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ABSTRACT: “Shi’i Clerical Authority and the Dilemma of Trias Politica in Modern Era”

The notion of separation of executive, legislature, and judiciary powers, *Trias Politica*, is one of the distinct features of democratic regimes in modern political thought. For many, failure and success of a democracy lies in the extent to which the separation and independence of these three branches of the governance is realised. In Shi’i orthodox doctrine, however, they are originally the Prophet and his twelve succeeding infallible Imams who have the divine rights to rule, to legislate, and to judge. And of course, Shi’i mujtahids, as general deputies of the last Imam, have appropriated some of his prerogatives and claimed for themselves the similar rights of legislation and judiciary, *Ifta* and *qada*. Consequently, it is incumbent upon Shi’i mujtahids to issue legal opinions based on their interpretation of divine law in given circumstances, and to carry out judicial arbitration during the Occultation Era. They retained, for themselves, in any case, the exclusive authority for supervision and application of the law. Reviewing the original resources, and probing the sources of these jurisprudential standpoints, this research aims to address two distinct questions: Can a given mujtahid refrain himself of political activism while at the same time claiming over exclusive authority for legislature and judiciary powers? And what should be the new direction for ijihad to make clerical authority in more conformity with the contingencies of modern democratic settings?

Keywords: Islam and modernity; political Shi’ism; ijihad; separation of powers; democracy