



The Legal System of the Safavid State and its Study in Historiography

Səfəvilər dövlətində hüquq sistemi və onun tarixşünaslıqda tədqiqi

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Abstract. The legal system of the Safavid state, which existed between the sixteenth and eighteenth centuries, represents a complex structure shaped by religious doctrine, political authority, and social needs. This article provides a comprehensive analysis of the formation and development of the Safavid legal system, focusing on its sources, institutions, and practical application. Particular attention is paid to the establishment of Shi'ism as the state religion and the implementation of Ja'fari jurisprudence as the primary legal framework.

The study examines various areas of legal regulation, including family law, property relations, criminal justice, administrative governance, and fiscal policies. While Islamic Sharia law formed the core of the legal system, royal decrees, state regulations, and customary law also played significant roles. The judicial system was primarily administered by qadis, yet ultimate legal authority rested with the Shah, who functioned as both the supreme ruler and the highest judicial authority. The article also explores the ideological function of law and its role in consolidating centralized power within the Safavid state.

Keywords: Safavid state, legal system, Sharia law, Ja'fari jurisprudence, qadi, royal decrees

Xülasə. Səfəvilər dövləti XVI–XVIII əsrlərdə Yaxın və Orta Şərq tarixində mühüm siyasi, dini və hüquqi dəyişikliklərin baş verdiyi bir mərhələni təşkil edir. Bu dövrün hüquq sistemi yalnız İslam hüququnun klassik normalarına əsaslanmaqla kifayətlənməmiş, eyni zamanda dövlət idarəçiliyinin tələblərinə uyğun şəkildə formalaşdırılmış dünyəvi hüquqi mexanizmləri də özündə ehtiva etmişdir. Məqalədə Səfəvilər dövlətində hüquq sisteminin yaranması, inkişaf mərhələləri, hüquqi mənbələri və institusional quruluşu geniş şəkildə təhlil edilir. Xüsusilə şiəliyin dövlət dini elan edilməsinin hüquq sisteminə təsiri, Cəfəri fiqhinin normativ baza kimi tətbiqi və bunun ictimai münasibətlərə təsiri araşdırılır.

Səfəvilər dövründə hüquqi münasibətlər ailə, mülkiyyət, cinayət, inzibati və maliyyə sahələrini əhatə etmişdir. Bu münasibətlərin tənzimlənməsində şəriət hüququ ilə yanaşı, şah fərmanları, dövlət qanunnamələri və adət hüququ mühüm rol oynamışdır. Məhkəmə sisteminin əsasını qazılar təşkil etmiş, lakin onların fəaliyyəti saray məmurları və ali hakimiyyət orqanları tərəfindən nəzarətdə saxlanılmışdır. Şah həm siyasi, həm də ali hüquqi hakim kimi çıxış edərək hüquq sisteminin mərkəzində dayanmışdır. Məqalədə həmçinin hüququn sosial funksiyaları, hüquqla ideologiya arasındakı əlaqə və hüquq sisteminin dövlətin mərkəzləşməsindəki rolu da elmi baxımdan qiymətləndirilir.

Açar sözlər: Səfəvilər dövləti, hüquq sistemi, şəriət hüququ, Cəfəri fiqhi, qazılar, şah fərmanları

Introduction

The Safavid state was one of the most significant political entities in the history of the East, distinguished not only by its model of political authority but also by its religious-ideological and legal structure. With the accession of Shah Ismail I in 1501, Shi'ism was proclaimed the state religion, a decision that led to profound transformations in all spheres of society, particularly in the legal system. The legal system functioned as a fundamental instrument for preserving the ideological foundations of the state, regulating social relations, and strengthening centralized authority. From this perspective, the study of the legal system during the Safavid period is of great importance for a deeper understanding of Azerbaijani history and, more broadly, the history of Islamic law.

During the Safavid period, the legal system was formed in close connection with the political and ideological nature of the state, and its foundation was based on religious law. The declaration of Shi'ism as the state religion fundamentally altered the sources and mechanisms of legal norms, replacing Sunni legal schools with Ja'fari jurisprudence. Ja'fari fiqh functioned not only as a religious legal system for the Safavid state but also as one of the principal pillars of political legitimacy. The Safavid shahs linked their legitimacy to the idea of the imamate, thereby promoting the adoption of legal decisions based on religious principles. As a result, law assumed both normative and ideological functions. Although legal relations were primarily regulated by Sharia norms, the vast territory of the state and its complex social structure made the application of secular legal mechanisms inevitable.

The sources of law in the Safavid legal system can be divided into several main categories. The first and most fundamental source consisted of the Qur'an, hadiths, and the legal interpretations of Ja'fari jurists. These sources played a central role in regulating family law, marriage, divorce, inheritance, waqf institutions, and property relations. The second source comprised royal decrees and law codes, which mainly covered administrative, fiscal, and criminal law. Decrees issued by the shah carried the force of law and were mandatory throughout the territory of the state. The third source was customary law. Especially in regions where tribal relations were strong, customary norms played an important role in regulating everyday social relations. Rather than abolishing these norms entirely, the state sought to harmonize them with the central legal system.

The judicial system served as the primary mechanism for the application of law during the Safavid period. Sharia courts were headed by qadis, who were selected from among individuals with religious education and who rendered decisions primarily based on principles of fiqh. Their authority included resolving civil and family law disputes, approving contracts, and registering legal acts. The activities of qadis were not only legal but also social in nature, as they acted as guardians of the moral order of society. In addition, palace courts and administrative courts also existed, which mainly dealt with crimes against the state, tax-related issues, and cases involving high-ranking officials.

In the Safavid state, the shah was the supreme legal authority. He exercised legislative, executive, and judicial powers simultaneously, functioning as the highest court of appeal. The decisions of the shah were accepted without dispute and served as legal precedents. This contributed to the centralization of the legal system and the strengthening of state authority. At the same time, the shah's legal powers were justified on religious grounds and presented as those of the representative of the Imam. This situation clearly demonstrates the inseparable unity of law and religion in the Safavid state.

In the field of criminal law, both Sharia-based punishments and secular penalties were applied during the Safavid period. Crimes such as theft, adultery, and murder were punished in accordance with Sharia norms, while acts against the state and rebellions were met with harsh secular punishments. The purpose of punishment was not only retribution but also deterrence and the maintenance of public order. In the sphere of financial law, tax collection, land relations, and forms of ownership constituted one of the most important areas of legal regulation. Ownership rights over land were maintained under state control, while waqf lands were administered in accordance with religious legal norms. (Hoseini, & Rezvani, 2011, p.160)

Thus, the legal system of the Safavid period was formed as a complex, multifaceted, and ideologically charged system. It responded both to religious values and to the practical requirements of state governance and for a long time defined the main framework of legal relations in the region.

For a proper understanding of the essence of the legal system in the Safavid state, it is important to examine not only its normative-legal structure but also how this system has been studied and evaluated in historiography. A historiographical approach makes it possible to reveal the real functions of the legal system, its ideological foundations, and its mechanisms of social

influence. The study of the Safavid legal system has been conducted in different periods and within various scholarly traditions, resulting in significant differences in interpretation. From the accounts of early European travelers to Soviet historiography and the works of contemporary Azerbaijani, Iranian, and Western scholars, a rich and multifaceted body of scholarship has emerged in this field. (Abisaab, 2015, p.514)

Legal Authority in the Safavid Empire: A Historiographical Overview

Initial information on the Safavid legal system is primarily reflected in the works of contemporary chroniclers and court historians. The writings of Hasan Beg Rumlu, Iskandar Beg Munshi, and Qazi Ahmad Qumi contain valuable information on legal relations, judicial practices, royal decrees, and administrative decisions. These sources present law not as an independent subject of study but as an integral part of state administration. Therefore, in early sources, the legal system is more often characterized as a manifestation of political authority. Nevertheless, these works constitute the primary source base for reconstructing the legal history of the Safavid period. (Əfəndiyev, 1993, p.49)

The accounts of European travelers and diplomats occupy an important place in the historiographical study of the Safavid legal system. Authors such as Jean Chardin, Engelbert Kaempfer, and Pietro della Valle made observations regarding the judicial system, punishments, legal customs, and the legal powers of the shah in the Safavid state. Although their writings are sometimes controversial in terms of objectivity, they provide valuable empirical material on the practical application of law in everyday life. European authors often evaluated the legal system through the prism of despotic governance and criticized the extensive judicial and legislative powers of the shah. This approach remained dominant in Western historiography for a long time.

Russian and Soviet historiography, which developed in the late nineteenth and early twentieth centuries, approached the Safavid legal system primarily within the framework of class analysis. Soviet scholars viewed law as a regulatory mechanism of feudal relations and regarded Sharia law as an instrument of feudal ideology. In the works of I. P. Petrushevsky, V. V. Bartold, and other researchers, the legal system is analyzed in the context of land ownership, taxation relations, and feudal dependency. (Petrushevsky, 1949) While this approach highlighted the socio-economic functions of law, it often overlooked its religious and cultural dimensions. Nevertheless, Soviet historiography made significant contributions to the structural analysis of

the legal system and to source studies.

In Azerbaijani historiography, systematic scholarly research on the Safavid legal system intensified mainly in the second half of the twentieth century. In the works of Oqtay Efendiyev, Shahin Farzaliyev, Yagub Mahmudov, and other scholars, the legal system is presented as a key element of state-building. Azerbaijani historians have viewed the Safavid state as a continuation of national statehood traditions and emphasized the centralizing role of the legal system. These studies offer relatively objective analyses of the synthesis of Sharia and secular law, the legal foundations of shah authority, and the functioning of judicial institutions. At the same time, Azerbaijani historiography has underscored the regional characteristics of the legal system and the role of local customary law.

Modern Western historiography demonstrates a more balanced and multidimensional approach to the Safavid legal system. Scholars such as Roger Savory and Rudi Matthee analyze the legal system within the context of the early modern state model. In their view, the Safavid state was neither a fully theocratic nor a fully secular legal system. Rather, it applied law flexibly in accordance with the needs of political governance. In Western scholarship, the legal system is assessed as a mechanism for state centralization, fiscal control, and social discipline.

One of the issues that has generated particular debate in historiography concerns the effectiveness of legal enforcement mechanisms during the Safavid period. Some scholars argue that legal norms were frequently violated in practice and that the will of the shah often prevailed over the law. Others emphasize that the legal system was compatible with the socio-political conditions of the time and contributed to a certain degree of stability. This divergence of opinion is explained by the discrepancy between the normative and practical dimensions of law. (Savory, 1980, p.14)

The historiographical study of the Safavid legal system demonstrates that it was not merely a collection of legal rules but also an expression of ideological, social, and political relations. Law functioned as a means of legitimizing religious ideology, strengthening central authority, and maintaining control over society. The diversity of historiographical approaches further confirms the multilayered and complex nature of this legal system.

Thus, the historiographical study of the legal system in the Safavid state reveals its significance not only as a historical phenomenon but also as an object of scholarly interpretation. The approaches of various academic traditions highlight different aspects of the legal system and

contribute to a deeper understanding of the subject. In this regard, the Safavid legal system remains a relevant and rich field of research both in legal history and historiography.

Conclusion

In conclusion, it can be stated that the legal system of the Safavid period represented a clear example of the theocratic state model. The synthesis of Sharia law and secular law ensured political stability and facilitated the consolidation of centralized authority. This legal system constitutes an important stage in the history of Azerbaijani law and exerted a significant influence on subsequent legal developments. The findings of this study indicate that the Safavid legal system was shaped in accordance with the theocratic state model, yet practical governance necessities rendered it flexible and multifaceted. Therefore, this legal system can be regarded as a significant milestone in the legal history of Azerbaijan and the broader region.

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