

**IRAN – FROM AN ISLAMIC STATE TO
AN ISLAMIC DEMOCRACY? A STUDY
OF THE THOUGHTS OF ABDOLKARIM
SOROUSH ON RELIGION AND STATE.**

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INTRODUCTION

The Islamic Republic of Iran is often seen as one of the most fundamentalist Muslim countries in the world, and President George W. Bush has labelled Iran as part of an “axis of evil.” The clerical class seized power in the country through the Islamic Revolution of 1979, and took control of the highest positions in the government. However, there is another dimension to Iran, which is increasingly becoming apparent. Several reform thinkers have emerged from the Islamic Republic in the last decade; increasingly these have come to express themselves publicly. Many of them are controversial and are disliked by the clerical regime. One of the most influential, even beyond Iran’s borders, is Abdolkarim Soroush (b.1945). He is a prominent Iranian lay thinker, with a large following among parts of the Iranian public. When visiting Qom, Iran’s second holiest city with its famous Hadrat Fatima al-Masoumeh shrine, in the summer of 2005, I had the opportunity to talk to the leader of the Public Relations Office at the shrine, through a translator. He was a *mullah* (learned religious man) named Mohammad Nazari, who said he personally knew Soroush. He believed Soroush had been an excellent philosopher until he got the wrong ideas. These ideas cannot be tolerated. The *mullah* accused Soroush of submitting to the West, while he himself believed Islam possessed all the answers. The *mullah* believed that when a man with a large following and the wrong ideas, like Soroush, became influential, it was dangerous; one could only take Hitler as example!¹ I believe this is illustrative of the views of the regime in the Islamic Republic of Iran, and their fear of thinkers like Soroush, as well as of Soroush’s importance.

On the other hand, my chauffeur to Qom, Ali, believed Iran was moving towards a liberal democracy. He said that the *mullah* in Qom was a bad man, while Soroush was a good man. He personally believed the newly elected conservative president, Mahmojud Ahmadinejad, was the last president to be elected during the present government.² These experiences serve to illustrate the diversity of opinions in the Islamic Republic. My main research question in this study is (1): Is there a potential for the Islamic Republic of Iran to develop into an “Islamic democracy?” My main concern, however, is not social and political development as such, but my approach is to look at the ideas and arguments in favour of democracy based on the thoughts on religion and state expressed by one of the foremost Iranian reformist thinkers, whom I have already introduced, namely Abdolkarim Soroush. The term “Islamic democracy” is a term used by Soroush, and I will explain the concept at a later point. My

¹ Conversation in Qom 29th of June 2005.

² Conversation on our way to Qom 29th of June 2005.

second research question is (2): What are the arguments of Soroush for an “Islamic democracy?” I will present the content of his arguments and ideas for an “Islamic democracy” and discuss these arguments in the context of the developments the researchers in the field claim are taking place in the Iranian society. Soroush starts by promoting human rights, justice and freedom, which make his arguments highly relevant.

Even a short visit to Iran will show the striking contrasts in the society. On the one hand, Iran has a solid infrastructure and a well-educated middle class. On the other hand, there are major social problems, like drugs, unemployment and poverty. There are also major deviations in the Islamic Republic from what is regarded as fundamental human rights; this makes Soroush’s arguments important. Several researchers are discussing the theme of the growth of a civil society (*jame’e-ye madani*) in Iran, and they believe there is a democratisation process going on. They argue that the Islamic Republic of Iran has the potential of becoming a democracy, based mainly on a civil society which is becoming increasingly politically and socially conscious and demands popular participation. Some researchers believe the development of civil society to be the continuance of a historical struggle by the Iranian people to achieve political and social emancipation. My aim is to illustrate that the arguments of Soroush are relevant to the contemporary debate on democracy in Iran; they provide a way to conceptualise the Iranian civil society’s struggle for democracy.

I have chosen this subject for my study because I find the relationship between religion and politics in Iran fascinating, and I wanted to inquire into a subject of contemporary relevance. Soroush has had and continues to have great influence on the debate on human rights, freedom and democracy in Iran. Mahmoud and Ahmad Sadri argue: “*Abdolkarim Soroush has emerged as the foremost Iranian and Islamic political philosopher and theologian.*”³ His importance is illustrated by this quotation from *The Boston Globe* in March 2004:

That intellectual reform movement finds expression in Soroush's own work, which attempts to reconcile revelation and reason, religious duties and human rights. Whether or not such a reconciliation is possible is the subject of much debate and experimentation in the Muslim world today. But perhaps no one has attempted to develop so ambitious and unique a philosophical framework for that project as Abdolkarim Soroush.⁴

³ Mahmoud Sadri and Ahmad Sadri, in introduction to *Reason, Freedom and Democracy in Islam. The Essential Writings of Abdolkarim Soroush* (New York: Oxford University Press, 2000), p. ix (hereafter referred to as *Reason, Freedom, and Democracy in Islam*).

⁴ Laura Secor, “The Democrat,” *The Boston Globe* (March 14, 2004). Laura Secor, a former senior editor at *Lingua Franca* and ideas correspondent for the *Boston Globe*, is a writer in New York (www.thenation.com).

SOURCES AND METHODS

In order to understand Soroush's thoughts on religion and state, I have used the only collection of his essays translated into English (2000), found in *Reason, Freedom, and Democracy in Islam. Essential Writings of Abdolkarim Soroush*, translated and edited by Mahmoud and Ahmad Sadri. Mahmoud Sadri is associate professor of sociology at the Texas Women's University,⁵ and Ahmad Sadri is professor and chair of the Sociology and Anthropology Department at Lake Forest College.⁶ The work contains a selection of well-known and relevant articles by Soroush, representative of his views and theories, as well as his intellectual autobiography. Soroush is continuously developing his ideas, yet these articles provide the basis of his thoughts. The most relevant articles for my study, which I will often refer to here, are "The Sense and Essence of Secularism," "The Idea of Religious Democratic Government," and "Tolerance and Governance: A Discourse on Religion and Democracy." I have also used the official website of Soroush, www.dr.soroush.com, to find news about him, as well as relevant articles and lectures. I will introduce relevant researchers as I am referring to their works throughout my study in order to put Soroush's arguments into context; the most relevant, however, will be introduced here.

A study that has been important for my work is Ali M. Ansari's study, *Iran, Islam, and Democracy in Iran. The Politics of Managing Change* (2000)⁷. His intention with this study is to show how Iran is forging a path for a democracy based on Islam. One of Ansari's arguments is that, although Iran has many distinctive characteristics, it is wrong to quarantine it in a category of its own. He challenges the assumption of the incongruity between Islam and democracy by arguing that a mutually constructive relationship between these two concepts is possible, and that Iran is demonstrating this through a mixture of mass and elite politics. He seeks to show the mechanics of this process. According to him, his study is about ideas, as espoused by different political factions, and suggests a method to understand political developments in Iran. He seeks to explain how these ideas motivate and initiate political change. His work both reflects and is informed by the debate in contemporary Iran. The central motif of the study is the existence of a "myth of political emancipation."⁸ I will

⁵ www.twu.edu.

⁶ www.selvesandothers.org.

⁷ London: Royal Institute of International Affairs (RIIA), 2000. Iranian born Dr. Ali M. Ansari is a lecturer in the Political History of the Middle East in the Centre for Middle Eastern and Islamic Studies at the University of Durham, and an associate fellow of the Middle East Programme at RIIA (www.brook.edu), (this work will hereafter be referred to as *Iran, Islam and Democracy*).

⁸ Ansari, *Iran, Islam and Democracy*, p. 2.

explain how I understand the use of this concept by Ansari at a later point, as well as the relevance of the concept. I will also make use of an article by Ansari called “Continuous Regime Change from Within” (2004)⁹, where he develops his thoughts on the subject, as well as an article called “For Or Against Change” (2004)¹⁰. My intention is to concentrate on Soroush’s thoughts and ideas in relation to the developments towards democratisation that Ansari and other researchers believe is taking place in Iran. In order to understand the contemporary debate on democratisation, it is necessary to look at the historical context for Iran’s developments as well.

In order to provide an understanding of the religio-historical background to my discussion, I will discuss the relationship between religion and state in Shi’i Islam as explained by Moojan Momen in his work *An Introduction to Shi’i Islam*.¹¹ The outline of the history of Iran is mainly based on Ansari’s work from 2000, and focuses on certain historical events that remain vital to Iranians today. To illustrate the contrasts that are present in the political life of Iran, I will mainly use the account given by Asghar Schirazi in *The Constitution of Iran. Politics and State in the Islamic Republic*.¹² In his work, Schirazi looks at the Iranian Constitution as well as the relationship between the different governmental institutions in the Islamic Republic of Iran. In this context, I will explore the theories and ideas expounded by Soroush and look at the potential for an “Islamic democracy.”

An extensive collection of works concerning the issue of democracy and Islam in Iran does not exist. I believe my selection of references represents some of the foremost researchers.¹³ I will refer to Soroush’s view on issues like modernism and secularism, and I have chosen to abstain from a more general discussion on these issues, which may be hard to limit. There will be a need for an explanation of several concepts throughout my study; these will be explained and elaborated upon as they appear in the text. Many of these concepts might have a different

⁹ *The Washington Quarterly* Vol. 26, no. 4 (2003): pp. 53-67.

¹⁰ *The World Today* [online], Vol. 60 (February 28, 2004): pp. 24-26.

¹¹ New York: Yale University Press, 1987. Iranian born Moojan Momen is a Fellow of the Royal Asiatic Society and a member of the British Society for Middle Eastern Studies, the Society for Iranian Studies, the British Association for the Study of Religion, and the Association for Baha’i Studies (www.iis.ac.uk), (this work will hereafter be referred to as *Shi’i Islam*).

¹² London, New York: I.B.Tauris Publishers, 1997. According to its cover, Iranian born Asghar Schirazi is research associate in the Department of Political Science, Middle East Studies Section at the Free University of Berlin (this work will hereafter to as *The Constitution of Iran*).

¹³ There do exist other important works not represented here, for example, Farhad Khosrokhavar, professor at the École des Hautes Études en Sciences Sociales in Paris, with his well-known study *Iran: Comment sortir d’une révolution religieuse* (Seuil, 1999). The book is not translated into English.

understanding in the view of traditional Islamic interpretation as opposed to a Western understanding. However, they will be used here as they are interpreted by Soroush and how I understand and use the concepts in this context.

STRUCTURE

In chapter one, I will start with an elaboration of the concept of the Imamate, as well as the role of the *ulama* (religious scholars) in Shi'i Islam. I will look at the unfolding of the history of Iran from the beginning of the century until today in chapter two. In addition, in this chapter I will take a brief look at how the constitution of 1979 came into existence. Then I will explain the ambiguities of the Iranian Constitution, which extend to the relationship between the different governmental institutions. This will provide the background for further discussion. In chapter three, I will provide an overview of the background of Soroush as well as an outline of his main thoughts and arguments, for then, in the following chapter, to further elaborate on these in my discussion on the potential of the Islamic Republic of Iran to develop into an "Islamic democracy." In chapter four, I will look at the developments the researchers believe are taking place in Iran. Then I will profoundly discuss the contents of Soroush's thoughts and ideas in this context. I will look at the whole line of his arguments, which ends with what he refers to as "Islamic democracy." I will sum up the results of my discussion in a closing chapter.

1.0 THE HISTORICAL BACKGROUND FOR THE RELATIONSHIP BETWEEN SHI'I ISLAM AND POLITICS



It is important to know the relationship between Shi'i Islam and politics in order to understand the dynamic of the *ulama's* participation in state affairs throughout the history and the building of the Islamic Republic. The concept of the Imamate is central to Shi'i Islam, and distinguish it from Sunni Islam. It has its background in a myth from around year 900 AD, which has direct consequences for how the Iranian state is ruled today. It is interesting to see how a thousand year old myth is used to legitimise the power of the *ulama* in contemporary Iran.

1.1 THE IMAMATE

The difference between the Sunni and Shi'i concept of leadership is that the Sunnis have the Caliphate, which is a temporal leadership, and the Caliph is chosen by consensus; later one came to inherit the position. The Shi'is believe the Prophet designates an individual belonging to his own family as his successor, an Imam. Each Imam designates his successor during his lifetime. It makes no difference whether the authority of the Imam is acknowledged by the society; his authority comes from the designation by his predecessor to a spiritual station. In contrast, the Sunni Caliph is dependent on such an acknowledgement. The Sunnis and Shi'is

agree upon the nature and the function of the prophethood; the two main functions are to reveal God's law to men and to guide men towards God. Whereas the Sunnis believe that both functions ended with the death of Muhammad, the Shi'is believe that legislation ended, but the function of guiding men and explaining the Divine Law continued through the line of Imams.¹⁴ The term "Shi'i" is used as a short version of *Shi'at Ali*, the party of Ali. He was the Prophet's son-in-law, one of the *al-bayt* (people of the house), meaning the family of the Prophet; the Shi'is believe he should have been the Prophet's immediate successor as caliph over the Muslim nation. The Sunnis believe that the community should designate its ruler since the Prophet did not say who his successor should be. The Shi'is claim that Ali was appointed by the Prophet to be his follower. They interpret the Qur'anic verse saying: "*And Allah only wishes to remove all abomination from you, ye Members of the Family, and to make you pure and spotless*" (*sura 33: 33*)¹⁵ to mean that only members of Muhammad's family could become his legitimate successors. It was Twelver Shi'ism (*Ithna 'Ahsariyya*) that became the state religion in Iran in 1501, the name referring to a line of twelve acknowledged Imams. This refers to the hierarchy of Imams that is to be followed.¹⁶

Muhammad, his daughter Fatima and the Imams are considered to have been the rightful leaders of the Shi'i community, and they are viewed as a light that God created before he created the material world, which became the instrument of all the rest of the creation. They were created out of the substance of *'Illiyun*, which is considered to mean an elevated station. Although the Shi'is agree that *wahy* (full prophetic revelation), which came to Muhammad, did not come to the Imams, some scholars think that a lesser form of *wahy* came to the Imams. There is consensus upon the fact that the Imam received inspiration from God. The Imam is the proof of God to humankind and the sign of God on earth; he is the successor of the Prophet and possesses all political authority and sovereignty.¹⁷ The fact that the Imam possesses all political authority and sovereignty has had deep consequences for Iran. This is what lies behind Ayatollah Khomeini's (1901-1989) thesis on why the clerics should have the top positions in the government. I will discuss the profound consequences of this at a later point. The Qur'an is divided into clear verses and ambiguous verses. Even though there is no statement in the Qur'an designating Ali and his descendants as Imams, different verses in the

¹⁴ Momen, *Shi'i Islam*, p. 147.

¹⁵ Uichol Kim, Henriette Sinding Aasen and Shirin Ebadi, *Democracy, Human Rights, and Islam in Modern Iran: Psychological, Social, and Cultural Perspectives* (Bergen: Fagbokforlaget, 2003), p. 190 (hereafter referred to as *Democracy, Human Rights, and Islam*).

¹⁶ *Ibid.*

¹⁷ Momen, *Shi'i Islam*, chapter 7.

Qur'an have been interpreted by the Imams as referring to the Imamate. One of the most important principles of Shi'i Islam is that the Imamate can only be passed on from one Imam to the next by divinely inspired designation. At any time, there is an Imam in the world, but there is only one and the successor is called the Silent Imam. Since God has commanded obedience to the Imam, the Imam can only order what is right or otherwise it would be contrary to God's justice. He is the best of men in all attributes vital in religion, a logical fact following that he is immune from sin. Was there any man better than he was, God would have appointed him. It is necessary for every believer to recognise the Imam of his age and obey him. There is no entry into heaven without acknowledgement of the Imam. For the Shi'i *ulama*, the rational proofs that the Imams are needed are just as important as the proofs derived from the traditions. One of these proofs is considered to be that there are verses in the Qur'an which are not clear and where one is in need of guidance to understand them; God would not have had the Qur'an revealed without providing someone to explain it. Since there are many possible interpretations of the *shari'a* (Islamic sacred law), the Imam is needed to give authoritative guidance on how the law is to be applied. A perfectly just ruler is necessary to maintain order in the world, and God provided such a ruler, the Imam. If God had left the choice of ruler with the people, they might have chosen someone not adequate for the task and that would have made God's gift to humankind incomplete. Therefore, God had to choose and designate a leader, which resulted in God's provision of an Imam.¹⁸ The concept of the Imamate in Shi'i Islam in addition to the occultation of the Twelfth Imam, makes the relationship between religion and politics highly relevant for Shi'i Muslims.

1.2 THE OCCULTATION OF THE TWELFTH IMAM

There exist several stories relating to the Twelfth Imam, but I will describe this one as presented by Momen in "*An introduction to Shi'i Islam.*" The Twelfth Imam was born in 868 AD, in Samarra, and was named the same as the Prophet, Abu'l-Qasim Muhammad. He only made a public appearance once, in 874 AD. This was the year the Eleventh Imam died. It appears as if none of the Shi'i notables knew of the birth of Muhammad, and they went to the Eleventh Imam's brother, assuming he was now the Imam. When he was ready to lead the funeral prayers for his deceased brother, a young boy came forward and told them that it was more appropriate for him to lead the prayers for his father. After the funeral, when asked who the boy was, the Eleventh Imam's brother said he did not know and has forever since been

¹⁸ Ibid., chapter 7.

called “the liar.” The boy was not seen anymore and Shi’i tradition states that from that year he went into occultation (*ghayba*), into hiding. After this event, the Shi’is split into several factions. Those who were to hold the orthodox Twelver position were those who accepted Uthman al-Amri’s position. He claimed that Muhammad had gone into occultation and that he was the mediator between the Hidden Imam and the Shi’is. Al-Amri’s claim was not radical at the time. Because of the hostility of the Abbasids,¹⁹ the Tenth and the Eleventh Imams had also been in effective occultation. Their contact with their followers went through a network of agents called the *Wukala*. They had been responsible for communicating the messages from the Imam to the people. Al-Amri had been the agent for both the Tenth and the Eleventh Imam, and he controlled the *Wukala*. He said that the Twelfth Imam was hiding because of the threat against his life from the Abbasids and that he was his agent. It was only after seventy years had passed that the question of the occultation became problematical and began to require doctrinal explanation. There were a few agents for the Hidden Imam after al-Amri as well. However, when the last agent died, in 941 AD, the Shi’is passed into what is known as the Greater Occultation, the period of time when there is no agent of the Hidden Imam on earth. Momen argues: “*It was probably also at about the end of the Lesser Occultation that the Twelfth Imam came to be identified with the messianic figure of the Mahdi.*”²⁰

The doctrine of the occultation declares that Muhammad, the Twelfth Imam, did not die, but has been hidden by God from the eyes of men. He still controls their affairs, and his life has been prolonged until the day he will manifest himself again with God’s permission. There is, however, communication with men but in the form of visions or dreams, for example. The reasons for the occultation of the Imam is said to be his enemies and the danger to his life. He remains there due to the continuance of this threat. The Hidden Imam, the Mahdi, is waiting for the return, which is believed to be shortly before the final Day of Judgement. He will lead the forces of righteousness against the forces of evil in one apocalyptic battle in which he will be victorious. There exist numerous signs of the return of the Mahdi; among others these are catastrophes, hunger, moral degradation, and terror. The sign of the return of the Mahdi is that he will fill the earth with justice after it has been filled with injustice and tyranny. The occultation of the Twelfth Imam left a gap in Shi’i theory. He was the spiritual and political head of the community, interpreted the law and was theoretically responsible for its execution.

¹⁹ The Abbasids were the dynastic name given the caliphs of Baghdad, who ruled from 750-1258 (wikipedia.org).

²⁰ Momen, *Shi’i Islam*, p. 165.

The Imam did not leave instructions on how the community was to be organised in his absence. At first, the Shi'is did not have any political power, but when Shi'i states arose, tension grew between the theoretical consequences of the occultation and the political realities. Since the Imam is alive, although he is hidden, there can be no justification for taking his place. However, states arose with a king or amir that took on some of the functions of the Hidden Imam; the *ulama* have expressed doubts as to the assumption of political power by temporal rulers on the grounds that this was usurpation of the rights of the Hidden Imam. Momen argues:

The political consequences of this divergence between theoretical consideration and political realities have caused continuing tension between government and religion throughout the ages. [...] over the years, whenever the temporal rulers were strong and acted with justice, many of the *ulama* would cooperate with the government and in their writings find justifications for the temporal state while others would be muted in their opposition or more commonly indifferent to political matters. But when rulers became weak and tyrannical, the *ulama* would re-emerge with their claim to represent the Hidden Imam and would voice their opposition to the temporal authorities. This was to be the pattern of historical events, particularly in Iran after the emergence of the Safavid dynasty.²¹

1.3 THE ROLE OF THE *ULAMA*

Shi'i Islam can be said to have three aspects in its religious expression; the popular religion of the masses, the mystical religion of the Sufis and the scholarly legalistic religion of the *ulama*. With regard to the influence and respect it enjoys, the last one has dominated. Even though there are other schools of jurisprudence in Shi'i Islam, it is the *Usuli* School that predominates, the name coming from the fact that it adheres to certain principles (*usul*) of jurisprudence. When Twelver Shi'i Islam became a distinct entity around 8th-9th centuries AD, the *ulama* defined its doctrines. Because of the occultation of the Imam, the Shi'is followed the most learned of the *ulama* as the head of the community. As time passed and problems came up which the *shari'a* could not answer, the discipline of *fiqh* (Islamic jurisprudence) grew up to answer those questions to which the *shari'a* did not provide an answer. Shi'i jurisprudence came to be based on four pillars; the Qur'an, the *hadith* (tradition of the Prophet), *ijma'* (consensus), and *aql* (reasoning or intelligence). They share the three first pillars with Sunni Islam, but where the Shi'is have reasoning as their fourth pillar, the Sunnis have *qiyas* (analogy). At first, the Shi'is collected all traditions uncritically; it was Allama al-Hilli (d.1325) who reorganised Shi'i jurisprudence so as to make reasoning its central feature, after having shown the unreliability of much of the *hadith*. The Shi'i jurists use *aql*, along with the other three sources of law to arrive at legal decisions and this process is called *ijtihad*

²¹ Ibid., pp. 170-171.

(independent reasoning). Momen argues: “*Thus ijtiḥād may be defined as the process of arriving at judgements on points of religious law using reason and the principles of jurisprudence (usul al-fiqh).*”²² The aim of *ijtiḥād* can be said to be to discover the knowledge of what the Imams would have decided in a particular legal case. *Mujtahid*, one who exercises *ijtiḥād*, came to be synonymous with the term *faqih*, one who is an expert in jurisprudence. Another major development in Shi’i jurisprudence came when Shaykh Murtada Ansari (d.1864) defined certain principles for use in making decisions where one was in doubt; the result was that the *mujtahids* had the possibility of issuing orders on almost any subject.

All political authority for the Shi’is is vested in the Imam. In the 10th century, the Imam was seen as a religious saviour and the concept of the Imamate became a theological concept, and politics was regarded as being outside the realm of their concern. There were three possible ways for the *ulama* to relate to the state; political co-operation, political activism or political aloofness. The attitude of political activism can be justified by the fact that all government is usurping the authority of the hidden Imam, and the *ulama*, as the representatives of the Imam and experts in *shari’a*, are the best persons to guide the government. It was considered by the Twelver *ulama* that the functions of the Imam had lapsed, since he had gone into occultation and his special representatives were no longer present. It soon became clear that this situation was not beneficial for the Twelver Shi’i community; left with no organisation, leadership or financial structure. Already in the 11th century, the doctrine of the occultation was reinterpreted so that the Imam’s authority should be delegated to the ones who had studied *fiqh*, called the *fuqaha*. The *ulama*’s authority was extended in the next centuries; their judicial authority became a direct reflection of the authority of the Imam himself. Momen argues: “*Thus, one by one, the lapsed functions of the Hidden Imam were being taken over by the ulama. However, there was as yet no claim by the ulama to political authority.*”²³ There was a degree of separation between the *ulama* and the Safavid dynasty (1501-1732), so when the Qajar dynasty (1795-1925) turned to the *ulama* for justification of its rule, the *ulama* used this opportunity to affirm their position and independence. The *ulama* had not claimed political authority and temporal rule during the Safavid and Qajar periods, even though they had claimed to be the representatives of the Hidden Imam.

²² Ibid., p. 186.

²³ Ibid., p. 191.

There is no formal organisation or hierarchy among the *ulama*. However, this changed drastically in the late 18th and early 19th century when the position of the *mujtahid* rose in importance. It was argued that only a person who had spent the time and effort to become a *mujtahid* could know all the details of religious observances and law, and it became obligatory for anyone not a *mujtahid* himself to follow the rulings of a *mujtahid*. The Shi'is became divided into those who could follow their own independent judgement, *mujtahids*, and those who had to follow the rulings of a *mujtahid*, *muqallids*. The practice of following a *mujtahid* is called *taqlid* and the *mujtahid* became the *marja-e taqlid* (reference point for emulation). In the 20th century, the term *ayatollah* (sign of God) became usual for designating a *marja-e taqlid*. The Shi'i *ulama* came to assert their right to collect the religious taxes *khums* and *zakat*, as representatives of the Imam, who was the rightful collector of these taxes, which gave them financial independence from the government. They became the administrators of properties made over as religious endowments (*waqf*) as well.²⁴

Initially, Ruhollah Khomeini did not claim political power either, but he came to take a different line after he was exiled in 1963, following his opposition to the Shah's reforms. In his book, *Hukumat-i Islami* (Islamic Government), he argues that Islam has laws and principles necessary for government and social administration. The Qur'an and the *hadith* are the constitution for an Islamic government, the ruler needs to be just and have an extensive knowledge of the *shari'a*, something that can only be provided by the *faqih*, the expert in Islamic jurisprudence. The person most fitted to rule an Islamic society is thereby the *faqih*, and Khomeini developed the concept of *velayat-e faqih* (rule of the jurisconsult). The *faqih* as a ruler has the same authority as the Imam and can carry out the same functions, although he is not equal to the Imam in station. There is no place for a king or other temporal rulers. Momen argues: "*In summary, Khomeini has taken the Na'ib al-'Amm [general representative of the Hidden Imam] concept to its logical conclusion by asserting the right of the faqih as the deputy of the Imam to superintend all religious, social and political affairs- the Vilayat-i Faqih.*"²⁵

²⁴ Ibid., chapter 10.

²⁵ Ibid. p. 196.

2.0 THE HISTORY OF IRAN



An historical overview is necessary in order to provide an understanding of the past developments of the country, and the dynamics of contemporary Iran. Iran was the name given Persia by Reza Shah (1878-1944) in an attempt to westernise it, after he took control of the country in 1921 and founded the Pahlavi dynasty (1925-1979).²⁶ Ansari (2000) subdivides Iranian political development into five distinct phases, the constitutional period (1906-21); the rise and rule of Reza Shah (1921-41); the Pahlavi interregnum (1941-53); the rule of Mohammad Reza Shah (1953-79); and the Islamic Revolution and Republic (1979 to the present).²⁷ I will focus on the history of Iran from 1906 until today; mainly as presented in Ansari's study *Iran, Islam, and Democracy. The Politics of Managing Change*. Three events will primarily receive attention here: the Constitutional Revolution of 1906-11; the foreign coup of 1953; and the Islamic Revolution of 1979. A description of the making of the constitution of 1979 will illustrate how the will of the people was suppressed to the advantage of the will of a ruling elite right from the start of the Islamic Republic. I will look at the ambiguities in this constitution: between its Islamic legalist and democratic, as well as secular elements. I will describe the power of the institutions building up the Islamic government, to

²⁶ Kim, Sinding Aasen and Ebadi, *Democracy, Human Rights, and Islam*, pp. 141-143.

²⁷ Ansari, *Iran, Islam and Democracy*.

which these ambiguities extend. These historical events represent the roots of a democratisation process several researchers see is taking place in contemporary Iran; also, they illustrate the importance of historical events to the Iranian's social and political consciousness. These events have given life to a strong civil society, now struggling for freedom and political participation, which manifested itself during the period leading up to the presidential election of 1997, when the reformist movement strongly entered the political scene in Iran.

2.1 THE CONSTITUTIONAL REVOLUTION OF 1906-11

According to Ansari, the Qajar dynasty was a period where Iran declined from a great power into a pawn of the imperial powers and an aspect of the European "Eastern Question."²⁸ In the fifty years prior to 1906, the political, military, and in particular the economic domination of Iran by the European imperial powers, especially Great Britain and Russia, appeared almost complete. Iranian merchants were unhappy about the concessions offered to foreigners at the expense of local interests. The combination of their restiveness, increasing disenchantment among members of the *ulama* and frustration among some lay intellectuals led to a major countrywide protest against the concession covering tobacco, resulting in its annulment in 1892. This resistance not only attained its immediate goal, but also signalled the emergence of a political consciousness throughout key sectors of society. Reaction to the apparent incompetence of the state helped generate the foundations of a civil society. Secular nationalists, as well as some key members of the *ulama*, viewed the state of Islam as in need of fundamental reform that would free it from reactionary dogma. These groups shared a growing disillusionment with the Qajar monarchy, which led to the gradual unification of the various disparate groups with the sole purpose of bringing the monarchy to account. Ansari argues: "*These events which were ultimately to lead to what became known as the Constitutional Revolution of 1906 resulted from a new-found ideological cohesiveness among the elites, assisted in some measure by the emergence of newspapers sponsored by proponents of reform.*"²⁹ The starting point for the Constitutional Revolution was a trivial affair involving the punishment of several Tehran merchants, combined with the death of a lowly Shi'i cleric following street demonstrations, which enraged the Tehran populace. The Constitutionals, as they came to be known, demanded a parliament that would pass legislation and hold the shah and his ministers responsible for their actions. The new constitution was adopted in

²⁸ Ansari, *Iran, Islam and Democracy*, p. 25.

²⁹ *Ibid.*, pp. 27-28.

1906, with a parliament, limited franchise and elections.³⁰ From 1907, the difference between the constitution and *shari'a* appears to have been recognised by supporters and opponents of the constitution among the *ulama*.³¹ The allies soon split into rival groups, as some members of the *ulama* criticised the idea of a legislative assembly and the blasphemous idea that sovereignty resided with the people, propounded by the secular nationalists. This resulted in a struggle the secular nationalists ultimately won, and the execution of one of the fiercest critics of the new constitution, Sheikh Fazlollah Nuri (d.1909).³² From the group of constitutionalist *ulama* in Najaf emerged a detailed justification of constitutional government from the standpoint of Shi'i Islam. The work by Shaykh Muhammad Husayn Nā'ini (1860-1936), called *An Admonishment to the Nation and an Exposition to the People concerning the Foundations and Principles of Constitutional Government (Tanbih al-Umma va Tanzih al-Milla dar Asas va Usul-i Mashrutiyat)*, seeks to reconcile the fact that the Imam is in occultation, and thereby the impossibility of legitimacy, with the practical need for a form of government that does not offend religion.³³ He states that, when the Imam is absent, there are two ways to avoid the state falling into tyranny and maintain the ruler free from sin and error: to have a constitution which defines the rights and duties of the state and its subjects, and an assembly to supervise the enactment of the constitution and watch the workings of the state. The constitution must not contain anything contrary to Islam and the assembly must include a number of *mujtahids*.

Hamid Algar argues that the *ulama's* participation in the Constitutional Revolution was due to an opposition to tyranny, which is a fundamental characteristic of Twelver Shi'i Islam. He believes the *ulama's* oppositional role in Qajar Iran was part of an unbroken line of descent that connected it to the struggle of the *ulama* against the Pahlavi regime (1925-1979). Algar claims that the political theory of Twelver Shi'i Islam is part of its definition of the Imamate. The limitation of the usurpation of power by the regime is implied in the constitutional concept, which thereby became important for the *ulama*. One of the main themes of Twelver Shi'ism in terms of emotional expression is the martyrdom of Imam Husayn at Karbala after his uprising against the Caliph Yazid in 680 AD. This is a living reality of universal

³⁰ Ibid., chapter 2.

³¹ Hamid Algar, "The oppositional Role of the Ulama in Twentieth- Century Iran," in *Scholars, Saints, and Sufis: Muslim Religious Institutions in the Middle East since 1500*, edited by Nikki Keddie, pp. 231-255 (Berkeley: University of California Press, 1972), (hereafter referred to as "The Oppositional Role of the Ulama"). Algar is professor at Center for Middle Eastern Studies at the University of California at Berkeley (www.ias.berkeley.edu).

³² Ansari, *Iran, Islam, and Democracy*.

³³ Algar, "The oppositional Role of the Ulama," p. 46.

significance for the Shi'is, and the story is constantly utilised by the *ulama*. There has been a continual fight against tyranny from the days of the Prophet. This story gained strength in the period of the Constitutional Revolution. Many of the constitutionalists equated themselves with the martyred Imam; to establish the legitimacy of the *anjumans*, the semisecret societies established for the support of the constitutionalist cause, it was claimed that the first one had been founded by Imam Husayn.³⁴ Algar concludes: “*Powerful emotional attitudes deriving from the occultation of the Twelfth Imam and the martyrdom of Imam Husayn serve, then, to inspire a desire for social justice and hostility to tyranny.*”³⁵ The *ulama*'s opposition to the state had a dual target, the foreign domination and domestic tyranny, and they transferred this dual concern to the constitutionalists.³⁶ Many of the elements of later political contests were established at that time, like the persistence and to some extent destructiveness of factions, the emergence of a vibrant press, and the use of the crowd. In addition, the Constitutional Revolution illustrated how several traditions combined only to challenge the monarchy, the secular nationalists, monarchists and the religious classes, all of whom had further divisions among themselves. Ansari argues that it was and has remained a pivotal moment in the formation of Iranian identity.

It established the parameters of political discourse and provided a reference point for all subsequent political movements. Most important, it unleashed the myth of political emancipation as writers and intellectuals recorded events for posterity, highlighting those mythic motifs of patriotism against the odds and martyrdom. The movement may have failed to achieve its goals, but the flame, so to speak, had been lit; and, its supporters contented, it continued to burn.³⁷

2.2 THE MOSSADDEQ MOVEMENT

The rise to power of Reza Khan, an unknown officer from the Cossack Brigade, reflected the need among intellectuals and the political establishment to restore order within the state and rescue Iran from the consequences of the First World War. He established the Pahlavi dynasty in 1925, disposed of his civilian colleagues, became the minister of war, the prime minister and the first shah of this dynasty. Many intellectuals hoped he could lead the country to republicanism. Others, including the *ulama*, opposed this development, fearing it would lead to secularisation. Reza Shah alienated the *ulama*, who enjoyed massive support among the people, as well as the intellectual pillars of his support, and came to rely only on the army. He constituted the Tehran University in 1934, but education was meant to serve the dynastic

³⁴ Ibid., p. 41.

³⁵ Ibid., p. 42.

³⁶ Ibid., “The Oppositional Role of the Ulama.”

³⁷ Ansari, *Iran, Islam, and Democracy*, p. 29.

state, and he warned students abroad not to come back with ideas about democracy. He was overthrown and abdicated in advance of the Allied invasion in 1941. During the years until 1953, one could see a period of political pluralism and the rising of political consciousness in Iran. Nationalism was the leading ideology throughout the country. What made the growth of political consciousness easier was the spread of industry and education, new methods for communication and the protection and encouragement of the occupying Allied powers. Political parties flourished; most of them had a nationalist and socialist agenda and argued for a constitutional monarchy with no direct powers, the most influential being the communist Tudeh Party. With the election of Dr Mohammad Mosaddeq (1881-1967) as prime minister, political consciousness was awakened again. In targeting the assets of the Anglo-Iranian Oil Company, he became the symbol of Persian nationalism. He was a proponent for constitutional democratic government as well. He managed to gather two groups of allies together, who between them had the organisation and social influence needed to make an elite movement into a mass movement: the religious nationalists and the traditional groups, including members of the bazaar and the Tudeh communists. His movement was known as the National Front, and Ansari points out that it should not be forgotten that without Ayatollah Abul Qasim Kashani (d.1962), the movement would not have had any political advantage, so despite the leadership being dominated by secular nationalists and socialists, there was a strong religious characteristic to the movement.³⁸ Algar too argues that Ayatollah Kashani came to be one of the most important organisers for mass support for Mosaddeq's National Front. His proclamations in 1951 and 1952 show the same duality of concern that the constitutionalist movement had inherited from the *ulama* of the nineteenth century: opposition to absolutism and to foreign domination. When the coup occurred in 1953, Kashani shifted side and lent it his support. According to Algar, many of the *ulama* had been worried about the militant irreligiosity that had shown itself during the last days of Mosaddeq's rule.³⁹ According to Ansari, Mosaddeq's political failure was due to a number of interrelated reasons; it was not simply the consequence of a foreign-inspired coup in 1953. In spite of his political ability, Mosaddeq failed to address the decline in the economy after the British-led oil boycott, which followed the nationalisation of the Anglo-Iranian Oil Company. In addition, there were tensions in the country that caused Mosaddeq to behave dictatorially, something many members of the political establishment found disturbing; in addition, his leanings towards the communist Tudeh were provoking. The members of the political

³⁸ Ibid., chapter 2.

³⁹ Algar, "The oppositional Role of the Ulama."

establishment found an alternative with the impotent Mohammad Reza (1919-1980), the young shah, or rather in the institution of the monarchy. Kashani's withdrawal of his support meant the turning point for the Mosaddeq movement and also shows the importance of Kashani. It was within this the coup of the British and Americans was organised, and they installed Muhammad Reza as shah, which would prove damaging to the Americans, who had been considered potential allies. Ansari argues: "*Mosaddeq's fall was to have widespread consequences for Iranian political development in the rest of the twentieth century and arguably led directly to the revolution of 1979.*"⁴⁰

2.3 THE ISLAMIC REVOLUTION

Many left-leaning politicians and commentators in the West initially supported the Islamic Revolution of 1979, but the apparent usurpation of power by the reactionary clergy resulted in a nearly universal rejection of the movement that had overthrown the Pahlavi monarchy. The Islamic Revolution soon descended into bitter retribution and a brutal civil war between the contending factions that had initially cooperated to overthrow the monarchy.⁴¹ Like all revolutions, the Islamic Revolution had certain universalistic claims, seeking to be relevant and important for the oppressed, while at the same time it was a product of a particular Iranian historical and intellectual experience. The difference was the change of emphasis from a secular to a religious nationalism. The complex traditions and values that were incorporated into the revolutionary movement are important to recognise. Ansari argues:

These underlie the pattern of development by which an authoritarian revolutionary regime has ostensibly given birth to a vibrant civil society and a process of democratization more dynamic and promising than in any other overtly Islamic society [...] This process of democratization, it will be argued, is the consequence of a social and intellectual revolution, ignited by the political revolution of 1979, but whose roots stretch back to Iran's first revolution in 1906. It is a process characterized by a remarkable degree of ideological cohesiveness centred upon a myth of political emancipation which has been gradually and effectively disseminated throughout the population. In short, it has facilitated and encouraged the growth of political consciousness, which in turn has transformed the political landscape of Iran and thrust an otherwise traditional society headlong into the modern age.⁴²

Supporters of the Islamic Revolution claim that their movement began in 1963, with Ayatollah Khomeini's protests against the White Revolution led by Mohammad Reza Shah. The White Revolution, launched in 1963, was supposed to initiate and complete a social and political transformation of the country. It was primarily an economic reform, but it had an underlying political agenda, which was to disempower reactionary proprietors and empower

⁴⁰ Ansari, *Iran, Islam, and Democracy*, p.34.

⁴¹ *Ibid.*, chapter 1.

⁴² *Ibid.*, p. 10.

small farmers, who would be eternally grateful to their liberator. Iran was changing, growing in education, literacy and political awareness, and there was a growing idealism in a new generation of radicals, a development the White Revolution was intended to stop. There was a growing oppositional relationship between the shah and the intellectual elite. The shah made two main mistakes: he offered extra-territorial rights to all American government personnel working in Iran, which meant that they were not subject to Iranian judicial processes and could be tried in America for crimes committed in Iran; he granted a \$200 million US loan. His mistakes proved beneficial for Ayatollah Khomeini, who was still rather unknown. He gained political prominence after the launch of the White Revolution, by condemning among other things the seizure of private property in the land reform and the granting of the vote to women. He also claimed that the shah did more for the United States than for his own people. He attracted many young disillusioned Muslims because of his knowledge of political texts, both those written by Iranian intellectuals and those of Western political philosophers. The failure of the National Front and the ideology of secular nationalism to bring about political change pushed people even more towards a religious nationalism.⁴³ Mehrzad Boroujerdi illustrates in *Iranian Intellectuals and the West*⁴⁴ that the moral indignation against Westernisation in Iran pre-dated the outburst of revolution in 1979 by a few decades. It began with a series of nativistic protests that grew into the shape of an Islamic ideology, which gained power because of the shared goal of constructing a new collective identity towards the West. The mythical construction of the West was not exclusively or primarily a religious affair; it was rather a nativistic response to Western cultural domination in which Islam played a varying role.⁴⁵ According to Said Amir Arjomand, this Islamic ideology became increasingly revolutionary, and culminated in Khomeini's theocratic redefinition of Shi'ism. The process of ideologisation of Islam gathered full momentum with Ali Shariati (1933-1977). Arjomand argues: "*Shari'ati in particular adopted what was a Western instrument of protest- namely, ideology- as a weapon for combating the pernicious cultural domination of the West.*"⁴⁶ The clerics did not leave the ideological field to laymen for long, however, and among the clerical ideologues who emerged was Ayatollah Sayyid Mahmud Taliqani

⁴³ Ibid., chapter 2.

⁴⁴ Mehrzad Boroujerdi, *Iranian Intellectuals and the West. The Tormented Triumph of Nativism* (Syracuse: Syracuse University Press, 1996), (hereafter referred to as *Iranian Intellectuals and the West*). Boroujerdi is Associate Professor of Political Science at the Maxwell School and Director of the Middle Eastern Studies program at Syracuse University (<http://faculty.maxwell.syr.edu/mborouje/index.html>).

⁴⁵ Said Amir Arjomand, "The Reform Movement and the Debate on Modernity and Tradition in Contemporary Iran," *International Journal of Middle Eastern Studies*, Vol. 34 (2002): pp. 719-731, (hereafter referred to as "The Reform Movement"). Arjomand is Professor of Sociology at the State University of New York, Stony Brook (www.oup.com).

⁴⁶ Arjomand, "The Reform Movement," p.720.

(d.1979), Ayatollah Murtaza Motahhari (d.1979), Muhammad Husayn Tabataba'i (d.1981), and not least Ruhollah Khomeini. Ayatollah Hasan-'Ali Montaziri also worked with Khomeini in the revolutionary struggle. Arjomand argues: "*These clerics-turned-ideologues redefined Shi'ism in a revolutionary direction.*"⁴⁷ Ayatollah Montaziri was first chosen by Khomeini to be his successor, but was dismissed for his liberal views.⁴⁸ Important for the clericalist modification of Shariati's revolutionary Islamic ideology and its subordination to Khomeini's theory of *velayat-e faqih* was Ayatollah Muhammad Husayni Behesti (d.1981), who played a major role in the incorporation of Khomeini's theory into the 1979 constitution of the Islamic Republic of Iran. Khomeini and his clerical colleagues, who led the revolutionary movement against the shah to restore and preserve a Shi'i tradition threatened by modernisation and Westernisation, did not necessarily share the concern of secular intellectuals with the West. Arjomand argues:

The Islamic Revolution was undoubtedly a traditionalist revolution. However, the restoration of a tradition in practice always entails its transformation. The traditionalist revolution of 1979 has brought about a revolution in Shi'ism. In fact, the Islamic Revolution in Iran resulted in both the traditionalization of a modernizing nation-state and the modernization of the Shi'i tradition.⁴⁹

In 1964, the shah sent Khomeini off to exile. This was a mistake, since Khomeini probably was one of the most politically shrewd and modernising of all *mullahs*. His unique political strength lay in transcending the split between the religious modernisers and the traditional constituencies whose members felt alienated by a political elite more in tune with the West than traditional Iran. Ansari argues: "*It is important to recognize that the Islamic Revolution was to a large extent the reaction of a neglected traditional society composed of a wide range of groups and that many senior clerics had in fact been suspicious of it.*"⁵⁰

The dynamic of the Islamic Revolution was a dialectical process of protest and suppression until society overcame the state and around two million people united against the shah in Tehran. Ansari points out that the Islamic Revolution cannot be understood outside the popular movements that had preceded it in 1906 and 1951-53. The transfer of power that occurred in the Islamic Revolution, from the elite to the people, was a social initiative, with the aim of getting rid of the shah. However, the complexity of the underlying dynamic soon became increasingly apparent, as did the limits of Khomeini's charisma. Of the three major movements that had organised the revolution, the left had most trouble with the religious

⁴⁷ Ibid., p. 721.

⁴⁸ www.faithfreedom.org.

⁴⁹ Arjomand, "The Reform Movement," p. 721.

⁵⁰ Ansari, *Iran, Islam, and Democracy*, p. 38.

leadership. Four ideological camps had emerged after the oil nationalisation crisis in 1953, the monarchists, the secular nationalists, the left and the religious faction. The religious and leftist factions mobilised their supporters against each other leading to a conflict that ended in a civil war between them which lasted until 1981; the scars of this war remain today, argues Ansari.⁵¹ Iranian factions were, and remain, fluid collections of individuals, who might regroup themselves in this dynamic environment. The religious factions which early gained dominance in the republic consisted of collections of individuals often associated with key ayatollahs, leaning in differing political directions.

It was clear that many of the groups participating in the revolution had based their struggle on Iranian nationalism. The revolutionaries gave religion greater ideological potential. The Constitution of the Islamic Republic of 1979 reveals this complicated inheritance, as it was supposed to reflect the many traditions that had worked together during the revolution. Khomeini was a complex character who appreciated and understood the importance of popular participation; his conceptions of government allowed for an Islamic Republic in which free elections would be held and governments held accountable. He granted women the right to vote, to the surprise of his orthodox opponents. He attracted the young because of his unorthodox opinions. He used the language of left-wing ideologies, namely the concept of the oppressed struggling against the oppressors, and he was influenced by the ideology of social revolutionary theorists.⁵² Ansari (2003) argues that Khomeini was one of the few mullahs to possess a progressive opinion on the issue of modernisation, promoting science and philosophy and attacking the clerics he viewed as reactionary and backward; he was as much a national leader as a religious one. Only by going beyond the popular image of Khomeini can one understand the bitter contest for his intellectual and political legacy. He was a political master in uniting diverse ideas and making them authentic in a religious language suitable for his audience.⁵³ Ansari (2000) argues: *“In any event, the ideological dimension of the factional power struggles was never resolved; politically, the religious parties may have achieved dominance, but ideologically, the field remained open.”*⁵⁴ Two of the reasons for the domination of authoritarianism in the beginning of the revolution were the tendency towards authoritarianism among the *ulama* and their principle of interpretation saying that only those qualified could interpret, as well as the fear of national disintegration and of a communist

⁵¹ Ibid., p. 44.

⁵² Ibid., chapter 3.

⁵³ Ansari, “Continuous Regime Change from Within.”

⁵⁴ Ansari, *Iran, Islam, and Democracy*, p. 49.

revolution. The war with Iraq also encouraged authoritarianism, as well as prevented the resolution of many of the contradictions in the political structure. Factions set aside their disputes to focus on the invader, but the endurance of the war and the social discontent forced a moderation in policies. The war left the country with a destroyed economy and a militarised society unable to demilitarise for economic reasons. This had serious consequences for the state in two respects. First, a great part of the population with military training retained their arms, which meant that the state after the war did not have a monopoly of coercive power over society. Second, the central lesson of the revolution and war for the Iranians was that political structures are not eternal; even the most powerful of rulers could be challenged with the use of the popular will. Ansari argues:

The importance of this realization for the psychological transformation of Iranians should not be underestimated. There was a palpable sense that a corner had been turned [...] unsurprisingly, few within the new power elites of the Islamic Republic fully appreciated this change, and, having suppressed and contained social tensions throughout the war, these elites nurtured little expectation or indeed anticipation of the social and intellectual renaissance that was to follow.⁵⁵

Ahmad Sadri believes the disappointing end of the Iran-Iraq war was the prime mover of the reform movement in Iran. He says the war still is responsible for provoking strong feelings in Iran's political life. Its cynical exploitation of religion and the extremist slogans cost Iran hundreds of thousands of casualties. He says that when what he calls "absolutist do or die promises" fizzled in accepting an inconclusive peace, there was a great deal of disenchantment in the ranks, which in time percolated up into the political chambers of Iran, generating what came to be known as the reform movement.⁵⁶ In order to understand this movement's background, I will discuss the further events that led to its formation, after first making a brief description of how the Iranian Constitution of 1979 came into existence, and look at the its ambiguities and how these extend to the different governmental institutions.

2.4 THE MAKING OF THE IRANIAN CONSTITUTION OF 1979

The first draft of the constitution did not contain any reference to *velayat-e faqih* or reserve special posts for Islamic jurists except on the Guardian Council. The office of the leader was to be filled by the president, and he did not have to be from the circle of Islamic jurists. The draft was revised in constant consultation with Islamic jurists, and received Khomeini's approval. The preliminary draft also required the approval of the Revolutionary Council; this they did unanimously, and it was published on 14 June 1979, declared to be the official

⁵⁵ Ibid., p. 51.

⁵⁶ Ahmad Sadri, "The Iran Situation," [online] interview by Foaad Khosmood (February 20, 2005).

preliminary draft. Khomeini gave the impression that he did not intend to take on any government functions, and he insisted that the constitution should reflect the principles of the UN Charter for Human Rights. Schirazi argues: “*Similarly, the fact that Khomeini did not hold the first national referendum (that of 30-31 March 1979) on the issue of velayat-e faqih but rather on ‘the Islamic Republic’ must also have been taken by his supporters as proof that he had abandoned his former stance on this question.*”⁵⁷ In the period before the referendum and the publication of the preliminary draft its authors contributed to disinformation about the future constitution. It was promised that the clergy would not be involved in government affairs. On the national referendum, the people were to vote if they wanted an Islamic Republic or not, with no alternative. 98.2 per cent of the participants voted yes to a form of government about which they were badly informed. Once the Islamic state was accepted, it was time to push through the concept of *velayat-e faqih* by undermining the preliminary draft of the constitution and replace it with a new text. A Constituent Assembly had been promised to draw up a final version of the constitution. However, once the preliminary draft was completed, some claimed that the intervention of the Constituent Assembly was not necessary to adopt it; rather the people could give it their approval by means of a second referendum. Schirazi argues: “*Ultimately, Khomeini must have been behind this proposal.*”⁵⁸ A compromise was made: the people would choose an assembly of forty delegates who would check the preliminary draft to speed up the process, and present it for final ratification in a national referendum. It was important for the opponents of *velayat-e faqih* that this assembly, which came to be the Assembly of Experts, would approve the draft without any changes.

It was now time to propagate the concept of *velayat-e faqih* in public. Several clerics made public wishes to have a constitution based on an absolute interpretation of legalism, that *velayat-e faqih* must be included in the constitution and that the first preliminary draft was not compatible with Islam. The task of the jurists was to ensure that the constitution and laws of the Islamic Republic would conform totally to the requirements of Islam. Schirazi argues that it was clear that another preliminary draft that included *velayat-e faqih* had been made in addition to the “official” version. Khomeini’s circle manipulated the elections for the composition of the Assembly of Experts, and the delegates with dominant influence made sure that the concept of *velayat-e faqih* was included in the final version of the constitution. It was not expected that the principle of *velayat-e faqih* would be subject to much criticism by

⁵⁷ Schirazi, *The Constitution of Iran*, p. 25.

⁵⁸ *Ibid.*, p. 28.

the Assembly of Experts, considering its composition. However, the view was advocated that the *velayat-e faqih* should not mean that the jurists should have an active role in politics and exercise direct political power. During the debate on the powers of the leader, Ayatollah Makarem Shirazi made the warning: “Bear in mind that our domestic and foreign enemies will accuse us of dictatorship and hostility to the sovereignty of the people.”⁵⁹ The leftist-oriented Islamic organisations expressed an indirect criticism of *velayat-e faqih*. The justification for conditional approval of the constitution and participation in the referendum, based on the priority of the anti-imperialist struggle, was typical of many radical Islamic organisations at the time. This struggle reached its climax with the occupation of the American Embassy on 4 November 1979. Khomeini’s strategy of linking his fight against USA with a domestic programme contributed to the response of these groups to his policy.

None the less, the contradiction between the form of government they actually wanted and *velayat-e faqih* could neither be resolved nor repressed for an indefinite period. It was bound to re-emerge with even greater force once the radical promises of the ruling jurists proved to be no more than lip-service to leftist ideals. The result was a sense of indignation and disillusionment in leftist circles.⁶⁰

On 2-3 December 1979, the national referendum on the constitution the Assembly of Experts had worked out took place, and a majority voted for the constitution. A great number of those who opposed the constitution abstained from voting. The prevailing view in the Assembly of Experts was that, according to Islam, legislation is the sole prerogative of God, and God has transferred this right to the *fuqaha*. Schirazi argues:

If the actual wording of the text of the constitution does not establish *velayat-e faqih* with this degree of purity, it is nevertheless clear that the pervading spirit of the document expresses the concept of an absolute hierocracy. This form of *velayat-e faqih* corresponds to the image sketched in Khomeini’s book on the subject which appeared a decade before the revolution. In that book, the power of the ruling jurist is also absolute. On behalf of his people he exercises the function of a legal guardian, a protector and a liberator. The people are not active subjects of the state but the state’s objects. Furthermore, given the alleged perfection of the *shari’a*, there is no need for legislature. Parliament is not to function as a legislative body, but merely as an “institution for planning.”⁶¹

According to Schirazi, the constitution framed by the Assembly of Experts is the constitution of the hierocratically oriented Islamicists; the product of a social stratum which had been forced to relinquish more and more of its positions of power in the decades of modernisation; after the revolution it was able to exploit a scarcely hoped for historical chance, not only to retrieve lost ground, but to realise a dream it had not even dared to speak of openly.⁶²

⁵⁹ Ibid., p. 46.

⁶⁰ Ibid., p. 50.

⁶¹ Ibid., p. 55.

⁶² Ibid., p. 293.

2.5 THE AMBIGUITIES OF THE IRANIAN CONSTITUTION AND THE INSTITUTIONS OF THE IRANIAN GOVERNMENT

The interests of the many traditions that worked together in the Islamic Revolution were tried incorporated into the Iranian Constitution of 1979, resulting in ambiguities and contradictions. Among these ambiguities, there are two fundamental which have had a decisive impact on the development of the Iranian state since the revolution. The first one is the contradiction between the constitution's Islamic legalist and non-Islamic secular elements. This contradiction comes mainly from the argument that a state set up on the basis of Shi'i law and ruled by Islamic jurists is capable of offering solutions to all problems, even though the constitution itself incorporates many non-Islamic and non-legalist elements. The second contradiction is the one between its democratic and anti-democratic elements, arising from the conflict between the two concepts of sovereignty included in the constitution, the sovereignty of the people and of the Islamic jurists, a sovereignty the jurists exercise as agents for God. These contradictions are important because they raise questions about the external form of the constitution by revealing the inconsistency of a document that was meant to establish the principles of a model Islamic state and Islamic society, argues Schirazi. The process of resolution they set in motion from the time the preliminary draft of the constitution was completed has since been a key dynamic of political life in the Islamic Republic.⁶³ In order to illustrate how the ambiguities of the constitution are extended to the Iranian government, and how the Muslim clergy is in control of all its institutions, I will provide a clarification of the roles of the different institutions that make up the government.

2.5.1 ISLAMIC LEGALIST ELEMENTS

The Islamic legalist elements in the constitution establish that the state and the revolution are leading to the creation of a state that is Islamic; they define the tasks and goals of the state in accordance with its Islamic character; they bind legislation to the *shari'a*; they ensure that positions of leadership will be reserved for Islamic jurists; they place Islamically defined restrictions on the democratic rights of individuals, on the nation and ethnic groups; and they set up institutions whose task it is to ensure the Islamic character of the state. The Islamic nature of the state is confirmed already in the preamble of the constitution, where a purely Islamic character is attributed to the revolution; the economic, social, cultural and political motives are ignored. The official religion of the state is Islam as interpreted by the *Ja'fari*

⁶³ Ibid., chapter 1.

school of jurisprudence of the Twelver Shi'i. The state is based on principles that are defined by Islam and are mainly presented in article 2 of the constitution, such as “*There is only one God...who by right is ruler and lawgiver, and man must submit to His command*” and “*Divine revelation has a fundamental role to play in the promulgation of laws.*”⁶⁴ These principles are to guarantee that by means of continued *ijtihad* exercised by jurists based on the Qur'an and the Sunna, along with more general requirements, justice as well as political, economic, social and cultural independence and solidarity will be achieved. The state has as its goal to establish a single worldwide religious community and assume an ideological mission of holy war (*jihad*) to spread the rule of God's law throughout the world. The constitution binds legislative power to the *shari'a* as defined by Shi'i Islam, and the resolutions passed by parliament must not contradict the *shari'a*. Legislation is to be based on the Qur'an and the Sunna. The articles describing the rights of the people in general and the democratic rights of the citizens in particular, always include the precondition that these rights must be compatible with Islamic ideals and principles or with the law.

One article contains the Islamic conception according to which absolute dominion is an exclusive prerogative of God, and it follows from this that the sovereignty of the people is subject to restriction by the authorities who are considered to represent the dominion of God. The leader, as a ruling authority, is concerned with maintaining the dominion of God, the Prophet and the Imams, and is responsible for the management and leadership of the community. The preamble states that the legal system of the Islamic Republic is founded on the basis of Islamic justice, and judicial power is to be exercised by law courts which are to be set up according to Islamic principles. The constitution defines the Islamic Republic as a state ruled by Islamic jurists (*fuqaha*). Nevertheless, it also states that only those jurists who are pious and dedicated experts on Islam, and are recognised as such, and who “*are informed of the demands of the times,*”⁶⁵ are entitled to rule. They must hold the religious office of “source of imitation” (*marja-e taqlid*) and be qualified to issue independent judgements on general principles (*fatwas*). One article stipulates that an individual jurist, who is endowed with all the necessary qualities, or a council of jurists have the right to rule and exercise leadership in the Islamic Republic as long as the Twelfth Imam remains in occultation. He is to supervise the three branches of the government. Other key governmental positions are also reserved for Islamic jurists. The second most important government institution is the Guardian Council.

⁶⁴ Ibid., p. 9.

⁶⁵ Ibid., p. 12.

Six of its twelve members must be jurists. Membership of the Assembly of Leadership Experts is reserved for jurists as well. Five positions as judge in the Supreme Court, including the president of this court and the chief public prosecutor are reserved for jurists. All other offices mentioned in the constitution are reserved for Muslims.⁶⁶

2.5.2 THE POWER OF THE LEADER

In the Islamic Republic the power has been increasingly concentrated in the hands of the leader, far beyond the restrictions in the constitution. The high point was reached when Khomeini declared *velayat-e faqih* to be absolute in 1988. Schirazi argues that from Khomeini's return to Iran until the time of his death, "*He exercised dictatorial powers both when he imposed his will on different branches of the government and when he took decisions without consulting these authorities.*"⁶⁷ Khomeini usually made decisions without consulting anyone. Schirazi argues:

Generally speaking, whatever methods Khomeini adopted to implement his own decisions or however great his influence on others, it was always clear that any decision stood a better chance of being implemented if it could be said to have originated with him. Therefore, measures adopted by government organisations were always presented in the name of the Imam; some, we can be sure, Khomeini had not wished to initiate.⁶⁸

The contradiction between the legislation powers and the sovereignty of the people became more apparent as the parliament and the Guardian Council began their work. The people had accorded Khomeini the legislative power at first, so it did not appear as a contradiction to their sovereignty. Khomeini's influence on this process, however, was so great that it brought about changes in the powers conferred on parliament and the Guardian Council, including revisions of the text of the constitution and a council to undertake such revisions. Thereby, the Islamic Republic had one more constitutionally-sanctioned institution with legislative powers whose members were not chosen by the people, but the leader. Schirazi mentions a few representative cases, where Khomeini frequently exercised legislative powers without consulting the constitutional organs of government, or those legislative bodies he himself had set up.⁶⁹ I will not discuss these; my point is to illustrate how much power Khomeini actually possessed from the start of the Islamic Republic, at the expense of people's influence. The *fatwas* Khomeini issued were a direct intervention in the process of legislation and were recognised as laws, and were even after his death enforced as such. In relation to the

⁶⁶ Ibid., chapter 1.

⁶⁷ Ibid., p. 62.

⁶⁸ Ibid., p. 63.

⁶⁹ Ibid., chapter 4.

executive, Khomeini decided the general guidelines for foreign policy as well as specific steps in order to put these into practice. Concerning the foreign policy, the goal was to spread the Islamic faith in the world. Khomeini ordered the government to break off diplomatic relations with Israel, whose destruction he declared was one of the most urgent goals of the Islamic Republic. Khomeini gave up the war with Iraq only when it became clear that Iran could not win and economists had said that continuing the war would mean a catastrophe to the country. Concerning domestic policy, Khomeini's guidelines were concerned with establishing a solid foundation for hierocracy, concentrating power in his own hands and maintaining a balance of power between the rival camps. Khomeini's representatives were to have only supervisory powers over the government of the leader, but in practice, they decided on everything in the government agency where they were posted. They are still not institutionalised, but represent now Khomeini's successor. Khomeini thereby had control over all the branches of government. This meant that sovereignty of the people was abolished and that it corresponded with the concept of *velayat-e faqih* as outlined in Khomeini's book. Schirazi argues:

Although the concentration of power in the hands of Khomeini is consistent with the application of the theory of *velayat-e faqih*, the reason for it is not to be found solely in the desire to make the theory into a reality. The whole system of hierocracy was under pressure to move in this direction because there was no other way to resolve the internal contradictions that led to legislative bottlenecks. There had to be resort to an overriding authority recognised by all sides. As these kinds of conflicts and contradictions multiplied, ever more frequent recourse was made to the leader for a solution. Increasingly requested to decide on issues, Khomeini was more and more given the necessary powers to resolve conflicts.⁷⁰

By having the people look to him as the leader who could make decisions on all religious and government matters, the contradictions between the sovereignty of the people and the legislative powers were not that evident. Schirazi argues: "*He [Khomeini] stood outside and above the state*".⁷¹

Khomeini's power depended to a great extent on his charismatic qualities, the proof of this being that Khamene'i has not achieved the same success. As Khamene'i failed to achieve the role of Khomeini as an authority positioned above all branches of the government that could balance the rival camps amongst the legalists, he came under pressure to give up the role of mediator and side with the conservative groups who could support him in religious circles and shared his attitudes. In exchange for adopting this position, Khamene'i obtained a corresponding degree of protection from this camp. Schirazi argues: "*One of Khamene'i's*

⁷⁰ Ibid., p. 76.

⁷¹ Ibid., p. 297.

*chief handicaps has been his relatively low rank in the system of religious authority.*⁷² This weakness affects the credibility of his claims to power even among those who support the regime. He has attempted many times to obtain the position of *marja-e taqlid*, to issue *fatwas*, to intervene in legislation, and to dominate the executive and judicial functions. This does not mean that he wields no power at all, but the powers at his disposal fall short of those of Khomeini by contrast. Schirazi argues:

After the death of Khomeini, representation of the spirit of the constitution was not transferred to his official successor but to the totality of influential members of the clergy who held various top positions in the government or who controlled life in the religious academies in Qom and elsewhere. On the other hand, it is clear that Khomeini's death did not have the effect of restoring sovereignty to the people. The absolute power of the ruling jurists prevails throughout the whole country now as before, even if that power is not wielded solely by the leader.⁷³

Khomeini did not receive absolute obedience from his followers nor were his orders always carried out in full. However, opposition to an order came from government functionaries who wished to ensure that their own interests were fully considered, not from the people. Schirazi argues about their occasional refusal: *"It merely illustrates the fact that the concentration of power was not viewed as exclusively on behalf of one person but rather as the interest of the whole state class and, more particularly, the government leadership."*⁷⁴

2.5.3 THE POWER OF THE CLERGY

The adapting of the constitution to the concept of *velayat-e faqih* was accompanied by the assignment of all leading government posts to the clergy, and they have come to occupy positions in the lower levels of the administration as well, in both the capital and the provinces. Schirazi argues: *"Basically, however, the clergy reserves the right to occupy state posts whenever it believes it is better qualified to fill a position or when there are no lay functionaries it feels it can trust with the job."*⁷⁵ This is justified by a claim to possess unique virtues, such as knowledge of the *shari'a* and the role the clergy played in the revolution. New institutions had to be created for the purpose of assuring the clergy's monopoly on power; security organisations, such as the Revolutionary Guards, the *Hezbollah* or the *Basij* (militia); special courts, such as the Revolutionary Courts; organisations for propaganda and supervision; and economic institutions. The regime built up government intelligence agencies, which merged into the Ministry of Information (*Vezerat-e Ettela'at*) in 1983. It coordinates

⁷² Ibid., p. 78.

⁷³ Ibid., pp. 79-80.

⁷⁴ Ibid., p. 81.

⁷⁵ Ibid., p. 150.

the activities of all other information services, and all state administrative organisations and institutions are obliged to send the information it demands. This ministry is by law presided over by a *mujtahid*. Two kinds of economic institutions that serve the hierarchy, and the individuals who participate in it, are public institutions under control of the leader and private institutions. The public ones put their wealth at the disposal of the informal policies pursued by the leadership and its immediate followers. Private institutions serve the private interests of functionaries who have proved to be useful to the hierarchy, as well as the interests of clients of those functionaries.⁷⁶ What enables people to refer to the post-revolutionary Iranian state as Islamic is the fact that the clergy rule it. Schirazi argues, however, that their form of Islam is no longer the integral whole, described as being able to solve all the world's problems; *"Its purpose now is to legitimate the rule of the clergy in the eyes of an ever dwindling portion of the population."*⁷⁷

2.5.4 DEMOCRATIC ELEMENTS

The authors of the Constitution of the Islamic Republic attempted to emphasise that it was an expression of the will of the Iranian people. It is stated that the constitution and its Islamic principles and guidelines reflect "the deepest wish of the Islamic community", as revealed by the people's active participation in the revolution. Schirazi argues: *"Even if people are not defined according to the democratic norms of pluralism but rather as a homogenous community of like-minded individuals, this view of their will is still in contradiction with the concept of velayat-e faqih."*⁷⁸ According to this concept, political powers are issued from God alone and transferred from him to the Islamic jurists, and therefore do not depend upon the wishes of the people for its legitimisation. In another article, however, it is stated that God alone has the right to rule and that he delegates that right to "men at large," not just the jurists. While the parliament and some councils are to be elected by the people, the leader is not to be elected but should be in a relationship of trust with the people as a political authority and a *marja-e taqlid*; if the leader ceases to have the qualifications that justify his holding office, this may be dissolved. The Assembly of Leadership Experts, whose task it is to choose an individual or a leadership council, is to be elected by the people, and it has the right to dismiss the leader if he loses the people's trust. The parliament, as well as members of local councils and the president, is to be elected by the people. The constitution also states that in serious

⁷⁶ Ibid., p. 155.

⁷⁷ Ibid., p. 304.

⁷⁸ Ibid., p. 14.

questions concerning economic, social, political or cultural matters, the people should be consulted. The president is the link between the three separate branches of government; he is head of the executive and exercises executive power along with the Council of Ministers, when this are not reserved for the leader. He must implement the constitution and fulfil duties that have to do with official representation of the country. Schirazi argues that, while limiting the jurisdiction of the representative institutions of the people contradicts democratic norms, limiting the powers of the leader has the opposite effect.⁷⁹ However, these democratic elements are being widely suppressed. This might be illustrated by looking at how the powers of the supposedly democratic institutions work in reality.

2.5.5 THE SUPPRESSION OF DEMOCRATIC RIGHTS

The sovereignty of the people was eliminated from the constitution as a result of the concentration of power in the leader, as well as because the institutions set up by the constitution to represent the people lost their representative character due to rigged elections or because they ceded their powers to other state organs not chosen by the people. In the constitution, the organisation of parliamentary elections was left to the legislative institutions themselves, but soon there came regulations for the elections; these said that the eligibility of candidates depended on a series of conditions that were open to arbitrary interpretation and were supposed to keep unwanted people from being elected or even running as a candidate. Even stricter requirements were added later. The Guardian Council, dominated by conservative clerics, came to decide on the new requirements. Schirazi argues: “*The Guardian Council has gone about the business of rejecting unwanted candidates so autocratically that it feels no obligation to give any reason for its decisions - even to the candidates themselves let alone the public.*”⁸⁰ It is clear, he argues, that if a person represents a position contrary to that of the conservatives and the moderates, it is enough to reject him as unsuitable. To restrict the eligibility of candidates meant indirectly to restrict the rights of the voter. Within the parliament itself, the candidate still required a vote of accreditation from his colleagues in the plenary session of the new parliament. Schirazi argues: “*Those who manage to take up a seat in parliament after this gruelling selection process generally speaking tend to operate within the limits set by the principles that dominate the selection process.*”⁸¹

⁷⁹ Ibid., chapter 1.

⁸⁰ Ibid., p. 88.

⁸¹ Ibid., p. 90.

The parliament is the weakest among the state institutions that have access to power. Schirazi argues: “*The work of parliament, and its jurisdiction, are increasingly defined as professional expertise (kar-shenasi) brought to bear in the formulation of bills and must be distinguished from actual legislation.*”⁸² If parliament has a share in power, it is because its members happen to be participants in the unofficial distribution of power, not because of the constitution.⁸³ The stipulations of the constitution mean that the power of parliament is greatly limited by the Guardian Council. How legislation is carried out in practice is best understood by looking at the power of veto that the Guardian Council is able to exercise over parliament’s resolutions in the name of the *shari’a* and the constitution.

The rejection of parliamentary resolutions has been limited since the Assessment Council came into existence. The resolutions that are opposed usually are of greater importance in terms of their influence on social life in the Islamic Republic. The reasons for rejection are mostly not explained. Schirazi argues that of the institutions that participate in legislation, but were not set up to represent the people, the most powerful is the Assessment Council. It decides on disagreements between the parliament and the Guardian Council, but may also pass laws without reference to a request by parliament or the Guardian Council. It can decide on the most important questions of policy, and its members are therefore among the most influential functionaries in the Islamic Republic.⁸⁴ Since Khomeini’s death, this council has been able to extend its power because Khomeini’s successor is not strong enough to impose his authority on it.⁸⁵ Criticism of the Guardian Council’s dealing with parliament’s resolutions has come mainly from the radical-populist camp amongst the ruling legalists. Schirazi argues:

In one sense the tension between the radical legalists and the Guardian Council can be seen as a struggle between different camps in the state class to occupy positions of power. In another sense it can be seen as a conflict between parties supporting different interpretations of the *shari’a*. [...] In 1982, Rafsanjani, adopting a somewhat conciliatory tone, described the conflict in the following terms: parliament based itself on secondary Islamic ordinances that were legitimate in face of the present need to solve day-to-day problems, whereas the Guardian Council saw as its task the protection of the *shari’a* and the application of the primary Islamic ordinances, even if they did not meet the needs of everyday policies.⁸⁶

The most important power of the parliament consists of the government’s dependence on a vote of confidence from parliament, meaning that government officials are accountable to parliament, collectively and as individuals. Parliament has frequently used these powers and

⁸² Ibid., p. 295.

⁸³ Ibid., “Conclusions.”

⁸⁴ Ibid., chapter 5.

⁸⁵ Ibid., “Conclusions.”

⁸⁶ Ibid., p. 93.

in some cases, it has led to the dismissal of the minister in question. This should not be taken as proof of the independence and power of parliament, argues Schirazi, but as exposing the power struggle which goes on at all levels between those who have some share in government power. The parliament has the right to supervise the government; they can examine whether and to what extent the government has put into practice parliamentary resolutions or deviated from them. However, what happens in practice contradicts the parliament's right to supervision. Schirazi argues about the government's refusal to be supervised by parliament and to conform to parliamentary resolutions that "*It shows, on the one hand, how little respect there is for parliament among powerful officials and, on the other hand, the far-reaching independence of the bureaucrats on very low levels of the power structure.*"⁸⁷ This disregard for laws passed by parliament is often explained as a consequence of the fact that in Iran not norms, but personal relationships provide the basis for behaviour. Another reason why the parliament is not very representative of the people is the fact that only a limited percentage of the population takes part in the parliamentary elections, which makes clear how far the representatives of the hierarchy have distanced themselves from the people.⁸⁸

The constitution states that the people should directly elect the president for a period of four years. There are restrictions, however. The president must be male, a religious or political personality, he must profess loyalty to the principles of the Islamic Republic and the official religion of the country. It soon became clear that professing belief in the *velayat-e faqih* was a requirement as well. One may see the extent of the suppression of the democratic principle of eligibility and freedom to vote in presidential elections by looking at the low number of candidates who are found suitable by the Guardian Council in relation to the number of candidates who want to run. The popular indifference towards the presidential elections has been growing as the people exercise less and less influence on the government leadership. The constitution states that the people should directly recognise the leader, even though they do not directly elect him. However, since the revision of the constitution, the requirement for the leader to be a *marja* was dropped. This was the direct connection between electing the leader and the will of the people, as a *marja* is a person who is recognised as such by the people. The people may now only influence the election of the leader through the Assembly of Leadership Experts.⁸⁹ Its members are the leading clerics who support the *velayat-e faqih*, and because of

⁸⁷ Ibid., p. 101.

⁸⁸ Ibid., p. 104.

⁸⁹ Ibid., chapter 5.

their position in the state and the religious academies, their power is sufficient to influence significantly the direction of government policies.⁹⁰ The requirement of *marja* as the leader was dropped because the revisions were going on when Khomeini died, and no *marja* who fit in with the power politics of the hierocracy was available for appointment by the ruling mullahs. This situation affected the very essence of *velayat-e faqih*. It was decided that the Assembly of Leadership Experts should choose a leader from among the most popular and learned of the available candidates. Schirazi points out that the election of the leader by the assembly means that the leader is not even elected indirectly by the people. Even though the people elect the members of the Assembly of Leadership Experts, the electoral rights are greatly restricted by the requirements for eligibility placed upon candidates. This means that the dominant power bloc determines these requirements in accordance with its own interests; “*In practice,*” argues Schirazi, “*this means excluding opponents and rivals as much as possible from government power.*”⁹¹

Councils (*showras*), with local administrative autonomy, had been favoured by many politically oriented people in Iran for decades, and the revolution itself was partially organised on the basis of councils formed in various industries and city neighbourhoods. Many of these councils were set up or were dominated by left-wing organisations or groups representing autonomous movements. The Assembly of Experts promised to reserve a place for councils in the constitution, and followed the preliminary draft in providing for regional councils. There have been efforts to hinder the setting up of councils. Schirazi argues: “*The final result is that the whole question has been transformed into one that arouses heated polemical debate inside and outside parliament.*”⁹² Schirazi argues:

On the whole, the legalists are far too authoritarian and élitist to allow the people to participate in the process of decision-making, as would be the case in a system of regional administration based on *showras*. [...] It was the opinion of the majority of the Assembly of Experts that Islamic principles do not allow a system of councils based on a democratic interpretation, any more than they allow the sovereignty of the people. This contradiction came out quite clearly during the debate over the *showras*.⁹³

Schirazi wrote this in 1997, and the election for councils actually took place in February 1999. Khatami elaborated on the theme of political development in April 1999 in a major speech which required the recognition of the right of opposition within the framework of the law. In

⁹⁰ Ibid., “Conclusions.”

⁹¹ Ibid., p. 108.

⁹² Ibid., p. 112.

⁹³ Ibid., p. 115.

this speech, he announced that “*the first step in political development is participation, and the most evident channel for participation was the election of the Councils.*”⁹⁴

2.5.6 SECULAR ELEMENTS

The *shari'a*, because of its relation to the divine source of knowledge, is the basis of the legalist components of the constitution as well as the political system they are designed to set up, and it is believed to possess the universality and the vitality to solve all humankind's social and personal problems. It therefore makes sense that people who are experts on the *shari'a* should govern the state, and this is the justification for the rule of the Islamic jurists. It is this belief that forms the basis for binding legislation and government to the *shari'a* and for making the leading positions in the state a monopoly of the jurists. Schirazi argues: “*The legalistically conceived principles and tasks of the Islamic state are founded on this claim, as is the ultimate goal it is meant to strive for.*”⁹⁵ However, the claim is not expressed with such clarity in the text of the constitution, which makes Khomeini's formulation in his book *Velayat-e faqih* important. Despite this claim, many important elements in the constitution have been borrowed from Western secular sources and stand out as concepts alien to the *shari'a*, such as the idea of a constitution itself, as well as “law,” “nation” and “republic” among others. Behind these concepts stand norms, values and institutions, as well as political and economic ideas that are unknown to the *shari'a*. The entire structure of the state had to be borrowed by the Assembly of Experts from foreign models. These secular subjects are not mentioned in Khomeini's works or in the law-books by grand ayatollahs. Modern ideas were absorbed into the political culture of Iran during the Constitutional Revolution of 1906-11 and the progressive movement that preceded it. That revolution produced a constitution that recognised the people as the source of political power and lay down for the first time a division of powers between the executive, legislature and judiciary. Schirazi claims that the secularist and legalist components of the Constitution of the Islamic Republic have not been adapted to one another in a harmonious way, but appear in the very same text as elements that contradict and exclude one another. He argues: “*Although these contradictions can exist alongside one another in the text of the constitution, such a state of affairs is impossible in the everyday reality of government where, one way or another, they must be removed.*”⁹⁶

⁹⁴ Arjomand, “The Reform Movement,” p. 276.

⁹⁵ Schirazi, *The Constitution of Iran*, p. 17.

⁹⁶ *Ibid.*, p. 19.

2.5.7 THE DEFICIENCIES OF THE *SHARI'A* AS A RULING SYSTEM IN THE MODERN WORLD

One of the arguments used to legitimate the suppression of democratic elements of the constitution was that they stood in the way of establishing an Islamic state; meaning the full application of the *shari'a*. The Islamic rulers based the principle of *velayat-e faqih* on their conception of the classical *shari'a*, and created the expectation that they would apply the *shari'a* throughout the institutions of state and social life. Before the revolution, Khomeini wrote in his book, *The Islamic State*, about the necessity of the application of Islamic laws (*ahkam*), and defined the Islamic state as “the rule of God’s laws.”⁹⁷ The constitution states that legislation must not contradict Islamic ordinances and principles. In practice, however, this has proved unrealistic and has had to be abandoned for the most part. Schirazi argues that the *shari'a* does not provide ordinances for regulating problems that arise in governing a modern state. The ruling legalists have had to acknowledge this fact, but they have consistently neglected to explain how their acceptance of new facts relates to the *shari'a*. A process started to Islamicise the laws, but this had only limited success. However, there were still significant changes in Iran’s legal system. New structures and organisations were created at the economic, cultural, social and political level, and therefore changes in the legal system were necessary and in part carried out. The question, says Schirazi, is not whether the changes have altered the laws of the old regime, “*It is whether the numerous changes that have taken place have fulfilled the requirements of Islamicisation.*”⁹⁸ When framing the constitution, the Islamic Republic had to borrow fundamental elements from non-Islamic sources; the same goes for administrative, financial and employment laws, as well as international law and the penal code. The inadequacies of the *shari'a* to the needs of government in the Islamic Republic are increasingly admitted and discussed by the ruling legalists as they are confronted with the practical problems of government. Schirazi argues:

As soon as the ruling Islamicists took up the task of legally regulating the workings of government, they were unable, given the inadequacies of the *shari'a*, to do without the laws of the *ancient regime*. That is to say, they were obliged to accept laws which were to a certain extent the result of Western-influenced change in Iranian society over a period of several decades. The Islamicists availed themselves of these laws in the hope that they could be replaced at a later date, a hope which, as we have seen, has not been fulfilled.⁹⁹

Schirazi poses the question whether a state that bases its legitimacy on the *shari'a* can integrate such a number of modern laws, ordinances and resolutions that are alien to the

⁹⁷ Ibid., p. 161.

⁹⁸ Ibid., p. 165.

⁹⁹ Ibid., p. 168.

shari'a without damaging its identity and authenticity. He argues that it seems like the sources of the *shari'a* and the juridical principles based on them do not have room for the process of integration and adaptation necessary if a traditional system of law is to fulfil the juridical needs of a modern society. As seen in the previous chapter, an ordinance only has validity in the Islamic law supported by the Qur'an or the Sunna or the consensus of the jurists; or reason or intellect are a fourth possibility to discover the hidden ordinances of the Qur'an and the Sunna concerning particular questions. There are, however, many hindrances concerning reasoning, laid down as guiding principles, which restrict the capacity of Shi'i jurisprudence to adapt it to new situations. Officials in different branches of government have passed many laws since the revolution that have no relationship to the *shari'a*. Schirazi argues that the people are not meant to know of the disagreement between the *shari'a* and laws alien to it, so many tricks of religious jurisprudence are employed to cover up the discrepancies.¹⁰⁰ I will only make a short description of these tricks in order to show how the *shari'a* is circumvented to provide laws for a modern society.

One of the tricks is the rule of emergency, according to which a commandment or a prohibition may be overlooked in case of an emergency. An ordinance that according to this rule makes what is forbidden permissible or makes a commandment invalid is known as a secondary ordinance, as it in every case suspends a primary ordinance of the *shari'a*. Khomeini gave the parliament the right to declare emergencies, and the Guardian Council saw this as a restriction of their power and protested. Schirazi argues: "*But restricting the powers of the Guardian Council vis-à-vis parliament meant restricting the link between legislation and the shari'a.*"¹⁰¹ The use of the possibilities of binding secondary contractual conditions was another way of circumventing obstacles to legislation arising from the *shari'a*. If a legal undertaking based on contracts between private individuals could not be reconciled with the form of contracts recognised by the *shari'a*, it could be justified as a secondary condition of the contract.¹⁰² One part of the Islamic penal law concerns discretionary punishments (*ta'zirat*). A special problem with the application of these was the fact that they have to do with crimes that only became relevant for *shari'a* once the Islamic state had been set up, political crimes and crimes in the area of public law. Khomeini divided these into two groups; one was to be applied in accordance with the ordinances of the *shari'a*; the other group was to

¹⁰⁰ Ibid., chapter 8.

¹⁰¹ Ibid., p. 201.

¹⁰² Ibid., chapter 10.

be applied as an aspect of state ordinances, in the name of an Islamic state. Besides cases of profane self-interest, the opposition of the Guardian Council to government intervention in the economy, the courts and in social affairs comes from the fact that the council, basing itself on the *shari'a*, has a conception of a social order in which the state plays no significant role:

Given the private character of *shari'a* law the Guardian Council, as protectors of the *shari'a*, could not but reject or restrict those resolutions of parliament which gave the state the right to intervene in the affairs of citizens in the sphere of private or public law. It was in this sense impossible for the council to play an effective role as an organ of state, especially while the state was represented by a parliament and government which was in favour of state intervention and state welfare. [...] Many jurists did not understand how, given the new society, they should incorporate the state into the system of the *shari'a* or how they were to define the relationship between the established *shari'a* and the new laws that continually had to be passed.¹⁰³

The private character of the *shari'a* makes it difficult to create a system of laws suitable for a modern government. Given that the state traditionally played a less important role in the religious law system, the rulings of the *shari'a* are problematic to incorporate into a law system of the state. By means of his *fatwas*, Khomeini allowed the state to suspend the ordinances derived of the *shari'a* wherever the state deemed it necessary. The concept of “state ordinances” came into use.¹⁰⁴ State ordinances base their legitimacy on the interest (*maslahat*) of the Islamic state or government. They can suspend the primary Islamic ordinances, whenever the state’s interests are at stake. In 1987/88 the ruling jurists came to accept that they had to extend the scope of *maslahat*, as they were confronted with new questions. The first state ordinance Khomeini issued, ordered the creation of the Council for Assessing the Interests of the Ruling System. Schirazi argues: “*But however many laws are passed or rejected by the Assessment Council each year, the significant point for this study is that the decision to set it up was based on the practical experience of long-standing that in a modern-day society like Iran it was not possible, by following either the ordinances or the so-called principles of the classical shari'a, to frame laws that would solve problems without raising new ones.*”¹⁰⁵ The tricks illustrate the insufficiency of Islamic law as a modern ruling system and raise questions about the Islamic nature of the Islamic state:

The only relationship the legalists have been able to create between their conception of Islam and the products of modern civilisation is reactive. Although they do not wish to reject these modern products completely, they can only accept them by employing certain legal tricks transparent to everyone. But legal tricks are scarcely a suitable method of justifying the assertion that in Iran today Islam rules the state. [...] Given this situation the Islamicists cannot speak of the unity of religion and the state, if by this notion they understand a situation in which all aspects of life and government are defined by religion.¹⁰⁶

¹⁰³ Ibid., p. 228.

¹⁰⁴ Ibid., chapter 11.

¹⁰⁵ Ibid., pp. 236-237.

¹⁰⁶ Ibid., p. 302.

The Guardian Council has insisted on formulating its views based on its own *ijtihad* when it rejects parliamentary resolutions as contrary to the *shari'a*. The criteria on which these views are based are not the Islamic ordinances (*ahkam*) but the Islamic principles (*mavazin*), the meaning and identity of which are only rarely the object of agreed upon interpretation. When the Guardian Council formally rejects individual articles or notes of bills passed by parliament, it says that they either contradict the *shari'a*, or lack agreement with *shari'a*. Schirazi argues: “*Since the Guardian Council in most cases makes use of the first formulation, one can assume that it is aware that Shi'i law does not offer sufficient fundamental criteria even in the form of principles for a bill to claim to be in agreement with them.*”¹⁰⁷ A discussion of the further developments since the Islamic Revolution will provide a deeper understanding of the contemporary debate in the Iranian society. When Ali Akbar Hashemi Rafsanjani (b. 1935), then speaker of the *majlis* (parliament), was elected president in 1989, he wanted to develop a political structure based on the commercial power of the bazaar, and he constructed a mercantile bourgeois republic founded upon an alliance with the traditional merchants and administered by a bureaucracy dominated by himself.¹⁰⁸

2.6 THE MERCANTILE BOURGEOISIE

The mercantile bourgeoisie as a social and ideological force did not come to dominate the Iranian state and to achieve the rewards for their support of the Islamic Revolution until Rafsanjani became president. His economic liberalisation policies allowed the mercantile bourgeoisie to participate in capital accumulation relatively unfettered by the state. The commercialisation that established itself in the 1990s, as well as the opposition it engendered, dominated in the pluralistic society. Ayatollah Khamene'i (b.1939), the new Supreme Leader, was not convincing as a charismatic leader; his designation as Supreme Leader was regarded as political. Rafsanjani believed in political reform, and the incompatibility of political repression and economic development. What made him fail to address the state's structural problems was his conviction that economic reform must take first priority, in addition to not wanting his own interests to be threatened. There was a major redirection of the economy away from state control and towards trade liberalisation during Rafsanjani's first administration between 1989 and 1994. He encouraged an import boom that eventually handicapped the activity of his administration. He also removed the religious leftists from the *majlis* during the 1992 elections, as they were seen as revolutionaries not in tune with the

¹⁰⁷ Ibid., p. 249.

¹⁰⁸ Ansari, *Iran, Islam, and Democracy*, p. 52.

political progress of the revolution; he replaced them with right-wing free marketers and at the same time as he cleaned up his administration by removing some dogmatists from sensitive posts in the government. Ansari argues: “*In essence, Rafsanjani was seeking to demobilize politics and society following the war, and to rationalize them in the service of economic reform.*”¹⁰⁹ The economic reform proved not to be effective without political reform, and the society and economy became directed to service the small commercial elite rather than to reform. This was not what the revolutionaries had wanted. The bazaar had funded the right-wing election victory of 1992, and Rafsanjani’s mercantile supporters wanted political and social order facilitate their control of the economy. Their definition of a free market meant a market free from the state and controlled by them. During his second administration, from 1993 to 1997, there were clashes with the *majlis* thought to be supportive of his programme; the result was that Rafsanjani, in his eagerness to compensate for his inabilities to push through reform, emphasised different expensive infrastructural projects his administration had inaugurated. There was little evidence that they were ever completed, according to Ansari.¹¹⁰

The unreconstructed left drew closer to those who had been excluded from the political life of the country, and these two groups reformed and reconstructed as a new left, convinced of the need for social justice and horrified at the direction the revolutionary movement had taken under Rafsanjani. Economic greed had forged a political alliance among the leadership, the presidency and the mercantile community, with a dogmatic and authoritarian interpretation of Islam to support it. While some clerics looked at involvement in politics with nervousness, other clerics saw this as one of the main legacies of Khomeini. Others saw political activism more as a means of control than as a tool of popular emancipation. These authoritarian clerics have since been labelled conservatives. Ansari argues: “*Arguably, the Islam they espoused had more to do with the exercise of power than with the extension of faith, and this was growing more apparent to both lay and religious observers on the outside of the establishment.*”¹¹¹ The construction of a bourgeois republic took place in a politically conscious society that was not willing to return to a pre-revolutionary Iran. Ansari believes that if social consciousness did not translate into constructive activism at once, it was due to the tools of state control and the anticipation that the Rafsanjani administration would deliver

¹⁰⁹ Ibid., p. 58.

¹¹⁰ Ibid., p. 59.

¹¹¹ Ibid., p. 61.

to the masses of people. The bourgeois elite were detached from the people; the perspective that the elite knew best became so developed that the right-wing deputies in the *majlis* claimed that the *velayat-e faqih* was in fact absolute and argued that what should have been instituted was an Islamic state rather than republic. Outside this elite circle, however, social forces were uniting, for ideological reasons or because of material changes. In the 1980s, there was a striking increase in the population, and it is estimated 70% of the population is now under the age of thirty. This, together with the social and economic role of women during the war years, had a great impact on social attitudes. In Khomeini's lifetime, Islam was the basic source of legitimacy, but after his death, the focus was more on the republican and popular sources of legitimacy. Ansari argues: "*The effect of this redirection was to enlarge the sphere of popular political activity- to encourage the development of civil society.*"¹¹²

2.7 A GROWING CIVIL SOCIETY

The impact of globalisation and the information the Islamic Revolution brought with it developed the intellectuality of society and contributed to the growth of a civil society. The technological penetration of society was deep. Foreign correspondents were surprised by the enthusiasm the clergy showed for new technology; this reflects popular misperceptions regarding the Shi'i *ulama*. The internet has come to be an ideal vehicle for exporting the revolution. Ansari believes that all this began a process of liberalisation.

This aside, one of the most interesting developments in the seminaries has been the development of the study of Western philosophy, in the belief that in order to defeat your opponents you must first know and understand them; accordingly, in order to confront the West one must appreciate the challenge and provide intellectual alternatives.¹¹³

Many revolutionaries regarded the Islamic Revolution as an intellectual renaissance and a challenge to the West just as much as a political struggle. The concept of independence was an ideological project just as much as a political and economic goal. This is important for the understanding of the growing hostility between the left and Rafsanjani; many regarded his emphasis on economic development as a failure to address the main reasons behind the revolution. Ansari argues: "*In coming to know an intellectual opponent, of course, one may tend to appropriate and adapt those elements of his or her arguments which appeal.*"¹¹⁴ It is in the hermeneutic tradition that the adaptation of Western philosophy has been most explicit.

¹¹² Ibid., p. 63.

¹¹³ Ibid., p. 67.

¹¹⁴ Ibid., p. 68.

Abdolkarim Soroush is the man most often identified with the reformation of Islamic thought. He sought to defend the state against the perceived threat of Marxist ideas such as dogmatism, authoritarianism and domination by an economic determination. He was a lay religious thinker charged with deconstructing and neutralising the ideas of the Iranian left, reflecting the state's wish to eliminate the threat as well as remove the ideological challenge. He used Popper's thought and epistemology in order to break down the restrictive dogma of the Iranian left. Many of the critics achieved a better understanding and knowledge of Marxist thought, and the religious left adapted this. Very soon, the intellectual weapon was turned against the authoritarian Islamists, the other strong holders of dogma. Soroush and others were by the 1980s and 1990s writing harsh critiques of the dogmatism of the clergy, who claimed that the political authoritarianism and elitism were justified by theological authoritarianism. In addition to Soroush being articulate and literate, there were also a market and a media to transmit his ideas. He served the interests of the bourgeois republic because he helped Rafsanjani attack his more conservative opponents in the establishment. However, in his challenge to authoritarianism he was undermining Rafsanjani's own patrimonialism, argues Ansari. Soroush's writings were not only for a small intellectual elite; his views became important for the young people in the universities as well as the young *mullahs*. They agreed with Soroush that a legalistic religion was replacing the spirit of the faith. The Iranian people, politically disenfranchised, socially marginalised and under economic pressure, found out that they still had something to fight for. In the 1990s, the social tensions led to riots in several major urban centres. In the elite circles, there were severe divisions about the best course of action, with Rafsanjani and the *majlis* moving in different directions.¹¹⁵ I will introduce Soroush's main thoughts on religion and state in the following chapter.

By the 1990s, the disparity in wealth distribution was growing in an alarming rate, and disillusionment with the failure to address fundamental political reforms was growing. Rafsanjani and his supporters came to take the centre ground both, politically and ideologically, after being distrusted by the left, who wanted reforms which far exceeded Rafsanjani's intentions, and having to deal with the increasing authoritarianism of the conservative right, who rejected political liberalisation. This division in the elite became very clear in the run up to the 1996 elections for the fifth *majlis*. Many administrators and officials supportive of Rafsanjani wanted to establish an institutional framework for their political activities that were distinct from the Militant Clergy Association (*Jame'eh Ruhaniyyat-e*

¹¹⁵ Ibid., chapter 4.

Mobarez), which was becoming more right wing and to which Rafsanjani himself belonged. They founded the Servants of Iran's Construction (*Kargozaran-e Sazandegi*). Rafsanjani saw the Servants of Construction as a tool in his policy of divide and rule and as a help for him to be more independent of his mercantile allies; while the Servants saw themselves as a real political organisation with explicit aims. Rafsanjani argued that he would remain impartial in the forthcoming *majlis* election. When a separate list of nominated candidates was issued, the differences became apparent. While many of the left wanted to work with the Servants, as they were the only ones to challenge the right, there was a fear that the mercantile bourgeoisie would control the allowed pluralism. Several groups participated in the *majlis* elections, the interior ministry reported that some 80% of the electorate voted. Although they tried to manipulate the result, the "traditional right" lost their majority in the *majlis*.

During the period leading up to the presidential election of 1997, several newspapers were active in expressing the views of different political factions, demonstrating a new outspokenness in the Iranian society. Both the left and the right were concerned that Rafsanjani was seeking a third term as president, in contravention of the constitution; the former because such amendments to the constitution would affect its democratic parts and betray the revolutionary principles, the latter because Rafsanjani might monopolise the presidency and deny one of their own an opportunity. Ansari says that it is believed that Ayatollah Khamene'i intervened to deny Rafsanjani the chance of a third term. The left and the centre forces had to find a candidate to replace Rafsanjani, as the right and the political establishment supported the Speaker of the *majlis*, Ali Akbar Nateq Nuri. Although the right and Nuri seemed united and resolute in comparison to their opponents, who seemed idealistic but disorganised and with no candidate, the left and the centre had many advantages. They enjoyed support, financial and otherwise, from Rafsanjani and many bureaucrats and administrators within the government, they enjoyed philosophical and ideological cohesion, and their message of social justice and popular participation in government resonated with the public. For this to have a political effect, however, the left and the centre needed a candidate to challenge Nuri. The nominated candidate of the leftist political groups became the former minister of culture and now head of the National Library, Seyyid Mohammad Khatami (b. 1942). The Militant Clerics Society (*Majma-e Rohaniyun-e Mobarez*), the most prominent leftist faction, had nominated him. Very soon, most of the leftist groups and the Servants of Construction were backing Khatami.

They managed to get two more groups to support Khatami as well, the women voters and the student organisations.¹¹⁶

2.8 THE ELECTION OF KHATAMI

Khatami was one of the four candidates remaining after the vetting procedure was finished. What proved to be his strength, and allowed him to stand in the first place, was that his opponents believed he did not possess any political abilities. Ansari argues: “*Indeed, it would be fair to say that until February 2000, when the reformists finally captured the Majlis, few on the right took either Khatami or the reformist movement seriously at all.*”¹¹⁷ Khatami had been minister of culture from 1982 to 1992 in the first Rafsanjani administration. He was an intellectual who appealed to the students and the press. His political experience was extensive, and as a *seyyid*, descendant of the Prophet, he appealed to traditional voters. Khatami’s campaign revolved around several principles that constituted key elements of the myth of political emancipation, and he wanted to communicate his message to the people. His campaign was ideologically relevant and logical. A central principle was the implementation of the rule of law, which again would result in the expansion of social justice. Khatami’s central philosophy, reflected in Soroush’s writings, was that freedom and religion should work in harmony, and that conflict would result in defeat for the latter. Ansari argues:

While some, including undoubtedly Rafsanjani, recognized that there was a “popular” dimension to politics which had to be considered, few appreciated how far it was driving the political agenda or realized that, far from being passive, it was, principally through student and media agitation, becoming an increasingly active agent for change. The political revolution of the late 1970s was now transforming itself into a social phenomenon of peculiar potency. To recognize and understand this was to harness it; to fight it was to find yourself constantly frustrated. The reformists seized upon this “higher universal” and made it their own end.¹¹⁸

The supporters of Khatami came to be known as the reformists. Khatami’s victory on 23 May 1997 (Second Khordad) was dramatic and unexpected. Polling day became the test of the level of political consciousness, argues Ansari. About 70%, 20 million people had voted for Khatami. The reformists now had to institutionalise their victory, but first deconstruct the mercantile bourgeois republic.¹¹⁹

¹¹⁶ Ibid., chapter 5.

¹¹⁷ Ibid., p. 94.

¹¹⁸ Ibid., p. 101.

¹¹⁹ Ibid., chapter 5.

2.9 INSTITUTIONALISATION OF THE REFORMIST'S POWER

There were still concerns with regard to Khatami's abilities and the conservative's willingness to give up power, as well as a fatalistic attitude of fear of what the conservatives might do, and a belief in the unchanging nature of things, claims Ansari. It was encouraged by an alliance of conservatives, exiled opposition groups and foreign commentators, who did not want to admit the truth: that such social changes could happen in a fundamentalist country. Despite criticism of Khatami's achievements, Ansari claims that changes have happened. The reformists saw the Islamic Revolution as the third important attempt of the century to achieve political emancipation, stability and democratic order. They did not separate it from the movements that had preceded it in the twentieth century, namely the Constitutional Revolution of 1906, and the efforts of Dr Mossaddeq in 1951-53, whom the reformists regarded as a democratic hero undermined by foreign allies and their conservative allies in Iran. One aspect of the Islamic Revolution that the reformists rejected, however, was the authoritarian aspect and its offspring, the mercantile bourgeois republic. They believed the opportunity to institutionalise popular participation was missed during the first decade of the revolution, as the authoritarians exploited the situation of the war with Iraq. Ayatollah Khomeini is seen as a source of legitimacy by many reformists and the construction of the bourgeois republic as a betrayal of his legacy. The reformists have quoted Khomeini more than the conservatives in defence for their cause. Ansari argues:

For the reformists, then, the victory of Mohammad Khatami heralded in essence a return to the original aims of the Islamic Revolution, which had to be situated within the context of successive political development, and these now had to be consolidated, institutionalized and extended. This latter point is extremely important, because, as some argued, while the change of regime may have spelt a return to the "spirit of 79," the social and intellectual changes realized politically in the election of Khatami also constituted an extension of those early aims- a social fulfilment of political aspirations and as such a political phenomenon in its own right.¹²⁰

Ansari argues that the first Khatami administration had substantive gains in both ideological and political development. He argues: "*Thus, in assessing the achievements and failures of the Khatami administration and the reformists, it must first be recognized that they are principally involved in what may be termed a hegemonic contest in which the bourgeois republic is dismantled and replaced with an Islamic democracy.*"¹²¹ Briefly mentioned, their main policies are: political rationalisation as a prerequisite to economic development; the institutionalisation of civil society; the enhancement of the *majlis*; consolidating popular participation, decentralisation, depersonalisation; religion as the servant of democracy;

¹²⁰ Ibid., pp. 113-114.

¹²¹ Ibid., p. 114.

economic restructuring and reintegration into global society. The dominant slogan has been the implementation of the constitution.

The conservatives' hopes were pinned on the state of the economy; they counted on this being the sphere where they could show strength, as they had access to capital. However, they lacked a coherent and distinct economic policy. Ansari argues: "*While there was undoubtedly an element of ideological conviction motivating the conservatives, it is remarkable how fragile it was and continues to be.*"¹²² Ansari argues that the reformists' willingness to redefine the terms of political discourse confused the conservatives. Khatami emphasised the importance of political development, inclusive of all people and pluralism. Two events that were to put Khatami into the international arena were the transfer to Iran of the presidency of the Islamic Conference Organisation and the hosting of a conference in Tehran in December 1997; these signalled Iran's return to at least regional, if not international, respectability, and gave rise to Khatami's interview with Christianne Amanpour on CNN. The Islamic Conference Organisation was a perfect arena for Khatami to articulate his vision of the Islamic world and its position in the international system. His concept of "dialogue of civilizations" was an appropriation of a discourse familiar in Western intellectual and policy circles. Khatami used the international media to communicate with the USA. Ansari argues: "*In drawing this interesting analogy between the democratic experience in the United States and the reformist aspiration in Iran, Khatami was seeking nothing less than an ideological revolution to underpin and prepare for a diplomatic revolution.*"¹²³ Khatami visited the United Nations General Assembly in September 1998, and CNN decided to broadcast his speeches live. Khatami's plan at home and his ability to communicate his ideas abroad made him a figure of international importance in a short time. Ansari argues: "*However, on the whole Khatami succeeded in transforming the international conception of Iran from a 'rogue nation,' an anomaly rejecting the perceived norms of international behaviour, to a state struggling to reconcile itself with modernity and determined to pursue democratization.*"¹²⁴ Abdolkarim Soroush laid the intellectual justification for the debt to Western civilisation of what came to be the reform movement of Iran. Ansari (2003) argues that the Reform Movement (the Second Khordad Movement) is the ideological successor to the 1906

¹²² Ibid., p. 120.

¹²³ Ibid., p. 136.

¹²⁴ Ibid., p. 139.

Constitutional Movement and the National Front of the early 1960s. It grew in strength during the Rafsanjani administration and came of age with Khatami's election in 1997.¹²⁵

2.10 THE REFORM MOVEMENT

The reform movement reopened the question of the fundamental principles of order in the Islamic Republic for the first time since 1979.¹²⁶ Members include students, journalists, lay and religious intellectuals, and members of the government. Its remit was to fulfil the political promise of the Islamic Revolution. It originated in the Islamic Left, and the movement sought "Iran for Iranians" complete with civil rights, the rule of law, and the establishment of Islamic democracy.¹²⁷ Besides Soroush being its leading figure, members also include some clerics as well as Khatami himself. These clerical reformists shared with Soroush, as a lay intellectual, an interest in philosophy and rational theology, which they used as a tool for reconstructing religious thought.¹²⁸ Ansari argues that the concept of Islamic democracy was an intellectual synthesis between Western democratic norms and a redefined (Iranian) Islam drawing on Islam's philosophical rather than juridical roots.¹²⁹ Its model for change derived from the reform process that characterised 19th century Britain, while its model for religious democracy came from the United States as defined by Alexis de Tocqueville, who argued that the secular condition of the American democratic state was held together by the reality of a religious society. Ansari argues that secularism began to take hold among the politically aware public:

Indeed, reformists argued that secularism would enhance religion through the liberation of criticism because "a single examined faith is nobler than a thousand imitated, shaky, and weak beliefs." A society revitalised by such a reinvigorated faith would inevitably produce a religious government. This in essence is the meaning of Islamic democracy in Iran.¹³⁰

The reformist administration was determined to develop Iranian political consciousness and socialise the idea of democracy, argues Ansari. Khatami was the product of the Reform Movement, and its leader, but he did not define it.¹³¹ This is important because it implies that the movement will continue to work for reform even though Khatami is no longer the Iranian president.

¹²⁵ Ansari, "Continuous Regime Change from Within."

¹²⁶ Arjomand, "The Reform Movement."

¹²⁷ Ansari, "Continuous Regime Change from Within."

¹²⁸ Arjomand, "The Reform Movement."

¹²⁹ Ansari, "Continuous Regime Change from Within," p. 60.

¹³⁰ *Ibid.*, p. 61.

¹³¹ *Ibid.*, "Continuous Regime Change from Within."

2.11 THE DIALECTICS OF REFORM

Ansari (2000) argues that political and social weaknesses and a failure to manage change were the reasons for the failure of Khatami to develop politically. This resulted in defeat for democratic and popular experiments. He argues: “*There is therefore a reciprocal dialectic at work: not only must the state be virtuous, but society must be politically mature and responsible.*”¹³² Khatami emphasised in his speech at the Islamic Conference Organization, in December 1997, that civil society *is not a treasure to be acquired overnight*¹³³ and that thinkers and scholars are important to the fulfilment of this project. Soroush was given particular prominence in the press on the nature of human rights, the implications for religion in society, and criticism of the selective manner in which the conservatives applied the law. The reformists tried to challenge the institutional strength of the conservatives in addition to their ideological challenge, and there was a dialectic period of reform and reaction from the conservatives. Khatami did not inherit a healthy economy; inflation was high, unemployment was growing, and there was a need for investment and privatisation. Political pluralism was necessary for economic liberalisation.¹³⁴

When a series of brutal murders of political dissidents and writers occurred in November 1998, suspicions turned to various government organisations, especially the Revolutionary Guards and the Ministry of Intelligence. The aim was to terrorise the intellectual community and the ideology of the reformist movement. However, President Khatami and the government were determined to understand the crimes and the press was speculating, analysing and accusing. The government confirmed what many had suspected, that the Ministry of Intelligence had been behind the murders. While the conservatives continued to distance themselves from the murders, the reformists used the press to discredit the conservative establishment, by characterising them as the central part of a corrupt and disreputable system. Ansari writes: “*In short, the conservatives were being characterized as the rotten core of a corrupt and disreputable system, and the Iranian public, who had never seen quite the like of this before, lapped it all up.*”¹³⁵ Ansari argues that the “chain murders” in November 1998 show the dialectical nature of the reform process in Iran, in which Khatami was able to turn a tense situation to his advantage and move the reform process forward. The new aspect of this incident was the social response it created, proving the growth of political

¹³² Ansari, *Iran, Islam, and Democracy*, p. 143.

¹³³ *Ibid.*, p. 147.

¹³⁴ *Ibid.*, chapter 7.

¹³⁵ *Ibid.*, p. 180.

consciousness that had occurred in the last years. With the increasing media coverage after 1997, the nature of the conspiracy was uncovered, and the revelations threatened to undermine the mercantile bourgeoisie and the whole Islamic Republic.

The conservatives tried to use their power and influence to re-establish and reinforce their authority, but this often resulted in a reduction of their authority and an increase in social challenges and protests. A cycle of repression and protest emerged, where the student movement and other disaffected groups in society made clear the strength of the social revolution that had taken place. Khatami encouraged his followers to use proper legal channels to achieve their aims, with respect to the election campaign for the sixth *majlis* in February 2000. To achieve control of the *majlis* was a goal for the reformists and was important for two reasons, it would confirm the popular nature of the reformist movement and the reputation of Khatami, and it would enable the reformists to seize the initiative with respect to legislation. The conservatives decided to emphasise the importance of economic over political issues. Ansari argues that much of the success of the reformists was due to their appeal to religious nationalism, which reflected the resurgence of nationalism throughout society. The election victory was striking, with the reformists winning 189 out of 290 seats in February 2000. The reformists did well in the second round too, and the sixth *majlis* convened on 27 May.¹³⁶ I believe Ansari's description of the dialectical process of reform and reaction in the period after the presidential election of 1997 is illustrative of the process still going on in Iran. While Khatami won the presidential election of 2001 as well, the conservatives took majority control of the *majlis* in February 2004.¹³⁷ The conservative candidate, Mahmoud Ahmadinejad, won the presidential election in May 2005. The reform process is not straightforward, but is a continuous struggle for power between reformists and conservatives.

¹³⁶ Ibid., chapter 8.

¹³⁷ Farhad Khosrokhavar, "The New Conservatives Take a Turn" [online], *Middle East Report*.

3.0 THE BACKGROUND OF ABDOLKARIM SORUSH AND AN OUTLINE OF HIS MAIN THOUGHTS



Soroush started his public career as a high-ranking ideologue in the Islamic Republic. According to Mahmoud and Ahmad Sadri, he has emerged as the regime’s “enfant terrible” and as its “bête noire” in the last decade because of his criticism of the theological, philosophical, and political underpinnings of the Iranian regime. He belongs to the genre of religious intellectuals, and because of his solid grounding in both traditional and modern learning, the clerical establishment cannot ignore him. His main work is entitled *The Hermeneutical Expansion and Contraction of the Theory of Shari’ah*. It evaluates the Islamic *shari’a* in the light of insights gathered from the fields of jurisprudence, history of ideas, hermeneutics, epistemology, philosophy of science, and sociology of knowledge.¹³⁸

3.1 A BRIEF SUMMARY OF SORUSH’S LIFE AND THE MOST IMPORTANT INFLUENCES IN HIS LIFE

Abdolkarim Soroush is a pseudonym for Hossein Dabbagh, who was born in 1945 in Tehran.¹³⁹ He attended Alavi High School, a private institution dedicated to the dissemination of religious ideas. Soroush was interested in poetry at an early age and wrote some himself, in

¹³⁸ Mahmoud Sadri and Ahmad Sadri, in the introduction to *Reason, Freedom and Democracy in Islam*.

¹³⁹ From “A biography of Abdolkarim Soroush” [online], partial biography presented in Erasmus Prize.

addition to reading the works of others. At Alavi High School, Soroush had a principal, Mr. Reza Rouzbeh, who was dedicated to reconciling religion and science. Soroush attended this man's extracurricular lessons on the exegesis of the Qur'an, where he tried to derive scientific principles from religious texts. This led him to an early interest in the relationship between religion and science.¹⁴⁰ Soroush studied pharmacy after passing the National Entrance Exams of Iran. After completing his degree, he went to London to continue his studies and to become familiar with the modern world. He graduated in analytical chemistry from the graduate school at London, and continued studying history and philosophy of science at Chelsea College. The confrontation between the people of Iran and the Shah grew during these years and Soroush became active in political gatherings in England.¹⁴¹ When he attended the University of Tehran, he had private lessons with a student of Mr. Morteza Motahhari (1920-1979), the famous Islamic philosopher. It was during these lessons that Soroush became interested in the relationship between religion and philosophy. Soroush says that politics became an important matter for the university students with the rise of political upheaval in Iran around 1964. His attention was first drawn to the relationship between religion and politics when he saw religious groups gain popularity in opposition to the authoritarian regime of the shah, especially because he had been taught at school to avoid politics. During these years he also studied Marxist and leftist thought. Soroush mentions two important incidents for him in his college years. One was when he entered a religious organisation called *Anjoman-e Hojatiyyeh*. He says:

The aim of this group was to face the theological challenge of the Baha'i faith. [...] The emphasis of this group on Shi'ism in general and on relatively obscure and esoteric aspects of this religion in particular was intriguing to me.¹⁴²

He mentions that his involvement with the group was brief, as he found its goals not entirely scientific, and he did not relish certain encounters that it required. The second one was the meeting with a group that called themselves the *Qur'anic Moslems*, who claimed to hold a literal interpretation of the Qur'an. He attended their Qur'an study sessions and became familiar with their arguments, positions, tracts and texts. Soroush says that these were brief experiences, which nevertheless left their mark on his religious and intellectual sensibilities. Mehdi Bazargan (1907-1995) and Ali Shariati were contemporary Iranian thinkers that greatly influenced Soroush as well. Based on his study of different interpretations of the Qur'an,

¹⁴⁰ Soroush, chapter 1, "Intellectual Autobiography. An Interview," in *Reason, Freedom and Democracy in Islam*.

¹⁴¹ "Biography of Abdolkarim Soroush" [online].

¹⁴² Soroush, chapter 1, "Intellectual Autobiography. An Interview," in *Reason, Freedom and Democracy in Islam*, p. 5.

Soroush began reflecting on the mystery of the differences of opinion in the exegesis of religious texts. He developed his thesis on the contraction and expansion of religious knowledge based on this, where he tries to answer the question why different interpreters disagree on the meaning of a given text. Mahmoud and Ahmad Sadri believe there is an interesting parallel here to the hermeneutical theory in the West, which can be traced to various interpretations of the Bible. They argue: “*It looks like, even before coming into contact with the Western hermeneutics, you had independently arrived at a parallel position, that is, the question what causes different interpretations of a sacred text and what are the conditions for arriving at an authentic interpretation of it.*”¹⁴³ Soroush mentions that he took with him four books on his trip to England for postgraduate work, illustrating the major influences on his thought at that time: Mulla Sadra’s (Sadr al-Din Shirazi) (d. 1637) *Asfar al-arba’eh*; Feiz Kashani’s (d. 1680) *Mahajat al-beiza’*; Khajeh Shamseddin Mohammad Hafiz-s Shirazi’s (d. 1389) *Divan*; and Mowlana Jalaluddin Rumi’s (d. 1273) *Mathnavi*. He discovered Feiz Kashani’s *Mahajat al-beiza’* during his university years; this is a Shi’ite restatement of Al-Ghazzali’s *Ihya’ al-‘ulum*, he says. It was through this book he was exposed to the ideas of Imam Mohammad al-Ghazzali (d. 1111).¹⁴⁴

Soroush says that, when he entered the field of philosophy and history of science after he had spent a year in England working towards a postgraduate degree in analytical chemistry, this marked a watershed in his intellectual career. He had always been preoccupied with these questions. He says that philosophy of science deals with the foundations of modern science, and the curriculum included epistemology, classical philosophy, and modern philosophy. Mathematical logic was one of the main components of his education, and all these subjects represented new disciplines to him. The philosophy of science was a true revelation to him; it opened up new horizons and marked a significant turning point in his intellectual development. He was particularly preoccupied with the relationship between science and metaphysics. During his academic studies, Soroush was involved in two more activities, he explains. One was rereading the works of Rumi, whose approach Soroush was starting to question, and whose arguments he found strange or incredible. The other one had to do with the intensifying political struggle in Iran. This was around 1973 and 1974. He participated in meetings in the Islamic student associations, where they studied Shariati’s books.

¹⁴³ Ibid., p. 7.

¹⁴⁴ Ibid., p. 8.

After Soroush's return to Iran in September 1979, right after the revolution, he was appointed to the chair of the Department of Islamic Culture in Tehran's Teacher's College. He was a member of the Advisory Council on the Cultural Revolution for four years, directly appointed by Khomeini and charged with reopening the universities. He resigned when it merged into the headquarters of the Cultural Revolution; he no longer saw a role for himself there. He then resigned from Teacher's College and became a member of the Academy of Philosophy and the Research Centre for Humanities and Social Sciences. When he started to teach philosophy of natural and social sciences, he was exploring modern theology and the relationship between humanity, science and religion as well. Soroush started to approach the problem of the conflict between religion and science in particular, and the nature of religious understanding in general. He says:

The main idea was that the world of ideas and opinions constitutes a game, and it is the very nature of this game, rather than its outcome, that is valuable. Competition, cooperation, dialogues, and bickering among scientists advance the procession, the process of science. Therefore, although scientists seek to develop their own theories and advance their own careers, they carry science on their collective shoulders, like an independent entity. [...] This insight led me to distinguish science as a system of ideas from science as a collective and objective activity. Observing scientific debates convinced me that the world of ideas is a world of dialogue.¹⁴⁵

His main effort, he says, was to establish that social sciences and humanities are as important and valuable as the natural sciences, as he believed the future of the country depended on people who were trained in these disciplines. He wanted to generalise this concept of competition to religiosity, and entered the domain of the philosophy of religion with an understanding of the philosophy of science.

Soroush says that there are four preliminary conditions for his interest in the philosophy of religion. The first one is his self-taught knowledge of the exegeses of the Qur'an, as these studies motivated him to question why various scholars arrive at different interpretations of the sacred text. The second is his familiarity with the works of mystics and politicians, as the former argued that the world is an impermanent domain to be abandoned in favour of an inner journey, with religion being the methodology of such a journey, and the latter ones extracted their political doctrines from religion. Soroush's encounter with the scientific interpretations of religion also contributed to his interest in the philosophy of religion, and last, his understanding of the nature of science as a competitive and collective process; his application of this view of scientific knowledge to religious knowledge contributed to his interest in the

¹⁴⁵ Ibid., p. 13.

philosophy of religion. Soroush says that he was meeting with colleagues who were mostly university professors around this time, and it was in one of those sessions that he first formulated twenty theses on the nature of religion, which emerged as his contraction and expansion thesis. He says: “*I remember the first thesis went roughly something like this: Religiosity is people’s understanding of religion just as science is their understanding of nature.*”¹⁴⁶ Religion is a kind of human knowledge that is subject to the collectivity and competitiveness of the human soul, he believes. There is no change in religion itself, Soroush argues, but change exists and should be recognised:

This thesis poses the question whether there is such a thing as religious knowledge with a collective nature; my answer is affirmative. The contention is, then, that this form of knowledge is, like other forms of knowledge, subject to all the attributes of knowledge. It is human, fallible, evolving, and most important of all, it is constantly in the process of exchange with other forms of knowledge. As such, its inevitable transformations mirror the transformation of science and other domains of human knowledge.¹⁴⁷

This was around 1982 or 1983. Modern theology is by its very nature, he believes, in constant renewal, which highlights the relationship of modern theology to other sciences as well. Soroush came to the realisation that religion is people’s understanding of divinity, just as science is people’s understanding of nature. Soroush says that he found fear-based mysticism in Al-Ghazzali’s works; in Rumi’s works, he found love-based mysticism, and in Hafiz’s pleasure-based mysticism, and he gradually realised that these are different understandings of religiosity and divinity. There is such a thing as individual religion based on personal experiences, whose teacher is Rumi, Soroush says; there is such a thing as a collective religion, which is what the *shari’a* and *fiqh* teach, and is the domain of Al-Ghazzali. Soroush says that the collective characteristic of religion and the strength of its influence on social life became more obvious to him after the revolution. He interrogated the thought of Dr. Shariati and his ideologisation of religion, which Soroush contrasted to the pluralism that was a requirement as well as an outcome of the thesis of contraction and expansion. “*As a result,*” he says, “*I have arrived at the conclusion that ideologisation of religion binds it to a single interpretation and generates a class of ‘official’ interpreters; a conclusion inimical both to Shari’ati’s intent and to my own thesis of contraction and expansion.*”¹⁴⁸ In 1984, Soroush began teaching courses in philosophy of religion, comparative philosophy, and mysticism to both university students in Tehran and *hawzeh* students in Qom. In 1988, he started a series of weekly lectures in Imam Sadeq Mosque in north Tehran, on *Nahj ol-*

¹⁴⁶ Ibid., p. 15.

¹⁴⁷ Ibid., p. 16.

¹⁴⁸ Ibid., p. 18.

Balagheh (the collection of Imam Ali's sermons and *hadith*). By 1994, when his lectures were suspended, Soroush had achieved a large following among the students, who found his ideas appealing. Members of the *Ansar-e Hezbollah* started to disrupt his public debates in 1995. Most of Soroush's writings are edited texts of public lectures, delivered in a variety of forums. Ziba Mir-Hosseini argues that, up until 1983, they mostly constitute a critique of the leftist ideologies espoused by Iranian intellectuals and groups then politically active. After 1983, his writings concern themes in philosophy and epistemology.¹⁴⁹ Two articles, originally published in *Kiyan*, that have created great debate, are "Gallantry and the Clergy" and "The Roof of Livelihood on the Pillar of Religion," says Soroush. He wrote these articles because he realised that there was a gap in his writings concerning the role of the bearers of religion, the clergy. Here he stated that the clergy are not defined by their erudition or their virtue, but by their dependency on religion for their livelihood. The argument was not met well by the clergy in Iran. After he published the articles on contraction and expansion in *Keyhan Farhangi*, a fascistic group took over some cultural institutions, including certain newspapers, and put an end to that journal. Some of the managers of that journal launched *Kiyan*, where he continued to publish his work. This journal has met with critical acclaim and wide readership and has allowed him to keep in touch with students and intellectuals throughout Iran, he says.¹⁵⁰ From the year 2000 onwards Soroush has been a Visiting Professor in Harvard University teaching Islam and Democracy, Qur'anic Studies and Philosophy of Islamic Law. Also a scholar in residence in Yale University, he taught Islamic Political Philosophy at Princeton University in the 2002-2003 academic year. For 2003-2004, he will be a visiting scholar in the Wissenschaftskolleg in Berlin.¹⁵¹ Soroush presently lives in Berlin and is unable to travel to his homeland after the presidential election of 2005.¹⁵²

3.2 SORUSH'S CRITIQUE OF IDEOLOGY

I will briefly outline some of Soroush's main thoughts here, in order to discuss these profoundly in the following chapter. A striking feature of the contemporary Muslim world is the emergence and power of Islamic political ideology. Soroush defines ideology as a social

¹⁴⁹ Ziba Mir-Hosseini, chapter 7, "Challenges and Complicities: Abdolkarim Soroush and Gender," in *Islam and Gender. The Religious Debate in Contemporary Iran* (London, New York: I.B.Tauris Publishers, 2000), (hereafter referred to as "Challenges and Complicities"). Mir-Hosseini is an independent consultant, researcher and writer on Middle Eastern issues, specialising in gender, family relations, Islam, law and development (www.iis.ac.uk).

¹⁵⁰ Soroush, chapter 1, "Intellectual Autobiography. An Interview," in *Reason, Freedom and Democracy in Islam*.

¹⁵¹ "Biography of Abdolkarim Soroush" [online].

¹⁵² According to Kari Vogt.

and political instrument used to determine and direct public behaviour. Ideologies provide the world with an interpretation that is easily comprehensible for the public, and its particular ideological ends are generally defined in opposition to a competing ideology. Valla Vakili explains Soroush's opposition to ideology as follows:

In situating itself in opposition to a particular rival, and interpreting the world based on this rivalry, religious ideology reduces the complexity of religion to a fixed ideological worldview. According to Soroush, it is impossible at any time to defend one understanding of Islam as definitive. All understandings change over time. But to transform religion into an ideology is to cast it in a definitive, unchanging mold. This replaces religion with an ideological version of it, for the permanence of religion is now ascribed to the religious ideology. The use of religion as a political tool also subordinates the depth and complexity of religious understandings to the imperatives of a temporary political struggle.¹⁵³

Soroush's critique of ideology can be said to fit contemporary Iran. The Iranian state has one official ideology that is sustained by the ruling clergy. They see their understanding as the correct one and do not allow room for other interpretations, but view these as harmful. Soroush criticises the clergy and the religious seminaries for turning religion into an ideology. According to Vakili, Soroush believes a religious society must avoid being transformed into an ideological one. He makes clear the difference between an ideological society and a religious one; in an ideological society, the government ideologises the society, whereas in a religious society the society makes the government religious. In an ideological society, an official interpretation of ideology prevails, while in a religious one, there are prevailing interpretations, but no official ones. To Soroush, religion is more comprehensive than ideology, and people should try to have an understanding that includes and exceeds the values enshrined in ideology. Vakili sites Soroush saying: "*In a religious society, no personality and no fatwa is beyond criticism,*" in addition to "*And no understanding of religion is considered the final or most complete understanding.*"¹⁵⁴ Soroush's rejection of ideology leads to his wish to separate religion from state, as a unification of these might lead to use of religion as an ideology. He wants a separation of religion and state for the sake of both. Soroush recognises that one of the problems of a religious society is the danger of relying on one single source for all society's needs. These issues achieved his attention after the Islamic Revolution and encouraged him to enter the arena of social criticism. He says: "*I have observed that if we can reconcile Islam with revolution, why not reconcile it with human*

¹⁵³ Valla Vakili, "Abdolkarim Soroush and Critical Discourse in Iran," in *Makers of Contemporary Islam*, edited by John L. Esposito and John O. Voll, pp. 150-176 (New York: Oxford University Press, 2001), p. 156, (hereafter referred to as "Critical Discourse in Iran"). Vakili belongs to the Council on Foreign Relations, according to selected references in *Reason, Freedom, and Democracy*.

¹⁵⁴ Vakili, "Critical Discourse in Iran," p. 158.

*rights, democracy, and liberty?”*¹⁵⁵ Soroush believes that extrareligious ideas are authentic and autonomously significant and that they affect the understanding of religion itself. He attributes the development of his ideas to the advent of the Islamic Revolution of Iran, the spread of a religious way of life and thought in society, and the claim of the government to being Islamic. Soroush thinks that the Islamic government in the Iranian society is a government without theory and doctrine. He believes there is a need for building theoretical foundations, and that the theoretical vacuum in the case of Iran stretches throughout the Islamic world. Soroush believes Muslims have local problems and universal problems, which are the problems of humanity as a whole. Some problems that have turned into global problems are peace, human rights, women’s rights and environmental problems. He wants an interfaith dialogue on these issues.¹⁵⁶ Soroush dismisses any form of official Islamic political ideology on the basis that no understanding of Islam is final or complete. He calls for the abandonment of Islamic ideology altogether, arguing that it hinders the growth of religious knowledge.¹⁵⁷

3.3 SORUSH ON THE MODERN HUMAN BEING

Soroush argues that modern humankind is profoundly and fundamentally different from its ancestors; this difference he believes is evident in the realm of ideas and worldviews as well as in action and life. Soroush argues: “*Modern humankind is no longer satisfied with an interpretation of the world.*”¹⁵⁸ It does not consider anything final or immutable and believes it should use all its abilities to transform the world. In contrast, traditional humanity saw everything as settled and predetermined, and it was not possible or desirable to change the world. Modern humankind has assumed the role of an aggressive and active agent in the world. He argues: “*Modern humanity aims to create the world in its own image rather than accepting it as it is.*”¹⁵⁹ Modern humanity, due to its new worldview, has forged a new relationship with religion. Soroush argues: “*If we are mired in theoretical and practical difficulties today, it is because we have gradually and materially advanced toward the*

¹⁵⁵ Soroush, chapter 1, “Intellectual Autobiography. An Interview,” in *Reason, Freedom and Democracy in Islam*, p. 22.

¹⁵⁶ Ibid., chapter 1, “Intellectual Autobiography. An Interview.”

¹⁵⁷ Vakili, “Critical Discourse in Iran.”

¹⁵⁸ Soroush, chapter 4, “The Sense and Essence of Secularism,” in *Reason, Freedom and Democracy in Islam*, p. 54.

¹⁵⁹ Ibid., p. 55.

modern epoch, while our thoughts have lagged behind."¹⁶⁰ He believes everything about the modern world invites humankind to abandon past perspectives of themselves and the world:

The contrast between modernity and tradition does not end here: a modern person is critical and demanding (not placid and inert), in search of change (not merely of understanding), in favor of revolution (not just reform), active (not passive), at home with scepticism and anxiety (not certitude), interested in clarity and causality (not bewilderment and enchantment), prone to pride and joy (not sorrow of separation), mindful of life (not death), in pursuit of rights (not duties), sponsor of creative (not imitative) art, oriented to the external (not just the internal) world, a lover (not a despiser) of life, an intervener in (not merely a user of) the world, a user of reason in the service of criticism (not just for understanding). Modern humanity is, in a word, oblivious to its limits and proud of its creative possibilities.¹⁶¹

This is Soroush's understanding of the modern world, and it is with this perspective he reflects the relationship between state and religion in the contemporary world. Because of the change of the humans' roles in the modern world, the role of religion in the modern world necessarily has changed as well. As religion has a fixed worldview of how the world works, it will therefore assume a new relationship to modern human beings. Because of this, Soroush believes the thoughts of humankind have to develop along with the modern world; this is the way to solve theoretical and practical problems of the modern world. What Soroush argues is that the modern human being is more critical and demanding, and not willing to accept the world as it is, but to play an active role in it. Farzin Vahdat argues that, to this subjectivist epistemology, Soroush adds a hermeneutic element and analogises the external world to a text in need of interpretation. To Soroush, no text reveals its meaning; one has to read the meaning in the text. The observer must know the language of the world to read and understand, and science and philosophy teach us this language, which is in constant transformation. Soroush argues that our understanding of the world is necessarily historical as well, because social and human institutions are fluid; one can only observe them when one is present and watches them. Soroush applies this subjectivist approach to knowledge, to our understanding of religion, and sacred data.¹⁶² Soroush argues that all history is contemporary history: "*Historians are forced to look at historical events from the standpoint of their own place in history.*"¹⁶³ What Soroush argues is that new understanding has to be applied to the understanding of this changing world according to the knowledge available at the time.

¹⁶⁰ Ibid., p. 56.

¹⁶¹ Ibid., p. 56.

¹⁶² Farzin Vahdat, "Post-Revolutionary Islamic Discourses on Modernity in Iran: Expansion and Contraction of Human Subjectivity," *International Journal of Middle Eastern Studies*, Vol. 35 (2003): pp. 599-631, (hereafter referred to as Expansion and Contraction of Human Subjectivity). Vahdat is a sociologist interested in critical theory and the development of modernity in the West and the Middle East. He teaches social studies at Harvard University (www.iis.ac.uk).

¹⁶³ Soroush, chapter 12, "Let Us Learn from History," in *Reason, Freedom, and Democracy in Islam*, p. 186.

3.4 THE THEORY OF THE CONTRACTION AND EXPANSION OF RELIGIOUS KNOWLEDGE

Soroush's argument is that Islam as religion should be distinguished from those who interpret it; much which was handed down through generations as faith was in fact human interpretations and subject to human failures. Ansari argues: "*This was, in effect, the application of critical hermeneutic philosophy to Shi'a theology.*"¹⁶⁴ Shi'i Islam contains the principle of *ijtihad*, and the first Imam, Ali, had urged the faithful to interpret the scriptures in accordance with their own age. Soroush argues that a contraction of knowledge had occurred during the past centuries and a restriction within narrow, dogmatic limitations. This is reflected by development of a formal *ulama*, whose organisation and rituals encourage consensus and the stagnation of creative, innovative thought that emerged during periods of what Soroush calls expansion. The Islamic Revolution was a time of expansion, while recent developments show a contraction resisting this trend, and for the safety of religion this must be addressed. The current resistance to expansion, argued Soroush, had more to do with power than religion.¹⁶⁵ The concepts of contraction and expansion are concepts derived from the Qur'an, and they have been used by mystiques like Rumi¹⁶⁶. His theory reconciles eternity and temporality:

That which remains constant is religion [*din*]; that which undergoes change is religious knowledge and insight [*ma' refat-e dini*] (...) Religion is in no need of reconstruction and completion. Religious knowledge and insight that is human and incomplete, however, is in constant need of reconstruction.¹⁶⁷

This is the essential content of Soroush's central theory. He believes it is crucial to understand this distinction in order to confront and resolve many of the problems connected to religion in the modern world. This is the way that religion can remain important at every time in world history; it has to be reinterpreted every age by the people of that time. There exist at all times changing worldviews, and our understanding of religion has to develop along with our understanding of the rest of the world. Soroush argues: "*Islam is nothing but a series of interpretations of Islam.*"¹⁶⁸ He believes the theory applies to every religion, not just Islam, and claims he always follows this theory¹⁶⁹. Soroush argues:

¹⁶⁴ Ansari, *Iran, Islam, and Democracy*, p. 71.

¹⁶⁵ *Ibid.*, chapter 4.

¹⁶⁶ According to Kari Vogt.

¹⁶⁷ Soroush, chapter 2, "Islamic Revival and Reform. Theological Approaches," in *Reason, Freedom, and Democracy in Islam*, p. 31.

¹⁶⁸ From Soroush's lecture "Islam and the Concept of Secularity" [online], at the Catholic University of America (Monday, May 10, 2004, 11:55 AM to 1:45 PM).

¹⁶⁹ *Ibid.*

Revivalists, who are emphatic philosophers of religion, do not replace religion with their understanding of it. They simply replace one understanding of religion with another. While accepting the eternal nature of the Qur'an and the Tradition, the revivalists refresh and complement our knowledge of them. That which remains constant is the religion; that which undergoes changes is religious understanding. Eternity and temporality are thus reconciled; heaven and earth are reunited in a kind embrace; and constant, eternal religion begets changing and evolving religious knowledge. In this way the mystery of the inexhaustible nature of the interpretations of divine revelation, the mechanism of that interpretation, and the relationship between reason (that is, rational deliberations), human knowledge, and religion is solved.¹⁷⁰

What Soroush says is that revivalists add their human knowledge when interpreting the Qur'an and the Sunna; they are not trying to replace their sacred sources with their understanding of them, but interpret them according to their own understanding at that time to refresh and complement them. Soroush believes this is how human reason is reconciled with what Soroush sees as the eternal message of religion. Soroush stresses the point that as human knowledge changes over time, so does religious knowledge need to change accordingly, like other sciences, to be in harmony with the modern world:

We are but a step away from acknowledging that the temporal nature of religious knowledge, a universally applicable precept, has no other meaning than the synchronisation and adaption of this branch of human knowledge with the sciences and needs of each age. A transformation in the mode of knowledge and life of humanity is the remote cause of a transformation of religious knowledge.¹⁷¹

There is a close relationship between the modern view of humans and our knowledge of nature, epistemology, and religious knowledge. Vahdat argues: "*As a result, the style of religiosity is different in each epoch, and religious knowledge is subject to 'contraction and expansion' in different individuals and different periods, depending on the changes in human branches of knowledge of the time.*"¹⁷² Muslims should meet the challenges of modernity with an attempt to reconcile their understanding of religion with changes in the outside world, not by an attempt to change their religion.

Religious knowledge changes and evolves over time, as more comprehensive understandings replace previous, more limited interpretations. Yet all interpretations are bound by the era in which a religious scholar lives and by the degree of advancement of the human sciences in general and religious studies in specific within this era. Moreover, it is impossible to study the Quran without certain presuppositions derived from outside the Quran. These presuppositions, determined by a scholar's intellectual worldview (understanding of the other human sciences), ensure that any understanding of religion is time-bound; for religious knowledge is created by the application of the "knowledge of the day" to the study of the core religious texts. Religion on the other hand, is eternal, and the relativity of religious knowledge does not entail the relativity of religion itself.¹⁷³

¹⁷⁰ Soroush, chapter 2, "Islamic Revival and Reform. Theological Approaches," in *Reason, Freedom, and Democracy in Islam*, p. 33.

¹⁷¹ Ibid., p. 32.

¹⁷² Vahdat, "Expansion and Contraction of Human Subjectivity," p. 615.

¹⁷³ Vakili, "Critical Discourse in Iran," p. 154.

The key to understanding the theory of the contraction and expansion of religious interpretation is in comprehending two major distinctions; the difference between religion and our understanding of religion, and the difference between personal knowledge of religion and religious knowledge. The aim of his theory is to explicate the process through which religion is understood and the manner in which this understanding undergoes change. Human beings are *sharihan* (interpreters of religion), not *sahri'an* (initiators of religion). While Soroush believes the last religion is already here, the last understanding of religion has not arrived yet. The theory of the contraction and expansion of religious understanding is a theological theory, as well as an interpretive-jurisprudential-philosophical theory.¹⁷⁴ Vakili argues:

Soroush's position is fundamentally one of caution: caution against confusing religion itself with the knowledge gained from the study of it. To avoid this error is to understand religious knowledge as a human construct that necessarily and constantly changes. Muslims can then "reconstruct" their religious *interpretations* in accordance with their changing understanding of the world.¹⁷⁵

Vakili argues: "*The theme that emerges most strongly here is Soroush's recasting of his work as a multipronged defense of pluralism.*"¹⁷⁶ He has defined the argument that no religious interpretation is final as an argument for pluralism, and against unified, non-changing forms of thought.¹⁷⁷ From a hermeneutical perspective, Soroush could write about the "expansion of Prophetic experience," the prophet as a human being with a human experience. Arjomand argues:

On this premise, not only the entire corpus of the sacred law, but also the very expression of the Islamic revelation in the Arabic language and the culture that grew around it, could consistently be established as historically "contingent" rather than "essential" features of religion.¹⁷⁸

According to Ahmad Sadri, Soroush maintains that what is in a holy book is largely determined by the accidents of a prophet's life. Many verses in the Qur'an are the direct result of such accidents. Soroush observes that if the prophet's life had been different, the Qur'an could have been of a different length and content. The lesson is to seek the spirit of religion rather than its literal content. Muslims must listen to the prophetic voice of the Qur'an rather than confine themselves in a legalistic form derived from it. For Soroush, it is essential that theologians extrapolate beyond the text rather than imprisoning themselves in it.¹⁷⁹ Soroush's defense of religious pluralism was a radical break with Islamic modernism. Advocates of

¹⁷⁴ Soroush, chapter 2, "Islamic Revival and Reform. Theological Approaches," in *Reason, Freedom, and Democracy in Islam*.

¹⁷⁵ Vakili, "Critical Discourse in Iran," p. 155.

¹⁷⁶ Ibid., p. 174.

¹⁷⁷ Ibid., "Critical Discourse in Iran."

¹⁷⁸ Arjomand, "The Reform Movement," p. 723.

¹⁷⁹ Ahmad Sadri, "The Iran Situation" [online], interview by Foaad Khosmood.

Islamic modernism in the 20th century maintained that Islam was the perfect religion and had the best answers to all the world's problems, for example in trying to deduce democracy and human rights from its sources. The distinctive mark of the Shi'i reformation of the 1990s is a critique of political Islam, and implicitly of apologetic Islamic modernism. Arjomand argues that the serious undermining of the legitimacy of theocratic government by this new hermeneutic pluralism cannot be doubted, and says: "*At any rate, it has predictably touched a raw nerve and provoked the shrill reaction of the conservative ayatollahs from the pulpit.*"¹⁸⁰

3.5 SECULARISM

Soroush (2004) explains in a lecture called "Islam and the Concept of Secularity" that he distinguishes between two kinds of secularity, namely the political aspect of secularity and the philosophical one. He believes the philosophical or "conceptual" aspect is more important than the political one, but people often naturally think about the political aspect of secularity. Soroush mentions that he does not see any contradiction between religiosity and secularity, and that not everything the Prophet said or did was necessarily a religious thing, as he was only a human being. Soroush says in this lecture that the first divide between the Shi'is and the Sunnis actually was about secularity. While the Sunnis believed someone from the common people could be elected as successor to the Prophet as leader of the society, and thereby had a secular understanding of the successorship, the Shi'is believed the successor should be a divine person, a kind of semi-prophet. They wanted a continuity of the prophethood, and they thought the Imams received information from God and had the same sacredness as the prophet. They see the Hidden Imam as a viceregent of God, and now the *ulama* have this function. Therefore, from the beginning, Shi'i history is non-secular, Soroush argues, and God always has some sort of revelation on earth.¹⁸¹ Soroush believes secularism has been understood as a deliberate effort to exclude religion from worldly affairs. "*But,*" he argues, "*the truth is that secular governments are not opposed to religion; they accept it but not as a basis for their legitimacy or as a foundation for their actions.*"¹⁸² As we will see in the following chapter, Soroush wants a separation of religion from the state in order to save religion. Soroush believes dynamic jurisprudence might provide solutions to some of the practical problems that the Islamic government has faced in its meeting with modernity.¹⁸³

¹⁸⁰ Arjomand, "The Reform Movement," p. 727.

¹⁸¹ From Soroush's lecture "Islam and the Concept of Secularity" [online].

¹⁸² Soroush, chapter 4, "The Sense and Essence of Secularism," in *Reason, Freedom, and Democracy in Islam*, pp. 56-57.

¹⁸³ Vahdat, "Expansion and Contraction of Human Subjectivity."

3.6 DYNAMIC *FIQH*

Boroujerdi argues that the new regime of 1979 relied largely on its propaganda and ideological state apparatuses, but that its ideology could not remain secluded from changing times and new ideas. One of the questions the revolution posed to the Islamic ideologues was if Islamic jurisprudence (*fiqh*) was capable of answering modern social and scientific challenges. Another was if technology, nationalism, and parliamentary democracy were compatible with Islam. Perhaps the most consequential debate began over the question of how to make *shari'a* congruent with the needs and limitations of a theocratic state in the late twentieth century. The revolutionary elites were faced with a wide range of social, economic and political issues for which there were no clearly defined answers. The *ulama* became partly divided over matters like birth control, universal education, and taxes for economic development. The clerics were split into two major camps: those who sanctioned traditional jurisprudence (*fiqh-e sonnati*), and those who advocated the need for a more dynamic jurisprudence (*fiqh-e puya*), capable of dealing with the contemporary, public, and non-esoteric challenges facing the Islamic *umma*.¹⁸⁴ According to Schirazi, the need for reform has roots in pre-revolutionary times; already in the 1960s and 1970s, reformers such as Motahari, Taleqani, Shariati and Tabataba'i spoke of the deficiencies of *fiqh* and the religious seminaries and called for reform. The post-revolutionary debate involves the religious seminaries almost completely. Schirazi argues: "Moreover, the simple fact that Mothhari's demands had to be reiterated once again after the revolution is an indication that they had not previously had any significant impact."¹⁸⁵ Soroush critique of the clergy involves critique of the religious seminaries. Soroush's main claim is that all sciences and fields of knowledge are in a state of constant transformation and that changes in any domain of learning are bound to cause modifications in the other domains as well, including jurisprudence.¹⁸⁶

3.7 ISLAMIC DEMOCRACY

Soroush does not believe a society should be ruled according to *fiqh*. *Fiqh* is only one dimension of religion, and to understand religion solely in terms of *fiqh* is reductionist. While *fiqh* provides answers to strictly legal questions, it does not address deeper issues such as the meaning of justice and freedom. Soroush believes that a religious government founded on *fiqh* alone compromises a Muslim's extrareligious rights and lacks the depth to govern properly;

¹⁸⁴ Boroujerdi, *Iranian Intellectuals and the West*, chapter 7.

¹⁸⁵ Schirazi, *The Constitution of Iran*, p. 273.

¹⁸⁶ Boroujerdi, *Iranian Intellectuals and the West*, chapter 7.

instead of defends religious rights and implements religious justice. Nevertheless, Soroush does see a place for Islam in politics. Vakili argues: “*He [Soroush] argues that the only form of religious government that does not transform religion into an ideology or obstruct the growth of religious knowledge is a democratic one.*”¹⁸⁷ Soroush considers democracy as a form of government compatible with several political cultures, including Islamic ones. Vakili argues:

Soroush maintains that a government in a religious society may claim legitimacy either on the basis of an interpretation of Islam or through representation of the popular will. The first leads to the reduction of Islam to an ideology; the second bypasses this problem and leads to democracy. If a government in a religious society reflects public opinion, then it necessarily will be a religious government. Citizens in such a society are concerned that their government not violate or offend their religious sentiments. A democratically elected government in a religious society cannot be an irreligious government, for irreligious sentiments do not characterise this society.¹⁸⁸

In a democratic society, Soroush believes the government will reflect the opinions of the public, as a democracy is based on the free will of its citizens. If the citizens in a democratic society are religious, their religious sentiments will be reflected in their government. This is what I believe Soroush means with an “Islamic democracy.”

3.8 WHAT IS THE FUTURE ROLE OF SOROUSH?

Soroush became the foremost Iranian intellectual with regard to religious discourse in the late 1980s and early 1990s. His individual style of combining a deep knowledge of Islam with a mastery of Persian poetry has appealed to many religiously inclined Iranian university students. Soroush speaks the dominant religious language of political discourse in Iran, unlike secular critics of Iranian politics; this has made him a dangerous critic, as he is able to move within a domain traditionally dominated by the clerical establishment. With his best-known work on the expansion and contraction of the *shari'a*, he came to dominate the Iranian intellectual and critical scene for many years. Since the 1997 election when Khatami became president of the Republic of Iran, Soroush’s position within the critical field has changed, Vakili argues. Terms like “democracy,” “pluralism” and “civil society” became legitimate in public discourse. According to Vakili, Soroush was able to create a space for criticism in the years prior to the 1997 election, as he could speak the unspeakable without actually saying it. Vakili does question the future of Soroush as a foremost critic as he now is one among many state critics who speaks the same language.

¹⁸⁷ Vakili, “Critical Discourse in Iran,” p. 160.

¹⁸⁸ *Ibid.*, p. 160.

Vakili argues that even though Soroush has adopted a more secular language, he still keeps an expressive style greatly dependent on religious and poetic metaphor. He insists that all reforms must operate through the language of religion in a religious society. To Vakili it is unclear to what extent this style will continue to reflect the religiosity that Soroush sees in the Iranian public. He believes Soroush occupies a smaller part of the rhetorical space he once commanded, despite his continuous large following and generation of active opposition among members of the clergy and the Ansar. Vakili points out that Soroush continues to debate secular terms like “civil society” and “democracy” through reference to religion. Although Soroush’s position contributes to a freer and open debate; Vakili argues that this may prevent the emergence of a full range of debate. His encouragement to promote reform through religion, based on the undeniable religiosity of the Iranian people, demands that all political, social and economic debate accommodates religious categories of thought. Following Vakili, this sounds like a reduction to, rather than a reconciliation of, secular and religious thought, and concludes: “*The outcome depends, no doubt, at least partially on the accuracy of Soroush’s conclusion that in Iran, in the final analysis, all reform must move through religion.*”¹⁸⁹

I would like to point out that the text of Vakili, in which he questioned the future of Soroush, was written in 2001. Vakili’s questioning of the use of religious categories is valid, and I will return to this question. However, I believe Abdolkarim Soroush occupies an even more important position in Iran today, and that he has great influence in the Iranian society. The fact that he was awarded the Erasmus Prize of 2004 illustrates this point. The Erasmus Prize is given those who have made an exceptional contribution to the field of humanities, the social sciences or the arts. Soroush was given the prize together with two other persons, Sadik al-Azm from Syria and Fatema Mernissi from Morocco. They shared the prize for their contributions to the societal and intellectual debate on the topic of “Religion and Modernity,” which was the chosen subject area for the Erasmus Prize of 2004. In this debate, the question was raised as to what the position of religion is with regard to modernisation processes in society. Soroush and the two other persons have contributed to this debate; their views have been controversial and influential beyond the borders of their countries of origin. Some of the things written about Soroush in this connection are:

¹⁸⁹ Ibid., p. 176.

When one envisages the conditions in Iran after the 1979 revolution, one cannot but be impressed by Soroush' well-considered and courageous ideas to reconcile Islam with modern ideas on human rights and democracy.

His major works attempt to give a new interpretation of the shari'a in the light of new insights in the field of jurisprudence, hermeneutics and sociology of knowledge. We hope that more of his work will become available in Western languages.¹⁹⁰

Soroush also won the CSID (Center for the Study of Islam and Democracy) in Washington DC "Muslim Democrat of the Year Award" in 2004¹⁹¹. He was elected by 1114 people out of 20000 to 15th place out of a an original list of hundred of the world's top intellectuals in the Prospect/FP Global public intellectuals poll, published in *Prospect Magazine* in 2005¹⁹².

Ahmad Sadri says he believes Soroush is a forerunner to an intellectual reform movement which defines the mainstream of public thinking in Iran. He thinks that what is more important than the impact of Soroush on Iran is the way he represents the Iranian experience. It is only in Iran, he says, that the intellectual reform articulates the massive disenchantment of the population with the ideal of the government of God. Sadri believes the insights of Soroush are revolutionary for the Islamic world, not only for Iran. Soroush's groundbreaking work on separating religion and its human interpretation was greatly influential in the 1990s. According to Sadri, Soroush's more recent work on the essential and accidental aspects of religion represents another paradigm shift in the Islamic intellectual horizon.¹⁹³ *Time Magazine* chose Soroush as one of the 100 most influential people of 2005 in the world. Soroush is introduced as Iran's democratic voice and is reported here as saying: "*One of the achievements of the reform movement is that people realize that they can be democrats and remain faithful Muslims. Democracy is now an established idea.*"¹⁹⁴

¹⁹⁰ In the presentation speech Erasmus Prize 2004 [online], read by Dr. A.H.G. Rinnooy Kan in November 2004, on behalf of H.R.H. Prince Bernhard of the Netherlands, Patron of the Praemium Erasmianum Foundation.

¹⁹¹ www.dr.soroush.com.

¹⁹² *Prospect Magazine* [online], no. 116 (November, 2005).

¹⁹³ Ahmad Sadri, "The Iran Situation" [online], interview by Foaad Khosmood.

¹⁹⁴ Introduced by Scott MacLeod, *Time Magazine* [online], (April 10, 2005), special issue.

4.0 FROM AN ISLAMIC REPUBLIC TO AN ISLAMIC DEMOCRACY?



4.1 THE EMERGENCE OF A CIVIL SOCIETY IN IRAN

The study of civil society, variously defined, as an essential component of the process of democratisation is increasingly prevalent in political science discourse.¹⁹⁵ I believe civil society in Iran is growing stronger and might become a force able to exercise considerable influence on the Islamic regime. According to Ansari (2000), there were complex traditions and values incorporated into the revolutionary movement that led to the Islamic Revolution. These traditions and values underlie the pattern of development by which an authoritarian regime has given birth to a vibrant civil society and a process of democratisation more dynamic and promising than in any other overtly Islamic society.¹⁹⁶ Ansari (2003) argues that the political upheaval of 1979 in Iran was a modern revolution that unleashed social forces whose potential for change is now driving a process of democratisation.¹⁹⁷ Ansari (2000) believes this process is the consequence of a social and intellectual revolution, ignited by the political revolution of 1979 but whose roots go back to Iran's first revolution in 1906. He argues: *"It is a process characterised by a remarkable degree of ideological cohesiveness centred upon a myth of political emancipation which has been gradually and effectively*

¹⁹⁵ Ansari, *Iran, Islam and Democracy*, chapter 1.

¹⁹⁶ *Ibid.*, p. 10.

¹⁹⁷ Ansari, "Continuous Regime Change from Within."

disseminated throughout the population.”¹⁹⁸ This has facilitated and encouraged the growth of political consciousness, which in turn has changed the political landscape of Iran and thrown this traditional society into the modern age.¹⁹⁹ Farhad Kazemi argues that civil society has traditionally been a significant part of Iranian social and political life; historically the limited power of the Iranian state provided the needed space for the development of many elements of civil society.²⁰⁰ Ansari argues that there is a realisation that popular participation is likely to yield governments unsympathetic to Western interests.

In Iran, the situation was doubly frustrating: not only were democratic tendencies emerging within a country many in the West considered quintessentially “fundamentalist,” but these tendencies were also developing in a country which for twenty years had been positioned in opposition to all that the West stood for. In other words, positive democratic developments could not easily be attributed to Western influence.²⁰¹

According to Ansari, it appears that Iran possesses many of the prerequisites for democratisation; these include a vibrant press, constitutional division of powers and the regular conduct of elections. The emergence of the accepted characteristics of a “civil society” encouraged a reassessment of the consequences of the social forces seen unleashed in Iran during the Islamic Revolution. There are, however, serious limitations to democratisation as well, most explicitly seen in the existence of the Supreme Leader. Although studies focusing on the social forces in Iranian politics are nothing new, the recent acceptance of this approach reflects the reinvigorated enthusiasm for “civil society:”

Indeed, the notion of civil society carries with it many of the definitional problems associated with the concept of social forces, and yet the concept provides an essential component of most theories of democratisation. It is used to characterise those organisations and associations, however loosely defined, which mediate between the power of the state and the liberty of society and which for our purposes can be said to reflect the integrated nature of state and society.²⁰²

Ansari explains the concept of “civil society” as characterising organisations and associations that mediate between the state and the society. Although Soroush does not mention this concept specifically by referring to a “civil society,” I believe it constitutes an important part of his theory, and that what he is referring to when arguing, “*If a society is religious, its government too will take a religious hue,*”²⁰³ is exactly this “civil society.”

¹⁹⁸ Ansari, *Iran, Islam and Democracy*, p. 10.

¹⁹⁹ *Ibid.*, p. 10.

²⁰⁰ Farhad Kazemi, “Civil Society and Iranian Politics,” in *Civil Society in the Middle East*, Vol. II, edited by Augustus Richard Norton, pp. 119-152 (Leiden: E.J.Brill 1996). Kazemi belongs to the Wilf Family Department of Politics at the New York University (www.nyu.edu).

²⁰¹ Ansari, *Iran, Islam and Democracy*, p. 19.

²⁰² *Ibid.*, p. 21.

²⁰³ Soroush, chapter 4, “The Sense and Essence of Secularism,” in *Reason, Freedom, and Democracy in Islam*, p. 61.

4.2 THE ROOTS OF IRAN'S CIVIL SOCIETY

The origins of a civil society in Iran can be seen in various groups and associations that formed to mediate and administer political processes within the periphery of the Qajar kingdom. During this period, the organised civil society mediating the power of the state was the *ulama*, whose independent financial means, social penetration and religious authority made them an important group. With the growth of the Iranian state, especially under the Pahlavi regime, this civil society was marginalised.²⁰⁴ The Pahlavi rule imposed limitations on civil society from above and restricted the scope of its activities; the major exception to this norm was the religious sphere. Other components of civil society as well continued to function during the Pahlavi reign at a reduced level.²⁰⁵ Against this background, the Islamic Revolution represented the victory of civil society over the authoritarian state. The roots of a functioning civil society were later augmented by a secular civil society, epitomised by the development of the *dowreh* (regular gathering of friends or salon), the growth of the press and a vibrant student body. This civil society survived as a fluid and dynamic entity throughout the period of Khomeini's rule, and re-emerged across society following his death in 1989. It had a period of rapid growth in the decade following the Iran-Iraq war, as a consequence of the change in Iranian social attitudes resulting from the war experience, but it also reflected the structural changes in the state organised by Rafsanjani, where civil society was to be manipulated to provide additional sources of legitimacy. The growth of civil society was also facilitated by internal splits in the authoritarian regime, as reflected in the events and political disputes surrounding the Iranian presidential elections of 1997. Ansari believes the political establishment in Iran has given away its popular legitimacy in return for gradual change:

The process involves both elites and civil society. Nevertheless, the pace and scope of this change are proving increasingly difficult for the elites to restrain, and while the process may have been initiated and to some extent cultivated by divisions among the political elite, Iran may yet prove the exception to the model of coexistence and provide an example of a democratisation process emphatically (though not exclusively) determined by society.²⁰⁶

Ansari seems to be of the opinion that a strong civil society is emerging in Iran; this may have the strength to initiate a democratisation process, with the help of divisions among the political elite. Even though Michael Goodhart points out the importance of transnational networks here, I believe his description of the anti-authoritarian model of civil society might be applied to Iran. This is described as principled opposition to authoritarian regimes through

²⁰⁴ Ansari, *Iran, Islam and Democracy*, chapter 1.

²⁰⁵ Kazemi, "Civil Society and Iranian Politics."

²⁰⁶ Ansari, *Iran, Islam and Democracy*, p. 23.

individual and collective devotion to principles of civility, toleration, openness, and human rights, namely democracy. Civil society is not only separate from the state, but also opposed to it. The model describes an ethical and political consciousness as well as the community of groups and individuals united in this consciousness.²⁰⁷ He argues: “*Civil society seeks to create an autonomous sphere independent of the state’s intrusive ideology and bureaucracy, but its social boundaries and membership are still determined by the state.*”²⁰⁸

Equally important is the issue of whether or not the pressure of civil society, once mobilised, is capable of pushing to the end a process of transition to democratic politics. It seems obvious that an evolutionary strategy involves important negotiating and bargaining processes with those authoritarian rulers who are able and willing to moderate their rule, while at a later stage any transition to democracy must involve organisation for elections. It is not obvious in either of these contexts, however, how civic associations, social movements, grass roots organisations, or even media of communication can substitute for the differentiation of a political element capable of strategic considerations. In fact, a strategy from below on its own has nowhere succeeded.²⁰⁹

I believe there is a democratisation process initiated mainly from below in Iran. However, the associations and organisations that constitute the Iranian civil society need to work together towards a common goal. The question is if the Iranian society might be able to organise itself, or how already existing organisations might be able to provoke a change of regime from an Islamic Republic to an “Islamic democracy.” It is interesting to consider what the possibilities are for the governmental institutions of Iran to become extensions of this civil society, as it is probable that they will need to play a role in a democratisation process. However, as I will discuss at a later point, what might further facilitate a transition is that the civil society is not without support for their wishes from some of the highest religious authorities.

4.3 INSTITUTIONS OF CIVIL SOCIETY?

The parliament is perhaps where the people have the best chances of achieving representation of their interests. Schirazi argues: “*If in the future, due to whatever developments, the democratic principle of representation were to achieve significant importance in the Islamic Republic, then it would have to take place by means of parliament.*”²¹⁰ Kazemi argues that despite the use of extra-legal methods by the regime to restrict access to power of adversaries in this legislative body, the Iranian parliament remains a major political institution. It has been

²⁰⁷ Michael Goodhart, “Civil Society and the Problem of Global Democracy,” *Democratization*, Vol.12, no.1 (February, 2005): pp. 1-21. According to *Democratization*, Goodhart is Assistant Professor in the Department of Political Science, University of Pittsburgh.

²⁰⁸ Goodhart, “Civil Society and the Problem of Global Democracy,” p. 12.

²⁰⁹ J.L.Cohen and A.Arato, *Civil Society and Political Theory* (Cambridge Press, 1992), quoted in Ansari, *Iran, Islam and Democracy*, p. 23.

²¹⁰ Schirazi, *The Constitution of Iran*, p. 296.

a launching pad for the top echelon of the Iranian ruling elite in power today, and it has been a body where some of the most important issues facing the nation have been discussed and debated. It has exercised its constitutional power of approving or rejecting ministers, debating laws and engaging in a dynamic legislative process. The major discontinuity in the parliament is the regime's control over who is eligible to stand for election. Two tests have been applied for this eligibility: the candidates have to be committed to the Islamic state and in essential agreement with the policies of the ruling group. Kazemi argues: "*The Iranian Majles can only develop into a major institution of civil society when these two key restrictions are eliminated.*"²¹¹ Concerning the president, Schirazi argues that the real power he exercises, despite his official powers, depends on his unofficial relations with other powerholders around him. The president's influence will increase if the leader is weak. It depends on whether the leader succeeds in forming a powerful alliance.²¹² This implies the possibility of the president forming a powerful alliance of his own should the leader fail to keep his alliance strong.

Kazemi argues that, from the point of view of representation of interests, Islamic Councils may potentially be an important arm of civil society. He believes the problem with these has been their haphazard operation, irregular elections, and political interference from the government. He says that, fearing their potential power, many of the appointed local administrators have preferred their absence. Some segments of the population have come to view these councils as essentially non-existent or irrelevant to their lives.²¹³ However, the councils were powerful before the revolution, as it was partially organised on the basis of councils (see chapter two). They have the possibility to achieve important local power if they are well run, and thereby become institutions of civil society. Ansari is of the opinion that the Islamic Revolution was the civil society's victory over the state, and that after Khomeini's death, this civil society is re-emerging in the Iranian society, albeit in a more secular fashion. Could it be that the clergy's usurpation of power after the Islamic Revolution hindered the "myth of political emancipation" from being realised? Could this myth be relevant and strong enough in the Iranian society to inspire this civil society to push through a democratisation process? An elaboration of the concept of the "myth of political emancipation" is necessary.

²¹¹ Kazemi, "Civil Society and Iranian Politics," p. 139.

²¹² Schirazi, *The Constitution of Iran*, p. 299.

²¹³ Kazemi, "Civil Society and Iranian Politics," p. 136.

4.4 THE MYTH OF POLITICAL EMANCIPATION

Central to the study of Ansari is what he calls the “myth of political emancipation.” He believes this “myth” has driven political activists since its inception during the Constitutional Revolution of 1906.²¹⁴ Ansari argues that the aim of his study has been to provide a dynamic model of development that suggests the mechanics by which political developments proceed, as well as to reflect on the complexity of the underlying determinants for political developments, namely the social, political and ideological. He wants to show the ideas that inform and motivate political action in contemporary Iran, and to emphasise the richness of the philosophical and political debate there, so that there can be no doubt of the movement he believes is taking place around the historically rooted “myth of political emancipation.”²¹⁵ He believes Soroush mostly provides for the intellectual revitalisation of this myth.²¹⁶ Ansari says the Iranians are preoccupied with history for its political relevance. One of the explanations for this is the traditional basis of society and the tendency to relive historical events as they just occurred; the Shi’i passion plays perform this function. It also reflects the medium of historical communication and the dominance of myths within Iranian society. He points out:

What is meant here by “myth” is *not* the perpetuation of falsehoods, but the transfer of information and knowledge through the medium of familiar and personalised morality tales. Such myths carry with them implicit (and sometimes explicit) social values which resonate in society.²¹⁷

I believe Ansari thinks of the “myth of political emancipation” as a “myth” reflecting the continuous wish for freedom to independent political thought and rule, which has driven the people of Iran from as early as the Constitutional Revolution, and that this “myth” has continued to inspire the people throughout the years and give them hope. This is what has turned the Iranian people into a politically and socially conscious civil society. I argue that the Islamic Revolution of 1979 was a continuation of the struggle for political emancipation of the Iranian people, but it was delayed by the usurpation of power by the clergy immediately after the revolution. The struggle thereby continues. Ansari believes it will end with the rule of the people; that is total political emancipation. Ansari argues:

The central thesis of this study [*Iran, Islam and Democracy. The Politics of Managing Change*] argues that a social revolution is taking place which will lead to the institution within Iran of Islamic democracy, in which government will be depersonalised and function in a legal/rational mode akin to that of Western democracies, albeit with an “oriental” flavour.²¹⁸

²¹⁴ Ansari, *Iran, Islam, and Democracy*, “Introduction.”

²¹⁵ *Ibid.*, chapter 9.

²¹⁶ *Ibid.*, p. 70.

²¹⁷ *Ibid.*, p. 24.

²¹⁸ *Ibid.*, p. 219.

Kazemi argues that it is clear that civil society remains a vital part of Iran's life in spite of the Islamic state's attempt to dominate. The state has succeeded in limiting, and in some cases severely restricting, the full operation of civil society in many critical areas. He argues: "*The Islamic Republic's theocratic vision, along with its corporatist notion of social order, have resulted in full or partial exclusion of those who do not completely share these conceptions.*"²¹⁹ He believes that the paradox of state-society relationship in Iran is the continued vibrancy of civil society in spite of imposed constraints from above. He argues:

A different but highly significant challenge is also emerging from segments of the intelligentsia and in the intellectual arena. What makes this challenge noteworthy, besides its scholarly base and level of erudition, is the fact that at least some of it emanates from those committed to an Islamic view of life. This is clearly the case in the writings of 'Abdolkarim Soroush and his critical commentaries on 'Ali Shariati and those who have attempted to transform Islam into an ideology. [...] In Iran, then, state-society relations proceed as a dynamic process of bargaining and give and take. Although centrality of the state and its controlling arms over civil society continue, the challenges to this pattern remain strong. Enough voices and groups have emerged in Iran since the revolution to at least give some hope that perhaps another form of state-civil relations may eventually emerge in the not-too-distant future.²²⁰

Fouad Ajami, a critical analyst of state structures in the Middle East, argues that the Islamic state has created a transformed Iran.²²¹ According to him, the state created by the revolution has a special populist strength, and the gap between state and society is no longer present. John L. Esposito and John O. Voll argue that the high level of allowed popular participation in the Islamic Republic of Iran is worth noticing in the context of the political systems and practices of the region. The Iranian experience is part of a wider call for democratisation in the Middle East today. They argue:

The Iranian experience does not provide definitive answers to questions about the relationships between Islam and democracy. Iran does demonstrate the extent to which issues of popular political participation and consensus have become part of the political horizon in the Islamic Republic of Iran and are employed by government and opposition, and thus the diverse ways in which "democracy" is being defined. While for some, the Iranian experience affirms the possibility of creating an Islamic democracy. For others, it only emphasizes the authoritarian nature of Muslim political institutions and practice.²²²

There seems to be agreement among certain scholars that Iran does possess some of the characteristics of democracy as well, as a strong civil society exists in Iran, and this might be able to become as force strong enough to change its relation to the state. I believe there is recognition that this civil society has matured socially and politically, and that it will be

²¹⁹ Kazemi, "Civil Society and Iranian Politics," p. 150.

²²⁰ Ibid., pp. 151-152.

²²¹ John L. Esposito and John O. Voll, chapter 3, "Iran. Revolutionary Islam in Power," in *Islam and Democracy* (New York: Oxford University Press, 1996), p. 75. John L. Esposito is University Professor as well as Professor of Religion and International Affairs and of Islamic Studies at Georgetown University (www.islam-democracy.org). John O. Voll is professor of Islamic history and director of the Centre for Muslim-Christian Understanding at Georgetown University (www.georgetown.edu).

²²² John L. Esposito and John O. Voll, "Iran. Revolutionary Islam in Power," p. 77.

difficult for the ruling regime in Iran to continue its control over society. A Western-style democracy may be unsuited to the political and socio-cultural conditions of Middle Eastern states, argues Amin Saikal. The goal of political reform should not therefore be to create a system and implement a mode of social and economic development that would meet Western standards; rather it should be to develop the constituents of a civil society relevant to the particular conditions and cultural traditions of the given country. Saikal argues:

The Iranian experiment at least shows that a Muslim country does not have to follow a Western model in order to achieve a civil, virtuous, and decent existence for its citizens. It can draw on its intellectual and cultural traditions, and has the means and possibilities to construct a process of change whereby it can provide its citizens with those opportunities that may not take them down the path of democratization as required by Western democracies, but will enable them to achieve political liberalization within the framework of promoting a civil society based on Islam. In these manifestations, an Islamic civil society is not necessarily incompatible with some of the basic principles of Western democracies and universal human rights. As a religion and a civilization, Islam does not oppose such a development but strongly endorses it.²²³

Ansari believes that public opinion will become increasingly important as political consciousness continues to develop. “*Politics, in short,*” he argues, “*will become more institutionalised and less dependent on personalities, a development which is already evident in the growing acknowledgement that President Khatami is a vehicle for change but not its sole guarantor,*”²²⁴ While he believes Islam will continue to be important for the vast majority of Iranians, and will retain a social function, he believes its overt political role will decline.²²⁵ Even though Khatami’s achievements were viewed by some as inadequate, Ansari has pointed out the wide acknowledgment of his achievements for Iran’s democratic development as well (see chapter two). Ansari believes the determining ideology of the emergent Islamic democracy will be that of religious nationalism, where Islam is united with the nation and the nation seen as the guarantor of the faith. The faith itself will be subjected to changes, and take on a new flexibility that is likely to make it more durable and sustainable in a modern environment.²²⁶ This view is reflected in Soroush’s arguments. He wants to separate religious knowledge from religion itself to emphasise that the former is human and subject to elaboration according to contemporary knowledge to keep the faith relevant in a modern world. To achieve the flexibility necessary for religious knowledge to grow, the clergy should have no monopoly on interpreting religion.

²²³ Amin Saikal, “Democracy and Peace in Iran and Iraq,” in *Democratization in the Middle East. Experiences, Struggles, Challenges*, edited by Amin Saikal and Albrecht Schnabel, pp. 166-182 (Tokyo: United Nations University Press, 2003), p. 181. Saikal is Director of the Centre for Arab and Islamic Studies and Professor of Political Science (<http://arts.anu.edu.au/cais/staffas.asp>).

²²⁴ Ansari, *Iran, Islam and Democracy*, p. 219.

²²⁵ *Ibid.*, p. 219.

²²⁶ Ansari, in *Iran, Islam and Democracy*, chapter 9.

4.5 SOROUSH'S CRITIQUE OF THE CLERGY

Soroush believes the clergy and the centres of power are related in a way that hinders the development of religious knowledge. There are also structural problems associated with the clerical establishment itself; until these are recognised and reformed, neither religious knowledge nor public religious consciousness can develop in the way Soroush envisions. Soroush believes that for religious knowledge to grow, the seminaries have to meet certain conditions.²²⁷ The *hawzeh* (religious seminary) is where the clergy receive their education, and it is important to look at the content of their education, as they occupy the most important positions in the Iranian government. Soroush compares *hawzeh* to the university in order to make his points.²²⁸ The disciplines of the *hawzeh* are related to or associated with religion. These are non-empirical disciplines. Soroush argues about the sciences of the university: “*Empirical disciplines have no ‘red line’ that the students and the professors are forbidden to cross; no theory is considered sacred or above questioning; no authors are immune to criticism.*”²²⁹ *Hawzeh* teaches subjects predicated on faith; the original texts and sacred sources are above critique and opposition. The limits for jurisprudential innovation (*ijtihad*) appear to the Shi’ite jurisconsults at the authoritative edicts of the Imams.²³⁰ Soroush argues:

The interpretation of sacred texts is based on an important presupposition: we do not read them to undermine, replace, nor to criticise them; we strive to understand them. We do not even entertain the possibility that they might have faults and flaws. We assume these texts as perfect, hallowed, and sacred; they are beyond the reach of controversy or scientific inquiry, which thrives on discussion and criticism. But at the threshold of the sacred understanding, we presuppose submission to the holy texts. More importantly, we think that this submission will promote a degree of insight and discernment that would be inaccessible to those who spurn, defy, or rebel against the sacred truth. This is the main presupposition of the religious sciences: a carefully circumscribed receptivity to criticism.²³¹

What Soroush says is that there is a lack of a critical attitude when studying the sacred texts; these are to be read only in order to be understood, not criticised or analysed. There exists a submission and acceptance of them without them being examined properly. Soroush argues: “*I openly declare that most of the current theological views taught in the religious seminaries are unexamined and merely taken for granted.*”²³² One of the most important reasons for resistance towards his theory on “the hermeneutical evolution and devolution of religious knowledge” has been the fact that it recognises religious knowledge as human and treats it as

²²⁷ Vakili, “Critical Discourse in Iran,” p. 165.

²²⁸ Soroush, chapter 11, “What the University Expects from the Hawzeh,” in *Reason, Freedom, and Democracy in Islam*.

²²⁹ *Ibid.*, p. 173.

²³⁰ *Ibid.*, p. 172.

²³¹ *Ibid.*, p. 173.

²³² *Ibid.*, p. 176.

a humanly gained wisdom. What this thesis means is that the disciplines taught in the *hawzeh* should be equally subject to criticism and scepticism as any other science, claims Soroush. The *hawzeh* must recognise the human and profane origins of its scholarship and refrain from treating human opinions as infallible, divine edicts. He wants the seminarians to criticise and revise old beliefs that they do not share. Ancient texts must be subjected to revision and critique if religion is to stay relevant.²³³ According to Vakili: “*Soroush holds that while the boundary separating the core religious texts - the Quran, the hadith and the teachings of the imams - from questions of fallibility is maintained, it also unnecessarily extends to the teachings of select esteemed yet nevertheless fallible religious scholars.*”²³⁴

The political consequence of this is that the clerical establishment, no longer the guardian of the truth, cannot justify a special role for itself in the political system. If religious knowledge is fluid and not the sole property of any one group, then it cannot function as a criterion for privileging one group over another in political affairs. Members of the clerical establishment then enter the political arena on a level playing field as lay members of society - and their political worth must be judged on their ability to carry out specific political tasks, not their possession of a qualitatively distinct form of religious knowledge.²³⁵

As a result of Soroush’ line of thinking, argues Vakili, the clergy should have no monopoly on the only truth; their present role in government would have no legitimation, and the whole idea of *velayat-e faqih* is undermined.²³⁶ Soroush’s arguments thereby severely threaten the power of the clergy as well as the basis of the Iranian Republic.

The *hawzeh*’s access to power is problematic too. The clergy’s governing political theory, *velayat-e faqih*, requires a *hawzeh*-trained clergyman with the rank of grand jurisconsult to be the supreme leader. Soroush argues: “*Because we have a religious government, the ties of the Hawzeh to the centers of power are organic and profound, giving it the last word on matters of state.*”²³⁷ The religious disciplines actually empower those who possess them; Soroush believes it is self-evident that the religious government entails the empowerment of the clergy and the *hawzeh*. A scholarly environment with easy access to power could mean corruption and abuse; Soroush believes the religious seminaries in Iran exemplify this problem.²³⁸ Vakili argues: “*The seminaries enjoy a special link to the government, one that, Soroush argues,*

²³³ Ibid., chapter 11, “What the University Expects from the Hawzeh.”

²³⁴ Vakili, “Critical Discourse in Iran,” p. 166.

²³⁵ Ibid., p. 166.

²³⁶ Vakili, “Critical Discourse in Iran.”

²³⁷ Soroush, chapter 11, “What the University Expects from the Hawzeh,” in *Reason, Freedom, and Democracy in Islam*, p. 174.

²³⁸ Ibid., chapter 11, “What the University Expects from the Hawzeh.”

restricts the range of academic inquiry in the seminary."²³⁹ Soroush believes the defining characteristic of the clerical establishment is the derivation of income, or social or political status, from some form of religious activity, mostly academic teaching or preaching. According to Vakili: "*This relationship between religious activity – of any sort - and the means of one's livelihood is for Soroush the most pervasive problem facing the clerical establishment.*"²⁴⁰ The integrity of religion might be compromised in order to increase the income, if it comes from some form of religious activity. The income incentive must be removed from the clerical establishment to protect the purity of religion. In Soroush's view only those persons whose aim is not to base their livelihood on this activity should pursue religious activity, a view which calls for the dissolution of the clerical establishment. Vakili argues: "*By calling for a divorce of religious activity from any form of power – financial, political, or social - Soroush undermines the institutional linkages among the clerical establishment, the seminary and the Iranian state.*"²⁴¹ Ansari argues:

In challenging the rights of these clerics to interpret, Soroush and others sought to deny their claim to define the boundaries of democratic practice and to prevent those boundaries being interpreted with an increasing inflexibility that would eventually suffocate democracy altogether. [...] But they also argued, in contrast to the quietists, that the Islamic Revolution was a powerful exposition of the myth of political emancipation, which had yet to be fulfilled. The democratisation of Islam was its chief source of salvation, and a pious people, enthused with religion, would themselves form the foundations and constituent parts of an Islamic democracy. Soroush's argument was in fact that by imposing a harsh and unforgiving Islam upon the people, the conservative clerics were themselves secularizing society.²⁴²

What Ansari argues is that Soroush believes in an Islamic democracy based on the religiosity of the people; the clerics' strict interpretation of Islam is not making the people more religious, but is in fact secularising the society. Vakili argues: "*The implicit lesson for the Iranian clerical establishment is clear: rather than resist change at all costs (in order to maintain one vision of Islam), welcome and embrace change.*"²⁴³ In one of Khatami's campaign speeches in 2001, he affirmed that the future of Iran lay with the "new religious thinking," claiming that "*if we try to impose on a changing society issues which do not belong to our time, we will end up harming religion.*"²⁴⁴ Khatami was calling for the advent of a new Shi'ite Islamic vision in accordance with the changing times and conditions, which he believed Khomeini would have shared if he were alive. According to Saikal, Khomeini never believed in Islam being frozen in time, but that he had upheld Islam as a religion for all times,

²³⁹ Vakili, "Critical Discourse in Iran," p. 167.

²⁴⁰ Ibid., p. 168.

²⁴¹ Ibid., p. 169.

²⁴² Ansari, *Iran, Islam and Democracy*, pp. 74-75.

²⁴³ Vakili, "Critical Discourse in Iran," p. 170.

²⁴⁴ Arjomand, "The Reform Movement," p. 722.

peoples, and conditions.²⁴⁵ Olivier Roy believes there is a conceptual crisis within the Islamic Republic because of the contradiction between its two legitimacies; the political and the religious. The political aspect has come to dominate at the expense of the religious.²⁴⁶

4.6 A CONCEPTUAL CRISIS IN THE ISLAMIC REPUBLIC?

The Iranian Revolution claimed to have two sources; God's sovereignty and the people's will. According to Roy, the revolution did not bring the existing traditional clerical institution into power, but built an institutional framework, staffed with laymen, middle ranking clerics, the *hojatolislams*, and some middle ranking *ayatollahs*. The grand *ayatollahs* were kept aside or repressed. Concerning the role of the leader, originally meant to be one of the highest-ranking clerics, the provisions of the constitution of 1979 and all the amendments brought into effect in 1989, shifted from religious to political qualifications. There is no mention of *marja* in the 1989 constitution, which shows that the leader need not necessarily be the leading authority in religion; the appointing of the leader has become political. In the contradiction between these two legitimacies, politics prevails over religion. Roy argues: "*Khomeini was able to combine the two, by stressing always the political aspect of the Revolution, even against the shari'a.*"²⁴⁷ The prevalence of the state over the *shari'a* is written into the constitution (see chapter two). The discrepancy between religious legitimacy and political logic was further advanced by the appointment of Khamene'i as leader in 1989, as he was only a *hojatolislam*, not qualified for *marja*, not even an *ayatollah*. The conceptual crisis turned into a political one with the election of President Khatami, who was elected against the wishes of the leader. Roy asks: "*If the Guide, who already lacked some religious credentials, is now losing his political support, on which legitimacy is his leadership still based?*"²⁴⁸ Roy argues:

What we are witnessing since Khatami's election is an unfolding of a contradiction which already existed in the text of the Constitution: in a religious revolution, such as the Iranian Islamic Revolution, the status and role of religion is nevertheless defined by political institutions, not religious ones. Politics rule over religion. This crisis of the religious legitimacy is leading to the supremacy of politics, and subsequently to a *de facto* secularization. There is a growing tendency, not only among democrats and liberals, but also traditional clerics, to separate religion and politics, this time in order to save Islam from politics, and not, as was the case in most of the processes of secularization in Western Europe, to save politics from religion.²⁴⁹

²⁴⁵ Saikal, "Democracy and Peace in Iran and Iraq."

²⁴⁶ Roy is Research Director in the Humanities & Social Sciences Sector of the Centre National de la Recherche Scientifique in Paris (www.iis.ac.uk).

²⁴⁷ Olivier Roy, "The Crisis of Religious Legitimacy in Iran," *Middle East Journal*, Vol. 53, no. 2 (1999): pp. 201-216, p. 206.

²⁴⁸ *Ibid.*, p. 202.

²⁴⁹ *Ibid.*, p. 202.

Roy also believes that the clergy's use of religion for political legitimation of their role in politics leads them to secularise society themselves. That he believes those who want to separate religion and politics, want this in order to save religion from politics, and not the other way around, supports Soroush's argument that the Iranian society is a religious society, which will reflect its beliefs in a representative government. As will become clear below, Soroush argues for a withdrawal of religion from the state; he believes, however, that religion might be of value in politics in general, but not through state institutions. According to Arjomand, the contrast between the popular mandate of the president and the *velayat-e faqih* soon became evident. He argues that, once a legal matter becomes a contested issue in constitutional politics, the gates open for debate over the fundamental principles of order. In 1997, Ayatollah Montazeri (b. 1923) spoke out against theocratic government, and this open expression of dissent within the clerical elite enabled lay groups opposed to the principle of clerical rule to voice their opposition. The taboo on the discussion and questioning of the principle of theocratic government in the press was broken for good, and a critical trend within Shi'i jurisprudence was born.²⁵⁰ There is disagreement among the clergy on the concept of *velayat-e faqih*, whether it is a political position or a religious one, or both. It is interesting to note that those who do not accept the concept at all are the traditional religious leadership. Roy argues: "*It is ironic, then, when the Iranian system is called 'the regime of the Ayatollahs,' since most of the grand ayatollahs did not support it.*"²⁵¹ According to Soroush, Najaf has been the revered center of Shiite Islam for 1,000 years; it is the most respected shrine. The Qom seminary is barely 100 years old. Its most famous product was Ayatollah Khomeini, who led the revolution that established the religious guardianship in Iran today. Yet, his was a fringe point of view, an exception, among all the *ulamas* in Qom and Najaf alike. Very few supported the idea of guardianship: "*It is an idea that has always been on shaky theological ground as far as a majority of religious scholars are concerned.*"²⁵²

Indeed, I don't know of any grand ayatollah from Najaf who supports this idea of guardianship. This does not at all mean that they are "liberals" who would embrace the Western conception of secularism. These men want to see Islamic laws and customs observed in daily life.²⁵³

As this is the case, one may ask if religion is not in jeopardy in the Islamic Republic. Soroush believes that it is, and that democracy is the only way to save religion in society. That his view are shared by some grand ayatollahs gives his point of view legitimacy and justifies the

²⁵⁰ Arjomand, "The Reform Movement."

²⁵¹ Roy, "The Crisis of Religious Legitimacy in Iran," p. 203.

²⁵² Soroush, "If Shi'ite Majority Comes to Power in Iraq, it Will Enhance Democracy in Iran" [online], NPQ (*New Perspectives Quarterly*), interview by Nathan Gardels, Nobel Laureates (February 20, 2004).

²⁵³ Ibid.

call for democracy by the civil society. One may question the entire nature of the Islamic state since the religious legitimacy has been overrun by the political one.

Sami Zubaida poses this question, “Is the Islamic State Islamic?” in his essay by the same name.²⁵⁴ He argues that there is a dualism of nation-state concepts, intermingled with Islamic forms in Iran. He argues that despite the project to Islamise the state, society and culture of the Islamic Republic, the authorities are often forced to adapt their policies and discourses to practical considerations. He argues: “‘*Secularisation*’ has not been reversed, but disguised behind imposed symbols and empty rhetoric.”²⁵⁵ He argues that the government is Islamic in its personnel, the clerics are in control of the highest echelons of state, government and public life, and their political discourse conducted in religious terms:

Beyond that, the form of organization of the state and its institutions have no particularly Islamic features, and it is difficult to see what such features would be like. There are no Islamic models for modern government and administration.²⁵⁶

Zubaida reaches the conclusion that the Islamic Republic does not have any particular Islamic organization or institution besides the clerics being in the top positions in the state; in addition, he believes it would be difficult to find a particular Islamic model for building a state.

Roy believes the Islamic Revolution destroyed the autonomy of the international Shi’i clergy as well. The revolution has weakened the traditional clerical structure in favour of political organisation. The politicisation of the religious leadership has framed it into a national and statist structure, which is in contradiction with the idea of a transnational clergy. Roy argues:

Paradoxically, the only way to restore religious legitimacy is to withdraw from State politics, which means a “secularization” of some sort. Of course, such a move does not prevent many traditional clerics from advocating both an Islamization of law and mores, and a withdrawal from State management. As we saw in the beginning, clerics who criticize the VF [*velayat-e faqih*] do so from different perspectives. The main stream is “traditionalist,” meaning that they want to keep an Islamic hand in issues of law and the constitution, but with less direct involvement in politics. For them ‘secularization’ has no meaning, although it is probably what is going to happen. The clergy will not recover the strength it had during the first decade of the Revolution.²⁵⁷

Schirazi argues that there has been a development, which may be characterised as a separation of the clergy from their religious functions; they have been transformed into state functionaries. He argues that it is not the bearers of religious authority who have conquered

²⁵⁴ Sami Zubaida, “Is the Islamic State Islamic,” in *Political Islam: Essays from Middle East Report*, edited by Joel Beinin & Joe Stork, pp. 103-119 (Berkeley: University of California Press, 1997). Zubaida is Emeritus Professor of Politics and Sociology at Birkbeck, University of London (www.bbk.ac.uk).

²⁵⁵ Zubaida, “Is the Islamic State Islamic?,” p. 105.

²⁵⁶ *Ibid.*, p. 118.

²⁵⁷ Roy, “The Crisis of Religious Legitimacy in Iran,” p. 212.

the state and subordinated to it to the rule of religion: “*Instead the reverse has happened: the state has conquered the clergy and along with them religion.*”²⁵⁸ Roy argues that the leader has only an ideological legitimacy, inherited from the revolution: “*The danger is that an ‘ideology’ cut off from both the political and religious legitimacies might isolate him from the people.*”²⁵⁹ Roy argues:

In any case, evolution has to take place from inside the system: there is no effective and credible opposition; people do not want civil war or revolution; there is room for political and ideological debate. Clerics now align themselves along a much wider spectrum of political positions, ensuring that any change would easily find a religious blessing.²⁶⁰

What Roy argues is that the leader does not have legitimacy independent of a religious or political kind, and there is room for debate in society. That is how development can take place within the system. In addition, since clerics belong to different political positions, there may be found religious blessing for all changes; this is not exclusive for one political position. Roy poses the question whether the growing tiredness of the population towards the Islamic system affects popular religiosity. Roy argues that the statisation of Shi’ism is encountering some popular resistance. He also mentions the concept of civil society as striking. Roy believes it means a defiance towards an ideological state which has almost succeeded in its process of social integration; that is the weakening of traditional ties of solidarity. He argues: “*The crisis of political Islam does not lead to a weakening of faith, but to its privatisation.*”²⁶¹ Roy links this intellectual debate to Soroush’s works. Roy believes that even though Soroush does not go so far as to reformulate the main concepts of the Constitution according to his views, it is clear that he provides the “political philosophy” of the Khatamists, namely how to secularise politics in a society which cannot afford to reject its heritage and origin: an Islamic Revolution.²⁶² To realise the objective of the Iranian political culture while staying in tune with changing conditions in Iran and in the international environment, Khatami called for the intertwined goals of achieving Islamic civil society as a precondition for Islamic democracy; this was based on the belief that Islam enshrines its own concepts of civil society and democracy.²⁶³ Soroush calls for secularisation in the meaning of a separation of religion and state; he does not believe this means the religiosity of the people will diminish.

²⁵⁸ Schirazi, *The Iranian Constitution*, p. 303.

²⁵⁹ Roy, “The Crisis of Religious Legitimacy in Iran,” p. 214.

²⁶⁰ *Ibid.*, p. 214.

²⁶¹ *Ibid.*, p. 215.

²⁶² *Ibid.*, pp. 215-216.

²⁶³ Saikal, “Democracy and peace in Iran and Iraq.”

4.7 SOROUSH'S CONCEPTION OF SECULARISM

Ansari argues that Soroush had to reassess the nature of secularisation and the secularisation thesis in order to challenge the assumption that Islam and democracy were incompatible. His aim has not been to refute such hypotheses definitively, he says, but to indicate the ambiguity of the debate and to create intellectual space for new ideas.²⁶⁴ According to Soroush (2004), the idea of "separation of church and state" is an analogy from Christendom that does not adequately describe the pervasive role of religion in daily Islamic life. There is no parallel to "secularism" as understood in the West, he says.²⁶⁵ Ansari argues: "*Overall, it is clear that the secularization thesis posits a definition of 'secular' which takes little account of its genesis as a Western conceptual construction or of its inherent ambiguity.*"²⁶⁶ Soroush argues that every government needs a source of legitimation and a normative framework. Today the governments derive their legitimacy from the consent of the governed, not from religion. Laws established by institutions representing the people determine the norms of governance as well. There are two possibilities for secularism's insistence on the separation of government and religion, Soroush claims: the belief in the falsehood of religion, together with the fear of its harmful effects on politics; or the belief in the truth of religion, together with the concern that it might become profane or be contaminated by political problems. It nevertheless succeeded in banishing religion from the realm of politics and placing the right of legislation and government in the people's hands. Soroush believes secularism arose from two sources, namely the growth of modern scientific thought and rationality, and the changes in the meaning and relationship of rights and duties.²⁶⁷ Both of these sources stem from the growth of a modern society, which, in addition to the change in the human being's role in the modern world (see chapter three), forge a new relationship with religion.

4.8 THE NECESSITY OF SECULARISM

Modern scientific knowledge and its metaphysical foundations have changed humankind's view of the world and its abilities and place in it, Soroush argues. A revolution similar to the one in natural science has overtaken the social sciences such as anthropology, sociology, economics and political science. He argues: "*Secularism, in this sense, is nothing but the*

²⁶⁴ Ansari, *Iran, Islam and Democracy*, p. 218.

²⁶⁵ Soroush, "If Shi'ite Majority Comes to Power in Iraq, it Will Enhance Democracy in Iran" [online], interview by Nathan Gardels.

²⁶⁶ Ansari, *Iran, Islam and Democracy*, p. 14.

²⁶⁷ Soroush, chapter 4, "The Sense and Essence of Secularism," in *Reason, Freedom and Democracy in Islam*.

‘scientification’ and rationalisation of social and political thought and deliberation.”²⁶⁸

Society has become an independent domain of research. Soroush argues:

The bold intervention in the world of nature inspired similar strategies in the world of politics; the same scientific, rational, and objectifying attitude toward the world of nature permeated social and political thought as well. [...] This was the dawn of secularism. From an epistemological point of view, the presecular age is marked by the hegemony of metaphysical thought in political, economic, and social realms. In this era human beings lacked the courage to intervene in social affairs.²⁶⁹

What Soroush argues is that human beings’ scientific understanding of nature led to them to develop a scientific view of society as well; every area became subject to scientific investigations, even areas previously dominated by metaphysical thoughts. Soroush believes this to be the beginning of secularism; religion became a domain of its own, differentiated from all the other domains of society. Religion has a different role in the modern society, but not necessarily a minor one. Soroush argues that religious knowledge is potentially as open to criticism as scientific knowledge. He criticises philosophers for claiming that metaphysical subjects are beyond the boundaries of rationality, and argues:

However, had religion enjoyed as popular an epistemological niche as science and had it not been weakened by the philosophical and scientific forays of the Western scholars; the society could have, conceivably, remained both “religious” and democratic, just as it has remained “scientific” and democratic.²⁷⁰

He stresses the point that religion should be seen as a branch of human knowledge, in order for religion to be open to review and discussion. Then it would be compatible with democracy. Soroush believes the point of secularism is that everything is subject to critique and rational questioning, and argues: *“That is why a secular government should be defined not only by what it is not, that is a nonreligious government, but by what it is, a government susceptible to criticism, checks, and balances.”*²⁷¹ He argues that one may define secularism as a regime in whose polity no values or rules are beyond human appraisal and verification, no status or position is above public scrutiny, and everything is open to critique. When politics are desacralised and religion remains sacred, then these two are separated. *“This is the meaning of and the reason for the separation of religion and state in secular societies,”* he argues.²⁷² Soroush argues that politics can be mixed with religion only if a non-sacral understanding of religion is juxtaposed with a non-sacral method of administration. He believes his theory of contraction and expansion is the natural way to attain that goal.

²⁶⁸ Ibid., p. 57.

²⁶⁹ Ibid., p. 58.

²⁷⁰ Soroush, chapter 9, “Tolerance and Governance: A Discourse on Religion and Democracy,” p. 137 (hereafter referred to as “Tolerance and Governance”).

²⁷¹ Soroush, chapter 4, “The Sense and Essence of Secularism,” p. 60.

²⁷² Ibid., p. 60.

The notion that the new world gradually rids itself of religion is only half true. It is true in so far as the modern world condemns ignorant and vulgar religiosity to extinction. However, it also allows a different kind of religiosity, a learned and examined religion, to prosper on a higher level. Scientific treatment of political and economic affairs does in no sense preclude a well-defined role for God and religion in political, social, and natural affairs. Determining the limits of that role and the exact form of that relationship remains to be worked out by scholars. The least we can say in this respect is that religiosity or lack thereof do not enter the essence of government. However, as an external reality, government is subordinate to society and constitutes one of its forms of realization. If a society is religious, its government too will take a religious hue.²⁷³

To Soroush, a modern, secularised society allows individuals to achieve a higher, spiritual form of religiosity on a personal level for those who choose religion; a government cannot forcibly make people religious. The government is subordinate to society; in a religious society, the people's religiosity would influence the government and turn it into what he calls an "Islamic democracy." Soroush argues: "*The secularisation of ethics, the rationalisation of happiness, the centrality of humanity, and the transposition of vices and virtues constitute the serving values that preceded the birth of the socioeconomic development and continue to propel it.*"²⁷⁴ Socioeconomic development fulfils primary needs; that is when the real religion can be realised. The most important of the values associated with the development of the modern world is democracy; "*Democracy is a method of governing a developed society brimming with new values and facts.*"²⁷⁵ Vakili argues:

Islamic revivalism, for Soroush, remains the continuous reinterpretation of the core religious texts, in harmony with advancements in the natural and social sciences. Soroush offers no practical, organised structures for the manifestation of Islam in politics, economy, or society. He supports methods of governance, administration, and planning devoid of any religious content. He emphasises, instead, the strengthening of individual and social consciousness through the expansion of Islamic studies and of the mystical components of religion.²⁷⁶

Soroush believes crosscultural interaction also plays an important role in growth of religious knowledge. One of Soroush's main concerns is the interaction between Iran and the West. According to Vakili, Soroush is a representative for a position that provides one way of conceptualising the dialogue between Iran and the West. Vakili argues: "*Soroush's argument that the religious sciences can grow only when engaged in an 'intimate dialogue' with the nonreligious sciences provides the foundation for intercultural dialogue.*"²⁷⁷ Soroush warned against the Islamicisation of Iranian higher education after the revolution in 1979, and argued that it was impossible to replace the social sciences with Islamicised versions of them, as it might jeopardise the growth of knowledge. According to Vakili, "*Soroush argued that the*

²⁷³ Ibid., p. 61.

²⁷⁴ Soroush, chapter 3, "Life and Virtue: The Relationship between Socioeconomic Development and Ethics," p. 44.

²⁷⁵ Ibid., p. 46.

²⁷⁶ Vakili, "Critical Discourse in Iran," p. 174.

²⁷⁷ Ibid., p. 171.

emphasis should be not on the unification (ittihad) of the religious and nonreligious sciences (in order to Islamicize the latter) but rather on the interaction (irtibat) among these various fields."²⁷⁸ Soroush argues that the Iranian Muslims are inheritors and carriers of three different cultures at once, of national, religious and Western origin. One reaction of the Iranian people to the meeting with the West is captured in the concept of "West toxication" (*gharb zadegi*). One meaning of this implies a critical approach to the Western culture; the useful elements from the West should be absorbed and the harmful resisted by the help of traditions. Another meaning inspires passivity in observing one's predestined fate; it sees the coming of Western culture as above human will and control.²⁷⁹ This latter position assumes that an irresistible historical force has placed the West in a dominant position and Iran in a subservient one. Soroush believes that no culture ever fully arrives; they all change over time.

He [Soroush] argues that selective borrowing from Western culture can benefit Iranian culture, provided that this borrowing is the result of free choice. The only way for Iranian culture to grow is for it to open itself up to other cultures, to interact critically and freely with developments from outside of Iran. Selective, freely chosen interaction with the West does not amount to blind imitation of the West, which is the true meaning of *gharbzadagi*, according to Soroush. Yet to emphasize Iran's pre-Islamic or Islamic identity and to exclude any Western influences, is just as dangerous as *gharbzadagi*. Excessive nationalism or excessive religious puritanism threatens the rational climate necessary for cultural interaction and growth.²⁸⁰

According to Vakili, Soroush believes it is necessary to borrow what might be beneficial from the West in order for the Iranian culture to grow. This is not cultural imitation, but an interaction, where both cultures learn. Soroush argues: "*What causes fear of other cultures is the lack of a strong cultural digestive system and also the misconception that each culture is an indivisible monolith, accepting one part of which equals accepting the whole.*"²⁸¹ What Soroush says is that one can absorb good parts of other cultures into one's identity without accepting the entire culture; identity develop by learning from other cultures. "*Islam is part of us, belongs to our national culture, and has strong ties to our cultural identity only in the sense that it has fused and united with us, but it did not originate in Iran.*"²⁸² Soroush says Islam is a culture that the Iranians have embraced as their own even though it did not originate in Iran; thereby they should be able to do the same with other cultures. Soroush argues: "*The final criterion for counting a cultural value or practice as our own should be this: It has to be right and good, and it must have been willingly adopted by our people.*"²⁸³

²⁷⁸ Ibid., p. 171.

²⁷⁹ Soroush, chapter 10, "The Three Cultures," in *Reason, Freedom and Democracy in Islam*.

²⁸⁰ Vakili, "Critical Discourse in Iran," p. 172.

²⁸¹ Soroush, chapter 10, "The Three Cultures," in *Reason, Freedom and Democracy in Islam*, p. 164.

²⁸² Ibid., p. 165.

²⁸³ Ibid., p. 166.

In Soroush's view, the centrality of society and social forces predominates over the role of elites and leaders. Soroush believes that if an Islamic democracy is to grow from below, Islam must recognise individual rights and not just confer obligations upon the people. This means that the relationship between authority and people must change, and the people must assert their rights.²⁸⁴ This leads me to the next source of secularism according to Soroush, namely the changes in the meaning and relationship of rights and duties in the modern world. According to Soroush, in the Qur'an and the Sunna duties are emphasised; rights are in a subordinate position. The subject matter of the *shari'a* is the action oriented to performing duties. There is no sign of human rights in the modern sense of the word:

In my judgement, this is one of the main reasons behind the failure of the modern world to comprehend the principles of "the guardianship of the juriconsult" [*velayat-e faqih*] and "the Islamic government" [*hokumat-e Islami*] that prevail in postrevolutionary Iran. The government founded on the guardianship of the juriconsult as based on duties as it is, conflicts with the mentality of modern humanity as well as with most of the modern political philosophies that base the idea of the state on the principles of the rights of human beings.²⁸⁵

According to Soroush, people have the right to have a religion in the modern world, while the idea of duties prescribes an obligation to be religious. A society will encounter problems if there is difference in the perceptions of the people and the government concerning whether one's religious duty toward the government supersedes one's rights. Soroush argues: "*One of the most important problems of all religious governments lies in whether they recognise the rights of people on a basis that is independent from the religious law.*"²⁸⁶ He believes that to regard the ruler as the guardian is consistent with the view of a duty-bound society, while to regard the leader as a representative implies a society based on rights. He says: "*All our problems stem from attempts to combine these two attitudes.*"²⁸⁷ The Iranian society is clearly a duty-bound society, and the power of the leader in Iran can be said to be consistent with the view of a duty-based society, and his position undermines democracy.

Soroush has, among others, tried to reassert the original meaning of secularism to legitimise it within an Islamic discourse. Secularism is defined as thisworldliness and responsibility for the affairs of the temporal world that can be exercised by believers. According to Ansari, when the term is understood like this, it becomes clear that political Islam follows a secular logic in that its mission is not only the hereafter, but also the organisation of the present. Islamic

²⁸⁴ Ansari, *Iran, Islam and Democracy*, p. 76.

²⁸⁵ Soroush, chapter 4, "The Sense and Essence of Secularism," in *Reason, Freedom and Democracy in Islam*, p. 63.

²⁸⁶ *Ibid.*, p. 64.

²⁸⁷ *Ibid.*, p. 64.

thinkers and activists like Afghani, Shariati, Khomeini and Soroush have been seeking the secularisation of Islam to reintegrate it into contemporary society. Political Islam can therefore be used to socialise the faith, which becomes easier with its association with the institutions of government. Ansari argues:

Islam is secular, in that it deals with the present temporal world, and in order to be relevant it must be critically scrutinised. For this is the other essential aspect of secular societies: demystification and scientific scrutiny. Indeed, for Islam to prosper it must return to its scientific rigour and dynamism.²⁸⁸

Ansari argues: “By thus redefining both Islam and Western conceptions of both secularism and the parameters of democracy, Soroush propounded a forceful argument which was ultimately justified by its ability to protect, enhance and enrich the spirit of religion.”²⁸⁹ The need to critically scrutinise Islam in order to adjust it to a modern society can be illustrated by looking at how the *shari’a* has been dealt with when it was set to be the basis of the system of legislation and the government in the Islamic Republic.

4.9 THE QUESTION OF THE SHARI’A

The complications of a system of legislation and government based on the *shari’a* gave rise to a discussion of the deficiencies of the *shari’a* itself, and of Islamic jurisprudence and the religious seminaries, both amongst those who participated in government power and those Islamicists who had been excluded from it. Several tendencies became visible in this discussion. One can contrast a conservative position with a reform-minded one: the former is held primarily by jurists whose attitude towards the Islamic state is one of quietist reserve; the latter tendency is prevalent among many of the *fuqaha* who participate in power, and especially among the intellectuals outside the religious seminaries. There are three positions within the reform-minded group. One approves of reform only so as far as it justifies *velayat-e faqih* and the practical consequences of that concept in government policy and legislation; otherwise it insists on maintaining views based on traditional *fiqh*. The second is willing to apply far-reaching measures in adapting the *shari’a* to present-day requirements and to approve whatever reform of *fiqh* and the organisation of the religious seminaries are necessary to achieve this end. The third group advocates a radical reform of the conception of Islam, which begins with Islam’s view of man and the world, and aims for an eventual reform of the totality of the Islamic sciences. Politically this latter group criticises the concept of *velayat-e faqih* and believe that the government should be run by modern experts. This group is mainly

²⁸⁸ Ansari, *Iran, Islam and Democracy*, p. 76.

²⁸⁹ *Ibid.*, p. 79.

made up of intellectuals. The most important defect of *fiqh* is its one-sided pre-occupation with private law. Most critique of *fiqh* includes critique of the religious academies as well, where *fiqh* is preserved, developed and taught.²⁹⁰ I have already discussed Soroush's concern for the problem that the sacred texts studied in the seminaries are above all critique and the fact that human interpretations of these texts made by religious authorities are held as sacred as well. Schirazi argues: “*One consequence of these sicknesses is described as ignorance of the fact that the jurists are clinging to ordinances which no longer have any relevance to their objects, which have been completely transformed under changing conditions of time, place and technology.*”²⁹¹ Soroush believes his arguments for dynamic *fiqh* might solve the problems of the religious seminaries and provide a solution to the problem of the fact that the traditional *shari'a* is not enough to provide a modern law system.

4.10 TRADITIONAL OR DYNAMIC *FIQH*?

There has been a demand for comprehensive systematisation based on a critique of *fiqh*'s abstract approach to dealing with the ordinances of *shari'a*. An appeal to take account of the role of time when issuing a *fatwa* has been made based on the criticism of imitation as the dominant method of *fiqh*. In order to work out new ordinances for new facts by means of *ijtihad*, it is necessary to acquire knowledge of those facts. Knowledge of the state has great priority amongst new facts that the academies should deal with. Schirazi argues: “*Awareness of the lack of state ordinances in the shari'a and the newly won responsibilities of political power have increased pressure on the academies to acquire and transmit 'expert knowledge'.*”²⁹²

At this point it would be appropriate to ask how prepared individual reformers are to accept the consequences of their attitude towards traditional *feqh* and their insistence on adapting the *shari'a* to the needs of time. One way of assessing such willingness would be to look at how far they are willing to go in revising the conventional Islamic ordinances, or in other words the extent to which these reformers are prepared to drop or replace the ordinances. It is also important to consider the motive for each case for which the revision of a particular ordinance is accepted. Leaving aside the quiet abandonment of the rather embarrassing ordinances on slaves in the new *feqh*-books and considering Khomeini's rulings on music, chess, the rules of emergency and the interest of the state as a direct outcome of the pressures of government, there is scarcely an example of significance in which there have been signs of revision.²⁹³

As mentioned before, the concept of “dynamic *fiqh*” (*fiqh-e puya*) has been used as a counterpoint to the concept of “traditional *fiqh*” (*fiqh-e sonnati*) in discussions of the reform

²⁹⁰ Schirazi, *The Constitution of Iran*, chapter 14.

²⁹¹ *Ibid.*, p. 262.

²⁹² *Ibid.*, p. 268.

²⁹³ *Ibid.*, p. 269.

of *fiqh*. Schirazi argues about the advocates of dynamic *fiqh*: “Not wishing to abandon the ground for *feqh* altogether, they advocate a more radical reform of Shi’i jurisprudence than has hitherto been proposed, and have consequently showed little respect for the representatives of traditional *feqh* and its content, methods and principles.”²⁹⁴ An argument used against the advocates of dynamic *fiqh* has been to maintain that traditional *fiqh* was itself so dynamic that there is no need of any additional dynamism; the proof of this was the development traditional *fiqh* had undergone in previous centuries; this capacity gives it sufficient power to prove its relevance in the present and the future. Schirazi argues:

The massive and many-sided pressure exerted on the advocates of dynamic *feqh* on the one hand, and the attempt to take wind out of their sails by pointing to the dynamic content of traditional *feqh* on the other, has proved very successful. This obstruction of the development of *feqh-puya* has strengthened the stagnant powers of the allegedly dynamic traditional *feqh* and has in part been responsible for the fact that so far the reform of *feqh* and the academies has not occurred.²⁹⁵

The failure to Islamicise legislation created an atmosphere of crisis within the religious academies. In time, however, these cries have faded with the lack of progress towards reform. Schirazi argues: “A consistent policy of reform would mean the abandonment of Islamic law and consequently the liberation of legislation and government from the constraints of *feqh*.”²⁹⁶ Some criticism comes from Islamic reformers who distance themselves more or less openly from the concept of *velayat-e faqih*. Advocates of this line of Islamic reform can be found in various positions along the spectrum of Islamic-minded intellectuals among the laity or even the clergy.²⁹⁷ Soroush belongs to the group of reformers. His view of the need for development of the *shari’a* is a continuation of his thought on the separation of religion from religious knowledge; *fiqh* as one aspect of religious knowledge is equally subject to analysis and criticism as any other human science. The knowledge of modern times should be applied in order to make it suitable for modern societies.

4.11 THE NEED TO MOVE BEYOND FIQH

To Soroush, non-religious sciences pose questions with present-day relevance to the religious sciences and demand answers that correspond to the state of today’s non-religious sciences, which opens a possibility for the *shari’a* to manifest itself more effectively. Changes in the non-religious sciences necessitate changes in the religious sciences; the correct understanding of *shari’a* cannot deviate from a correct understanding of nature. Schirazi argues:

²⁹⁴ Ibid., p. 271.

²⁹⁵ Ibid., p. 272.

²⁹⁶ Ibid., p. 304.

²⁹⁷ Ibid., chapter 16.

In the development of the non-religious sciences, Soroush sees a source for the development of the religious sciences and therefore for their drawing closer to the truth. A better knowledge of the cosmos, in his view, leads to a better knowledge of God and the Prophet. The most important point, however, is that, as the religious sciences develop, precise knowledge of what is unchanging in religion increases. Soroush energetically contests the notion that the development of the non-religious sciences could affect the kernel of religion or bring it into doubt.²⁹⁸

Schirazi argues: “*For Soroush no error is as serious as reducing Islam to fiqh.*”²⁹⁹ The clergy’s form of Islam suggests that the substance of religion can be reduced to imitation and *fiqh*, argues Soroush. In his view, the reduction of Islam to *fiqh* is an offence, because under the Islamic Republic the jurists have used it as a weapon to suppress the diversity of religious thought that prevailed before the revolution. One cannot expect all problems of today’s world to be solved by *fiqh*; one needs experts, scientists and managers.³⁰⁰ Following the method of logical reasoning, Soroush asserts that, as a human science, *fiqh* is by nature hermeneutical and speculative. The *shari’a* should not contradict modern scientific findings. The field of *tafsir* is far from an exact science and must indeed be approached as an inexact, inconsistent, and controversial arena of human inquiry.³⁰¹ Soroush does prescribe the task of ascertaining values to *fiqh* and the jurists; he does not attach any importance to the ideas produced in the academies for solving current problems of religion; *ijtihad* too is ineffective in this respect, the contemporary stagnation of *fiqh* being a proof of this. Soroush believes the problems lie in the views of man and the world held by the religious authorities, and that they cannot be solved until those views are renovated through adaptation to the modern sciences. His criticism of the jurists contains an appeal to his public to recognise their potential as experts in the modern sciences and to value their own capacity and right to be leaders, and not allow their relation with the jurists to be determined by imitation.³⁰² Soroush (2004) argues that the grand ayatollahs in Najaf are not philosophers; they are scholars and jurists concerned with interpreting how religious law should be applied in the modern world. Their concerns are legalistic, but that does not make them illiberal. Soroush argues:

I know that Ayatollah Ali Sistani did not take a position *against* my writings when they were presented to him. That, in itself, says a lot. He and the people around him are absolutely open, for example, to the education of women and promotion of women's rights. [...] One of the unintended consequences of the U.S. overthrow of Saddam and the wider influence of the Shiites in Iraq may well be to enhance the democratic prospects in Iran. Let us see.³⁰³

²⁹⁸ Ibid., p. 283.

²⁹⁹ Ibid., p. 283.

³⁰⁰ Ibid., chapter 16.

³⁰¹ Boroujerdi, *Iranian Intellectuals and the West*, chapter 7.

³⁰² Schirazi, *The Constitution of Iran*, chapter 16.

³⁰³ Soroush, “If Shi’ite Majority Comes to Power in Iraq, it Will Enhance Democracy in Iran” [online], interview by Nathan Gardels.

While many of those who want to define an Islamic democracy want to start by re-conceptualising old Islamic concepts,³⁰⁴ Soroush wants to start from a different and interesting point of view. He argues that he has provided a starting point and a correct formulation of, if not an actual solution to, the problem of the combination of religion and democracy with the arguments he has presented in his essay “The Idea of Democratic Religious Government.” Soroush argues:

The present argument, unlike the writings of some Islamic thinkers, makes no attempt to place the entire weight of the conceptual edifice of democracy upon the frail shoulders of such (intrareligious) precepts as consultation [*shura*], consensus of the faithful [*ijma'*], and oath of loyalty to a ruler [*bei'at*]. Rather, the discourse on religious government should commence with a discussion of human rights, justice, and restriction of power (all extrareligious issues). Only then should one try to harmonize one's religious understanding with them.³⁰⁵

Rather than trying to re-conceptualise religious concepts in order to find a basis for a religious democracy, Soroush wants to start the discussion with issues like human rights, justice and the restriction of power. These are important issues in the modern world, but have their origin outside the area of religion itself: what he calls extrareligious issues. Religion must adjust to these issues, for then to find its role. By relying only on the faith of the participants in an potential democracy in Iran, Soroush argues for “Islamic democracy.”

4.12 ISLAMIC DEMOCRACY

Soroush argues that modern science explains the world as if it were not created by a god, but without denying his existence: “*In other words, it is assumed that even if there were a god, science would nonetheless be able to explain the world without relying on his existence.*”³⁰⁶ According to Soroush, even though secular thinkers might not be oblivious to the rights of God, they concentrate on securing people's contentment to the exclusion of God rather than raise the question of God's rights when discussing human rights. I will quote one of modern secular arguments about God's rights that Soroush lists:

Religion should, above all, be humane. Just as the people serve their religion, religion should serve its followers. Justice can not be religious, but religion should claim justice, truthfulness, and humanity among its attributes. Hence, in order to become acceptable to modern humanity, the intrinsic imperatives of every religion must be harmonious with these extrinsic characteristics.³⁰⁷

³⁰⁴ John L Esposito and John O. Voll, chapter 1, “Islam and Democracy. Heritage and Global Context,” in *Islam and Democracy*.

³⁰⁵ Soroush, chapter 8, “The Idea of Religious Democratic Government,” in *Reason, Freedom and Democracy in Islam*, p. 132.

³⁰⁶ *Ibid.*, p. 122.

³⁰⁷ *Ibid.*, p. 124.

What Soroush argues is that religion must adjust itself to issues like justice and humanity, not the other way around; these cannot become religious. For religion to be accepted by modern human beings, religion must be in harmony with these issues. Soroush points out that not one of the arguments deprives anyone of his or her right to believe. He believes it is valid to argue that in a secular society a democratic religious government is impossible; in such a society, the best form of government is a secular democratic regime. Soroush continues: “*However, it is not valid to argue that nowhere and under no conditions may one perceive the desirability of a religious democracy, even in a religious society.*”³⁰⁸ He believes a religious government can be an appropriate reflection of a religious society. Whether religious regimes are democratic or not, Soroush believes, depends on two conditions: the extent to which governments partake of collective wisdom and the extent to which governments respect human rights. He says that a combination of democracy and religion would entail the convergence of reason and revelation.³⁰⁹ In a democratic government, the religious laws, as they appear in the core religious texts, are interpreted and expanded upon with the use of religious and nonreligious branches of knowledge. These laws have to follow society’s general and changing understanding of religion. Vakili argues: “*Soroush argues that today this understanding includes a notion of human rights that demands individuals to be free to choose their own form of government.*”³¹⁰ Soroush believes that any government which does not rule with societal consent, or which restricts this right, violates this conception of justice and sacrifices its legitimacy.³¹¹ This is clearly a critique of Iran, which rules without social consent and thereby sacrifices its legitimacy in Soroush’s view. The government in Iran does not possess an understanding of religion that includes the view that human rights allow the people to choose their own government; what Soroush is arguing is that the clerical regime in Iran will lose its legitimacy. The Iranian regime is not democratic according to Soroush’s criteria, because it does not partake in collective wisdom or respect human rights.

As a value system, it respects human rights, the public’s right to elect their leaders and hold them accountable, and the defence of the people’s notion of justice. As a method of governance, democracy includes the traditional notions of separation of powers, free elections, free and independent press, freedom of expression, freedom of political assembly, multiple political parties, and restrictions on executive power. Soroush argues that no government official may stand above criticism and that all must be accountable to the public. Accountability reduces the potential for corruption and allows the public to remove, or restrict the power of, incompetent officials. Democracy is, in effect, a method for “rationalizing” politics.³¹²

³⁰⁸ Ibid., p. 126.

³⁰⁹ Ibid., chapter 8, “The Idea of Religious Democratic Government.”

³¹⁰ Vakili, “Critical Discourse in Iran,” p. 161.

³¹¹ Ibid., “Critical Discourse in Iran.”

³¹² Ibid., p. 161.

Soroush believes it is necessary to discover the role of reason in religious understanding; it is reason that defines truth, justice, and humanity, attributes these to a religion, and does the task of understanding the teachings of religion. The appeal to religious conviction should not arrest the renewal of religious understanding or innovative adjudication (*ijtihad*) in religion.

In order to remain religious, they [democratic religious regimes], of course, need to establish religion as the guide and arbiter of their problems and conflicts. But, in order to remain democratic, they need to dynamically absorb an adjudicative understanding of religion, in accordance with the dictates of collective “reason.”³¹³

What Soroush says is that reason must be applied to religious understanding; one must use reason in order to understand and interpret the religious texts. Even though a regime uses religion as a guideline, reason must be used to discover these guidelines, and in order to be democratic, a collective reason should be consulted. If a religious people take part in a democracy then, religion will become the guideline to the conflicts of that regime. Soroush states that a religion that is oblivious to human rights is not tenable in the modern world; religion needs to be right ethically as well as logically. It is not enough to evade rational and moral principles and reasoning about human rights, while focusing only on the primary texts of religion in formulating jurisprudential edicts. He believes the debate on human rights must be viewed as worthy and useful exchanges of opinions in Islamic society. Observing human rights guarantees the democratic character of a regime as well as its religious one.

In any event, religious governments that are based on religious societies will be democratic only when they seek to combine the satisfaction of the Creator and that of the created; when they are true both to the religious and extrareligious concerns; and when they equally respect prereligious and postreligious reason and morality.³¹⁴

Soroush believes justice is for believers a prerequisite for and a requirement of religious rules and argues: “A rule that is not just is not religious,”³¹⁵ and that justice and human rights are strongly connected. He believes the rights concerning government, power and the just relationship between the ruler and the ruled are among the most significant elements of those rights, and that is why the effort to restrain and restrict power is closely related to the establishment of justice and human rights. He argues that justice is a metareligious category, and so are the discovery and derivation of methods of just government, distribution and restriction of power, and the specific instances of human rights. These issues have a rational, not a religious, origin. Religion and religious understanding rely on these rational precepts:

³¹³ Soroush, chapter 8, “The Idea of Religious Democratic Government,” in *Reason, Freedom, and Democracy in Islam*, p. 128.

³¹⁴ *Ibid.*, p. 130.

³¹⁵ Soroush, chapter 9, “Tolerance and Governance,” p. 132.

Once the status of reason, particularly the dynamic collective reason, is established; once the theological, practical, and historical advances of humanity are applied to the understanding and acceptance of religion; once extrareligious factors find an echo within the religious domain; and finally, once religion is rationalised, then the way to epistemological pluralism – the centrepiece of democratic action – will be paved.³¹⁶

What Soroush emphasises is that for the dynamic collective reasoning to develop, there has to be a debate in which different opinions can be aired, and people can learn from each other. When this occurs there will be a pluralism of thoughts, which Soroush considers the most important benefit resulting from democracy. He argues “*Sober and willing – not fearful and compulsory – practice of religion is the hallmark of a religious society. It is only from such a society that the religious government is born.*”³¹⁷ Soroush emphasises that religiosity may only be achieved through the free choice to be religious; it cannot be forced upon people. He believes that in a democracy, a religious society will lead to a religious government.

4.13 CRITICISM OF SOROUSH’S THESIS AND HIS DEFENCE

Criticism of Soroush’s thesis came from two predictable sources: the Western intellectual elite, and the authoritarian Islamists within Iran.³¹⁸ According to Soroush himself, some thinkers have considered the existence of religious law and the divine status of the ruler as a barrier to democracy, while the defenders of religious democracy have resorted to the plurality of religions and schools of thought in religious jurisprudence as a proof of religious tolerance and the compatibility of religious society with democratic pluralism. In the debates on whether Islam and democracy are compatible, Soroush holds, the *shari’a* remains the centre of controversy. He believes, however, that democracy is a method for government and for restriction of power, and that this power is harnessed by law; religious society and government owe everything, including their legal systems, to the faith of the faithful. Islamic jurisprudence is equally applicable to religious and secular societies. He criticises those who consider democratisation of the religious government to be contingent upon the secularisation of religion and religious law; these remain confined in a jurisprudential concept of Islam, while it is the faith that is the essential element in religion and religious understanding.³¹⁹ Soroush argues: “*The truth, however, is that religious law [shari’ah] is not synonymous with the entirety of religion; nor is the debate over the democratic religious government a purely*

³¹⁶ Soroush, chapter 9, “Tolerance and Governance,” in *Reason, Freedom, and Democracy*, p. 133.

³¹⁷ *Ibid.*, p. 133.

³¹⁸ Ansari, *Iran, Islam and Democracy*, chapter 4.

³¹⁹ Soroush, chapter 9, “Tolerance and Governance,” in *Reason, Freedom and Democracy in Islam*.

jurisprudential argument.”³²⁰ To Soroush, it all depends on the believer’s faith; if this faith pervades society, not through institutions, but solely through the faith of the believers, the terms “Islamic jurisprudence” or “Islamic democracy” may be used.

Soroush claims that the author of “Paradox of Islam and Democracy”³²¹ argues that Islam and democracy cannot be combined unless Islam is secularised. This belief comes from the assumption that relativistic liberalism and democracy is identical. Soroush argues:

*“Democracy, however, does not require believers to abandon their convictions, secularize their creed, and lose faith in divine protection.”*³²² To Soroush, the idea of democratic

religious society is a result of a logical decoupling of democracy and liberalism. Soroush claims: *“The only thing that is required of a democracy is tolerance of different points of view and their advocates.”*³²³ He asks: *“Who says the precondition for tolerance of ideas and their bearers is the renouncing of one’s own beliefs?”*³²⁴

Soroush argues that faith is a matter of exclusive personal and private experience. While expressions of faith are public, the essence of faith is mysterious and private. He argues: *“The heart of a religious society is freely chosen faith not coercion and conformity.”*³²⁵ Faiths vary along with people’s personalities, he says.

He believes this is true for religious understandings as well. He argues: *“Religious society is based upon free and invisible faith and dynamic and varied understanding.”*³²⁶ He believes this is how a religious society, based on free faith, dynamic understanding, and individual presence before God, cannot be anything but democratic. Faith remains the essential issue for Soroush; he believes it will manifest itself in a religious society.

A religious society becomes more religious as it grows more free and freedom loving, as it trades diehard dogma with examined faith, as it favours inner plurality over outer mechanical and nominal unity, and as it favours voluntary submission to involuntary subservience. [...] Let me, then, declare once and for all: A religious government over a faithful and alert society that respects liberty and dynamism of religious understanding cannot help but be a democratic society.³²⁷

Soroush has had to meet the difficult task of relating his concept of social religious consciousness to practical political affairs when discussing the relationship between religion and democracy. His critics want to know how this social consciousness will protect against the secularisation of society without religious institutions having this task. Critics claims that

³²⁰ Ibid., p. 134.

³²¹ Mr. Hamid Paydar.

³²² Soroush, chapter 9, “Tolerance and Governance,” in *Reason, Freedom and Democracy in Islam*, p. 135

³²³ Ibid., p. 138.

³²⁴ Ibid., p. 138.

³²⁵ Ibid., p. 141.

³²⁶ Ibid., p. 142.

³²⁷ Ibid., p. 145.

Soroush's position is not theoretically sound; it does not present an institutional mechanism with the abilities of making public beliefs into political structures, it relies only on the presence of public beliefs alone. It also assumes that this social consciousness is unified and will maintain so over time. Critics claim that Soroush's position is not historically accurate; there are many religious societies in the contemporary world but no religious democratic states. This lack of democracy in Muslim societies suggests either that a social consciousness is not enough to guarantee democracy or that these societies are only superficially religious. Some critics reject Soroush's claim that modern conceptions of justice embody an understanding of human rights with which religious understandings should and can conform. According to Vakili, "*Instead they argue that today many religious societies - including Iran - do not espouse a general religious understanding that accepts these human rights.*"³²⁸ These critics want a response from Soroush that details methodologically and institutionally, how a religious democracy may be established and maintained in a modern religious society.

Vakili argues that the critics point correctly to the absence within Soroush's framework of a developed institutional schema for a religious democracy. This is, however, a necessary absence given his approach, as Soroush does say that no understanding of Islam can offer a detailed model for the foundation and administration of any form of religious government, including democracy. Soroush is of the opinion that outside the restricted legal capacity of *fiqh* there is no way to institute religion in government. For Soroush, society provides the religious foundation for the political system, not institutions. Soroush believes "*A religious society's social consciousness will lend a 'religious coloring' to all political affairs.*"³²⁹ For Soroush's argument to be valid, it would have to explain the absence of democratic regimes in modern religious societies. There are two ways to read Soroush's position on this. One can take one reading from his statements that a religious society cannot have anything but a democratic government. This would require Soroush to call the majority of religious societies today that live under non-democratic regimes irreligious. The other reading calls for attention to his qualifying statements, where he admits that non-democratic regimes may govern in a religious society, although through the use of force and without social consent. The task for Soroush is to describe what constitutes a religious society. One major feature of a religious society is that no one understanding of religion prevails but multiple understandings coexist.

³²⁸ Vakili, "Critical Discourse in Iran," p. 163.

³²⁹ *Ibid.*, p. 164.

Some critics have asked how a government in a religious society can be religious with the lack of direct clerical involvement to guard the religious principles. Following Vakili, Soroush's answer lies partly in the "society of religious scholars" that will replace the clerical establishment and their relation to the public religious consciousness. That the society determines the nature of government rather than the government guaranteeing the religious nature of society places a heavy burden on the role of social consciousness. Vakili argues:

One method for strengthening this consciousness, he [Soroush] argues, is through allowing and promoting change in religious knowledge. This requires denying any one group a monopoly on religious knowledge and any theory a privileged status. Beyond these negative injunctions, there is also the need for positive growth in religious interpretations. The "society of religious scholars" plays a central role in stimulating this growth. According to Soroush, these individuals engage in religious activity solely out of a sincere motivation to understand religion and to spread this understanding.³³⁰

Soroush argues that religious ordinances (*shari'a*) strengthen religious democracy through protecting the identity of the religious society, through expanding legal discipline and securing rights, duties, justice and equality for the citizens, and through augmenting right and justice in society. Religious understanding should constantly renew and correct itself in light of rationality, the main foundation of democracy, and a worldly approach should be adopted towards religious jurisprudence. Soroush argues: "*Therefore, the entrance of the element of public good in legislation and jurisprudence [in Iran], and the appointment of a committee to discern it, is a harbinger of democratic thought and action.*"³³¹ According to Soroush, democracy is a method of harnessing the power of the rulers, rationalising their policies, protecting the rights of the subjects, and attaining the public good. This method consists of peaceful transfer of power, legal impeachment of rulers, separation of powers, establishment of a parliament, public education, freedom of expression, freedom and plurality of political parties, powerful and autonomous press and media, public elections, consultative assemblies on every level of decision making, and the like.³³² Soroush thinks that a religious government that rules on *fiqh* alone, in addition to reducing the range of human rights, lacks sufficient methods for governance; Vakili argues: "*Soroush holds that religion does not offer a plan for government, and any attempts to derive such a plan from religion are wasted.*"³³³ Soroush argues that what is worldly, natural and human should be treated as such. In addition, he argues: "*One should not be unduly concerned with the fate of the religious jurisprudence anyway; it is quite secondary to the essence of religiosity.*"³³⁴ Vakili argues:

³³⁰ Ibid., p. 170.

³³¹ Soroush, chapter 9, "Tolerance and Governance," in *Reason, Freedom and Democracy in Islam*, p. 148.

³³² Ibid., p. 148.

³³³ Vakili, "Critical Discourse in Iran," p. 159.

³³⁴ Soroush, chapter 9, "Tolerance and Governance," in *Reason, Freedom and Democracy in Islam*, p. 149.

Soroush maintains that a religious government must be a just government and that justice is a term independent of religion. Religious justice, based on fiqh and understood as the interpretation and application of Quranic law, can be derived directly from the Quran. Yet the concept of justice itself cannot be defined by reference to the Quran alone. Justice includes a conception of humanity, of what it means to be human, and of what rights humans enjoy. This conception must accord with religion, but it cannot be defined on the basis of the religious texts alone: “we do not draw [our conception of] justice from religion, but rather we accept religion because it is just.” The relationship between religion and justice can be understood only by entering into a theological debate that makes use of, for example, the combined terms of philosophical, metaphysical, political, and religious discourse. This debate would reveal that humans, by virtue of their humanity, enjoy certain rights that are not defined in the core religious texts. A religious state that reduces its notion of justice to the implementation of fiqh jeopardizes these extrareligious rights.³³⁵

Soroush emphasises that human beings enjoy certain rights by virtue of their humanity. To believe it is impossible to connect religiosity with rationality comes from the ignorance of the true nature of religion and religious law, Soroush claims. However divine and ahistorical its origins, religious jurisprudence inevitably becomes historical and assumes a worldly application, as human beings elaborate on it through their free faiths and evolving understanding of the principles of right and justice, and derive practical lessons from it. Soroush argues that people with independent will and freedom, extract certain principles of ethics and pragmatics from their religion. “*Thus,*” he says, “*heaven and earth are reconciled and the severity of the paradox of religiosity and rationality is reduced.*”³³⁶ Democracy reflects the will of the people; if this will is inspired by religion, it does not diminish the democratic nature:

It bears reiterating, then, postulating “specific results” is contrary to democracy. [...] Rulers need to be “designated” through rational methods. That is why appointing religious judges to this office, without regard for people’s will and vote and without utilizing democratic methods, is incompatible with democracy. [...] The ultimate right of the people to govern, that is, to manage rationally the society in such a way as to reduce errors of deliberation and policy making, shall not be abrogated under any circumstances. No error may be repeated or justified on the basis of an a priori or divine right. The government of the people is a government fit for the people, not for Gods. It is established through the will of the people. This will is, in a religious society, nurtured and inspired by religion and religious reason, but the religious edification and inspiration does not diminish the democratic nature of the religious government in the least.³³⁷

What Soroush says is that society should be ruled through rational methods, by which he means to select the leaders and make decisions based on the people’s will. Soroush argues: “*Religious morality would be the guarantor of a democracy, where the rights of the faithful to adopt a divine religion would not vitiate the democratic, earthly, and rational nature of the religious government.*”³³⁸ Schirazi argues that Soroush and other like-minded Islamic intellectuals have contributed to a reconciliation of Islam and democracy, and adds:

³³⁵ Vakili, “Critical Discourse in Iran,” p. 159.

³³⁶ Soroush, chapter 9, “Tolerance and Governance,” in *Reason, Freedom and Democracy in Islam*, p. 152.

³³⁷ *Ibid.*, p. 152.

³³⁸ *Ibid.*, p. 154.

As for the practical effect of their ideas or the influence they have on the Islamicists, the academics or amongst the general public, this cannot be estimated with accuracy in circumstances which cause many to adopt an attitude of secrecy (*taqiyyeh*) about their thought. A positive reaction to these ideas on the part of the majority in the established system of power can scarcely be expected under prevailing conditions, for such a reaction would depend on first eliminating the very conditions that guarantee their interests. On the other hand, it would not be justifiable to link the question of the ultimate effect of these ideas to the future development of the Islamic state, because the efforts to reform Islam and its relation to the state must continue even if the Islamic state ceases to exist. Soroush himself, though he rejects the ideologisation of Islam, makes this mistake in clinging to the idea of an Islamic, albeit a democratic, state. As already mentioned, he explains that the democratic state must be Islamic because the underlying society is Islamic. What he does not explain is why this society, which allegedly is thoroughly Islamic, has the desire to impose on itself an Islamic state.³³⁹

Schirazi questions why the supposedly Islamic society would create an Islamic state. The same does Boroujerdi, who argues that Soroush's theory of a religiously democratic government does not take into account the form of the state, nor such factors as the existence of civil institutions, the presence of a tolerant political culture, discrepancies in the social, economic and political status and power base of various groups, and the nature of the economic system. He argues that Soroush wants us to accept a limited definition of democracy with reference to a set of principles that he has deduced from epistemological assertions: "*He contends that in a 'truly religious society,' all aspects of life, including politics, naturally take on a religious coloring. However, why should we accept this assertion?*"³⁴⁰ It is legitimate to question the Islamic nature of a society being so strong as to influence the government; I do so too. However, I believe Soroush is of the opinion that if the Iranian Islamic state is to become a democracy, the people of Iran will have the possibility to express freely their opinions in society. Because he looks at the Iranian society as a religious one; he calls it an "Islamic democracy." When religion is separated from politics institutionally, the only way this democracy might become Islamic is through the will of the people, who, Soroush believes, will be able to achieve a deeper form of religiosity when given the opportunity to explore it themselves. I believe he does not say that he guarantees an "Islamic democracy", if Iran were to become a democracy, but that the possibility is there. What is important is that his ideas open for a free society.

4.14 THE SUPPRESSION OF FUNDAMENTAL RIGHTS

I have already described how other more influential government institutions are placed above the government institutions that otherwise would be considered democratic (see chapter two). While this is one way the Islamic Republic is suppressing fundamental rights of the citizens,

³³⁹ Schirazi, *The Constitution of Iran*, p. 288.

³⁴⁰ Boroujerdi, "Book Review by Mehrzad Boroujerdi" [online].

other rights are suppressed as well. Even though human rights are guaranteed in the constitution, they have been seriously violated in the Islamic Republic. Violation of human rights is often written into the laws of the regime and justified by reference to the *shari'a*.³⁴¹ The freedom that prevailed during the revolutionary period made it possible to found political organisations of various kinds. However, the legalists soon started repressing them. Khomeini's attitude towards political parties was clear; he wanted to forbid them. Schirazi says: "According to Amnesty International, in the first half of 1981 alone 2,444 people were executed."³⁴² He believes this makes clear the severity of how opposition organisations were being dealt with. The debate over political parties soon died out without leading to any serious results.³⁴³ Since the closing of the IRP's offices in 1988, the government has not permitted the functioning of organised political parties in Iran, and by this they have wiped out one of the potentially most significant institutions of democracy. However, according to Kazemi, this prohibition does not mean that groups and factions both inside and outside of the parliament, which share the ideals of an Islamic government, are absent from the political scene. He argues that the four separate parliaments of the Islamic *majles* have been an ideal arena for observing factional politics in operation.³⁴⁴

Khomeini's speech of August 1979, where he announced the revolutionary suppression of opposition activities, also applied to the opposition press. Of the 444 newspapers and magazines that had appeared during the first year after the revolution, less than a half remained a few years later. Two laws that were passed confirmed the pressure on the press as well. The first made it necessary for a publication to obtain a permit from a specially created government commission, while the second endowed the same commission with the additional function of performing constant supervision over the press; in addition, the second law contains three novel sections that include issues like promoting the goals of the Islamic Republic and propagating Islamic culture. The pressure on the press was reduced to some extent after Khomeini's death.³⁴⁵ The state-controlled media is a formal government institution, which has become a chief vehicle for disseminating the official culture of the Islamic Republic. The press, radio, television, and books are used to ensure the adherence to the hegemonic ideology of the Islamic state. Kazemi argues that recourse under the system is

³⁴¹ Schirazi, *The Constitution of Iran*, chapter 6.

³⁴² *Ibid.*, p. 127.

³⁴³ *Ibid.*, chapter 6.

³⁴⁴ Kazemi, "Civil Society and Iranian Politics."

³⁴⁵ Schirazi, *The Constitution of Iran*, chapter 6.

limited and difficult at best. Publications have assumed an important role, however, at least among intellectuals, in expressing veiled views contrary to the dominant orthodoxy. Kazemi concludes that possibilities for autonomous development are clearly present.³⁴⁶ The suppression of political parties as well as the oppositional press by the Iranian regime are serious violations of the fundamental human right of freedom of expression. One of the groups in society that has been suppressed is the women, whose case I will discuss in order to illustrate the use of Soroush's theory applied to one particular case.

4.15 THE SUPPRESSION OF WOMEN

Women have been excluded from professional life in the Islamic Republic, especially in government administration and in the judicial system. Women have been forced out of professional life by having been denied admission in several fields of study. They have been sexually discriminated against by the compulsory wearing of the veil, the separation of the sexes in public, and other rules of chastity imposed on them. The discrimination against women has met with several obstacles and much resistance that have reduced the impact of this policy. The ruling Islamicists realised that they could exploit the social importance of traditionalist women for their own political ends. Their inclusion in demonstrations, their active support in times of war, and their votes in election are used by the regime to achieve its goals. This has contributed to the fact that some women introduced into public life in this manner have become aware of the legal discrimination against them and have taken steps to modify the situation, like the founding of women's associations and the creation of women's periodicals.³⁴⁷ Mir-Hosseini wants to find out why women like those in *Zanan* could reconcile their faith with their feminism because of Soroush's ideas. She believes he approaches sacred texts by reintroducing the element of rationality that has been part of Shi'i thought, enabling his audience to be critical without compromising their faith. He is making it legitimate to pose questions that only the *ulama* previously could ask. Mir-Hosseini uses some of Soroush's unpublished work to find more on his views on women. What she seems to become increasingly frustrated over is that she cannot extract a clear position on the issue of gender from Soroush's arguments. While she recognises that he applies his theory of the "Expansion and Contraction of the Shari'a," she seems to get no clear answer to exactly what his position on the issue is. She argues: "*Despite this heady stuff, and Soroush's fresh approach, listening to him I could not help thinking that he too, as a religious intellectual, was avoiding the issue*

³⁴⁶ Kazemi, "Civil Society and Iranian Politics."

³⁴⁷ Schirazi, *The Constitution of Iran*, chapter 6.

by skirting around any discussion of women's legal rights in Islam – the domain of feqh.”³⁴⁸

I believe Soroush's discussion on the subject is rather philosophical and not easy to understand exactly, the same as with all his other works, but that it is possible to find his theory applied to the discussion; what the reader extracts from one text is dependent on the reader's reasoning on what the text means. This understanding changes over time.

When discussing a 1992 lecture on the *Nahj ol-Balagheh* (the collection of Imam Ali's sermons and *hadith*), Soroush argues that it contains two different kinds of statements on women; those not based on reasoning, and those where the Imam has reasoned. When arguing that once a *hadith* is based on reasoning then it must be approached through its own reasoning, Soroush argues: “*In fact, the credibility of such a hadith is contingent on the force and validity of its reasoning, not on the authority of its utterer.*”³⁴⁹ Here he stresses the importance of the separation of religion and religious knowledge, and the use of reasoning to achieve this knowledge. As for the *hadiths* that are not based on reasoning, Soroush's solution is to say that these *hadiths* are “pseudo-universal propositions;” they reveal the conditions of women of their time.³⁵⁰ One recognises Soroush's argument that one needs to apply one's own understanding to a text according to the knowledge of the time. After having discussed Soroush's views, in the end it seems like Mir-Hosseini thinks Soroush's arguments are incomplete: that he does not provide for a clear position on the issue. She came to understand, however, that she had to shift focus.

It was not his position on gender but his conception of Islam and his approach to sacred texts that empowered women in *Zanan* to argue for gender equality, just as they also, I realized, made possible my debate with the *Payam-e Zan* clerics, even though they did not agree with his approach to the texts any more than I agreed with his gender position.³⁵¹

In October 1996, Mir-Hosseini was able to discuss the 1992 lecture with Soroush in London, through an interview with him. Soroush repeats that when dealing with sacred texts or old views, one should deal with them by reasoning; Mir-Hosseini says that this is not enough. He holds that what conclusion one draws from such texts or views depends on one's own perspective and intentions. Soroush explains that the *ulama's* guide is *fiqh*, and that their ideas come from a set of rulings they have in mind, and they then create an image of women to reflect it. He is a great critic of such thinking. He does not believe *fiqh* should become the centre of religious thought. He separates between pre-and post-revolutionary Islam, saying

³⁴⁸ Mir-Hosseini, “Challenges and Complicities,” p. 226.

³⁴⁹ *Ibid.*, p. 224.

³⁵⁰ *Ibid.*, p. 225.

³⁵¹ *Ibid.*, p. 238.

that the latter is *fiqh*-based, and that the former was spiritual. *Fiqh* holds itself within a worldview, but some ignore this, take its rulings as immutable, and define women accordingly. He says that *fiqh* is not his starting point. He argues: “*Women’s status mustn’t be reduced to law; it’s much broader.*”³⁵² Soroush argues:

It takes a long time to explain to these women that there are some issues that have nothing to do with religion; these are meaningless taboos which are not imposed by God and His Messenger, you have imposed them on yourself and have distorted human relations. What is a woman with this image of herself to do with equal rights? That’s why I say: debates on rights should come later. In our society, delicate theoretical work is needed, and when women know themselves, then you can say: now define your relationship with men, define your status, and yet remain Muslim and live according to the shari’a. These relations [defined in *fiqh*] aren’t sacrosanct, they come from minds with distorted worldviews; many arose in situations when women didn’t undertake social responsibilities. In our society, women work and are present, but some still want to enforce outmoded ethics. No one says where they come from, what era they belong to. The only thing that’s done is to tell girls not to wear this or that.³⁵³

This quotation and short debate illustrates how Soroush applies his theory in practice with regard to the issue of women’s position. Several views on women’s position reflect opinions of their role in traditional societies at a particular time; they do not have anything to do with religion. Today’s understanding of women’s position must reflect modern society. Laws must be accommodated this understanding; one cannot impose the same laws as existed a hundred years ago when a different worldview according to that time and place existed.

Soroush ends his discussion with Mir-Hosseini by pointing out that one needs to go to fundamentals and develop theoretical grounds, which are now missing, to achieve a shift in discourses and perspectives of women, and by saying that he believes today’s society is too ideological.³⁵⁴ Even though Soroush is not particularly preoccupied with women’s situation, this discussion is an extension of his debate for human rights and justice. This was written in 2000, and I would like to point out that Soroush continuously develops his thought on all issues, the question of women rights as well as other issues. Nikki R. Keddie argues that Soroush, Khatami, and a whole series of new thinkers, both clerical and secular and including many women who have fought effectively for increasing women's rights, have presented many talks and writings that try to make room for Islamic values and their adherents, while retaining Iranian identity and placing a new value on democracy and power for democratically elected legislators.³⁵⁵ The opposition in Iran, she argues, has learned from history, and its thinkers are putting forth ideas both more sophisticated and more attuned to appeal to Iranians

³⁵² Ibid., p. 242.

³⁵³ Ibid., p. 244.

³⁵⁴ Mir-Hosseini, “Challenges and Complicities.”

³⁵⁵ Nikki Keddie, “Better Than the Past” [online], *The Iranian* (April 25, 2003). American born Keddie is a professor of history at the University of California, Los Angeles (UCLA) (www.iranian.com).

than their predecessors. The overwhelming support for democratic reform and the flowering of intellectual reform efforts, which now go to the Internet since most reformist newspapers are banned, give hope that Iran's historic future can be better than its recent past.³⁵⁶

4.16 THE FIGHT FOR FREEDOM

The ideologues of the *velayat-e faqih* have tried to legitimate the suppression of fundamental rights in the Islamic Republic. Their views are rooted in *velayat-e faqih*: the attitude towards man and his relationship with God that the theory postulates. While individuals are free and cannot dominate each other, man's relationship to God is one of absolute slavery. Dominance belongs to God alone, and, consequently, freedom by this definition is freedom from slavery from the counter-God (*taghut*). The jurists as God's vicegerents represent the rule of God on earth, whereas the counter-God is represented by ungodly political orders. Schirazi explains:

Thus, to be free from the dominance of the counter-God means acceptance of the rule of God's representatives and practising obedience to them. God's rule and the rule of the jurists mutually presuppose one another. While *velayat-e faqih* brings about the rule of God, God proclaims the necessity of *velayat-e faqih*. According to this formula, freedom reigns when all other forms of rule except *velayat-e faqih* are negated and their concepts of freedom are declared null and void.³⁵⁷

What Schirazi argues is that the advocates of *velayat-e faqih* legitimate their suppression of fundamental human rights in the Islamic Republic of Iran by arguing that they possess a very different view of freedom than exists in the West. Freedom for them is to be free from the counter-God, which is obtained through following the rule of God's representatives on earth, the jurists. Schirazi argues: "*This conception of the nature of freedom provides the ruling Islamicists with a theoretical justification for stifling the expression of any ideas which they find undesirable.*"³⁵⁸ They may denounce every oppositional idea as harmful to the Muslim community, thereby not allowable, and justify the violations of fundamental rights.

In a complex, highly differentiated society such as that of Iran, with its exceptionally large urban population, its modern middle class, its academics, experts and students, and a bourgeois movement that has already been under way for decades, the suppression of freedoms in general and of an opposition press in particular cannot be maintained in the long run. Independent intellectuals find other ways to communicate with the public and to promote their views. They do not disappear when they face suppression but simply wait for the next opportunity to make themselves noticed.³⁵⁹

Schirazi argues here that the society of Iran will not tolerate the suppression of freedom in the long run, and believes intellectuals find ways to communicate with the people and will not

³⁵⁶ Keddie, "Better Than the Past" [online].

³⁵⁷ Schirazi, *The Constitution of Iran*, p. 143.

³⁵⁸ *Ibid.*, p. 146.

³⁵⁹ *Ibid.*, p. 301.

disappear. Soroush argues that human beings are sympathetic to freedom and demand it because they are rational. Those who see freedom as an enemy of the truth and a possible breeding ground for wrong ideas do not realise that freedom itself is a truth. He argues: “*Only those who are in love with their own feeble ideas will fear freedom while the lovers of truth can not help but love freedom as much.*”³⁶⁰ Soroush argues that truth is fragile in a closed system; freedom provides a range and dynamism for the truth that is absent in unfreedom.

Only those who consider themselves to be directly inspired by God, who profess to possess the absolute truth, and who find their reason above benefiting from the assistance and consultation of others, will refuse the gifts of freedom. Others will find themselves in serious need of the freedom that allows public participation and discourse.³⁶¹

Soroush argues that religion is by definition incompatible with coercion, and says: “*Freedom has two virtues: it endows life and the choices we make in them with meaning.*”³⁶² A dominant regime, he argues, considers itself to be the measure of all truths. What is inconsistent with the search for freedom, according to Soroush, is the hunger for power. He argues that no blessing is more precious for mankind than the free choice of the way of the prophets, and nothing better than submission based on free will. He argues: “*All free societies, whether they are religious or nonreligious, are humane.*”³⁶³

According to Ansari, the reformists remain convinced that their ultimate goal of Islamic democracy will be achieved, and he believes there are sound material and ideological reasons for this conviction. However, he does not believe this process of transformation will be smooth and free from violence: “*Yet freedom that is fought for is freedom that is ultimately valued, appreciated and defended.*”³⁶⁴ In most societies where forces of tradition and modernity have clashed, destruction of the former has been the result, and there may come a time when the critical mass is reached and a clash occurs. This is a process that will take time to unfold, and, accordingly, any interpretation of Iranian development must be dynamic and continuous. Ansari believes a process of change is already taking place as a new, more cosmopolitan generation replaces the more traditionally-minded one, and divisions grow among those tied to conservative authoritarianism and mercantile dogma. He believes a tendency towards polarisation, especially among the more radical student groups, means that a major clash is a distinct possibility but that this is unlikely to lead to the disintegration of the

³⁶⁰ Soroush, chapter 6, “Reason and Freedom,” in *Reason, Freedom, and Democracy in Islam*, p. 91.

³⁶¹ *Ibid.*, p. 92.

³⁶² *Ibid.*, p. 97.

³⁶³ *Ibid.*, p. 103.

³⁶⁴ Ansari, *Iran, Islam and Democracy*, p. 220.

state or a military coup, as both trajectories ignore the social cohesion and extent of the reformist movement. It may be argued that there has been an ideological and cultural resistance, which has undermined Iran's democratic development, and created a fear in society of revolutionising themselves. However, Ansari says: "*It has been Khatami's (and the reformists') real achievement to make Iranians, and others, begin to appreciate that not only could it happen, it would happen.*"³⁶⁵

Ansari (2003) argues that the Iranian public is aware of the deficiencies of their political system, of its continuing failures to establish a comprehensive democratic settlement. He continues: "*It remains proud of the fundamental principles of freedom and independence that the revolution seemed to herald while condemning and lamenting its excesses and the corruption of those values by an increasingly isolated hard-line conservative elite.*"³⁶⁶ Ansari argues, concerning the United States' consideration of what to do next in Iran, it should align itself with the aspirations of the Iranian people and recognise the reality of the revolution, which has yet to reach fruition and fulfil its promise. "*Most fundamentally and crucially, the United States must recognize and publicly state that Iran should continue to change from within as it has in the past.*"³⁶⁷ He believes Washington should resist the temptation to indulge in direct intervention, military, political or economical, which would encourage doubt by a nationalistic society aware of its historical relationship with the USA and unwilling to be characterised as foreign stooges. He believes the CIA coup in 1953 suffocated the Iranian democratic experience at birth, and that few had anticipated its long-term cost to US-Iranian relations. The reform movement has discovered new vigour and is driven by young idealists and supported by a young population frustrated with religious dogma that constrains them daily. Ansari argues: "*If anything, it is more determined and, unlike its predecessor movements, is sustained and supported by a broad swathe of a politically aware public.*"³⁶⁸ Even though this is from an article from 2003, what Ansari argues for here is even more relevant right now, when the Iranian regime is determined to pursue its atomic nuclear program. The USA must realise the consequences of destroying the opportunities this civil society, which I believe is on the verge of pushing through democracy, have on settling their own state. Ansari (2004) argues: "*Yet for all the failures of the reformists - and they are the first to acknowledge them - they have succeeded in institutionalising the principle that*

³⁶⁵ Ibid., p. 223.

³⁶⁶ Ansari, "Continuous Regime Change from Within," p. 64.

³⁶⁷ Ibid., p. 65.

³⁶⁸ Ibid., p. 66.

*evolution is better than revolution and that a defence of the status quo is no solution to the myriad problems that plague modern Iran.*³⁶⁹ This is an extract from an article by Laura Secor in *The Boston Globe* from 2004:

But the success of the reform movement, says Soroush, will be measured not in parliamentary seats but in attitudinal shifts, as Iran's educated youth embrace such notions as "freedom, justice, political participation, and the rights of man." "The reform movement actually had two dimensions, if you like, two sides," he explains as we sit in his bare visiting professor's office. "One side was the political. Some of the reformists were part of the establishment, of the government. Now they've lost their power. But on the other hand, the most important part of the reform movement was intellectual, theoretical, educational."³⁷⁰

Class divisions and discontent over the growing economic gap between the rich and the poor were the decisive factors in this year's presidential election in Iran, which helped give Tehran Mayor Mahmoud Ahmadinejad a landslide victory, reports *Tehran Times* in June this year. Poor and working class voters, as well as most of the religious voters, supported Ahmadinejad, whereas his rival, Expediency Council Chairman, Akbar Hashemi Rafsanjani, was popular with the middle and upper classes. The progressive intellectuals who seek social justice are doubtful that Ahmadinejad will be able to raise the standard of living of the average Iranian.³⁷¹ Ahmadinejad probably won because he promised to ensure economic justice. Over fifty per cent of the Iranian population lives below the poverty line, and thereby they have economic demands. People expect more from the government in terms of welfare given the high oil revenues. The Khatami administration had to cope with foreign liabilities, and failed to address economic demands of the people.³⁷² According to *Tehran Times*, "*Bourgeois liberals may argue that the need to increase personal freedom is the key issue in Iran today, but they are out of touch with the masses. For the average Iranian, earning a living is the main issue.*"³⁷³ If the ruling elite continue to fail to share their wealth with the people, there is only a question of how long this untenable situation may last. The civil society will not be suppressed for much longer and tolerate the workings of the system as they are. If they manage to distribute the wealth and make everyday life easier for the ordinary Iranian citizen, as Ahmadinejad has promised, then it is only a matter of time before the Iranians even more increasingly demand their freedom of thought and action, as more of them will have access to international news and travels abroad. The population of Iran would probably be more concerned with freedom of thought and human rights had economic reforms

³⁶⁹ Ansari, "For Or Against Change" [online], in *The World Today*, Vol. 60 (February 28, 2004): pp. 24-26.

³⁷⁰ Laura Secor, "The Democrat" [online].

³⁷¹ *Tehran Times*, June 30, 2005.

³⁷² According to Seyyed Mehdi Sahraian, *Iran Daily*, July 3, 2005.

³⁷³ *Tehran Times*, June 30, 2005.

been successfully implemented. However, I believe this to be a reaction of the civil society to the failures of the reformist administration to solve the economic process. This is not a straightforward process, but it continues to develop. Several researchers have questioned how long the present situation may last. Khatami is reported to have said about the biggest achievement of his government:

In the political and cultural arenas, I promoted the line of thinking that power must be people-oriented and people should be able to criticize wielders of power. Democracy and empowering the people to determine their own destiny are my greatest accomplishments. In the economic domain, we appealed to foreign investors and won foreign trust in the Islamic system.³⁷⁴

The democratisation process is continuing in the minds of the Iranian civil society, and is part of a greater historical struggle to achieve human rights and democracy. The relevance and courage of Soroush's arguments to the ongoing democratisation process in the Iranian society will continue to make him a figure of great importance.

³⁷⁴ *Iran Daily*, July 3, 2005.

5.0 CONCLUSION



In my study, I have presented the thoughts on religion and state of a prominent Iranian reformist thinker, Abdolkarim Soroush. His arguments for the separation of religion from state are radical in the Islamic Republic of Iran. The unification of state and religion inevitably leads to an ideologisation of religion, according to Soroush. He is against all use of ideology as the ideological approach hinders the growth of religious knowledge. He believes that no understanding of religion is final, and in order to expand human understanding of religion, religious knowledge has to be separated from what Soroush defines as “religion itself.” This is the content of his thesis of the contraction and expansion of religious knowledge; all interpretation of religion is human and individual and interpreted according to the knowledge of the time. Religious knowledge must be treated as any other science in order to develop. It is necessary to have freedom of expression in order to achieve pluralism of religious thought. Soroush challenges the prevailing view among the *ulama* in Iran that only those who have knowledge of religious jurisprudence have the right to interpret the religious texts. He believes the *ulama*'s view of humanly interpreted religious texts as above all analysis and critique leads to the stagnation religious knowledge. There is a need for pluralism in order to achieve the growth of religious knowledge, and thus for religion to remain relevant. One must also apply reason, and there is the need for intercultural dialogue.

Soroush argues for secularisation in the meaning of the separation of religion from the state; he does not believe this leads to a weakening of the faith. On the contrary, it leads to a higher spiritual level of religiosity for individuals, who gain a deeper understanding of religion. This leads to Soroush to argue for “dynamic *fiqh*”; in order to develop and be of relevance in the contemporary world, religious jurisprudence is in need of interpretation. To Soroush, however, religion is not to be reduced to *fiqh*. Nevertheless, religion as a moral guide may be of value in politics in general, but not when applied through state institutions. He believes everything is dependent on the believers’ faith, which he considers to be strong in the Iranian society. Based on this faith, Soroush promotes “Islamic democracy.” Soroush sees democracy as protecting values of the modern world, like human rights, freedom of expression and justice. These are issues that do not have a religious origin, but which humans enjoy as part of humanity. Religion must adapt itself to these issues. Democracy also incorporates the separation of powers, the freedom of expression and free elections, among other issues. According to Soroush, because democracy is a form of governance where people express their views, a religious society, like Iran, will express religious values in a democracy; this is what he means by “Islamic democracy.”

The concept of the Imamate shows that the Shi’i *ulama* took on an important role in society by assuming the powers of the Hidden Imam. The history of Iran shows that there have been efforts to achieve political emancipation and break free from authoritarian rule, as Ali M. Ansari argues. The Islamic Revolution must be seen as part of this struggle. However, the democratic elements in the Constitution of Iran from 1979 and in the government are being suppressed due to the power of the leader and the clergy, as shown by Asghar Schirazi. His description of how the *shari’a* is circumvented in order to be adapted to modern society illustrates the deficiency of this religious law system as a modern law system. Fundamental human rights are being suppressed in the Islamic Republic; the struggle for freedom has thereby continued after the Islamic Revolution; this is inherent in Ansari’s theory of the “myth of political emancipation.” There has been the growth of a socially and politically conscious civil society; this has led to the formation of a reform movement which struggles for civil rights, the rule of law and “Islamic democracy.” According to Ansari, the *ulama* originally constituted this civil society in opposition to the state, but the civil society of today is a secular civil society, and it is increasingly gaining influence. Many researchers argue that a democratisation process is taking place in Iran. Several in addition to Ansari, among them Olivier Roy and Farhad Kazemi, mention the importance of civil society to this process.

The close relationship between Shi'i Islam and political rule inherent in the concept of the Imamate, which Khomeini extended and confirmed with his principle of *velayat-e faqih*, makes Soroush's argument for the separation of religion and state radical. Despite the struggle for political emancipation, freedom has not yet been achieved; this is illustrated by looking at how fundamental human rights are being suppressed in the Islamic Republic. After the Islamic Revolution, viewed by many Iranians as the final struggle for freedom, the *ulama's* usurpation of power deprived the people of the freedom they had fought for and thought they would obtain. Soroush believes the continuance of the *ulama's* kind of rule will be destructive to religion because religion is given one particular interpretation in order to legitimise their power, with no other interpretations allowed. Religion becomes an ideology, which will hinder the development of religious knowledge he sees necessary in order to save religion. Ansari believes Soroush to be the intellectual revitalisation of the "myth of political emancipation;" conceptualising and inspiring the struggle of civil society for its rights to participate politically and achieve freedom.

The fact that the religious seminaries, where the clergy receive their education, do not allow new interpretation, analysis and criticism of traditional texts and beliefs illustrates that there is a need for a theory such as Soroush's on the separation of religion from religious knowledge. His theory of the contraction and expansion of religious knowledge provides a solution to the question of how to keep the eternal message of religion relevant at all times. If religious knowledge is treated as one of the sciences, reason will be applied to revelation, and religion may be allowed to be reconciled with, for example, democracy. The need for intercultural dialogue to achieve pluralism, for which Soroush argues, may be illustrated by looking at Ansari's argument that the United States should refrain from interfering in Iran in order to let the changes continue to grow from within. However, it is necessary to have an intercultural dialogue to know what these changes from within are.

There is agreement between several researchers, among them Ansari, Roy and Schirazi, that the *ulama* ruin their position by using religion to legitimise governmental power, and that some sort of secularisation will happen. This means that Soroush's argument for the separation of state and religion is supported by the development in Iran, upon which researchers mainly agree. Schirazi mentions that the secularisation he believes will develop in Iran will do so from the wish to rescue religion from politics, not the other way around. This lends support to Soroush's argument that the faith of Iranian society is strong. Roy mentions

the dissatisfaction of some grand ayatollahs with the way some of the *ulama* is politicising religion, as does Soroush himself; this might lead these to support the people's wish for democracy and restore the role of the *ulama*, as well as that of religion. Schirazi points out the instability of a situation, as in the Islamic Republic, where there are major ambiguities between the Islamic legalist and the democratic elements in the Constitution as well as the government. The insufficiency of the *shari'a* as a law system in the modern world, illustrated by Schirazi, supports Soroush's argument concerning the need for dynamic *fiqh*. Islamic jurisprudence is clearly in need of development to become suitable for a modern society.

According to Ansari, Soroush laid the intellectual justification for the reform movement. Soroush argues for democracy by promoting human rights and freedom, which make his arguments important and relevant, as these are rights that are being suppressed in the Islamic Republic, according to several researchers. Based on the believers' faith, Soroush argues for an "Islamic democracy." When referring to the faith of the believers, I believe Soroush refers to the faith of the civil society; which the researchers argue is important for the democratisation process in Iran. That this civil society now is secular, as Ansari argues, makes intellectuals such as Soroush increasingly influential, with the students and the press as important factors for transmitting his ideas to the public.

I question, however, as do Schirazi and several others, the religious aspect of Soroush's arguments for "Islamic democracy." Nevertheless, I do not consider this aspect to be of major importance, because Soroush sees people living in a democracy as having the opportunity to express their views. If the people are religious, it will be an "Islamic democracy." He does not want religion to be institutionalised; he bases his argument on the assertion that the civil society in Iran, struggling for its freedom, is basically religious. Soroush is a religious man, and he may be right that, if the Islamic Republic is to become a democracy, the people's religiosity might be enough to refer to this democracy as "Islamic;" only time will tell if this is so. The important issue is not whether this potential democracy may be termed Islamic; it is that, if democracy were to become a reality in the Islamic Republic, the people would achieve human rights, justice and freedom, whether they choose to be religious or not.

The researchers argue that the democratisation process taking place in Iran is by no means straightforward. Ansari has pointed out that it will take time before significant changes take place. The reform process is will generate a power struggle between the reformists and the

conservative forces on all levels of government and society. The struggle will not only be for political power but also for the approval and support of the Iranian people. Ansari pointed out the dialectical nature of the reform process when discussing the attacks between the reformists and the conservatives after the victory of Khatami in the presidential election of 1997. The election of Ahmadinejad for president in May 2005 shows the continuance of this process of power struggle between different factions. In spite of the fact that the political reform movement has failed, the social and cultural reform process cannot be reversed, as several researchers have pointed out³⁷⁵. Ansari mentions that the change of attitudes in the Iranian society has been one of the reformists' main achievement. However, he points out that the society must be mature. Soroush has increasingly gained influence during the last years as his ideas resonate in society. This may be argued by looking at the frequent mention of Soroush in articles by prominent researchers from several years ago to the present; also, Soroush has recently been awarded important prizes, as mentioned in chapter three. The arguments of Soroush, when viewed in the context of the democratisation process in Iran which is based on a politically and socially conscious civil society, suggest that Iran may go from being an Islamic Republic to an "Islamic democracy."

³⁷⁵ One example is the Iranian-French sociologist Ehsan Naraghi, according to Kari Vogt.

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