Evaluating Mohammad Ismail Mahallati's Political thought based on Thomas A. Spragens theoretical framework

Sayyed Ali Latifi[*]

Abstract

The main concern of this article is to explain political thought of Mohammad Ismail Mahallati within a conceptual and methodological approach and the application of the theory of constitutional government in the analysis of the interaction between religion and government. The main question of this article is how Mahallati finds the crisis of the political order in the Qajar period and what ideal prescription does he offer to get out of it? In this regard, the author by descriptive-analytical method, uses the theoretical framework of Thomas Spragens in the book "Understanding Political Theory "to explain the hypothesis of the article. The crisis of tyranny arising from the disregard for the necessities of the Shari'a forms the main hypothesis of the text, and in such historical circumstances the political thought of Mahallati has matured. Mahallati believes the ideal model is Imams government, so, due to a realistic view in the absence of Imams, the solution in anti-authoritarianism in building power is reforming the government based on reducing the authoritarian rule and establishing a constitutional government.

---

[*] Researcher at Supreme National Defense University, Tehran, Iran   alavi.1444@gmail.com

Introduction

The period of Iranian constitutionalism, while being one of the most readable historical chapters in Iran in terms of the influence of traditional and modern fields of thought, is also considered as an important period in the evolution of Shiite political thought(Derakhsheh, 2005: 40). This movement, which had emerged due to various factors, had important effects and consequences on internal developments, especially in the field of political thought and action. It can be said that the constitutional movement in modern Iran was the first direct confrontation between traditional Iranian Islamic culture and Western culture and its powerful system, which provided the basis for thinking about the new civilization and the ruling political system. The questions and answers that were asked after the constitution had almost different content and appearance than before that period. During this period, the new political structure and system of political participation and the necessity of meeting the demands of the people and the formation of institutions to meet the needs and demands, which were not necessarily based on basic and essential needs, were discussed.

Mohammad Ismail Mahallati is one of the most aware and active clerics of the seminary of Najaf during the constitutional period that Hebaheddin Shahrestani, the owner of Al-Alam magazine, introduces him as one of the people who participated in the political decision-making circle related to the Iranian constitution in Najaf Ashraf (Najafi, 2000a, 87). Mahallati wrote treatises such as Al-Laali al-Mutabutah fi wujub al-Mashrutah in critique of the treatise Kashf al-Murad min al-Mashrutah wa al-Tibtaddar by Mohammad Hussein Tabrizi.

Mahallati treatises show that he was a scholar, and since these treatises have been approved by the two great mujtahids of Najaf, namely Akhund

Khorasani and Abdullah Mazandarani, he is trusted by these two authorities, to the extent that the last two authorities are on the list of twenty Mujtahids worthy of membership in the five-member board of Mujtahids, the subject of the second principle of the Constitution, are named along with famous people such as Mohammad Hossein Naeini, Seyyed Abolhassan Isfahani, Aqazia Aladdin Iraqi and Seyyed Mostafa Kashani (Turkman, 1990). But in spite of what has been said, in none of the rijali sources of the Qajar period, his biography is not reflected (Zargarinejad, 1998: 489).

This article seeks to present the political thought of Mohammad Ismail Mahallati, the greatest commentator on the Islamic constitution after Mirza Mohammad Hossein Naeini; because he made ijtihad theoretically and religiously about the consequences of the constitutional movement as an emerging phenomenon, and provided an important part of his inferences in the book "Al-Laali al-Marbutah fi Wujub al-Mashrutah". Considering that the advantage of Mahalati writing style over Naini is that his writing style is fluent, simple and far from unfamiliar jurisprudential and principled words, and he has tried to conform to the type of audience of his treatisesl like a journalist in Dar Al-Najaf and Al-Gharri magazines.

With this introduction, the main concern of this article is to explain political thought of Mohammad Ismail Mahallati within a conceptual and methodological approach and the application of the theory of constitutional government in the analysis of the interaction between religion and government. The main question of this article is how Mahallati finds the crisis of the political order in the Qajar period and what ideal prescription does he offer to get out of it? This article attempt to explain this hypothesis among the written works of Mahallati in response to questions and ambiguities about the poor state of Iranian society and domestic and foreign

problems in Iran, influenced by the Shari'a-oriented view and the method of fundamental ijtihad governing their thought, sought to provide a political system compatible with Sharia and in accordance with the requirements of time and place, and in this regard to support the constitutional government and limit the power of the Qajar king.

1. Theoretical framework

Mahallati is one of the thinkers whose thoughts needs to be reconsidered. Numerous articles and books have been written about Mahallati political thought; but the hidden aspects of his thought have not yet been properly explored. This article, with the methodology of Thomas Spragens, tries to review the political thought of Mahallati in a new perspective. In Understanding Political Theory, Spragens examines the contexts and causes of the formation of Western philosophers' political thought using his fourfold research model: observation of disorder, diagnosis, reconstructing and prescription.

In the first place, he claims that political thinkers of every age are highly realistic and that their political ideas are in response to the problems of their political environment. Accordingly, political theories are not merely academic entertainment, but are deeply relevant to practical and everyday political issues. Their effort is to provide a comprehensive picture and a relative understanding of the world of politics (Barzegar, 2004: 48).

According to Spragens, almost all political theorists have started to observe disorder in political life and they have written their works at a time when their society was in crisis (Barzegar, 2004: 48). From a sociological point of view, Spragens considers the factor of "crisis" to be more important than other factors. He explicitly defines the traditionalist approach in the study of defense political science and political theory as "symbolic images of

a systematic whole" (Spragens, 1991: 18). For Spragens, political theories are the product of objective conditions, not merely abstract observations: "Political theories are the product of what Aristotle calls practical reason in man." They are a series of political ideas and perceptions that have been proposed to overcome political problems.... Its inner dynamism is not the pressure of abstract logic but the result of the thinking of men who struggle with human political conditions "(Spragens, 1991: 228). In this definition, he considers political theory to have two dimensions, "descriptive" and "normative", and considers any analysis that does not pay attention to these two dimensions at the same time as an incomplete and inadequate analysis.

In Spragens view, "political theories remain like pearls: It mean that they do not arise without a stimulus" (Spragens, 1991: 50). This is the driving force behind the "crisis" or disorder in political life. Therefore, the first stage in the formation of political thought is the stage of crisis in political life that causes astonishment and curiosity of the thinker, but a crisis creates political thought that is based on basic principles and not ordinary and everyday affairs. This crisis is not necessarily objective or widespread and universal, even the illusion of crisis can create political thought (Spragens, 1991: 50). For example, the starting point of Rousseau's thinking was "personal anxiety" and the starting point of John Stuart Mill's thinking was "emotional frustration" (Spragens, 1991: 60).

After understanding the problem, the researcher moves on to "diagnosing pain" as a secondary step. In other words, when an existing disorder is identified, the researcher tries to understand the reasons for it, and from this stage, the differences of different thinkers and schools in finding the cause of the problem begin. In this case, some consider the crisis to be the result of "community" and, in contrast, some the result of the natural consequence,

"the aggressive spirit of man." The same crisis, in the eyes of some, may be "natural" and unchangeable, while others call it "artificial" and solvable.

Diagnosing the causes of political disorder (Spragens, 1991: 127)

Artificial agents (radicals) ⟵——————⟶ Natural agents (conservatives)

Community ⟵——————————⟶
Individual
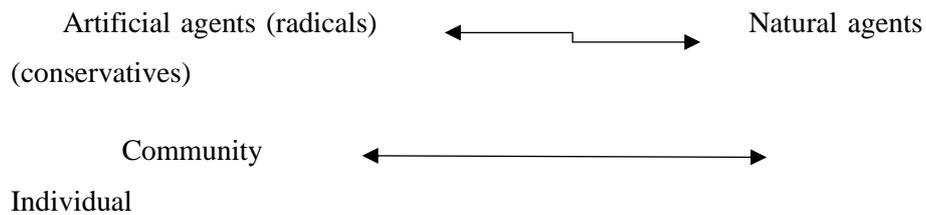
source: authors

Researchers who see crises as the result of artificial factors as well as society are naturally drawn to "radical" solutions. Conversely, a researcher who evaluates crises based on natural and individual-induced factors offers "conservative" solutions.

So, in Spragens definition of political theory, a political theory has the dual nature of descriptiveness and prescriptiveness, with the careful consideration that "should" not logically arise from "is": "Even if all the news sentences are put together We cannot conclude the way of treatment from them "(Spragens, 1991: 179). To prove the dual nature of political theories, while at the logical separation of "must" from "is", Spragens argues that the simplest expressions of truth have a vein of prescription and "prescriptive in the sense of open-rather limited and narrow" (Spragens, 1991: 181).

The connection between "must" and "is" forms the third and fourth stages of Spragens theory; Because one expresses the "principle of reality" to take realistic action according to spatial and temporal conditions, and the other

expresses the "force of human natural motives" which is the result of patterns of "normal" behavior in man.

Just as political theory has the ability to influence the change of political life and social realities, so realities have the ability to influence political theories. Because facts are constantly changing, leading to the gradual erosion of the foundations of political theory, their effectiveness diminishes over time. This makes these theories unable to solve new crises and their reconstruction or design requires new theories.

In this article, based on Spragens's research, we assume the tyranny of the Qajar government as a crisis and a stimulus to the theory of Mahallati thinking. The emergence of the constitutional crisis, which stems from the internal tyranny of the Qajar dynasty, is a historical condition in which Mahallati political thought has matured. Mahallati believes the ideal model is Imams government, so, due to a realistic view in the absence of Imams, the solution in anti-authoritarianism in building power is reforming the government based on reducing the authoritarian rule and establishing a constitutional government.

By examining the question and hypothesis, we will find the main axes in Mahallati political thought in the following four headings:

- Observation of disorder (rule of absolute tyranny and colonialism)

- Diagnosis (plundering the property of the subjects and spending it on the carnal lusts of the state trustees)

- Ideals and Ideology (rule of the Imams)

- Solution (formation of the constitutional government as a repulsion of corruption to the corrupt and the interest of Sharia and reason)

2. The process of formation of Mahallati political thought

2-1. Observation of disorder

Mahallati political thought must be understood in accordance with the constitutional atmosphere. During this period, according to Dr. Enayat, the Iranian Constitutional Revolution marked the first deep confrontation between the traditional culture of Islam and the West in modern Iran. All the older attempts at modernization, although involving changes in legal and governmental systems, had fallen into ways and areas that were in distant contact with traditional values, and none of them had openly and fundamentally opposed these values (Enayat, 1986: 285). "On the other hand, this revolution was in fact an attempt to find a new justification and ideology or a new nerve to establish and rebuild a better administration and, in general, a response to the political crisis in Iranian society to establish a rule of law based on law that is unlimited power. And limited the siege of the Shah and for the first time gave the inhabitants of this border and region legal personality as citizens" (Rajaei, 1994: 126).

Perhaps all the pains of the Qajar period can be reduced to two main types: the decline of the national economy with the domination of Western capitalism and the rule of absolute tyranny. Meanwhile, the ulema, who had gradually been able to grow in the social system of the Qajar period from the Safavid period and assume the religious-political leadership of the society, undertook a series of social reforms in relation to the abnormal situation of that period. But along with these corrective measures, the fundamental need to study and present the plan of the Islamic government according to the prevailing jurisprudential principles of the time, i.e. the impermissibility of government tenure by the jurist, led constitutional scholars to combine the requirements of religion with the customary model of constitutionalism. Hence, the concept of politics and political life was built and discussed

around the main axis of limiting political power. Mahallati, as a link in the chain of thinkers following the idea of constitutionalism, could not be left out of this circle. He described his entry into the political arena as a result of the deviation of some constitutional laws from Sharia and the misuse of this space by some to suppress constitutionalism. Basically, tyranny and colonialism have an interactive relationship with each other in Mahalati's thought. On the one hand, internal tyranny can lay the groundwork for colonization. On the other hand, colonialism can also strengthen domestic tyranny. Therefore, in order to achieve this situation and the reasons for it, these crises were studied in Mahalati's thought in order to reach how tyranny and colonialism were formed in his thought.

2-2. Crisis of tyranny in Mahalati thought

Mahallati understands the political problem of his time under the general category of "limitation of political power." He also mentions the same point in his treatise saying: "Now we have to see what is the cause of these corruptions and where is the source of these ruins? It is not a secret to any wise that all causes in these corruptions is nothing but the tyranny of the monarchy "(Zargarinejad, 1998: 507).

Authoritarianism has a central place in the thought of Mahalati because it has led to the prevalence of chaos in society. The officials led by the king, who are in a position to organize the affairs of the nation and in fact, this tyranny has promoted weakness and refraction throughout the Iranian homeland (Mahallati, 1997: 297). Mahallati depicts the crisis caused by tyranny, describes the critical situation in the kingdom and says: "It is not hidden from any wise person that the regulation of the Islamic state and the policies of our kingdom have been done by people in recent times (tyrants), whose predominant type has no purpose other than selfishness and lust, and

what they do not mean at all is the preservation of the Islamic state. In this way, the elimination of this great corruptor is obligatory on everyone"(Mahallati, 1998: 480).

From the Mahalati point of view, eliminating tyranny is also effective from the religious point of view. Because according to him, tyranny not only does not cause worldly corruption but also leads to corruption of the Muslim religion (Zargarinejad, 1998: 510). Thus there is a direct relationship between worldly degeneration and religious degeneration, just as there is such a relationship between religious and worldly dignity and honor. He says: "It is obvious that the honor and glory of any religion and the spread of any religion depends on the honor and glory of the followers of that religion and their efforts in spreading their religion and exalting their word and religion, no matter how much the nation became dearer." , Their religion will become dearer, and vice versa, the more they strive to spread their religion and call to their religion, the more their religion will spread and become famous and religious and the more religious it will be. The dignity of the religion of Islam was not in the third of the first century, except for the strength and dignity of the Islamic states and the weakness and humiliation of the present, except for the weakness and humiliation of the Islamic states ... "(Najafi, 2000a: 312).

2-3. Colonial crisis in Mahallati thought

Mahallati, like other scholars in his class, viewed colonialism through the lens of the "decline" and "weakness" of Muslims. At the end of the first part of Layali's treatise, he enumerates the effects and consequences of foreign domination over the Islamic country(Zargarinejad, 1998: 533-532).

Mahallati, as a religious scholar, pays more attention to this phenomenon from a religious perspective and the negative effects of colonialism, and then

concludes that: "since the emergence of weakness and weakness in Islamic states (which is due to the tyranny of tyrannical rulers and sultans and the silence of divine scholars and the negligence and ignorance of Islamic nations) Christian states that conquered the Muslim sub-countries, whether in Europe, Asia, or Africa, sometimes in the name of protection and reform, sometimes in the name of the influence of trade, borrowing, etc., have no destination and have no intention other than to take the religion and the world of the Muslims, and all the states of Europe and the Christian nation are united in this destination."(Zargarinejad, 1998: 538-537).

3. Ideals and Ideology

Another aspects of Mahallati's political thought is ideals and desires in solving the problems. The typology of government revolves around the two criteria of "number of rulers" and "public interest" in terms of Mahallati, and in this respect, it is comparable to Aristotle's typology; because he also offers the same two criteria for classifying governments. Unlike Aristotle, who classifies governments into three types of government, three types of deviant government, the typology of Mahallati includes three types of government: desirable or ideal government, acceptable government, and unfavorable government.

Mahallati, in addition to identifying the three types of government, theology and sharia (based on the presidency of the prophets and the caliphate of their saints in their ummah and the reign of the Twelve Imams), authoritarian monarchy and constitutional monarchy. According to Mahallati, the rule of the Prophet of Islam and the Imams were all ideal governments. According to him, the nature and truth of this government is as follows: "... that God has established rights and interests in the Islamic countries for the board of the Islamic Jamiat and all Muslims in Islamic law,

and the Imam is the whole and comprehensive system of their affairs and for him is the absolute guardianship, both in exercising opinions in attracting those rights and in delivering them to the public and implementing them in their channels ”(Najafi, 2000 A: 268). But such a government is "a divine emirate and a religious province" (Zargarinejad, 1998: 499) that the Islamic society is deprived of in the current situation, i.e. the absence of Imam. Hence, Mahallati does not speak at all about this kind of government and does not mention the continuation of the duties of the Infallible Imam and the guardianship of the jurists, but points out that the other two types of government, if it is possible to achieve such a government, are "void. And it is false” (Zargarinejad, 1998: 499).

4. Solution

The age of absence is the age of deprivation, the ideal model of government, and this is a requirement of the absence of the innocent. But on the other hand, the government is also a necessity that the holy shari'a is by no means satisfied with closing in the age of absence. Therefore, in the current emergency situation, a suitable model should be available. The Mahalati political experience shows him two forms of government: the pattern of authoritarian monarchy and the pattern of constitutional monarchy. According to what has been said, a distinction must be made between the ideal model and the model that can be achieved in the objective conditions of the time in Mahalati thought, and as he himself explicitly states, his plan for government is accessible (Zargarinejad, 1998: 499- 500).

In Mahallati's thought, authoritarian monarchy is not only not considered a desirable government in comparison with a constitutional monarchy, but it is also not considered a proper government and has no moral and value legitimacy; Because in this type of government, regardless of the number of

rulers, the typical interests and benefits of all are not observed and the concentration of an individual will on all the affairs of the country is in accordance with personal desire and will: "The nation have no benefits of public interests and it completely justified and all belonged to the king. In this subject, not only the benefits of the whole country are his right to divorce, but also the personal property of his subjects and people and their evictions. In this sense, although the subjects are independent in their personal affairs, but as long as the will of the kingdom is not against it, and if it is, there is no right for them"(Zargarinejad, 1998: 499).

After the Imam government became unenforceable due to his absence in the present time and the absolute monarchy of tyranny due to lack of interest in the public interest, another type of government is proposed that is applicable in the absence of the time, but also in Mahalati conditions and times. The Mahalati, which refer to such a good government as constitutional monarchy, see it as based on the public interest in the rights of all citizens. In this regard, he says: "His basis was that the public benefits and interests of all politics and what causes good and development and civilization and development of the country, belong to the total population of that country and refer to all of them .... Not that it all belonged to one of them, or to another that is outside the whole, and the rest ... were like someone who lives in a house other than with the permission of the borrower and all the possessions in that house It is subject to permission and under his guardianship "(Najafi, 1999a: 267).

Comparing the Mahalati government with Naini, it can be said that his typology of government, unlike Naini, does not include the Imam and does not consider the constitutional government to be an ideal government but the best form of government available, while Naini considers the Imam

government as "provincial". (Naeini, 1999). Such an analysis makes the analysis of Mahalati more consistent with the general acceptance of the Muslim community of Iran than the analysis of Naini, and therefore the ground for its acceptance is more ready. Such a monarchy, due to the characteristic of observing typical interests, is forced to create a structure in which "trustees are appointed by the public and by their republic, which in their opinion depends on attracting public interests and repelling kidney damage" (Zargarinejad, 1998). : 497).

The desirability of this model is not because of its inherent legitimacy, but because of all the consequences it brings: the first result of such a model of government is the removal of oppression from Muslims, which is considered a religious duty, and its second important achievement is the prevention of "infidel domination. Mahallati states these two things: "And the fruit of them is two things: one is to restrict the tyranny that enters the people from the monarchy, and the other is to prevent the gradual influence of the infidels and their domination over the Muslim aspects of trade and public acquisition, etc., as well as on other branches and responsibilities of the Islamic state, which will eventually lead to their total influence and general domination over all aspects of the country, and the collapse and loss of the government "(Zargarinejad, 1998: 502).

Mahallati argues why and how this model of monarchy is considered an Islamic model, despite its illegitimacy. "And the existence of these two things [the constitutional monarchy and the National Assembly] in the monarchy of the Islamic Republic is in accordance with the laws of Islam and in accordance with the rules of the Qur'an," he said. Not the opposite, because the result is nothing more than the application of the monarchy and the anarchy of the government to a degree that is beneficial to the Islamic

state, not harmful, and this is in the Shari'a. The purity of Islam is under two headings, one is to reduce and limit the oppression inflicted on the people by the arbitrary government, which is a clear example of enjoining the good and forbidding the evil, and its obligation is a necessity of the Islamic religion under the prescribed conditions; The second is to protect the Islamic state from the invasion of infidels, and this is done when the chaos of the government reaches a point where it does not remain, in which case it is a violation of the above-mentioned restrictions that cause the country to be organized and the government to have contact with Islam. If it has been, it will be obligatory and the form of survival of the Islamic state, as the current state of our country is like this.... " (Sharif Kashani, 1983: 247).

Therefore, he considers the reasons for the ulema to agree with the constitution based on their three duties: First, the ulema are legally obliged to eliminate oppression and help the oppressed, and this is possible in the form of a government by the National Assembly; Secondly, advocating the model of constitutional monarchy based on this serious religious duty, which is the most important divine duty for scholars and Muslims in general, and thirdly, the duty of enjoining what is good and forbidding what is evil is for religious scholars to support constitutionalism (Zargarinejad, 1998: 475, 532 and 529).

In his view, the field of politics in the age of absence is a field that is in the realm of customary affairs, and since people are more aware of the affairs of their world, therefore the people are obliged and responsible to choose their way of life and government. A way to help them live more faithfully. Therefore, politics means observing the rules of the council, which are also specified in religious texts. A council that in his time has emerged as a form of constitutional government (Najafi, 1999b: 298).

In explaining the pattern of constitutional monarchy, Mahallati places this pattern on three pillars: law, freedom, and equality. Since this model of government revolves around the axis of distance from selfishness and self-centeredness of those in power, the issue of limiting political power is in the center of attention. In this model, such a thing requires the selection of representatives from the people and monitoring the process of implementation and exercise of political power. It is also impossible to limit political power without providing a description of the duties and limits of the powers of the executive. This is where the issue of legislation comes into play. The passage of the law by the people's representatives, the careful monitoring of its implementation by the representatives, and the guarantee of its effectiveness through the judiciary, are the first pillars of this model. But the fundamental question is what is the nature and truth of this based on theoretical and religious foundations?

Mahallati has established its political-intellectual foundations as follows:

1. Considering the enactment of the law: Considering that the Shari'a has drawn two areas of affairs, religious affairs and customary affairs for Muslims and has entrusted the authority of the first area to qualified jurists and considered matters related to the customary area regarding worldly interests which has nothing to do with religious affairs and knowledge of the rules of Sharia is not involved in it (Zargarinejad, 1998: 516). Consequences of accepting the legitimacy of the law is that the National Assembly is responsible for determining the customary ruling and the jurists are responsible for determining the sharia ruling. Authoritarianism does not interfere with the rules of all Sharia, which is the subject of ijtihad of mujtahids" (Zargari Nejad, 1998: 517).

In fact, assuming that the jurists have guardianship over Hasbaya affairs, such matters as identifying the personal interests of Muslims and more generally, the scope of duties and powers of the National Assembly is not the area of religious guardianship and Hasbaya affairs (Zargarinejad, 1998: 451, 523 and 542). According to this assumption, the second consequence of accepting the customary legislative right is that the place of the ruling of obedience to the ulema in the Shari'a is not the field of customary affairs and therefore, people are not obliged to accept the words of scholars in matters related to the election of lawyers and members of parliament (Zargarinejad, 1998: 517-518).

Mahallati has summarized doubts about the issue of advocacy, which are: The client must have the right to be able to represent the case, while the people do not have the right to the monarchy, but this right belongs to the Imam; ٢. Legal representation is a legal contract in which the client can dismiss his lawyer at any time, while members of parliament are irrevocable until the end of their term of office; 3. Legal representation does not destroy the client's right to act independently of the case, while the citizen loses the right to interfere in the affairs of the parliament after the election of representatives. 4. In Sharia power of attorney, the power of attorney of mature and sane people, whether men or women, old or young, is valid, while the candidates for representation must be men, and between 21 and seventy years old. Mahallati, on the other hand, believes that the members of the Shariah Assembly do not have the right to rule the monarchy, and that power of attorney in the constitutional monarchy is not a matter of sharia power of attorney, but an orderly and disciplined arrangement in political affairs and the public interests"(Zargarinejad, 1998: 526-527).

So, there is only a verbal similarity between the two cases and Similarly, the sphere of authority and duties of the parliament is outside the scope of Hasbaya affairs, because according to the theory of the religious authority of the jurists in this field, it belongs to the field of religious affairs and its custodians, namely religious scholars (Zargarinejad, 1998: 523). .

2. The codified constitution: based on the idea of distinction in the field of religious affairs and sectarian affairs, Mahallati divides the law into two branches: "One is the occupation of property and government offices that are limited and strengthened at the discretion of the nation's trustees, and the other is the limits of diyat and Other policies are such that they must take into account what is stipulated in the pure Shari'a" (Zargarinejad, 1998: 478). It is in the realm of property occupation that one can try to formulate a set of superior laws that precede the political system, which is outside the realm of political authority.

3. Separation and distinction of powers: Based on the distinction between the field of Sharia and custom, in the first place, matters related to judgment are among the duties of the jurists and are generally beyond the control of the government. But within the realm of custom, the legislature and the executive can also be designed based on the separation of the two functions of government. Defending the separation of the two powers, Mahallati says: "The nation's action in limiting the boundaries of the monarchy is like a doctor's action in limiting sick macular and alcoholic beverages. And the purpose of it is to eliminate the corrupt and deadly impurities that have dominated the temperament of the monarchy" (Zargarinejad, 1998: 523-524).

Mahallati's efforts in the history of political thought, especially during the constitutional period, show Mahallati's attention to the two dimensions of religious identity and national identity. In his thought, he seeks to eliminate any extremism in these fields in order to provide the practical and simultaneous realization of these two identities together, and through this, tyranny of repulsion, colonization, and the rights of the nation and justice and equality will be possible for them. As he says: "It should not be hidden from all of the religious people that the provisions of constitutionalism and monarchy are limited to government offices and the will of the monarchy to the limits and restrictions that are beneficial to the Islamic state and cause to become the strength and glory of the nation and the state, and on the other hand, to protect the Islamic state from the evil of internal evildoers and the invasion of foreigners and foreigners, which is not at all for those who control the country "(Mahallati, 479-480) .

Therefore, Mahallati, in this situation, seeks a constitutional system that protects the Islamic system from being harmed by internal and especially foreign enemies (colonialism) and leads to the promotion and credibility of Islam (Mahallati, 1998: 476).

Conclusion

Mahallati understands the political problem of his time under the general category of "limitation of political power" and, based on his understanding, makes the basic claim that domestic tyranny and foreign colonialism are two problematic factors in Iranian society that have mainly social and not political consequences.

By analyzing this Mahallati claim, the following results can be obtained:

First, Mahalati's claim reflects concerns about injustice and a lack of freedom in Iranian society in the early twentieth century. The second

consequence of Mahallati's claim is that although he observes the problem of his time, the limitation of power, as a political problem, he presents the consequences of domestic tyranny and foreign colonization as mainly social and not political. In his view, these consequences are: lack of civil liberties and lack of social justice. The third conclusion that can be drawn from Mahallati's claim is that, in his view, the desire to limit political power reflects the prevailing culture and the spread of growing fear and distrust in that period of Iranian history. Therefore, in the light of the above three results, it can be claimed that Mahallati's political thought contains consideration of broad social conditions and its impact on the issue of limiting political power.

Mahallati, as a religious scholar, remained steadfast in his support of constitutionalism both before and after the minor dictatorship. Hence, his collection of political treatises is the defense of political modernity and the strengthening of the foundations of constitutionalism from a religious perspective. His political treatises are written away from the technical terms of jurisprudence and for this reason he finds more audience than the political treatises of Tanbih al-Ummah and Tanzih al-Mulla by Mohammad Hussein Naeini. The model of Mahallati Islamic constitutionalism is based on two basic ideas: first, the lack of exclusive religious rights of jurists in political affairs, and second, the permission to use customary models in political life. The above two ideas allow Mahallati to enter his political thought with a modern conception of the law, the drafting of a constitution, and the separation of powers. Although the Mahallati Islamic constitutional model has not been able to prove the foundations of the religious legitimacy of popular sovereignty, it has been able to successfully use the basic functions of the constitutional government and its very important results to strengthen

the foundations of Islam and improve the situation of Iranian society. Dividing the realm of human life into two realms, religious and secular, and placing political life in the realm of custom, creates a leisure area that the acceptance of the National Assembly, the method of representation and the elected executive on the one hand and the concept of citizenship, civil rights and society makes it possible in contemporary Islamic political thought.

References

Barzegar, Ibrahim (2004). The Question of Palestine in the Political Thought of Contemporary Islam and the Spragens Research Methodology, Journal of Legal and Political Research, Year 6, No. 12.

Derakhsheh, Jalal (2005). The Relationship between Law and Sharia in Political Thought Allameh Mirzaei Naeini, Fall and Winter, No. 2, Political Science.

Enayat, Hamid (1986). Political Thoughts in Contemporary Islam, Second Edition, translated by Baha'uddin Khorramshad, Tehran: Kharazmi.

Mahallati, Mohammad Ismail (1998a). Guide the worshipers to the buildings of the country.

Mahallati, Mohammad Ismail (1998b). Al-Laali is relevant in the obligation of the constitution.

Mahallati, Mohammad Ismail (2000). It means constitutional monarchy or discovering the truth of constitutionalism.

Najafi, Musa (2000a). Najaf and the Philosophy of Modernity in Iran, Tehran, Institute of Islamic Culture and Thought.

Najafi, Musa (2000 b). Foundation of Political Philosophy in Iran during the Constitutional Era, Tehran, University Jihad, 1997.

Naeini, Mohammad Hossein (1999). Tanbih al-Alameh and Tanzih al-Mullah, with explanations by Seyyed Mahmoud Taleghani, Tehran: Anteshar Co.

Raja'i, Farhang (1994). The Battle of Worldviews, Tehran: Book Revival.

Sharif Kashani, Mohammad Mehdi (1983). Accidental events in the times, by the efforts of Mansoureh Etehadiyeh, and corrected by Sirus Saadvandian, Tehran, History of Iran.

Spragens, Thomas (1991). Understanding Political Theories, translated by Farhang Rajaei, Tehran: Agah Publishing Institute.

Turkman Muhammad (1990). Supervision of the Mujtahid Board: The Evolution of the Implementation of the Second Principle of the Constitutional Amendment in the Second Legislative Period, Contemporary History of Iran, Tehran, Institute of Cultural Research and Studies, Book II.

Zargarinejad, Gholam Hossein (1998). Essays on Constitutionalism, Tehran, Kavir.