

## The Contribution of the Safavid Dynasty to the Formation of the Islamic Family Law System: Institutionalization of Ja'fari Jurisprudence in Marriage, Divorce, and Inheritance Regulations in Iran

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Article Info	Abstract
<p><b>Article history:</b> Received: January 13, 2026 Revised: March 06, 2026 Accepted: March 08, 2026</p> <p><b>Keywords:</b> Safavid dynasty, Islamic family law, Ja'fari jurisprudence, Marriage regulation, Inheritance law.</p>	<p>This study examines the contribution of the Safavid dynasty (1501–1736) to the formation of the Islamic family law system in Iran, with a particular focus on the institutionalization of Ja'fari jurisprudence in regulating marriage, divorce, and inheritance. Using a historical-juridical approach with qualitative library research methods, the study traces how the Safavid political transformation from a Sufi order (tariqah) into a Twelver Shi'a state provided the structural foundation for codifying family law norms derived from the Ja'fari school of thought. The findings reveal that the Safavid era introduced significant legal innovations in three key domains: the formalization of permanent (nikāḥ) and temporary (mut'ah) marriage contracts under state-administered shari'ah courts; the systematization of divorce procedures including ṭalāq, khul', and judicial dissolution; and the implementation of inheritance distribution based on farā'īd principles. The study concludes that the Safavid legacy in family law continues to shape Iran's modern legal framework. This study contributes to the existing body of knowledge by providing an integrative analysis that bridges the gap between Safavid political historiography and Islamic legal studies, specifically by disaggregating the institutional mechanisms such as the role of the Ṣadr, the appointment of Shi'a qāḍīs, and the scholarly migration from Jabal 'Āmil through which Ja'fari family law norms were systematically codified and enforced, an area that has been largely overlooked in prior scholarship which tends to treat the Safavid legal system as a monolithic entity without examining its specific innovations in the domains of marriage, divorce, and inheritance regulation.</p>

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### A. Introduction

Islamic family law constitutes one of the most foundational and enduring dimensions of *shari'ah* governance, encompassing the regulation of marriage (*nikāḥ*), divorce (*ṭalāq*), guardianship (*wilāyah*), and inheritance (*farā'id*). These domains collectively constitute the personal status (*al-aḥwāl al-shakhsīyyah*) framework that has historically served as the most directly experienced aspect of Islamic legal normativity for Muslim communities across diverse geographical and cultural contexts. The significance of family law within the broader Islamic legal tradition cannot be overstated, as it intersects with fundamental questions of social organization, gender relations, economic distribution, and religious identity. From the earliest periods of Islamic jurisprudential development, family law has occupied a central position in the scholarly efforts of *fuqahā'* (jurists), generating extensive commentary, codification, and institutional elaboration across all major schools of Islamic jurisprudence.

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While contemporary scholarship has extensively examined the comparative frameworks of Sunni schools of jurisprudence (*madhāhib*)—particularly the Ḥanafī, Mālikī, Shāfi'ī, and Ḥanbalī traditions in family law matters, the distinct contributions of Shi'a jurisprudence have received comparatively less systematic attention in the academic literature. This imbalance is especially pronounced with respect to the Ja'farī (*Ithna 'Asharī* or Twelver) school, which represents the dominant legal tradition within Shi'a Islam. The Ja'farī school, named after the sixth Imam, Ja'far al-Ṣādiq (d. 765 CE), offers distinctive jurisprudential positions on marriage contracts, temporary marriage (*mut'ab*), divorce procedures, and inheritance allocation that diverge significantly from the Sunni consensus (*ijmā'*). This gap in scholarly attention is particularly notable given that the Ja'farī school serves as the constitutional basis for family law in the Islamic Republic of Iran, a legal system with direct historical roots in the Safavid era (1501–1736).

Existing literature has explored the Safavid dynasty predominantly through political, cultural, and religious lenses. Scholars such as Asadi (2023), Salari Sardari (2024), and Newman (2020) have illuminated the Safavid contributions to architecture, statecraft, and intellectual life, situating the dynasty within the broader narrative of early modern state formation in the Islamic world. The Safavid period has been recognized as a transformative epoch in the history of Shi'a Islam, marked by the establishment of Twelver Shi'ism as the official state religion and the systematic construction of religious institutions that would shape Iranian society for centuries. Similarly, studies on the transition from the Sufi *tariqah* to political power have been well documented by Syukur (2020) and Karaceper (2024), who have traced the ideological and organizational evolution of the Safavid movement from its origins as a mystical order in Ardabil to its emergence as a centralizing imperial force.

However, a critical lacuna persists in the existing scholarship: the specific mechanisms by which the Safavid state institutionalized family law norms through the Ja'farī school of jurisprudence remain underexplored. Previous research has tended to treat the Safavid legal system as a monolithic entity without disaggregating its specific innovations in the domains of marriage contracts, divorce procedures, and inheritance regulation. This tendency reflects a broader methodological limitation in the study of pre-modern Islamic legal systems, where the analysis of institutional structures is often subsumed under general narratives of political or religious history. The absence of a focused examination of Safavid family law institutionalization represents a significant gap not only in Safavid historiography but also in the comparative study of Islamic family law across different historical and confessional contexts.

This article aims to fill this scholarly gap by systematically analyzing the Safavid dynasty's contribution to the formation of Islamic family law, specifically examining three interconnected dimensions. The first dimension concerns the formalization of marriage contracts both permanent (*dā'im*) and temporary (*mut'ab*) under state-administered *shari'ah* courts. The second dimension addresses the systematization of divorce procedures in accordance with Ja'farī *fiqh*, including the codification of conditions for *ṭalāq*, *khul'*, and judicial dissolution (*faskh*). The third dimension examines the implementation of inheritance distribution (*farā'id*) principles, particularly as they relate to the Ja'farī system of proportional shares and residuary allocation. The study's novelty lies in its integrative approach that connects the religio-political transformation of the Safavid movement with the concrete institutional structures of family law governance.

Conceptually, this study is informed by the intersection of legal institutionalism and historical sociology of Islamic law. Drawing upon the theoretical frameworks of Hallaq's (2009) analysis of the *shari'ah* as a social and institutional phenomenon, as well as Abisaab's (2004) examination of the Safavid clerical establishment, this article positions the institutionalization of family law as a deliberate state-building strategy rather than an organic byproduct of religious conversion. The Safavid case demonstrates that the adoption of Ja'farī jurisprudence was accompanied by the creation of specific bureaucratic, judicial, and educational infrastructure designed to translate doctrinal positions into enforceable legal norms within the domestic sphere. This framework allows for a more nuanced understanding of the relationship between sectarian identity formation, state power, and legal codification in the Islamic world.

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The central argument of this study posits that the Safavid transformation from a Sufi *tariqah* to a Twelver Shi'a state was not merely a political phenomenon but constituted the foundational moment in the institutionalization of Ja'fari family law norms in Iran. It is hypothesized that the establishment of the *Şadr* (chief religious administrator), the appointment of Shi'a *qādīs* (judges), and the importation of Ja'fari scholars from Jabal 'Āmil in present-day Lebanon provided the structural mechanisms through which family law was systematically codified and enforced across the Safavid realm. These institutional innovations created a vertically integrated system of legal authority that connected the central state apparatus with local courts and community-level adjudication, ensuring the uniform application of Ja'fari family law principles across a vast and culturally diverse empire.

The significance of this study extends beyond historical reconstruction, as the Safavid institutionalization of Ja'fari family law established the foundational legal architecture that continues to shape contemporary Iranian family law. The post-1979 Islamic Republic's legal system, while undergoing significant modifications, retains fundamental structural and doctrinal continuities with the Safavid-era framework, particularly in the areas of marriage registration, divorce adjudication, and inheritance distribution. Understanding the Safavid origins of these legal institutions provides essential context for contemporary debates on family law reform in Iran and other Shi'a-majority contexts, including Iraq, Bahrain, and Lebanon. Moreover, this study contributes to the broader comparative family law literature by demonstrating how sectarian legal traditions are institutionalized through specific state mechanisms, offering a model that can be applied to the study of other confessional legal systems in the Muslim world.

This article is structured as follows: the subsequent section presents the methodological framework, which employs a qualitative historical-analytical approach grounded in the critical examination of primary Safavid-era legal texts and secondary historiographical sources. The findings section is organized around three thematic domains marriage contracts, divorce procedures, and inheritance regulation each analyzed through the lens of institutional formation and Ja'fari jurisprudential specificity. A comparative discussion follows, contextualizing these findings within broader scholarship on Islamic family law and early modern legal state-building. The article concludes with reflections on the enduring legacy of the Safavid family law system and its implications for contemporary legal scholarship and policy discourse in the Muslim world.

### B. Methods

This study employs a historical-juridical research approach, combining historical analysis with normative legal examination to investigate the Safavid dynasty's contribution to the formation of Islamic family law. The research design is qualitative, utilizing a library research method (*studi pustaka*) that draws upon primary and secondary sources encompassing classical Islamic jurisprudential texts, historical chronicles, and contemporary academic literature. The primary sources include Safavid-era legal treatises and *fatwā* compilations from Ja'fari jurists such as *al-Karakī* (d. 1534) and *al-Majlisi* (d. 1699), while secondary sources encompass peer-reviewed articles indexed in Scopus and SINTA databases published between 2020 and 2026.

The analytical framework integrates two complementary approaches. First, a historical-descriptive analysis traces the chronological development of family law institutions during the Safavid period, from the establishment of Twelver Shi'ism as the state religion under Shah Ismail I (r. 1501–1524) through the consolidation of the legal system under Shah Abbas I (r. 1588–1629). Second, a normative-juridical analysis examines the substantive content of Ja'fari family law norms as institutionalized during the Safavid era, focusing on the three key domains of marriage, divorce, and inheritance. The unit of analysis is the institutional framework of family law as codified and administered through the Safavid state apparatus, particularly the offices of the *Şadr* and the *shari'ah* court system.

Data collection involved a systematic review of relevant academic literature, employing keyword searches in databases including Scopus, Web of Science, and Google Scholar using terms such as “Safavid family law,” “Ja'fari jurisprudence marriage,” “Twelver Shi'a inheritance,” and “Islamic legal history Iran.” The data analysis technique follows the Miles and Huberman model of

qualitative data analysis comprising data reduction, data display, and conclusion drawing and verification. The validity of the research findings is ensured through source triangulation, cross-referencing primary historical sources with contemporary scholarly interpretations.

### C. Result

#### The Safavid Transformation: From Sufi Tarekat to State-Sponsored Family Law Governance

The analysis reveals that the Safavid transformation from a Sufi *tariqah* into a Twelver Shi'a state created the necessary institutional conditions for the systematic codification of Islamic family law based on Ja'fari jurisprudence. The Safavid dynasty originated from the *Şafawiyyah* Sufi order, founded by Sheikh *Şafi al-Dīn* (1252–1334) in Ardabil, which initially followed the Shafi'i school of Sunni jurisprudence. Under the leadership of Sheikh Junayd and subsequently Shah Ismail I, the movement underwent a decisive doctrinal shift toward Twelver Shi'ism, culminating in the proclamation of Shi'a Islam as the official state religion upon Shah Ismail I's coronation in Tabriz in 1501 (Newman, 2020; Savory, 2020).

This religious transformation carried profound implications for family law governance. The establishment of the office of the *Şadr* (chief religious administrator) created a centralized authority responsible for overseeing *shari'ah* courts, managing religious endowments (*awqāf*), and ensuring doctrinal conformity in judicial rulings. The *Şadr* supervised the appointment of *qadis* and *mujtahids* who adjudicated family law disputes according to Ja'fari *fiqh*. The importation of prominent Shi'a scholars from Jabal 'Amil in Lebanon, most notably *Alī al-Karakī* (appointed as the first *Şadr* under Shah Tahmasp I), provided the jurisprudential expertise necessary to establish a coherent family law system distinct from the previously dominant Sunni legal frameworks (Askari-Ravizi & Mahdavi, 2022; Stewart, 2023).

#### Formalization of Marriage Contracts under Ja'fari Jurisprudence

The Safavid state formalized two distinct categories of marriage recognized under Ja'fari jurisprudence: permanent marriage (*nikāh dā'im*) and temporary marriage (*nikāh munqati'i* or *mut'ah*). This dual marriage system represents one of the most distinctive features of Shi'a family law, distinguishing it from Sunni jurisprudential traditions that generally prohibit temporary marriage. Under the Safavid legal framework, permanent marriage required the fulfillment of specific conditions including the consent of both parties, the determination of dowry (*mahr*), and the presence of the marriage formula (*Şighah*). The *shari'ah* courts administered by the state registered and adjudicated marriage contracts, providing institutional oversight that had not existed under previous regimes (Haeri, 2020; Tucker, 2021).

Temporary marriage (*mut'ah*), a practice unique to Shi'a jurisprudence, received formal legal recognition and institutional support during the Safavid era. Under this framework, a temporary marriage contract required the specification of duration (*ajal*) and dowry (*mahr*), with the marriage automatically dissolving upon expiration of the agreed term without requiring formal divorce proceedings. Women who entered into temporary marriages retained certain rights including dowry ownership and, in cases of pregnancy, the right to child support and recognition of offspring (Haeri, 2020; Jahandideh & Khaefi, 2020).

The findings further indicate that the Safavid marriage system stratified women's legal status according to the type of marital arrangement. Historical chronicles document six categories of women during the Safavid period: wives of the social elite in permanent marriages, rural women in communal tribal arrangements, women engaged in artisan activities, women in temporary marriages, enslaved women, and courtesans. Each category carried different legal rights and obligations under the Ja'fari family law framework, demonstrating the complexity of the Safavid marriage regulation system (Werner, 2022; Zarinebaf, 2023).

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### Systematization of Divorce Procedures

The Safavid era witnessed the systematic codification of divorce procedures under Ja'fari jurisprudence. Under the Ja'fari school, a valid divorce (*ṭalāq*) required strict adherence to prescribed formal conditions: the pronouncement must be uttered in Arabic using a specific formula, in the presence of two just witnesses (*'ādil*), and during a period when the wife is not menstruating (*ṭuhr* period). This stricter formal requirement contrasted with the more permissive Sunni approach to *ṭalāq* and significantly reduced the incidence of arbitrary unilateral divorce by husbands (Hallaq, 2020; Mir-Hosseini, 2022).

Women's access to divorce was facilitated through the Ja'fari institution of *kebul'*, whereby a wife could initiate dissolution of the marriage by forfeiting her dowry or offering compensation to her husband. The Safavid *shari'ah* courts provided an institutional mechanism for processing *kebul'* petitions, with *qadis* authorized to adjudicate the terms of dissolution. Additionally, Ja'fari *fiqh* recognized judicial dissolution (*faskh*) on grounds including the husband's impotence, insanity, failure to provide maintenance, and prolonged absence, expanding women's avenues for seeking marital dissolution (Tucker, 2021; Welchman, 2023).

The research findings also reveal that the Safavid divorce system incorporated the concept of waiting period (*'iddah*) with specific provisions under Ja'fari *fiqh*. For permanent marriages, the waiting period following divorce was three menstrual cycles, while for temporary marriages, it was two menstrual cycles (or 45 days for non-menstruating women). These differentiated waiting periods reflect the nuanced approach of Ja'fari jurisprudence to family law (Gleave, 2022; Modarressi, 2021).

### Implementation of Inheritance Distribution Based on Farā'id Principles

The Safavid institutionalization of inheritance law (*farā'id*) represents the third critical domain where the dynasty's contribution to Islamic family law is evident. Under the Ja'fari school, inheritance distribution follows specific rules that differ from Sunni inheritance frameworks. The most notable distinction is the Ja'fari position on the inheritance rights of female heirs in the absence of male agnatic relatives (*'aṣabah*). Unlike the Sunni schools that recognize *'aṣabah* as residuary heirs, Ja'fari *fiqh* applies the principle of *radd* (return), whereby excess shares are redistributed proportionally among the designated heirs (*aṣḥāb al-furūd*), potentially increasing female heirs' shares (Hallaq, 2020; Welchman, 2023).

The Safavid state's enforcement of Ja'fari inheritance norms through the *Ṣadr's* office and the *shari'ah* courts ensured consistent application of these principles across the empire. The administration of religious endowments (*awqāf*) by the *Ṣadr* was closely linked to inheritance matters, as *waqf* properties often functioned as mechanisms for estate planning within Muslim families. Elite Safavid women, such as *Pari Khan Khanum* (d. 1578), utilized the *waqf* system to endow religious institutions and charitable foundations, demonstrating the intersection of inheritance rights, property ownership, and religious patronage within the Safavid family law framework (Werner, 2022; Kian, 2023).

### D. Discussion

The findings of this study confirm the central hypothesis that the Safavid transformation from a Sufi *tariqah* to a Twelver Shi'a state constituted the foundational moment for the institutionalization of Ja'fari family law in Iran. The establishment of the *Ṣadr* as the chief religious administrator, the importation of Ja'fari scholars from Jabal 'Amil, and the creation of a state-administered *shari'ah* court system collectively provided the institutional infrastructure for codifying and enforcing family law norms derived from the Ja'fari school of thought. These findings are consistent with the observations of Hallaq (2020) regarding the role of state patronage in the development of Islamic legal institutions, while extending his analysis to the specific domain of family law in the Shi'a context.

The Safavid model of legal institutionalization aligns with what Tucker (2021) describes as the "judicialization" of Islamic family law, whereby informal community-based dispute resolution mechanisms were progressively incorporated into formal state judicial structures. However, the Safavid case is distinctive in that this judicialization occurred simultaneously with a fundamental sectarian transformation, requiring the displacement of previously dominant Sunni legal norms with

Ja'fari alternatives. This dual process of institutional and doctrinal transformation has no direct parallel in other Islamic legal histories, making the Safavid experience a unique case study in the relationship between political power and family law development.

The formalization of the dual marriage system (permanent and temporary) under the Safavid state represents a significant contribution to comparative family law scholarship. As Haeri (2020) demonstrates, the institution of *mut'ab* marriage has its roots in pre-Islamic Arabian practices but received its distinctive Shi'a legal articulation through the Ja'fari jurisprudential tradition. The Safavid state's formal recognition of *mut'ab* embedded this practice within the institutional fabric of Iranian family law, creating a legal architecture that persists in Iran's contemporary civil code. This finding contributes to the ongoing scholarly debate regarding the relationship between religious jurisprudence and state law in Muslim-majority societies (Abdi & Khosravi, 2021; Badamchi, 2023).

The systematization of Ja'fari divorce procedures during the Safavid era carries important implications for contemporary discussions of gender equity in Islamic family law. The Ja'fari requirement for witnesses and specific formal conditions for valid *ṭalāq* provides greater procedural safeguards against arbitrary divorce compared to some interpretations within Sunni jurisprudence. This observation resonates with the findings of Mir-Hosseini (2022) and Welchman (2023), who have documented the evolution of Islamic divorce law toward greater procedural formalization across Muslim-majority jurisdictions.

Regarding inheritance law, the Safavid implementation of Ja'fari *fara'id* principles introduced a framework that, in certain respects, provides more favorable outcomes for female heirs compared to Sunni inheritance systems. The Ja'fari rejection of the *'uṣabab* concept and the application of the *radd* principle mean that in cases where no male agnatic relatives exist, female heirs may receive larger shares than they would under Sunni calculations. This finding contributes to the comparative family law literature by demonstrating that sectarian differences in Islamic jurisprudence produce tangible variations in the distribution of family wealth (Werner, 2022; Zarinebaf, 2023).

The enduring legacy of the Safavid family law system is evident in Iran's contemporary legal framework. Iran's Civil Code, first codified in the 1920s during the Pahlavi era, drew extensively upon Ja'fari jurisprudential principles that had been institutionalized during the Safavid period. Following the 1979 Islamic Revolution, Article 12 of the Iranian Constitution explicitly established the Ja'fari school as the official basis for legislation, reinforcing the Safavid-era paradigm of state-endorsed Shi'a family law. This study offers several new theoretical insights: first, that the institutionalization of family law norms requires not merely jurisprudential articulation but also the creation of state-sponsored administrative and judicial structures; second, that the Safavid model of religio-political transformation produced a distinctive family law paradigm that cannot be reduced to either purely religious or purely political analysis; and third, that the comparative study of Islamic family law must account for sectarian variation as a fundamental determinant of legal outcomes (Keddie & Richard, 2021; Chehabi, 2021).

## E. Conclusion

This study has demonstrated that the Safavid dynasty made a foundational contribution to the formation of the Islamic family law system in Iran through the institutionalization of Ja'fari jurisprudence in three key domains. In the domain of marriage regulation, the Safavid state formalized both permanent and temporary marriage contracts under state-administered *shari'ab* courts, establishing a dual marriage system unique to Shi'a legal traditions. In the domain of divorce, the Safavid era systematized procedures for *ṭalāq*, *khul'*, and judicial dissolution in accordance with Ja'fari *fiqh*, introducing stricter formal requirements and greater judicial oversight. In the domain of inheritance, the implementation of Ja'fari *fara'id* principles through the *Ṣadr's* office established inheritance distribution norms that differ from Sunni frameworks in ways that carry significant implications for gender equity.

The transition of the Safavid movement from a Sufi *tariqah* to a Twelver Shi'a state was thus not merely a political transformation but a juridical revolution that created the institutional foundations for a distinctive Islamic family law system. The enduring influence of this Safavid legacy

The Contribution of the Safavid Dynasty to the Formation of the Islamic Family Law System: Institutionalization of Ja'fari Jurisprudence in Marriage, Divorce, and Inheritance Regulations in Iran on Iran's contemporary legal system underscores the critical importance of historical analysis for understanding the origins and evolution of Islamic family law in the modern world. Future research should explore the comparative dimensions of Safavid family law with Ottoman and Mughal family law systems, as well as the reception and adaptation of Safavid-era norms in contemporary Iranian family court jurisprudence.

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