

The Position of Force and Domination on Political Legitimacy, According to Sheykh Fazlullah Nuri

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ABSTRACT

Sheykh Fazlullah Nuri was one of the most magnificent clergy. He tried to oppose to the influence of western opinions, and to protect linkage between Iran Muslims by his gyratory and politic viewpoints specially the legitimate-seeking opinion. His movement against constitutionalist has some effects on his opinion about government in the absence era and cruel governor. So, Mr. Nuri preferred to select autocratic majesty of the Muslim king rather than condition government related to western opinion and he accepted the king as a legitimate king because the king was protecting the basis of Islam. This paper studies Sheikh's opinion about this subject_ how much these two items (Force and domination) could effect to legitimize the government_ by historical and analytical approach.

Keywords: Political Legitimizing, Force And Domination, Law, Equality, Legitimate-Constitution.

Introduction

Sheykh Nuri has born in a village in Mazandaran (named Lashk) at 1259 A.H. His father (Molla Abbas Nuri) was a famous clergy. His mother's progenitor was one of the most eminent clergy man in Fath Ali Shah Ghajar's period. Also, his uncle (Sheykh Hussein Nuri) his nickname was Mohaddes Nuri_ was the overseer of Mirza Shirazi.

After primary school, Sheykh Fazlullah went to Tehran to complete education, he emigrated to Najaf with Mohaddes Nuri to continue and complete his education. He married Sakineh (his cousin). He had three sons and five daughters (children of Sakineh) and one son and 3 daughters (children of Galina_ the other wife). He was educated by Sheykh Raazi-al- Khezr, Mirza Habibolla Rashti and Mirza Shirazi. After Mirza Shirazi

emigrated to Samera, he went there with Mohaddes Nuri to learn and educate from him and finally he was one of the most trusty-student.

Sheykh Fazlullah was master in many fields of religion science including jurisprudence, methodology doctrine and theosophy. So, Fereydoon Adamiyat knows his as one of the most eminent clergymen who outranked of Tabatabaee and Behbahani in crusade. Nazem-al-eslamKermani said that Sheykh Fazlullah will be the first Islam erudite, if he stays at Atabaat for several months.

The most important opuses of Sheykh Fazlullah is consist of: Sahife Ghaemiye (involving of series of prayers Imam Zaman) Al-Moshtaq, doctrine textbook (explanation of Mirza Shirazi's lesson), question and

answer textbook (involving 236 question of Mirza Shirazi), Tozih-ol-masael (involving 60 question and answer of Mirza Shirazi), textbook of prohibition of going to Mecca through mountains, textbook of prohibition of constitution (involving the reason of Sheykh primary agreement and peripheral disagreement with constitution), crusade textbook and so on.

Sheykh Fazlullah came back to Iran because of Mirza Shirazi's request after living in Atabaat for 20 years at 1303 A.H. He's authorized near 40 years in Tehran and both parties on conflict were sent to him. So that, he educated and trained the famous people such as Sheykh Abdol Karim Haeri Yazdi, Hossein Ghomi, Seyed Mohammad Mar'ashi, Sheykh Mohammad Hassan Taleqani, Sheykh Hassan Ali Nokhodaki,

When constitutionalists got the power in Tehran, he was arrested because of cooperation with Mohammad Ali Shah and he was executed in artillery square at 68 years old.

Political and Social Condition of his Lifetime

Sheykh Fazlullah's opinions attended with constitutionality. The opportunity made by constitutionality was the best place for clergymen's political and religious viewpoints. So, it's necessary to review constitution then, peruse Sheykh Fazlullah's politic opinion. Although, this is important that clergymen and clergy was interfering in the country's affairs and their power was increased. So, the clergy power was the only power that was effective in the society against autarchy (Ajoodani, 1382).

But there were many reasons that influence people insurrection and movement formation. These reasons consist of dissatisfaction about increasing lavish of the king and his favor to travel to aboard, dissatisfaction of new tariff of Belgium and Belgian insolence, displeasure of the country

exploitation by strange monsieur and displeasure of Eynoddole's cruelty. Among these, some special events such as Mr. Nooz intractable actions and effluence of his photo with habit made people angrier, especial in religious meeting. The people wanted to establish justice house because of increasing of people's displeasure. Finally, some of Tehran's ulema such as Behbahani, Tabatabaee, Sheykh Morteza Ashtiyani and so on, staged a protest for the first time in the shrine of Abdol Azim after street skirmish and general criticisms against government on Wednesday at 1324, 14 Shavaal. To prevent skirmish, the government informed Seyed Mohammad Tabatabaee and manifestoed that the justice house is established in several days; so, ulema came back to their homes; but it was proved that the government didn't want to do recognizance. So, for increasing of protest, Behbahani and Tabatabaee decided to be participated Sheykh Fazlullah in skirmish. And he accepted to help them if they wants to apply religion rules; and so, he joined them in Mosque.

The protesters moved to Qom to continue justice motion because the government didn't propend to establish justice house. Sheykh Fazlullah _ who people knew him as one of 3 originators of constitutionality movement joined to them 4 days after ending of Mosque aggregation and 3 days after Tabatabaee and Behbahani moved toward Qom. Sheykh Fazlullah excelled two leaders scientifically, so that, some people say that he seceded from reformers because he was jealous to 2 other leaders.

When they protested in Qom, some people protested in British legation in Tehran. This was so bad for king and the government; so, Mozafareddin Shah sent Azadol Molk to Qom to return ulema. But, they said that they will not return unless the Assembly is established. So, the government agreed the protesters' and liberals' requests and then the government ordained to establish the first

liberal at 1324 A.H. But equivocations and weaknesses in this decree caused to a new prescription with another explanation at 16 Jumada 2. This prescription caused to over clergy's protest in Qom; but the protesters of British legation didn't accept this prescription; so, the title of Islamic parliament changed to national Parliament.

With the end of ulema's emigration and British legation protests at 27 Jumada 2, the provisional parliament was established and it was responsible for election workbook. Then Tehran election was done and National assembly debuted by the king's speech. To codify constitution was the most primary duty of the parliament that led to make basic discrepancies. And also discrepancies and quarrels between the following of legitimate-based ruler and the constitutionalists. They insisted on their comments about man, society, religion. Sheykh Fazlullah Nuri was the most famous person of the following legitimate-based ruler who was killed. Molla Ghorban Ali Zanjani, Mirza Habibolla Khorasani, Tabrizi were in this category.

The draft constitution is codified in 51 Article that were largely based on Belgian constitution (Martin, 1379). Sheykh Fazlullah was strongly opposed so that, the constitutionalists had to set complementary of constitution to solve its shortcomings and to attract Sheykh Fazlullah's opinion. Sheykh's proposal corrigendum was authorized in Assembly and was added to constitution on 3 Jumada 2 of 1325 A.H.

Deceased Mollah and Mazandarani were sent a telegraph on 7 Jumada 1 by Sheykh Fazlullah. They were not only emphasized on the proposed bill of Sheykh that named Eternal Principle, but also they were emphasized on the necessity of agreement between laws and religion. (Abutalebi, 1388). Some part of the bill was that the Assembly law should not be disagreed with Islam frame and this was the responsible of ulema. So, a council must established that upmost

clergymen were attended so that, they could control Parliament provision. Meanwhile, this article will not change. This bill was authorized with some important changes.

For example, the Parliament selected clergymen. Thus, authorities nominated 20 clergymen and the parliament deputies selected 5 persons among them or they were elected by lottery.

So, Sheykh Fazlullah kept disagreeing with constitutionalists. He underlined on 2 points. First, the parliament must not interfere to elect clergymen and, second, this Article is not changeable. This continuous defiance was looked as personal and high-handed problems. The parliament deputies didn't accomplish their avows_ nonintervention of the parliament in religion; and to disapprove rules that were disagreed with religion, so it could not stop his disagreements. It seemed that a constitution system could not undertake this and also any deputies didn't attend to apply it. Anyway, Sheykh's further disagreements was construed as egoism and personal intentions; so that, some parliamentary enumerated his disagreements because of power or venality. The mourning of Fatemiyeh days removed because they said it is against constitution. The constitutionalists convened in Sadr School and discussed to exile Sheykh from Tehran. Then, another day, they convened in Sepahsalaar Mosque. These made Sheykh protest in Abdol Azim Harem 6 days after they authorized his proposal laws.

Number of protesters was 1000 persons after 3 or 4 days and some persons such as Seyyed A. Tabatabaee, Mullah Rostam Abadi, Mojtahed Eraqi, Mirza Mohammad Amoli, Sheykh Ali Taleghani, etc, joined to protesters. The protesters expressed their goal through a telegraph: to protect Islam rules and the clergymen's group, and the other unacceptable reforms that were found, the people were astonished and the basis of religion was shocked, most ulema

immigrated to the Holy Places. It should be done necessary affairs (Shahbazi). The parliament deputies sent a telegraph for ulema and people, and said that Sheykh Fazlulla disagreed with constitutionality because it is against his profit; so that, the parliament deputies over wore of his defiance and then he had to leave Tehran.

The constitutionalists imagined if Sheykh Fazlullah emigrates, his activity will decrease; but he showed by sending message, letter, telegraph, establishing bills and delivering a speech that he is a big problem for the constitutionalists. So, it's decided that Mr. Behbahani and Tabatabaee go to Abdol Azim Harem and provide condition to return him. After their meeting with Sheykh and hearing the criticisms, they wanted immigrants to return to Tehran. But, Sheykh Fazlullah opposed and asked that discuss the protesters' demands in parliament. He promised, if the Assembly agrees with demand, they will return to in the version of nineteenth- row of bills and the parliament should answer that. The first question: what does constitutionality mean, how much parliament can interfere, can Assembly law disagree with religious rules or not? Second question: what does freedom mean and how much is this freedom? The parliament answered to this question in such way: the concept of the word of the constitution cannot disagree with religious commandments; constitutionality means to protect people rights and limit sultanate. The parliament role is: adjustment of government affairs and country, removing cruelty and incursion, and expanding justice; the parliament will not interfere in religious affairs. Freedom means freedom in legitimate rights, and it doesn't mean freedom for invalid religions and freedom. Sheykh Fazlullah and his entourage returned to Tehran after Assembly's answer. However, they continued his defiance and wanted to consider his demands_ that parliament was

promised_ this time the following of legitimacy- based rulers convened in artillery square. People came in Sheykh's home. He didn't want to go but they didn't accept. They carried him (Kia, 1389). After artillery event and Sheykh's speech for protester of Marvi School, the Assembly announced that Sheykh and his followers advocate autarchy. In this time, the constitutionalists encounter the following of legitimacy-based rulers and Sheykh as a clergyman sentenced that constitution law is foe to Islam. And it's impossible that Islamic country is govern by constitution law unless it leaves Islam; so , if one of Muslim try we accept constitution, this effort is for overturning of religion and such person is anathema; thus the quadruplet rules of anathema will apply for him.

In this situation, it's provided to overturn the Assembly root by malice pretense to Mohammad Ali Shah. The king commissioned to Russian Liakhof to propagate the parliament. Heapply the order by cannonading the parliament. Sheykh Fazlullah advocated the king in these years and the king advocated Islam and the following legitimacy-based rulers. It's not true that Shaykh advocated the king and disagreed with the constitutionalists for personal reasons. His opinion was based on juridical doctrine as well his defiant.

After cannonading the Assembly, England embattled the king to command for reestablishing the parliament. The king did it but this caused Sheykh's defiance. The king announced that he doesn't establish the parliament because ulema believe that to establish the parliament is against Islam rules. He decreed to establish state Assembly that was based on religion and clergies' satisfaction.

The constitutionalists were in power in Isfahan and Guilan. Disquiet in different cities removed Mohammad Ali Shah from power. Craniate As'ad and General Tonkaboni went to Rasht and Qazvin from Isfahan and Guilan

and then they conquered Tehran. Thus, the king sought refuge to Russia embassy and then Sheykh Fazlullah was hanged on charge of cooperation with the king to repress people. In fact, they determined much emolument for Ghajar's king. Indeed, the liberals wanted to solve problem of Sheykh and his participants' actions, but they removed the problem. First, they confiscated their lithograph stone but this didn't act, so that they killed him.

Sheykh Fazlullah's Political Perspectives

Indubitable, autarchy was benefited Sheykh Fazlullah's defiance with constitutionality whether he wanted or not. The basic problem of decedent Nuri in defiance was religion. He quarreled with constitutionality because he found that it disagreed with the basis of juridical opinion and his own crusade. In the legitimate and constitutional conflict, it became clear that Sheykh Fazlullah and his followers have been more specific understanding of the constitution and what its purpose was.

This section tries to explain the legitimate theory by clarifying the principle of constitutional according to Sheykh Fazlullah. Deceased Nuri raises the main reasons of his opposition with it, after a period of accompaniment in in constitutional prohibition treatise.

Law

Obviously, it was impossible to judge about constitutional prohibition without any legal reasons. Legislation and legislative in constitutional system was the main reason that was discussed by following legitimacy-based rule in relation to incapability of constitution with Islam. They believed that the law forgery is against Islam and they emphasized that divine law is the best law and it's not only related to worship sentences, but it includes all politic Articles

perfectly; so, we don't need legislation. The main reason for this debate was that Muslim theologians pointed to the inability of human mind in presenting most perfect rules to prove the necessity of Prophecy. Due to this fact, the belief to adequacy of mind in forging legislation was considered a type of denying Prophecy and it was atheism. It was said that if anyone thinks that some divine law should be changed according to the requirements of time or it needs to supplement, this person is out of Islam.

Assembly

Both constitutionalists and following legitimacy-based rules agreed on the basis of Assembly formation. As it was listed in the fifth number of bills, Sheykh Fazlullah described: people, I'm not denying the National assembly but, i tried to establish this parliament more than anyone. Those who publish my word untrue and say to people that I and the other clergymen have been denied the National Assembly; will suffer the wrath of God. But following legitimacy-based rulers emphasized on a parliament based on Islam. In Sheykh proposal clauses, it was emphasized that Assembly rules must not contrary to the rules of Islam at any time, and it's not legal if it's against religion. According to Sheykh Fazlullah, parliament had been deflected from its primary purpose which was improving affairs and applying Islamic law and religion and it was drawn into the director of legislation. Sheykh meet two Seyed and emphasized that Member of Parliament should be at least Muslim and pious. He should not be a Bahaii, Muslim lawyer should be Muslim.

Freedom

Sheykh Fazlullah considered infelicitous constitutionalists comments about the meaning of freedom and believed that they discussed freedom in speech and fingers .that

whatever anyone wants to say and write about this word. Sheykh and following legitimacy-based ruler lodgment about freedom is related to some of the abuses of this meaning. Sheykh criticized absolute freedom and promoting vice; not what God has released. In the constitutional period, the Press was largely released so that, they reviled and threatened the government and the king. An obvious example of this kind of freedom or unrestrained freedom can be found in the newspaper of Ruhol Ghodos. (Ajoodani, 1382) in this regard, Sheykh says in the treatise of constitutional prohibition: one of essential prohibition is defamation and one of the undoubted prohibition is backbiting of a Muslim. As well, accurse and insult threat is religious and divine prohibitions. Freedom of these actions is analysis of what God has forbidden (Zargari Nejad, 1377).

Equality

One of controversy between constitutionalists and following legitimacy-based rules was equality. Sheykh Nuri believed that constitution states that people have equal rights in the state law, it's impossible in Islam. He emphasized that thinking about Islam rules specifies that there is deference between charged topics about worships, trade and politic and also between mature and non-mature, slave and free, husband and wife, imitator and clergyman, Muslim and atheist in Islam. He believes the law has been raised as a state law to deceive people and he says: if the state law is in accordance with Islam which equality is impossible in it and if it's contrary to Islam, so it's contrary to what is written above; so whatever is contrary to Islam, it's not legal.

Legitimate- Constitution Theory

Sheykh Fazlullah says: he concluded that he must add the legitimate word to the

constitution to ensure the religious judge. According to Sheykh Fazlullah, theory of following legitimacy-based rule means a dipolar government; a combination of fair jurisprudents and Muslim king. He believed that Islam is a religion of justice and Prophet Mohammad did, too; until religious orders and the power and glory were at two sites, in fact, they complete each other (Kadivar, 1379). Reign was considered the executive branch of Islam in this system. The clergyman should not be interfered in the king's politic affairs and also, the king should not be involved in the jurisconsult religious affairs.

Deceased Nuri believed that we must obey just God, the Prophet, the Imams and Imam's representative, and during absence of Imam, qualified jurisconsults should be obeyed. But following legitimacy-based rules believed that all aspects of the immaculate aren't transferred to the qualified jurisconsult. The king_ who should just be interfered in politic affair_ had to protect Islamic government and fight with those who wants collapse this state while he should avoid interfering in religious and affairs. The legitimate- constitution theory meant the former regime (Sultan) plus religion; also, the monarchy is limited, now. Constitution is the former monarchy that is limited that it should be not only preserved the religion but also it must be available to ulema. (Jafariyan, 1386) such a system was almost accepted by Shia jurisconsults since the Safavid Dynasty was established. The government was usurped that was accepted for necessary reasons. However, it was proved for jurisconsults to have religion affairs.

Sheykh insisted to add the legitimate word to constitution, in his primary opposition; but after the little despotism, he spoke that adding legitimate word to constitution is impossible. The argument was that it's impossible that constitution as something essentially western has legitimate character. Constitution is a legislative procedure based

on a majority vote, Regardless of it contradicts religion or not. Sheykh _ in the constitution prohibition treatise_ explains when he was trying to adjust the constitution with religion, he was encountered with this lodgment that the constitution may not be adjusted with Islamic rules, and foreign government will not accept us as constitution because of these corrections and adjustments. Sheykh, after he concluded this_ spoke about the conflict of constitution with religion. After Sheykh's opposition with constitution only the combination of the former Sultan and jurisconsults remained.

Sheykh Fazlullah's Viewpoint about Cruel Governor

According to juristic and political opinion of Shiite, if the governor is appointed by Imam or it's his representative; that governor is not legitimate and his government is as a kind of cruel government. But due to changes that had occurred in the Muslim society, some Shiite ulema accepted the legitimacy of government and Sultan government that it were considered by Sunni ulema and by domination rule for the first time. Some other Shiite leaders have voted on the illegitimacy of the king's power, and refused it. (Zargari Nejad, 1377). But deceased Nuri's view about cruel governor appears in his legitimate-seeking opinion. According to Sheykh Fazlullah viewpoint, the reign is the cruel reign, but autarchy regime rather than constitutional government is preferred due to less corruption. In the other word, the danger of the tyranny of Muslim Mohammad Ali Shah is less than the danger of constitutionalists who describe the parliament, as qibla and their circumambulation place. In Sheykh's opinion about legitimate-seeking, the monarchy will not absolutely be approved, but he accepted the monarchy due to prevent establishment of idolatry and atheism and atheism rules in Islamic country. As he said to Mohammad Ali

Shah in the little despotism: we will obey your orders so that it's not opposed to the religion, but if it's opposed to the religion, we will not run as long as we live. If Sheykh Nuri wants to keep the monarchy and the king, it's due to apply Islam rules. Sheykh Fazlullah believes that people want the king because the Islam banner is in his hand, so it's a religious duty to obey the king and he prays for him. Finally, according to Sheykh Fazlullah, Koran and God Lewis preferred to constitution, as the autocrat is preferred to unconditional freedoms (Ahmadi Taleshyan, 1388, 287).

Conclusion

By reviewing the historic events of constitution, it can be found that, the constitutionalists wanted ideal situation and the legitimate-seeking were satisfied the status, this is the main reason of division among ulema. This concern about status queue led Sheykh prohibit the constitutionality after the initial association with the movement for justice. Sheykh realistic awareness in relation to the substantive conflict of constitution with Islam and fear of idolatry and atheism governance on the Muslim community led to Sheykh preferred to support Mohammad Ali Shah and stay with Dictatorship rather than cooperation with constitutionalists. He's considered a political authority for the reign in his state model along with jurisconsult, and spoke about it as the executive power of Islam.

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