IRAN AFTER MAHSA AMINI'S DEATH: REVISITING THE DISCOURSE OF RELIGIOUS AUTHORITY IN ISLAM

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Keywords	Abstract
	This article explores the impact of the death of Mahsa Amini, a woman, at the hands of Iran's moral police, Gasht Ershad, and the subsequent emergence of protests against the country's religious authorities. The central argument delves into the examination of the Religious Authority's role in preserving Islamic values within Iranian society while seemingly encroaching upon the right to freedom of religion, particularly the choice to wear a headscarf. The study reveals that the authoritarianism exhibited by religious authorities in Iran is closely tied to the justification provided by Shi'a theology itself. Furthermore, the influential role of wilāyāt al-Faqīh is instrumental in the gradual establishment of mandatory hijab laws. Ultimately, Mahsa Amini's death is seen as a potential catalyst for re-evaluating the hijab rule amid Iran's political instability, although it does not necessarily undermine the overall authority of religious figures in the country.
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INTRODUCTION

The discourse surrounding religious authority constitutes an enduring and dynamic subject of inquiry. Given the ubiquity of religion as a universal phenomenon (Cohn & Klausner, 1962) the utilization of religious principles to consolidate power in the governance of societies persists across time and geographical locations. In historical contexts, such as ancient Egypt, the Pharaohs employed the pretext of a unique connection with the divine to enforce their authority. This manifested in the imposition of tasks, such as the construction of the Pyramids, under the belief that these structures would ensure tranquillity for their souls upon resurrection after death (Imarah, 1988).

Similar to Ancient Egypt, medieval Europe witnessed a parallel phenomenon when the Romans officially established Christianity as the empire's official religion. During this period, emperors derived legitimacy from the pope, and conversely, the pope gained legitimacy from the emperor, thereby monopolizing not only religious interpretations but also comprehension of natural sciences. The prevailing mindset of that era was tightly constrained by the influence of the church (Ahmad Tafsir, 1998). Europeans bore the weighty consequences of this ecclesiastical oppression, leading to the subsequent characterization of this epoch as the "dark ages" during the periods of revival, enlightenment, and modernity (Hamdī Zaqzūq, 1998).

These historical accounts, though not widely recognized, underscore the condemnation faced by Muāwiyah ibn Abī Sufyān, a revered Companion, for viewing the people's possessions as divinely owned. In his role as khalifatullah, Muawiyah asserted a perceived entitlement to utilize state resources according to his discretion, presenting himself as God's representative to justify his political pursuits. A parallel can be drawn with the persecution endured by intellectual figures like Ibn Rushd, whose philosophy faced prohibition, and his books were subjected to burning, ultimately leading to his exile to the remote locale of Lucena in Cordoba, populated by many Jews. These incidents trace back to the politicization of religion by contemporary rulers, who sought to legitimize their actions through the endorsement of jurists wielding authority in religious interpretation (Imarah, 1988).

A parallel occurrence transpired in ancient Persia, wherein the Kisras, drawing upon an alleged special rapport with Ahuramazda, the paramount deity in the Zoroastrian faith, asserted an extraordinary authority to issue commands and prohibitions. Their justification rested upon the belief that the laws they enacted were imbued with a sacred character comparable to the divine laws of heaven, framing violations as offenses against God Himself. This ideological framework facilitated governance under the Kisras, endowing their laws with an inherent sanctity that elevated them beyond mere mortal decrees. Despite the potentially despotic and destructive nature of the Kisraic government, its actions consistently retained a semblance of legitimacy owing to the asserted divine mandate, thereby underscoring the enduring influence of ruling in the name of God in justifying a broad spectrum of governance measures (Imarah, 1988).

Recent events in Iran, a region historically connected to ancient Persia, draw striking parallels to the past. The turbulence in Iran, formerly part of the Persian realm, was catalyzed by widespread protests triggered by the tragic demise of Mahsa Amini on September 16, 2022. Amini, also known as Zhina Amini, faced arrest and mistreatment by the moral police, Gasht Ershad, during her vacation in Tehran. Hailing from Saqez, Kurdistan, Amini's purported offense was the perceived inadequacy of her headscarf, with a portion of her hair visible. The incident, marked by an excessive response from the authorities, sparked massive demonstrations, deemed the largest since the Iranian Revolution in 1979. This convergence of historical echoes and contemporary sociopolitical dynamics underscores enduring complexities surrounding religious and societal control, reminiscent of analogous struggles witnessed in the historical narrative of Persia.(Karkazis & Koutsouradi, 2023).

This article seeks to engage in a comprehensive exploration of the discourse surrounding religious authority within the framework of Islamic theology, with a particular emphasis on the Shia tradition. The research endeavors to elucidate the position of wilayāt al-Faqīh as a distinctive form of religious authority, delving into its theoretical underpinnings and practical implications. Furthermore, the article aims to conduct a detailed analysis of the incident involving the tragic death of Mahsa Amini, situating it within the broader context of religious authority in Iran. By scrutinizing the socio-political implications of this incident, the researcher intends to offer insights into the contemporary dynamics and challenges surrounding religious authority within the Iranian socio-political landscape. In doing so, the article aspires to contribute to a nuanced understanding of the evolving nature of religious authority, particularly within the Shia Islamic perspective, and its ramifications on the broader discourse in Iran.

METHOD

This journal article employs a qualitative research method to achieve its research objective, which is to explore the societal repercussions following the death of Mahsa Amini at the hands of Iran's moral police, Gasht Ershad, specifically focusing on the subsequent emergence of demonstrations against the country's religious authorities.

Adopting a historical approach and utilizing a case study design, the research delves into the contextual nuances surrounding the incident.

The primary data collection method employed is a comprehensive literature study, drawing from diverse sources such as books, journals, and relevant scientific research. This approach allows the researcher to synthesize existing knowledge and insights related to the incident, situating it within the broader historical and socio-political context of Iran. The use of a case study design enables a detailed examination of the specific event and its aftermath.

The previous research (Puspitasari et al., 2022) light on the global impact of Mahsa Amini's death within the context of mandatory hijab enforcement for Iranian women. The study revealed human rights violations resulting from perceived repressive measures by local authorities enforcing Islamic law. The inherent conflict between human rights and religious mandates was underscored, prompting a call for a thorough investigation and a governmental review of law enforcement practices. In extending this discourse, this article uniquely contributes by delving into the nuanced exploration of religious authority not Islamic Law. Focusing on the aftermath of Amini's tragedy, this research aims to offer fresh insights into the complexities surrounding the discourse of religious authority, providing a novel dimension to our understanding of the intricate socio-political dynamics at play.

In addition to the extensive literature study, the researcher supplements the data collection process by seeking secondary references. Notably, an interview is conducted with an Indonesian Ahlul Bait (ABI) activist who is concurrently pursuing a doctoral degree at the International Islamic University of Indonesia. This interview provides a valuable first-hand perspective and enriches the research with insights from an individual deeply engaged in the discourse surrounding religious authorities.

Overall, the combination of a historical approach, case study design, literature study method, and interview with a knowledgeable activist contributes to a robust and multifaceted exploration of the implications and responses to the tragic incident involving Mahsa Amini, shedding light on the complex interplay of religious authority, societal dynamics, and historical context in Iran.

Religious Authority in the Scales of Islamic Theology Schools

The discourse surrounding religious authority within Islam intricately intertwines with the broader considerations of the governance concept in Islamic societies. Central to this discussion is the perennial clash between the secular state and the religious state. The former vests authority in the hands of the people, while the latter positions authority in the hands of an individual or a designated group claiming divine authorization as God's spokespersons. Such individuals are deemed *ma'sūm* (free) from sin, asserting a direct mandate from God to govern and regulate both religious and worldly matters. This unique position of religious authority is predicated on the belief that these individuals, as representatives of God, are infallible, for any error on their part would imply an error on the part of God, a seemingly contradictory proposition (Imarah, 1988). In essence, the presence of religious authority becomes the defining characteristic that transforms a state into a religious state, shaping its governance and socio-political landscape.

In the broader context of Islamic theological perspectives, a notable consensus prevails across various Islamic schools of thought, barring Shi'ism, with regard to the rejection of the existence of religious authority. This consensus extends to the denial of any individual or group of individuals being *ma'sūm*, or free from sin, a distinction traditionally reserved for Prophets and Messengers (Hamid et al., 2023). A case in point is found in the words of Abū Bakr, the inaugural leader of Muslims following the demise of the Prophet, articulated in his inaugural speech, where he humbly declared (Imarah, 1988), "I have been appointed as your leader even though I am not the best

among you. If I do good, support me. If I do wrong, set me straight." This statement underscores a crucial principle, emphasizing the absence of sanctity for any individual in the realm of politics, thus promoting accountability and transparency within the governance framework. The divergence of Shi'ism from this consensus introduces a distinctive perspective on religious authority, setting the stage for an intriguing exploration of the implications and nuances within the broader Islamic discourse.

An in-depth exploration of the discourse surrounding the religious state and its corresponding religious authority necessitates a comprehensive examination of the positions articulated by the principal schools of thought in Islam concerning political matters. This nuanced investigation is notably elucidated by Muhammad Emara in his seminal work, *al-Daulah al-Islāmiyyah baina al-Ilmāniyyah wa al-Sulthah al-Dīniyyah*. Emara's scholarly examination provides a meticulous analysis of the intricate intersection between secularism (Ilmāniyyah) and religious authority (Sulthah al-Dīniyyah) within the framework of the Islamic state. The diverse perspectives and nuanced positions of the major Islamic schools of thought on political governance, as expounded in Emara's work, serve as a valuable foundation for a more profound understanding of the dynamics surrounding the concept of a religious state and the associated religious authority within the broader Islamic context (Imarah, 1988):

Muktazilah, as a theological school of thought within Islam, advocates for the political authority to be vested in the hands of the people. Their stance is grounded in the belief that politics primarily concerns worldly benefits. According to Muktazilah, the policies, directives, or prohibitions issued by a leader, whether a caliph or imam, do not inherently render them sinful or virtuous. Instead, their actions are perceived as attempts to determine what is most beneficial for the community, thus positioning political authority as a pragmatic means to serve the common good.

Asya'ariyyah, sharing similarities with the Muktazilah perspective, asserts that the issue of imāmah (leadership) or political authority is not a fundamental tenet of creed (aqīdah). Rather, they categorize it as a branch issue (furū'), contingent upon the perceived public good as determined by the people. This nuanced perspective reflects a recognition within the Asya'ariyyah tradition that the question of political leadership is intricately tied to societal welfare, emphasizing a practical and context-dependent approach.

Khawārij, akin to the Muktazilah and Asya'ariyyah, contends that imāmah or political authority derives from reason (ra'y) rather than direct Quranic or Sunnah prescriptions. Consequently, they assert that politics does not inherently belong to the religious domain. This viewpoint underscores a separation between religious doctrine and political governance within the Khawārij tradition.

Salafiyyah, often referred to as ashāb al-Hadīth, adopts a perspective that positions the Shari'ah as the ultimate objective, while politics is regarded as a pragmatic tool. According to Salafiyyah, if political endeavors align with the principles of justice and public welfare, which are inherent goals of the Shari'ah, they are deemed worthwhile pursuits, even if not explicitly derived from divine revelation. This pragmatic approach signifies a recognition that political actions can contribute to the realization of broader religious objectives within the Salafiyyah framework.

From all these opinions, can be concluded that all major Islamic schools of thought in the history of Islam support a political concept that separates (not separates in a secular sense) religious and political affairs. For them, political authority is a worldly realm, where the public good is determined by humans, while religion only provides guidance and direction. In other words, if one reads it with a modern reading, the Islamic schools of thought all reject the existence of a religious authority that unites religion and politics, thus creating a religious state, where the government is *ma'sūm* because it acts on behalf of God in ruling.

In contrast to other major Islamic schools, the Shīa perspective uniquely mandates the existence of religious authority. This viewpoint traces its historical origins to the latter half of the first century hijriyyah when the Umayyad dynasty, particularly oppressive towards the Shīa amid power struggles, prompted the emergence of the theory of religious authority (al-Haq al-Ilāhī li al-Mulūk) (Neveen Abdul Malik Mushafa, 2012). This theoretical framework, born out of the need to counter oppressive regimes, envisions the overthrow of such governments and the establishment of an Imām—an individual divinely purified from error—to usher in righteousness and justice on Earth. This distinctive Shīa perspective underscores the crucial role of religious authority in challenging oppressive regimes and advocating for righteous governance.

There are two arguments on which the Shī'a rely to justify religious authority. First: they rely on the syllogism that human beings as individuals are not ma'sūm (free from sin), and the ummah is a collection of individuals, hence not ma'sūm either, hence there must be a ma'sūm individual (Imām) who guards the ummah from deviation and misguidance. Second: the interpretation of verses or hadiths to support the claim that imāmah and the political system are one, both are religions. So in Shī'a, unlike Ahlu Sunnah, their pillars of Islam include imāmah, unlike other Islamic groups (Imarah, 1988).

From the above explanation, it can be concluded that religious authority, in the sense that there are individuals and groups of people who claim to be authorized by God so that they are free from sin, to take care of religious and world affairs at the same time, is rejected by all Islamic schools of thought, except Shīa, which considers religion and politics to be a unity. From this, we can see that religious authority is deeply rooted in the theology of the Shīa. This can help us understand how the death of Mahsa Amini, and its relationship with the hijab rule in Iran, was born from the local religious authority called wilāyah al- Faqīh, which is a very sacred political authority in Iran.

Wilāyah al- Faqīh and The Problem of Hijab Law in Iran

Building upon the insights garnered in the preceding chapter, it becomes evident that imāmah constitutes a foundational pillar within the Shīa school, serving as the quintessential element that delineates it from the Ahlu Sunnah tradition. This concept of imāmah is intricately interwoven with the doctrine of Nubuwwah (prophethood), positing that the mantle of leadership, entailing the vital function of guiding the people, remains an enduring legacy. In the aftermath of Prophet Muhammad's demise, this mantle transitioned to the 11 Shī'a Imams. However, in anticipation of the eventual return of the 12th Imam, Muhammad al-Mahdī, a period of leadership vacuum unfolded, necessitating a scholarly exercise in ijtihad to articulate a conceptual framework for governance during this interlude (Zulkarnain, 2011). It is within this intellectual milieu that the concept of wilāyah al-Faqīh emerges—a form of leadership vested in worthy faqīh (jurists). This institutionalized concept of leadership represents a distinctive Shīa response to the exigencies of an era marked by the absence of the twelfth Imam, contemplating the governance vacuum through the lens of juristic authority.

Wilāyah al-Faqīh extends beyond the conventional role of a jurist, encompassing authority over the Islamic community and leadership in public affairs. This conceptual framework asserts the inseparability of religion and politics, contending that these domains are inherently interconnected. A faqīh within this paradigm holds responsibilities ranging from the application of *hudūd* to the appointment of judges and the determination of key positions within the state (Amrizal, 2020). This concept gained formalization following the success of the Iranian Revolution in 1979, culminating in the establishment of the Islamic Republic of Iran, with wilāyah al-Faqīh enshrined as the official state system in the constitution through democratic processes involving two

referendums. This historic development marks a pivotal institutionalization of the wilāyah al-Faqīh concept within the Iranian state framework (Amrizal, 2020).

Central to the conceptual framework of wilāyah al-Faqīh is the prominent figure of the *Rahbar*, the esteemed leader of Iran, whose theological role serves to fill the leadership void in the absence of Imam al-Mahdī. Following the passing of the ma'sūm Ayātullāh Khomeini, this pivotal position has been held by Ayatullāh Alī Khamenei since 1989 (Amrizal, 2020). The scope of the Rahbar's authority within the government is extensive, ranging from delineating the general policy of the Islamic Republic of Iran to formalizing the election of the president, enacting legislation, and assuming the role of commander-in-chief of the armed forces (Amrizal, 2020). This comprehensive authority underscores the central and indispensable role that wilāyah al-Faqīh plays within Iran as a potent religious authority. The Rahbar's multifaceted responsibilities and influence illuminate the overarching significance of this concept in shaping the governance and socio-political landscape of the Islamic Republic of Iran.

This role also ultimately led to how the process of legalizing the hijab in Iran by the faqīh to maintain Islamic values in society faced problems from time to time until the Mahsa Amini event occurred, considering that the crucial problem of the concept of wilāyah al- faqīh as a religious authority, which is often the target of criticism, is indeed its absolute side in interpreting religion. Abdul Karīm Soroush, an Iranian philosopher, considers that the dominance of religious interpretation in the form of fiqh is a source of material injustice because the law is constructed in an authoritarian frame (Setyawan, 2017).

This can be seen in the development of the hijab discourse in Iran in two phases: from being a recommendation to become a punishment. A month after the Islamic Revolution in Iran took place, the Rahbar, or the first great leader in the wilāyah al-Faqīh system, Ayātullah Khomeinī, commented on the issue of women and hijab, advising (Fatima Alsmadi, 2021), "The best women in Islam should wear hijab." Hujjatul Islām Isyrāqī Shahr al- Khomeinī said, "Hijab should be given attention ... but it is necessary to realize that hijab does not necessarily mean chadūr," as he also advised that hijab should be implemented throughout the country, for Muslim women or minorities (Fatima Alsmadi, 2021).

These advice on the wearing of the hijab evolved due to the demands of several parties, until in 1981, it was transformed into a law on employment in official departments and institutions, which considered not wearing the hijab as an offense, so shops and public places were required to post a sign (Fatima Alsmadi, 2021): "As ordered by the anti-defamation court, we do not welcome customers who do not observe Islamic appearance." The hijab rule also became stricter from 1983 to 1996 when the first special women's clothing law was passed, requiring all women in Iran and non-Iran, Muslim or non-Muslim, to wear the shar'i hijab in public, and violators were sentenced to imprisonment for 10 days to 2 months, or stoning 74 times (Fatima Alsmadi, 2021).

From the process of hijab-related laws, we can see how wilāyah al- Faqīh faces problems, especially when juxtaposed with the concept of modern government, which is based on citizens who are then entrusted with the government to manage power. In contrast to wilāyah al- Faqīh, which views citizens in the realm of fulfilling religious obligations. So in the case of the hijab, the voices of those who choose not to wear it are not accommodated by the government, instead the government with its sole interpretation of religion, which in this case is represented only by the faqīh, makes the hijab which is a commandment of God, which is not binding in nature, in the sense that it is free to wear or not but has religious consequences, also has state consequences. No doubt, democracy in Iran is often the target of criticism, because there is a gap between the wishes of the people and the wishes of the government represented by religious authorities.

DISCUSSION

It is important for us to first understand what the hijab protests in Iran, after Mahsa Amini's death, were about. Interestingly, before the revolution, both those who wore hijab and those who didn't, fought together to bring down the regime at that time (Uygur, 2022). Historically, the mandatory hijab rule in Iran only began in the period after the 1979 Islamic Revolution. Previously, women in Iran were forced to remove their headscarves by Reza Shah Pahlevi's regime. Reza, according to historians, was heavily influenced by Musthafā Kamal at-Taturk in Turkey, who considered the hijab to be the cause of the decline of "Iranian women" (Fatima Alsmadi, 2021). No doubt wearing the hijab at that time was a symbol of protest. But what is also interesting is that it was 180 degrees different after Mahsa Amini died. Protesting by removing the hijab, even burning it, is considered a symbol of protest.

From this historical background, we can conclude that reading the typology of the protest movement that is happening in Iran only by making the headscarf a factor, is very weak as a basis for reading the current conflict. Iran is indeed prone to protests, as stated in the previous chapter, that the gap, the emotional distance between the government and society is very wide, due to the too large role of religious authorities. The researcher tried to interview one of the ABI (Ahlul Bait Indonesia) activists, Musa Kazhim, and he gave a recording of his discussion on Youtube, in one of his discussions about the Mahsa Amini incident, he confirmed that the various motivations of the protesters were not only protesting about the hijab law, some protested because they demanded improvements in the bureaucracy, some were questioning corruption, some were still dissatisfied with the way the government resolved the post-pandemic economic crisis (Kupas Chanel, 2023). Various motives can be found in these protests.

So instead of addressing the hijab itself, the protests have actually shifted to political issues on a larger scale. For example, in Kurdistan itself, Mahsa Amini's hometown, the masses shouted the slogan *"live Kurdistan"* which has the tone of separatism. Kurdish cities in Sunni-majority Iran have been the most active in protesting. Sectarian issues escalated when security forces shot at 100 Iranians in Zahedan during a protest after Friday prayers where the Sunni Baloch community lives (Uygur, 2022).

Regardless of the political issues surrounding it, the future of the hijab, and its relation to religious authority in Iran, according to Musa Kazhim must indeed be evaluated. And in the case of the coercion of wearing the hijab by the Iranian government represented by the *wilāyah faqīh*, it should not only be seen in order to keep the Islamic *shari'a* maintained on Iranian women, but also in an effort to maintain Iran's own culture that has been integrated with Islam. And this is the mistake, according to him, made by the Western media in framing the growing issue in Iran, as if there is religious coercion, they do not see it as an effort by the Iranian government to maintain the identity of the Iranian people who through a referendum have chosen Islam as a state (Kupas Chanel, 2023).

Thus, talking about the future of the religious authority in Iran, and its relation to the hijab discourse after Mahsa Amini's death, actually lies in the redefinition of hijab in Iran itself, as a religion or culture. The religious authority certainly considers hijab a religion, but can it convince some people who disagree with the hijab law, at least by emphasizing it as a cultural identity that must be preserved. This is the question. Or another question that might be asked is, can the *wilāyah al- faqīh* re-read the hijab law? As Musa said, the hijab - of course he represents the view of Shīa - is a law of Allah, which means that the consequences of wearing or not wearing it depend on human relations with Allah. However, the problem is that in Iran, the law of God has become positive law, so it has consequences in state law as outlined by the law (Kupas Channel, 2022).

From this statement, it can be concluded that the wilāyah faqīh cannot tamper with the original Shari'ah law of hijab, but it is possible to review its status as a positive law. At the time this research was written, there was in fact rhetoric from Iranian officials regarding the review of the hijab rule *(*Detik, 2022*)*, as there was news that the moral police was disbanded, but these developments are still uncertain, still confusing.

The future of the Iranian regime after the Mahsa Amini incident also depends on the conditions of Iranian politics, where Ibrahim al- Raīsī was elected with a low turnout, and since the leadership of Mahmūd Ahmadinejad there has been a polarization between self-proclaimed reformists and conservatives in the Iranian government. So, any surprising turn of events can happen all of a sudden. However, what needs to be underlined is that Iran has gone through many protests from year to year, but the regime has always shown good conflict management, even though in some cases it used violence, until now there is still no sign of the collapse of the religious authority regime in Iran.

CONCLUSION

From the previous explanation, it can be seen that theologically Shi'ah has a peculiarity in viewing religious authority in the sense that a person or group of people rule on behalf of God. Unlike the primary schools of Islamic thought, such as mu'tazilah, ash'ariyyah, khawārij, and salafiyyah, which agree that the issue of leadership (imāmah) or politics (siyāsah) is a worldly affair and not a religious subject, so religious authority does not exist in Islam. However, unlike the others, the Shi'a combine religion and politics because the leadership, according to them, from Allah's messenger continues to run through the imams they believe in.

The concept of imāmah then faced problems when Imam al- Mahdī, the 12th imam, disappeared. Thus, the wilāyah al- Faqīh was developed to fill the void in which the faqīh were declared leaders. The concept became increasingly relevant when the Iran Islamic revolution occurred in 1979. After two referendums, Islam was agreed upon as the basis of the state, with wilāyah al- Faqīh as the constitutional system. However, due to its sacred nature and broad authority in Iran, it often threatens the people's right to freedom, including in religion. As a result, the hijab, which was passed into positive law, has sparked pros and cons from time to time.

The government-people conflict became even more heated when at the end of last year, a woman named Mahsa Amini died allegedly due to the mistreatment of the moral police who disciplined her dress. Suddenly, massive protests broke out across Iran. However, what needs to be observed is the domino effect of the incident that made the protests against the government infiltrated by many motives, not just the struggle for women's emancipation in order to defend their body rights not to be used as objects as many Western or westernized feminists voiced, many hidden motives in the protests that occurred.

However, what also needs to be observed is that the discourse of hijab as a positive law is still a central issue discussed in Iran. Amid uncertain political stability, so far, the Iranian regime's conflict management has been very good in accommodating the demands of the protests, so there are no signs of radical change in Iran about the fall of the religious authority regime. However, on the contrary, the rhetoric of wilāyah al- Faqīh officials has recently shown openness to the interpretation of the hijab law as positive law. This shows that there is a good trend for wilāyah al- Faqīh as a religious authority in Iran.

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