietary-domineering government to be "incompatible with the very foundation of servitude" and regards it as a form of polytheism (*shirk*) in political lordship, because it substitutes the personal will of the sovereign for divine criteria (Nā'īnī, 2006, pp. 84–86).

In contrast, a bound government possesses legitimacy only when it is compatible with principles such as justice, the removal of oppression, the preservation of universal interests, and the prohibition of enslavement (ibid., pp. 71–73). From his perspective, even the constitution and the consultative assembly are legitimate only if they operate within the framework of the sacred law and in the direction of realizing justice (ibid., p. 139). Nā'īnī regards religious beliefs as a subset of rational beliefs (rational good and evil). Thus, when Beetham speaks of "shared beliefs," Nā'īnī constitutes them through "the principles of Islam and customary rationality." The common agreement between the two is that they regard power that conflicts with public beliefs as unstable. Although the origin of legitimizing beliefs is social in Beetham's view and divine-Sharia in Nā'īnī's thought, their normative function is shared, because in the view of both, political rules must be compatible with a system of fundamental values that are accepted and in harmony, in order for legitimacy to be consolidated.

3. Third Layer: Expressed Consent (Allegiance and Participation)

Beetham regards consent as the condition that distinguishes "authority" from "force": "Without expressed consent, power relations are based on coercion, not authority" (Beetham, 1991, p. 15). Legitimacy is not limited merely to lawfulness and normative justification; it must also be demonstrated in the form of "expressed consent." Beetham explicitly states that "consent must manifest itself objectively and observably in political behavior, rather than being merely assumed" (ibid., pp. 18–23). In Beetham's view, elections, political participation, or even voluntary compliance with political rules are evidence of this consent. Legitimacy is completed when a connection is established between the rules of power and the practical acceptance of the subjects. Otherwise, even an order that is legal and value-based will be exposed to a crisis of legitimacy (ibid., pp. 91–97). Thus, consent in Beetham's view is not a subjective feeling, but rather a social reaction that guarantees the continuity of the political order. Nā'īnī also regards "allegiance" and the "election of representatives" as the condition for the actualization of government: "The implementation of rulings and the effectiveness of directives are contingent upon the consent of the community and the participation of the entire nation in the general affairs of the country, through consultation with the wise of the community, which is this very National Assembly" (Nā'īnī, 2006, p. 117), even though it is formulated within the framework of Shiite jurisprudence. By negating the "enslavement of the nation's subjects," Nā'īnī regards public participation as a condition for limiting power and introduces the consultative assembly as the manifestation of the collective will (ibid., p. 118). He considers the nation's oversight of government officials not as something gratuitous, but rather as required by both sacred law and reason, and analyzes it under the principle of enjoining the good and forbidding the evil (ibid., pp. 105–107). Thus, the principle of consent in Nā'īnī's thought does not mean unquestioning obedience, but rather manifests itself in the form of participation in oversight, the election of representatives, and the demand for justice.

The summary of this section shows that the similarity between the theory of legitimacy in Nā'īnī's thought and David Beetham's three-layered model is not merely a sharing of concepts, but rather indicates a kind of functional overlap.

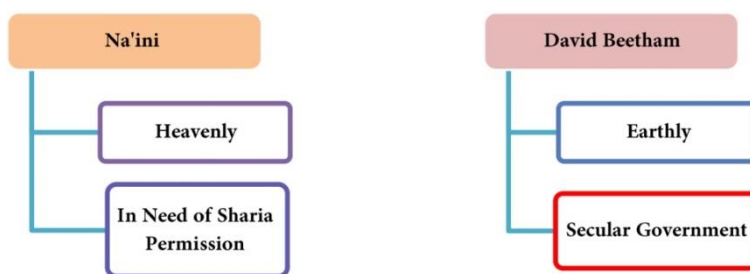
In the first layer, both thinkers make legitimacy conditional upon the rule-governedness of power. Beetham emphasizes the conformity of power with established institutional rules, while Nā'īnī emphasizes the binding of power to the sacred law and the constitution, and its removal from the personal will

of the sovereign. In both frameworks, power lacking clear rules is considered illegitimate domination.

In the second layer, both theories emphasize the necessity for the rules of power to be accompanied by shared and normative beliefs. In Beetham's view, rules must be compatible with society's shared beliefs about justice and right. Likewise, in Nā'īnī's thought, rules must be consistent with Sharia principles such as justice, the negation of oppression, and the prohibition of enslavement. Although the origin of these values differs (social versus divine), their function in the structure of legitimacy is identical.

In the third layer, both theories emphasize the necessity for the objective manifestation of legitimacy in the form of consent and public acceptance. In Beetham's view, consent is measured through political participation and institutional mechanisms; in Nā'īnī's thought, this consent is realized in the form of the consultative assembly, public oversight, and the ruler's accountability. Thus, legitimacy without social accompaniment and popular acceptance will be incomplete and unstable.

The similarity between the theory of legitimacy in Nā'īnī's thought and Beetham's three-layered model is a structural and functional one. This correspondence shows that Nā'īnī's political thought has the capacity to be re-read in alignment with modern theories of legitimacy, without requiring external concepts or the reduction of religious foundations. As for divergence in the two theories, attention should be paid to this fundamental principle: Beetham regards legitimacy as entirely "worldly," whereas Nā'īnī sees it as "transcendent." This difference means that in Beetham's theory, if the people are satisfied, even a secular government is legitimate, but in Nā'īnī's view, popular consent alone is not sufficient for legitimacy, and "Sharia permission" must also exist. Therefore, in cases where popular consent (Beetham's third layer) conflicts with a Sharia ruling (Nā'īnī's first layer), priority in Nā'īnī's view lies with the sacred law, whereas Beetham gives priority to consent.



Origin of Legitimacy

5. Conclusion

A comparative examination of Nā'īnī's political thought and David Beetham's theory of legitimacy shows that despite fundamental differences in the foundations of legitimacy (divine-jurisprudential legitimacy versus customary-contractual legitimacy), there exists a deep convergence at the functional layers of the two theories with regard to the limitation of power. Both Nā'īnī and Beetham make political power conditional upon adherence to rules that are aligned with justice-seeking beliefs and the shared norms of society. The findings of this research have made clear that legitimacy in Nā'īnī's thought is not a one-dimensional concept, but rather has a hybrid nature—where divine rightfulness, as the intrinsic foundation, is transformed into stable political authority through customary mechanisms (such as allegiance, consultation, and public oversight). The fundamental difference in dealing with the conflict between consent and the sacred law also indicates that Nā'īnī sees the sacred law as a fundamental *a priori* rule that delineates the framework of democratic legitimacy within the Islamic tradition. Ultimately, this comparison demonstrates that Nā'īnī's thought, by drawing upon the capacities of *ijtihād*, is not only not alien to modern concepts of oversight over power, but can also offer an indigenous and rich model for explaining the mechanisms of governance within the context of Islamic teachings.

References

- Abadian, H. (1995). *The crisis of legitimacy in Iran*. Tehran: Institute for the Studies of Contemporary Iranian History. [In Persian]
- Abolhamd, A. (1974). *Fundamentals of political science*. Tehran: Toos Publications. [In Persian]
- Babapour Golafshani, M. M. (2014). *Sovereignty and governance in Nahj al-Balāgha*. Qom: Al-Mustafa International Center for Translation and Publication. [In Persian]
- Beetham, D. (1991). *The Legitimation of Power*. London: Macmillan Education.
- Feirahi, D. (2016). *Jurisprudence and politics in contemporary Iran* (Vol. 1: Constitutional jurisprudence). Tehran: Nashr-e Ney. [In Persian]
- Heidari Behnouiye, A. (2007). *The political thought of Ayatollah Mohammad Hossein Nā'īnī*. Qom: Boostan-e Ketab Institute (Printing and Publishing Center of the Islamic Propagation Office of the Seminary of Qom). [In Persian]
- Hosseinizadeh, S. M. A. (2015). Multi-layered legitimacy: A reflection on the foundations of legitimacy of political systems in the life and discourse of Imam Ali (peace be upon him)]. *Quarterly Journal of Political Science*, 17(68). [In Persian]
- Nā'īnī, M. H. (2006). *Tanbīh al-Umma wa Tanzīh al-Milla* (R. Hosseinian, Ed. & Annot.). Tehran: Documents Center of the Islamic Revolution. [In Arabic/Persian]
- Vaezi, A. (2007). *Islamic government* (5th ed.). Qom: Management Center of the Seminary of Qom. [In Persian]
- Vara'ei, S. J. (2003). *A study of Nā'īnī's political thought*. Qom: Assembly of Experts Secretariat Press. [In Persian]
- Vincent, A. (1992). *Theories of the state* (H. Bashiriye, Trans.). Tehran: Nashr-e Ney. [In Persian]