

In the Spring of 2003, the Institute for the Humanities hosted two lectures which approached the exploration of Islam, both as an historic religious tradition, and as a contemporary reality.

Democratizing Shi'ism: The Theoretical Foundations of Iran's Reform Movement

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The landslide electoral victory of the moderate Shi'i cleric Seyyed Mohammad Khatami in the 1997 presidential election in Iran inaugurated a new era in Shi'i political practice. Known for his leniency as the Minister of Islamic Guidance, Khatami owed his presidency primarily to Iranian women and youth who mobilized to vote for him by the millions. While Khatami's presence and the expanding reform movement his victory ensued must be credited to Iranians' will for radical but peaceful change, the very idea of reforming Iranian politics should conceptually be traced back to the founding moment of Islam, or, to state it precisely, to the death of Prophet Mohammad in 632 CE.

Guaranteed by the aura of prophecy, the uncontested authority of Mohammad, who was at the same time the spiritual and temporal leader of the community, was quickly disintegrated upon his death, for he neither appointed a successor nor established a method for the selection of a leader. As is well known, the majority of Muslims of the time followed the first three Caliphs, all Mohammad's trusted senior associates, and became known as the followers of the Prophet's "narrated or documented traditions," or *Sunnis*. Upon Mohammad's passing, however, a small minority advocated the idea that the line of succession should be traced through the Prophet's descent—that is, through his daughter, Fatima, and his son-in-law, Ali. The followers of the "party" of the First Imam, Ali, or *Shi'is*, witnessed the caliphate of Ali (as the fourth Caliph) until his assassination by a member of a rebellious, underground group. The two powerful subsequent caliphates, the Umayyads and the Abbasids, kept Shi'ism a marginal tendency within Islam. In the meantime, the Shi'is experienced three splits as a result of disagreements on the line of succession. These are (1) the Zeydis or Fiver Shi'is; (2) the Isma'ilis or Sevener Shi'is; (3) and finally, the focus of our discussion here, the Ja'fari or Twelver Shi'is.



Deemed as potential threats to authority, all of the eleven Ja'fari Shi'i Imams were murdered by their contemporary Caliphs. The Ja'fari Shi'i line of succession came to a halt when, due to the impending danger that threatened his life, the infant son of the eleventh Shi'i Imam, Hassan al-Askari, reportedly went into a Lesser Occultation between 874 and 940, during which time he was connected with his followers through four select deputies or *vakils*. Upon the death of the last *vakil* in 940, the Hidden Twelfth Imam went into the Greater Occultation to return on the Day of Judgement as Mahdi, the Guide of the faithful community.

The Greater Occultation not only left Shi'i believers with the problem of guidance, it forced the entire Ja'fari Shi'i theory of governance to face a profound crisis, as it was based on the premise that only an infallible leader (the Prophet and later the twelve Imams) should lead the Muslim community.

Naturally, following the Greater Occultation, the Shi'is turned to quietism based on a recorded *hadith* or dictum of the sixth Imam, Ja'far Sadeq, who recommended to the faithful total abstention from temporal affairs in the absence of an infallible leader. In the absence of an infallible leader, a shadow of illegitimacy covers over all worldly activities, above all those of government. Consequently, a doctrine of dissimulation emerged, making it a duty of Shi'is to feign religion in order to protect their Faith and community. Until the coming of Mahdi, there would be no legitimate authority, only force. Here one can clearly observe that the 1979 Iranian Revolution was an attempt at reviving legitimate authority in the absence of the Occult Imam.

Interestingly, the absence of an infallible leader forced upon Shi'ism a certain separation between church and state, which is quite often missed or misunderstood by Western scholars. This separation should not be analogized with the separation between spiritual and temporal authorities of the Christian Roman Empire. Rather, this separation stems from an impasse in the Shi'i political thought: while Islam recognizes that, although chosen, the Prophet (and the Imams) were only mortal and finite human beings, the principle of infallible leadership knows no temporal finitude. The separation between church and state in Shi'ism stems from an unbounded theoretical requirement that the finitude of life can

never accommodate. One might call the Shi'i separation of church and state orthodox or fundamentalist in order to emphasize that no secular framework can capture the essence of such separation.

Back to history: although in the sixteenth century the formidable Safavid dynasty founded in Iran the first Shi'i state, the doctrine of illegitimacy of government still persisted in the Shi'i political thought. However, this period witnessed the rise of official rank of Shi'i clergy (the *ulama*) that would strictly deal with issues of legality and jurisprudence. The emerging experts of jurisprudence, or *mujtahids*, were now to provide guidance for the Shi'i community in the absence of Mahdi. Given that attentiveness to the exigency of time stands as one of the highest principles of Islam, the task of the *mujtahids* was to provide logical proof through analytical reasoning for the applicability of jurisprudential principles.

The absence of infallible leaders necessitated the gathering and compiling of canonical laws or *shari'a*. In the 16th century, the eminent Shi'i jurist, Ibrahim al-Qoteifi, proposed the principle of emulation according to which one must emulate the highest jurist's judgement on matters over which there cannot be consensus. The principle of emulation granted unprecedented power to the *Ulama*. In reaction to this new elite of Shi'i clergy around the turn of the 17th century an orthodox school of Shi'i jurisprudence called the *Akhbaris* argued in favour of the abolition of the division between the jurist and the lay Muslim, forbade emulation, and advocated a return to *The Koran* and the *Sunna*. In the decades to come, two challenges arose in the shrines of Iraq against the *Akhbaris*.

The emergent *Shiekh* School refuted the adequacy of the *mujtahid*, the Shi'i cleric-scholar, to function as an intermediary between the Shi'i community and the Hidden Imam. In the *mujtahid's* stead, the *Sheikhs*

proposed a more authoritative incarnation of the divine guidance, which they called the "Perfect Shi'i"—a concept that unwittingly played a decisive role in the unfolding of the Ayatollah Khomeini's revivalist movement centuries later.

In the 18th century, another school of Shi'i thought, the *Usulis*, or Followers of the Principles, gradually dominated the holy shrines of Iraq. The *Usulis* revitalized the idea of emulating the



mujtahid by the Shi'i layman. The *Usuli* scholars came to believe that in every era one cleric-scholar could be considered as the most knowledgeable. As such, they gradually expanded the notion of the *mujtahid* into a new concept: *marja'e-e taqlid* or the Source of Emulation.

Historically, the Shi'i clerics maintained quietism for the most part under the three-century rule of the Shi'i Safavid Dynasty. With the rise of the Qajar Dynasty in the early 18th century, they received support from Qajar kings in return for spiritual support. The *Usuli* School of jurisprudence rose to provide the Qajars with clerics who would supervise over the exercise of the religious laws, or *shar'*, in courts. But the Constitutional Revolution of 1906-1909 proved the internal diversity of Shi'i clerics who turned out to be divided over antagonistic political visions: while some prominent clerics supported the autocratic monarchy and some remained quietist, a major part of prominent Shi'i clerics supported the ideas of Constitutionalism, a few even republicanism. With the 1925 *coup d'état* of Reza Shah, an autocratic, at times

brutal, secularism dominated Iran until 1979.

Born in 1902, Ayatollah Khomeini came of age experiencing the force of state under Reza Shah, while receiving his religious education with an emphasis on the *hadith* (the Tradition of the Prophet and Imams) and *irfan* (Islamic mysticism). He received his certificate and became a *mujtahid* in the early 1930s, only to become a close entourage of the politically-quietist Grand

Ayatollah Borujerdi, the single uncontested Source of Emulation in the entire 20th century Shi'i world. With Ayatollah Borujerdi's death in 1960, Ayatollah Khomeini's swift confrontation with the Shah in 1963 forced him to exile in the holy shrine of Najaf in Iraq. In the next 15 years, he worked to formulate a theory of the Islamic state, based on his Islamic mysticism that emphasized the possible unity of the self with the divine. Influenced by the *Sheikhi* idea of the Perfect Shi'i, as well as the Platonic concept of the philosopher-king, Ayatollah Khomeini developed a revivalist concept of *Velayat-e Faqih* (the Guardianship of the Supreme Jurist) which he presented in a series of lectures given in exile in 1969 and 1970. After the 1979 Revolution, the Guardianship of the Supreme Jurist found its way into the Constitution of the Islamic Republic, along with democratic institutions such as an elected President, parliament, and city and village councils. The constitutional recognition of democratic institutions under the mantle of a non-democratic higher office, as we shall see, later turned out to be the Islamic Republic's worst nightmare. In 1988, the ailing Ayatollah hurriedly called for an Assembly of Experts (Iran's constituent assembly) to rubberstamp the elevation of the institution of the Guardianship of the Supreme Jurist into an absolute power supported by the buffer institutions of the Expediency Council (*shora-ye tashkhis-e maslehat-e nezam*), that would decide the good of society, and the Council of Constitutional Guardians (*shora-ye negahban-e qanun-*

e asasi), that would ratify or refute the bills passed by the elected parliament according to the Shi'i jurisprudence. This tightening of absolute theocratic rule coincided with Ayatollah Khomeini's death in 1989. The problems associated with the transference of his charisma to the office of the Supreme Guardian-Jurist persisted, and the new leaders remained almost unaware of the stealth expansion of two dissimilar, but interestingly converging, undertows that led to the reform movement, marked by the Presidency of Khatami eight years later.

While the reform movement does not constitute a unified whole, the main thrust of the moderate reformists is to negotiate between autocratic, (self-)appointed positions and democratic institutions by advocating a re-interpreted, constitutionalist notion of the "rule of law."

For President Khatami, what is missing in the Islamic Republic is the "Islamic civil society." By tracing the Islamic civil society back to the Prophet Mohammad's rule in Medina,

Khatami makes a distinction between the Western and Islamic notions of civil society. However, he agrees that these two historically divergent concepts could converge on the outcome. Having its roots in the Medina of the Prophet Mohammad, his Islamic civil society symbolizes for all Muslims across the world a pan-Islamic utopia—the spiritual place of peace and security for all Muslims of all times. The arch characteristic of the Islamic civil society—which, admittedly, did not last beyond the Prophet's lifespan—is the complete harmony of humanity with the will of god. According to Khatami, the citizenship of the Islamic civil society is decided not based on one's faith, but on one's humanity and the inalienable right of all humans to determine their destiny and form of government. Reflecting on the Islamic Republic, Khatami expressly argues that the Iranian people voted for

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the new government in the 1979 Referendum in order to achieve a civil society based on the rule of law. Thus, he argues, even the non-elected position of the Guardianship of the Supreme Jurist has to submit to the will of people who brought the Leader to the Office in the first place.¹ The discourse of "popular

legality" that Islamic Constitutionalists such as Khatami advocate, in the end, resembles a formal liberal democracy, which, in the Iranian case, faces the challenge of demystifying the institution of a self-appointed and non-democratic leader.

Mohsen Kadivar, an outstanding reformist and scholar of Shi'i political thought, supports constitutionalism based on a forceful differentiation between the original 1979 and the amended 1989 Constitutions. While the original Constitution emphasizes the "constitutional and elected Guardianship of the Supreme Jurist," the amended Constitution marks a shift toward "absolutist and appointed Guardianship of the Supreme Jurist." According to Kadivar, the two Constitutions express the dual character of the source of legitimacy in Shi'i political thought: in the first Constitution people are the source of legitimacy, and authority is exercised from the bottom up; in the second Constitution God is the source of legitimacy, and authority is exerted from the top down. One, however, should not err by seeing a democratic tendency in the first Constitution: in both views, the laws of jurisprudence override the will of people, should the latter run contrary to the former.² Kadivar also identifies another current that runs against the principle of Guardianship of the Supreme Jurist: the principle of republicanism. He traces the source of contradiction back to the two Ayatollah Khomeinis he identifies: the Khomeini of the shrine city of Najaf in the 1960s and 1970s who advocated absolutism, and the Khomeini of Paris in 1978, who, in response to the exigency of time and the republican demands of revolutionary Iran at the time, recognized the principle of republicanism to be the foundation of Guardianship, which in turn necessitated a concept of the constitutionally-elected Guardian.³ Kadivar acknowledges the fundamental ambivalence in Khomeini's theory of the Islamic State, but he clearly advocates the constitutional and elected jurist by

referring to such Islamic traditions as tolerance and civil society.⁴ In the absolutist and appointed version of the Guardianship, Kadivar identifies the despotic mentality of a society with millennia-long history of autocratic monarchies, now disguised under the Shi'i version of a Platonic pious-ruler.⁵ Moving to different grounds, the eminent philosopher, Dr. Abdolkarim Soroush provides a radical philosophical departure from the traditional theories of political authority in Shi'ism. His approach is not theological but epistemological. In his controversial treaties, *The Theoretical Constriction and Expansion of Shari'a*, he advocates a contemporary hermeneutic of religion based on the epistemological principle that human knowledge is always relative to time. He posits that, however spiritual, religion is a form of knowledge, as are science or philosophy. As such, religious knowledge is subject to the same epochal requirements as is, say, geometry.⁶ In fact, Soroush implicitly analogizes his epochal reading of religious laws to the Galilean "paradigm shift."⁷ He writes: "Islamic rhetoric and jurisprudential knowledge have not yet merged with the new knowledges and have not found their deserving place in the geometry of new knowledges."⁸ Religious knowledge is not only epochal, but also inevitably partial. Such knowledge is never universal, for it is bound by the social, historical, ethnic, and linguistic contexts of its emergence and interpretation.⁹ Hence the necessity of constricting certain principles and expanding certain others to meet the demands and exigencies of time. Hence also, the interpretive character of religious knowledge, for religion is a *tabula rasa*. Thus, Soroush clearly advocates an Islamic liberalism based on a fundamental revision of the Shi'i jurisprudence according to the expectations of today's generation. On more radical grounds, Eng. Mohsen Sazgara draws on one of Ayatollah Khomeini's ideas repeatedly expressed

Aghajari refers to Shari'ati's distinction between the "essential Islam" and the "historical Islam." The retrieval of the essential Islam, which contains the liberating teachings of the faith, out of the historical Islam that is tainted by rulers, Shi'i clergy and blind subscription to traditional ways of life, necessitates the cultural project of Islamic Protestantism. Aghajari obviously undermines the clerical prerogative in interpreting The Koran and the tradition and makes this formidable hermeneutical task one of every concerned citizen of every generation... His advocacy of "Islamic humanism" places Aghajari on a crash course with the fundamental principles of the Islamic Republic. Clearly, what Aghajari advocates is nothing short of a secularized Islam, an ideology and a framework for critical thinking and social justice.

during the heights of revolutionary uprising in Iran in 1978: that no generation should decide for the next the kind of government it recognizes

suitable for itself. Sazgara finds both absolutist and constitutionalist defenders of the Guardianship of Supreme Jurist as detrimental to Iran's progress as a modern nation. He expressly points out the limitations of the Iranian Constitution, which he believes, supports an oligarchic and maximalist reading of the Shi'i teachings. He calls the Islamic Republic a "complete failure" of Iranian Islamists and blames religious maximalism for Iran's isolation, terrorism, despotism, loss of national prestige, loss of economic and trade opportunities with the rest of the world, pervasive unemployment and the concomitant embezzlement, poverty, crime and substance abuse, and above all, the alienation of Iranians from government. Sazgara calls for civil disobedience, perceived as a process of democratic education and participation, that would press the rulers of Iran to accede to holding a referendum and creating a new constitution in the end.¹⁰

Dr. Hashem Aghajari draws on one of Iran's most influential original thinkers, Dr. Ali Shari'ati (d. 1977), a Sorbonne graduate in sociology who was in contact with Jean-Paul Sartre and Frantz Fanon in the late 1950s. Shari'ati's efforts at minimizing the role of Shi'i clergy, as well as his adherence to a Marxian notion of social justice based on the redistribution of property, made him the intellectual forefather of secular-leftist Islam in Iran in the 1970s. Aghajari refers to Shari'ati's distinction between the "essential Islam" and the "historical Islam." The retrieval of the essential Islam, which contains the liberating teachings of the faith, out of the historical Islam that is tainted by rulers, Shi'i clergy and blind subscription to traditional ways of life, necessitates the cultural project of Islamic Protestantism. Aghajari obviously undermines the clerical prerogative in interpreting *The Koran* and the tradition and makes this formidable hermeneutical task one of every concerned citizen of every generation. He questions the very

necessity of the bureaucratic supervision of Muslim affairs by Grand Ayatollahs. In Aghajari's words: "Shari'ati held that in the essential Islam we have no such class as the clergy. The latter comes from the historical Islam, [in essential Islam] we have no religious hierarchy." His advocacy of "Islamic humanism" places Aghajari on a crash course with the fundamental principles of the Islamic Republic.¹¹ Clearly, what Aghajari advocates is nothing short of a secularized Islam, an ideology and a framework for critical thinking and social justice.

Akbar Ganji, Iran's bold journalist, wrote several books on the pathology of religious autocracy in Iran, before he was sentenced to five years in prison for having insulted the Supreme Jurist three years ago. He wrote *The Republican Manifesto*, a turning point in the Shi'i political thought, in prison and sent it out secretly. The text was immediately widely published on the Internet and warmly received by the secular opposition in Iran and in exile. In his *Manifesto*, Ganji refers to the generational-historical character of political programs in order to launch a devastating critique of all Constitutionalist delusions and to call for a referendum to decide the future political system in Iran based on a new, secular Constitution. A self-declared devout Muslim, Ganji exposes the normative morality that links the Constitutionlists to the autocratic rulers of the country. He clearly rejects the Islamic Republic, mainly because for him a "republic" must be non-ideological to be worthy of the designation. Religion, he asserts, must

never become a political force. This calls for a liberal interpretation of the Shi'i jurisprudence. Ganji's proposed "republican impulse" reflects the demands and expectations of the alienated younger generation, women, urban middle class, and secular-nationalist intellectuals. In the long run, Ganji believes, republicanism will outlive both dominant absolutists and their Constitutionalist opposition.¹²

The electoral victory of the reformist President Khatami indeed opened the Pandora's Box of political vistas in Iran. The continuous suppression of the reform movement and its advocates in the past several years only reports the increased disintegration of the Islamic Republic of Iran. Sincere constitutionalists such as Kadivar have already arrived at the conclusion that "the separation between religion and institutions of state and power will inevitably be realized, while people will remain faithful [Muslims]."¹³ Ganji started one of his earlier essays with a quote from *The Communist Manifesto* of Marx and Engels—a warning about the specter of communism. A few years later, the coming of a somewhat analogous specter was sharply

articulated in an open letter that a former reformist Member of Parliament wrote to Iran's Supreme Jurist, Ayatollah Khamenei: "In any event, the logical and inevitable outcome of the failed experience of your theocracy will be a Renaissance, the collapse of [this] religious state, and eventually the establishment of a laic and secular system that will assume the form of a full-fledged republic."¹⁴ And the mass boycott of the city and village council elections on 28 February 2003, in which 25 million eligible voters refused to cast ballots, marks a turning point in moving in that direction.

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