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**Iranian Shia Clergy and Democratic Transition:
Insiders' Perspectives**

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Editorial

*Kawa Hassan **

Hivos is proud and pleased to present this special bulletin on the role of Shia clergy in the transition to democracy in Iran. The contributions in this special bulletin present unique insider perspectives on the potential and limitations of Shia clergy to foster the development of a democratic Iran.

Five Iranian experts - four of whom are clerics – provide informed and in-depth insights into how the Iranian Shia clergy views the relationship between Shia Islam and democracy and how this relationship could transform in the future.

Delivering insider knowledge that is rooted in and reflects the regional realities of the Middle East and North Africa (MENA) region is a core aim of Hivos' Knowledge Programme Civil Society in West Asia. By providing a platform for these Iranian experts to share their insider views with Western policymakers, practitioners and academics, Hivos hopes to bridge a knowledge gap on Iranian politics and society. In this way, this special bulletin corresponds with the role Hivos aims to play in the development sector; namely being a knowledge intermediary between the North and Global South through the co-production of knowledge with researchers in the South.

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Introduction

*Shervin Nekuee**

The Shia clergy is one of the most influential and defining social institutions in many countries in the Middle East, especially where the Shia are either a majority or a powerful minority. Without doubt, this is the case in Iran, where the *Vali-e Faghih* (Islamic Supreme Jurisprudent) is the head of state. It is also the case in Iraq where politicians with a Shia background currently hold sway in the highest spheres of political power, and where the most important religious leader of the Iraqi Shias, Ayatollah Sistani, is probably the most influential 'outsider' in the political field. The same is true for Lebanon, where the strong political-military factor Hezbollah gives the Shia minority the opportunity to participate in political decision-making and influence the course of the country. But also in countries where the political power of the Shias is less prominent, especially in Bahrain, Saudi Arabia and Kuwait, the influence of the Shia clergy is a factor in social and political developments that should not be underestimated. The minority position of Shia in the world of Islam has taught the Shia clergy over the centuries that for their institution to survive and flourish, they must rely on their followers – the Shia community. The result has been an enterprising mentality, the emergence of far-reaching relations of patronage and the growth of well-functioning networks, all of which help to maintain a close knit relationship between the Shia clergy and the Shia community. In addition, an extensive and detailed subculture as well as professional codes has developed among the clergy as a way of protecting the institution against competition and blurring. Consequently, we have seen one of the best functioning and most powerful social institutions in the Middle East emerge in Iran. It is not surprising that this institution would try to get a grip on power in this country where the Shias form a majority and where the clergy has an extended organizational apparatus. The successful seizure of power by the clergy became a reality with the Islamic Revolution of 1978-1979. Since this event, the influence of the Shia clergy has continued to grow in the Middle East, backed by a rich and powerful Iranian state that provides their main basis and source of support. In all respects, the process of democratization in the Middle East, especially in the Shia sphere of influence, is connected to the role that the Shia clergy will have in such a transition. This is most prominent in Iran, where the Islamic state has explicitly connected its fate and legitimacy to that of the Shia clergy. The articles in this volume, written by five Iranian authors, mainly concern the Shia state in Iran. But the questions they raise, for example, about the way the Shia clergy operates, go beyond the Iranian context in many respects. The authors offer perspectives with a transnational character. In this regard, all five contributions are enlightening in terms of understanding the current tendencies of resistance against or acceptance of democratization by the Shia

clergy, and the possible role this group can play in the transition of their communities to becoming democracies.

Mehdi Khalaji opens this volume with a search for the core identity of Shia clergymen and a contribution that analyses this group with almost surgical precision. In his view, the essential identity that Shia clergymen ascribe to themselves is as guardians of Islamic jurisprudence, *Figheh* (and thus being Islamic jurists, *faghih*). From this angle, the Shia clergymen can never reconcile themselves with the democratic principle of the separation of church and state because, in their eyes, judicial power should be in the hands of religious people. The subsequent three contributions, by Mohsen Kadivar, Mohammad Javad Akbarein and Hasan Yousefi Eshkevari, enter into a debate with Khalaji's point of view. Each shows, from their own perspective, that there is more potential for democratic tendencies under the Shia clergy than one might think.

Mohsen Kadivar emphasizes the historic fluctuations that have occurred over the past 106 years in terms of the majority viewpoint of the Shia clergy regarding democracy and democratization in Iran for the past 106 years. He shows us that at the beginning of the democratic discourse in Iran, in the time of the *Constitutional Movement* (1905-1907), the main Shia leaders were precisely in the vanguard when it came to proclaiming and defending a democratic state. The anti-democratic discourse among the clergy (in Iran) slowly left behind its minority position and climbed to the most powerful regions of the clerical hierarchy, eventually reaching the peak of political power after the Islamic Republic came into being. This historic fluctuation shows us that the dominant discourse about democracy among the clergy has gone through several changes, which, Kadivar argues, might be the case again.

Mohammad Javad Akbarein uses a geographic rather than a historic perspective to differentiate the various thoughts of Shia clergy about the relationship between religion and state. Making use of the way the Arab Spring was perceived or welcomed in the three main Shia cities – Beirut, Najaf and Qum – he reveals an essential difference in the dominant discourse about the relations between religion and state within the Shia universe. He distinguishes between two Shia schools – the Najaf and Beirut schools – on the one hand, and Qum, the power base of the Iranian Shia clergy, which he describes as being more a question of 'taste' than a religious school. Akbarein acknowledges differences between the Najaf and Beirut schools: the Beirut school operates from a minority position in a multi-religious society and is more capable of showing tolerance when compared to the traditional Najaf school. That said, he believes that there is sufficient potential in the leading principles of both schools to support the democratization of society, or at least not to obstruct it. Both schools are oriented towards the ethical

principles of Islam, rather than towards political-social decision-making. This means they are directed to influencing the Muslim community, not the state. These schools fundamentally differ from the dominant discourse in Qum where, according to Akbarein, the Arab Spring and the subsequent flourishing of a democratic body of thought emphasizing the separation of church and state are looked upon with disgust and anxiety.

Just like Khalaji, the author of the fourth contribution of this compilation, *Hasan Yousefi Eshkevari*, emphasizes the importance of *figheh* – Islamic jurisprudence – for the Shia clergymen and what this means in terms of their identity as jurists. He believes that the only way in which the Shia clergyman might contribute to the democratization process in Iran is by modernizing Islam, starting with the Islamic jurisprudence. According to Eshkevari, this movement, which he calls 'Islamic revisionism', has been active for more than a century. Besides modernizing Islamic jurisprudence, revisionists attempt to integrate socio-cultural development and human progress into the theological discussions of the knowledge system and procedures that Shia clergy use to formulate their judgments.

In the fifth and final contribution, *Shervin Nekuee* focuses on the Shia state itself, rather than the debate surrounding the philosophical, theological or practical potential of Shia clergy in the process of democratization. In his opinion, one can best understand the functioning of the Islamic Republic of Iran by gathering anthropological knowledge about Shia clergymen. Indeed, by understanding the (sub)culture of the Shia clergy, one can 'read' the Iranian state and subsequently understand and decode their ways of thinking and working that analysts and commentators often describe as veiled. This, in turn, allows us to estimate its true potential and value for democratization.

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What Ayatollahs Think about Politics

Mehdi Khalaji*

Adherents of democracy and liberal secular values express a wish that the institutions of religion in Iran may be separated from the country's institutions of politics, and that positive discrimination in favour of the clergy may be removed. They believe that the transformation of the clerical establishment into a non-state institution would be desirable, also in terms of protecting the sanctity of the clergy. In recent years, two new categories of the clerical establishment have emerged. The first is that of political clerics who believe that religion and politics are one and the same; the other category represents an apolitical clerical establishment that submits to a separation of religion and politics from a religious perspective. The first group subscribe to the theory of the authority of the Shia jurist (*Velayat-e faghih*) and, specifically, to the interpretation provided by Ayatollah Rouhollah Khomeini, the founder of the Islamic Republic of Iran. The second group subscribes to the traditional Shia theory that the state has no religious legitimacy in the absence of the twelfth Imam. In general terms, these two groups can be described as state and non-state clerics. In this article, I will endeavour to demonstrate that this categorization is, in fact, incorrect. Since the Shia clerical establishment does not have a strict organization and framework like, say, that of the Catholic priesthood, one must differentiate between the clerical establishment as an institution and clerics as individuals. There are few clerics who have a clear understanding of their own status and who are critical of the current situation. These individuals live a pious life and ignore worldly positions; first and foremost they are interested in their own spiritual world. That said, there are a small number of clerics who are familiar with the intellectual mindset of the modern world and make an effort to reconstruct their understanding and also their lifestyle according to the criteria of human rights and the values of democratic societies. Disregarding the existence of this marginalized and less visible group is as wrong as exaggerating their role in shaping the clerical establishment. What, then, do we mean precisely when we discuss this second group of clerics? Are those who disagree with the theory of the absolute authority of the Shia jurist apolitical clerics? Is the traditional Shia theory about governance the same as secularism, meaning the separation of religion from the institutions of governance? Can the Shia clerical establishment provide an apolitical interpretation of Shi'ism or depoliticize its professional identity?

The Constitutional Movement (1905-1907) in Iran is seen as the starting point for the process of the secularization of politics. In a series of amendments to the Constitution of 1906, the official religion of Iran is declared to be 'Islam and the truthful path of the Twelver Ithnā Asharī [Twelver] Shiism', which should

be promoted by the monarch of Iran. Moreover, the legislative body – the National Consultative Assembly (*Majlis-i Shawrā-yi Millī*) – was charged with the responsibility of ensuring that 'in no era and age, should its ratified laws be in conflict with the holy laws of Islam and the codes formulated by the Exalted Best of all People [the Prophet of Islam]'. A delegation of five jurisprudents and jurists is responsible for assessing the 'articles in question' (*mawādd-i manūna*) so that when it comes to those plans and bills that are in conflict with the 'holy laws of Islam', 'they reject them so that they do not become laws and the opinion of this delegation of jurists will be obeyed and followed in this respect, and this article shall not be subject to change until the appearance of the Proof of the Age – may his appearance be expedited'. According to this article, the legislative body of the country can only legislate in the 'religion's area of silence'. The 'religion's area of silence' (*manaqat al-farāgh*) is a term devised by contemporary jurists, referring to those topics and issues about which religion has not passed any judgment. In other words, the religion's area of silence means the area of all permissible issues; or the borderlines of the religious law. According to these series of amendments to the Constitution of 1906, the state has a duty to implement the religious law. It is only in the areas where religion is silent that the state can legislate. If the state is Islamic, then its law should also be Islamic; even if it legislates in the area of silence – a wide area in which religion has left the responsibility to followers and keeps silent about them. Therefore, the state is free to legislate outside of the framework of religious law (*sharī'a*). The laws of religion are the red lines of the state – be it secular or Islamic.

It is true that Islamic sciences have various branches, but the clerical establishment is an establishment of jurisprudence rather than, say, philosophy or mysticism. Even if the jurists are traditional, they believe that the ruler of the *dār al-Islām* (the Islamic territories), whether he is a king or a president, must observe religious law (*sharī'a*); this means that he should both struggle to implement the laws of Islam and, when legislating in the areas of silence, take into account Islamic principles and objectives. One of the most important chapters of Shia jurisprudence is judgment. The majority of Shia clerics believe that only the judgment of a qualified jurisprudent is valid. Following the spread of constitutionalism in Iran, the secular institution of the judiciary was established. The often radical hostility of clerics to this institution originates in this jurisprudential disagreement. In Shia jurisprudence there is no theory about the judgment of jurisprudentially unqualified judges. The period between the Constitutional Revolution and the Islamic Revolution is full of examples of jurists finding fault with the state as much as they could on the grounds that it does not take into account religious law or that the monopoly of judgment is taken out of the hands of jurists. The Shia legal system is still alien to the idea of a separation of powers. However,

if we choose to assess the role of jurisprudence from the perspective of this concept, one can say that until the announcement of Ayatollah Khomeini's maximalist theory about the authority of the Shia jurist, jurists conceded to power of the executive and not to that of the legislature or the judiciary. By providing a new and maximalist interpretation of the authority of the jurist, Ayatollah Khomeini has expanded the authority of Shia jurists to include executive power. In sharp conflict with the idea of a separation of powers, he left the three branches of the government under the control of the ruling jurist, i.e. the Supreme Leader. One must remember that in the Islamic Republic, the president does not have any fundamental authority over the executive branch; it is through the endorsement and enforcement of the ruling jurist that he becomes the head of this branch; without the endorsement of the Supreme Leader, even the vote of millions of people does not give him any legitimacy.

Ayatollah Khomeini did not invent the idea of political Islam or political Shi'ism. Indeed, prior to his pronouncement, clerics had expressed reservations and reluctance about the participation of Shia clergy in the executive branch of the government; however, even in the traditional theory of monarchy, the king was obliged to rule as per the commandments of religious law. The king of the Shia country, particularly after the beginning of the Safavid dynasty, gained his legitimacy from the Shia jurists. The intervention of jurists in politics found a new dimension with the modernization of the social and financial network of the clerical establishment. The *fatwā* issued by Mīrzā Shīrāzī banning tobacco at the time of Nāir al-Dīn Shāh Qājār (this was during the so called *Tobacco Protest* that took place in 1890 in Iran against the monopoly of Britain in importing Tobacco to Iran) would not have been as successful as it was without using the telegraph. Even the Najaf School, which is misrepresented as apolitical and quietist and in contrast to the Qum School by the international media, has a political history. For example, the Shi'ites of Iraq were a minority subject to discrimination during the Ottoman rule and they naturally adopted a cautious approach to politics. Following the occupation of Iraq by the British forces and the conflict that ensued, a number of Shia clerics actually went to the frontlines and joined in the battle against the foreign forces; later, they would play an important role in developments in Iraq. Without Sayyed Mohsen Hakim (1889-1970), the Najaf based Ayatollah of Iraqi origin, the *Hizb al-dawa* (a political party in contemporary Iraq) would not have come into existence. Sayyed Mohsen Hakim created political religious forces, also with a view to fighting the communism that was rapidly spreading in Iraq and in the holy cities, and he became the party's spiritual leader. Of course, this same Grand Ayatollah did not show any approval for the struggle that Ayatollah Khomeini had started against the monarchy in a bid to overthrow the Shah's regime. Records show that Sayyed Mohsen Hakim expressed his opposition to

Ayatollah Khomeini's political method and ideals on a number of occasions. Ayatollah Sayyed Mohammad Hadi Milani (d. 1975), based in Mashhad, was mindful of politics despite having relatively harmonious relations with Mohammad Reza Shah's court. Today, we know that the controversial Haqqani School in Qum was partly financed by the same Sayyed Mohammad Hadi Milani. This school was founded to train clerical cadres to occupy political positions and today many of the most extremist clerics in Iran who have risen to political power attended this school.

The disagreement of some clerics with Ayatollah Khomeini was not about the necessity of the rule of *sharī'a* (religious law); rather, it was about the issue of the necessity of religious law being implemented at the hand of a Shia jurist. Those clerics who spoke of the necessity of the clerics' non-intervention in politics reduced politics to its direct domination of the executive branch of the state. From Mīrzā Shīrāzī in Sāmarrā, who had taken a political action by issuing a *fatwā* banning tobacco, to Ayatollah Mohammad Hossein Boroujerdi (1875-1961) who often put pressure on the Shah for his own ends, the clerics had no doubt about the necessity of exerting pressure on the state in order to advance their agenda. Many clerics believe that if they take steps to assume power, they will be subjected to public criticism and they would lose the aura of sacredness that currently surrounds them. The extent to which a cleric should impose his intentions on the state behind the scenes depends largely on the amount of leverage he has at his disposal. There were periods when the seminaries had become weak and the state was powerful, for example when Ayatollah Abdolkarim Haeri was director of the Qum seminary. There were other periods when the seminaries were powerful and the governments were either not stable, or they were just as vulnerable as, for example, the aforementioned Qum seminary under the directorship of Ayatollah Mohammad Hossein Boroujerdi. Both Haeri and Boroujerdi shared similar clerical perspectives. However, because their historical circumstances – despite their chronological closeness – were different, they adopted two distinct methods for dealing with the state. Haeri acted with great caution, whereas Boroujerdi demonstrated more self-confidence. Haeri was one of a number of Grand Ayatollah and showed little capacity for financial matters; Boroujerdi, by contrast, was an undisputed Grand Ayatollah and leader of the Shia community. Consequently, the religious dues of the majority of Shia community came flooding his way.

Ayatollah Sayyed Ali Sistani, the contemporary Grand Ayatollah in Najaf, provides us with a good example. He interferes in politics and puts pressure on the Iraqi government using his means and in accordance with his available leverage. Politically shrewd, Sistani understands when he can take advantage of this leverage and compel the government to do his bidding; equally, he

understands when it is not possible to pursue his wishes. Nonetheless, he has no doubt that it is the government's duty to respect the red lines of religious law. At the time the new Iraqi Constitution was being compiled, Sistani made every effort to propose Islam as the basis of legislation. According to the second article of the Iraqi constitution, 'Islam is the official state religion and a source of legislation [...] no laws can be passed which are in conflict with the unquestionable laws of Islam'. Although he has warned clerics against assuming any executive posts, he has never spoken about the separation of religion and politics. It can be assumed that this is because such a distinction is altogether meaningless from the perspective of Shia jurisprudence. In jurisprudence, religion is not separate from politics, even if a cleric does not believe in the absolutist interpretation of Rouhollah Khomeini's authority of the Shia jurist. On these grounds, the common wisdom that traditional clerics believe in the separation of religion from politics is a myth that has become prevalent in the Western media in recent decades. Nonetheless, one must ask what the clerics who are not part of the state seek other than the rule of *sharī'a*? What are their priorities? Are those clerics who do not agree with Rouhollah' Khomeini's maximalist interpretation of the authority of the cleric necessarily opposing the Islamic Republic? Can we find common ground between clerical and secular opposition to the Islamic Republic, other than their opposition to the religious state?

The clerical establishment is primarily concerned with its own survival; so much so that it even surpasses their obsession with implementing the Islamic law of *sharī'a*. The people around Abdolkarim Haeri, the founder of the Qum seminary in the early twentieth century, often asked him why he remained silent in the face of violations of religious law by the government of Reza Shah Pahlavi. Each time, he responded that it was his duty was to protect the seminaries in those circumstances, because opposing the Shah's government may result in the seminaries being weakened or eliminated. The clerics' relations with the state are regulated and defined on this basis. Clerics only express their opposition to the point that it does not jeopardize the survival of the clerical establishment.

Secondly, clerics are concerned with maintaining and applying their special privileges. Clerics are not viewed as ordinary citizens and Shia jurisprudence provides them with many privileges. When Reza Shah tried to force clerics to do military service, they were hugely upset and accused him of not only being anti-clerical, but also anti-religion. While university students all around the country have to do military service, clerics have been exempt both under the Pahlavi and the Islamic Republic regimes. Furthermore, Iranian people are obliged to pay an annual tax to the government; clerics are exempt from such tax payments. Annually, clerics receive billions of dollars of revenues through endowments

(*waqf*), gifts, donations, alms (*zakāt*) and their own economic activities. However, these earnings are far from transparent and rarely reported to the government. These are just two examples of the many privileges afforded to clerics. If the state refuses to recognize all of these privileges and considers the clerics and the jurists equal to ordinary citizens in terms of their rights and responsibilities, then the clerics accuse them of being antagonistic towards Islam. Therefore, a state that adopts a policy of positive discrimination towards clerics is preferable – in the eyes of the clerics – to a state that seeks the equality of its citizens. Acceptance of these privileges lies at the heart of the clerical system; however, complete agreement with Rouhollah Khomeini and his interpretation of the authority of the cleric is not a condition for believing in such privileges. Another priority for clerics is ensuring that the state values seminaries and other religious institutions such as mosques, *hussayniyyas*, and Shia rites and rituals.

The current government of Iran has provided such huge budgets for these institutions that it has assured itself of a particular place in Shia history. Through providing government funds, but also by giving individual clerics and the clergy as a whole an open hand in economic activities, the Islamic Republic has created the richest clerical establishment in Shia history. Religious propaganda is one of the most important factors in the clerics' agenda. The Iranian media works exclusively in the service of religious propaganda and clerics have unprecedented access to educational institutions, from elementary schools to universities. The state has marginalized both religious and non-religious rivals of the clergy using the coercive apparatus of the Ministry of Intelligence and the Judiciary Force.

The priorities outlined above can only be realized when the state declares itself to be a Twelver Shii state. Since the time of the Safavids until now, successive governments in Iran have defined themselves as Twelver Shii; even though clerics have not always occupied ruling positions. The Shia government finds itself a protector of the interests of the Twelver Shii community and regulates its domestic and foreign policies on this basis. The Shia government also takes into account the interests of Shia communities in other countries and endeavours to give them financial and political support. Supporting Shia communities in other countries also strengthens the position of the Grand Ayatollahs and adds to their revenues. The pattern of governance in jurisprudence follows the same pattern as clerical leadership of the Grand Ayatollahs. This pattern is alien to modern concepts such as the nation-state. Just as the clerical leadership is above national factors and a Grand Ayatollah in Iraq can have followers all around the globe, the Shia government must also – from the clerics' perspective – extend its support to Shia in the remotest parts of the world. The Shia state considers the borders of the country to be the borders of a Shia state and looks at politics

from a sectarian point of view. It is no wonder, then, that Sunni Muslims in Iran do not yet have the right to have their own mosque in Tehran. Enforcing political and social discrimination against Sunni Muslims has been a permanent item on the agenda of the state for more than thirty years, without having any significant cleric expressing concern or indignation about this issue. In recent years, as the movement for democracy in Iran has gained momentum, and in the absence of civil society institutions, there has been heavy-handed suppression of forces, associations and networks supporting human rights and democracy and many activists have been looking to the social capital of the clerics. They believe that in the absence and denial of the activities of civil institutions, it is the clerical establishment that should be motivated to empathize with the movement for democracy, or at least moved to criticize the state, and that they should use their social reputation to counter the political repression sanctioned and organized by the state in the Islamic Republic of Iran. To date, however, the activists have had little success in this respect. Indeed, the clerical establishment and the Ayatollahs have maintained their silence. Those Ayatollahs who openly criticize the state face a number of difficulties: first, they have a much smaller following than those Ayatollah's who keep silent; second, they have no role in the running of seminaries in Iran and they are kept at the margins; third, a number of them have a background of working with the state and choose to keep silent about their past. As a result, they instil little trust and confidence. What is more, silencing these clerics without consequence is relatively easy for the state. The Shia clerical establishment in Iraq, Iran, Bahrain, Kuwait, Lebanon and other places has never stood up to the Islamic Republic. This does not mean that all the Shia clerics in Iran and all those other countries are followers of Ayatollah Khomeini's theory of the authority of the jurist, or that they believe in the jurisprudential qualification of Ali Khamenei. The priorities that I have listed from the perspective of the clerics have nothing to do with the type of government. Even if they consider that the leader of the Islamic Republic should be a monarch and not a cleric, the same priorities hold true. More importantly, in the midst of the antagonism between the clerical establishment and the Islamic Republic, the clerical establishment and the influential Ayatollahs are highly suspicious of the alternatives to the current form of government. The alternative to the Islamic Republic is either military rule by the Islamic Revolutionary Guards Corps or a liberal and democratic government that believes in the equality of all citizens. Neither of these alternatives can secure the interests of the clerical establishment more than the Islamic Republic. The Islamic Republic is the only conceivable paradise for the clerics.

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The Historical Shift of Dominant Shia Clergy Attitudes towards Democracy

*Mohsen Kadivar**

Whether it is in the contemporary period or during the time of the Constitutional Movement (1905-1907), the Shia clerics are divided into three main groups in terms of the role they have played. The first is the group that has positively contributed to the transition to democracy. The second are those who have made a negative contribution. The third are those who have remained neutral in the issue of the transition to democracy. To put it simply: the majority of Shia clerics have played a neutral role in this issue. In other words, those who have either made a positive or a negative contribution to this matter are in an absolute minority. During the past century, the majority of clerics in Iran have neither been an obstacle to democracy, nor a driving force. We can call the neutral or impartial clerics, at least in terms of the transition to democracy, traditional clerics. They are neither reformist clerics, nor clerics who are seen as fundamentalists in today's terms. The majority of clerics, be it in the past or present, are traditional clerics who have not had much to do with the public sphere and have been busy with the ritualistic aspects of faith. As long as a government, a state or a movement did not interfere in their traditional duties, they stayed away from them. If there were any infringements or interference in their role in this sphere, then they could be obstructive; or, if a movement helped the performance of religious rituals by the clerics they could play a mutually beneficial role vis-à-vis the particular movement. Therefore, the focus of our discussion goes beyond and outside of this majority and deals with the minority of clerics who have either played a positive or a negative role in the transition to democracy. These two movements had certain names during the Constitutional Movement, and they have different names now. The bulk of the present discussion deals with the different phases of the role of clerics in the transition to democracy. While making these distinctions, certain clerical movements will also be named. In a nutshell, one can say that the clerical class has had two different phases in the past century in relation to the issue of transition to democracy. One is the CM period, which begins with the Constitutional Movement and continues with the ripples it caused.

After the CM period, there was a period of apathy until we arrive at a distinctly different period, that of the Islamic Republic, starting with the Islamic

Revolution and continuing with the Islamic Republic experience. We are still in this second phase. The two movements that are traced in this paper – the clerics with positive and negative contributions in these two phases – have changed the location of their center and periphery.

Clerics supporting and opposing democracy in the Constitutional Movement.

In the first phase, the CM phase, we have a movement in the center shaped by the clerics supporting and positively contributing to the transition to democracy. On the other hand, we have authoritarian clerics and those who have opposed the transition to democracy; that is to say, those who do not tolerate it, accept it and believe that it is contrary to Islam. During this period, this second group was at the periphery and not part of the mainstream. Although these clerics have been influential, their impact was overshadowed by the first group. By comparison, during the Islamic Republic era, regardless of the change in the content of the Islamic Republic, and in the period which begins with the Islamic Movement and culminated in the Islamic Revolution of 1978/9 until now, the center was replaced with the earlier periphery. That is to say, the group which was marginal in the first phase (those opposing democracy) has replaced the group in the second phase and has become the dominant idea. The movement that was at the center during the CM, contributing positively to the transition to democracy, has become marginalized in the second phase and has changed into the critical or opposing dissident movement. My discussion focuses solely on Iranian Shia clerics, be they critical of democracy or are its advocates. In the first phase, the center movement in the transition to democracy is a powerful stream of thought whose main body can be found in the Najaf seminary and its proponents are in Tehran. At that time, the Qum seminary had not yet been established (this would occur a few decades later). Instead, movements were found in Arak and in Mashhad, Isfahan and Shiraz. The pioneers among the clerics supporting this transition to democracy were three grand jurists of Najaf: Ayatollah Mirza Muhammad Husayn Tehrani, Ayatollah Mullah Abdollah Mazandarani and above all, Ayatollah Mulla Muhammad Kazem Khorasani (known as Akhund Khorasani, d. 1911). The views of these three great jurists of the CM period reflect their propensity to human rights and observing democratic values in their own time. In fact, their views carried such weight that they even overshadowed utterances heard in the second phase, such as 'the people's vote is the criterion'. These pronouncements, which are recorded in writing (signed and sealed by the clerics) as none of them gave speeches, appear to have had much greater impact than the perceptions of the clerical leaders of the 1979 revolution. I wish that the clerical leaders of the Islamic Republic had read the views of the CM clerics, particularly those of Akhund Khorasani, at the time they were preparing the

Constitution of the Islamic Republic. The following sentence was signed and sealed by the above three Grand Ayatollahs in 1907: 'It is an essential principle of the Imami Shia faith that during the absence [of the Imam], ruling and governance lies in the hand of the majority of people' (majority / majority of believers / majority of Muslims). Does the right of the majority of people (or at least the majority of believers) being considered a religious necessity for holding power, not manifest a recognition of democracy at the highest level possible? Perhaps, if this point had been taken into account, we would not be facing the problems that afflict us today. One of the best ways to understand the various theoretical aspects of the first phase is to extract and infer the constituent elements of the political thinking of Akhund Khorasani as the highest ranking and the most influential cleric of his time. These elements include, firstly, that Akhund Khorasani believed that 'absolute authority' belongs only to God and none but him. He is the first Shia *faghih* (Islamic jurist) to explicitly say that the use of authority in its true sense is only permissible for the divine and even the Prophet, and that the Imams do not have this extended level of authority. In a historical letter, he writes, 'and whosoever attributes absolute authority to a fallible person coming from religion is at the very least an innovator'. Therefore, Akhund Khorasani, the author of *Kifāya*, one of the most popular books in Shia seminaries even today, does not believe in the absolute authority of any human being.

The second point is that Akhund Khorasani technically criticizes the four stages of the authority of the *faghih* in his scholarly work. Among the Shia, democracy begins with rejecting the authority of the *Velayat-e-Faghih* (The Rule of Islamic Supreme Jurist). The more a thinker gives theoretical weight to the authority of *faghih*, the less he can give weight to the contribution of people. If we accept that the ruler is appointed by God and is only accountable to God, and that it is the people's responsibility to adjust themselves to the will and desire of the ruler in authority, then there is no place for democracy. From this perspective, elections belong only to areas where the greater concerns of society are not jeopardized and not in conflict with the opinion of the ruling authority. Only minor and trivial issues are left to the people. Governance and giving direction to society cannot be left to the people or public participation, particularly when it may be contrary to the opinion of the ruling clerical authority. The first manifestation of the theory of the authority of the *faghih* goes back to the time of Fath Ali Shah Qajar (1772-1834). Mulla Ahmad Naraghi (d. 1829) speaks of the 'general appointed authority of *faghih*' a hundred years before the CM. Prominent *faghihs*, such as the author of the *Jawāhir*, Ayatollah Boroujerdi (d. 1961), and in our time, Ayatollah Golpaygani (d. 1993), believed in this theory. In addition, there is another, extended theory belonging to the late Ayatollah Khomeini, the theory of the 'appointed absolute authority of the *faghih*'.

The third view of the authority of the *faghih* is one pertaining to 'the authority of the *faghih* in administrative affairs' (*umūr-i isbiyya*). That is, affairs that, if left alone, would be disruptive to society; not necessarily in the public sphere, but in more restricted areas such as the call for an ethical society or the call for charity, like care for orphan children and so on. This is the opinion of some Shia religious leaders, including the late Grand Ayatollah Naini (d. 1936). Besides these three theories, which in terms of scope are absolute, general and related to administrative affairs, there is a fourth theory that is called 'the license for the intervention of the *faghih* as far as there can be a rule' (*qadr-i mutayaqqin*). The license to intervene is different from having the authority to do something and, in practical terms, it is milder than the third view of the authority of the *faghih* in administrative affairs. In fact, Akhund Khorasani rejects all four theories. In his ultimate opinion, he not only disagrees with the absolute authority of the *faghih*, but with absolutely any form of authority for the *faghih* in any of the four abovementioned theories. This ruling was issued in circumstances when Akhund Khorasani was at the zenith of his political power. Indeed, it was issued at the time he also ruled that Muhammad Ali Shah had to be deposed (and one cannot claim that he did not understand politics). Previously, Khorasani has made various comments criticizing every single tradition relating to the issue of the authority of the *faghih*. He concluded that none of these traditions can sustain the authority of the *faghih* in the public sphere. There are no grounds for this in the Quran either. Moreover, there is no consensus on this issue; even human reason judges otherwise. Therefore, the absolute authority of the *faghih* lacks any religious legal basis.

Consequently, having rejected the absolute authority of the infallibles, Khorasani came to the conclusion that in the public sphere we cannot, in principle, believe in the authority of the *faghih*. The question remains, however, in which affairs can one refer to the *faghihs*? The answer is in affairs of jurisprudence and of judgment. Khorasani explicitly says that jurisprudential matters must be referred to a *faghih* and that legal or judicial matters should also be resolved by the jurist. This illustrates the serious differences between Naini and his teacher, Khorasani. He does not even believe the supervision of the *faghih* to be necessary; it is merely desirable as a discretionary measure, nothing more. Therefore, according to Akhund Khorasani, in the absence of the Imam, the government does not have to seek permission from a *faghih* in order to be legitimate. The most prominent of Akhund Khorasani's opponents, those who had a negative position towards the transition to democracy, was the late Sayyid Muhammad Kazem Tabatabaee, the author of *Urwat al-wusthā*, in Najaf, and in Iran, Shaykh Fazlullah Nouri. Both of these men's published works demonstrate their belief that there was no need for equal justice for all people, or for the equality of people in the public sphere, or for equality between

Muslims and non-Muslims, and no need for equality between men and women. They also believed that freedom of speech and writing was something harmful. On this basis, they rejected the representation of the National Assembly because they perceived this to be either the area of religious law, which falls under the authority of the *faghih*, or the area of secular matters, which essentially has nothing to do with faith. In fact, they believed that most issues fall under the umbrella of religion. Therefore, opponents of Akhund Khorasani rejected, in principle, the idea of representation. Such ideas made an entirely negative contribution to the process of transition to democracy. In short, the more we give authority to the theory of the *faghih* in the public sphere, the further away we get from democracy. The participation of people in politics and the rights of citizens in the public sphere have a totally reverse relation with the idea of an appointed authority over people and the expanded authority of *faghihs* in the public sphere.

The changing of centre and periphery in the Islamic Republic era

In the second phase, which is manifest in both the Islamic Revolution era and then in the Islamic Republic, a revolution comes to power with a completely people-based movement. However, was this movement of the people a democratic one or a populist and mass-motivated one? This is a point that students must pay particular attention to. It seems that, at the time, both dimensions – populist and democratic – did exist. However, gradually, the democratic aspect faded and a populist dimension gained weight and began to dominate. After the first decade in particular, this populist dimension was associated with demagoguery and rapidly lost its democratic quality. A glance at the literature produced in the past thirty years can better highlight these points. The question of whether 'the general direction of society is shaped with the participation of people?' is problematic. Just because the clerics were in line with the direction of the majority of people and, at that time, the clerical establishment recognized public opinion, does not mean that they had necessarily accepted democracy. One can only accept the democratic nature of this movement when the clerical establishment and public opinion are different. Only then can one judge whether they accept public opinion or not. When public opinion is aligned with a clerical establishment and the clerics announce that 'the vote of the people is the criterion', like they did during Islamic Revolution in Iran in 1978-1979, it might be just populism. Nowadays it is unclear whether the majority of the people in Iran are in line with the official position of the clerics – if we do not say that they are opposed to it – and whether the people's vote is still the criterion to clerics? Are Shia clerics genuine about democratic basics or was it just a pose? This is a serious question. Democracy can only be realized in a society when the clerics tolerate what people want, even if in the opinion of the clerics

this may be wrong, non-religious or illegitimate. In a democracy, clerics may fight this with their cultural means, but they do not resort to violence in order to eradicate it. If the clerics attempt to maintain their supposedly correct position with coercion directed at the supposedly wrong position of the people, one cannot say that this is a democratic movement. In our time, the center and the periphery have been replaced. Unfortunately, after all those valuable theoretical and practical points of a hundred years ago, we are now facing a form of obscurantism, i.e. we are going backwards. Contrary to the relatively democratic views of the progressive *faghihs* of the first phase, in the second phase we hear that the *Vali-e-Faghih (Islamic Supreme Jurisprudent)* is the governor and the ruler of authority for all the Muslims of the world and is appointed in this position by God. This authority is considered a branch of the authority of the Prophet. This is the same authority that Akhund Khorasni rejected, even when applied to the infallibles. They are attributing this authority to the fallible people and therefore give superhuman authority to the ruling cleric on behalf of religion. The characteristics that could be described for the second phase are as follows:

The first point is that the clerics, or in more technical terms the *faghihs*, have a privileged right. A group that maintains privileged rights for a particular class cannot speak of democracy. Any claims of democracy while believing in privileged rights are false. The basic foundation of democracy is equality in the public sphere. Equality in the public sphere does not tolerate any special privileges for anyone. Special privileges mean that ruling is only reserved for the clerics and the *faghihs*; judging is only the right of the clerics and the *faghihs*; supervision on legislation and implementation of law is only the right of the clerics and the *faghihs* and so forth. In any case, reserving grand scale politics exclusively for clerics or the *faghihs* necessitates maintaining special privileges for the clerics in the public sphere and in the authority of the *faghih*.

The second point is that only those who have accepted equality in the public sphere can speak of democracy. According to Naini, in response to Shaykh Fazlullah Nouri, equality means equal and fair procedural treatment by the law given the group (gender, religious, social hierarchy) one belongs to. That means that all Muslim men are equal before the law. It does not say that men and women are equal before the law and have the same rights; nor does it say that Muslims and non-Muslims are equal or that common people and jurisprudents are equal before the law. In its time, Naini's approach was a step toward democratization, but it does not go far enough to be considered democratic. I believe that in the public sphere everyone is equal, be they man, woman, Muslim, non-Muslim, Shia, Sunni, jurisprudent or non-jurisprudent. All of these actors have an equal vote in the administration of public

affairs. Equality means to accept this simple point. Democracy begins with legal equality.

On the issue of equality there are two streams of thought among the clerics. The first is the official mainstream, which does not tolerate equality. The second stream maintains equality for all. This equality necessitates the right of participation in three areas for every individual: legislation, delineating the overall policies of society, and electing the main managers of society. This means that everyone can, at least indirectly, participate in legislation and that everyone can have a say in delineating the general policies of society. Furthermore, they can all participate in electing the major managers of society in a meaningful way. Participation means that if a manager's performance is not satisfactory, people can remove that manager. If a law does not have this quality, even though we may believe the law to be legitimate, we must be able to change it. In other words, it implies that there are no red lines in any of these three areas. There are serious differences in opinion on these three areas. The official clerical establishment believes that there are red lines that must never be surpassed under *any* circumstances. They believe that even if the majority of the people do not like it, they are wrong – 'most of them do not think!' They believe these lines must be maintained at any cost, even by force. On the other hand, the critical clerical stream believes that the religious legitimacy of red lines and taboos are one thing and those being legally in power is another. For example, I may believe a law to be right and correct, but if I cannot convince people, I have no choice but to surrender to that law being removed and I must work to convince people again. However, I cannot force them to accept it.

The third point is the relation between jurisprudence and politics. According to the traditional clerics, the fate of politics is decided in jurisprudence. One can read the famous statement that 'our politics is the same as our religiosity' as meaning 'our politics is the same as our jurisprudence'. It means that it is jurisprudence and religious law that can decide the political process. Those who have studied Islamic jurisprudence (*fiqeh*) know that jurisprudence is nothing but laws. One cannot make policies with only laws; these are radically different. It is a fallacy that they assume politics to be the same as jurisprudence. This means that the *faghih* can have no special privileges in the political sphere. Currently, these two perceptions are confronting one another. One perception holds power and the other one is critical of it. The Constitution of the Islamic Republic is written according to the most democratic interpretation of the official reading. Of course, it is the essence of this reading that is problematic. It means that by accepting the authority of the *faghih*, democracy is, in practice, marginalized; however, it is written by recognizing the elective and restricted authority of the *faghih* whose failures have now been revealed in theory and in practice. The second

stream among the clerical establishment now believes that, firstly, jurisprudence cannot have a determining role in politics. Secondly, the relation between the ruler and the people cannot be based on an authoritarian relationship. This relationship is based on representation or the power of attorney and it can never be the kind of authoritarian relationship as understood in jurisprudence. The ultimate difference between the two existing streams is that the official clerical establishment finds its power in the state (state clerics) and the critical and dissident clerics seek their power in civil society (civil clerics).

In short, it seems that in the transition to democracy, the clerical establishment have played the most influential role in the past hundred years, both positive and negative. I cannot think of any other class that has had such a strong impact. The reason is obvious; it is because in contemporary Iran, religion is a strong element, if not the strongest element, for social and political change. Therefore, it is natural for the clerics, who have an organic relation with religion, to play this important role, either as obstacles or as proponents and promoters of democracy.

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Qum Branch is concerned about a Flourishing Arab Spring

*Mohammad Javad Akbarein**

The cities of Najaf and Beirut are heirs to the legacy of two 'schools' reflecting the relation between Islam and society. Qum, however, is not affiliated to a particular school; for Qum it is, primarily, a matter of 'taste'. A school of thought has a book, foundation and epistemology, but taste deals more with propensities, tendencies and expediencies – the two are radically different. A school has specific and concrete principles, outcomes and experiences, whereas taste follows the political and social conditions and expediencies and can even be in conflict with the very principles it believes in. The Islam that was born in Mecca was a school, but in Medina it was turned into a taste. It was the discretion of the Prophet of Islam that governance would improve the life of the religious people of Medina. The Islamic state was not a product of the Prophet's school, because the clear product of the general and ruling verses of the Quran was the rise

of an ethical school in society. This ethical school essentially had no part to play in the variable tastes and expediencies in the field of politics. That said, the school of Islam was quite compatible with the Prophet's taste, meaning that the taste, interests and discretions of the Prophet and the requirements of society were not at odds with the Quranic rules in those days. The school and taste both belonged to the same context and time and the Prophet was the direct recipient and audience of the revelation. The wall of history could not create distance between Muhammad and the revelation.

Generally, it can be said that Najaf and Beirut are carriers of the Islam of Mecca, whereas Qum is a defender of the Islam of Medina (not civil society oriented Islam). This is certainly not to deny, however, the existence of individual followers of the Najaf and Beirut schools in Qum. The defenders of the Islam of Medina are worried by the events of the Arab Spring. There are concerns that Rached Ghannouchi (the founder of the al-Nahdha Islamic Party and the leader of Tunisian Islamists) may defend Turkey's model of Islam and confront Ayatollah Khomeini's model, that of the founder of the Islamic Republic in Iran. Equally, there is considerable anxiety that if the separation of the institution of religion from the state in Libya and Egypt becomes a widespread discourse and, consequently, Islam moves from state power to society, and if objective and political secularism becomes a value, then ultimately the Arab Spring will become the Autumn of the Islam of Qum. The Islamic Republic made every effort to break down the veneration of the Islam of Mecca, which is symbolized by Ayatollah Sistani (the religious leader of the Shia in Iraq). If the (religious) leaders of the Islamic Republic could not convince Sistani of 'authority over politics', then at least they could make him unpopular among the people of Iraq. This important task was given to Muqtada al-Sadr (the cleric who is head of the military Jaysh al-Mahdi in Iraq) who set about achieving this goal with a campaign of negative propaganda against Sistani. However, the belief in the authenticity of the Islam of Mecca in Najaf was so strong that it outweighed the frail dignity of a young man like Muqtada al-Sadr. This is because for over half a century Ayatollah Sistani (now 81 years old) has had a special place in the Najaf seminary and among the Shias of Iraq. His position became stronger after the demise of Ayatollah Sayyed Abolghasem al-Khoi, the Grand Ayatollah of the Shia of Iraq, and he was promoted to a unique position after the fall of Saddam Hussein. This is not to underestimate the 38-year-old Muqtada al-Sadr, however. In less than a decade, he, too, has gained a special reputation among parts of the Shia community in Iraq (mostly residents of the outskirts of Baghdad). His reputation is a political one with a religious and scholarly flavour, which he inherited from his venerable family, and in particular his father. His father, Sayyed Mohammad Sadr, was a popular Friday prayers Imam in the city of Kufa. He, along

with two of his sons, was assassinated on the 18th February 1999. The Sadr family have a long history of scholarship and religiosity in Iraq. This is particularly true of Sayyed Mohammad Bagher Sadr, the cousin of Muqtada al-Sadr's father who was director of the Najaf seminary; he was murdered by Saddam Hussein. The lineage of the Sadr family can be traced back to the seventh Imam of the Shia – Musa al-Kazim – who is buried in the city of Kazimiyya, one of the holy cities of the Shias of Iraq.

In the 1960s and 70s, the Shia, the Sunni and the Christians of Lebanon experienced a period of tolerance and coexistence under the leadership of Sayyed Musa al-Sadr (the enlightened leader of the Shias of Lebanon). However, a number of clerics of the lands of al-Sham (Syria and Lebanon) disapproved of this apparent détente and travelled to Najaf to express their concerns to Ayatollah Sayyed Abolghasem al-Khoi, the Grand Ayatollah of the Shias. Their concern was Sayyed Musa Sadr's enlightened tolerance and management that maintained that human beings are not meant to be in the service of religions; it is rather religions that are to be in the service of the peace and security of human beings. This view was directed at traditionalists and fundamentalists and it was a source of tolerance and openness: the 'do not's' in religion could not be overshadowed by the 'can's of freedom. Ayatollah Khoi's response was: 'Musa Sadr is a jurisprudent himself and he is an expert scholar in religion; he does not follow my authority'. Two of the most senior clerics among the group that travelled to Najaf to complain to Ayatollah Khoi are now dead. However, as will be outlined briefly below, following their meeting with Ayatollah Khoi, years later one of the clerics chose to follow the same tolerant path as Musa Sadr, while the other remained on the same well-trodden path of orthodox conservatism until the end of his life. Both clerics, however, were labelled heretics and excluded by the 'taste' of Qum. The two clerics in question were Allamah Sayyed Mohammad Hossein Fadl al-Allah in Beirut and Ayatollah Sadeghi Tehran in Qum. Incidentally, they were both pupils of the Najaf school. However, Fadl al-Allah revised his position and realised that Lebanon could only achieve peace and protect the welfare of its citizens through the enlightened views of Musa Sadr. Some clerics of Qum, however, declared his opinions to be outside the creed of Shiism. He passed away in Beirut, after an illness, on the 4th of July 2010 (aged 75), but the last years of his life had been overshadowed by accusations of falsehood and he was deemed forbidden (*arām*). Although Sadeghi Tehran remained opposed to some of the ideas of Musa Sadr till the end and, in fact, he was closer to traditional clerics than Fadl al-Allah, he did not consider the authority of the cleric (*walāyat-i faqīh*) as an essential precept of the rules of Islam. This meant that he too fell out of favour with the Islamic Republic and his public teachings were banned. He died in isolation and illness on the 20th of March 2011. The Najaf and Beirut schools both think in terms of a

religious community and not a religious state, and both suggest the religious people who hold state power should observe the teachings of Mīrzā Nāīnī. He was a cleric from Isfahan and a Grand Ayatollah for the Shias of Iraq and Iran. He was also an advocate of the Constitutional Movement in Iran. This movement wanted a free Iran close to democracy. Mīrzā Nāīnī said: regulating and approving social and civil laws is not divine; it is human. People can vote for a law that is agreed upon and is in their interest, but they are not allowed to attribute the law that they have approved themselves to God. Commitment to the accepted Constitution by all people who have made a pledge according to it is religiously binding and obligatory. Appointing a delegation to monitor and supervise the laws in order to create impediments before absolutist power and the rule of the fallible human beings is allowed. (In the eyes of the Shia, the fallible governance is one in which the rulers are not chosen by God; according to the Shia, the ones chosen by God like the Prophet are immune to errors and do not commit sins). The majority's vote has legitimacy; because according to the Quran, the state formed on the basis of a council is legitimate. According to the Prophet's precedent and practice, in disputes one has to refer to the majority's vote.

However, Mīrzā Nāīnī adds that: 'following the election of people's representatives, they can legislate in the areas of the changeable laws of religion'. The changeable laws of religion are those subject to change as time passes. For example, the Quran considers the rights of man to be twice the rights of women in all financial matters including inheritance. However, the passage of time and the change in the social and economic status of women compared to the history of the genesis of the Quran (fourteen centuries ago) makes this rule changeable and provides the grounds for the equality of men and women. Making this choice to 'determine those rules that are changeable' is the distinctive feature between the Najaf and Beirut schools. In the Beirut school, objective rationalism and justice in its modern sense are highly valued in the dynamism and durability of the sacred text. The Najaf school, however, considers the sacred text to be above the understanding of the common people and they are quite strict and sensitive about new interpretations of religion. On the other hand, when it comes to execution, flogging and punishment of human beings, the Qum taste dogmatically defends the most outdated juristic laws of Islam and says that Islam cannot be suspended. However, when it comes to the expediencies of the state and politics, the 'protection of the regime' becomes the point of reference and 'the most essential of all obligatory duties'. The freeing of Iraq from the grip of Saddam Hussein was a test for Ayatollah Sistani. He had to limit his role in the community to one of guidance and not prevent people's choices, even in the face of heavy costs and the consequences of a people who had suffered serious underdevelopment under Saddam Hussein. These costs and consequences

are still going on in Iraq, and take the form of conflicts and disputes over political power. Sistani's desire to hold the reins of state power in the name of religion and God's law had no effect on his popularity (which was no less than that of Ayatollah Khomeini in Iran) and the majority of the Iraqi people followed him. Ultimately, Sistani chose to remain at the margins and allow people to experience this period of change for themselves. Free Tunisia is a test for Rached Ghannouchi (the leader of the Tunisian Islamists). Will he put the Islamic community above the Islamic State and respect the sanctity of freedom? The Muslim Brotherhood (Sunni Islamists) in Egypt and Syria has a difficult road ahead, like the Islamic groups in Libya.

Allamah Hani Fahs is a cleric who adheres to the Beirut school. He comments that: 'The Arab Spring was inevitable and every effort must be made to keep it a spring and not to allow it to reach summer. This requires enlightening people'. He describes 'enlightening' people as making them aware that, 'a state which makes religion dominant over people will corrupt religion, and a religion which brings a government to power will corrupt and destroy that government'. Hani Fahs adds, 'Cultural, religious and living capacities are the elements that make Arab Spring experiences distinct from one another; these capacities have become stronger under the pressure of despotism'. Fahs has concerns about the Muslim Brotherhood, whose Islam differs from the Islam of Mecca. They dream of the Islam of Medina even though they emphasize that, under the influence of the Muslim Brotherhood, the community will be more progressive.

In the midst of all these events, the voice of Qum 'taste' is missing. Even when the state clerics speak up, they speak to and praise the anti-American and anti-Israeli sentiments of influential figures in the Arab Spring. However, there is no sign of defending Islam or freedom within it. The Qum taste is worried that if this branch of Sunni Islam blossoms, it will be more compatible with the Shia schools of Najaf and Beirut.

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Revisionist Clerics and Democracy in Iran

*Hasan Yousefi Eshkevari**

In this essay, the following questions will be answered regarding the topic of 'The Role of Modern Clerics in the Transition to Democracy in Iran': (1) What is religious revisionism and what are its objectives and ends? (2) What is the definition of clerics and the clerical establishment? (3) What are the precedents of religious revisionism in Islam? (4) What is the role of contemporary clerics and scholars in the transition to democracy in Iran?

1. What is religious revisionism and what are its objectives and ends?

Briefly, one can say that 'religious revisionism' consists of 'rethinking the whole system of Islam'. This is what Muhammad Iqbal declared about 80 years ago in Lahore in India (now in Pakistan) in his famous book *Reconstruction of Religious Thought in Islam*. Although, as it shall be explained, revisionism or seeking to rethink Islam existed from the very beginning of Islam, the revisionism intended by Iqbal is radically different from close or distant pasts in terms of foundations, depth, tools of revision and its ultimate end. One can probably say that this reconstruction is somehow synonymous with 'renovation', but it is definitely the same as 'revisionism'. The content of the idea of reconstruction or renovation is that keeping the epistemological construction and the tradition of Islamic thought or a different heritage through reforms is neither possible, nor useful, because of the excessive erosion in traditional Islamic thought. Therefore, it requires a radical reconstruction so that you build a new edifice with a new epistemological structure. In this scheme, of course, the purely monotheistic and authentic, purposeful religious content is not only preserved, but gets transcended into a new and modern format, and adapts to the requirements of the age in terms of interpretation and application. In other words, in this new structure, the architecture, philosophy and the ultimate ends of the faith and early Islam are used around the idea of monotheism and some elements of the Islamic thought bequeathed from the golden age of the Islamic civilisation (2nd to 6th century AH; 8th to 12th C.E.). However, the architecture itself is modern and the worn-out parts and materials, or those that may be objectionable or wrong, are completely removed and put aside. That is why Iqbal believes reconstruction is designed to 'rethink the whole system of Islam'. This entails a fundamental change in the entire structure of knowledge and the inherited knowledge from the ages gone by in the Islamic civilisation and culture. This scheme can be seen as a kind of 'Muslim modernity'. However, the ultimate end of this reconstruction is to make the faith and monotheistic, spiritual and ethical Islam workable and efficient in modern times. The aim is also to equip

Muslims intellectually and epistemologically with refined and modern ideas and to remove contemporary Muslims from the predicament of 'backwardness', or so-called decline, and to help them towards modernity and a new, creative and efficient civilization. Indeed, one can say that the purpose of the revival project and the enhancement of faith, the reconstruction of the Islamic epistemological structure and its social goal are to help Muslims who have been left behind by the civilization and modernity of the 20th century.

The reconstruction of religious thought begins, of course, with the important element of critique and critical thinking and eventually reaches an alternative version as follows:

- Critique of religious tradition (critique and refinement of inherited knowledge such as philosophy, theology, jurisprudence, Quranic commentaries, mysticism and Sufism, etc.);
- Critique of the civilizational and intellectual legacy of the modern West and modernity;
- Providing a proper alternative that is a combination of the functioning and efficient aspects of both the ancient Islamic tradition and Western modernity.

2. What is the definition of clerics and the clerical establishment?

Although the terms 'cleric' (*rūhānī*) and 'clerical establishment' (*rūhāniyyat*) predominate, and generally people have a more or less clear understanding of what they mean, the reality is that using these terms for a group of scholars, *faghihs* (Islamic Jurisprudents) and the jurisprudential establishment, and the traditional and historical jurisprudence of the Shia, is semantically and conceptually ambiguous. The use of the term 'cleric' (*rūhānī*) (literally meaning 'spiritual') for religious scholars and other groups belonging to this class, such as preachers, is vague and at best ambiguous. We know that in Islamic language and literature, we do not have a term for '*rūhānī*' (translated as 'cleric'). This term is quite recent and its use is probably not older than a century. It is clear that the term 'clergy' has a Christian genealogy and it is possible that its genesis goes back to the Safavid era, under the influence of Western Christian literature, and was used to imply a similar idea in the minds of Iranian Shia Muslims. In the Church and the Christian religious system (particularly in Catholicism) the term clergy had a clear meaning, but among the Shia or in Islam, we always had commentators, *faghihs*, traditionalists, theologians and judges – but no clergy. The reality is that the term clergy or cleric has neither a background, nor precedent, nor a clear meaning in Islamic theology. It is interesting that in the recent century, this term has become dominant in the Shia community and has created a pseudo-Church clerical system among Shia scholars and jurisprudents. Nonetheless, who is it that we refer to

as clerics or clergymen today, and what establishment do we call a clerical establishment? In the language and the mind of the public, a clergyman is someone who is a religious scholar and has a particular dress code. However, when we delve deeper into the matter, the term clergy (*rūhānī*) is neither compatible, nor definable, merely by scholarly expertise in Islamic sciences, nor by making a living through religion or religious propaganda, nor even by having a particular dress code. This is because one can have all these qualities. For example, one can have expertise in one or a number of Islamic sciences (or even all of them), or be a preacher, but not adhere to a particular dress code. Therefore, a comprehensive definition for the clergy does not exist. Yet, it seems that the most straightforward and capturing definition, at least in the eyes and the words of the public, is one that implies a dress code or the wearing of particular attire. A clergyman is someone who wears a particular religiously affiliated dress. The focus of this particular discussion is the scholars and *faghihs* who, indeed, wear this special attire and therefore, we use the term clergy or clerical establishment with a degree of tolerance.

3. What are the precedents for religious revisionism in Islam?

A quick glance at the history of Islam shows that, from the very beginning, there was some sort of 'modernity' among Muslims. This 'modernity' was called *Ijtihad* (Islamic jurisprudence). The first person who made an attempt at modernity was Abū Bakr, the first Muslim caliph. This path was followed with further clarity by Umar and later it was continued along the same lines. The reason was that after the demise of Muhammad and with the Muslim conquests and great civilizations like Iran and Egypt being annexed to the Islamic territories, as well as the establishment of an Arab-Islamic Empire, there were new needs and new questions arising that older teachings had no solutions for. Muslim thinkers and politicians inevitably had to address legal, social, civil and economic issues of their time in a way that was both compatible with religious values and traditions and capable of addressing the issues. This process was started by Imam Abu Hanifa in the 2nd century AH (8th century C.E.). He established jurisprudence in law, which developed further in the 3rd and 4th centuries of Islam and eventually culminated in the four legal-jurisprudential schools (Hanafi, Maliki, Shafi'i and Hanbali). Roughly the same path was taken among the Shia, with one significant difference: that during the presence of the Shia Imams (from the 1st to the 4th century), the Twelve Imams addressed legal and intellectual matters with their jurisprudential and intellectual engagements. Subsequently, the Shia jurisprudential school was established by the *faghihs* and has continued ever since.

4. What is the role of contemporary clerics and scholars in the transition to democracy in Iran?

Islam is the latest of the organized 'old' religions that is still active in the field of reason and politics in society. It is not only influential in the territories of Islamic countries in the life of over one and a half billion Muslims, but it also has influence in Asia, Africa and the Christian West. Since many Islamic societies are left behind in terms of civilization and technology, and have yet to reach the same level of development as Western civilization and culture, it is inevitable that significant changes in the intellectual, cultural and technological areas will be made. From about 200 years ago, during the colonial period, when most Islamic lands were officially or de facto colonies of some of the most powerful European states, they became familiar with the West and subsequently realized that they were lagging behind and that they need to do something about this. Reactions to this crisis were diverse. Some of them started political or military resistance (under the name of Jihad) against Western colonialism in order to revive the past glories and to step out of the state of powerlessness. Others sought the answer in intellectual and cultural changes, particularly in the revival and reconstruction of Islamic thought. As previously mentioned, this is what is called religious revisionism.

However, the important point is that revisionism in Islam began, and continues, at two levels. On one level, we have religious scholars who want to revise some of the legal and religious decrees and rulings in the context of traditional jurisprudence and law. This will bring about a reform in the Sharia so that the faithful encounter fewer problems in their lives. On another level, we have Muslim intellectuals who do not find this measure of reform and revision sufficient and who seek to revise and reform the 'whole system of Islam'. The second group approves of the jurisprudence principle, but claims that this jurisprudence should focus first on principles (theological principles and tenets) and then look to secondary issues (practical rulings of the Sharia). The difference between these two groups can be defined as those of the 'reformist' scholars and the 'modernists'. The first group seeks 'Islamic modernity' and the second project is about 'modernizing Islam'.

I believe that the eventual and ultimate solution to addressing intellectual dead-ends and the 'backwardness' of Muslims in terms of civilization is to follow the same intellectual and radical path of modernists and to transition to higher levels of freedom, democracy and modernity. However, the ideas and jurisprudential tradition of revisionists clerics will remain highly important and influential. To explain and justify this claim, it should be noted that among the different interconnected aspects of the existing Islam, jurisprudence and religious law is the most important. This is because these rulings can have direct, continuous and even daily relevance for the lives of the faithful and those who practice the faith. These include devotional and personal matters from prayer, fasting and the hajj pilgrimage, to social

matters such as business, contracts, ownership, properties, judicial matters, family issues and civil laws in general. As these matters are intertwined with the lifestyle of the faithful and the permanent application of these rulings and religious pronouncements in the daily life of Muslims, any changes made can also change the lifestyle and even the philosophy of the followers of Islam. From the very beginning, 'faghihic' rulings and Sharia laws were created by the traditionalists, followed by the *faghihs*, and they are still under the monopoly of scholars and *faghihs*. Any kind of innovation, initiative or new jurisprudence in Sharia is exclusively in the hands of the *faghihs*. They are the ones who can make Islam compatible with the requirements of life in the contemporary world, using new ideas and revisions in their rulings. So far, to the extent that these *faghihs* have addressed and revised some rulings, some of the problems of Islamic communities (at least for the followers) have been resolved. In order to study the issue, one can further investigate the period of the Constitutional Movement (CM) (1905-1907) until now. During the CM, if *faghihs* such as Nā'inī, Ākhund Khurāsānī, Sayyid Muhammad Tabātabā'i and Sayyid 'Abd Allāh Bihbahānī had not given their political, theological and jurisprudential support to the movement, it would never have succeeded. Khurāsānī and other *faghihs* of Najaf issued explicit rulings and *fatwās* that 'it is essential in religion that in the absence of the Imam, the governance of Muslims should be in the hands of the people'. In his important book, *Tanbih al-umma*, Nā'inī made some remarkable revisions using the principles of religious law (*uṣūl al-fiqh*) in order to demonstrate that the Western secular legal system is legitimate and binding in the absence of the Twelfth Imam, using religious and jurisprudential arguments. He declared that despotism is practical polytheism and heresy and in despotic and authoritarian regimes and society, God is not worshipped. Such rulings by the most prominent clerics of the time can pave the way for the victory of the CM and in fact the very idea of democracy in contemporary Iran.

After the CM, the intellectual and political role of the clerics faded in society for various social and political reasons. However, following the events of September 1941 and the end of World War Two, with its significant changes for the intellectual and political life of the world, the region and Iran, Iran was also confronted with these issues in many ways, including in religious spheres and the Islamic streams of thought. In this period, intellectual and academic revisionism was, on the one hand, activated; on the other, a number of religious scholars showed an openness to reformism and intellectual and social reforms. Until the 1979 Revolution in Iran, the clerical establishment experienced two types of reformism. One was reforms that were implemented culturally in the teaching and educational system of the Qum seminary, championed by Ayatollah Burūjirdī; the other was the cultural and social reforms that were led by more revisionist scholars. These were people

like Ayatollah Sayyid Mahmoud Taleghani and Ayatollah Morteza Motahhari, Allama Mohammad Hossein Tabatabaee and Ayatollah Mohammad Bagher Sadr. These scholars endeavored to provide proper responses to the new questions of society, particularly those raised by the youth and university students, and to address a number of intellectual and legal issues.

With the 1979 Revolution, which was given an Islamic quality, a new era started. Although the leader of the Islamic Revolution, Ayatollah Khomeini, was not a revisionist Islamic intellectual and did not quite approve of the religious revisionism, the unexpected victory of the religious revolution, and the establishment of the Islamic Republic political regime based on the model of the Absolute Authority of the *Faghih* (*walāyat-i mulaqa-yi faqih*), religious law and traditional jurisprudence were inevitably put to the test. Khomeini had said that 'religious law is the practice agenda of the state', but now he had to show whether it could actually be so or not? The experience of the first decade of the Revolution showed that legal management based on traditional jurisprudence was unable to address new issues of the changing world and, in fact, will never be able to respond appropriately and constructively to the needs of different groups of citizens and the various demands of a relatively modern Iran. Therefore, towards the end of his life, Ayatollah Khomeini, who was a fervent champion of traditional jurisprudence, was forced to think of a measure to step out of this dead-end in the regime in terms of jurisprudence and legislation, and to make the state more efficient. One of these measures was the idea of the *Velayat-e-Faghih* (Absolute Authority of the Islamic Supreme *Faghih*); the other was the 'Expediency Council' (*majma-i tashkhi-i malaat-i niām*). Both of these were unprecedented in Shia law and were considered a kind of innovation (*bid'at*). However, today, after 34 years of the Islamic Republic, it is patently clear that these measures have not only failed to address the problem, but they have also added to the complications. Nonetheless, all of this does not mean that jurisprudence and religious law, and more generally the scholars and clerics, cannot have a role in the practical and intellectual life of the religious communities and Iran in general. In sum, one can say that today, and from now on, the scholars and the clerical establishment can help in the intellectual and civil developments towards the transition to democracy on a number of levels:

Independent scholars who are not under the influence of the state can learn from the experience of the Islamic Republic and, in principle, let go of Ayatollah Khomeini's theory of establishing a religious state based on his model of Absolute Authority of the *Faghih*. This approach can open the way for a secular regime and secular laws. This is what happened in the Constitutional Movement (1905-1907). At that time, people like Nā'inī believed in the monarchy of the *faghihs* but eventually

followed the path of traditional theological Shia thought, suggesting that the establishment of any kind of state in the absence of the Imam is forbidden. Thus, they gave up the idea of the right of the *faghih* to rule. Therefore, they preferred the secular government and believed that for secondary reasons, it is in the interest of Muslims and Islam. Although most of scholars and *faghihs* in the Revolution era did not believe in the theory of the monarchical rule of the *faghihs*, for whatever reason (probably one of the reasons was to secure the interests and raise the status of the class of scholars), they generally supported the Islamic Revolution and Khomeini. However, not only those people, but also a considerable number of revolutionary scholars who supported the Authority of the *Faghih*, reached the conclusion that religious state and legal management of the clerics has not only failed to be successful or efficient, but in practice has even been harmful to religion and the faithful, and ultimately harmful for society as well. Therefore, in recent years, some of them, such as the late Grand Ayatollah Montazeri (d. 2009) and Ayatollah Yusuf Sanei, have distanced themselves from this idea and have even opposed it.

Today, more than at any other time, independent *faghihs*, mindful of the circumstances of the day, can take jurisprudential measures and in this way help secularism and the strengthening of civil society. In this area, a number of factors have been helpful for jurists. Firstly, they can see the failed experience of religious and legal governance and they are now much more aware of the challenges of the circumstances of the modern world for Sharia. They also know the demands of modern citizens better. This can add to their insight and their ability to make serious revisions in the rules of religious law and jurisprudence. Secondly, the *faghihs* today have more efficient tools to understand the ideas and the needs of the people and the requirements of modern life. Moreover, they can use tools such as computers and the internet to help bring about intellectual and academic change. In particular, younger scholars have access to these tools. Significant changes have occurred in these areas.

The reality is that traditional jurisprudence, despite its limitations and structural problems, has considerable capacities for revisions and jurisprudence. Although in the ultimate analysis, religious law and the Sharia cannot become law in the modern and conventional sense of the word, revisions and methodical jurisprudence responding to new problems and issues can help secularization and democratization to lift some of the religious legal and social restrictions. For instance, the revisions of the late Ayatollah Montazeri to a number of legal rulings are good examples that can be relied upon. In recent years, Montazeri issued a ruling that changing one's religion was the human right of every citizen and every individual, and as such, apostasy has no punishment. This was the first time that a high-ranking *faghih* had issued such a ruling. He also considered a party

system of politics Islamic and legitimate and following the legal principle of 'the prelude to an obligatory thing is obligatory', he considered the establishment of various political parties (be they religious or secular) to be necessary. Also, for the first time, he recognized the human and citizenship rights of the Baha'is. He was, in principle, the first *faghih* to write a 'Treatise of Rights'. Such revisions will definitely be helpful for a transition and the emancipation of the people of Iran from religious despotism and assist in the establishment of a democratic regime.

Apart from *faghihs* and Islamic jurists, who are centers of change because of their special status in high religious authority, innovative clerics in other groups can also familiarize religious people with new and progressive modern ideas (such as freedom, democracy, human rights, civil society, etc) and convince them of the necessity of cultural and intellectual revision. Societies of preachers and speakers in religious circles with modernist and progressive ideas close to modern thought and in tune with the demands of an urban society can play a unique role in these areas. This is the role played in the CM by people like Sayyid Jamal Waiz Isfahani (1900-1957), Malik al-Mutikallimin (1860-1908), Thiqat al-Islam Tabrizi (1860-1911) and others. In the 1960s and 70s and in the Revolutionary era, preachers also played the same role, although this group of preachers has become extremely weak in the Islamic Republic and their more modernist ones have been marginalized.

To conclude, in Islamic societies, given the religious mentality and language of the majority of people, and the rigidity and strength of religious tradition among people from all walks of life, religious reform prepares the necessary ground for all kinds of civil, social, legal and political reforms. Here, clerics and the *faghihs* can and do play a unique role in this religious-social reform. The experience of the CM can be very informative and useful for scholars and clerics. When more than a hundred years ago, senior *faghihs* issued the ruling that 'it is the necessity of religion that in the era of occultation, the rule of the Muslims should be in the hand of the people themselves', there is no reason that in the 21st century and in more conducive circumstances, this religious idea should be forsaken and revert back to the backward individual authority of the *faghih*, which is not even functional. In particular, the experience of the Islamic Republic, with its *Velayat-e-Faghih* model, has revealed the inefficiencies and problems of such an idea and such a regime.

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'spreading lies and insulting Islamic sanctities'. He was defrocked by the Islamic Republic and served four years in prison before and after his conviction. During the crackdown on protests over the 2009 presidential elections in Iran, Eshkevari fled to Germany to seek political asylum. Prior to his arrest, Eshkevari was the Director of the Ali Shariati Research Centre and contributing editor of the newspaper Iran-e Farda, which was banned in April 2000.

Decoding Tehran's Political DNA through Najaf

Shervin Nekuee

The cultural DNA of the Islamic State

To most political analysts, the Islamic Republic of Iran remains an enigma. Its dynamic and its reactions to both national and international politics continue to surprise us. The most complicated aspect of Iranian politics is certainly the issue of the balance of power. Since the death of the Islamic Republic's grand architect Ayatollah Khomeini more than two decades ago, confusion about this balance of power has become starker. Indeed, on the one hand, there is a chronic lack of transparency and a dizzying complexity of power relations within the Iranian state. On the other hand, this does not mean that it is impossible to discover and understand patterns in the perceptions and behavior of this political system. The labyrinth of networks that together make up Iranian politics is, in my view, no coincidence. At the same time, this structure is – in contrary to what most political analysts think – not the well-considered product of an elaborated formalistic philosophy on a specific structure of power. It is culturally – not structurally – founded and driven. To be more specific, it is the Culture of the Shia Clergy that has shaped the Islamic Republic, i.e. how it has been (de facto not de jure) organized and how it deals with its more challenging internal and external affairs. Ayatollah Khomeini, the architect of the Islamic Republic, was without any doubt a fearless, charismatic and, when necessary, sly leader who did not wince when offering up thousands of lives for the creation and continued existence of his Islamic Utopia. However, he was not known as a particularly meticulous mason of this new state. He also had no confidence whatsoever in those secular intellectual fellow travelers (to use Lenin's phrase) who could elaborate his ideas, nor in their 'westoxicated' training, knowledge or expertise. Quite simply, he was a *ruhani* (a Shia Cleric), albeit a very learned and eloquent one, famous for his sharp-witted views on theological affairs and his curiosity about earthly matters. Yet, just as you cannot expect a professor in Quantum Physics to necessarily know something about building a state, you cannot expect a learned *ruhani* to have gained a deep knowledge of shaping political institutions during his years studying Shia

theology, (a subject that is already highly complex). When we take a look at the background of his disciples, we can see that he surrounded himself mostly with an old network of intimate friends and students from his Qum period (1921-1964), i.e. more *ruhanis*. In those singular cases where he really confided in a non-cleric with an academic background – as in the case of Mir-Hossein Mousavi, the current leader of Iran's Green Movement and the Prime Minister in Khomeini's time – we can see that they were individuals coming from *ruhani* circles, raised in families that had provided society with many clerics.

So, what were Khomeini's ideas about the state based upon if he had neither knowledge of, nor faith in, those with experience of creating a state? I believe that the Islamic Republic of Iran is like an iceberg; it only shows us a tiny part of its structures of power in its formally established political documents. This state is formal, but above all informal, organized on the basis of Khomeini's intuition and that of his disciples. They have organized things in the same way as they were used to organizing their formal and informal life. In other words, they have done what they considered 'normal'. They have followed their intuition, which was grounded in the specific 'corporate culture' they grew up in, that of the Shia clerics. This brings us to the heart of the matter. Dealing with things intuitively and giving content to normality is – as sociologists and anthropologists have shown us time and again – a very particular matter. That is, it is based on a specific culture. The ultimate and diverse cultural manifestations are what those individuals belonging to that specific culture do 'automatically'; manifestations that they find normal. The intuition of Khomeini and his disciples, and that of many people belonging to the power base of Iranian politics, is based on the specific culture of the social institution defined by *ruhanis* that we know as '*Ruhaniyyat*' in Shia Islam. This is the accumulation of Shia clerics and their formal and informal arrangements, relations, traditions, habits and manners. It is right to speak about a very crystallized cultural entity. *Ruhaniyyat* is a closed circle of individuals who distinguish themselves from others in their clothing, rhetoric and manners; they discern themselves from ordinary citizens from countries like Iran, Iraq and Lebanon or wherever you find large Shia communities. Between the ages of 11 and 15 and at least until they are 25 – and at a more profound level of studies until the age of 40 – these clerics are instructed in theological seminaries, within institutions where everything is focused on the codes of this religious entity. The most important centers are the cities of Qum in Iran and Najaf in Iraq. The seminaries in these cities are the biggest suppliers of Shia clerics – thus also of the current people in power in Iran. Just like Oxford and Cambridge or the modern version of Berkeley in the US, these cities exist thanks to their professors and students, the difference being that in Qum and Najaf everything is centered on religion and the way of living and

thinking of the highest representatives of Shia Clergy, the Ayatollahs. A specific cultural form has been practiced in these cities for decades, one that has been cultivated by those who left these cities and returned to their own regions, families and friends. This cultural form had an influence on their intimate environment. It is this group, the *ruhanis*, and those people who have been indoctrinated by their thoughts and deeds, that have made up Iran's political elite for 33 years. Whether you talk about reformists, old conservatives or neo-conservatives, the key figures at the center of Iranian politics today, both those in power and the main opposition leaders, come from this subculture, or at least strongly identify with it. Iran's conservative supreme leader Khamenei, reformist icon Khatami, opposition leader Karroubi who is so popular among students: they are all *ruhanis*. And both the neo-conservative president Ahmadinejad and his opponent Mousavi have adopted behaviors and styles of speech that are very similar to clerics. Moreover, they explicitly look for the legitimization of their thoughts and deeds among clerics. However, this is not just a matter of political strategy; it is the DNA of their thinking and behavior. Both Ahmadinejad and Mousavi were raised in a traditional but social atmosphere in which the normative and social behavioral patterns have been vitally dominated and shaped by religious leaders and their local representatives in the community mosques. This is also the case for upcoming leaders in the country, such as the current head of parliament and the head of the Iranian juridical system, the Larijani brothers, who are the sons of the late Ayatollah Amoli Larijani. (The younger brother, Sadegh, who leads the Iranian Juridical System, is also a cleric). Thus, it is the *Ruhaniyyat* culture that has shaped political power in Iran since the 1979 Revolution. Decoding this culture could be the key to a sharper analysis and a more accurate prediction of developments in the Islamic Republic. I believe that trying to understand the culture of *Ruhaniyyat* is only possible by learning to think and, even more importantly, to live like Shia clerics, so that you can really get under their skin and experience their culture in its deepest sense. This is what is known in the social sciences as participation observation – to take part and gain knowledge by doing so.

Najaf

Every Shia Cleric's self-definition is fundamentally based on identification with the very first messenger of Islam, the Prophet himself. Indeed, even if there are subtle refinements and diversity in the style, quality and form of what the Shia Clergy wear, their sleeveless cloak (*Abba*) is to them and to the community of believers nothing less than the Mantel of Prophet of Islam – and of course the Twelve Imams whom Shia Twelvers see as the truth, pure and unique representatives of the Prophets message. The Shia Clerics are latterly and symbolically cocooned by and carrying the Prophet's iconic appearance. He is with them and protects them, and

they carry his everlasting message and ensure the continuity of his tradition. That is the first and, when looking at an individual, the most visible of the Shia Clergy's origins and self-identification. But there are also geographical origins and identification; a clearly defined social space based on the factual and mythical history of Shia Clergy. Without any doubt it is the myth and the factual history of the city of Najaf. Najaf may be best known for being the resting place of Imam Ali and the site of a grand cemetery, but the city is also revered as a center of religious scholarship, home to one of the oldest educational institutions in the world. The first religious school (*madrasa*) in Najaf was founded in approximately 1057 C.E. Many have mentioned Sheikh Abu Jafar Muhammad bin Hassan al-Tusi (d. 1068 C.E.), a Persian from the region of Khorasan, as the founder.

However, the social institution of *Ruhaniyyat* as we know it today is not this age-old social institution. It is only two and a half centuries old, and its genesis goes back to the time of the decline and fall of the Safavid dynasty in 1722. The Safavid dynasty rose to power in the 16th century, and its political mission was to turn Iran into a Shia state. The main drive of the Safavids was a need to distinguish themselves and to claim their own position against their big competitor, the Sunni Ottoman Empire. The Ottomans saw themselves as the legitimate rulers of the world of Islam in the Near East, and they had accomplished this mission in a large part of the Middle East. Cultivating the Shia character of Iran gave a moral and ideological impulse to the resistance of the population against the advancing Ottomans. The Safavid dynasty lasted for almost two and a half centuries, during which the Safavids had to attract Shia *ruhanis* from all corners of the Islamic world, in order to realize a crystallized Shia jurisprudence for their Shia state and to 'educate' the people and teach them how to live according to these laws. In contrast to today, Shia Islam was not the religion of the majority in Iran (there was actually no religious majority in Iran, many Shia and Sunni sects were living in a very multiform society, alongside Alawi, Zoroastrians, Jews and Christians) and the most popular form of Shia Islam was not based on an elaborate theological doctrine. Rather, it was a religious practice with an inclination to mysticism. The *ruhanis* were under the direct command of the Safavids and belonged to the bureaucratic apparatus of the state. The religious class comprised the court *ruhanis* of the Safavids, nothing more, and nothing less. When, in 1722, the Safavid dynasty was defeated by Sunni Afghans (and also later on when King Nader, who did not like Shia Islam much or its clerics) the court *ruhanis* opted for a way out to the most sacred (and also safest) Shia cities: Najaf and Karbala (where King Nader's son Hossein became a martyr). It was only in these cities that the *Ruhaniyyat* began to take shape as a separate organization, group and culture.

Although Najaf and Karbala belonged to the territory of the Sunni Ottoman Empire, their importance as a Shia site of pilgrimage made them, in some sense, autonomous Shia city-states where clerics had a lot of autonomy. It was here that circumstances forced *ruhanis* to learn to make ends meet. The competition between learned clerics was regulated; agreements were made about collecting religious taxes from the worldwide Shia Ummah. This was the money that had to guarantee the continued existence of the *Ruhaniyyat* because, unlike Shia kings in Iran, the Sunni Ottomans did not give a cent to the *ruhanis*. In their eyes, Najaf and Karbala were dusty, uninteresting cities in the eastern remote corner of their empire, which were neither commercially nor geopolitically of any interest. It was in Najaf and Karbala that for the very first time, a large-scale educational project trained young people to become *ruhanis*, which really got its impetus in the 19th century. The blooming of these theological entities brought about more commerce and a thriving pilgrimage industry, which, in turn, led to the emergence of a strong and rich group of business men, who knew all too well that their prosperity and the success of the *Ruhaniyyat* were intertwined. This is how these cities came to be colored predominantly by the *Ruhaniyyat*. In particular, Najaf knew how to safeguard this position and established itself as the heart of the Shia universe.

The rise of Qum in Iran in the 20th century meant great competition for Najaf. Still, I believe that the old Shia character of the *Ruhaniyyat* culture is, first and foremost, to be found in Najaf. The Islamic Revolution resulted in the *Ruhaniyyat* being incorporated into the Iranian political institutions. Just as at the time of the Safavids, the Iranian *ruhanis* of today – at least the majority of them – are servants of the state who depend on a state income and live according to state guidelines. In that sense, they resemble much more the Safavid *ruhanis* than the autonomous *Ruhaniyyat* of Qum in the era before the Islamic Revolution. Now that Saddam Hussein's yoke on the Shia community has gone, Najaf is in its prime, partly thanks to a group of self-conscious learned clerics, Ayatollah Sistani being the most important. They do interfere in society and politics but refuse to take part in the state itself.

Ironically, it is in Najaf and not in Iran that you will find the cultural origins of the Islamic Republic of Iran. It is here that you can find the culture on which the foundations of the Islamic Republic are built, and the logic with which the Islamic Republic goes about its business. If you want to understand politics in Tehran, you have to poke around in Najaf for a while.

Glossary

Ithna Ashariyya: Twelvers, the branch of Imami Shi'ism that believes in twelve Imams, beginning with Ali and ending with the Hidden Imam, Muhammad b. Hassan.

Imam: In Twelver Shi'ism, one of the twelve recognized hereditary successors of Prophet Muhammad, beginning with Ali and continued in his house; after the tenth century, both titles Imam-i zaman and Imam-i ghaeb (hidden Imam) referred to the Twelfth Imam

Ruhani: Shia cleric

Ruhaniyyat: The Shia clergy as a socio-cultural institution. It comprises clerics and has an internal hierarchy that defines the work culture and structure of its seminaries, etc. **Faghih:** Islamic Jurisprudent

Figheh: Islamic Jurisprudence

Ijtihad: To apply and to interpret Islamic Jurisprudence in order to solve ethical and juridical dilemmas that are not directly approachable on the basis of the Quran. In Shia Islam, to apply ijtihad requires official permission (*ijazeh*) from one or more recognized Shia clerical scholar (Ulama).

Velayat-e-Faghih: The Rule of Islamic Supreme Jurisprudent that has been established as the ultimate power within the Iranian state since the Islamic Revolution of 1979.

Vali-e-Faghih: Islamic Supreme Jurisprudent. The first Vali-e-Faghih in Iran was Grand Ayatollah Khomeini, the leader of Islamic Revolution, who ruled from 1979 up to his death in 1989. Since then, Ayatollah Khamenei has been ruling as Vali-e-Faghih in the Islamic Republic of Iran.

The Constitutional Movement (1905-1907): The Iranian Constitutional Movement (CM) took place between 1905 and 1907. This movement led to the establishment of the first Iranian constitution and parliament.

Safavid dynasty: The Safavid dynasty was one of the most significant ruling dynasties of Iran. They ruled one of the greatest Persian empires in its post-Islamic era. Safavid established the Twelver school of Shia Islam as the official religion of their empire. The Safavids ruled from 1501 to 1722.

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Hivos and University of Amsterdam, Department of Political Science, initiated the Knowledge Programme Civil Society in West Asia in 2008. This academic activist initiative generated insights on the role of local civil society actors and Western donors in democratisation processes in Syria and Iran. Hivos currently co-produces policy papers, policy briefs, working papers, research papers, books and newsletters with think tanks and experts mainly in MENA, but also in the US and EU. These in-depth insights deal with dignity revolutions and transition challenges and how Western donors can accompany transitions through insider knowledge.

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