

Thinking Islam:  
Islamic Scholars, Tradition, and the State in the Islamic Republic Of Iran

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## ABSTRACT

KATHLEEN M. FOODY: Thinking Islam: Islamic Scholars, Tradition, and the State in the Islamic Republic Of Iran  
(Under the direction of Omid Safi)

This dissertation explores the intersection of secular and historically Islamic forms in Iranian debates over the role of Muslim scholars in the modern world. I draw on textual publications (both print and online) that are intended for public consumption and authored by government officials, classically-trained Islamic scholars, lay religious intellectuals, and journalists. Drawing on recent theoretical interrogations of secular universalism, as well as postcolonial and decolonial studies, I argue that the engagements of both classically-trained Islamic scholars and new religious intellectuals in Iran highlight the imbrications of the secular and the Islamic in contemporary Muslim discourse. Given these intersections, I propose in the conclusion that scholarship of Islam generally and of Muslim scholars in particular might disrupt boundaries between the academic enterprise of the Western academy and intellectual work arising elsewhere.

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## Chapter One: Thinking Islam

One of the central questions that scholars of Islam have engaged with over the past several decades is how to represent modern Islam in relation to theories of modernity. In earlier periods, teleological understandings of modernity located Muslim-majority societies as “not yet” modern, a position that both validated colonial control of Muslim populations and outlined a unitary path for the future of those societies modeled on the European past;<sup>1</sup> in short, becoming modern required becoming like the West. More recent scholarship has interrogated such universalist understandings of modernization. Scholars have argued instead for the inescapable modernity of Islamic forms of practice, political thought, conceptions of self, and religious debate.

Scholars continue to struggle, however, to represent Islamic difference—the particularities of contemporary Islamic forms of reasoning, practice, and ways of being in world—alongside the participation and, at least partial, genesis of those forms in modernity. In this sense the study of Islam has been part of a broader trajectory in the field of religious studies, where many scholars have begun to question the universality of the concept “religion,” related categories (such as “religious experience”), and the

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<sup>1</sup> For a discussion of the relationship between modern European understandings of history, progress, and colonial rule, see Dipesh Chakrabarty, *Provincializing Europe : postcolonial thought and historical difference*, Princeton studies in culture/power/history (Princeton, N.J.: Princeton University Press, 2000), 8-12.

imperial effects of those concepts.<sup>2</sup> In a 2011 address, American Academy of Religion president Kwok Pui-Lan highlighted this problem of native concepts for the study of religion. She suggested that scholars of religion now

live in an interconnected world and work in academic settings which value transnational and cross-cultural collaboration....The field of religion will have to move beyond its European and American dominance to become global in nature, asking questions about new ways of conceptualizing 'religion' and about religion's roles in social and economic life and global culture.<sup>3</sup>

While it would be easy to suggest that the study of Islam has always been "global in nature", the point here is that for the most part such scholarship did not attend to the Euro-American provenance of its categories or the assumptions—embedded in Christian history—behind them. An exception, which Pui-Lan cites, was William Cantwell Smith's *The Meaning and End of Religion*, published in the 1960s. Even there, however, while Smith interrogated the translatability of the category "religion" he continued to emphasize the interiority of religious experience, an assumption that marks certain Christian traditions, but is hardly universalizable.<sup>4</sup>

For the study of modern Islam, a key problem is how to represent the imbrications

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2 For a review of pertinent literature in the field, see Kwok Pui-lan, "2011 Presidential Address: Empire and the Study of Religion," *Journal of the American Academy of Religion* 80, no. 2 (2012): 285-303. Wilfred Cantwell Smith, *The meaning and end of religion; a new approach to the religious traditions of mankind* (New York, Macmillan, 1963).

3 Pui-lan, "2011 Presidential Address: Empire and the Study of Religion," 295-96.

4 Smith, *The meaning and end of religion; a new approach to the religious traditions of mankind*. For a critical reading of Smith, see Talal Asad, "Reading a Modern Classic: W.C. Smith's 'The Meaning and End of Religion,'" *History of Religions* 3(2001).



of historically Islamic forms of thought and practice with concepts and practices that arise out of modern and specifically colonial-era shifts. Muslim scholarship in particular—whether the writings of new kinds of intellectuals arising out of universities or classically-trained Islamic scholars (the *'ulama'*) linked to the madrasa system — presents difficulties for distinguishing and separating out concepts and categories unique to Islam; that is, specifically Islamic modes of reasoning. This difficulty in large part revolves around Muslim incorporation of and thinking about specifically modern social and political forms, including the state, society, the public, citizens, and concurrent constructions of the individual subject. One reaction to such Muslim thinking is to identify “good” forms of “liberal” Islam, forms of Islamic thought that seem to align with democratic projects, the protection of minorities, equal rights for women, etc. At the same time, scholars worry that valorizing liberal Islam uncritically universalizes liberal norms and does violence against “traditionalist” Muslims who ““except Islamic authority with few questions,”” but ““do not generally favor violence and terrorism.””<sup>5</sup>

In this dissertation I explore the possibilities of separating out and distinguishing Islamic and secular, or Western, concepts and categories in contemporary Muslim thinking. I engage with recent work in the study of Islam that posits Western secularity and Islamic ways of life as distinct discursive traditions and compare those academic presentations to the ways in which contemporary Muslim scholars engage with the present. In particular, I explore contestations over what constitutes the Islamic tradition itself by tracing public debates over the place of Islamic history and scholarship in contemporary Iran. I draw on textual publications (both print and online) that are

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<sup>5</sup> Saba Mahmood, "Secularism, Hermeneutics, and Empire: The Politics of Islamic Reformation," *Public Culture* 18, no. 2 (2006): 333.

intended for public consumption and authored by government officials, classically-trained Islamic scholars, lay religious intellectuals, and journalists. In particular, I am interested in the ways classically-trained scholars participate in, produce, and are represented within debates over what constitutes authoritative Islam.

Given the attention that Muslim political thought has played in constituting categories for representing modern Islamic thought (liberal Islam, traditionalist, Islamist, etc.), I attend in particular to debates in Iran over the relationship between Islam and the political at the level of the state, the citizen, and the scholar. I do so for two reasons. The first reason is that the notion of Islamic difference, as I discuss below, finds a tension with directly political discourse – discourses that, even when critical, engage with specifically modern concepts of sovereign states, institutions, and reason. While Muslim political thought has played a central role in constituting academic categories of normative Islam, academic representations of Islamic continuity steer clear of “modernist,” “fundamentalist,” Islamist,” or “liberal” labels for Muslim thought that mark Muslim thinking as linked to specifically modern movements, political structures, and vocabularies. My second reason for focusing on political debates has to do with the place of Islamic institutions, specifically the juridical learning of classically-trained Islamic scholars (‘*ulama*’) in the Islamic Republic of Iran itself. Within Iranian debates many Muslim scholars are critical of the governing structures of the Islamic Republic and its claims to represent Islamic authority. At the same times, the critiques of the government often extend, when voiced by secular or religious intellectuals, to the authority of classically-trained Islamic scholars themselves. Islamic scholars also engage in these debates and attempt to circumscribe the authority of the state while continuing to

assert their own authority to offer learned opinions regarding Islamic meaning and the authority of Islamic prescriptions in general. In this sense then debates over the authority of individual reasoning at times confounds claims to Islamic authority while, at the same time, claims to Islamic legitimacy substantiate and underscore the rights of citizens vis-à-vis the state.

These Iranian debates are part of larger conversations among Muslims globally over the ways in which various actors and forces—classically-trained Islamic scholars, new religious intellectuals, and governments—authorize and limit expressions of Islam. The nineteenth century was a transformative period for Muslims globally due to the intersecting effects of colonial empires and the impact of new technological, economic, and social regimes.<sup>6</sup> During this period two major contests over religious authority took shape. European-style educational institutions and the increased circulation of religious texts led to new classes of intellectuals who established their credentials to speak on behalf of and about Islam outside the previously normative institutions of Islamic learning.<sup>7</sup> At the same time, centralizing states<sup>7</sup> contested the authority of the classically-trained religious scholars. As Muslims began to imagine new nation-states in the late

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6 Some of these transformations were direct, such as the codification of Islamic legal practices. Others, although linked to colonial influence, were less the result of colonial enforcement. Charles Tripp, for example, has discussed the ways in which notions of “society” and the “social” impacted Muslim thinking about the self, the economy, and the political. See, Charles Tripp, *Islam and the moral economy : the challenge of capitalism* (Cambridge ; New York: Cambridge University Press, 2006).

7 See, Dale F. Eickelman and James P. Piscatori, *Muslim politics*, Princeton studies in Muslim politics (Princeton, N.J.: Princeton University Press, 1996); Robert Hefner, "Introduction: The Culture, Politics, and Future of Muslim Education," in *Schooling Islam : the culture and politics of modern Muslim education*, ed. Robert W. Hefner and Muhammad Qasim Zaman (Princeton, N.J.: Princeton University Press, 2007); Monica M. Ringer, *Education, religion, and the discourse of cultural reform in Qajar Iran*, Bibliotheca Iranica Intellectual traditions series (Costa Mesa, Calif.: Mazda Publishers, 2001); David Menashri, *Education and the making of modern Iran* (Ithaca: Cornell University Press, 1992); Afshin Marashi, *Nationalizing Iran : culture, power, and the state, 1870-1940*, 1st ed., Studies in modernity and national identity (Seattle: University of Washington Press, 2008).

nineteenth and early twentieth century the relationship between Islam and the state became a significant site of debate.<sup>8</sup> Reified understandings of Islam, nationalist and nativist imaginaries of the self, and the possibilities of the secular resulted from these changes and transformed debates over religious authority in many Muslim-majority centers.

In Iran itself Muslims debated the nature of Islamic authority, including the relationship between religious and political authority, long before the Iranian revolution of 1978-79 that gave rise to the Islamic Republic. Indeed, it would be a mistake to suggest that any topic in Muslim centers had gone *uncontested* prior to the transformations of the last 150 years (as one example, I trace the history of Shi'ite theological debate over the relationship between religious and political authority in Chapter Two). Certain aspects, however, mark more recent contestations in Iran as particularly modern. One is the public aspect of these contestations and the extent of popular participation in them; in other words, what might have once been debates between well-located scholars and government officials<sup>9</sup> in the late nineteenth and

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8 See, Marashi, *Nationalizing Iran : culture, power, and the state, 1870-1940*; Hamid Algar, *Roots of the Islamic Revolution in Iran : four lectures*, Rev. and expanded ed. (Oneonta, N.Y.: Islamic Publications International, 2001); Talal Asad, "Secularism, Nation State, Religion," in *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, Calif.: Stanford University Press, 2003); Said Amir Arjomand, ed. *Authority and Political Culture in Shi'ism* (Albany: SUNY Press, 1988); Said Amir Arjomand, *The shadow of God and the Hidden Imam : religion, political order, and societal change in Shi'ite Iran from the beginning to 1890*, Publications of the Center for Middle Eastern Studies (Chicago: University of Chicago Press, 1984); Said Amir Arjomand, *The turban for the crown : the Islamic revolution in Iran*, Studies in Middle Eastern history (New York: Oxford University Press, 1988); Sami Zubaida, *Islam, the people and the state : essays on political ideas and movements in the Middle East* (London ; New York: Routledge, 1989), 121-82; Peter van der Veer, *Religious nationalism : Hindus and Muslims in India* (Berkeley, CA: University of California Press, 1994).

9 For an exemplary case from this earlier period, see Omid Safi, "The Shifting Politics of al-Ghazali," in *The politics of knowledge in premodern Islam : negotiating ideology and religious inquiry* (Chapel Hill: University of North Carolina Press, 2006), 105-24.

twentieth century became exposed in—and therefore transformed through— newspapers, journals, and other textual productions. A second aspect, specifically in the post-revolution period, is the degree of debate over precisely *who* has the ability to argue and in what forums such arguments should take place (I describe this textual flourishing and its connection to debate over religious authority in the Chapter Three). The circumscription of public debate, in other words, is very much part of the debate over religious authority itself. Finally, a third element that mark these contestations over religious authority as modern is their very theoretical engagement with the notion of modernity and the discontinuities between the present and the historical past (a topic I return to in Chapter Four). In this sense what it means to be modern—that is, to exist in the historical, political, and technological space of the present—is an additional highlight of these Iranian debates. While for some this new space of modernity requires moving away from religious authority in the public and political domains, for many others it requires rethinking Islamic concepts to address these new spaces. In particular religious intellectuals and Islamic scholars identify different problems with the modern context (and locate that problem differently in relation to Islam, the operations of scholars, the functions of the space, and the qualities of citizens), yet for all—even proponents of an authoritarian vision of Islamic governance—there is an acknowledgment of the novel problems presented by technology, governance, and religious difference in the present.

The work of classically-trained Iranian scholars, as well as of new religious intellectuals, highlights tensions in theorizing Muslim thinking in modernity. In the Iranian contexts, both new religious intellectuals and classically-trained Islamic scholars rely on historically central concepts from Shi'i Islamic scholarship to authorize re-

thinking and contesting claims to Islamic normativity made by both state actors and other scholars, yet the relationship of these efforts to the *modes of reasoning* that mark an Islamic discursive tradition remains contested. Scholars have located Iranian intellectual as harbingers of an “Islamic reformation,” transforming Islam to fit a liberal, democratic, and pluralist modernity.<sup>10</sup> At the same time, scholars have seen them as external to Islamic tradition, engaged more in secular liberal arguments than in the practices and reasonings that typify Islamic tradition.<sup>11</sup>

My goal in this dissertation is explore contestations over religious authority in Iran in order to think about the representation of Islam and the limits such representations set on Muslim thinking in modernity. My purpose here, however, is not simply to describe these Iranian contestations nor is it to validate the operations of liberal strands of Islamic thinking to which scholars of post-revolution Iran have devoted much space. I argue instead that the engagements of both classically-trained Islamic scholars in Iran and new religious intellectuals in Iran not only highlight the imbrications of the secular and the Islamic, but that setting the secular apart from Islamic thinking limits representing Muslim thinkers as intellectually engaged with the contemporary world.

My intent is to place these Iranian debates over religious authority and the operations of classically-trained Islamic scholars in conversation with theories of secular modernity<sup>12</sup> that represent the “other” of Islamic tradition. Thus, my description of these

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10 Michaele Browers and Charles Kurzman, eds., *An Islamic Reformation?* (Lanham, Md.: Lexington Books, 2004); B. A. Roberson, *Shaping the current Islamic reformation* (Portland, OR: Frank Cass, 2003).

11 Mahmood, "Secularism, Hermeneutics, and Empire: The Politics of Islamic Reformation."

12 This opposition is not only evident in, as I detail below, academic work about Western and Islamic traditions, but also within Iran itself. At the end of this chapter I discuss scholarship on that “nativist”

Iranian debates will maintain a dialogue with understandings of modernity, the operations of secularism, and the formations of secular reason that locate Islamic thinking as an authoritarian—and potentially violent—force in the modern world system. In this sense my argument in this dissertation is not limited to Islamic thinking in particular, but rather extends to ways of religious thinking that draw on commitments and histories outside the normative understandings of secular modernity.

### **Modernity and Tradition**

As I noted above, the mutual imbrications of historically Islamic concepts and Euro-American and/or secular categories in modern Muslim thought brings to light a tension in academic representations of a modern and contemporary Islam. On the one hand, contemporary Muslims draw on histories, figures, and commitments that have long been part of the Islamic textual corpus. On the other hand, they mobilize and rethink this corpus to defend and argue for concepts and practices—including the formations of the state, the rights and duties of citizens, and the power of the public—whose genealogies scholars elsewhere have traced to Western political theory and practice and that, therefore, are part of Western secular practices in the present rather than distinctly Islamic ones.

In earlier periods of scholarship scholars would have marked this inclusion of secular categories as the modernization of Islam – a progressive development that ran counter to the assumed core of Islam itself. In short, scholars assumed an oppositional relationship between Islam and modernity. As historian Samira Haj has argued: "the

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imagination in Iran, that is, understandings of the Iranian self constructed in opposition to understandings of the secular West.

theme 'to modernize Islam is to betray it' was quite popular among early scholars, especially among those who studied nineteenth- and early twentieth-century reformers. The most famous work is Albert Hourani's seminal and authoritative *Arabic Thought in the Liberal Age*, published in 1962 and still today one of the most frequently quoted works in the field. Hourani uncritically embraced and elaborated on the orientalist notion of the invention of a modern fictitious liberal Islam... [and] blamed [the Egyptian scholar Muhammad] 'Abduh for stripping Islam of its authentic tradition by conjuring new liberal meanings."<sup>13</sup>

Later work disentangled modernity—largely identified with structural transformations, but also with a psychological element of uncertainty and displacement—from modernism, a set of political and philosophical commitments. In this sense, as Bruce Lawrence argued in the 1980s, even Islamic fundamentalism was the result of specifically modern transformations, it simply was not *modernist* in the sense of sharing secular liberal and democratic political commitments.<sup>14</sup> From this perspective, scholars identified liberal, fundamentalist or Islamist, and even secular forms of Islam as the products of modern existence. Significantly, the modernity of a fundamentalist or Islamist position is evident not simply in that it arises out of an encounter with colonial, Western, and/or modernist forces, but also its understandings of self. Katherine Pratt Ewing, for example, has argued against a common academic practice of conflating Islamist opposition to the West with opposition to modernity. She suggests that that

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13 Samira Haj, *Reconfiguring Islamic tradition : reform, rationality, and modernity* (Stanford, Calif.: Stanford University Press, 2009), 199.

14 Bruce B. Lawrence, *Defenders of God : the fundamentalist revolt against the modern age*, 1st ed. (San Francisco: Harper & Row, 1989).



“under the guise of rejection of certain aspects of Western practice and identification processes there is actually an incitement within many Islamist and other fundamentalist groups to modernize, through an array of practices that constitute a modern subject, which can be characterized by a reflexive, self-conscious interiority, a sense of rupture with a traditional past, and a global, even cosmopolitan, orientation.”<sup>15</sup>

Scholars continue to contest various elements of Lawrence’s argument, however, including the extent to which he overstates the reactionary nature of modern fundamentalism. Richard Martin and Abbas Barzegar, for example, suggest that the focus on modern transformation—or transmutation<sup>16</sup>—ignores the operations of Muslim societies themselves and earlier forms that continue in movements Lawrence labeled “fundamentalist.”<sup>17</sup> Focusing on just these kinds of continuities, recent work on Islam and modernity has drawn attention to connections between post-colonial and pre-colonial

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15 Katherine Pratt Ewing, "The Misrecognition of a Modern Islamist Organization: Germany Faces 'Fundamentalism'," in *Rethinking Islamic Studies: From Orientalism to Cosmopolitanism*, ed. Carl W. Ernst and Richard C. Martin (Columbia, SC: The University of South Carolina Press, 2010), 53.

16 This debate in many ways extends back to the groundbreaking work of historian Marshall Hodgson whose history of Islamic civilization turned on the “great Western transmutation” of the sixteenth century. One of Hodgson’s central contributions was to highlight the strangeness of Western dominance brought on, in his reading, the “technicalization” of European society. Hodgson’s project was instrumental in destabilizing readings of Muslim backwardness that hinged on the inevitable rise of the West. At the same time, though it is outside the scope of my argument here, more recent work in decolonial studies, postcolonial studies, and global history unsettles Hodgson’s own assumption that modernity “began” in the West. For Hodgson’s discussion of the “great Western transmutation,” see Marshall G. S. Hodgson, *The gunpowder empires and modern times*, His The venture of Islam v 3 (Chicago: University of Chicago Press, 1974), 176-215. For assessments of Hodgson’s work, see Marshall G. S. Hodgson and Edmund Burke, *Rethinking world history : essays on Europe, Islam, and world history*, Studies in comparative world history (New York, NY: Cambridge University Press, 1993); Bruce B. Lawrence, "Transformation," in *Critical terms for religious studies*, ed. Mark C. Taylor (Chicago: University of Chicago Press, 1998).

17 Richard C. Martin and Abbas Barzegar, "Formations of orthodoxy: authority, power, and networks in Muslim societies," in *Rethinking Islamic studies : from orientalism to cosmopolitanism*, ed. Carl W. Ernst and Richard C. Martin (Columbia, S.C.: University of South Carolina Press, 2010). See also, Richard Martin, "Review Essays," *Religious Studies Review* 19, no. 4 (1993).

Muslim practices, writings, and movements. In this sense Richard Martin's argument in a 1993 review of Lawrence's *Defenders of God*—that there may be forces other than “modernity and modernism...in which to interpret and understand” modern Muslim movements in many ways prefigured current work that emphasizes the continuity of Islamic practices through the colonial period and into the present.

One of the most influential approaches to studying movements, modes of reasoning, and practices particular to Islamic modernity is anthropologist Talal Asad's suggestion that scholars analyze Islam as a “discursive tradition.” In a recent survey of the study of Islam Carl Ernst and Richard Martin focus on Asad's contribution to rethinking the Eurocentric study of Islam. According to Ernst and Martin, the “fundamental insight of his critique of Orientalist and history of religions approaches to the study of Islam is his charge that the eighteenth-century Enlightenment was the fountainhead of academic conceptualizations of religion as well as secular matters.” Most significantly, Asad “argued forcefully that Muslim societies must be understood on their own terms and not a superimposed Western model.”<sup>18</sup>

Asad first suggested that anthropologists study Islam as a “discursive tradition” in 1986. Since then, the idea has been incredibly influential, as Ernst and Martin suggested, in the study of modern and contemporary Islam.<sup>19</sup> According to Asad, a

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18 Carl W. Ernst and Richard C. Martin, *Rethinking Islamic studies : from orientalism to cosmopolitanism*, Studies in comparative religion (Columbia, S.C.: University of South Carolina Press, 2010), 9.

19 Works that have drawn on this approach include, but are not limited to: Saba Mahmood, *Politics of piety : the Islamic revival and the feminist subject* (Princeton, N.J.: Princeton University Press, 2005); Brinkley Morris Messick, *The calligraphic state : textual domination and history in a Muslim society*, Comparative studies on Muslim societies (Berkeley: University of California Press, 1993); Charles Hirschkind, *The ethical soundscape : cassette sermons and Islamic counterpublics*, Cultures of history (New York: Columbia University Press, 2006); Haj, *Reconfiguring Islamic tradition : reform, rationality, and modernity*; Muhammad Qasim Zaman, *The ulama in contemporary Islam : custodians of change*, Princeton studies in Muslim politics (Princeton, NJ: Princeton University Press, 2002); Robert Thomas

tradition consists essentially of discourses that seek to instruct practitioners regarding the correct form and purpose of a given practice that, precisely because it is established, has a history. These discourses relate conceptually to a past (when the practice was instituted, and from which the knowledge of its point and proper performance has been transmitted) and a future (how the point of that practice can best be secured in the short or long term, or why it should be modified or abandoned), through a present (how it is linked to other practices, institutions, and social conditions).<sup>20</sup>

By an Islamic discursive tradition Asad means discourses in the present regarding how best to modify or maintain a practice that has been established in the past. Furthermore, he suggests since “reasons and arguments are intrinsic to traditional practice...it should be the anthropologist’s [or scholar of Islam’s] first task to describe and analyze the kinds of reasoning, and the reasons for arguing, that underlie Islamic traditional practices.”<sup>21</sup>

Asad’s goal was to destabilize ways of thinking about Islam that were dominant in the academy during the mid-1980s. The notion of a discursive tradition was meant to allow more fluid ways of identifying Muslim practice—of defining what it is that the anthropology of Islam should study—*without* falling into nominalism – in other words without suggesting that anything that someone who identifies as Muslim says is Islam

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Rozehnal, *Islamic Sufism unbound : politics and piety in twenty-first century Pakistan*, 1st ed. (New York: Palgrave Macmillan, 2007); Lara Deeb, *An enchanted modern : gender and public piety in Shi’i Lebanon* (Princeton: Princeton University Press, 2006).

20 Talal Asad, *The idea of an anthropology of Islam*, Occasional papers series / Center for Contemporary Arab Studies, Georgetown University (Washington, D.C.: Center for Contemporary Arab Studies, Georgetown University, 1986), 14.

21 Ibid., 16.

should be taken by the anthropologist as Islam. The idea of Islam as a discursive tradition attempted to see Muslims as reasoning subjects, allow for historical change and fluidity, but also to emphasize a continuity in Muslim practice that set such practices apart from other traditions, including that of the secular West.

Drawing on Asad's work, scholars of Islam have highlighted practices particular to Islamic modernity. Historian Samira Haj's excellent study of reformism in Egypt is one example of work that rests on Asad's theorization of Islam. Contesting studies that positioned Egyptian modernism as the outgrowth of colonial contact, Haj argues that "contemporary Islamic revivalism is neither an innovation nor a novelty, for it is deeply embedded in the Islamic tradition, which conceptualizes human history as a continuum of renewal, revival, and reform (*tajdid*, *ihya'*, and *islah*)."<sup>22</sup> Haj's goal in her study of the Egyptian modernist Muhammad Abduh (1849 - 1905) was to situate "'Abduh's reform project within an intellectual genealogy of *tajdid-Islah* [renewal-reform], a form of reasoning internal to the Islamic discursive tradition" and to thereby "demonstrate that 'Abduh's rationalism was indigenous."<sup>23</sup> Haj's study then focuses on the continuity of Islamic discourses – Abduh's responses in the late nineteenth century are modern because of their context and questions, but not, Haj argues, divorced from earlier modes of Islamic reasoning.

Work such as Haj's has added considerably to the study of modern Islam; yet, there are two problems or tensions in the emphasis on continuity that marks Asad's own theorization of Islam as well as other scholarship that grounds itself in the idea of Islam

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<sup>22</sup> Haj, *Reconfiguring Islamic tradition : reform, rationality, and modernity*, 7.

<sup>23</sup> *Ibid.*, 71.

as a discursive tradition. The tensions, I suggest, raise significant questions for the study of modern Islam and, in particular, contemporary Muslim thought.

### **Tensions in Tradition**

The first tension I see in the study of Islam as a discursive tradition is that the attempt to distinguish Islamic traditions from secular-Western often involves defining, inadvertently, what “counts” as Islam. This problematic echoes concerns within the study of religion more broadly. As I discussed above, the imperial history of religious studies, and the limited purvey of its defining term, “religion” has led many scholars to differentiate Westernized or secularized forms of “religious” practice and thought from more intrinsically “Islamic” ones. The attempt to identify concepts and practices particular to Islam marks much of the present work in the study of modern Islam and often involves tracing the continuity of Islamic modes of reasoning and practice from the pre-colonial period through the present. Yet, at the same time, academic attempts to analyze Islamic modes of reasoning in the present run up against the problem of, at times inadvertently, defining Islam while delimiting a field of study.

This emphasis on continuity limits, even if only rhetorically or as a heuristic device, what counts as Islamic. In this sense Asad elaborates that studying Islam as a discursive tradition means highlighting the kinds of reasoning that draw authority from the Qur’anic scripture or the received record of the Prophet Muhammad’s practices.<sup>24</sup> These particular kinds of reasoning are one element that divorce that study of Islam as a discursive tradition from an anthropological nominalism, simply accepting that what a

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24 Asad, "Reading a Modern Classic: W.C. Smith's 'The Meaning and End of Religion,'" 205-22.

self-identified Muslim thinks is Islamic as such and, therefore, an aspect of the study of Islam. In addition, Asad suggests that ideally the study of Islam—when the study of a discursive tradition—focuses on the “practices of unlettered Muslims” rather than the “programmatically discourses of ‘modernist’ and ‘fundamentalist’ Islamist movements.”<sup>25</sup> In this sense while Asad asserts that “contestation” is essential to any living discursive tradition, that contestation—when an aspect of the Islamic discursive tradition—is limited, most clearly, by the modes of reasoning it draws on and, ideally, by the realm of debate. Within this framework, some Muslims do not contest Islamic tradition—a practice Asad insisted is integral to any living tradition—but rather “subjugate Islamic modes of exegetical reasoning to a certain Western one”<sup>26</sup> allied with Western imperialist projects.<sup>27</sup>

As the Islamic Studies specialist Bruce Lawrence argued in 2010, on-going debates over the category of “religion”—and its Christian provenance—“cannot escape the central preoccupation with boundary drawing, that is, the effort to find the core of what is deemed to be authentic and Muslim...What are the distinctions between orthodox, normative, and ‘folk’ Islam? Where is the center? What are the peripheries?”<sup>28</sup>

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25 Asad, *The idea of an anthropology of Islam*, 15. Asad here attempts to circumvent defining Islamic authenticity (although, as I will discuss shortly, I am less certain he is successful), but instead to suggest the parameters of an academic discipline.

26 Ovamir Anjum, "Islam as a Discursive Tradition: Talal Asad and His Interlocutors," *Comparative Studies of South Asia, Africa and the Middle East* 27, no. 3 (2007): 663. Emphasis mine.

27 Mahmood, "Secularism, Hermeneutics, and Empire: The Politics of Islamic Reformation," 329.

28 Bruce B. Lawrence, "Afterword: Competing Genealogies of Muslim Cosmopolitanism" in *Rethinking Islamic Studies: From Orientalism to Cosmopolitanism*, ed. Carl W. Ernst and Richard C. Martin (Columbia, SC: The University of South Carolina Press, 2010), 303.

It is actually somewhat unclear whether Lawrence intends this statement to describe debates among Muslim practitioners or the academic analysis of such practices and I do not intend here to delve into fraught politics of insider's and outsider's study of Islam. Instead, I simply suggest that in the second sense—as an academic enterprise—the concern that defining the study of Islam in fact defines, unintentionally perhaps, the operations of Islam itself echoes concerns with the broader study of religion.<sup>29</sup>

The second tension I see revolves around the question of “the secular” and its limits as a historical force. To what extent are we to understand Islamic modes of reasoning and practice in the present as set apart from—or impacted by—certain elements of distinctly modern transformation? In recent work, scholars speak of these transformations as operations of the “secular.” As in the notion of a discursive tradition, Asad's work has been central in thinking the secular constitution of modernity. He argued that “It is easy to think of ...[secularism] simply as requiring the separation of religious from secular institutions of government, but that is not all it is;” instead “what is distinctive about ‘secularism’ is that it presupposes new concepts of ‘religion,’ ‘ethics,’ and ‘politics,’ and new imperatives associated with them.”<sup>30</sup>

As anthropologist of Islam John Bowen suggested, this understanding of “the secular” is intended to mark

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29 See, for example: Russell T. McCutcheon, *Manufacturing religion : the discourse on sui generis religion and the politics of nostalgia* (New York: Oxford University Press, 1997); Richard King, *Orientalism and religion : postcolonial theory, India and 'the mystic East'* (London New York: Routledge, 1999). Timothy Fitzgerald, *The ideology of religious studies* (New York: Oxford University Press, 2000). Daniel Dubuisson, *The western construction of religion : myths, knowledge, and ideology* (Baltimore, Md.: Johns Hopkins University Press, 2003). Tomoko Masuzawa, *The invention of world religions, or, How European universalism was preserved in the language of pluralism* (Chicago: University of Chicago Press, 2005).

30 Asad, "Thinking about Secularism," 1-2.

a general historical condition. It is a product of modern sovereignty, or of the Enlightenment, or of the division of labor....Focusing on the rise of state sovereignty leads to an emphasis on power; it can, but need not, also engender a notion of the secular as a self-contained object, evolving as it goes, with its own logic and reasoning. Focusing on the rise of Enlightenment rationality leads to an emphasis on belief and also on a modern consciousness of pluralism. Focusing on the development of the division of labor leads to an emphasis on the trajectories of religious and political institutions<sup>31</sup>

If the secular marks a global historical condition, as Bowen suggests above in his reading of Asad, then how to distinguish or separate distinctly Islamic modes of practices from that shift? Are we to understand Muslim discussions of secularism—for the sake of argument, a political division between either institutions or commitments marked as “religious”—as aspects of a historical Euro-American tradition distinct from an Islamic tradition, as representations of a global secular transformation, or—as these Muslims might themselves say—as part of a debate over what constitutes Islamic tradition itself?

Anthropologist David Scott raised similar questions regarding the tensions in Asad’s own work and his perhaps dueling theoretical commitments. Scott draws attention to Asad’s competing debts to Michael Foucault’s genealogical approach and philosopher Alasdair MacIntyre’s traditionalism. According to Scott,

if Asad is incited by a Nietzschean skepticism regarding power's knowledges (especially *modern* power's universalist knowledges) and is ever urged in

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31 John Bowen, "Secularism: Conceptual Genealogy or Political Dilemma?," *Comparative Studies in Society and History* 42, no. 3 (2010): 681.



consequence to interrogate their conditions and effects, he is also prompted by a counter-preoccupation with the ways in which historical forms of life, binding experience to authority, are built up over periods of time into regularities of practice, mentality, and disposition, and into specific conceptions of the virtues, and distinctive complexes of values."

These "counter-preoccupations," as Scott names them, invest Asad's writings with an "unresolved tension" between a genealogical approach to modernity and a traditionalist one.<sup>32</sup> As much as genealogy "often appears as an attitude of writing against, as a fundamental act of undoing, as an absolute break with the established or conventional modes of understanding or idioms of inquiry,"<sup>33</sup> traditionalism, in contrast, concedes to genealogy's dismissal of transcendental truth, but argues against genealogy "not to dismiss grounds per se, but to reformulate our understanding of them as being internal to traditions and a requiring investigation on those terms."<sup>34</sup>

For Asad, these competing commitments mark both an ethical concern and an anthropological inquiry. In a study of Muslim minorities in Europe, Asad offered this summation of the ethical and theoretical impetus behind his work:

I have been arguing on the one hand that Europe's historical narrative of itself needs to be questioned, and on the other that the historical narrative produced by so-called 'minorities' needs to be respected. This apparent inconsistency is

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32 David Scott, "The Tragic Sensibility of Talal Asad," in *Powers of the Secular Modern*, edited by David Scott and Charles Hirschkind (Stanford: Stanford University Press, ed. David Scott and Charles Hirschkind (Stanford, CA: Stanford University Press, 2006), 140.

33 Ibid., 141.

34 Ibid., 144.

directed partly by a liberal concern that time and place should be made for weaker groups within spaces and times commanded by a dominant one....But my comments also reflect an unresolved tension: how can respect for individuals be ensured *and* conditions be fostered that nurture collective ‘ways of life’? This concern is not merely a matter of recognition...It is also a matter of embodied memories and practices that are articulated by traditions, and of the political institutions through which these traditions can be fully represented.<sup>35</sup>

Many scholars of Islam echo Asad’s concern with both Western dominance and viability of distinctly Muslim “ways of life.” One example is Saba Mahmood’s *Politics of Piety*, an exceptionally thought-provoking study of Egyptian Muslim women that echoes Asad’s commitments and questions. Here, I want to explore this tension between the continuity and discontinuity of Islamic tradition—as well as its conceptual limits—by focusing on Mahmood’s work and its reception by other scholars of Egyptian Islam.

In the *Politics of Piety* Mahmood examined a contemporary Muslim women’s piety movement in Egypt. Drawing on Asad, Mahmood argued that the women of the piety movement

understood their activities in terms of a recuperation of a set of traditional practices they saw as grounded in an exemplary past and in classical notions of Islamic piety. The modality of instruction through which they honed their skills involved a type of argumentation that was critically dependent on various types of historical reference. Yet, while certain continuities with earlier practices were

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35 Talal Asad, "Muslims as a ‘Religious Minority’ in Europe," in *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA: Stanford California Press, 2003), 178-79.

evident, it was also clear that the modern adaptations of classical Islamic notions did not mirror their historical precedents, but were modulated by, and refracted through, contemporary social and historical conditions.<sup>36</sup>

Mahmood focused, however, less on these “modulations and adaptations” and more on the ways the women understood their actions in light of “an exemplary past and in classical notions of Islamic piety;” that is, as part of a historical Islamic tradition.

By counterpoising this Islamic tradition to liberal models of agency, Mahmood rather brilliantly highlighted liberal feminist assumptions regarding agency, subjectivity, and resistance and the limited utility of those categories for understanding women's—specifically Muslim women's—relations to pietistic practice. She asked,

Given the overwhelming tendency of mosque movement participants to accept the patriarchal assumptions at the core of the orthodox Islamic tradition...What were the terms the mosque participants used to negotiate the demands of the orthodox Islamic tradition in order to master this tradition? What were the different modalities of agency that were operate in these negotiations? What difference does it make analytically if we attend to the terms internal to this discourse of negotiation and struggle? And what challenges do these terms pose to notions of agency, performativity, and resistance presupposed within liberal and poststructuralist feminist scholarship?<sup>37</sup>

In this work, Mahmood’s focus on an Islamic discursive tradition provides an important corrective to feminist theories that locate Muslim women as either resisting

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<sup>36</sup> Mahmood, *Politics of piety : the Islamic revival and the feminist subject*, 116-17.

<sup>37</sup> Ibid., 153.

domination or being dominated. The terms of the women's piety practice, in particular their embodied engagement with Islamic tradition, suggests a different model of agency. In this sense, Mahmood described the operations, subjectivities, and embodied practices of the Egyptian piety movement in order to demonstrate what would be lost if feminist discourses won over these Muslim women. She suggested that

the questions I have come to ask myself again are: What do we mean when we as feminists say that gender equality is the central principle of our analysis and politics?...Are we willing to countenance the sometimes violent task of remaking sensibilities, life worlds, and attachments so that women of the kind I worked with may be taught to value the principle of 'freedom'? Furthermore, does a commitment to the ideal of equality in our own lives endow us with the capacity to know that this ideal captures what is or should be fulfilling for everyone else? If it does not, as is surely the case, then I think we need to rethink, with far more humility than we are accustomed to, what feminist politics really mean.<sup>38</sup>

Significantly, Mahmood did not intend to intervene in debates over feminism among Muslim women, or to valorize Muslim feminists; instead, she located the practices of the Muslim women she studied as external to discourses of feminism and engaged in a radically different life world, one that would be destroyed if remade into a liberal model.

As much as Mahmood's attention to the Islamic "tradition" adds to her study of Egyptian women's piety, it also limits the complexity of her study. In particular, what does Mahmood mean to suggest by the "orthodox Islamic tradition", where are the lines drawn—and who is drawing them—between the "internal ... discourse of negotiation and

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38 Ibid., 38.

struggle” and the external? Much of the criticism of Mahmood’s work has focused on her disavowal of a feminist project. For example, Professor of Arabic Literature Sameh Salim took issue with Mahmood’s withholding of political judgment: “My point here is that once *da‘wa* is placed within the context of a larger and bitterly contested field of power in contemporary Egyptian society, Mahmood’s argument for scholarly neutrality in the name of a postmodern cultural relativism becomes quite problematic, for it obscures an ongoing political struggle and forecloses the possibility of active commitments and solidarities; of ‘taking sides,’ so to speak. In an increasingly conservative and conformist US academic environment, the implications of this argument are especially troubling.”<sup>39</sup>

A different set of criticisms, however, are more pertinent for my own project; that is, concerns from other scholars of modern Egyptian Islam that Mahmood circumscribes her study too neatly and defines too dogmatically what constitutes Islamic contestations in Egypt. Salim expressed her concerns with this aspect of Mahmood’s work as well: “The women’s mosque movement simply cannot be seen in isolation from the rise, in the 1990s, of a multi-million dollar Islamic media industry (best personified perhaps by the charismatic young preacher ‘Amr Khalid) that deliberately took the politics out of Islam and preached an ethics of personal cultivation quite similar to the one Mahmood describes in her book to the country’s new private-sector elites, particularly its women.” In this sense, the movement’s “broad appeal to embattled and impoverished middle and working class women has actively facilitated the steady shrinking of the space in which Egyptian women have historically struggled to achieve full citizenship and equality under

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39Book Review: *Politics of Piety: The Islamic Revival and the Feminist Subject*, by Saba Mahmood, *Jadaliyya*, October 13, 2010, [http://www.jadaliyya.com/pages/index/235/book-review\\_politics-of-piety\\_the-islamic-revival-](http://www.jadaliyya.com/pages/index/235/book-review_politics-of-piety_the-islamic-revival-);

the law, whether at home, in the workplace, or on the street....In this sense, then, *da'wa* is not the 'natural' expression of an ontological form of Egyptian women's agency grounded in 'sentiments...and sensibilities' that are finally untranslatable in terms of progressive 'western' ideals, but an active political movement that explicitly strives to convert—or expel—the other.”

Salwa Ismail, a professor of politics and international relations who focuses on contemporary Egypt, echoes Saleh's concerns: “Mahmood is to be commended for suspending judgment derived from her feminist ideals to rethink her mode of inquiry and interpretation of the practices of the women in the piety movement, but a more critical view of the authoritarian civilities that these practices consecrate is essential.”

Significantly, Ismail questions “Mahmood's argument that while the scholarly arguments deployed by the preachers and the women mosque attendees are transformed by the context, they remain bound by the discursive logic of the tradition. This formulation does not fully account for questions relating to the dynamics of change within a tradition. This raises the question of what, precisely, overrides differences in argumentation, interpretation, and practice and helps recover coherence and restates the shared positions?”<sup>40</sup>

The tension Ismail raised between the coherence of a tradition and contestation over the tradition is one that Asad himself inscribed in his definition of Islam as a discursive tradition; however, in the study of modern Islam the emphasis on continuity

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40 Salwa Ismail, "Politics of Piety: The Islamic Revival and the Feminist Subject," *American Anthropologist* 108, no. 3 (2006): 603-04. Ismail's own work has been part of the debate over the nature of an Islamic discursive tradition in Egypt. For a comparison of the different ways in which Ismail and anthropologist Charles Hirschkind deploy the notion of a discursive tradition to analyze the work of Egyptian literary theorist Nasr Abu Zayd, see Anjum, "Islam as a Discursive Tradition: Talal Asad and His Interlocutors," 656-72.

seems most often to override this element of debate. In the Iranian context in particular, one of the most complicated questions to arise out of the Islamic Republic, is how to locate the work of political dissidents who, on the one hand, draw on Islamic commitments and, on the other, increasingly seem to defend liberal categories and concepts whose genealogies arise out of liberal Euro-American history. How are these writings located in relation to an Islamic discursive tradition, to understandings of modern power, and to the global—but perhaps not universal—secular forms?

### **Secular Universalism and Iranian Studies**

Scholars of post-revolution Iran have echoed Saleh’s concern with the political ramifications of undermining liberal universality, but little work has analyzed Muslim Iranian discourses from the perspective of a discursive tradition. In contrast, scholarship on modern Iran has tended to support the universality of modern democratic and secular principles over claims to particular values and practices drawn from Islamic traditions. For such work, it is significant that the Islamic Republic in many ways bases its legitimacy on claims to such difference – the possibility, that is, that not only are “Islamic” ways of political organization and social life *viable*, but that they should be implemented at the state level. I discuss the theory behind the Islamic Republic in Chapter Two; here, however, I want to attend to discussions of Iranian religion more broadly and the ways in which current scholarship contests claims to Islamic difference.

Over the last fifteen years, scholars within Iranian studies have organized this debate around the competing conceptions of “nativism” and (at times, religious) “modernism.” This reading of Islamic politics took seriously claims—such as Bruce Lawrence’s argument in *Defenders of God*—that Islamic (and other) forms of

“fundamentalism” were a reaction to modernity and arose out of it. Drawing on this understanding of religious fundamentalism’s modernity, authors such as sociologist Merzahn Boroujerdi suggested that political Islam in Iran was arose out of and continues to be grounded in a particularly modern mis-formed conception of the self. According to Boroujerdi “modern Iranian intellectuals’ concept of ‘self’ has been historically constrained by their perception of a dominating Western other.”<sup>41</sup> This sense of constraint is recent—brought on by the global domination of Euro-American colonialism and imperialism—and the response from Iranian intellectuals draws roots not, Boroujerdi argues, from core Islamic commitments, but instead from “the ideas of Rousseau, Marx, Heidegger, Sartre, and the like.” This turn to western thinkers—and the concepts of culture and self they articulate—“should not be considered counterintuitive....The cultural-ideological dilemma of the Iranian (and to generalize, most Third World) intellectuals emanates from their excruciating role as intermediaries between two cultures;” that is, between a global modernity that began in Europe and the particulars of Iranian history and experience.<sup>42</sup> Boroujerdi’s core argument is that Islamic political discourse in Iran is marked by a “nativist” concept of culture – a “reverse orientalism” in which the binary of Eastern and Western difference is taken as historical, social, and political truth.

Despite Boroujerdi’s insightful analysis of Islamic discourse in Iran, his understanding of “religion” is somewhat limited. Significantly, he at once undercuts the

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41 Mehrzad Boroujerdi, *Iranian intellectuals and the West : the tormented triumph of nativism*, 1st ed., Mohammed El-Hindi series on Arab culture and Islamic civilization (Syracuse, N.Y.: Syracuse University Press, 1996), 176.

42 Ibid., 177.



claim to a unique Islamic self and, at the same time, attributes a unique and timeless character to religious people and commitments. In Boroujerdi's analysis, a "fatalism" marks the "language of Confucius, Buddha, or Prophet Muhammad," an element that explains why intellectuals increasingly turn to "Rousseau, Marx, Heidegger, Sartre, and the like" who are imbued instead with "resistance and activism."<sup>43</sup> In short, Boroujerdi critiques Iranian intellectuals for taking too seriously an East-West divide and assumes a necessary universal modernity. While accepting that this modern project does not, for Boroujerdi, require the complete eclipse of Iranian culture, its acceptance *is* required if Iranians are to move past nativist conceptions of self and the political.

Boroujerdi's assumption of a universal modernity is echoed by Farzin Vahdat's study of modern Iranian formations of subjectivity. Vahdat argues that "Iran's century-and-a-half experience with modernity should be understood in terms of a dialectical process, involving aspects of modernity conducive to emancipation, on the one hand, and those more conducive to domination, on the other." Vahdat's analysis of this dialectic is useful in that he does not overemphasize the importance of Islamic discourses as "conducive to domination;" instead, their modern articulations are part of broader "positivist and instrumental sides of modern civilization" that begin to affect Iran decades before the Iranian revolution of 1978-79 and the formation of the Islamic republic.<sup>44</sup> In this sense, Vahdat locates some Islamic Iranian discourses as potentially contributing to discourses of emancipation, while others underscore authoritarianism.

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43 Ibid., 176-77.

44 Farzin Vahdat, *God and juggernaut : Iran's intellectual encounter with modernity*, 1st ed., Modern intellectual and political history of the Middle East (Syracuse: Syracuse University Press, 2002), xii.

In contrast to the readings of Muslim practice offered by scholars such as Mahmood, however, the Iranian discourses Vahdat locates as emancipatory are simply those that echo Western liberalism, in particular models of a free individualistic self.<sup>45</sup> For Vahdat, modernity gives rise to new forms of subjectivity; in particular, it heralds the transformation of “the primary relationships of domination and subordination, proto-typically, the relationship between the transcendental God of monotheism and human worshippers.” It is the weakening of this *primary monotheistic relationship* that subsequently “weakened all other types of primary relationships: between priest and parishioner, between sovereign and vassal, and most notably between parent and child.”<sup>46</sup> While religion may take on a modern form, for Vahdat it not only requires reformation in order to be fully modern, but his dialectical vision of Iranian discourse requires that the options for modern Muslims are *either* liberal enlightenment *or* authoritarianism. A form of “mediated subjectivity” bridges these two extremes, but it is only comprehensible as a midway point between either authoritarianism—the denial of subjectivity—or an emancipated subject. He forecloses entirely Islamic ways of being outside of this paradigm.

Significantly, both Boroujerdi’s framing of Islamic Iranian nativism and Vahdat’s argument for a universal liberal subjectivity are at odds with the MacIntyrean impulse in the notion of Islam as a discursive tradition as well with the ethical commitments behind studies of Islamic tradition; that is, as Asad summarized, the notion that space should be made for Islamic commitments and identities in the context of global Western hegemony.

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<sup>45</sup> Ibid., 215.

<sup>46</sup> Ibid., xiv.

While Boroujerdi critiques Iranian nativists for concluding that “non-Western societies were facing not individual Westerners but a unified West” and should be concerned with “the destiny of the West itself,”<sup>47</sup> critics of secular universalism—such as described above—might attend to such analysis instead as a critical engagement from within Islamic traditions and an identification of Islamic difference.<sup>48</sup> In other words, there seems little difference between, on the one hand, the “nativist” discussions Boroujerdi critiques or the notions of “mediated subjectivity” that Vahdat seeks to surpass and, on the other hand, the notions of Islamic tradition that Mahmood draws on and affirms or MacIntyre’s own argument that the failures of the Western Enlightenment should be remedied by “religious and social practices of the premodern world, still working, and indeed thriving, in post-Enlightenment societies.”<sup>49</sup> The problematic, Boroujerdi or Vahdat might reply, is complicated by the political realities of the Islamic Republic. Indeed this an argument that sociologist Ali Mirsepassi brings against Asad and which I detail below. (I return to this discussion in the Epilogue).

Mirsepassi directly engages with Asadian theories of Islamic and secular difference and critiques not only the theoretical grounds, but also the political effects of

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47 Boroujerdi, *Iranian intellectuals and the West : the tormented triumph of nativism*, 161.

48 Indeed, in many ways the nativist discourses that Boroujerdi analyzed in the 1990s seem to foreshadow work in the 2000s in decolonial and postcolonial studies. Beyond arguing that the West is a mere figment, for example, such work has positioned the West instead as a discursive force with real, often imperial, power. See Chakrabarty, *Provincializing Europe : postcolonial thought and historical difference*. Amr G.E. Sabet, on the other hand, takes this sort of argument to an extreme and argues that not only was Ruhollah Khomeini’s vision of government *anti-colonial*, but that it was in fact *decolonial* – a direct critique of the modern world system (see Amr G. E. Sabet, *Islam and the political : theory, governance and international relations*, Decolonial studies, postcolonial horizons (Ann Arbor, MI: Pluto Press, 2008).) I am not suggesting here that I agree with Sabet’s analysis, but rather than the framework of thinking Islamic discourses is more complicated than attributions of nativism allow.

49 Ernst and Martin, *Rethinking Islamic studies : from orientalism to cosmopolitanism*, 10.

any distinct understanding of Islamic tradition separate from secular modernity.

Mirsepassi situates his own reading of Iranian-Islamic nativism within a broader critique of “political Islam” and anti-Westernism. He argues that nativist discourses demonstrate “a larger crisis of security rooted in the decentering experiences of modernity and a consequent will to project a future based on some vivid imagining of a stable and authentic past.”<sup>50</sup> Mirsepassi warns “against political definitions of nation or religion centered on authenticity and thus based inevitably on the exclusion and denial of other ideas and experiences” and for “open and democratic societies [that] avoid the imposition of a narrative of authenticity as a principle or basis for inclusion and exclusion within modern society.”<sup>51</sup>

While Mirsepassi views nativism as a problem of postcolonial or non-Western societies generally, he is concerned in particular with the type of nativism Boroujerdi identified with Islam – that is Islamism or political Islam. It is the Iranian experience with Islam that forms the central chapter of Mirsepassi’s argument and through which the problem of nativism is expressed. There, “contemporary Iranian discourses of authenticity ... express a crisis of inner security and a bid for ‘wholeness’ [that] depend[s] on the use of certain notions whose meaning is taken as self-evident: the West, universalism, tradition, nativism. As a result the level of debate is contained on a simple level of binaries (inside/outside, East/West) and does not extent to the more serious level

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50 Ali Mirsepassi, *Political Islam, Iran, and the enlightenment : philosophies of hope and despair* (New York: Cambridge University Press, 2011), 13.

51 Ibid., 14.

of debate at which these very concepts in themselves contested and were redefined.”<sup>52</sup>

Mirsepassi asserts that “modern ideologies of closure” such as “religious fundamentalism (a totalizing millennial promise)” that seek a “salvational modernity” full of “existential certainty and rootedness” ignore “that modern reality and imagination can offer us a home only if we can dare to leave behind what is familiar and make a home in whatever new and troubling situations we are tossed into.”<sup>53</sup>

It is in this sense, as a denial of modern dislocation and call for authenticity, that Mirsepassi locates Asad’s work on deconstructing the secular and positing Islamic modes of reasoning and practice in the present. Specifically, Mirsepassi sees Asad’s project as legitimizing political Islam, in particular the types of Islamic commitments that ground the Islamic Republic in Iran. He takes aim at a critique of secularism that, in its “crudest form, takes the position that secularism is a fundamentally Western or even Christian contribution, and insists on the impractical and undesirable nature of any effort to force Islamic societies to secularize against their will. Modernity, secularism, and even democracy, the most vulgar form of this view urges, are alien to the Muslim sensibility.”<sup>54</sup> He continues: “This line of argument is made by Islamist intellectuals and radical anti-Enlightenment theorists. The most recent and theoretically most eloquent example of this argument is Talal Asad’s, *Formations of the Secular*... Asad in fact avoids defining the secular as a rigid and essentialized category, and attempts to think beyond the binary of religion and the secular. However, for him secularism emanates from the

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52 Ibid.

53 Ibid., 45.

54 Ibid., 25.

Western experience and cultural tradition and is ultimately incompatible with Islam.”<sup>55</sup>

I am not concerned here with the extent to which Mirsepassi misreads Asad—although I believe he does—but rather that his concern with discourses of authenticity underline many of the critiques of work that draws on Asad’s model of Islam as a discursive tradition. In this sense work on contemporary Islam has not sufficiently engaged with the problematic that Mirsepassi presents – that is, how to make sense of shifts in Islamic thinking such that secularism and democracy are possible to think as *part of* an Islamic discursive tradition? Is such a move desirable? How does it conform with Asad’s overwhelming concern with “embodied memories and practices that are articulated by traditions, and of the political institutions through which these traditions can be fully represented”?

Another recent work by Mirsepassi, *Democracy in Modern Iran: Islam, culture, and political change*, highlights the stakes of a reified tradition in the Iranian context specifically. Indeed, Mirsepassi grounds his first chapters in a critique of Asad and other “radical Enlightenment theorists”<sup>56</sup> who, he suggests, take “the position that secularism is a fundamentally Western or even Christian contribution, and insists on the impractical and undesirable nature of any effort to force Islamic societies to secularize against their will. Modernity, secularism, and even democracy, the most vulgar form of this view urges, are alien to the Muslim sensibility.”<sup>57</sup> He stresses the need to defend the “elements

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<sup>55</sup> Ibid., 193-94.

<sup>56</sup> Ali Mirsepassi, *Democracy in Modern Iran: Islam, Culture, and Political Change* (New York: New York University Press, 2010), 193n2.

<sup>57</sup> Ibid., 25.

within the liberal secular tradition which provide nonviolent means of conflict resolution for a modern multicultural society.” Asad, he argues, “downplays these in favor of either/or scenarios of imperialist interventionism or emancipating political reforms.”<sup>58</sup>

Here, Mirsepassi mistakes the normative impulse of Asad’s project. Asad consistently disavows interest in the types of political transformations Mirsepassi focuses on, and, instead, focuses on the discursive constructions of the secular present. In this sense, Asad’s scholarship is not *without* politics - he is intent on both affirming difference and on decentering Western narratives of its self; yet his writing contain little if any normative proposals for future action or remaking of the current formation.

Yet, Mirsepassi’s concern is that linking secular epistemologies, political secularism, and the politics of authenticity might be—and is—mobilized by the Islamic Republic itself – a move perhaps most obvious in the Islamic Republic’s sustained attack on the universities’ humanities curricula as a site of westernization and secularization.<sup>59</sup> Indeed, that the Islamic Republic’s critiques of the humanities and social sciences *within* Iran echoes critiques of liberalism’s universalism *outside* of Iran raises serious questions for how scholars represent both Islamic tradition and secular modernity.

Throughout the following chapters I explore debates over the nature of Islamic tradition under the Islamic Republic of Iran. Muslim scholars in Iran continued to debate the nature of Islamic authority throughout the first three decades of the Islamic Republic. For many of these scholars, Islam authorizes their ability to speak against formations of

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<sup>58</sup> Ibid., 63.

<sup>59</sup> See Charles Kurzman, "Reading Weber in Tehran," *The Chronicle of Higher Education*(2009), <http://chronicle.com/article/Social-Science-on-Trial-in/48949/>. I explore these debates in more detail in Chapter Three.

power in the Islamic Republic and on behalf of alternative imaginaries of Islamic politics, ethics, and authority. Significantly, as I outline in the following chapter, the place of classically-trained Islamic scholars in Iran destabilizes representations of Islamic tradition immune to modern formations of the political. These Iranian Islamic scholars, I suggest, occupy a contested space not only within Iran, but within theories of secular reason and Islamic tradition.

## **Outline of Chapters**

The nature of Islamic reasoning, the limits of appropriate Islamic practice, and the relationship between Islamic modes of life and secular ones are significant subjects of debate both among analysts of Muslim modernity and among Muslim practitioners themselves. Representing these debates highlights tensions in thinking Islam as a continuous discursive tradition. In the Iranian contexts, debates over what constitutes normative Islam take on a particularly significant cast given the Islamic Republic's own claim to represent Islam and to institutionalize the authority of Islamic scholars. In the chapters that follow, I attend to particular issues of these debates. I do not attempt a comprehensive study of debate over the place of Islam in modern Iran and have found it useful instead to focus on a few themes that highlight debate over religious authority in particular. Again, I argue here that these Iranian debates highlight the mutual imbrications of Islamic modes and secular ones, a comingling that calls into question the utility of this differentiation for representing contestations over Islamic normativity in Iran.

In Chapter Two, I attend to debates over the relationship between Islamic leadership and political authority. The new Islamic Republic that arose in the aftermath



of the Iranian revolution of 1978-79, as well as the Islamic symbolism of the revolution itself, shocked Euro-American observers. Whereas secularization theorists had assumed that the gradual removal of religion from public and political life was an inevitable feature of modernity, the Iranian revolution and Islamic Republic shook the foundations of that understanding of the universal secularity of modern life. I attend to the ways in which religious intellectuals, state authorities, and Islamic scholars drew on long-standing Shi'i Islamic texts and traditions to construct competing theologies of divine justice and guidance with attention to the powers of the modern state. The very manner in which classically-trained Islamic scholars question the governance of the Islamic Republic highlights their own institutional authority within the context of Shi'i Islam. At the same time, however, these debates both address and are themselves figured *by* novel political situations.

In Chapter Three, I extend my analysis of statist readings of Islamic law and Shi'i political theologies from the previous chapter to focus on a series of debates over the relationship between Islamic law—as the outcome of religious scholars' reasoning—and the political. In particular, I focus on Muslim thinking about the relationship between Islamic law (*shari'a*), state law, and an individual believer's practice of Islam. Writers critical of the Islamic Republic contest the theory of Islamic law that authorizes the Islamic Republic, one that prioritizes legalistic understandings of Islam and the authority of Islamic legal scholars. One way in which both religious intellectuals and classically-trained Islamic scholars undermine the state's reading of Islam is to draw on long-standing debates among Muslims that prioritize inner states and self-conscious (rather than merely bodily) practice over legal authority. My goal in this chapter is to explore

how Muslim dissidents attempt to undermine the Islamic Republic's fusion of state law and Islamic jurisprudence by drawing on non-legal Islamic disciplines that, in their view, prioritize interiority over bodily worship. This rethinking of the interior aspects of Islam demonstrates both the impact of broadly secular concerns on contemporary Muslim thinking and, at the same time, commitments to and continuations of earlier Islamic discourses of the self.

In Chapter Four, I delve more deeply into contestations over the place and constitution of Islamic scholarship in modernity. I examine Muslim Iranian debates over the nature of Islamic reason and the role of critique in modern scholarship. In particular, I focus on the ways *hawzah* (madrasa or seminary) journals incorporate notions of criticism to define the practice of modern Islamic scholarship. While in the previous chapters Muslim scholars drew on the memory of the Shi'i Imams to think about justice and non-legal Islamic disciplines of learning to undermine a state-sanctioned reading of Islamic jurisprudence, in this chapter I explore how Muslim scholars conceive the practice of scholarship itself and compare these Islamic understandings of scholarship to debates over "secular critique" in the Euro-American academy. In so far as the assumption of a secular critical stance defines our academic enterprise—as well as the construction of both the political and thinking subject within post-Enlightenment theories—these Iranian Islamic debates suggest the need to reassess the academic representation of modern Muslim thinking<sup>60</sup> and its relationship to Islamic tradition.

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<sup>60</sup> My use of "thinking" draws from Walter Dignolo's understanding of "border thinking" through which he critiques the notion that true knowledge is an Occidental achievement. Dignolo wants to see other knowledges as sustainable and holding the potential to show the limits of modern epistemology. In this sense, he suggests scholars look at other cultures not as loci of translation or mere information but for knowledge – a proposition which requires rethinking the distinction—among others—between faith and knowledge. See Walter Dignolo, *Local histories/global designs : coloniality, subaltern knowledges, and border thinking*, Princeton studies in culture/power/history (Princeton, N.J.: Princeton University Press,

Following these three thematic discussions, I turn in the Afterward to highlight their commonalities and how they might impact the study of Islam and non-Western religious traditions more broadly. In particular, moving beyond thinking about modernity and Islam, I turn to work from decolonial studies. Recent examining in decolonial and postcolonial studies provides avenues for representing contemporary Muslims as theoretically engaged, not only in argument over Islamic norms, but in analyzing modernity at large.

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2000). Mignolo's project echoes sentiments found in Dipesh Chakrabarty's understanding of "Bengali reason" in Chakrabarty, *Provincializing Europe : postcolonial thought and historical difference*. as well as Richard King's "ethno critique" in King, *Orientalism and religion : postcolonial theory, India and 'the mystic East'*.

## Chapter Two: Thinking Politics and Religious Authority

*“It is because of us, the initiated Guides  
That the sky does not come crashing down to earth,  
That the beneficent rain falls from the sky  
That mercy is spread...  
The earth will engulf its inhabitants  
If one of us is not upon it”*  
~ Imam ‘Ali b. al-Husayn<sup>1</sup>

In this chapter I focus on Muslim Iranian debates over the relationship between Islamic authority and political practice. As I discussed in Chapter One, a tension runs throughout much Western theorizing of Islamic modernity; that is, attempts to delimit a specifically Islamic tradition founders on addressing the engagement and context of that tradition in the present. I suggested that greater attention should be paid to the ways in which historically Islamic and novel modes of reasoning and practices intertwine in the present; a move, I argued, that expands the possibilities for representing Muslim thinking about modernity. Similarly, in this chapter I consider how debates over political authority in the Islamic Republic depend upon both historically Islamic categories and secular transformations. Specifically, I explore how classically-trained Shi‘i Islamic scholars (the ‘*ulama*’) draw on Islamic models of authority to think about just government and democratic citizenship. In the space that follows, I first provide background on Shi‘i Iranian understandings Islamic authority, including hierarchies between trained Islamic scholars and the general population of Muslim believers that at times legitimize the

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<sup>1</sup> Quoted in Mohammad Ali Amir-Moezzi, *The divine guide in early Shi‘ism : the sources of esotericism in Islam* (Albany: State University of New York Press, 1994), 61.

Islamic Republic's own claims to authority. Second, I examine the sources classically-trained scholars draw on to think the construction of just politics in Iran. Finally, I relate these Muslim engagements with Islamic histories to theories of secular modernity.

As I outlined in the previous chapter, attempts to demonstrate the continuity of Islamic modes of reasoning and practice tend to isolate those forms from conversation, influence, or cross-pollination with “secular” or “non-Western” forms. Debates over political authority in Iran engage with categories and concepts that root in long-standing Muslim texts and commitments. In addition, the very manner in which classically-trained Islamic scholars question the governance of the Islamic Republic highlights their own institutional authority within the context of Shi‘i Islam. At the same time, however, these debates both address and are themselves *figured by* novel political situations.

Significantly, the re-formation of political theology in Iran includes claims to the center of Islamic authority, the scholastic and legal apparatus of the classically-trained Islamic scholars.

In other chapters I examine contests over the limits of Islamic jurisprudence and the relationship between classical learning and modern scholarship. Debate over religious authority runs throughout these contestations and, as I discuss below, this debate is particularly fraught in contemporary Iran as the Islamic Republic lays claim to the central authoritative office of Shi‘i Islam. This claim is not, however, uncontested. Both religious intellectuals and classically-claimed scholars counter the Islamic Republic's claims to legitimacy with novel political theologies embedded in what they see as centrally Shi‘i commitments to just rule.

## The Guardianship of the Jurist

During the 1960s, Ayatollah Ruhollah Khomeini (1902-1989) constructed a novel theory of Shi‘i Islamic politics called the “guardianship of the jurist” (*vilāyat-i faqīh*). The “guardianship of the jurist” extended the authority of Islamic scholars to include political oversight of the Iranian government. In short, it asserted the singular position of Shi‘i Islamic scholars both to oversee and to determine state law.<sup>2</sup> I return to this legal construction of juridical authority in the subsequent chapter. Here, I focus on the ways in which the guardianship of the jurist extends and remakes specifically Shi‘i Islamic distinctions between the authority of classically-trained religious scholars and the common believer.

The Iranian constitution—ratified in 1980 and then reconfigured drastically following Khomeini’s death in 1989—solidified key aspects of the new state. Notably, it wove together democratic elements—the freedom of the press, the right to vote, and a popularly elected parliament—with a hierarchical reading of the Islamic jurists’ political authority. The constitution validated the supreme authority of religious scholars to vet, oversee, and limit the authority of citizens. The Preamble to the Constitution locates

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<sup>2</sup> See Michael M. J. Fischer, *Iran : from religious dispute to revolution* (Madison: University of Wisconsin Press, 2003); Ruhollah Khomeini and Hamid Algar, *Islam and revolution : writings and declarations of Imam Khomeini* (Berkeley, Calif.: Mizan Press, 1981); Ervand Abrahamian, *Iran between two revolutions*, Princeton studies on the Near East (Princeton, N.J.: Princeton University Press, 1982); Roy Mottahedeh, *The Mantle of the Prophet: Religion and Politics in Iran* (New York: Pantheon, 1985); Arjomand, *The turban for the crown : the Islamic revolution in Iran*. For analysis of Khomeini’s theory in relation to Islamic jurisprudence (*fiqh*), see Robert Gleave, "Political Aspects of Modern Shi‘i Legal Discussions: Khumayni and Khu‘i on *ijtihad* and *qada'*," in *Shaping the current Islamic reformation*, ed. B. A. Roberson (London ; Portland, OR: Frank Cass, 2003), 95-114.

the guardianship of the jurist within the central categories of Shi‘i Islamic theology and jurisprudence:

In keeping with the principles of governance (*vilāyat-i amr*) and the perpetual necessity of [divinely-guided] leadership (*imāmat*), the Constitution provides for the establish of [political] leadership (*rahbarī*) by a holy person possessing the necessary qualifications and recognized as a [political] leader (*rahbar*) by the people (this is in accordance with the saying: ‘The direction of affairs is in the hands of those who are learned (*‘ulama*) concerning God and are trustworthy in matters pertaining to what He permits and forbids’).<sup>3</sup>

This presumed relationship between political leadership, the guardianship of the Islamic scholars, and the divinely-guided leadership of the Shi‘i Imams (*imāmat*) marks the novel terrain of the Islamic Republic’s guiding political theory.

Most significant is that the Islamic Republic legalizes, through the mechanisms of the state, the religious oversight of Islamic scholars and the theological necessity of continuous divine guidance. The necessity of the *imāmat*, the leadership of the twelve Shi‘i Imams (*imamat*) referenced above—is the distinguishing characteristic of Shi‘i Islam. The Imams are divinely-guided leaders, sinless, and perhaps infallible, all descended from the Prophet Muhammad through his cousin and son-in-law Ali. For Shi‘i Muslims, the divine guidance of the Imams is a necessary aspect of divine justice and

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<sup>3</sup> An English translation of the constitution can be found here: <http://www.iranchamber.com/government/laws/constitution.php>. See also, Asghar Schirazi, *The constitution of Iran : politics and the state in the Islamic Republic* (London ; New York: I.B. Tauris, 1997).

order.<sup>4</sup> The doctrine of the Imams was largely developed in the ninth century, according to which “Mankind is in permanent need for a divinely guided Imam as authority in religious matters. He is impeccable (*ma‘sum*) but does not receive divine messages (*wahy*). Each Imam was installed by his predecessor by an explicit appointment (*nass*) and whoever rejects the Imam of his age is an infidel (*kafir*).”<sup>5</sup>

This theory of guidance sets Shi‘i theology and historical memory apart from Sunni Islam. According to Shi‘i histories, the Prophet Muhammad appointed his cousin and son-in-law Ali to lead the Muslim community after him. The majority of the community disobeyed this order and three other leaders—the first of the Four Sunni Caliphs—led the community before Ali was elected the fourth Caliph. His tenure was marked by civil war and a band of discontented followers eventually assassinated him.<sup>6</sup> While certain branches of Shi‘ism—the Ismailis in particular—at times ruled empires, the majority of Shi‘i Muslims lived as a minority largely outside of political centers until the early sixteenth century.

It is quite impossible to overstate the marked *strangeness* of Khomeini’s theory of

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4 See, Abdulaziz Abdulhussein Sachedina, *The Just Ruler (al-Sultān al-‘Ādil) in Shī‘ite Islam : the comprehensive authority of the jurist in Imamite jurisprudence* (New York: Oxford University Press, 1988); Hossein Tabataba‘i Modarressi, *Crisis and Consolidation in the Formative Period of Shi‘ite Islam* (Princeton: Darwin Press, 1993); *Shi‘ism*, ed. Etan Kohlberg, The formation of the classical Islamic world ; v. 33 (Burlington, VT: Ashgate, 2003); Amir-Moezzi, *The divine guide in early Shi‘ism : the sources of esotericism in Islam*; Hamid Dabashi, *Shi‘ism: A Religion of Protest* (Cambridge, MA: Harvard University Press, 2011).

5 Paul Luft and C. Turner, *Shi‘ism* (New York: Routledge, 2008), 152-53.

6 With Ali’s death the family of Muhammad, the rightful leaders of the community, was even further removed from political power. Mu‘awiya, a late follower of Muhammad who had fought the prophet for most of his life, gained control of the community and sent armies to kill Ali’s son and Muhammad’s grandson Hussain. Both Sunni and Shi‘i Muslims mourned the death of Hussain and disdained Mu‘awiya’s actions. For the Shi‘i Muslims this martyrdom is particularly significant and I return to it later as it arises in the writings of contemporary Islamic dissidents. For a recent American formulation of Shi‘i liberation theology that draws on this history, see Dabashi, *Shi‘ism: A Religion of Protest*.



rule in light of both the historical practice and intellectual traditions of Imami—or Twelver—Shi‘ism.<sup>7</sup> The Imams were politically sidelined following Ali’s death and often engaged with their communities only under the eye of ruling Sunni authorities. Shi‘i theories of unified religious and political rule became even more disconnected from daily praxis in the tenth century when the Twelfth Imam, Muhammad al-Mahdi, went into occultation (*ghayba*). Shi‘i Muslims believe that he will return at the end of time to establish a reign of justice, a belief that at times has given rise to millenarian movements and, at others, to a quietist stance.<sup>8</sup>

A library of theological texts supporting this quietism arose since the disappearance of the Imams and revolves in large part around binaries of *unjust* and just rulers. For several centuries—at least until the 1500s—the majority of Shi‘i Muslims held that the only just ruler was the Imam, and the community would have live under—though not support—unjust regimes until the end of time when he returns. Sheikh al-Murtada (1044), an early Shi‘i scholar, summarized the centrality of the Imams: “Reason (*‘aql*) requires that there should be a leader at all times, that this leader should be infallible [and that he is such that-A.S.] one is secure against his committing any bad deed.”<sup>9</sup> (Sachedina 2008 44) “the people, if neglected without any [such – K.F.] leaders, would go into excess in doing evil deeds and their condition would thus become corrupt

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7 This is despite a tendency in writings on post-Khomeini Iran to label religious scholars’ claims to political authority as “traditional.” Historically speaking, it is not traditional. It is novel to the extent of being unprecedented prior to the twentieth century.

8 For competing theories of the Shi‘i Islam as inherently politically quietist or politically dissident, see Amir-Moezzi, *The divine guide in early Shi‘ism : the sources of esotericism in Islam*; Dabashi, *Shi‘ism: A Religion of Protest*.

9 Luft and Turner, *Shi‘ism*, 45.

and their order faulty.” Yet even during the time al-Murtada wrote, the Twelfth Imam was already in occultation, absent from the community of Muslims, and unable to rule.

The absence (*ghayba*) of the Imams presented a complicated problem for Shi‘i political theology.<sup>10</sup> Leading Twelver Shi‘i scholars acquiesced to a largely autonomous realm of political authority for several centuries following the death of Muhammad. Scholars often validated the powers of these rulers—whether they ascribed to a different school of Shi‘ism (such as the eleventh century Buyids in Baghdad), Sunni Islam (such as the Seljuks who controlled much of the modern day Middle East and Central Asia in the twelfth and thirteenth centuries), or Twelver Shi‘ism itself (such as the Safavid Shahs who controlled greater Iran from the sixteenth to the early eighteenth century). They did not view these rulers as external to Islamic understandings of community, economic, or political life. However, neither did they equate the ruling powers with their own specifically religious authority nor with the Shi‘i political ideal in which a sinless “divine guide” would lead the community.

Instead, following the absence of the Imams, Shi‘i Islamic scholars began to assert their deputyship (*niyabat*) on behalf the Imams; yet this deputyship was greatly limited. In the sixteenth century, for example, scholars debated heavily whether

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10 There was a marked debate in Shi‘i studies over the evolution of juridical authority. Whereas Abdulaziz Sachedina has argued that post-occultation legal discussions regarding the guardianship of jurists set a framework for the jurists’ political authority, Hossein Modarressi Tabataba‘i has argued instead that Sachedina misreads those early sources in order to purposefully construct a groundwork for the *twentieth* century theory of juridical authority. In particular, Modarressi contests the notion that the delegates of the Imams were particularly learned and, therefore, any connection between the Imams’ delegation of authority and that status of scholars (Hossein Modarressi, "Review: The Just Ruler or the Guardian Jurist: An Attempt to Link Two Different Shi‘ite Concepts," *Journal of the American Oriental Society* 111, no. 3 (1991): 549-62.)

one could even lead Friday prayers – a position historically reserved for the Imam.<sup>11</sup> Instead, the “guardianship of the jurist” that legitimizes the Islamic Republic draws on later transformations in Shi‘i practice; in particular, it is predicated upon an understanding of Islamic scholarship wherein the general believer *requires* the Islamic learning of scholars in order to practice correctly.<sup>12</sup> In some ways this distinction arises from thirteenth and fourteenth century debates within Islamic legal theory during which Shi‘i scholars incorporated the notion of “independent reasoning” (or, *ijtihad*) into their theorization of Islamic jurisprudence (*fiqh*). Robert Gleave has argued that the very notion of independent reasoning implied a division between the Islamic legal scholars—who have the authority and training to assess the sources of law—from non-scholars.<sup>13</sup>

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11 Andrew Newman argued in article focused on Safavid scholar Mohsen Fayd al-Kashani (1598-1680) that the contested issue among Shi‘i scholars of the period was less the question of general deputyship and more the question of the proper relationship to the state. In this sense, authors such as Fayd al-Kashani argued for the ‘ulama’s role in leading Friday prayer *not* on the basis of deputyship in the absence of the Imam (a claim that, as an Akhbari, he would not support) but on the basis of needing to maintain relationships with the ruling authority. Newman argues that these Safavid-era relationships to the state, even though not argued in terms of deputyship, set the stage for later developments in Shi‘i Islam by greatly increasing the authority of the ‘ulama’ (Andrew Newman, "Fayd al-Kashani and the Rejection of the Clergy/State Alliance: Friday Prayer as Politics in the Safavid Period," in *The Most Learned of the Shi‘a: The Institution of Marja‘taqlid*, ed. Linda S. Walbridge (New York: Oxford University Press, 2001), 34-52.

12 Ahmad Kazemi Moussavi and Abbas Amanat both argue that theories of emulation—stemming from the division between muqallid and mujtahid—were more significant for the eventual formation of the Islamic Republic than sixteenth century debates over the general deputyship of the jurists (*niyaba al-amma*). See, Ahmad Kazemi Moussavi, *Religious authority in shi'ite Islam : from the office of mufti to the institution of marja'* (Kuala Lumpur: International Institute of Islamic Thought and Civilization, 1996); Abbas Amanat, "In between the Madrasa and the Marketplace: The Designation of Clerical Leadership in Modern Shi'ism," in *Authority and Political Culture in Shi'ism*, ed. Said Amir Arjomand (Albany: SUNY Press, 1988), 149-78.

13 Gleave, "Political Aspects of Modern Shi‘i Legal Discussions: Khumayni and Khu‘i on ijtihad and qada'," 96-116. These theories arise out of debates over the nature of reason, revelation, and interpretation among Shi‘i scholars. In brief, while some nineteenth century scholars—the Usuli—differentiated between scholars and the remainder of Muslims, Akhbari scholars disputed this division. Since the nineteenth century the Usuli position has dominated Shi‘i discussions. These debates, although important historically, are outside the immediate purview of my discussion. For an overview see, Hamid Algar, *Religion and State in Iran, 1785-1906: The Role of the Ulama in the Qajar Period* (Berkeley: University of California Press, 1969); Kazemi Moussavi, *Religious authority in shi'ite Islam : from the office of mufti to the*

Nineteenth and twentieth century developments further institutionalized and reformed this division, in particular around the notion of “emulation” (or *taqlīd*).<sup>14</sup> According to theories of emulation the general practitioner (or *muqallid*) must direct his or her questions regarding correct practice to a ranking Islamic scholar who is able to practice independent reasoning. The practitioner then emulates that scholar’s opinions and practice. Significantly, not *all* Islamic scholars attain the rank of reasoning independently regarding the sources of law and one who does so is referred to as a *mujtahid*. Even lower ranking Islamic scholars must emulate the practice of a *mujtahid*. Both the general body of Muslims and lower ranking scholars choose whom to emulate from among scholars of the highest-rank. These can not only reason independently, but are among the *most* learned and pious. A scholar of this rank, deserving of emulation, is known as a Source of Emulation (*marja’-i taqlīd*).<sup>15</sup>

As I discuss shortly, the Islamic Republic embeds this hierarchy in the legal authority of the state; however, it would be a mistake to assume the Islamic Republic’s model marks a necessary evolution of this authoritative relationship. Scholars of Shi’ism

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*institution of marja’*; Abbas Amanat, "From ijtiḥād to wilāyat-i faqīḥ: The evolving of Shi’i Legal Authority into Political Power," in *Apocalyptic Islam and Iranian Shi’ism* (New York: I.B. Tauris 2009); Juan Ricardo Cole, *Sacred space and holy war : the politics, culture and history of Shi’ite Islam* (London: I.B. Tauris, 2002), 58-77.

14 For competing assessments of the relationship between religious authorities and the Qajar state in the nineteenth century, see Algar, *Religion and State in Iran, 1785-1906: The Role of the Ulama in the Qajar Period*; Amanat, "From ijtiḥād to wilāyat-i faqīḥ: The evolving of Shi’i Legal Authority into Political Power."

15 The periodization of this institution is complicated. It seems that nineteenth century scholars who, during the twentieth century, were identified as Sources of Emulation were *not* granted that designation during their lifetimes. They were discussed instead in terms of *riyasat* - a more diffuse concept of leadership largely related to the clerical establishment itself. See, Kazemi Moussavi, *Religious authority in shi’ite Islam : from the office of mufti to the institution of marja’*; Amanat, "In between the Madrasa and the Marketplace: The Designation of Clerical Leadership in Modern Shi’ism."

in fact have noted “democratic” elements of this practice prior to the Islamic Republic’s legalization of the Islamic scholar’s authority. On the one hand, until the jurists’ authority was institutionalized in the Islamic Republic the decision to select which Source of Emulation to follow and, to a large extent, *whether* to follow his opinion was largely in the hands of regular believers<sup>16</sup>; on the other hand, Islamic scholars themselves largely selected the pool of possible authorities to emulate through designating one as a mujtahid and affirming his scholarship and piety.

Beginning in the twentieth century, scholars drew on this hierarchy to make claims regarding the correct form of government for the new Iranian nation-state. Some scholars argued during the constitutional revolution of 1905-1911 that *all* matters should be based on the emulation of ranking Islamic authorities and, therefore, that democratic government was illegitimate.<sup>17</sup> Khomeini’s own theory of the guardianship of the jurist transformed this division, not only by connecting the authority of scholars to the state (a move suggested during the earlier constitutional debates), but by prioritizing knowledge of Islamic jurisprudence (*fiqh*) over other categories of scholarship and piety that had previously marked the Sources of Emulation.<sup>18</sup> (In the subsequent chapter I explore critiques of the Islamic Republic that focus on this *legal* model of authority and attempt to destabilize it by arguing for the pre-eminence of other, non-legal, forms of Islamic scholarship.)

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16 Amanat, "In between the Madrasa and the Marketplace: The Designation of Clerical Leadership in Modern Shi'ism."

17 Kazemi Moussavi, *Religious authority in shi'ite Islam : from the office of mufti to the institution of marja'*.

18 Gleave, "Political Aspects of Modern Shi'i Legal Discussions: Khumayni and Khu'i on ijihad and qada'."

Between the Islamic Republic's first constitution—ratified in 1981—and its second—ratified in 1989—Khomeini extended his theory of rule to suggest even greater authority for the governing jurists. It is remarkable that Khomeini argued against the notion that the Islamic Republic operated within the confines of Islamic, suggesting that such a theory

“is completely contrary to my words. The government can unilaterally abrogate legal [shar‘i – S.A.] agreements that it has made with the people....The government can—when it sees fit to contravene the good of the Islamic country—prevent the pilgrimage, which is one of the important divine duties...If the government can exercise its authority only within the bounds of the peripheral divine laws, then the bestowal of the divine ordinances through absolute deputyship upon the Prophet...would be hollow and meaningless.”<sup>19</sup>

Significantly, Khomeini argued that the government—for the “good of the Islamic country”—is sovereign not only in that it dictates and enforces law, but that it is capable of *superseding* any regulation dictated by Islam. Scholars identify this new theory of authority—not only to contravene previous understanding of divine law, but also universally acknowledged “divine duties”—as the “absolute guardianship” of the jurist

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19 Shahrough Akhavi, "Contending Discourses in Shi'i Law on the Doctrine of Wilāyat al-Faqīh," *Iranian Studies* 29, no. 3/4 (1996): 264. For further discussions of this statement from Khomeini, see Chibli Mallat, *The renewal of Islamic law : Muhammad Baqer as-Sadr, Najaf, and the Shi'i International*, Cambridge Middle East library (Cambridge ; New York: Cambridge University Press, 1993); Olivier Roy, "The Crisis of Religious Legitimacy in Iran," *Middle East Journal* 53, no. 2 (1999): 201-16.

(*vilāyat-i faqīh-i muṭlaq*).<sup>20</sup> This political theory suggests that even duties mandatory for individual Muslims are secondary to the needs of the Islamic political system itself. In this sense, the “logic behind the absolute empowerment notion is that the establishment of an Islamic state supervenes in its importance every other facet of Islam, because without such a state, the very existence of Islam itself is in question.”<sup>21</sup>

This need for an Islamic state—and its processes during the first three decades—reforms Shi‘i theologies of divine guidance and juridical authority along statist and absolutist lines. Those who follow Khomeini in linking the divine guidance of the Imams to present-day political life both present themselves (or the Leader) as necessary substitutes for the Imams during the occultation and—if not sinless—at least unquestionable authorities in both political governance and religious meaning.<sup>22</sup>

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20 Akhavi, "Contending Discourses in Shi'i Law on the Doctrine of Wilāyat al-Faqīh," 264.

21 *Ibid.*, 267. Akhavi perceptively argued that Khomeini’s theory of rule prioritized the Imamate over all other aspects of Shi‘i thought and practice. Akhavi did not elaborate upon this point and later work has done little to explore its implications. Yet, it seems that Akhavi meant to suggest that Khomeini’s emphasis on the *political* necessity of “divine guidance” demanded the total reformation of Shi‘ism in line with this singular commitment. In other words, Khomeini argued not only that divine guidance defined Shi‘ism, but that its importance was such that all other commitments and concerns were null.

For a discussion of parallel developments—and the contravening concerns of Pakistani religious scholars—see Zaman, *The ulama in contemporary Islam : custodians of change*, 87-110.

22 These Iranian developments exemplify Talal Asad’s argument that the “statism” of post-colonial Muslim discourses—whether “Islamist” or “liberal”—distinguishes them from earlier Islamic understandings of political and ethical life (Asad, "Secularism, Nation State, Religion," 181-204.). While early analysis of the Islamic Republic marked it as a “return” of Islamic tradition, more recent works have highlighted its modernity. See, in particular, Vanessa Martin, *Creating an Islamic State: Khomeini and the Making of a New Iran* (London: I.B. Tauris, 2003). For an analysis that compares Iranian developments to Arab Muslim politics, see Tripp, *Islam and the moral economy : the challenge of capitalism*.

## Just Hierarchies: The System and the Scholar

Debate over what constitutes “just rule” in the absence of the Imams has been part of Shi‘i thinking for centuries; yet, in the setting of contemporary Iran, scholars craft competing theologies of divine justice and just rule to argue the limits of democratic citizenship. Unlike Sunni Muslims, Shi‘i Muslims do not classify their practices and doctrines into the “five pillars,” which include pilgrimage, witnessing to Islam, daily prayer, almsgiving, fasting during Ramadan. These components are present in Shi‘i thought and practice, but are discussed as “pillars” *per se*; instead, the central focus of Shi‘i theology are the fundamentals of religion, or *usūl al-dīn*. These fundamentals include prophecy, resurrection and judgment, and the unity of God (*tawhid*). For the purposes of this chapter, however, the most significant of the five fundamentals of religion are Imamate—discussed above—and divine justice (*adl*).<sup>23</sup> In one sense the debates of Islamic scholars seem devoid of imbrications in secular discourses and programmatic politics in so far as their writings on justice are defined by long-standing debates over and theologies of divine justice; yet, in another context, these debates over justice become distinctly political theology, wherein scholars theorize a contemporary system of Islamic governance by constructing novel linkages from the justice of god and just politics.

The writings of Grand Ayatollah Ja`far Sobhani (b. 1930) not only represents what Iranian reformists themselves label “traditionalist jurisprudence” (*fiqh-i sunnatī*), but also the intersection of Shi‘i and secular discourses. Sobhani’s writings on justice in

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23 For brief summaries of these principles and their differences from Sunni theology, see Seyyed Hossein Nasr, Hamid Dabashi, and Seyyed Vali Reza Nasr, eds., *Shi`ism: doctrines, thought, and spirituality* (Albany: State University of New York Press, 1988), 1-9. Moojan Momen, *An introduction to Shi'i Islam : the history and doctrines of Twelver Shi'ism* (New Haven: Yale University Press, 1985), 176-78.



particular demonstrate an attempt to *think* the political through Shi‘i categories transformed by the context of a secular, though Islamic, state. Specifically, Sobhani engages with theories of justice in order to inscribe Iranian politics within a political theology that prioritizes the continuation of an Islamic “system (*nizām*),” that is, the Islamic Republic.

One site in which Sobhani has written about Shi‘i theories of justice is in the book *A Charter of [Shi‘i] Imami Beliefs (manshūr-i ‘aqāid-i imāmiyya)*, which he wrote in Persian “with the intention of presenting to a non-specialist audience a concise but wide-ranging overview of the principle tenets of Twelver Shi‘i Islam.”<sup>24</sup> *A Charter of [Shi‘i] Imami Beliefs* was first published in Qom in 1997 by the Institute of Imam Sadiq’s Teachings and Inquiries (*Muassasah-i Ta’limat-i va Tahqiqati-i Imam Sadiq*) under the direction of the Ministry of Culture and Guidance.<sup>25</sup> The Ministry of Culture and Guidance has many divisions, some focused explicitly on domestic issues, such as managing (and limiting) publishing permits for newspapers, films, and books. The reformist former President Muhammad Khatami even served as the Chair of the Ministry in the late 1980s and early 1990s. During that period he allowed increased publications which, in retrospect, many suggest opened up public debate and helped galvanize the Iranian reform movement of the 1990s. I am not suggesting, however, that the Ministry itself has a “reformist” program, quite the opposite.

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24 Reza Shah-Kazemi, "Translator's Foreword, in *Doctrines of Shi‘i Islam : a compendium of Imami beliefs and practices* " (New York, NY: I.B. Tauris, 2003), xi-xvii.

25 Little academic work has been done on Ministry of Culture and Guidance. While the American Foreign Policy Institute suggests its main function is “exporting terrorism” and facilitating the “infiltration of—and terrorist recruitment within—local Muslim populations in foreign nations,” this is a rather limited view of the Ministry’s work as I discuss above. “Islamic Republic of Iran,” *World Almanac of Islamism 2011* (Lanham, MD: Rowman and Littlefield Publishers, 2011).

In 2010 the Ministry of Culture and Guidance distributed 100,000 copies of Sobhani's text to university students.<sup>26</sup> The publications and circulations of The Ministry of Culture and Guidance should not itself be taken as representing the singular stance of the Islamic Republic's government or political leaders.<sup>27</sup> However, the fact that the Ministry disseminated Sobhani's text so widely does suggest that the books serves—and perhaps was meant to serve—as the textbook for the Ministry's official take on the contemporary theology of Shi'i Islam.

On first read, Sobhani's analysis of divine justice (*'adl*) in *A Charter of [Shi'i] Imami Beliefs* seems distinct from political uses of Islam or theories of state authority, an understanding of the work that, as I discuss below, the English translator affirms; yet his writings on justice in practice—as a mode of living—demonstrate the imbrications of Shi'i scholastic reasoning in the problems of political governance. Sobhani explains in *A Charter of [Shi'i] Imami Beliefs* that “All Muslims believe that God is just and that justice is one of the divine attributes....The basis of this belief is the Qur'anic negation of any possibility of injustice on the part of God, referring to Him as being ‘*upright in justice*’....In addition to the evidence provided by these verses, the intellect can discern the justice of God with utmost clarity.”<sup>28</sup> Revelation, Sobhani continues, is an example

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26 "The distribution of one hundred [copies of] A Charter of [Shi'i] Imami Beliefs in the universities (tuzi'-i sad hezar-i manshur-i 'aqayid-i imamiyya dar daneshgah)," *Mashreq News* November 3, 2010 (Aban 12, 1389).

27 The government apparatus of the Islamic Republic is a fractured one. Not only is the relationship between second-term President Ahmadinejad and the Supreme Leader himself acrimonious, the Iranian armed forces are an increasingly independent entity.

28 Ja far Subhani, *Doctrines of Shi'i Islam : a compendium of Imami beliefs and practices* (Qom, Iran: Imam Sadeq Institute, 2003), 48.

of divine justice: “God created man, and this creation has a purpose. This purpose is that man attain the plentitude of all that the human soul can aspire to, doing so by means of the graces realized through devotion to God....Without this divine help, the creation of man would be lacking any means of realizing the purpose of creation. It is for this reason that Messengers were sent to mankind, providing them with both explanations and miraculous acts.”<sup>29</sup> While God sent messengers and prophets to make humanity aware of divine commandments and prohibitions, humanity is not compelled to follow those commands. Indeed, Sobhani argues, “the religious commands and prohibitions, promises and threats, rewards and punishments, would all be utterly meaningless” if humanity did not possess free-will. Yet despite that “liberty,” humanity cannot be understood independent of God. “The principle of free will,” Sobhani explains, “does not allow us to conclude that man possesses absolute liberty, and that God exercises no influence over his actions. For such a belief, called *tafwīd*, contradicts the principle of man's eternal dependence upon God; it also restricts the sphere of power and creativity proper to God.”<sup>30</sup>

Interestingly, the English translation of Sobhani’s monograph argues that the work represents “what one might call ‘mainstream’ religious thinking in the official religious

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29 Ibid., 53.

30 Ibid., 58-59. Sobhani further explains the problem of "absolute liberty" follows a rather standard presentation of Shi'i perspectives as a golden mean between Sunni Ashari and Mutazali schools. He argues that “After the passing away of the Holy Prophet, one of the questions that engaged Muslim thinkers was that of the nature of human action. One group adopted the viewpoint of determinism (*jabr*), regarding man as an intrinsically constrained agent; another group took the diametrically opposite position, conceiving of man as an entity delivered up entirely to his own resources, his actions having no connection at all with God....There is, however, a third perspective, the one upheld by the Holy Imams of the *ahl al-bayt*. Imam Ṣādiq stated: ‘Neither compulsion (*jabr*) nor complete freedom (*tafwīd*): rather, something between the two.’ In other words, although action devolves upon man, it is also dependent upon God; for the action proceeds from the human agent, but since in reality the agent, along with his power, is created by God, how can one consider the action of such an agent to be independent of God?,” 59-60.

establishment in Iran today; given the diversity of views and opinions within ‘official’ religious circles, however, it would probably be more circumspect to say that it is at least broadly representative of significant elements within the religious establishment.”<sup>31</sup>

Again, according to the translator, Sobhani

upholds the validity of Shi‘i perspectives by rational argument on the basis, principally, of the Qur’an and the Sunna of the Prophet; and he does so in a manner that, refreshingly, steers clear of polemics....the author himself welcomes debate over differences, and pleads for an end to intra-Muslim diatribes and ill-considered anathematization by one school or the other....he asserts, ‘the only basis upon which one can legitimately accuse someone of being a *kāfir* [unbeliever] is if he denies one of the three fundamental principles of Islam: attestation of the oneness of God; belief in the message of the final Prophet [Muhammad]; and belief in the Resurrection in the hereafter.’ (Article 121). Where differences of opinion on matters of secondary [religious] importance do exist, Sobhani calls for Muslims to resort to ‘reasoned debate, based on scholarly research.’<sup>32</sup>

The translator’s goal in introducing, compiling, and translating Sobhan’s work seems to be to disabuse readers of the notion that Muslim Iranian religious scholars refuse all debate or difference of opinion and to provide access to contemporary Shi‘i theology, a drastically understudied area of research. However, within the context of Sobhani’s work

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31 Shah-Kazemi, "Translator's Foreword, in *Doctrines of Shi‘i Islam : a compendium of Imami beliefs and practices* ", ix.

32 Ibid., xi-xii.

itself, one might analyze more closely Sobhani's suggestion that "Muslims resort to 'reasoned debate, based on scholarly research.'"

Given the normative hierarchy between classically-trained Islamic scholars and general Muslim population—as well as the ways in which the Islamic Republic legitimizes itself through that division—one might ask: which Muslims? And in which venues? One of the salient points of contestation in post-revolutionary Iran is exactly this: to what extent are the possibilities of debate which are (or were) allowed historically among Islamic scholars a model to be *extended* to the public at large?

Significantly, Sobhani has indicated his opinion on the necessary circumscription of debate in the Islamic Republic and, in doing so, fleshed out what he sees as the application of divine justice in contemporary Islam. As one news site reported: "Ayatollah Ja'far Sobhani ...in an interview with the reporters of *Fars* [newspaper] put forth some points from the Islamic perspective about the news and the manner of spreading information [which were that] it is good if we hold off on [spreading information]."<sup>33</sup> Sobhani suggested, "each piece of news does not need to be broadcast publically, and if it happens that some news does reach the public knowledge of the people, [then] the conditions of the society must determine the perspective [of that news].'... In his perspective, although 'Lying is forbidden (*harām*), telling the truth is not

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33 "Spreading news to the nation [should] depend on the expediency (*maṣlahat*) of the state," *Newsbaan* July 19, 2009. *Newsbaan* is a media blog begun by an Iranian journalist and devoted to critiquing Iranian media presentations. For more information about this site, see: "Iranian journalist launches independent site to monitor media," *International Journalists' Network*, July 14, 2010, <http://ijnet.org/stories/iranian-journalist-launches-independent-site-monitor-media>, accessed April 1, 2012. However, a number of news outlets reported this story. See, for example, Sobhani's own outlet, <http://tohid.ir/ar.php/page,AAr2879.html>

required (*vājib*).”<sup>34</sup>

An online venue affiliated with Sobhani, *Tohid*, explicitly linked the dissemination of knowledge to the hierarchical position of Islamic scholars over the general population. *Tohid* reported that Sobhani “highlighted some verses of the noble Qur’an concerning the way for Muslims to spread information and broadcast news” in an interview with reporters for the newspaper *Fars*. Sobhani himself argued that “The Qur’an orders Muslims to give information to the commanders first so that they can publicize it if it is useful for the condition of Islam and for Muslims.”<sup>35</sup> According to *Tohid*,

This Source of Emulation [Sobhani]—highlighting some information that was spread during the beginning of Islam and that gave rise to the mourning and despair of Muslims—stated that ‘the people of learning (*ahl-i fikr*) must decide what information is expedient (*maṣlaḥat*) to be published.’ Explaining that it is forbidden to spread rumors in the true religion of Islam, he stated that ‘they must guard themselves against spreading rumors [when] reporting activities in the Islamic Republican system.’<sup>36</sup>

In contrast with Sobhani’s affirmation of debate over “secondary religious importance” in his theological primer, in the context of the national media, Sobhani is less concerned with debate and, instead, with the security of the political system.

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34 Ibid.

35 "For broadcasting news the conditions of the society must determine the perspective", in *Tohid* (<http://tohid.ir/ar.php/page,AAr2879.html>).

36 Ibid.

Significantly, for Sobhani this kind of censorship and oversight links directly to the question of justice and, in particular, how divine justice relates to justice in society and the state. According to an Islamic scholastic journal in Iran, for example, Sobhani is among those Islamic scholars for whom “there is no commandment in Islam except that its goal is to realize justice in the social life of humanity...[For them,] justice is both the foundation of religious commandments and its goal. A commandment that is not just is not religious. There is no [state] law (*qānūn*) in the Islamic system (*nizām*) [i.e., the Islamic Republic] that does not arise from justice. Justice in Islam is among the principles (*uṣūl*) that is not for specific purposes (*takhsīs*),” but for all conditions.<sup>37</sup>

Whereas, in *The Charter of [Shi‘i] Imami Beliefs* Sobhani’s explanation of divine justice seems to draw seamlessly on categories, concepts, and modes of reasoning central to the historical Islamic tradition, in practice he links notions of divine justice to the social needs of societies, needs that—in Sobhani’s view—accord with supporting the needs of the Islamic system (*nizām*) identified with the Islamic Republic.

### **Just Models: Citizenship and Shi‘i History**

Writings from dissident Islamic scholars in Iran offer another set of possibilities for Islamic scholastic thinking about justice (‘*adl*), the Islamic system of government (*nizām*), and the hierarchical relationship between Islamic scholars and believers. Since the inception of the Islamic Republic the nature of justice—both theological and practical—has been a source of constant debate and tension. As discussed above, the

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<sup>37</sup> ‘Abdolreza Ahmadi, "Imam `Ali, peace be upon him, and Justice," *Payam-i Hawzah* 26(1379 / 2000-2001).

state presents itself as the legitimate successor to the Shi‘i Imams and works to establish on earth a just polity which, in most earlier periods, would have been theologically delayed until the return of the Mahdi. This intervention into Shi‘i eschatology provides the backdrop to on-going debates among Islamic scholars in Iran over the nature of just government in a modern society. In this context, any assumption of clerical coherency—including the everyday understanding of the Islamic Republic as a theocracy—overlooks key ways in which Shi‘i scholars both protested and distanced themselves from the centers of political power under the supposedly hierocratic and theocratic Islamic Republic. The Shi‘i ‘ulama’ in Iran do not entirely represent nor are they represented by the system of government in place.<sup>38</sup> Instead, classically-trained Islamic scholars have offered public criticisms of the state’s legitimacy from the first days of the Islamic Republic. This dissent is particularly significant given not only the system’s own foundations in Islamic scholastic authority, but also continuing practices of emulation throughout the majority Shi‘i population.<sup>39</sup> In that sense, the Shi‘i scholars draw on their authority—and the authority of the Imams—to contest state practices and to inscribe, in their place, novel political theologies.<sup>40</sup>

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38 Statements from the reformist figure Hasan Yousefi Eshkevari are illuminating on this point. See, Hasan Yousefi Eshkevari, Ziba Mir-Hosseini, and Richard Tapper, *Islam and democracy in Iran : Eshkevari and the quest for reform*, Library of modern Middle East studies (London ; New York: I.B. Tauris, 2006), 118-29.

39 Numerous scholars have shown that Shi‘i Muslims, in both Iran and Iraq at least, do still practice taqlid in both distinctly religious and overtly political matters (see Linda S. Walbridge, "The Counterreformation: Becoming a Marja in the Modern World," in *The Most Learned of the Shi‘a: The Institution of Marja‘ taqlid*, ed. Linda S. Walbridge (New York: Oxford University Press, 2001), 230-46; Juan Cole, *The Ayatollahs and Democracy in Iraq* (Amsterdam: Amsterdam University Press, 2006).

40 These Iranian engagements with Shi‘i authority align in some ways with movements among Muslims globally. As Salvatore and Levine argue, “contemporary Muslim socio-religious movements attempt to formulate and implement discourses of common good that aspire to legitimate specific forms of political community, based on distinctive methods of public reasoning. These discourses are often in tension with



Ayatollah Shariatmadari (1905-1986) was one significant critic of linking political power and the 'ulama's authority during the period surrounding the Iranian revolution. Shariatmadari was the highest-ranking religious authority in Iran prior to the revolution and had long held a quietist stance in relation to the Shah's government. Yet, leading up to the Iranian revolution of 1978-79, Shariatmadari declared the actions of security forces un-Islamic after government forces killed seminary students.<sup>41</sup> As the revolution concluded, Ayatollah Shariatmadari argued that religious authorities should occupy some place in government, but insisted the new government be democratic and not position classically-trained scholars as overseers of all legal processes. He opposed as well, based on his rank and religious standing, the notion that Khomeini or any single religious authority should sit at the head of the new government, an argument that caused a major crisis in 1979 when revolutionary guards forcefully dispersed supporters of Shariatmadari who had rallied to denounce Khomeini, and what they viewed as his usurpation of the constitutional process.<sup>42</sup> Following this conflict, Shariatmadari remained "virtually

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modern liberal conceptions of the public sphere; specifically, they remain unbounded by the strictures of liberal norms of publicness premised on atomistic views of the social agent and contractually based notions of trust, by a strict interpretation of the dichotomy between private and public spheres, and by the ultimate basing of public reason on private interest" (Armando Salvatore and Mark LeVine, "Socio-Religious Movements and the Transformation of 'Common Sense' into a Politics of 'Common Good'," in *Religion, social practice, and contested hegemonies : reconstructing the public sphere in Muslim majority societies*, ed. Armando Salvatore and Mark LeVine (New York: Palgrave Macmillan, 2005), 29.

41 Charles Kurzman, *The unthinkable revolution in Iran* (Cambridge, Mass.: Harvard University Press, 2004), 200n38.

42 Fischer, *Iran : from religious dispute to revolution*. For extended discussions of Shariatmadari's role in the revolution and debates over the formulation of the Islamic Republic, see Fischer, *Iran*, 181-231 and David Menashri, "Shi'ite Leadership: In the Shadow of Conflicting Ideologies " *Iranian Studies* 13, no. 1/4 (1980): 119-45.

under house arrest.”<sup>43</sup>

Examples of dissenting scholars did not disappear as the Islamic Republic consolidated authority—a process that took place over the course of the 1980s and coincided with the Iran-Iraq war. This divergence of opinion among Shi‘i scholars over the relationship between political and religious authority was perhaps most clearly demonstrated in the need for constitutional revisions following Khomeini’s death in 1989. The original constitution of the Islamic Republic—ratified in 1979—held that the state’s highest authority, the Supreme Leader, must also be among Sources of Emulation - the highest ranking living religious authorities whom each individual Muslim man and woman must follow in religious matters. At the time that constitution was ratified, not a single living Source of Emulation supported the theory of the rule of the jurist.<sup>44</sup> Following Khomeini’s death, supporters of the system altered the constitution so that it no longer required the ruling scholar (the *Faqīh*, or Jurist) to be a Source of Emulation.<sup>45</sup>

Rather than silencing dissent, this split in the religious-political authority of the state, on the one hand, and the supreme religious authority of those outside the state has been a source of tension and, at times, has legitimized dissenting and reformist views. The conception of guidance in both Khomeini’s theoretical writings and the state constitution differ radically from not only earlier understandings of religious guidance, but also occupy a markedly contested space among contemporary Shi‘i scholars.

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43 Menashri, "Shi‘ite Leadership: In the Shadow of Conflicting Ideologies ": 136.

44 Eshkevari, Mir-Hosseini, and Tapper, *Islam and democracy in Iran : Eshkevari and the quest for reform*, 19.

45 For a detailed discussion of post-Khomeini transformations in legal practices, see Schirazi, *The constitution of Iran : politics and the state in the Islamic Republic*.

Ayatollah Ali Montazeri (1922-2009) is the best known example of that dissent after the revolution. Montazeri supported the new government following the revolution and was next in line to succeed Khomeini as its ruling authority. He became disillusioned, however, with a series of mass executions in the 1980s and spoke out on the need for fair trials of political dissidents. Following his public spat with Khomeini, Montazeri was demoted and placed under house arrest. He remained, however, a significant voice of protest in Iran through the 2009 presidential elections and his critiques have been taken up—since the 1990s—by his student Mohsen Kadivar (1959 - ), I return to the interplay between Montazeri and Kadivar's critiques, and their uses of Shi'i models of authority, below.<sup>46</sup>

Montazeri and Kadivar are not isolated voices. Other significant individual 'ulama' who have protested the actions of the Islamic Republic in the 2000s include Ayatollah Kazemi Boroujerdi (1958 - ) and Grand Ayatollah Dastgheyb (1935 - ). Ayatollah Boroujerdi has critiqued what he views as the "politicization of religion" in Iran, a stance that led to his arrest in 2006.<sup>47</sup> According to an Amnesty International report the "prosecution initially sought the death penalty for him and 17 of his followers

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46 See, Payam Akhavan, "Ayatollah Montazeri's Brave Struggle for Justice," in *The people reloaded: the green movement and the struggle for Iran's future*, ed. Nader Hashemi and Danny Postel (Brooklyn: Melville House Pub., 2010), 16n8 and throughout; Ahmad Sadri and Mahmoud Sadri, "Delegitimizing the Islamic Republic of Iran with a Fatwa: The Significance of Ayatollah Montazeri's Post-Election Legal Ruling of July 2009," in *The people reloaded : the green movement and the struggle for Iran's future*, ed. Nader Hashemi and Danny Postel (Brooklyn, N.Y.: Melville House Pub., 2010); Farhang Rajaee, *Islamism and Modernism: The Changing Discourse in Iran* (Austin: University of Texas Press, 2007); Mehran Kamrava, *Iran's Intellectual Revolution* (New York: Cambridge University Press, 2008). For a critical assessment of Montazeri's politics, see Shahrough Akhavi, "The Thought and Role of Ayatollah Hossein`ali Montazeri in the Politics of Post-1979 Iran," *Iranian Studies* 41, no. 5 (2008): 645-66; Fischer, *Iran : from religious dispute to revolution*.

47 See, "Ayatollah Boroujerdi: Iranians Are 'Opposed to the Politicization of Religion and its Exploitation by a Group That Has Nothing to Do With True Islam ", in *The Middle East Media Research Institute* (<http://www.memri.org/report/en/0/0/0/0/0/1908.htm> October 13, 2006).

on vaguely-worded charges including ‘enmity against God’, but this was later dropped. He was convicted and sentenced to 11 years in prison, banned from practicing his clerical duties and his house and all his belongings were confiscated.”<sup>48</sup> In 2010, seven of Ayatollah Boroujerdi’s followers were arrested, a sign of his continued influence as an oppositional figure. Grand Aytollah Dastgheyb is an even higher ranked Islamic authority and served in the government as a member of the Assembly of Experts – the body that appoints and (at least in theory) monitors the activities of the highest authority in the Iranian state system, the Supreme Leader. Ayatollah Dastgheyb resigned from this position in 2010 and made his reasons clear in a letter sent to the head of the Assembly of Experts itself:

Your Excellency Mahdavi Kani, what offense have the political prisoners committed? Why are they not given fair trials? Why are they deprived of even their most basic rights? Is opposition to a [single] person [Khamenei] tantamount to opposing the holy Qur’an and the Prophet? If this continues and no changes are made, [if] the political prisoners are not freed, the press is not allowed its freedom, and [the democratic articles of] the Constitution are not implemented, the only conclusion will be that members of the Assembly of Experts put their seal of approval on anti-

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48 "Iran: Supporters of Ayatollah Boroujerdi Arrested," in *Amnesty International, Urgent Action Report* (<http://www.amnesty.org/en/library/asset/MDE13/112/2010/en/b0cd62cd-cce1-471f-ac73-b570bfc81aeb/mde131122010en.html>. 2010). The report continues, “On 27 September 2010, Ayatollah Boroujerdi wrote an open letter to the UN Human Rights Council calling on the United Nations “to investigate the abuses taking place in Iran and the Middle East as a consequence of intervention of religion into politics thus paving the way for the passage of a resolution supporting the separation of state from religion’....Ayatollah Sayed Hossein Kazemeyni Boroujerdi has been repeatedly denied medical care. In mid-October 2010 he was subjected to beatings for protesting about his prison conditions, including a lack of medical attention and the denial of family visits.” Ayatollah Boroujerid’s letter is available here, <http://www.bamazadi.org/2010/09/boroujerdis-open-letter-to-un-human.html#more>.

religious and illegal acts, [in effect] surrendering their power.<sup>49</sup>

Aytollah Dastgheyb continued his calls for fair elections, fair trials, and the freedom of the press throughout 2011.<sup>50</sup>

Outside of these individual voices, however, the clearest evidence of the threat that Islamic scholars themselves pose to the Islamic Republic was the creation of the Special Court for Clergy (*Dadgah-i Vizheh-ye Ruhaniyyat*) in 1991, a body that continues to operate today.<sup>51</sup> Charles Kurzman is one of the few scholars of contemporary Iran to highlight the on-going institutional—rather than merely individual—contestation over religious authority between seminary scholars and the Islamic Republic. According to Kurzman,

Seminary intellectuals are now among the greatest threats to the Islamic Republic of Iran. Every few months for the past several years, the regime has prosecuted dissident seminarians in the Special Clergy Court for espousing a view that has been dominant for two centuries among Iranian Shi'is: the view that properly trained seminary intellectuals have a right to debate and contest interpretations of Islamic law. The constitutional order of the Islamic Republic of Iran, founded in 1979, establishes limits on this

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49 "Grand Ayatollah on the Deteriorating State of Affairs in Iran," in *PBS Frontline* (<<http://www.pbs.org/wgbh/pages/frontline/tehranbureau/2011/10/dastgheib-and-mahdavi-kani.html#ixzz1vbSr6AjB>>).

50 See Ayatollah Dastghayb's personal website: <http://www.dastgheib.ir/index.php>.

51 See, Mirjam Künkler, "The Special Court of the Clergy (Dādghāh-Ye Vizheh-Ye Ruhāniyat) and the Repression of Dissident Clergy in Iran," <http://ssrn.com/abstract=1505542> ; Majid Mohammadi, "Special Court for the Clergy: Raison d'être, Development, Structure and Function " (New Haven: Iran Human Rights Documentation Center 2010).

right, granting the nation's jurist-ruler (*vali-ye faqih*) the countermanding right of interpretive closure; that is, the right to end debate on a subject. In recent years, the state has attempted to use this right of interpretive closure to silence the growing numbers of seminarians who are at odds with the regime on issues such as democracy and gender. Some dissident Islamic scholars responded with critiques of interpretive closure, and in so doing have become among the strongest and most well-known critics of the Islamic state in Iran.<sup>52</sup>

The Special Court for Clergy's sentences do not, however, silence those they prosecute. In 1998, Mohsen Kadivar—a student of Ayatollah Montazeri—was called before the court. He presented a long defense of his position in court that was published within weeks of his trial.<sup>53</sup> By two thousand nine the original publisher had printed a third copy<sup>54</sup> and, by 2000, a different publisher had reached its fifth edition.<sup>55</sup> In 1999 another scholar, Abdullah Nuri, received similar treatment. The first edition of his defense—entitled *The Hemlock of Reform*—sold 10,000 copies in a day.<sup>56</sup> Nuri's defense similarly reached three

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52 Charles Kurzman, "Critics Within: Islamic Scholars' Protest Against the Islamic State in Iran," *International Journal of Politics, Culture, and Society* 15, no. 2 (2001): 341-42.

53 Ibid., 349.

54 Zahra Rudi, ed. *The Price of Freedom: Mohsen Kadivar's Defense Statement in the Special Court for Clergy (Baha-ye Azadi: Dafa`iyat-i Mohsen Kadivar dar Dadgah-i Vizheh-ye Ruhaniyat)*, 3rd ed. (Tehran, Iran: Nashr-i No, 1999).

55 *The Price of Freedom: Mohsen Kadivar's Defense Statement in the Special Court for Clergy (Baha-ye Azadi: Dafa`iyat-i Mohsen Kadivar dar Dadgah-i Vizheh-ye Ruhaniyat)*, (Tehran, Iran: Nashr-i Nay, 2000).

56 Kurzman, "Critics Within: Islamic Scholars' Protest Against the Islamic State in Iran," 350.

printings in a single year<sup>57</sup> and its eleventh printing by a year later.<sup>58</sup>

The possibilities of this authoritative dissent took clearer shape in protests following the presidential elections of 2009. Like supporters of the Islamic Republic, critics among the Islamic scholars draw on the notion of just rule—captured in the persons and statements of the Shi‘i Imams—to think the nature of modern political governance. Again, just as Sobhani drew on theological categories of divine justice to think the political and social instantiation of justice<sup>59</sup>, for contemporary Sources of Emulation—as well as more junior scholars—Islamic teachings have social and political import.<sup>60</sup> In particular, classically-trained Islamic scholars who oppose the Iranian government draw on their authority as Islamic leaders and their own authoritative readings of Islamic texts to suggest alternative models of political governance.

In assessing the proper limits of state power, these scholars articulate a modern formulation of Shi‘i political ethics and embed their critics in key texts from within the

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57 Abdollah Nuri, *The Hemlock of Reform: `Abdollah Nuri's Defense Statement Together iwth the Opinion of the Special Court for Clergy*, (*Shukran-e Eslah: Defa`iyat-e `Abdollah Nuri be Peyvast-e Ra'ye dadgah-e Vizheh-ye Ruhaniyat*), 3rd ed. (Tehran, Iran: Tahr-i No, 1999).

58 Abdollah Nuri, *The Hemlock of Reform: `Abdollah Nuri's Defense Statement Together iwth the Opinion of the Special Court for Clergy*, (*Shukran-i Islah: Difa`iyat-i `Abdollah Nuri bi Piyvast-i Ra'ye dadgah-i Vizhih-ye Ruhaniyat*) vol. Tarh-i No (Tehran, 2000).

59 This move from divine justice to social justice is a testament to the impact of notions of “society” in modern of Islam. For a discussion of how such understandings of “society” impacted twentieth century Muslim thought, see Tripp, *Islam and the moral economy : the challenge of capitalism*.

60 For an argument—against Kadivar and other religious scholars and intellectuals—that the Green Movement not be “Islamized” see, Hamid Dabashi, *The green movement in Iran* (New Brunswick, N.J.: Transaction Publishers, 2011), 30-33. For alternative perspectives on the ways in which the Green Movement has already incorporated the memory of the Shi‘i Imams, see Michael M. J. Fischer, “The Rhythmic Beat of the Revolution in Iran,” *Cultural Anthropology* 25, no. 3 (2010): 497-543; Charles Kurzman, “Cultural Jiu-Jitsu and the Iranian Greens,” in *The people reloaded : the green movement and the struggle for Iran's future*, ed. Nader Hashemi and Danny Postel (Brooklyn, N.Y.: Melville House Pub., 2010), 7-17.

tradition – including the statements of the Shi‘i Imams—and the instructive struggles of the early Shi‘i community. Their engagement with the Imams’ words and histories produce critical assessments of the significance of Islamic political institutions, the limits of political power, and the role of citizens in modern governance. Running throughout these interrogations is a commitment to justice (*‘adl*) and to reading the Imams and Shi‘ism as intrinsically and inherently forces that, in their proper formulation, work against the injustice (*ẓulm*) manifested in state practices of violence and coercion. Among the seminary scholars who support them, arguments that the state is unjust and illegitimate similarly draw on a distinctively Shi‘i conceptual apparatus including the early martyrdom of the third Imam Hussain as well as the directives of the first Imam ‘Ali. They frame protest against state-violence and contravening of citizens’ rights within the Islamic Republic as mirroring—or at least understandable through—the early battles of the Shi‘i community.

One site scholars have looked to in order to critique the Islamic Republic, is the statements and histories of the Shi‘i Imams themselves. Scholars draw on the just example of the Imams to contest the Islamic Republic’s claim to represent that very lineage of rule, as well as the claim that the system itself is just. The regime, they argue, mirrors the height of injustice in Shi‘i history. Dissidents identify the state with the early Muslim leader Mu’awiya, who unjustly fought Imam Ali and ordered the death of the Prophet Muhammad’s grandson, the third Imam Hussain. The state, when violently suppressing protests, is on the “path of Mu’awiya.”<sup>61</sup> Like Mu’awiya, the Islamic

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61 Mohsen Kadivar, "Questioning the Leader (Istīzāḥ-i Rahbar)" (July 17, 2010).



Republic contravenes Islamic commandments, “weakens ” Islam and “inflicts blows” on Shi‘ism.<sup>62</sup>

In a public letter issued during the summer of 2010, Kadivar laid out three sets of obligations that the Supreme Leader, according to Kadivar, had failed to meet:

This letter is a request for an explanation from the Leadership of his religious, ethical, and national duty. The religious duty is: a matter of commanding the good and forbidding evil, the commandment of advising (*naṣīhat*) [each other] [given by] the Imams of the Muslims and supervising one of the most important common duties of the agents of the public sphere. The ethical duty is: a matter of the responsibility for the conscience of every human in relation to oppression (*ẓulm*) and injustice. The national duty is a matter of the responsibility that each Iranian citizen feels in the face of heedlessness towards the national interests.<sup>63</sup>

The religious duty of advice-giving is here a duty held in common (*mushā‘*). In contrast to both the ethical and the national duties, it speaks neither to every human individual as human nor to individual citizens of a country; rather, it is a duty of Muslims to be taken up as Muslims in relation to other Muslims, a specifically Islamic obligation.

Kadivar goes on to acknowledge the addressees may consider it inappropriate to undertake such a public interrogation of the state’s leading religious authority and he

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62 *ibid.* The complete text of the letter can be found in Persian on numerous internet blogs and news sites. One example: [http://bayaniye02.blogspot.com/2010/07/blog-post\\_3924.html](http://bayaniye02.blogspot.com/2010/07/blog-post_3924.html) An excerpt and coverage of the letter can be found, for example, at the Green Movement (*Rah-i Sabz*) news site: <http://www.rahesabz.net/story/19664>

63 *Ibid.*, <http://kadivar.com/?p=45>.

works to support such criticism as an ethical and religious duty: “I bear witness [to] some statements from the Prophet of God (pbuh) and Imam Ali (pbuh) on the permissibility—perhaps even the necessity—of questioning those who—surrounded by power—consider the leader above such interrogation.” He provides three proof texts: one a hadith of the Prophet, and two from Imam Ali each of which Kadivar sees as supporting the right of people to question their leaders and uphold the necessity of leaders to be open to advice and criticism.

The first of these is from Imam Ali’s letter to Malik al-Ashtar – one of the most significant Shi’i political texts. Drawing on Ali’s letter, Kadivar argued: ““The people will consider your work in the same way that you consider the work of the rulers before you and they will speak about you in the same way that you speak about those [who came before]. [Imam Ali] the Commander of the Faithful (peace be upon him) told Malik al-Ashtar to take seriously ‘responding to’ the questions and objections (*pursesh-ha va i’tirāzat*) of the people....‘If your community suspects you of injustice, openly explain your reasoning to them and, through this explanation, their bad views of you will disappear.” The second proof text from Ali is from a letter to his commanders. The excerpt Kadivar cites outlines duties of rules:

“Understand, the right (*haqq*) you have over me is that I keep nothing from you, except secrets of war. I do nothing without consulting you, except carrying out God’s commandments. I will not put off fulfilling your rights, nor will I rest until I fulfill [those rights], and all your rights will be equal before me. If I behave in this way, then you should thank God for his favor and follow the order I gave. (*The Peak of Eloquence*, letter 50).”

In this sense, Kadivar does not suggest that the people disobey the government; rather, he argues that the people only *owe* the government obedience as long as it follows the dictates on just rule outlined by Imam Ali's letter. The remainder of Kadivar's forty page missive proceeds to outline the numerous ways in which the Islamic Republic has failed to meet these standards – and therefore the permissibility of dissent and protest.

Kadivar explains the difference between the four offenses of the Supreme Leader: “[1] tyranny and dictatorship, [2] injustice (*ẓulm va jūr*), [3] law breaking and subverting the Islamic Republic, and [4] finally, weakening Islam and disgracing Shi‘i sm.” These four offenses, Kadivar argues, are “woven together, connected, and intertwined.” Tyranny and dictatorship, for example, is defined in part by the lack of freedom of the press and of public reasoning (*afkār-i ‘umūmī*) while injustice is defined as “the deliberate opposition to the religious laws, the criteria of reason and the contracts of a nation.” Yet, despite these different valences, Kadivar argues that “in reality, they are four different aspects of one misfortune.” Here, law-breaking, denying the free speech and other rights of citizens, and weakening Islam are presented as linked manifestations of unjust rule. Kadivar's letter from 2010 draws on an earlier statement of Ayatollah Montazeri's – a restatement that further authorizes Kadivar's letter. Not only does he draw on his own learning as an Islamic scholar to censure the Islamic Republic's practices, but he further validates his claims through the writings of a Source of Emulation.

For Montazeri as well the writings of the Imams provide sources for these contestations as well. Montazeri begins his comments with the Qur'anic verse: “And soon will those who commit injustice know what vicissitudes their affairs will take!”

(26:227),<sup>64</sup> a verse of the Qur'an that Shi'ī commentators generally take to describe the eventual fate of "the unjust tyrants and persecutors of the ...[Shi'a], Yazid bin Mu'awiyah being the most accursed among them, [who] will be wiped out as if they never existed." Ayatollah Montazeri, like Kadivar, drew on Imam Ali's sermons during the summer of 2009 to condemn the government's response to peaceful protests: "The commander of all faithful Imam Ali, even though he is infallible...says: '...don't think that it is difficult for me to hear what is right and I don't expect you to consider me as grand because it would be doubly hard for one who can't stand to hear what is right and just to carry them out. Therefore don't stop stating what is righteous and guiding to justice as I don't consider myself to be beyond and immune to error unless God guides me to be that way.'"<sup>65</sup>

These critics suggest the outlines of a vaguely democratic, theory of just governance. According to Montazeri: "If any of the qualifications ...[to rule, which include being fair, honest, competent, and having the vote of the majority of the people], which religiously and reasonably govern the conditions for occupying the official position for serving the public, is no longer met by the person who occupies the position [to serve the public], that person, automatically and without any need for

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64 Mahdi Pooya, Mahdi and Ali S. Ahmed. *The Holy Qur'an* (Elmhurst, N.Y.: Tahrike Tarsile Qur'an , 2004).

65 A *fatwa* included in Montazeri's collected works on his website is even more forceful. Titled "Even Ali (pbuh) did not consider Himself above Criticism," the *fatwa* reads: "In the Peak of Eloquence, our lord Hezrat Ali ordered: 'By no means spare me from true words and reminders or just counsels - I do not consider myself incapable of error and I do not trust that all my actions are free from error, unless God keeps me from errors and missteps.' When a person such as Hezrat Amir (pbuh) – who is at the level of innocence (*ismat*) – understands himself as open to critique (*naqd*) and advice (*nasihah*) and as welcoming that, it's obvious that all of us have a duty as followers of Hezrat [Ali] to follow the model of that great man and to welcome criticism and advice." I discuss the relationship between critique (*naqd*) and advice (*nasihah*) in chapter four.

dismissal, is sacked, which also means all the orders issued by him are no longer valid. But, [even] if the conditions are such that they are not religiously and reasonably necessary for taking up the position, but the people have mutually agreed upon them and the person [taking the position of leadership violates those conditions, then].... the people can dismiss him.” A regime that contravenes these commandments is “condemned and unworthy before [the tribunal of] religion, reason and the world’s wise observers.”<sup>66</sup>

Significantly, the rights of the people here include the right to engage in public debate to interrogate political leaders. The seminary critics not only position themselves as exercising this right, but extend it to citizens at large *and* ground it in broadly Islamic as well as specifically Shi’i understandings of social and political ethics. For both Kadivar and Montazeri to “command the good” requires taking up public debate and refusing to accept the directives of the state as authoritative on their own terms. Elsewhere, scholars of Iran have suggested that the Iranian state use the directive to “command the good and forbid evil” in order to authorize its surveillance of citizens’ personal and public lives (Article 8).<sup>67</sup> Yet, for Montazeri and others, the ethical-religious requirement to “command the good” requires instead defending the peoples’ rights. “Enjoining to righteousness and dissuading from evil” is a “general duty...that applies to everyone regardless of social position” and requires making sure the government abides by these conditions and calling for its dismissal if it does not.

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66 This *fatwa* was recently translated into English and so I cite that translation here, Sadri and Sadri, “Delegitimizing the Islamic Republic of Iran with a Fatwa: The Significance of Ayatollah Montazeri’s Post-Election Legal Ruling of July 2009,” 161.

67 Mehrangiz Kar, “The Invasion of the Private Sphere in Iran,” *Social Research: An International Quarterly* 70, no. 3 (2003).

Islamic authority remains significant here – both in the personal authority of living scholars and the relevance of religious mandates for social and political life. Montazeri, for example, has never been identified as a secularist, but instead continued to support a more limited “guardianship of the jurist” in theory while he critiqued the *absolute* guardianship of the jurist – arguing that the Leader should attend only to “religious and juridical” matters.<sup>68</sup>

In direct contrast to Sobhani’s support for the system as the representative of divine justice, the Source of Emulation Ali Montazeri argued that the defense of “the system (*nizām*)” is not in itself a religious imperative. Instead, “Protection of the regime, in itself, is neither essential nor, per se, obligatory; particularly when the regime is equated with a [single] person,” that is, the Leader Khamanei. Instead, the “very need for [an Islamic – M.S.] regime is based on the necessity of rendering justice and protecting rights, or, to put it more succinctly, the implementation of Islamic commandments.” Kadivar weighed against such an understanding of Shi‘i justice as well, and argued that such a position demonstrated the influence of Sunni Islam. According to Kadivar, prioritizing the system and expediency at the expense of citizens’ rights to question the

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<sup>68</sup>Quoted in Akhavi 2009. Differently, the scholar Yousefi Eshkevari has argued for the political disestablishment of the seminary system from the state; additionally, Eshkevari suggests that it would be best if—under that system of disestablishment—the Sources of Emulation would refrain from giving opinions on “political” matters. Yet for Eshkevari too the Sources of Emulation and other seminary scholars remain significant forces for *social* Islam and, most significantly, their political restraint, in his writings, is meant to allow Muslims to themselves determine the contours of a *social* Islam rather than to *remove* Islamic commitments from the public and political realm. For a selection of Eshkevari’s writings in English, see Eshkevari, Mir-Hosseini, and Tapper, *Islam and democracy in Iran : Eshkevari and the quest for reform*.

government echoes “the Sunni Ashari jurists” who emphasize “security and order” instead of “justice.”<sup>69</sup>

In contrast to Khomeini’s argument that the needs of the Islamic state trump even mandatory religious duties, the seminary critics suggest an understanding of justice that is not subservient to political expediency. Their reading of justice—and the demand that it be based in the authoritative traditions of the Imams—draws on the same sources and models as those who support authoritarian renderings of the jurists’ authority. However, justice, in their reading, demands that the state is not an end in itself—regardless of its “Islamic” commitments—and instead must be held accountable to higher criteria.

In these dissident writings, the category of justice remains the marker for the legitimacy of governance. Scholars not only locate violence within the framework of a Shi’i historical memory of injustice, they also suggest the outlines of a theory of *just* governance. They turn the rhetoric of supporters of the state on its head – instead of what duties the people must perform, the question becomes one of the duties of the ruler over the ruled. Here, they draw on the statements of Imam Ali as well as the directive to “command the good” to support the civil authority of citizens and to limit state power, a religious duty which requires the public input of citizens, supporting their legal rights, and upholding Islam.

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69 Kadivar, "Questioning the Leader (Istizāh-i Rahbar) ". The Source of Emulation Sanaei, an advocate for women’s rights in Iran and potential successor to Montazeri as religious leader of the Green Movement, draws on these frameworks as well. In a speech to a body of students in 1388/2010 he drew attention to state practices of torture and argued that students must remain vigilant in combating and contesting those practices. He argued: “If we make ourselves small then the injustice of the unjust (*zolm-e zalemin*) will become greater; we are Shi’a and our family/people [are] gathered [together] in patience and persistence for the truth (*haqq*) of the Sinless/Innocent Imams, peace of God upon them....We must not forget that being subservient to and propagating injustice (*zolm*) is forbidden (*haram*).”

## Conclusion

In this chapter I examined debates over political authority in the Islamic Republic. I showed that, based on Shi'i understandings of "just rule," classically-trained Islamic scholars both demand limits on citizens' autonomy and construct novel political theologies to limit state power. I argued that debates over political authority in the Islamic Republic depend upon both Islamic categories and secular transformations; that is, classically-trained Shi'i Islamic scholars (the '*ulama*') not only draw on Islamic models of authority passively in the context of the state and the legalization of Islamic jurisprudence, but they draw on those models to construct correct models of political governance and Muslim citizenship. In other chapters I explore how the Islamic Republic's grounding theory produces secularizing critiques of Islamic jurisprudence and how scholars, in response, frame their relationship to the modern public.

Here, however, these Muslim critiques of political governance suggest a need to think differently about public and political Islam and the role of Islamic scholars—whether university educated or classically-trained—in reconstituting religious models for justice and citizenship. I outlined in the preceding chapter a continuing slippage in academic portrayals of Iranian religion and political between, on the one hand, religious authority and, on the other, political authoritarianism. Yet, these Muslim Iranian debates—which interrogate the relationship between just government and religious power, ask in varied formulations how to delimit and define the spheres of the religious and the political, of free expression and mandatory submission—are misrepresented if positioned merely as nativist, or self-orientalizing, misreading of Islamic modernity.

Political theorist Elizabeth Hurd summarized the requirements for a new



theorization of what is often glossed as simply “Islamism”<sup>70</sup> or “political Islam”:

The presence of democratic dissenters from Khomeini’s program then—and from Khamenei’s now—offers a glimpse of the potential represented by a third path. The actions of these dissenters represent the irreducible element of today’s movement...to discern this element in today’s events requires a nuanced, imaginative approach to the interplay between religion and political authority that is too often hindered by rigid construals of the secular-religious dichotomy reflected and reproduced in conventional accounts of the revolution and of today’s protests. Such an approach requires engaging dissidents and reformers working outside the oppositional discourses—“tradition” versus “modernity,” “Islamic” versus (Western) “secular”—that the shah, Khomeini, and his successors effectively monopolized”<sup>71</sup>

Shi‘i attempts to think the nature of divine guidance and authority in the present is not productive only of absolutism, but—in the works of these “critics within”—provides space for thinking the nature of civil authority and the limits of state power as well. On a popular level, the Green Movement arising out of the 2009 election protests has positioned itself clearly within the rhetorics of Shi‘i history. The anthropologist of Iran Michael M.J. Fischer evoked the metaphor of the drums used in Iranian passion plays to

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70 On the limitations of this term—as well as its utility—see, Richard C. Martin and Abbas Barzegar, *Islamism : contested perspectives on political Islam* (Stanford, Calif.: Stanford University Press, 2010).

71 Elizabeth Shakman Hurd, "Iran, in Search of a Nonsecular and Nontheocratic Politics," *Public Culture* 22, no. 1 (2010): 31.

describe the uses of Shi'i history in recent protests. He suggested that the protests wove together multiple melodies from Iranian history:

The decades- and century-long social revolution unfolding in slow bass percussion is one melody line; another important melody line is the yearly passion plays of Muharram, of the death of the third Imam, Ali, who sacrificed himself at Karbala as a call of witnessing against injustice so that later generation would take up his challenge to establish social justice in this world and not just the next. They articulate together, but not as you might think—not with traditionalists holding the second melody line while the modernists hold the first.... it is precisely the modernists who are calling the Karbala tune, wresting it from being a repressive state ideology.<sup>72</sup>

Indeed, as Fischer suggests, Montazeri and others drew on long-standing theological debates since the Occultation, to argue that the people owe no allegiance to the Islamic Republic as long as it operates unjustly; in direct contrast to Khomeini's argument discussed above—that the preservation of the Islamic system outweighs even "divine duties." For Khomeini's theory of an Islamic state, and those like Sobhani who support the "system," the ideal of justice is defined by the maintenance of the regime itself. Others, including Islamic scholars and religious intellectuals in Iran have coalesced since the late 1990s at least in identifying and responding to state-sponsored violence. They suggest the outlines of a different Shi'i theory of just rule, one that takes form negatively against practices of state-sponsored violence.

Yet, at the same time, the ascription of "modernism" does not fully represent the

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<sup>72</sup> Fischer, "The Rhythmic Beat of the Revolution in Iran," 500-1.

intricacies of these Iranian debates. As Hurd suggested, dichotomies of religious and secular, or traditional and modernist, make little sense of these contestations over the nature of justice in contemporary Islam.

Significantly, to situate these debates in relation to both Shi'i history and contemporary political theory it is necessary to see them not only as drawing on Islamic commitments, but also as distinctly secular. The distinction between secular and secularist, as I noted in Chapter One, is significant and one of Talal Asad's major contributions in theorizing modernity. Whereas the secular points to formations of knowledge and subjectivity, secularism highlights a political division. Even self-described "Islamic" systems of government, such as the Islamic republic, are marked by the secular in terms of how the government operates, which legal claims are adjudicated, and how they are adjudicated.

In this sense, Asad notes that the sidelining of religious law that took place under colonial and postcolonial authorities in Muslim-majority centers has been read differently depending on political persuasion – to secularists, this removal of religion from state denotes progress, while for Islamists it denotes regression. What Asad highlights is that regardless of whether the appropriate relationship between religion and state is understood as removing religion further in private realms or grounding the state apparatus in religious knowledge and legitimacy, *both* these groups look to the legal apparatus of the nation-state to enact a civilizing mission upon society and uphold the appropriate relation between religion and (state) law.<sup>73</sup> As Islamic scholars in Iran construct political theologies to engage the present, they inevitably engage with the formations of the state,

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73 Asad, "Secularism, Nation State, Religion," 198-99.

and the constructions of state law, that mark the secular. They do so, however, through their authority as Islamic scholars and while drawing on their knowledge of Shi'i history, categories, and commitments. Regardless of political persuasion, historically central categories of just rule and divine guidance figure contemporary Islamic theories of political governance.

Focusing on the operations of Islamic scholars in particular, Muhammad Qasim Zaman extends Asad's argument that the relationship between law and the state characterizes the modern project. For Zaman, the codification of *shari'a* throughout the majority of Muslim societies—including Iran after the formation of the Islamic Republic—is the prime example of the rupture that marks modernity. Zaman and Asad differ, however, in their conceptions of modernity and its relationship to Islamic tradition. For Asad modernity is not a "verifiable object" but a project involving "constitutionalism, moral autonomy, democracy, human rights,...and secularism."<sup>74</sup> For Zaman, in contrast, modernity is the rupture of the colonial period. In this sense, while Zaman attempts to locate debate over the *shari'a* as itself part of a discursive tradition rather than attention to a fixed code of laws, he follows Marshall Hodgson in arguing as well that "modern Western societies have managed to retain a much deeper, more coherent, and more integral relationship with their traditions than have Muslim societies."<sup>75</sup> That Zaman marks the codification of Islamic law as a modern rupture raises an interesting question: whether attempts to separate "law" and the "state" might be at once secularizing and

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74 Asad, "Thinking about Secularism," 13.

75 Zaman, *The ulama in contemporary Islam : custodians of change*, 7.

deeply traditional. Indeed, this a contestation within the Islamic Republic that I explore in the next chapter.

### Chapter Three: Thinking Ethics and the Law

In this chapter, I extend my analysis of how “secular” formations pervade contemporary Islamic thought. My discussion here focuses on a series of debates over the relationship between Islamic law—as the outcome of religious scholars’ reasoning—and the political. In particular, I focus on Muslim thinking about the relationship between Islamic law (*shari’a*), state law, and an individual believer’s practice of Islam. While in the previous chapter Muslim scholars drew on the memory of the Shi’i Imams to create novel constructions of justice, here too Muslim Iranians navigate and remake Islamic sources to debate the relationship between Islam and the political. Writers critical of the Islamic Republic contest the theory of Islamic law that authorizes the Islamic Republic, one that prioritizes legalistic understandings of Islam and the authority of Islamic legal scholars. One way in which both religious intellectuals and classically-trained Islamic scholars undermine the state’s reading of Islam is to draw on long-standing debates among Muslims that prioritize inner states and self-conscious (rather than merely bodily) practice over legal authority. The writings of dissident intellectuals highlight a historically a contested relationship between faith (*īmān*), *shari’a*, jurisprudence (*fiqh*), and the political as specifically modern categories of “religious experience” and secularist arguments for the differentiation of Islamic jurisprudence and state law.

In the previous chapter I suggested that debates among classically-trained Islamic scholars within the Islamic Republic represent a statist reading of Islamic law as well as integrally Shi’i political theologies. The necessity to form a government—as an Islamic commitment—as well as the Islamic legal scholar’s position—as head and overseer of the

government—are both novel additions to a long-standing debate over the nature of government in Shi‘i Islam. Here, I look to a different set of discourses that, rather than affirming the authority of classically-trained Islamic scholars, contests their relationship to the political. Specifically, these debates center on the application of Islamic jurisprudence to state law.

One key feature of modern Muslim writings—beyond the Iranian context—is the recasting of shari‘a and Islamic jurisprudence into the frameworks of modern state law. In this sense both liberal Muslims and Islamists not only put forth “statist” arguments, as I suggested in the previous chapters, but also novel understandings of shari‘a. Asad, in describing discursive changes in Egyptian concepts of law during the colonial period, noted that Egyptian reformists often left out “ethics” from their reconstructions of Islamic jurisprudence. For Asad, this blindness to ethics represents the modern secular state’s assumption of the sphere of ethics (now, democracy and citizenship) previously under the authority of religious logics.<sup>136</sup> This legal element is significant for Asad as he argues that “basic preconditions for secular modernity” involved “the legal constitution of fundamental social spaces in which governance could be secured through” the nation-state, market, and family. He suggests that the “distinction between law (which the state embodied, produced, and administered) and morality (which is the concern ideally of the responsible person generated and sustained by the family)” was central to this legal constitution.<sup>137</sup>

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136 Talal Asad, "Reconfigurations of Law and Ethics in Colonial Egypt," in *Formations of the secular : Christianity, Islam, modernity* (Stanford, Calif.: Stanford University Press, 2003).

137 Ibid., 235-6.

Asad cites the early twentieth century writings of Egyptian Ahmad Safwat as an example of these transformations. Safwat transforms Islamic jurisprudence (*fiqh*) so that it is no longer treated as “deontology – a system of religious and moral duties” but as “*real law*, with changing implications for everyday life.”<sup>138</sup> In constructing this transformation, Safwat distinguishes “the positive rules of law from those of morality, which in the Koran are mixed together.” Safwat’s treatises alter previously held Islamic conceptions of law, as connected to personal ethics, and clears space for secular ethics punishable by civil law.<sup>139</sup>

Asad’s discussion focuses on legalistic understandings of Islam and is particularly significant for the Iranian context, in which the state lays claim to authority by drawing on a statist reading of Islamic jurisprudence. Yet, this context—and the history Asad cites of the reformation of shari‘a into law, complicates the representation of Muslim arguments against such legalist readings of shari‘a. In this context, we must attend to the ways in which secularist re-formations represent not solely the march of the secular, but also contestations over Islamically defined authority and practice. In this sense, while Asad points to the broad transformations of the secular—that is, theories and practices of state law---in the Iranian example evident as well are local histories through which actors have engaged with the broad transformations.

My goal in this chapter is to explore how Muslim dissidents attempt to undermine the Islamic Republic’s fusion of state law and Islamic jurisprudence by drawing on non-legal Islamic disciplines that, in their view, prioritize interiority over bodily worship.

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138 Ibid., 242-3.

139 Ibid., 238-39.



This rethinking of the interior aspects of Islam demonstrates both the impact of broadly secular concerns on contemporary Muslim thinking and, at the same time, commitments to and continuations of earlier Islamic discourses of the self. Rather than prioritizing theories of privatization or secularization to overwhelm these Islamic discourses, however, in this section I position these Muslim scholars as also attempting to manage the legal paradigms of the modern state that already—prior to their perhaps liberal intervention—have transformed Islamic discourses of practice, law, and faith.

Significantly, Asad has suggested that “whereas ethics could at one time stand independently of a political organization...in a secular state it presupposes *a specific political realm* – representative democracy, citizenship, law and order, civil liberties, and so on.”<sup>140</sup> This statement echoes an earlier observation by Hamid Enayat, an Iranian expert on Muslim politics, in his seminal *Modern Islamic Political Thought* that “politics,” as a distinct realm of intellectual activity, became part of Muslim conversations only with the encroachment of European (and later American) powers.<sup>141</sup> Whether governance is opposed to, outside of, or determined by shari‘a is therefore a long-standing debate in Shi‘i Islam. The Iranian debates I survey below attempt to come to terms with this political realm.

### **Islamic Law: Practice and Politics**

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140 Ibid., 255.

141 H. Enayat, *Modern Islamic political thought : the response of the Shi‘i and the Sunni Muslims to the twentieth century* (London: I.B. Taruis, 1982), 3. Abbas Amanat echoes Enayat’s claim that pre-modern Muslim scholars did not attend to politics as singular topic and has argued that in pre-modern contexts a jurisprudence of neither punishment nor politics (*al-fiqh-i al-siyāsī*) existed. See, Abbas Amanat, “review of Abdulaziz Abdulhussain Sachedina’s *The Just Ruler: The Comprehensive Authority of the Jurist in Imamate Jurisprudence*,” *The Journal of Religion* 72, no. 2 (1991): 309.

In contemporary Persian, the political is rendered as “*siyāsāt*.” One dictionary published in 2004/2005 (1383 of the Iranian calendar), called *Farhang-e Ruz-e Sokhan*, defines *siyāsāt* as “matters connected to the administration of a country and its relations with foreign states,”<sup>142</sup> a definition that aligns with governance (generally *nizam*, *hukumat*, or *tadbir*) as much as with “politics” *per se*. Yet the historical uses of the term *siyāsāt* in Islamic scholarship foreshadows contemporary debates over the relationship between Islamic jurisprudence and the political.

An *Encyclopedia of Islam* entry summarizes three different sets of discourses on *siyasa* in Islam.<sup>143</sup> One, is the category of “*siyasa shar’iyya*,” identified as a “Sunni constitutional and legal doctrine...calling for harmonization between the law and procedures of Islamic jurisprudence...and the practical demands of governance (*siyasa*).” Associated with Ibn Taymiyya (d.728/1328CE), this theory advanced “a more expansive vision” for Islamic jurisprudence than had previously been articulated by Muslim scholars.<sup>144</sup> In contrast, the noted contemporary scholar Muhammad Hashim Kamali suggests in his study of Islamic jurisprudence (in obvious contrast to Shabestari’s categorization), that Muslim scholars classify religious “orders and prohibitions” according to only two categories: matters of worship ( *‘ibadat*), which include such things as daily prayer, and matters of transactions or social duties (*mu’amalat*).<sup>145</sup> The question

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142 “*Siyasat*,” in *Farhang Rūz-i Sukhan*, ed. Hassan Anvari (Tehran, Iran: Intisharat-i Sohan, 1385 / 2005-2006).

143 “*Siyasat*,” in *Encyclopaedia of Islam, Second Edition*. (Brill Online , 2012.).

144 Ibid.

145 Mohammad Hashim Kamali, *Principles of Islamic jurisprudence*, 3rd rev. and enl. ed. (Cambridge, UK: Islamic Texts Society, 2003), 26.

of the political, or governance, he leaves out entirely.

However, little research has been done on specifically Shi'i views on Islamic Jurisprudence. One of the few is Hossein Modarressi Tabataba'i *An Introduction to Shi'i Law: A Bibliographical Study*. Tabataba'i suggests that a variety of approaches exist in both Shi'i and Sunni legal circles and points to Fayd-i Kashani as having a unique approach. Fayd-i Kashani (d. 1679), one of the seminal figures in Shi'i legal and theological debates, divides Islamic jurisprudence into two sections: "one on acts of devotion and social duties (*al-'ibadat wa'l-siyāsāt*) and the other on ordinary affairs and transactions (*al-'adat wa'l-mu'amalat*)."<sup>146</sup>

The second usage suggested by the *Encyclopedia of Islam* is a limited usage given the term by Muslim philosophers, such as al-Farabi (d.950CE), who drew on Greek philosophy and prioritized rationalist philosophical ends, such that they "often elevated *siyasa* above *sharī'a* in importance."<sup>147</sup> In this sense, the early philosophers such as al-Farabi understood *siyasa* as the "art of ruling or managing the city" and regarded it "as an important and *separate* branch of philosophy....Accordingly, political life is susceptible to philosophical scrutiny, and its principles may be established by reason, independently of *fiqh* [Islamic jurisprudence] and *kalām* [dialectical theology]".

The third meaning of *siyasa* that the *Encyclopaedia of Islam* includes is "in the sense of statecraft, the management of affairs of state and eventually," in modern contexts, "that of politics and political policy."<sup>148</sup> The article highlights Ibn al-Mukaffa'

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147 "Siyasat."

148 Ibid.

(d.757CE) as the most significant element of *siyasa* as “statecraft” in the early periods of Islamic history. Ibn al-Mukaffa’ suggests, “*siyasa* is the discretionary authority of the ruler and his officials, one which they exercise *outside the framework of the shari’a*, the authority conferred on the caliph and his delegates by divine sanction. There further develops from this an additional sense of *siyāsa* in Arabic, and thence in Persian and Turkish usage, that of punishment, extending as far as capital punishment, the violence which the ruler has to use in order to preserve his authority.”<sup>149</sup> Frank Vogel echoed this understanding of a legal division in pre-modern Muslim legal systems, which consisted “of two partly overlapping legal subsystems...first, *fiqh*, meaning the body of law elaborated from the revealed texts of Islam...and second, *siyasa*, meaning the authority of the head of state or ruler to act in legal matters (including legislating) in order to achieve the public good consistently with the provisions of the *sharia*.”<sup>150</sup>

Abd al-Hakeem Carney has suggested as well that “it has been commonplace for Muslim thinkers...to posit their own bipolar distinctions inside their communities: between *milat* (the religious nation) and *dawlat* (the state)...[and] between *shariah* (divine law) and *siyasah* (politics),”<sup>151</sup> but institutionally, he suggests, “throughout history there has always been a clear divide between these domains, particularly in the court system, where *shariah* judges would always stand alongside ‘secular’ (meaning, in

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149 Ibid. Emphasis mine.

150 Frank E. Vogel, "The Public and Private in Saudi Arabia: Restrictions on Powers of committees for Ordering the Good and Forbidding Evil," *social Research* 70, no. 3 (2003): 750.

151 ‘Abd al-Hakeem Carney, "The Desacralisation of Power in Islam," *Religion, State and Society* 31, no. 2 (2003): 204.

this case, non-shariah) courts, which often did the bulk of the work.”<sup>152</sup>

Yet even Carney acknowledges the fact of the matter is that state law, particularly in the realm of “*siyāsah*,” encompassed punishment alone while Islamic judges often oversaw marital, business, and numerous other disputes. Carney’s easy division also denies more theological tensions, as religious scholars prior to the twentieth century often debated the extent of their role in social and political life – despite whether or not in fact they had the power and position to make good on those theoretical constructs.<sup>153</sup>

### **Religious Experience, Law, and Authority**

Distinctions between *siyasa* and *shari`a* were never firmly delineated and the ascription of various sets of authorities over *siyasa* has also been commonplace. In this section I examine the Islamic repertoires Muslims draw on to navigate contestations over the relationship between Islam law and politics in the Islamic Republic of Iran. In contesting the jurists’ assumption of political authority, the two authors I survey—Abdolkarim Soroush and Muhammad Shabestari—locate themselves within long-standing debates within Islamic traditions that prioritize inner states and self-conscious (rather than merely bodily) practice over legal authority. I suggest that the formation of the Islamic Republic highlighted a historically contested relationship between inner faith, law, and the state. The works of Soroush and Shabestari exemplify this debate and require us to nuance received views of traditional authority, orthodox Islam, and the ways in which both the secular and Islamic tradition mediate Muslim experience in modernity.

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<sup>152</sup> Ibid., 206.

<sup>153</sup> Devin J. Stewart, *Islamic legal orthodoxy : twelver Shiite responses to the Sunni legal system* (Salt Lake City: University of Utah Press, 1998), 238.

### ***Philosophical-Mysticism and Secularist Histories***

One place to examine Muslim thinking about the political and Islamic scholarship is the work of Iranian reformist Abdolkarim Soroush. Soroush presents a particularly interesting example here in terms of the continuity of Islamic discourses within these dissident arguments. Much English-language scholarship has focused on Soroush, yet his engagement with specifically Islamic traditions has been largely overlooked.<sup>154</sup> Soroush himself was an early supporter of the Islamic republic who, like many Iranians, quickly became disillusioned with the new government. During the 1990s, he began publicly critiquing the state through veiled discussions of the contingent nature of religious knowledge. In these early epistemological arguments, Soroush drew on European philosophy of science to suggest that “all religious knowledge is contingent on external non-religious knowledge for its development and growth and likewise is subjected to flow in the sense that the context of its presuppositions is unfixed.”<sup>155</sup> Soroush argued that because religious knowledge itself is limited and contingent, modern Muslims must analyze religious precepts in light of extra-religious reason.<sup>156</sup>

More recently, Soroush has called for the separation of religious and political

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154 See, for example: Forough Jahanbakhsh, *Islam, Democracy, and Religious Modernism in Iran* (Leiden: Brill, 2001); Mahmoud Sadri, "Sacral Defense of Secularism: The Political Theologies of Soroush, Shabestari, and Kadivar," *International Journal of Politics, Culture, and Society* 15, no. 2 (2001); Valla Vakili, "Abdolkarim Soroush and Critical Discourse in Iran," in *Makers of Contemporary Islam*, ed. John L. Esposito and John O. Voll (Oxford: Oxford University Press, 2001); Afshin Matin-Asgari, "Abdolkarim Soroush and the Secularization of Islamic Thought in Iran," *Iranian Studies* 30, no. 1-2 (1997); Behrooz Ghamari-Tabrizi, *Islam and Dissent in Postrevolutionary Iran: Abdolkarim Soroush, religious politics and democratic reform* (New York: I.B. Tauris, 2008); Rajaei, *Islamism and Modernism: The Changing Discourse in Iran*.

155 Ashk Dahlén, "Deciphering the meaning of revealed law : the Soroushian paradigm in Shi'i epistemology" (Ph D, Uppsala University, 2001), 285.

156 Abd al-Karim Soroush, Mahmoud Sadri, and Ahmad Sadri, *Reason, freedom, & democracy in Islam : essential writings of Abdolkarim Soroush* (New York, N.Y.: Oxford University Press, 2000), 133.

authority, the separation of Islam from political systems of power. In August 2006 Soroush suggested explicitly that “political secularism” is necessary in Iran. According to Soroush, by definition “political secularism has two major pillars. One pillar consists of the question of legitimacy and the other consists of the political system’s neutrality towards religious and theoretical schools. I believe that religious intellectuals have so far argued well that the system’s legitimacy hinges on justice, not on any particular type of religion, and the acceptance of the system comes from the people.”<sup>157</sup>

Here, I focus largely on a 1998 article of Soroush’s, “Spiritual Guardianship and Political Guardianship<sup>158</sup>” (“*valāyat-i bāṭanī va vilāyat-i siyāsī*”) to explore Soroush’s thinking about the relationship between Islam and political secularism.<sup>159</sup> Unlike in his more recent writings, Soroush does not use the term “secularism” in this piece; however, he does attempt to establish Islamic grounds for the separation of political governance from Islamic jurisprudence. In this article, Soroush draws on an alternative discipline of Islamic scholarship called philosophical mysticism (*irfān*) to contest the dominance of Islamic jurists and jurisprudence in the Islamic Republic’s theory of governance. In doing so, he prioritizes “religious experience” (*tajribat-i dīnī*) and a spiritual or interior (*bāṭanī*) theory of divine authority.

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157 Abdol Karim Soroush, "I am not the Reformists' Godfather," *Shargh* (2006),5.

158 This term *wilayat/vilāyat* might also be rendered as “authority.” Here then Soroush compares the bases of the Imams’ “political authority” and their “spiritual” or “interior” authority. I have retained the translation of “guardianship” simply because the framework of the Islamic Republic—*wilayat al-faqih* or *vilāyat-i faqih*—is most often translated as “the guardianship of the jurist,” rather than the “authority of the jurist;” however, as I discuss below, Soroush’s goal in this essay is to define the scope and derivation of that guardianship in such a way as to limit its authority.

159 Abdolkarim Soroush, ““Spiritual Guardianship and Political Guardianship” (*vilayat-i batani va vilayat-i siyasi*),” in *The Expansion of Prophetic Experience* (Tehran, Iran: Mu’assasat-i Farhangi Sirat, 1998), 242-82.

As I discussed above, the Islamic Republic is legitimized by a theory of the (general) “guardianship” – *wilayat/vilāyat* – of Islamic jurists after the occultation of the Shi‘i Imams. Soroush’s essay “Spiritual Guardianship and Political Guardianship,” draws upon two central questions from the history of Shi‘i theology regarding the nature of *wilāyat*: who represents the Imams during the post-occultation period and what elements of the Imams’ authority devolve upon those representatives? Soroush’s dissident political claim, focused against the authority of the jurists, is the following: (1) the Shi‘i Imams possessed both the absolute spiritual (*baṭānī*) authority and limited political (*siyāsī*) authority, (2) the conjunction of political and spiritual authority was unique to the Imams, and therefore, (3) during the occultation the correct form of government for Iranian Muslims is a political democracy, not the vicegerency of Islamic jurists. This argument revolves around a separation of religious authority from political authority – an argument that draws on a historical opposition to Islamic jurisprudence and is marked, at the same time, by modern understandings of interiority and mysticism.

In this article, Soroush contrasts the guardianship or authority of the jurists with political authority and the friendship—*walayat/valayat*--of the Imams. Here, the contested semantic field at the root of the Islamic Republic’s “guardianship of the jurist” opens up and presents a complex dissident discourse of personal Islamic spirituality outside the confines of state oversight and juridical authority. Soroush critiques the current instantiation of the Islamic Republic by prioritizing the Imams’ nearness to God, or *valayat*, deemphasizing their political authority, and denying juridical claims to represent the Hidden Imam in his absence. To make this argument Soroush draws on



Islamic philosophical-mysticism, or *irfan*<sup>160</sup>, a discipline that has held a tenuous place within modern Sunni centers, but has continued contested though unabated in Shi‘i scholastic circles.

Central to Soroush’s critique is the figure of the *wālī*, the friend. Within specifically Shi‘i circles of philosophical-mysticism, as Soroush notes, the *wālī*—or friend—identifies the Shi‘i Imams.<sup>161</sup> As the noted Iranologist Henri Corbin argued, “For Shi‘ism...the final phase of prophecy...was the initial phase of a new cycle, the cycle of *walāyah* [*vilāyat*] or Imamate....The word actually means *friendship, protection*. They are the ‘Friends of God’....; strictly speaking, they are the prophets and the Imams.”<sup>162</sup> One of the most significant moments in Shi‘i historical memory occurred at a well called Ghadir Khumm where the Prophet Muhammad designated the first Shi‘i Imam, Ali ibn Abi Talib, as his *wālī*. Looking back, the future Shi‘i community read Muhammad’s statement as a designation of both political authority and, as Corbin suggests, the new cycle of the Imamate that followed the end of prophetic cycle sealed by Muhammad. Sunni communities do not contest the event of Ghadir Khumm itself, but rather understand the term *wālī* here in a more limited meaning, simply as a close companion of the prophet. In Sunni Sufi writings, outside the context of Ghadir Khumm,

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160 Scholars have offered a number of different translations for *irfan*. Here, I follow the suggestion of Carl Ernst and use the term “philosophical mysticism,” rather than “gnosis” or “theosophy,” to identify this set of discourses. For a discussion of connotative problems in translating “*irfan*”, see Carl Ernst, “Sufism and Philosophy in Mulla Sadra,” in *Islam-West Philosophical Dialogue: The Papers presented at the World Congress on Mulla Sadra* (Tehran, Iran: 2001), 173-92.

161 Soroush, ““Spiritual Guardianship and Political Guardianship” (*vilayat-i batani va vilayat-i siyasi*),” 268.

162 Henry Corbin, *History of Islamic philosophy* (New York: Kegan Paul International, 1993), 26.

the term *wālī* again takes on a more significant meaning, but is understood apart from the Shi‘i Imams (despite the fact that Ali ibn Abi Talib holds a prominent place in almost all Sufi lineages).

Soroush’s essay draws on a complicated connection between the friendship of god (*walāyat/valāyat*) held by the *wālī* and the theory of the Islamic jurists’ guardianship or authority (*wilāyat*) that undergirds the Islamic Republic. Vincent Cornell notes that in Sufi discourse “*walāya* [*valāyat*] and *wilāya* [*vilāyat*] are best seen as semantic fraternal twins that coexist symbolically...Each relies on the other for its meaning.”<sup>163</sup> This coexistence, as Cornell puts it, revolves around grammatical and theological debates over the precise meaning of these two terms. For example, while the fourteenth century Sunni scholar Ibn Kathir defined *wilāyat* in terms of authority and *walāyat* in terms of closeness to God, the fourteenth century Indian Sufi Nizam al-Din Awliya’ reversed Ibn Kathir’s distinctions and argued “it is *wilāya* that connotes closeness or love, whereas *walāya* connotes authority.” In Nizam al-Din Awliya’s words, “that which takes place between the Shaykh and God is called *wilāyat*. That is a special kind of love...His *walāyat*, on the other hand, he can confer on someone else, whomever he wishes.”<sup>164</sup> While Cornell noted long-standing Sufi debates over the exact connotations of *walāyat* and *wilāyat* (meaning, which connotes authority and which proximity to God), Soroush draws on permutations of these debates in philosophical-mysticism to define the friend of god as close to God and a figure of absolute spiritual, but not political, authority. To make this argument Soroush must recast the theory of the political and religious authority of the

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163 Vincent J. Cornell, *Realm of the saint : power and authority in Moroccan Sufism*, 1st ed. (Austin: University of Texas Press, 1998), xix.

164 Ibid.

Shi‘i Imams that dominates in contemporary Shi‘ism.

Soroush’s argument draws on the most significant figures of philosophical-mysticism, including Ibn ‘Arabi, Sadr al-din al-Shirazi, and Jalal al-Din Rumi.<sup>165</sup>

Though Ibn ‘Arabi and Jalal al-din Rumi hold prominent places in Sufism, in the Iranian context they have been incorporated in the lineage of philosophical-mysticism, a discipline that both aligns with and differs from better known Sufi practices. One way in which philosophical-mysticism and Sufi discourses *do* align, however, is a contentious relationship with Islamic jurisprudence and sharia. In this sense the history of philosophical-mysticism in Iran demonstrates an ongoing contestation over the ways of reasoning and practice that constitute the center of Islamic scholarship, a contestation which many of the religious reformists in Iran, and Soroush in particular, draw on in order to debate juridical authority.<sup>166</sup>

As an identifiable school of thought, philosophical-mysticism bridges Sufism and Islamic philosophy. Historically, the concept stems from centuries of contestation among Shi‘i Muslims over the legitimacy of Sufi practice and identifies a school of thought located *against* practical institutionalized Sufism (*taṣavvūf*).<sup>167</sup> According to the Iranian scholar Nasrollah Pourjavady, Shi‘i authors were almost uniformly opposed to Sufism

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165 The lineage that Soroush outlines for the history of *‘irfan* echoes that suggested by the revolutionary ideologue Morteza Mutahhari (d.1979CE), who himself noted not only the origin of *‘irfān* in the discourses of Ibn ‘Arabi, but also the substantive contributions of a number of Persian poets, Jalaluddin Rumi among them (see, Murtaza Mutahhari, *‘Irfan-e Hafez (The ‘Irfan of Hafez)* (Tehran, Iran: Sadra, 1378/1999-2000), 15).

166 For another discussion of *‘irfān* theories of guardianship, see Mohsen Kadivar, *Hokumat-i Vilayi* (Tehran, Iran: Nashrani, 1999).

167 Gerhard Bowering, “‘Erfan,” *Encyclopaedia Iranica* <http://www.iranica.com/newsite/>, accessed 22 April 2006.

prior to the thirteenth century. Early Shi‘i writers viewed Sufism as “a form of Sunnism,” and outside the bounds of Shi‘i practice. The eleventh century author Jamal al-Din al-Murtada al-Razi echoed the sentiment of this early period and argued, “the Sufis are Sunnis, and all the Sunnis consider them to be saints (*awliya*) and people of miraculous deeds.”<sup>168</sup> Following the fall of Baghdad in the thirteenth century, several Shi‘i authors, such as Sayyid Haydar-i Amuli (b.1320), began to “incorporate Sufi ideas, especially the doctrine of Ibn `Arabi (d.638/1240) into Shi‘i theology and philosophy.”<sup>169</sup> While one of the greatest scholars of philosophical mysticism, Sadra al-Din al-Shirazi (b.1640) lived during the Safavid period in greater Iran (1501-1736), during this same period the Safavid authorities moved violently against institutional Sufi orders. On the one hand, both Shahs Safi (r.1629-1642) and `Abbas II (r.1642-66) showed great interest in Sufi topics and both admitted religious scholars with Sufi leanings into high circles of power in order to counter the authority of a “clerical elite.”<sup>170</sup> On the other, the reign of Shah Safi was marked by numerous messianic uprisings that initially curtailed Safi’s own interest in Sufism.<sup>171</sup> Both the well-known Shi‘i scholar Fayz-e Kashani (d.1679) and Sadra al-Din al-Shirazi echoed the concerns of the ruling Safavid shahs regarding Sufi communities, and spoke “of the ways in which the popularization of Sufism and the

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168 Nasrollah Pourjavady, "Opposition to Sufism in Twelver Shiism " in *Islamic mysticism contested : thirteen centuries of controversies and polemics*, ed. F. de Jong and Bernd Radtke (Leiden, Netherlands ; Boston: Brill, 1999), 614-15.

169 Ibid., 619.

170 Rula Jurdi Abisaab, *Converting Persia : religion and power in the Safavid Empire*, International library of Iranian studies (London ; New York: I.B. Tauris, 2004), 119.

171 Andrew Newman, *Safavid Iran: Rebirth of a Persian Empire* (New York: I.B. Tauris, 2006), 73-78.

dervish cult were creating social discord.” These early Shi‘i scholars of philosophical-mysticism worked to distinguish themselves from such Sufis and “exaggerationist” (*ghuluw*) groups of mystics.<sup>172</sup>

Although Shi‘i scholars formulated philosophical-mysticism against institutionalized Sufism, the two did not fully diverge in the Iranian context. Indeed, Pourjavady seems to suggest that the very terminology of the debate—philosophical-mysticism as opposed to Sufism—may have been a purely defensive measure in some cases, a terminological choice designed to “avoid the negative connotations” of Sufism rather than a fully-fledged difference in thinking or practice.<sup>173</sup>

While for much of its history philosophical-mysticism was an elite discourse, in the twentieth century these discourses became increasingly public and firmly enmeshed in contests over the governance of the Iranian state.<sup>174</sup> Khomeini himself delved deeply into philosophical-mysticism – he not only studied Sadra al-Din al-Shirazi’s *Four Journeys* (the *Kitab al-Asfar*), but wrote his own treatises on philosophical-mysticism.<sup>175</sup> Intriguingly, Matthijs Van den Bos has suggested as well that the Islamic Republic

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172 Kathryn Babayan, *Mystics, monarchs, and messiahs : cultural landscapes of early modern Iran*, Harvard Middle Eastern monographs (Cambridge, Mass.: Distributed for the Center for Middle Eastern Studies of Harvard University by Harvard University Press, 2002), 417.

173 Pourjavady, "Opposition to Sufism in Twelver Shiism ", 621.

174 Leonard Lewisohn, for example, notes the ways in which a number of Iranian Sufi orders become involved in publishing important texts during the twentieth century (see, Leonard Lewisohn, "An Introduction to the History of Modern Persian Sufism, Part II: A Socio-Cultural Profile of Sufism, from the Dhahabī Revival to the Present Day," *Bulletin of the School of Oriental and African Studies* 62, no. 01 (1999): 45-46.

175 Alexander Knysh, "'Irfan" Revisited: Khomeini and the Legacy of Islamic Mystical Philosophy," *Middle East Journal* 46, no. 4 (1992): 635-36.

attempted to ground its *own* authenticity in the language of philosophical-mysticism after Khomeini's death.<sup>176</sup> Hamid Algar, a noted scholar of Iran and admirer of Khomeini, used the language of philosophical-mysticism to position Khomeini as beyond even the rank of the highest religious scholars (the Sources of Emulation, or *marja` taqlid*) and instead as the "perfect person" (*insān al-kāmil*) from philosophical-mysticism, whose oversight fuses Islamic and political authority.<sup>177</sup> Such discourses surrounding Khomeini continue in Iran. In 2008, the Iranian newspaper *Hamshahri* published a piece entitled "A brief look at the philosophical-mystical and philosophical (*falsafi*) thought of Imam Khomeini," which detailed Khomeini's own engagements with philosophical-mysticism.<sup>178</sup>

Soroush's essay is embedded in this complicated field. Drawing on philosophical-mysticism he contests the centrality of Islamic jurisprudence and the Islamic jurists, as the same time he emphasizes a disjuncture in the history of Shi'ism. The Shi'i Imams, he suggests, were the perfect persons of philosophical-mysticism and none after them hold such authority. Moreover, as suggested by the title of Soroush's article "Spiritual guardianship and political guardianship," Soroush separates the political authority of the Imams from their spiritual authority. He argues that while their absolute spiritual authority stems from their status as friends of God, their status as Imams relates

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176 Matthijs van den Bos, *Mystic regimes : Sufism and the state in Iran, from the late Qajar era to the Islamic Republic*, Social, economic, and political studies of the Middle East and Asia, (Leiden ; Boston, MA: Brill, 2002), 171.

177 Algar, *Roots of the Islamic Revolution in Iran : four lectures*, 42.

178 "A brief look at the 'Irfani and philosophical thought of Imam Khomeini," *Hamshahri* June 1, 2008 / Khordad 12, 1387.

to a limited political authority. The conjunction of political and spiritual authority, Soroush argues in an implicit critique of the Islamic Republic, ended with the occultation of the twelfth Imam.<sup>179</sup>

In making this argument, Soroush identifies the central figure of spiritual guardianship as the friend of God (again, the *wālī*). Soroush draws on theories of divine manifestation to suggest that the “perfect person” (*insān al-kāmil*) is the manifestation of all the divine names.<sup>180</sup> The friend of God reflects God in the world and is so close to God that he is defined by “annihilation in God and existing through God.” Moreover, Soroush argues that the Perfect Person, as the Shi‘i Imam, is necessary for Islamic practice. Citing Rumi’s *Masnavi*, Soroush argues that a person cannot practice on his or her own without the consultation of a guide. As Rumi argued, without the “shade” or the guardianship of a religious leader, it is impossible for an individual to reach God.<sup>181</sup> This guide’s authority is absolute and, in this context, “testing the Sheikh and raising objections are absolutely inadmissible.”<sup>182</sup>

This absolute spiritual guardianship, Soroush argues, is more central and enduring

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179 Abdolkarim Soroush, "Spiritual Guardianship and Political Guardianship (*Vilayat-i Bāṭanī va Vilayat-i Siyasi*)," in *The Expansion of Prophetic Experience (Bast-i Tajribat-i Nabavi)* (Tehran, Iran: Mu'asasat-i Farhangi-ye Serat, 1998), 280.

180 Ibid., 251. For detailed expositions of Ibn ‘Arabi’s theory, see William C. Chittick, *The Sufi path of knowledge : Ibn al-‘Arabi’s metaphysics of imagination* (Albany, N.Y.: State University of New York Press, 1989); Henry Corbin, *Alone with the alone : creative imagination in the Sufism of Ibn ‘Arabi*, Princeton/Bollingen paperbacks (Princeton, N.J.: Princeton University Press, 1998); Michel Chodkiewicz, *An ocean without shore : Ibn ‘Arabi, the Book, and the Law* (Albany, NY: State University of New York Press, 1993).

181 Soroush, "Spiritual Guardianship and Political Guardianship (*Vilayat-i Bāṭanī va Vilayat-i Siyasi*)," 258.

182 Ibid., 260.

than political guardianship. Although the Imam is in occultation, he continues to give “spiritual and inner guidance to people...from behind the veil,” but not, Soroush suggests, “political leadership.” The Imam continues to take “the hands” of Muslims and leads them, “indirectly (in absence)...toward God.”<sup>183</sup> While the political and external guardianship of the Imams ends with the occultation of the Hidden Imam, his spiritual and inner guidance and authority remains.

Soroush’s focus on the continuation of the inner guidance of the Hidden Imam does not completely preclude the relevance of “rituals, observances, laws, and scriptures;” yet they are entirely secondary, well behind an inner spiritual relationship to the divine. It is in this context that Soroush draws on language of religious and prophetic experience (*tajrobeh*)<sup>184</sup>, a rather novel move that marks the modernity of these discourses and Soroush’s own engagement with protestantism. “Prophetic experiences” are experiences of “tasting” and “unveiling” associated with the experiences of Sufis or masters of philosophical-mysticism. Soroush argues that “the prophets have laid down the path of prophetic experience for their communities and followers,” one which encompasses “the instructions of worship that have entered religion, such as waking for prayer in the night (*tahajjod*), fasting, prayer, giving alms, being generous (*enfaq*).” Yet these bodily practices are not valued in their own right but as “parts of the prescriptions that open for people the inner door of philosophical-mystical and prophetic experiences.” This hierarchical reading of embodied religious practice decenters discourses of Islamic

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183 Ibid., 275.

184 On the ways in which language of religious “experience” has dominated both modern protestantism and the study of religion, see King, *Orientalism and religion : postcolonial theory, India and 'the mystic East'*.



jurisprudence and bodily worship and suggests, in contrast to the Islamic Republic's focus on *legal* performance, that "the condition for imitating the prophet is imitating his experiences, not only following his commands and prohibitions."<sup>185</sup>

This emphasis on interiority and the utility of bodily worship as only a first step on the path to divine union has much in common with prior discourses from both Sufism and philosophical-mysticism. On the one hand, Ibn `Arabi himself emphasized the necessity of bodily practice and argued that an individual "must discipline himself according to the norms of the Shari`a and the Ṭarīqa (the spiritual path) under the direction of a spiritual master or 'shaykh' who has himself traversed the path...[The] 'godfearingness' which prepares the disciple for God's teaching entails his complete absorption in putting the revealed Law [sharia] into practice and invoking (*dhikr*) the name of God under a shaykh's guidance."<sup>186</sup> Yet the later evolution of philosophical-mysticism complicates this presentations. William Chittick has argued that, while Ibn `Arabi himself emphasized the role of bodily practice, even his immediate commentators (such as the thirteenth century scholar Qunawi) focused instead on the philosophical aspects of Ibn `Arabi's writings. This philosophical—rather than formal—reading of Ibn Arabi informs academic work as well. According to Chittick, both Toshihiko Itzutsu and Henry Corbin—noted scholars of Islamic philosophy and philosophical-mysticism—fail "to bring out the practical sides to Ibn al-`Arabī's teachings and his insistence on weighing all knowledge in the 'Scale of Law,' the norms revealed through the Koran and

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185 Abdolkarim Soroush, "The Expansion of Prophetic Experience (*Bast-i Tajrubih-ye Nabavi*)," in *The Expansion of Prophetic Experience (Bast-i Tajrubih-ye Nabavi)* (Tehran, Iran: Mu'asasat-i Farhangi-ye Serat, 1998), 8.

186 Chittick, *The Sufi path of knowledge : Ibn al-`Arabi's metaphysics of imagination*, xii.

the Sunna of the Prophet.”<sup>187</sup>

Chittick’s critique here is useful in reorienting academic portrayals of Ibn `Arabi’s own work, but his evaluation of Ibn Arabi’s reception history also highlights the ways in which philosophical-mysticism, as an Islamic discipline, very quickly focused on philosophical truths over practical application. Soroush’s presentation not only echoes these early rights, but also revolution-era writings from Iran. Morteza Mutahhari (d.1979) foreshadows Soroush’s own valuation of inner experience over formal practice. Mutahhari was a major figure in pre-revolutionary Iran, a popularizer of works by the Islamic philosopher and Qur’an scholar Tabatabai, and the author of numerous volumes on Muslim women, politics, and jurisprudence.<sup>188</sup> Mutahhari, in detailing the relationship between the fourteenth century Persian Sufi poet Hafez and philosophical-mysticism, argued as well that external practices were worthless without subduing the inner self (*nafs*).<sup>189</sup> He argued that “the master of philosophical-mysticism in the past suggested a theory for arriving at Truth and encountering God (*liqa’allah*); they understood all Islamic laws as being for just such a goal and conclusion.” Like Soroush, Mutahhari did not deny the significance of bodily practice; he defined philosophical-mysticism itself as “a practice consisting of traversing the stages of practices (*suluk*) from the beginning to the end; in other words, it is the states and stations (*maqamat*) of the human (*insan*) from

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187 Ibid., xvii-xix.

188 See, for example, Mahmood T. Davari, *The political thought of Ayatullah Murtaza Mutahhari : an Iranian theoretician of the Islamic state* (London ; New York: Routledge, 2005); Michael M. J. Fischer and Mehdi Abedi, *Debating Muslims : cultural dialogues in postmodernity and tradition*, New directions in anthropological writing (Madison, Wis.: University of Wisconsin Press, 1990).; Hamid Dabashi, *Theology of discontent : the ideological foundation of the Islamic Revolution in Iran* (New Brunswick, NJ: Transaction Publishers, 2006).

189 Murtaza Mutahhari, *The `Irfan of Hafez (`Irfan-i Hafez)* (Tehran, Iran: Sadra, 1378 / 1999-2000), 12.

the beginning of the stage of awakening (*tanabbuh*) and wakefulness (*bidari*) to the last stage, which is annihilation in god (*fana' fi allah*) and subsistence through God (*baqa' billah*).”<sup>190</sup> The role of practice here is not incidental; yet it exists within a hierarchical framing in which, as Mutahhari suggested, “all laws” are geared towards disciplining the inner self. Significantly, Mutahhari connected individual acts of piety to social and political reform. According to historian Vanessa Martin,

To Mutahhari religious duties and responsibility of asserting the validity of religion repose in the individual. Both preservation of the religion and pursuit of religious ideology depended upon the conscience of the individual and his religious activism. The goals of the individual must first be to empower himself, and then acting collectively with other individual to change and lead society -- in other words to function as a vanguard. In so doing the individual has to challenge quietist piety and abstinence from involvement. Mutahhari believed that social reform must originate in the masses....In order to achieve this goal, public culture and lifestyle have to be changed. In pursuit of activism, Mutahhari questioned all passive understanding of piety (*zuhd*) and endeavored to give the term a radical meaning compatible with an activist, politically responsible individual, an example [for Mutahhari] being Gandhi." (87)

In contrast, Soroush argues for the separation of Islamic virtue and political governance. Denying the conjunction of political and Islamic authority that marks the Islamic Republic, Soroush argues that “the guardianship of the jurist has no part of *irfānī*

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190 Ibid., 16.

and spiritual *valāyat*...and the word is only used so that a group [of people] can mix this *velāyat* (which means...political leadership) with that *valāyat* (which is suitable for and specific to the friends of God and the elite of His threshold). It is better thus for this to use the phrase “political rule of the jurist” (*ze`āmat-e faqīh*) so that sophisticated associations [of the jurists] might collapse.”<sup>191</sup>

Whereas the Islamic Republic asserts the authority of the jurists in the Imam’s absence, Soroush argues that the conjunction of these two spheres in the Imams was *unique* and ended with the occultation of the Twelfth Imam. This argument is certainly a secularizing one – it demands the differentiation of religious and political spheres of authority as integral to a correct understanding of Shi’ism and any post-occultation government.

Soroush’s argument for a rationalist democratic politics, therefore, relies upon the delineation of two spheres of authority: spiritual and political. Intriguingly, however, even here it is worth noting that distinction between Islamic and political authority that Soroush draws is not *merely* a politically secularist intervention, but one Khomeini himself suggested in validating his own claims to political authority. In an attempt to assuage concerns that Khomeini was setting himself at the level of the Imams, he argued, “To prove that government and authority belong to the Imam is not to imply that the Imam has no spiritual status. The Imam does indeed possess certain spiritual dimensions *that are unconnected* with his function as ruler.”<sup>192</sup>

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191 Soroush, "Spiritual Guardianship and Political Guardianship (*Vilayat-i Bāṭanī va Vilayat-i Siyāsī*)," 280-81.

192 Khomeini and Algar, *Islam and revolution : writings and declarations of Imam Khomeini*, 64.

As I discussed in the previous chapter, Khomeini's theory of jurists' guardianship, and the Islamic Republic's institutionalization of that theory, extended the authority of the jurists as the deputies of the Hidden Imam and remains a novel and contentious theory of post-occultation history.<sup>193</sup> Despite Khomeini's claim to the absolute authority of the jurists, Muslim scholars have debated the extent of the guardianship of Islamic jurists since the ninth century occultation of the twelfth Imam – long before Soroush's re-reading of the rupture of the occultation as the fragmentation of political from religious authority.<sup>194</sup> Soroush's arguments on the whole are embedded in long-standing debates over authority (both religious and political) in post-occultation Shi'i Islam. The theory of relative guardianship relegated to the jurists the responsibility "of their exercising a juridical supervisory function over matters for which no legally responsible individual could be identified."<sup>195</sup> The often cited cases here were those involving orphans and the insane<sup>196</sup>; in short, a quite delineated subset of the population in comparison to the authoritative governmental guardianship institutionalized in the

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193 Soroush inserts here an interesting note, almost offhand, to the effect that the use of *khums* (religious taxes) as the "budget of the Islamic government is very recent," arguing that previously when the Shi'a expected the hidden Imam would return they kept it hidden in the ground for him. "For this same reason [meaning the expectation that the hidden Imam would actually return] for some time they did not have a clear political theory for the governance (*mudīriyat*) of society" (Soroush, "Spiritual Guardianship and Political Guardianship (*Vilayat-i Bāṭanī va Vilayat-i Siyasi*)," 274.) We see here an implicit citation and critique of one of Khomeini's arguments for the jurists' assumption of authority; namely, that the taxes required of the Shi'a were too great not to put to use for government (Khomeini and Algar, *Islam and revolution : writings and declarations of Imam Khomeini*, 25.

194 For a detailed discussion of the changes in authority during the Lesser Occultation and following, see Sachedina, *The Just Ruler (al-Sultān al-ʿĀdil) in Shīʿite Islam : the comprehensive authority of the jurist in Imamite jurisprudence*.

195 Akhavi, "Contending Discourses in Shi'i Law on the Doctrine of Wilāyat al-Faqīh," 223.

196 Arjomand, *The turban for the crown : the Islamic revolution in Iran*, 191.

Islamic Republic.

As Said Amir Arjomand noted, the Islamic Republic propagated a specific understanding of guardianship of the jurist and, in the 1980s, made “statements to the effect that obedience to the clergy as ‘those in authority’ (Koran IV. 59; a term hitherto invariably taken to refer to the twelve Infallible Imams in the Shi‘i te tradition) is incumbent upon the believer as a religious duty were often excerpted from the will and made into headlines in bold letters.”<sup>197</sup> Historically, Shi‘i political theory had been rather inclined to locate political power outside of the legal establishment. For one, the late nineteenth century Ayatollah Mirza Hassan Shirazi, one the most important legal scholar of the Qajar period, assumed a “two swords” theory of power in which political authority and spiritual authority rest in two separate hands.<sup>198</sup> Noted jurists of the nineteenth century offered interpretations of juridical authority that explicitly contradict those later articulated by Khomeini in the 1960s. As Said Amir Arjomand notes, “Shaykh Mortaza Ansari (d. 1865), the most important jurist of the second half of the nineteenth century...sought first, ‘to demonstrate how absurd it is to reason that because the Imams should be obeyed in all temporal and spiritual matters, the *faqih*s are also entitled to such obedience; and second . . . that in principle no individual, except the Prophet and the [infallible] Imam, has the authority to exert *wilāya* over others.’”<sup>199</sup> As several scholars have shown, the practical reach of the jurists’ authority, as well as the

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197 Ibid., 153.

198 Carney, "The Desacralisation of Power in Islam," 204. For an overview of the relationship between state and religious authority prior to the Qajar period, see A.K.S. Lambton, "Concepts of Authority in Persia: Eleventh to Nineteenth Centuries A.D.," *Iran* 26(1988): 95-103.

199 Arjomand, *The turban for the crown : the Islamic revolution in Iran*, 191.

theological claims associated with that authority, drastically increased during the eighteenth and nineteenth century with more central collection of religious taxes (*khums*) and the theological construction of theories of Emulation – the notion of a single pre-eminent jurist for each generation who would guide the community in religious matters.<sup>200</sup> Based on this increasing assumption of authority during the Qajar period, the noted scholar of Iran Hamid Algar has suggested that the Iranian revolution and Khomeini's theory of guardianship represent the natural evolution of Shi'i political theory, such that the assumption of political authority by Khomeini represents the final grappling with the "practical implications" of the Twelfth Imam's occultation.<sup>201</sup> Yet while it is true that the post-Safavid period saw the increasing authority of Muslim jurists, even during the nineteenth century Qajar period Islamic scholars largely assumed the position of representing the Imam alongside, rather than in the absence, of the authority of extent political leaders.<sup>202</sup>

The central debate that lies behind Soroush's essay is a long-standing one in Shi'i history: who represents the Imams during the post-occultation period and what elements of the Imams' authority devolve upon those representatives? Significantly, the distinction between these two modes of authority is not a purely secularist one. In Soroush's essay on guardianship, he supports in certain ways an earlier reading – suggesting that the holders of spiritual authority are purely the Imams, without reference to the legal

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200 Shahrough Akhavi, *Religion and politics in contemporary Iran : clergy-state relations in the Pahlavi period* (Albany: State University of New York Press, 1980), 10-12.

201 Algar, *Roots of the Islamic Revolution in Iran : four lectures*, 15.

202 Carney, "The Desacralisation of Power in Islam," 204-05.

scholars. Soroush's argument that contemporary Shi'i Iranians ought to separate the spiritual and political authorities of the Imams in constructing models of political rule, relates to a prior precedent through which Shi'i Muslims understood political authority following the occultation of the Imams.

### ***Etiquette, Ethics, and Legal Limitations***

Soroush is not the only Iranian to draw on contestations within Islamic scholarship in order to rethink the relationship between Islamic law and the political authority of the state. While Soroush constructs his argument for the interiority of religious experience by drawing on philosophical-mysticism and arguing the Islamically-sanctioned political authority ends with the rupture of the twelfth Imam's occultation, others draw on different disciplines of Islamic learning in order to critique the state's emphasis on juridical authority and oversight of bodily Islamic practice.

One exponent of this position is Muhammad Mujtahid Shabestari (1936 - ). Like Soroush, Mujtahid Muhammad Shabestari contests the authority of the jurists, and the role of Islamic jurisprudence, in regulating Muslim religiosity. Shabestari is a Hojjatoleslam, a mid-ranking classically-trained Islamic scholar and, like Soroush, he supported the Islamic Republic early on. During the first years of the Islamic Republic Shabestari served in the parliament for a term before, like many Iranians, becoming disillusioned with the new government. During the 1990s, Shabestari became part of the "Kiyān circle," a group of intellectuals (including Soroush) who published reformist articles in the monthly journal *Kiyān*.

Shabestari's critiques in particular focused on questions of hermeneutics and the



multiplicity of interpretations of religious texts.<sup>203</sup> Like Soroush, Shabestari critiques religious bases for democratic government. Counter to several of Shabestari's critics who suggested that equality of religions, democracy unbound by "the laws of god," and the "anthropological presuppositions" of democracy contradict Islam, Shabestari argues that the choice Iranian Muslims must make is "not between Islamic and non-Islamic democracy, but between democracy and dictatorship."<sup>204</sup> According to Shabestari, if the state takes on responsibility for propagating religion, "it will promote a particular interpretation of religion, since without some kind of interpretation, the promotion of religion is impossible."<sup>205</sup>

Shabestari does not suggest that a "democracy of Muslims" would require the removal of religious values from the political establishment, but rather only that Islamic legal scholars be removed from the state apparatus.<sup>206</sup> He suggests that "the preservation of the independence of religion and the independence of the religious scholars, from the perspective of protecting and respecting religion, is an indisputable and definite duty"<sup>207</sup>—one that requires the institutional separation of the hawzah from political

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203 Daniel Brumberg, *Reinventing Khomeini: The Struggle for Reform in Iran* (Chicago: Chicago University Press, 2001), 214. For discussions of *Kiyan*, also see, Jahanbakhsh, *Islam, Democracy, and Religious Modernism in Iran*, 246.; Mehdi Semati, "Media, the State, and the Prodemocracy Movement in Iran," in *Negotiating democracy: media transformations in emerging democracies*, ed. Isaac A. Blankson and Patrick D. Murphy (Albany: State University of New York Press, 2007), 148-9.

204 Muhammad Mujtahid Shabestari, "Democracy of Muslims, not Islamic Democracy," in *A Critique of the Official Reading of Religion (Naqdi bar Qara'atha-ye Rasmi az Din)* (Tehran, Iran: Tahr-i No, 2006), 143-4.

205 *Ibid.*, 146.

206 *Ibid.*, 146-7.

207 *Ibid.*, 147.

structures of governance. Beyond this concern with scholastic independence, Shabestari calls into question the ways in which Islamic jurists have thought about political governance and suggests, jurisprudence becomes merely worldly (*dunyavī*)—rather than articulating and connected to sharia—when tied to powers of political governance.

To make this argument, Shabestari interrogates what he sees as a confusion between Islamic law, the political, and religious practice. Shabestari, in contradistinction to Khomeini and the institutional formation of the Islamic Republic, locates his critique against the equation of bodily worship with religious practice and asserts instead the field of *adab*, or etiquette as a kind of embodied worship that effectively reconstructs the self only when taken on as a self-conscious, rather than legally determined, practice.

Contrary to Soroush’s positing of a philosophical-mystical religiosity, Shabestari argues that the majority of Muslims orient their religiosity not around philosophical-mysticism (which he suggests is based on “love” (*ishq*)), but rather around following the “commands and prohibitions of God (*amr va nahī-ye khudāvand*).”<sup>208</sup> He argues that “the spiritual message, which the community of Muslims took from the prophetic mission of the messenger of Islam, was a message of orders and prohibitions.” In terms of Islamic jurisprudence in particular, he concedes that in the past Islamic jurisprudence “fulfilled the most central religious need of the public” by “clarifying the orders and prohibitions of God.”<sup>209</sup>

Scholars of Islam outside of Iran in many ways have echoed Shabestari regarding

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208 Shabestari, "Political Jurisprudence has forfeited its Rational Basis (fiqh-i siyasi bastar-i 'aqlai-ye khud ra az dast dadeh ast)," 162.

209 Ibid., 163.

the centrality of the “orders and prohibitions of God” within Islamic discourses generally, but also within the Islamic Republic in particular.<sup>210</sup> In terms of post-revolution Iran, Mehrangiz Kar has argued that government agencies justify their invasion of “the lives of private individuals” and attacking “their personal preferences” by appealing to “the imperative of enjoining the good and forbidding evil as stated in Article Eight of the constitution.”<sup>211</sup> This Article reads,

In the Islamic Republic of Iran, commanding the good and forbidding the evil (*al-amr bil ma'rūf wa al-nahī 'an al-munkar*) is a universal and reciprocal duty that must be fulfilled by the people with respect to one another, by the government with respect to the people, and by the people with respect to the government. The conditions, limits, and nature of this duty will be specified by law....<sup>212</sup>

Article Eight suggests, rather explicitly, that the responsibility to pursue the moral perfection of Iranian society resides not only in individual citizens, but in the state as well. This Article “grounds the laws governing the rights and duties of the security forces and police.”<sup>213</sup> Kar suggests that by referencing the moral authority of this Qur’anic command to “command the good and forbid evil,” the Iranian state authorizes its surveillance of citizens’ personal and public lives.

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210 See, for example, M. A. Cook, *Commanding right and forbidding wrong in Islamic thought* (New York: Cambridge University Press, 2000).

211 Kar, "The Invasion of the Private Sphere in Iran," 832-3.

212 *Constitution of the Islamic Republic of Iran* < <http://www.iranonline.com/iran/iran-info/Government/constitution-1.html>>, accessed December 19, 2007.

213 Kar, "The Invasion of the Private Sphere in Iran," 833.

Shabestari concedes to the Islamic Republic that the orders (*amrha*) and prohibitions (*nahītha*) referenced in Article Eight of the constitution represent integral aspects of Muslim religiosity. Notably, Shabestari’s contention here mirrors some elements of Soroush’s argument that I discussed above. Soroush too refers to the commands and prohibitions of God. In particular, he argued “the condition for imitating the prophet is imitating his experiences, not only following his commands and prohibitions.”<sup>214</sup> Shabestari echoes this argument that commands and prohibitions are insufficient and, likewise, includes the language of religious experience. At the same time, however, Shabestari argues not for the historical centrality, not of philosophical-mysticism, but of a different form of embodied practice, which he identifies as *adab*, or etiquette.

Yet Shabestari argues that the orders and prohibitions relevant to worship and social duties remain pertinent to contemporary Muslim life, Islamic constructions of politics require serious reformations. In formulating this critique Shabestari notes a “taxonomy of three kinds of orders and prohibitions in the Islamic religion – worship (*‘ibādat*), social transactions (*mu‘āmalat*), and political governance (*siyāsāt*),” which are “linked to the Islamic legal scholars,” but also “in agreement with the Holy Qur’an and the tradition (*sunnat*) of the Prophet.”<sup>215</sup> As I discussed above, the category of *siyāsāt*, which Shabestari includes as one third of his taxonomy of Islamic jurisprudence, has a variety of interpretations. The sixteenth century scholar Fayd al-Kashani divided Islamic

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214 Soroush, "The Expansion of Prophetic Experience (*Bast-i Tajrubih-ye Nabavi*)," 8.

215 Shabestari, "Political Jurisprudence has forfeited its Rational Basis (*fiqh-i siyasi bastar-i ‘aqlai-ye khud ra az dast dadeh ast*)," 161.

jurisprudence into two sections: “one on acts of devotion and social duties (*al-‘ibādat wa’l-siyāsāt*) and the other on ordinary affairs and transactions (*al-‘adat wa’l-mu‘āmalat*).”<sup>1</sup> While Kashani’s terms mirror Shabestari’s in some ways, though not in the divisions, Kashani’s combining of devotional acts (*‘ibādat*) and social duties (*siyāsāt*) seems to point to an entirely different moral economy than Shabestari’s construction. Under each of these headings, worship, social transactions, and politics, Shabestari groups a certain subset of activities. Matters of devotion include activities “such as prayer, fasting, alms, and pilgrimage,” social transactions include “marriage, divorce, buying, and selling,” and *siyāsāt* includes activities “like punishing stealing, retaliation, compensation for manslaughter, penal laws, and the rules of general guardianship).”<sup>216</sup> This category revolves around matters of political governance in that it includes theories of political authority (such as the guardianship of the jurists) and punishments; however, it is notable that other elements where the legal sanction of the state is often present—including market transactions and family life—are not matters of political governance *per se* in the sense given by Islamic jurisprudence. Shabestari argues that the issue is that the orders and prohibitions touted by Islamic legal scholars *in the realm of politics* do not apply to the present Iranian context. He suggests that

on the issue of devotional acts and social transactions, the original framework of the suggestions and religious opinions of legal scholars (*fatwas*) still agrees with the rational foundation [of Islamic jurisprudence] and in the present age no logical reason necessitates that the original framework of Islamic devotional acts or social transactions be put

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216 Ibid., 163-4.

aside....On the issue of political governance (*siyāsāt*), the matter is completely the opposite....in the present age, most of the suggestions and religious opinions of legal scholars on the issue of political governance do not have a rational explanation.<sup>217</sup>

The arguments of Islamic jurists regarding political governance are irrational, Shabestari continues, because they mistake the formation of political power in the present.

Shabestari argues that contemporary political governance is unlike the main concerns of Islamic jurisprudence historically and cannot be managed by putting eternal divine orders and prohibitions into effect in the twentieth and twenty-first centuries. Contemporary politics, he argues, have nothing to do with taking vengeance for killings, tribal relations, and allegiance (*bay‘at*) to a single ruler.<sup>218</sup> Shabestari suggests that legal opinions are only rational if in agreement with democratic processes. Muslims must rethink significant legal opinions from the past that, on their surface, suggest the incompatibility of Islam and democracy. For Shabestari, the question of democratic transformation escapes the transformation of subjectivity – he is not concerned with the “anthropology” that democracy presumes, but rather what he sees as a simple fact that democracy represents the best life for contemporary Muslims.<sup>219</sup>

Shabestari’s critique of Islamic legalism extends, however, beyond the compatibility of Islamic jurisprudence and democratic governance. In addition, his search for alternative forms of religiosity, like Soroush’s, does rest on a certain

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217 Ibid., 167-69.

218 Ibid., 174.

219 Ibid., 145.

understanding of human “anthropology” or subjectivity in relation to the divine. While Soroush’s discourses of philosophical-mysticism focus on the individual, the individual’s relationship to the Imam, and the individual’s relationship to God, Shabestari draws on discourses that take a more social perspective. In particular, he draws on the language of *adab* – or etiquette, to connect religious experience to the believer’s practice – a connection, he argues, that Islamic *legal* discourses ignore in focusing only on bodily worship and tying Islamic jurisprudence to political governance.

Scholars have translated *adab* in a variety of ways, often as “civility” or, as I glossed it above, “etiquette.” In modern usage the term connotes “literatures” in Iran, and South Asia, as well as the Arab Middle East. Yet in terms of Islamic scholarship, *adab* is more complex than literature, civility, or etiquette. Ebrahim Moosa has given a fuller definition of *adab* that provides insight into Shabsetari’s critique of legal practice. According to Moosa, *adab* is “that pedagogy that results in the cultivation of a virtue and motivates all human practices. It is both the education itself and the practical formations of norms for right and exemplary conduct.”<sup>220</sup> Discourses surrounding *adab* contain complicated theories of the relationship between bodily practice and the human self. As Barbara Metcalf argues, “*Adab* in all its uses reflects a high valuation of the employment of the will in proper discrimination of correct order, behavior, taste....The term...is difficult for us to grasp because, although *adab* seems to refer to external behavior, it in fact encompasses inner qualities as well.”<sup>221</sup> Significantly within the context of the

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220 Ebrahim Moosa, *Ghazali and the poetics of imagination*, Islamic civilization and Muslim networks (Chapel Hill, NC: University of North Carolina Press, 2005), 209.

221 Barbara Daly Metcalf and Joint Committee on South Asia., *Moral conduct and authority : the place of adab in South Asian Islam* (Berkeley: University of California Press, 1984), 2-3.

Islamic Republic, *adab* provides a radically egalitarian theory of the formation of the self. According to Metcalf, “there is no notion [in discourses surrounding *adab*] that moral exemplification...comes only from religious specialists set apart from the faithful. In fact, Islam cherishes the notion that the most perfectly realized person of the age may be anyone...The theory of *adab* at least assumes all Muslims capable of spiritual discipline and realization.”<sup>222</sup> For Shabestari, centering Islam on *adab* provides a path for contemporary Muslims to cultivate moral selves, a cultivation that he argues is impossible to achieve through enforced observance.

To make this argument, Shabestari draws on the seminal Muslim scholar Abu Hamid Muhammad ibn Muhammad al-Ghazali (1058 - 1111). Histories of Sunni Islamic thought often identify Ghazali’s writings as the turning point in Sunni theology, law, philosophy, and Sufism,<sup>223</sup> yet scholars have focused less on the ways Ghazali impacted Shi‘i thinking. His influence on philosophy (*falsafa*) was certainly not the same and the discipline of Islamic philosophical thinking remains strong in Shi‘i centers today. This citation of Ghazali is essential here. Ghazali himself represents a seminal critique of legalistic Islam, and instead drew on Sufi approaches to religious practice.<sup>224</sup> What Shabestari finds useful in Ghazali, however, is not his relationship to mystical forms of

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222 Ibid., 4.

223 "al-Ghazālī," in *Encyclopaedia of Islam, Second Edition* (Brill Online, 2012 ).

224 For recent work on Ghazali, see Kenneth Garden, "Coming Down from the Mountaintop: Al-Ghazālī's Autobiographical Writings in Context," *The Muslim World* 101, no. 4 (2011): 581-96; Sherman A. Jackson, *On the boundaries of theological tolerance in Islam*, Studies in Islamic philosophy (Karachi: Oxford University Press, 2002). Moosa, *Ghazali and the poetics of imagination*, 1-32; Safi, "The Shifting Politics of al-Ghazali," 104-24; Frank Griffel, *Al-Ghazali's philosophical theology* (New York: Oxford University Press, 2009). The *Muslim World* devoted two issues to Ghazali’s thought and influence, see *The Muslim World* 101, no. 3-4 (2011).



religiosity, but rather the hierarchy that Ghazali articulates between worldly and other-worldly sciences.

The work Shabestari draws on, *The Revival of Religious Sciences* is one of Ghazali's most significant works. Although Ghazali's writings were important for the later development of Islamic jurisprudence, the early portions of the *Revival* are critical of Islamic jurisprudence. According to Moosa, "Ghazali was disillusioned with the jurists (*fuqaha*) for their inability to discern what he deemed to be the true meaning of things, namely the transformation that the practices prescribed by the law should bring about in the legal and moral subject."<sup>225</sup> Within the *Revival* internal states—and the Islamic disciplines that develop them—are valued over the dictates of the jurists. Ghazali argued that "concerning Islam the jurist discourses on what renders it sound or unsound as well as on its conditions, but only pays attention to outward concerns. The heart, however, is removed from his domain." Ghazali used the example of prayer to further this point about the limits of jurisprudence: while the jurist might oversee "whether or not it has been correctly performed in according with the prescribed regulations;" however, regarding "submitting and presenting the heart [to God], however, both of which are works pertaining to the hereafter and through which works [such as prayer – KF] are rendered efficacious, the jurist does not address himself; and in the case he does, he oversteps his bounds."<sup>226</sup>

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225 Moosa, *Ghazali and the poetics of imagination*, 238.

226 K. Garden, "Al-Ghazālī's Contested Revival: Iḥyā' Ulūm al-Dīn in Khorasan and the Maghrib" (University of Chicago, 2005), 42-3. See also, Ghazzali, *The book of knowledge, being a translation with notes of the Kitāb al-ilm of al-Ghazzālī's Iḥyā ulum al-dīn*, trans. Nabih Amin Faris (Lahore.; Sh. Muhammad Ashraf, 1962), 33-38.

Jurisprudence, Ghazali argued, deals only with matters of this world (*al-dunya*) and has little relevance for *al-ākhirah*, the “other world.”<sup>227</sup> According to Ken Garden, within the *Revival* Ghazali himself advocated “the science of the path of the other world [*‘ilm ṭarīq al-ākhirah*], which is an “otherworldly” discipline that leads to salvation, “the main goal of religion.” All other sciences, including Islamic jurisprudence, therefore “deal with the affairs of this world, and thus, while not without religious significance, are nonetheless of secondary importance.”<sup>228</sup>

Drawing on Ghazali, Shabestari argues that “when you open a book like *The Revival of the Religious Sciences*, you see that from Ghazali’s perspective that which must be observed...are not the laws (*qavānīn*) of life, but the adab of ...life.”<sup>229</sup> Indeed, Ghazali’s *Revival* draws heavily on the concept of adab.<sup>230</sup> Ghazali divided his *Revival* into four sections: “Acts of Worship (*al-‘ibādat*)”, “Norms of Daily Life (*al-‘ādat*)”, “The Ways to Perdition (*al-muhlakat*),” and “The Ways to Salvation (*al-munjiyat*).” The second section, the “Norms of Daily Life,” is itself divided into ten sections. Eight of these sections focus on particular categories of adab, different modes of behavior, from

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227 K. Garden, "Al-Ghazālī's Contested Revival: Iḥyā' Ulūm al-Dīn in Khorasan and the Maghrib", 25. See also, Garden, "Coming Down from the Mountaintop: Al-Ghazālī's Autobiographical Writings in Context."

228 K. Garden, "Al-Ghazālī's Contested Revival: Iḥyā' Ulūm al-Dīn in Khorasan and the Maghrib", 28.

229 Shabestari, "Political Jurisprudence has forfeited its Rational Basis (fiqh-i siyasi bastar-i 'aqlai-ye khud ra az dast dadeh ast)," 419.

230 Despite this fact, as Barbara Metcalf has noted, historically the academic study of Islam has paid little attention to the ways in with *adab*, as embodied practice, structured much of Muslim religious and social life. She notes that, particularly modern and contemporary studies of Islam, are seriously lacking attention to *adab* discourses and suggests this as an important and substantive avenue for future research (see, Barbara Metcalf, introduction to *Moral Conduct and Authority: The Place of Adab In South Asian Islam*, ed. Barbara Daly Metcalf (Berkeley: University of California Press, 1984), 19-20).

ways of eating (*kitāb 'adab al-akl*) to imitating the manners of the prophet.<sup>231</sup>

He argues that early Muslim gnostics (*'urafa'*), despite their emphasis on individual relationships with the divine, did not locate these religious experience within some private sphere of family or personal life. The gnostics asked, "What are the adab of commerce? What are the adab of traveling? What are the adab of socializing?...They use this term 'adab' in worship, social ethics, and in politics."<sup>232</sup>

Shabestari draws on Ghazali's reconstruction of adab as "the heart of law (*fiqh*)"<sup>233</sup> to orient his critique against a particular reading of Islam that links bodily worship to state governance and the authority of jurists. In contesting that reading, Shabestari draws on registers of critique within the Islamic tradition that highlight the experience of the religious subject outside of legal commandments and prohibitions. True *shari'a*, Shabestari argues, is not relatable to civil law as activities of state; rather, it marks the practices that "nourish religious experience."<sup>234</sup>

He argues that at the point when "Islamic jurisprudence (*fiqh*) became separated from religious experience and spirituality, the clarifying of God's orders and prohibitions turned into merely clarifying 'forms of practices,' and the connection between obeying God [on the one hand] and the religious care, the ultimate concern, and unconditional

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231 For an outline of Ghazali's *The Revival of Religious Sciences* with links to completed and ongoing translations of various chapters, see "al-Ghazali Website," <http://www.ghazali.org/site/ihya.htm>, accessed December 31, 2008.

232 Shabestari, "Political Jurisprudence has forfeited its Rational Basis (*fiqh-i siyasi bastar-i 'aqlai-ye khud ra az dast dadeh ast*)," 419.

233 Moosa, *Ghazali and the poetics of imagination*, 238.

234 Shabestari, "Political Jurisprudence has forfeited its Rational Basis (*fiqh-i siyasi bastar-i 'aqlai-ye khud ra az dast dadeh ast*)," 421.

commandment of the Muslim people [on the other] was severed; in the words of Ghazali, this science [*fiqh*] became merely worldly (*dunyavī*).”.

As a response to the legal authority of the Islamic Republic, Shabestari’s construction reiterates the extent to which embodied worship (the focus of the Islamic Republic as it relates to correct action) is linked to individual conscience rather than legal authority and enforcement. Salvation, Shabestari suggests, stems from a close relationship with God outside the confines of the state. Defining religion as “finding one’s path toward the presence of God,” Shabestari argues this movement takes place only in individual communication with God and never under the authority or trusteeship of others.<sup>235</sup> Yet this inner faith (*īmān*) is not severed entirely from correct practice. Shabestari suggests that Muslims during the time of Mohammad (correctly) understood god’s law (*qanūn*) to mean submitting to the “orders of God” (*hukm Allah*) and being cultivated through the discipline of devotion. These scholars, in contrast to today’s jurists, argued that these conscientious practices of the self were central to religiosity.

It is significant that Shabestari fails to note Ghazali’s own reading of the necessity of linking Islamic orders and prohibitions to state power. As Ebrahim Moosa suggests, “the ethics of conduct is central to Muslim salvation practices....for Ghazali, there was a dialogical relationship between macro and micro politics, namely, between the governance of the polis and the governance of the body.”<sup>236</sup> Ghazali’s text imagines an interlocutor asking “Why have you appended jurisprudence to secular [worldly] sciences

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235 Ibid., 151.

236 Moosa, *Ghazali and the poetics of imagination*, 214.

and grouped jurists among secular [worldly] scholars?”<sup>237</sup> Intriguingly, and not entirely within Shabestari’s aims in citing *The Revival*, Ghazali’s reply is not merely that the role of jurisprudence is limited, but also that jurisprudence is integral to the practice of Muslims *in the world*. He suggests “It is the jurist...who has the knowledge of the rules of government and the methods of mediation between the people whenever, because of their greed, they contend...I declare that jurisprudence is also connected with religion, not directly but [indirectly] through [the affairs of] this world, because this world is the preparation for the hereafter and there is no religion without it.”<sup>238</sup>

Roy Mottahedeh has suggested another element of Ghazali’s thought that Shabestari overlooks. In explaining the limits of jurisprudential thinking, Mottahedeh noted a startling development in the various divisions of Islamic learning: “It is a curiosity,” he notes “that jurisprudence did not take on two related topics, the ‘moral ends’ of the law (*maqāṣid*) and the ‘norms’ (*qawā’id*) of the law.... There seem to have been two streams of ethical thinking [before the nineteenth century], one tradition not primarily focused on the law [referred to as ethics, or *akhlaq*], and another tradition that is a pietistic exposition of the law, often much simplified [referred to as jurisprudence, or *fiqh*]. Only in such works as the *Iḥyā’ [The Revival of Religious Sciences]* of al-Ghāzālī

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237 Nabih Amin Faris’s 1966 translation of “The Book of Knowledge,” the only English translation available, renders the term “*ilm al-dunya*” as “secular sciences” (see *The Book of Knowledge: Being a Translation with Notes of The Kitāb al-‘Ilm of al-Ghazzālī’s Iḥyā’ ‘Ulūm al-Dīn* (Lahore, Pakistan: Sh. Muhammad Ashraf, 1966), 40); here, I chose to translate this term as “worldly” (a more literal translation) in order to avoid any anachronistic assumption about either political or philosophical secularism from Euro-American traditions.

238 Ghazzali, *The book of knowledge, being a translation with notes of the Kitāb al-ilm of al-Ghazzālī’s Iḥyā’ ulum al-din*, 40.

(d.505/1111) do the traditions of law and ethics meet.”<sup>239</sup>

Shabestari not only ignores Ghazali’s enmeshment in political government, but also this conjunction of jurisprudence and ethics. What is important for Shabestari’s own thinking about Islamic practice, however, is that the connection between jurisprudence and political power limits the role of jurisprudence in cultivating pious Muslim subjects. Shabestari draws on the formative text of the *Revival* in order to ground his critique of the authority of the Islamic Republic (as a state based in law) over religious morality. In this critique of purely formal jurisprudence, Shabestari obliquely condemns the Islamic Republic, the instantiation of “commanding the good and forbidding evil” from which the state draws a good deal of its authority, and the state’s assumption that *fiqh* represents the highest form of religious experience. Shabestari does suggest that a renewed examination of religious jurisprudence related to politics will demonstrate that Islamic principles are not incompatible with democratic ones;<sup>240</sup> yet he argues as well that true Islam cannot flourish under any sort of “trusteeship” responsible for the religious and moral activities of its citizens. The goal of Islamic practice—the cultivation of the heart—is outside the jurists’ domain.<sup>241</sup>

## Conclusion

The expansion of authority of Islamic jurisprudence in the Islamic Republic re-imagined the relationship between Islamic law and the state. In the introduction to

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239 Roy P. Mottahedeh, *The mantle of the prophet : religion and politics in Iran* (New York: Pantheon Books, 1986), 23.

240 Shabestari, "Political Jurisprudence has forfeited its Rational Basis (fiqh-i siyasi bastar-i 'aqlai-ye khud ra az dast dadeh ast)," 156.

241 Ibid., 153.

Khomeini's *The Guardianship of the Jurist (Vilāyat-i Faqih)*, he exhorts his readers to “introduce Islam to the people so that...they don't imagine ...[the legal scholars] have nothing to do with politics (*siyāsāt*). This idea that religion must be separated from politics and the scholars of Islam must not become involved in social and political matters is voiced and spread by imperialists.”<sup>242</sup> Pre-modern officials, in particular the market regulator (*muhtasib*), were charged to “command good and forbid evil,” yet their roles were strictly limited. Mottahedeh and Stilt, in analyzing the writings of Muhammad Ghazali—who Shabestari engaged with above—and Ibn al-Ukhuwah (-1329), suggest that these earlier scholars understood an individual as carrying “his privacy with him.” An example Mottahedeh and Stilt raise is the drinking of wine. In terms of the individual home, a market regulator had no authority (at least in these theoretical discussions) to enter a quiet home in search of wine drinking. If the market regulator however heard noises of drunkenness from the street then his authority permitted him to enter the house but *only* if he were certain of the activities going on. In the street, an individual might roam freely with a bottle of wine in his coat as long as “there was no ‘particular sign’” of the prohibited bottle.<sup>243</sup>

Frank Vogel adds to this argument in suggesting that legally a market regulator could enforce only a “categorical *sharia* principle” that required *no* interpretation on the part of the market regulator. Vogel's analysis compares the writings of the eleventh century scholar al-Mawardi (974 - 1058) to the actions of the contemporary Saudi

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242 Ruhollah Khomeini, *Velayat-i Faqih (The Guardianship of the Jurist)* (Tehran, Iran: Mu'asasat-i Intisharat-i Amir Kabir ba hamkari-ye Namayishgah-i Kitab, 1978), 23.

243 Roy Mottahedeh and Kristen Stilt, "Public and Private as Viewed through the Work the Muhtasib," *Social Research* 70, no. 3 (2003): 738-9.

state. Al-Mawardi argued for the essentially limited nature of the state's authority (and the market regulator's authority as the hand of the state) to enforce public morality. According to al-Mawardi the market regulator "has no right to force his conviction on the people or to hold them to his opinion in religious matters (*din*), given that *ijtihad* [independent reasoning] is to be encouraged."<sup>244</sup> In order to maintain space for free debate on most issues of Islamic law, al-Mawardi limits the authority of the state to regulate morality to only a handful of issues about which all religious scholars agreed.

The Islamic Republic extends this pre-modern oversight of both bodily comportment and religious reason. As Kar suggests, the surveillance machine of the Islamic Republic not only records telephone conversations of dissident writers, but extends its moral authority to matters of dress and association both inside and outside the home.<sup>14</sup> The Islamic Republic assumes the activities of sanctioned religious reasoning as part of the state apparatus. While the eleventh century scholar al-Mawardi ( -1058) placed independent reasoning in the hands of individual legal scholars and allowed the market regulator authority only on issues that required no interpretation, the Islamic Republic positions numerous regulative bodies to control and condemn non-sanctioned legal reasoning.

The Iranian scholars I discussed above contest these transformations. In doing so, make clearly secularizing arguments – not only are they “statist” in the manner Asad suggest, but they also call for the differentiation of Islamic and political authority; yet they also draw on historically Islamic commitments to debate the very ways in which

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244 Vogel, "The Public and Private in Saudi Arabia: Restrictions on Powers of committees for Ordering the Good and Forbidding Evil," 754.



scripture, law, and ritual should be read and practiced. My argument here is that reading transformations in Islamic arguments as merely a battleground between secular logic and Islamic ones blinds us to the nuances of these post-colonial articulations.

John Bowen recently interrogated such anthropological renditions of global secular transformation. In a certain sense, one might summarize his argument simply as a particularist one, demanding a nuanced emphasis on the local. He argues, that secularism—unlike the secular—is

a political problem rather than a historical process. It concerns how states manage to encompass or govern religions while not denying their truth claims or social rights. Now, one surely can study particular structures and strategies while also looking at broader processes, insofar as both converge on, say, how France governs Islam or how India regulates marriage. But in the one case we see France or India as instantiations of an historical force or condition, “the secular,” whereas in the other we treat them as outcomes of particular regimes and dilemmas.

He contends that, although one might link the study of the secular and the study of secularism, “does not mean that we can best understand how states govern religious authorities in particular countries by referring to the broad linkages [that mark the secular]. Indeed, those of us interested in studying how such governance works (from history, politics, anthropology, and other disciplines) can best do so if we start with the regimes specific to each case, and examine how they carry out projects of encompassment.”<sup>245</sup>

I do not entirely agree with Bowen’s assessment here; indeed, I think much would

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245 Bowen, "Secularism: Conceptual Genealogy or Political Dilemma?," 681-82.

be lost if local secularisms were studied without reference to the global transformations of secular subjectivities, modes of law, and ways of knowing. This is perhaps most significant, I suggest, for Muslim politics where it is still too common to link the vicissitudes of Muslim governance to a problem inherent in Islam. At the same time, I think Bowen's argument for attention to the local constitution of secularism is significant. In this sense, as Bowen argues, secularist discourses within Iran map onto not only the global formations of the secular, but present unique elements.

In the Iranian contest, debates over the meaning of Islam engage with—and are constructed by—not only the secular parameters of the nation-state, but also a state that claims Islamic legitimacy through the pre-eminence of Islamic jurisprudence. It is in this sense that historically situated debates over the post-occultation authority of the jurists and the centrality of Islamic jurisprudence to religious life of a Muslim subject become meaningful. My contention is not that the existence of particular forms of imaginaries (the market, the secular) would have existed in Muslim-majority contexts without colonial and post-colonial impositions, but rather that given the existence of such forms, our scholarship would be better served by attending to their imbrications.

In the post-revolution Iranian context we must pay at least equal attention to the ways in which the claims of the Islamic State are contested through alternative Islamic imaginaries. In this sense, Muslim thinking involves not a singular approach to text and practice, but as realms of contestation in which, and through which, theological and political debates are articulated and fought, but never fully resolved. In the following chapter I continue to examine debates over the role of Islamic scholarship in the modern world and to trace the formations of the secular within those debates. I extend my

analysis here and in the previous chapter by focusing on the modes of reason Muslims scholars employ to engage with the present; specifically, I examine contests in which these scholars address overtly their own relationship to the differences that—in their view—mark modernity.

## Chapter Four: Thinking the Scholar

In this chapter I examine Muslim Iranian debates over the nature of Islamic reason and the role of critique in modern scholarship. In particular, I focus on the ways *hawzah* (madrasa or seminary) journals incorporate notions of criticism to define the practice of modern Islamic scholarship. While in the previous chapters Muslim scholars drew on the memory of the Shi'i Imams to think about justice and non-legal Islamic disciplines of learning to undermine a state-sanctioned reading of Islamic jurisprudence, in this chapter I explore how Muslim scholars conceive the practice of scholarship itself and compare these Islamic understandings of scholarship to debates over “secular critique” in the Euro-American academy.

My argument in this chapter is that the nature of “critique” and its (perhaps necessary) relationship to modern knowledge is a subject of debate not only among theorists within the Euro-American academy, but also among contemporary Muslim Iranian scholars. In so far as the assumption of a secular critical stance defines our academic enterprise—as well as the construction of both the political and thinking subject within post-Enlightenment theories—these Iranian Islamic debates suggest the need to reassess the academic representation of modern Muslim thinking and its relationship to Islamic tradition. I take up that conversation further in the afterward.

In this chapter I first briefly survey how discourses in the Euro-American academy construct “secular criticism” as the opposite of religious reasoning. The term “critique” here, at perhaps the most basic level, suggests a practice or sensibility of “not

being governed” by any authority outside the individual.<sup>246</sup> The question of whether critique is *secular* –an ongoing debate within the American academy that I turn to later in the chapter—asks whether there are metaphysical assumptions behind critique and whether the practice of critique itself reinstates certain structures of power. One longstanding distinction between the operations of religious scholars and secular intellectuals rests in the nature of critique; that is, while religious scholars hold unreasoned or unassailable commitments, secular intellectuals publically debate knowledge. As I discuss below, only recently have scholars of Islam retorted that Islamic practices of offering judgments—to end argument—should not be understood as failure to allow reasoned debate.<sup>247</sup> Second, rather than delimiting a distinctly Islamic form of reasoning opposite secular criticism, I explore sites within the Islamic Republic of Iran that lay claim to “critique” as integral to Islamic modernity; namely, the scholastic journals of the Islamic ḥawzah. I do not suggest that understandings of critique—*naqd* or *intiqād*—in the ḥawzah overlap entirely with notions of secular criticism; yet the debates over criticism in the ḥawzah do provide insight into how classically-trained scholars understand and mark the operations of scholastic reason in modernity. Finally, I compare the presentations of critique within the ḥawzah journals to those of an influential

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<sup>246</sup>Michael Foucault, "What is Critique," in *The Essential Foucault: Selections from the Essential Works of Foucault, 1954-1984*, ed. Paul Rabinow and Nikolas Rose (New York: New Press, 2003), 265.; The authors cited here disagree in part over the nature of critique – not simply its secularity, but its practice. The definition from Foucault seems a benchmark. For a brief comparison of the ways in which Talal Asad, Wendy Brown, Raymond Williams, Adorno, Deleuze, Hannah Arendt, Gayatri Chakravorty Spivak, Edward Said, and Walter Benjamin, see Judith Butler, "The Sensibility of Critique: A reply to Asad and Mahmood," in *Is Critique Secular? Blasphemy, Injury, and Free Speech* ed. et al. Talal Asad (Berkeley University of California Press 2009), 108-11.

<sup>247</sup> See Baber Johansen, *Contingency in a sacred law : legal and ethical norms in the Muslim fiqh*, Studies in Islamic law and society, (Leiden ; Boston: Brill, 1999).. See also Talal Asad’s reading of Johansen in Asad, "Secularism, Nation State, Religion," 255-56.

Iranian intellectual publication, in order to highlight the significance of *public* reason for both communities.

### **Reason, Critique, and the Public**

It is necessary to disentangle certain assumptions surrounding the relationship between the secular and the religious, the critical and the authoritative, prior to examining Muslims' representations of "critique" itself. A normative distinction between "critique" and religious argument rests on long-standing assumptions about scholarship, subjectivity, and the construction of rational discourse. This model of public criticism—and its necessary removal from religious discourse—continues a Kantian lineage in understandings of modern reason. In his famous essay "An Answer to the Question: What is Enlightenment?" Kant situated religious knowledge in opposition to the critical attitude of Enlightenment. According to this Kantian formation, in contrast to the scholar—who carefully tests the arrangements and assumptions of religion—the clergyman "is bound to lecture to his catechism students and his congregation according to the symbols of the church which he serves....For what he teaches as consequence of his office as an agent of his Church, he presents as something about which he does not have free reign to teach according to his own discretion, but rather is engaged to expound according to another's precepts and in another's name."<sup>248</sup>

Although Kant does not represent the entirety of the Enlightenment tradition or its trajectory in Euro-American thought, scholars return repeatedly to the necessarily secular tradition of public criticism posited by Kant in order to articulate and delimit the bounds

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<sup>248</sup> Emmanuel Kant, "An Answer to the Question: What is Enlightenment?," translated by James Schmidt in *What is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions*, edited by James Schmidt (Berkeley: University of California Press, 1996), 60.

of critical scholarship and political praxis. Twentieth-century scholars including Edward Said and Michael Foucault looked to “secular criticism” as a defining characteristic of the reasoned discourse emblematic of modernity.<sup>249</sup> In the current scholarship, descriptions of “religious” discourses in many ways default to descriptions of non-reasoned or irrational commitments.

As Saba Mahmood suggested in a 2008 post on the Social Science Research Council's *The Immanent Frame*, “Insomuch as the tradition of critical theory is infused with a suspicion, if not dismissal, of religion’s metaphysical and epistemological commitments, we...[want] to think 'critically' about this dismissal.” This interrogation of the opposition between criticism and religion raises—for Mahmood and others who care to think “critically” about critical theory's rejection of religion—a series of questions, including:

how are epistemology and critique related within this tradition? Do distinct traditions of critique require a particular epistemology and ontological presuppositions of the subject? How might we rethink the dominant conception of time—as empty, homogenous and unbounded, one so germane to our conception of history—in light of other ways of relating to and experiencing time that also suffuse modern life? How do these other ways of inhabiting time complicate the rigid opposition between

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<sup>249</sup> Edward W. Said, *The world, the text, and the critic* (Cambridge, Mass.: Harvard University Press, 1983); Foucault, "What is Critique." Recently, Iranian studies scholar Hamid Dabashi returned to Said's invocation of secular criticism as marking the role of the diasporic intellectual. See, Hamid Dabashi, *Post-orientalism : knowledge and power in time of terror* (New Brunswick N.J.: Transaction Publishers, 2009).

secular and sacred time so common to everyday practices of modern life?<sup>250</sup>

While much scholarship examines and presumes the modernity of various forms of Islam and Muslim thinking, the notion of critique raises an aligned—but more nuanced—set of questions. Whereas I explored in previous chapters the secular formations of law, the political, and the state, debates over “secular critique” highlight the subjectivities and understandings of knowledge linked to those secular social and political formations. In short, critique presumes a measure of individual autonomy and reflexivity that defines the Enlightenment and post-Enlightenment tradition. I expand on—and interrogate—this connection between rationality and Enlightenment below.

Academic debate over the nature of critique arose in large part out of a 2007 symposium organized by Berkeley’s Critical Theory Initiative. The Critical Theory Initiative, directed by Judith Butler and historian Martin Jay, asked a variety of academics to interrogate the boundaries of the critical impulse from which the seminar itself took its name.<sup>251</sup> The notable outcomes of this conference was Talal Asad's blog post on the SSRC website in which he interrogated the Foucauldian genealogy of criticism and Foucault's own indebtedness to a Kantian understanding of modernity. He examined Michel Foucault’s reading of Kant’s “What is Enlightenment” in which Foucault seemed to set aside his genealogical project to locate himself at the heart of Kant’s Enlightenment tradition. In particular, Foucault reinscribed Kant’s reading of the intellectual’s role as a

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<sup>250</sup> Saba Mahmood, "Is Critique Secular?," in *The Immanent Frame: Secularism, Religion, and the Public Sphere (the Social Science Research Council)* (<http://blogs.ssrc.org/tif/2008/03/30/is-critique-secular-2/>).

<sup>251</sup> See Mahmood 2008a. For information on the Critical Theory Initiative see: [http://townsendcenter.berkeley.edu/swg\\_crittheory.shtml](http://townsendcenter.berkeley.edu/swg_crittheory.shtml)



critical practice that establishes the free use of reason against external authorities and limitations on the subject. Asad not only argued that this story depicts a specifically liberal heroic model of the subject, but also that Foucault's reading of his own work as continuation of a Kantian Enlightenment project raised the question of criticism's *secularity*—that is, its grounding in a particular *authoritative* tradition of knowledge and power.<sup>252</sup>

Concurrent with these, a virtual industry of publications and conferences arose interrogating the foundations—or defending the anti-foundationalism—of the American academy. While most scholars agree that secular critique arose within the European tradition—and not outside of it—scholars debate whether that practice of secular critique, and concurrent disassociation of religious discourse from critical debate, is a necessary and positive aspect of modern life or, instead, an imperial imposition on non-European polities. This debate, in part, coalesces on the question of the Enlightenment's legacy and whether one reads that legacy as the generally (read: universally) beneficial, though always imperfect, *liberal* project or, instead, at best a particular Western tradition and at worst an inherently racial (if not racist) and imperializing one. Within these debates, the term “critique” suggests, at the most basic level, a practice or sensibility of “not being governed.”<sup>253</sup> The question of whether critique is *secular* asks whether there are

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<sup>252</sup>Talal Asad, "Historical Notes on the idea of Secular Criticism" <http://blogs.ssrc.org/tif/2008/01/25/historical-notes-on-the-idea-of-secular-criticism/>," in *The Immanent Frame: Secularism, Religion, and the Public Sphere* (the Social Science Research Council) (2008). In the 2009 volume *Is Critique Secular: Blasphemy, Injury, and Free Speech*, Asad, Mahmood, Judith Butler, and Wendy Brown continued this interrogation of critique's (presumed lack of) foundations. See, Talal Asad, *Is critique secular? : blasphemy, injury, and free speech*, The Townsend papers in the humanities (Berkeley: Townsend Center for the Humanities Distributed by University of California Press, 2009).

<sup>253</sup> Foucault, "What is Critique," 265.; Various authors disagree in part over the nature of critique – not simply its secularity, but its practice. The definition from Foucault seems a benchmark. For a brief comparison of the ways in which Talal Asad, Wendy Brown, Raymond Williams, Adorno, Deleuze, Hannah

metaphysical assumptions behind critique and whether the practice of critique itself reinstates certain structures of power. The literature scholar Stathis Gourgouris, for example, has argued emphatically “yes,” suggesting the “answer to this question is unequivocal: Yes, critique is secular, and, to go even further, if the secular imagination ceases to seek and to enact critique, it ceases to be secular.”<sup>254</sup> By definition, according to Gourgouris, “the task of secular criticism... is to oppose any heteronomous politics,” any politics that is not autonomous, that is based in external domination.<sup>255</sup> In this sense, Gourgouris echoes Foucault and reaffirms the emancipatory potentials of secular critique.

Other scholars echo Gourgouris’s concern that disavowing critique opens the way for domination and violence. Both the literature scholar Amir Mufti and the Iranian studies sociologist Ali Mirsepassi have expressed concerns with efforts to destabilize the universality of the secular. Mufti, for example, argued that postcolonial theorists have painted religious discourses with an “aura of authenticity.” While Mufti discussed the works of the Indian scholar Ashis Nandy, he saved his most scathing criticism for Talal Asad’s writings on Muslim approaches to politics. He argued that, in situating Islamist and/or traditionalist understandings of Islam as alternatives to secular modernity, Asad disregarded the violent potential of these “solutions.”<sup>256</sup>

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Arendt, Gayatri Chakravorty Spivak, Edward Said, and Walter Benjamin, see Judith Butler, Judith Butler, “The Sensibility of Critique: A reply to Asad and Mahmood,” in *Is Critique Secular? Blasphemy, Injury, and Free Speech* (Berkeley: University of California Press, 2009): 108-111.

<sup>254</sup> Stathis Gourgouris, “Detranscendentalizing the Secular,” *Public Culture* 20, no. 3 (2008): 437.

<sup>255</sup> Stathis Gourgouris, “Antisecularist Failures: A Counterresponse to Saba Mahmood,” *Public Culture* 20, no. 3 (2008): 454.

<sup>256</sup> Amir R. Mufti, “The Aura of Authenticity,” *Social Text* 18, no. 3 64 (2000): 87-103. In particular, Mufti is concerned that “the charge that Islamist movements are antidemocratic can only be for Asad an instance of the Western-liberal characterization of Islamism, and perhaps of things ‘Islamic’ in general, as

## Critical Scholars?

Here, I suggest that Muslim scholars are engaged as well in this debate over the meaning and limitations of critical practice, as well as its relationship to authority. The practice of critique has become not only debated by Islamic scholars, but part of both their scholastic and political vocabulary. It is significant, as I demonstrate below, that these discourses of “critique” cannot be attributed entirely to a Kantian Enlightenment or broadly “secular” genealogy. In this sense, they are different from secular liberal criticism in their history, function, and—most importantly—relationship to religious knowledge. This is not to say, however, that these debates are unimpacted by that secular history; indeed, I would suggest that these debates demonstrate not the continuation of Islamic modes of reasoning, but rather the imbrications of Islamic reasoning in categories often marked as not only modern, but secular as well.

To exploration these Muslim constructions of critique, I draw largely on debates among classically-trained Islamic scholars that take place within the context of the Islamic *hawzah*; that is, within journals published and distributed by the Islamic seminaries in Qom, Iran. The robust production of journals and other media is a remarkable element of the public landscape in post-revolution Iran. Censorship of public texts—including these seminary materials—varied greatly over the twentieth century in Iran. The circulation of texts in Iran was limited by government censorship prior to the

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antimodern" (91). So that, "when it comes to an examination of the claim of Islamists themselves to be above politics and simply in continuity with religious 'tradition,' we get no demystification of this particular story [from Asad] and are left with the following affirmation: 'to themselves they are simply proper Muslims'" (92); Mufti's understanding of secular critique is indebted to the work of Edward Said as well as Walter Benjamin. See Said, *The world, the text, and the critic*. and Walter Benjamin, "The Work of Art in the Age of Mechanical Reproduction," in *Illuminations*, ed. Hannah Arendt (New York: Schocken, 1969), 217-53. I return to Said in the conclusion of the dissertation.

Iranian revolution of 1978-79 and, with a brief period of proliferation immediately following the revolution, has been limited since the revolution. The extent of limitations and the degree of enforcement vary with the political mood, at times there is greater openness and at time greater censorship. According to Communication Studies Scholar Hossein Shahidi, the “Revolution liberated Iranian journalism, leading to the appearance of more than 700 newspapers by the time of Iraq’s invasion of Iran in September 1980.”<sup>257</sup> In theory, the constitution of the Islamic Republic—first ratified in 1979—provides protections for the freedom of the press. Article twenty-four (“The Freedom of the Press”) guarantees that “Publications and the press have freedom of expression except when it is detrimental to the fundamental principles of Islam or the rights of the public. The details of this exception will be specified by law.”<sup>258</sup> Publications must apply for press permits from the Ministry of Culture and Guidance and any suggestion that their activities are or will be “detrimental to the fundamental principles of Islam or the rights of the public” are grounds for the denial or revocation of the press permit.

Most of the new publications that arose around the revolution were critical of the increasing political authority of classically-trained Islamic scholars and so were greatly censored during the 1980s as the new system attempted to consolidate its authority. Within months of the revolution—and even prior to the drafting of a new constitution—a Press Law was put in effect. New journals and newspapers were shut down and long-running ones were taken over by authors and agencies close to the new governing

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257 Hossein Shahidi, "From mission to profession: Journalism in Iran, 1979–2004," *Iranian Studies* 39, no. 1 (2006): 1.

258 See the International Constitutional Law website, [http://www.servat.unibe.ch/icl/ir00000\\_.html](http://www.servat.unibe.ch/icl/ir00000_.html).

authorities.<sup>259</sup>

At the end of the war with Iraq in 1988 these restrictions again relaxed. Muhammad Khatami—who later would be a reformist President of Iran for two terms in the mid and late 1990s—served as Minister of Culture and Guidance from 1988 until his dismissal in 1992. Khatami implemented a relatively lenient attitude toward the press as well as film and media generally<sup>260</sup>, which, as I suggested in a previous chapter, is often credited with providing the providing the space and materials that established the Iranian Reform Movement of the 1990s.<sup>261</sup>

In the later 1990s many of these journals were shut down at the same time that the government increased censorship of online media.<sup>262</sup> At this point, much of the conversation in Iran moved online.<sup>263</sup> Some sites were blocked by the Iranian authorities on grounds that they were harming national interests, as were many more sites based abroad; approximately “10,000 sites were reported to have been blocked by the end of 2004, putting Iran alongside China at the top of the world’s list of countries with

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259 Shahidi, "From mission to profession: Journalism in Iran, 1979–2004," 2.

260 Ibid.

261 See Z. Merat, "Pushing back the limits of the possible: the press in Iran," *Middle East report* (New York, N.Y. 1988), no. 212 (1999): 32-35.; Adam Tarock, "The muzzling of the liberal press in Iran," *Third World Quarterly* 22, no. 4 (2001): 585-602. During this period anthropologist Ziba Mir-Hosseini was able to survey debates over gender in Iran that had taken place in the press and interview the editors of journals organized around that issue. See, Ziba Mir-Hosseini, *Islam and gender : the religious debate in contemporary Iran*, Princeton studies in Muslim politics (Princeton, NJ: Princeton University Press, 1999).

262 Shahidi, "From mission to profession: Journalism in Iran, 1979–2004," 1-28.

263 Ibid., 22.

restricted Internet use.”<sup>264</sup>

Classically-trained Islamic scholars have been part of this history since the early twentieth century. In the 1930s ‘Abdulkarim Ha’eri Yazdi (1859-1937) was active in establishing the provincial town of Qom, Iran as the new center of Shi‘i learning. As part of this project he gave his support to the journal *Homayun* in the 1930s, the first journal to be published out of the seminary city. According to Farhang Rajaei, Ha’eri intended the journal to be “the voice of the newly emerging Shi‘i center” and to reach out to Iranian Muslims who had stopped attending to the voices of the classically-trained religious scholars.<sup>265</sup>

Since that time, scholars have consistently engaged in the production of specialty journals as well as more popular works. Today, the majority of high-ranking scholars maintain websites, where they answer questions from followers on a range of issues from daily prayer to political practices. The centers of learning in Qom also maintain a collective web presence at [www.hawzah.net](http://www.hawzah.net), a site that publishes not only advice on religious practice and catalogues of religious biographies, but also re-prints scholastic journals and debates that take place among the scholars themselves.

The numerous journals published from within the ḥawzah evidence the breadth of seminary debates and scholarship. The institution’s web portal—[www.hawzah.net](http://www.hawzah.net)—provides access to over fifty journals as well as information about the lives of religious authorities, religious books, hadith collections, and numerous other sources. The journals

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<sup>264</sup> Ibid.

<sup>265</sup> Rajaei, *Islamism and Modernism: The Changing Discourse in Iran*, 60. According to Rajaei, *Homayun* and the journals published in the decades after it all addressed the “novel and comprehensive challenge of modernity,” (73).

themselves cover the traditional areas of Islamic learning, including theology (*kalām*), jurisprudence (*fiqh*), and legal theory (*usūl al-fiqh*). The site also categorizes the journals' articles by subject. Some of these subject headings replicate the fields of traditional Islamic learning: "exegesis (*tafsīr*) and the Qur'anic sciences;" "theology (*kalām*) and beliefs (*'aqā'id*); "the Prophet and his Family." Yet there are novel elements here as well – jurisprudence (*fiqh*) for example, is grouped with state law (*ḥuqūq*) and sixty articles are listed under the heading "Islam, tolerance (*mudārā*), and violence" – a replication of an issue from the prominent reformist journal *Kiyan* in the 1990s.

Here, I examine journals and single-authored articles within those journals that suggest "critique" is integral to Islamic modernity. My goal is to interrogate further the opposition between secularizing Muslim intellectuals and traditionalist seminary scholars. Significantly, Muslim Iranian discourses—whether reformist or conservative, explicitly modernist or traditionalist—assert the necessity of "critique" (*naqd* or *intiqād*) for engaging with modernity.

I begin with the seminary journal *Critique and Perspective (Naqd va Nazār)*.<sup>266</sup> I show that the journal's editor positions critique as at once central to engaging modernity and an integral element of Islamic traditions of scholarship. I then contrast those positions to reformist understandings of critique. Finally, I conclude by highlighting the political context of these positions, in particular the claims they make towards religious, political, and civil authority and the place of religious reasoning in the Iranian state. As much as concern with the practice of "critique" extends beyond these two journals, I do

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<sup>266</sup>Charles Kurzman has used articles from this journal (see Charles Kurzman, "Critics Within: Islamic Scholars' Protests Against the Islamic State in Iran," *International Journal of Politics, Culture, and Society* 15, no. 2 (2001). ), but I am not aware of other academic work that has drawn on it or other seminary publications.

not intend that readers take these two instances as representative of all Muslim Iranian scholastic debates. This is a limited example. It does, however, suggest the incorporation of critique—as not only a category, but a model of reflexivity—into understandings of scholarship within centers of Islamic learning.

Over the course of the twentieth century, the semantic field of “naqd” in Persian Iranian writings shifted to include not only literary and textual methods, but also political and fundamentally epistemological projects. The *Encyclopaedia of Islam* gives some sense of how Muslim scholars understood “naqd” prior to the twentieth century. According to the *Encyclopaedia*, in “mediaeval times” naqd was “most commonly used in the construct...‘criticism of poetry.’... The term originated in the figurative use...of *naqd* in the sense of “assaying (coins) and separating the good from the bad.” The discipline of criticizing poetry coalesced in the tenth century; the goal of the critique was to determine whether the authorship attributed to earlier poetry was accurate. In this sense, it “seems evident...that the metaphorical application to poetry of the term *naqd* originated in the context of distinguishing genuine from spurious, rather than good from bad poetry, although the dividing line between the two pairs can be rather fuzzy.” In addition to determining authorship, the term “naqd” also seems to have been used in the study of *hadīth*, records of the statement and practices of the Prophet Muhammad and, for Shi‘i Muslims, the Imams. This use of naqd in hadith criticism the *Encyclopaedia of Islam* cites an eighteenth-century text from India,<sup>267</sup> where the author references as well

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267 "Nakd," in *Encyclopaedia of Islam, Second Edition*. (Brill Online , 2012.), <[http://referenceworks.brillonline.com.libproxy.lib.unc.edu/entries/encyclopaedia-of-islam-2/nakd-COM\\_1438](http://referenceworks.brillonline.com.libproxy.lib.unc.edu/entries/encyclopaedia-of-islam-2/nakd-COM_1438)>.



the metaphor of separating out weak (or false) coins.<sup>268</sup> In the twentieth century, naqd came to designate “[literary] criticism” in modern Arabic,<sup>269</sup> but through Marxist and other discourses also came to be part of the apparatus through which Arab intellectuals understood the contemporary world.<sup>270</sup>

In my own work, where intellectuals seem to have incorporated critique into their theoretical lexicon, Persian discourses seem to have mirrored these Arabic developments. While Steingass’s late-nineteenth century Persian-English dictionary includes only monetary connotations for naqd,<sup>271</sup> by the 1940s numerous titles were being publishing surrounding literary and cultural criticism.<sup>272</sup> A recent, non-specialist, Iranian dictionary still suggests largely monetary definitions for naqd, although it includes the notion of literary analysis (*tahlīl*) as well. It defines another variation of the word – intiqād – as either finding fault with a person or, in the context of literature, simply as “naqd.”<sup>273</sup> A monograph from 2008 provides further insight to Iranian understandings of critique in

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268 al-Tahānawī, *Kashshāf* (Calcutta, India: Sprenger, 1381 / 1862), s.v. intiqad.

269 "Nakd."

270 For an insightful analysis of how political and cultural critique intermingled over the twentieth century in arab writings, see: Elizabeth Suzanne Kassab, *Contemporary Arab thought : cultural critique in comparative perspective* (New York: Columbia University Press, 2010).

271 Francis Joseph Steingass, in *A Comprehensive Persian-English dictionary, including the Arabic words and phrases to be met with in Persian literature* (London: Routledge & K. Paul, 1892), s.v. naqd; *ibid*; *ibid*.

272 A simple World Cat search shows the number of titles jump during the 1940s, just a few years after the establishment of the Iran’s first public university. One series, *Critique and Literature* (Naqd va Adab) seems to have run 1940 through the 1990s and included translations of European philosophers such as Jean-Paul Satre.

273 "naqd and intiqad," in *Farhang Rūz-i Sukhan*, ed. Hassan Anvari (Tehran, Iran: Intisharat-i Sohan, 1385 / 2005-2006).

that it specifically details the “critical” lineage of Emmanuel Kant. In addition, that monograph, entitled *A Comparison of Kant and Mutahhari’s Epistemologies (Muqayase-ye Marafat-Shenasi-ye Kant va Mutahhari)*—positions the twentieth century writer Murtazea Mutahhari,<sup>274</sup> whom I discussed in preceding chapters, as a critical voice himself. This positioning of Mutahhari as the voice of *Iranian* criticism runs throughout seminary writings on critique, and I discuss this in detail below.

To examine Iranian discussions of critique in further detail, I draw on the Islamic scholastic journal *Critique and Perspective (Naqd va Nazar)*. *Critique and Perspective* has been published by the Department of Philosophy and Theology at the Islamic Sciences and Cultural Academy<sup>275</sup> in Qom, Iran from winter 1994/1995 (1373) through 2011. The editorial staff changed in 2002 (1380) as did the goals of the journal. In its first incarnation—which I draw on here—the journal “did not aim to publish a specialized, academic journal; rather it was much like a popular magazine dealing with issues of interest to educated people general from a *religious* standpoint: issues such as challenges to the principles of Islamic jurisprudence (*feqh*) and some theological (*kalami*) issues, in particular issues about the rationality of religion and how it might cope with

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<sup>274</sup> See, for example, Davari, *The political thought of Ayatullah Murtaza Mutahhari : an Iranian theoretician of the Islamic state*. ;Michael M.J. Fischer, *Debating Muslims: Cultural Dialogues in Postmodernity and Tradition* (Madison: University of Wisconsin, 1990).; Hamid Dabashi, *Theology of discontent : the ideological foundations of the Islamic Revolution in Iran* (New York: New York University Press, 1993).

<sup>275</sup>The Islamic Sciences and Cultural Academy is a fascinating institution in its own right. In 2011, for example, it hosted an international conference on “Religious Doctrines and the Mind-Body Problem.” Keynote speakers included Lynne Rudder Baker, Charles Taliaferro, Gareth Matthews, Edward Wierenga, Uwe Meixner, Richard Taylor, and Roxanne Marcotte. The call for papers was reposted on the website for the Society of Christian Philosophers, suggesting a global religious rapprochement. As far as I am aware, no scholarship has been done on the academy or its efforts at international inter-faith scholarship. For the conference program, see <<http://seminars.ir/portal.php>>. For the Society of Christian Philosophers, see <<http://www.societyofchristianphilosophers.com/category/news-and-events/conferences/page/2/>>

modernity. The focus on fundamental *feqhi* and *kalami* issues (which are associated with challenges of the modern time) is one of the salient feature[s] of this administration.”<sup>276</sup>

*Critique and Perspective* describes itself as a theology (*kalam*) journal, with a particular emphasis on the “modern theology (*kalam-ī nu*).”<sup>277</sup> Each issue maintains largely the same format, beginning with a statement from the editor, followed by a sort of roundtable, a series of articles, one or more interviews, and a review of books. The roundtable may involve seminary students or may be limited to faculty. The articles and interviews may either be original pieces or reprints; reprints are often of English-language materials, such as an interview with philosopher Alasdair MacIntyre and writings from religious studies specialist Ian Barbour on the relationship between science and religion.

The journal presents its task as “analyzing the truth of modern (*jadīdī*) religious issues,” presenting the new formations that arise “in the realm of religion,” and fulfilling the need to acquaint seminary scholars with “modern viewpoints in the realm of religion.”<sup>278</sup> For these reasons, the journal hopes to fill a gap in “Islamic research” and to

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<sup>276</sup> Personal correspondence, September 2011.

<sup>277</sup> A later issue of the journal explores in detail the notion of “modern theology.” The concern with a specifically *modern* theology is not limited within the *hawzah* to *Critique and Perspective*; even the important-and generally very socially and politically conservative--Source of Emulation Javadi Amuli oversees publications on the *Kalam-e Jadid*. My understanding is that debates over “modern” (*jadīdī*) theology take place outside of Iran as well. For one, an early issue of *Critique and Perspective* locates the origins of the term in the works of the South Asian scholar Shibli Nomani (d. 1914 CE).

<sup>278</sup> All following quotations from the journal are from the “Editor’s Introduction”, *Critique and Perspective* (*Naqd va Nazar*) 1, no. Winter (1373 / 1994-1995): <[http://www.shareh.com/persian/magazine/naqd\\_n/001/index.htm](http://www.shareh.com/persian/magazine/naqd_n/001/index.htm)>. All translations are my own. Harvard library catalogues the journal as follows: *Naqd va Nazar* (Qom, Iran: M. M. Faqihī) and possesses issues from 1994 to 1998. Intriguingly, during 2011 the journal seemed to disappear from the general [www.hawzah.net](http://www.hawzah.net) website. At the time of writing, it is still available at the [www.shareh.com](http://www.shareh.com) site that I noted above. (Large thanks are due to Charles Kurzman who suggested I download all these onto my computer during Fall 2010. Sadly, I was unable to download the reformist journal *Kiyan* which likewise has

“make room in its pages for new viewpoints and learned (*ilmī*) criticism in the realm of religious issues and to present the modern horizons of ...[those] issues for ...[its] readers.”

The editor—in the introduction to the journal's first issue in 1994/5 (Winter 1373)—establishes the journal’s enterprise as one of attaining knowledge (*shinākht*), an enterprise for which critique is necessary. Here, knowledge defines the human enterprise, the beginning of history (*tarīkh*) and the site of connection to divine truth (*ḥaqīqat*). “Scientific and cultural rivalry”—such as that between Islamic civilization and others that allow humanity to evaluate their systems of thought (*andīsheh*)—assist “better understanding” and arriving more quickly at “truth” (*ḥaqīqat*).<sup>279</sup>

Criticism, the editor argues, is the method through which that evaluation—or weighing—of knowledge takes place:

Humanity is the most beautiful cultivator of creation, and thought (*taffakur*) is the most important essence of its existence. It is self-evident that thought begins with questioning... [It is] indispensable to plant the tree of critique in the sphere of thought and to clear the way for the most natural path for the blossoming of thought.<sup>280</sup>

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disappeared from the Iranian academic databases with which I am familiar. Conspiracy theories are not inappropriate here.)

<sup>279</sup> The editor clearly relates the comparison of Christian, liberal, and Islamic perspectives that takes place in the journal itself to the early debates between Islamic and Christian theologians in earlier periods of Islamic civilization.

<sup>280</sup> "Editor's Introduction".

Aside from the metaphor of a garden of learning and human existence that the author deploys, the above quotation clarifies two further aspects of critical practice: (1) it relates to “questioning”; (2) it is a natural aspect of human existence. The second point is significant in that—unlike the relationship between critique and questioning which in some ways mirrors a Kantian understanding of critique—the notion that critique is integral to human history—since its inception—contrasts strongly with the narrative of a critical Enlightenment-era turn found in the Euro-American debates surveyed above.

However, as the editor continues his exposition on critique more familiar elements appear. The editor suggests a realm of knowledge in which various distinct areas of thought fall under critical practice: “If the reach of 'critique' spreads to all spheres of thought, it is inevitable that religious thought (*andīshe-ye dīnī*) will also fall under the power of critics. These critics will not necessarily be internal [to religion], but rather will take form outside of religious thought and the external critique of religion will not necessarily be achievable from a place of faith (*īmān*).” What is of interest here is not so much the tension between critique and faith—a tension that, as we will see, the editor proceeds to overturn as he grounds critique in an Islamic genealogy—but rather the presupposition that religious knowledge is not in itself all encompassing. Critique is an enterprise of knowledge in general that is required of specifically *religious* knowledge as well.

Although the exposition above acknowledges a possible tension between faith and critique, the article moves to locate critique within a strong genealogy of Islamic thinkers and traditions of learning. I unpack three elements of this genealogy which dominate the editor's exposition and, intriguingly, parallel some of the commitments and categories in

the reformist “intellectual” publications as well as those of the Euro-American debates. First, the editor makes a strong claim that earlier Islamic thinkers—some of the sages of Islamic scholarship—advocated and practiced critique; Second, he relates this critical practice to an assessment of specifically Western knowledge; Third, he suggested a historical rupture—named 'modernity'--that requires critical practice to re-establish the efficacy of Islamic knowledge.

In *Critique and Perspective's* presentation, the sages of Islamic learning become exemplars of critical practice. The editor draws on the seminal Muslim scholar Abu Hamid Muhammad ibn Muhammad al-Ghazali (1058 - 1111) to support his argument that faith is not opposed to critique—that critique instead is required for true “knowledge” which is itself “attained when it opens the mind to the thoughts of others.” In Chapter One I discussed Mujtahid Shabestari’s engagement with Ghazali’s theories of *adab*, a kind of embodied religious practice. Here, the editor of *Critique and Perspective*, draws on a different work written by Ghazali in Arabic and commonly rendered in English as *The Deliverance from Error* (the version cited by the editor is a Persian translation entitled *Doubt and Knowledge* (Shakk va Shinākht)).<sup>281</sup> According to the editor, Ghazali argued

'I became certain that no person is able to discover what is defective in any knowledge (*dānish*), unless he learns that knowledge well and equals the most learned in that knowledge and he excels in knowledge (*ma'lūmāt*) of it and surpasses their knowledge of it and attains such an understanding of

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<sup>281</sup>Muhammed Ghazali al-, *Shakk va Shenakht: al-Munqidh min al-dalal (Doubt and Knowledge: The Deliverance from Error)*, trans. Sadiq Ainahvand (Tehran, Iran: Mu'assasat-i Amir Kabir 1360 / 1981 ).

its truths that even its original proponents never had. Once this happens, then he can critique (*naqd*) that knowledge.<sup>282</sup>

In this sense, it seems critique is embedded in a mode of argument – not only the evaluation of other systems of knowledge but also an evaluation predicated on the desire to expose the faults of that system. To simply view this endeavor as a fault-finding one, however, would mistake the impetus of Ghazali’s *Deliverance from Error*. Indeed, the narrative of Ghazali’s autobiography is a search for truth, one whose outcome and source Ghazali is not sure of at the beginning. And, indeed, the editor of *Critique and Perspective* does not suggest a blanket opposition to what his readers might find in other systems of knowledge. Instead, he suggests the possibility (and certainty) of finding both error and value – a topic I return to shortly.<sup>283</sup>

For the editor—and articles throughout the hawzah—naqd is a method of inquiry embedded in overcoming doubt through the reasoned appraisal of differently positioned presentations of knowledge. The editor makes this turn to method—the overcoming of “doubt” for “knowledge” (as reads the Persian translation of Ghazali's text)—more explicit by drawing on a different work by Ghazali. The *Incoherence of the Philosophers*

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<sup>282</sup> Montgomery Watt translates the Arabic version of this passages as: “ I was convinced that a man cannot grasp what is defective in any of the sciences unless he has so complete a grasp of the science in question that he equals its most learned exponents in the appreciation of its fundamental principles, and even goes beyond and surpasses them, probing into some of the tangles and profundities which the very professors of the science have neglected. Then and only then is it possible that what he has to assert about its defects is true” (Ghazzālī and W. Montgomery Watt, *The faith and practice of al-Ghazzālī*, Ethical and religious classics of East and West (London,: G. Allen and Unwin, 1953).).

<sup>283</sup>Intriguingly as well, the deployment of the quote from Ghazali makes direct use of the word critique (*naqd*) even in the Arabic original. Yet, this is the only place in the entirety of the *Deliverance from Error* where Ghazali uses the word in any of its forms. A simple CTRL F search of the Arabic document available on the <http://www.ghazali.org/works/md-ar.htm> website verifies the limited use of the term. That document is the version edited by J. Saliba and K. Ayyad 7th edition, available at [www.ghazali.org/works/md-ar.htm](http://www.ghazali.org/works/md-ar.htm)

(*Tahāfut al-Falāsifa*) catalogues a number of objectionable views held by Muslim philosophers and, beyond this, does not provide a substantive position of Ghazali's own. Ghazali wrote *The Incoherence of the Philosophers* shortly before the *Deliverance from Error* that Shabestari drew on to question Islamic jurisprudence, and scholars of Islam often point to it as marking the decline of philosophy in Islam, although philosophy continued to flourish in Muslim Spain, greater Iran, and South Asia.<sup>284</sup> Here, the editor explains that Ghazali “understood that we first [must] review and verify the truth of their method (of the philosophers) and then raise objections. Thus, before a school (*mazhab*) is well understood, objecting to it is like shooting an arrow in the dark.”

The editor continues to argue that other systems of knowledge contain not only errors, but also some value. For this argument, he draws on a philosophical text (a somewhat intriguing opposition given his use of Ghazali's *Incoherence of the Philosophers*). Like Ghazali, however, the editor draws on noted Islamic philosopher Ibn Sina, or Avicenna, (980-1037) to detail the methods and uses of criticism. According to the editor, Ibn Sina himself outlined the practice of criticism (*adāb-i naqd*) and detailed six kinds of “spiritual sophistries (*mughālaṭe-ye ma'navī*)” in his *Remarks and Admonitions (al-Ishārāt va al-Tanbīhāt)*. The number of these spiritual confusions, however, has grown since Ibn Sina's time, in particular in the West. Scholars, the editor suggests, must be aware of these errors; yet, at the same time, they must attend to

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284 For a somewhat outdated—although detailed—overview of Ghazali's life, work, and influence, see "al-Ghazālī.." [http://referenceworks.brillonline.com.libproxy.lib.unc.edu/entries/encyclopaedia-of-islam-2/al-ghazali-COM\\_0233](http://referenceworks.brillonline.com.libproxy.lib.unc.edu/entries/encyclopaedia-of-islam-2/al-ghazali-COM_0233); see also *The Muslim World* 101, no. 3 and no. 4 (2011), which were devoted entirely to al-Ghazali; Moosa, *Ghazali and the poetics of imagination*; Corbin, *History of Islamic philosophy*; Garden, "Coming Down from the Mountaintop: Al-Ghazālī's Autobiographical Writings in Context."



elements in the west that might assist Muslims' own theological endeavors, including the Western "discipline of literary criticism (*naqd-i adab*)" which may be of use to fields such as hadith criticism.

While understandings of critique within the hawzah draw on seminal Islamic writers and texts to detail the method of criticism, the journals argue as well that such critical practices are necessary for understanding Islam in the modern age. Critique cannot operate without understanding the specificities of the contemporary world and uniquely modern transformations. First, the journal asks whether there are in fact realities that differ from the past and, if so, whether a "modern [form of] independent reasoning (*ijtihād*)" is necessary. He then asserts that there are indeed such new realities – including economic realities – that require new forms of engagement. In this sense, "One with knowledge of religion must necessarily have knowledge of the age (*zamān-shenās*) and one who has knowledge of the age is someone who is familiar with the serious and true questions of that time relevant to the historical conditions, states, exigencies, and affairs of that period." This language of "time and place" draws from a noted speech of Ayatollah Khomeini's and, indeed, the journal quotes Khomeini to emphasize the importance of the present for religious thinking. According to Khomeini, even if two issues—one addressed by Muslims in the past and one in the present—appear the same on the surface, in the present "politics, society, and economy" these are in effect new issues and require new Islamic rulings (*hukm*).<sup>285</sup> This temporal recognition of modernity—as a new space removed from earlier understandings—marks *Critique and*

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<sup>285</sup>Khomeini's statement on "time and place" has been quite influential in the Shi'i seminary debates and appears in numerous articles and monographs. In the future, it would be interesting to explore the ways in which Khomeini's own understanding of modernity has informed later Shi'i scholarship in Iran.

*Perspective's* project. The editor perhaps summarizes this perspective best when he asserts that legal (*fiqhī*) arguments must be grounded in specific realities of “our time.” Earlier Islamic scholars wrote from the perspective of their times and “with the realities of their lives one can only fulfill the needs of their own time. For our time—and the problems of our time—they are not sufficient.”

The editor’s remarks from *Critique and Perspective* are not unique in the Islamic journals published out of the hawzah. Numerous articles from the seminary journals focus on the question of critique. In particular, the seminary journals attend to the writings of Murtaza Mutahhari, who I discussed briefly above as well as earlier in the dissertation. The journals draw on, dissect, and situate broadly what they label Mutahhari’s understanding of critique. One example of this study of critique is an article titled “The Martyr Mutahhari’s Perspective on the Practice of Critique and the Method of Criticism” (*Adab-i Naqd va Ravesh-i Intiqād dar Naẓar-i Shahīd Muṭahharī*). I explained above that the basic definition of naqd included in the Encyclopedia of Islam involves separating out the good and bad coin. This understanding is referenced here as well, but the object of critique is not only text—as in poetry or hadith criticism—but all realms of knowledge. The author draws on a verse from the Qur’an and Imam Musa al-Kazim’s interpretation of that verse to clarify the religious foundations of critique. The verse is “Who listens to the word (*kalām*) and follow what is best of it. Those are the ones Allah has guided, and those are the people of understanding” [39.18].

According to the author, the Qur’anic phrase “they follow the best of it” means “they practice critique...they choose what is better and they follow the better choice.” Again, as in the article above, this Qur’anic practice of critique marks the place of reason.

He continues,

from this verse and the hadith it is clear that one of the most evident qualities of reason ( *'aql*) for humanity is this very [act of] distinguishing and separating...good speech from false speech...logical speech from illogical speech.<sup>286</sup>

The author continues to link the practice of criticism and the quality of reason: Serious students must bring themselves to adopt the teachings of a philosophical school whose characteristics and distinguishing features they perceive gradually. Because our job is knowledge ( *'ilm*) and philosophy we expose our own beliefs to the highest level of learned analysis and we respect the theories of serious students; meaning, any of the [male] students, whatever perspective or question they might have, and however they might talk outside of the class or present their own views in written form, we politely offer our own view about that [theory] with complete gratitude and pleasure. *Luckily, we are followers of a religion that counts reasoning (ta' aqqul)—thinking and following reason and wisdom—as one of the principles of its teachings. The Holy Qur'an says with complete clarity: Call people to the path of God through wisdom, rational and learned argument...[16:125] ...We will not find any other religion or school that as emphatically and clearly commands its own followers to the path of wisdom – meaning, [one in which] the path of reason and knowledge enters into*

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286 Sayyid Mehdi Mussavi, "The Martyr Mutahhari's Perspective on the Practice of Critique and the Method of Criticism (Adab-i Naqd va Ravesh-i Intiqād dar Nazar-i Shahīd Muṭahharī). ," *Paygah-i Hawzah* 63(1388 / 2012).

existential issues.<sup>287</sup>

Significantly, the author argues that this is not *unconditioned* reason, but rather that humanity must know its own limits: “It is necessary for humanity [to consider] its own intellectual limits in terms of its species prior to anything; meaning, [to consider] what the limit of human understanding is [for the species] and also for individual person, to accept the field of his own personal knowledge and learning and to ascertain the limits of his own possibilities... Within those limits he is immune from error and missteps.”<sup>288</sup>

Yet, while the individual must ascertain his own limits in order to practice critique correctly, it is significant that no individual is *beyond* critique. Here again citing Mutahhari, the author concludes that even “the Sources of Emulation are not above criticism ... I was and am a believer that every station (other than that of the Innocent [Imams]) that is un-criticizable is a danger to itself and to Islam.”<sup>289</sup>

The Hawzah writings on critique are difficult to place in terms of their political positioning in regards to the Islamic Republic. The statement above, for example, might be read as a veiled critique of the ruling structures of the Islamic Republic and/or systems

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287 Ibid.

288 Ibid. Articles from the journal *Islamic Theology (Kalam-i Islami)* offer detailed expositions of the differences between religious and Islamic reason, on the one hand, and modern reason, on the other. Ayatollah Sobhani, who I discussed in Chapter One, himself has overseen the journal *Islamic Theology (Kalām-i Islāmī)* since its inception in 1371/1992. One example is the article “Examining the issue of reason in religious knowledge,” published in 1379/2000. There, reasoning is not only connected to human nature, but to the guiding *fitra* of all people that is instilled by God at the act of creation. The article argues that “the goal of this reason is not ‘a common theoretical reason that sees in its own view the...goals ..of life, ..and divine control over humanity and the world....Rather, the point of the verses of the Qur’an [on reason] is a [kind of] reason that works in harmony with ..*fitra*..for a ‘rational (*ma‘qūlī*) life.’” See, “Examining the issue of reason in religious knowledge,” *Islamic Theology (Kalām-i Islāmī)* (1379/2000).

289 Mussavi, “The Martyr Mutahhari’s Perspective on the Practice of Critique and the Method of Criticism (Adab-i Naqd va Ravesh-i Intiqād dar Nazar-i Shahīd Muṭahharī). .”

of authority within the hawzah itself. The foundation that oversees *Critique and Perspective* describes the journal as a “religious intellectual” (*rūshanfīkr-i dīnī*), a designation that would link it to political reformists and critics of the Islamic Republic.<sup>290</sup> Other well-known religious intellectuals, however, have argued that the journal was produced to *counter* religious intellectual productions, although this designation may apply most aptly to the second period of *Critique and Perspective*’s production, after its editorial staff changed.<sup>291</sup>

*Critique and Perspective*'s format gives some sense of how the editors perceive their critical task. As much as the introductory issue’s discussion of critique focuses on finding truth and error, the issues themselves take a very comparative, and almost descriptive, approach. One issue of the journal, devoted entirely to the topic of justice, is representative of the journal's format generally. This issue includes an editorial introduction, a sort of roundtable, a few book reviews, a series of articles, and an interview. The interviews, as well as the articles, may be original pieces or translations of English or Arabic works. The issue on justice includes articles such as “The Definition of Justice in the words of Imam Sadiq,” but also essays on and by political philosopher John Rawls, economist Friedrich Hayek, philosopher of religion Alvin Plantinga, and moral philosopher Alasdair MacIntyre.

On the whole, the element linking the articles on critique from the hawzah seems to be a demand for just such comparative studies. While such comparison might not seem like a political project to those unfamiliar with the hawzah system or the politics of

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290 Personal Correspondence.

291 Personal Correspondence.

knowledge in Iran<sup>292</sup>, reading Euro-American authors is hardly a neutral activity within the Islamic Republic. Indeed, the journal *Hawzah* demonstrates these politics in printing what amounts to an article censoring its own activities. There Ayatollah Mohammad Taqi Misbah Yazdi (1934 - )<sup>293</sup>, a very conservative, politically engaged, and senior Islamic scholar, questions the activities of the journals. In the rather ominously titled article “Ayatollah Mohammad Taqi Misbah Yazdi’s guidelines in meeting with the writers of the journal *Hawzah*,” Yazdi suggests that the journal has gone too far in airing “dissenting viewpoints.” Notably, however, while Yazdi calls on the journal to curtail the boundaries of appropriate discussion, he embeds this recommendation within the language of critique, suggesting that the journals are practicing critique *incorrectly* rather than that they desist in the practice altogether.<sup>294</sup>

### **Islamic Argument and Secular Criticism**

If secular criticism, as I suggested above, denotes the activities of the academy and the intellectual in a Kantian lineage of Enlightenment, how are these Islamic evocations of criticism—as a method, integral to the reasoning individual, and necessary for modern scholarship—relate to those secular models of criticism? One solution to this dilemma is found in an earlier interrogation of the liberal practice of public criticism that

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292 For one discussion of Iranian concerns over social scientific or humanistic studies, see: Kurzman, "Reading Weber in Tehran."

293 Comparative politics expert Mehran Kamrava has argued that Ayatollah Misbah Yazdi represents the “traditionalist” strand of Iranian conservative scholars; however, Kamrava does not fully define this term and it is unclear what such a designation implies in his analysis. See, Kamrava, *Iran's Intellectual Revolution*, 85.

294 "Ayatollah Mohammad Taqi Misbah Yazdi’s guidelines in meeting with the writers of the journal *Hawzah*," *Hawzah* 131-132(1384 / 2005-2006).

Asad first raised in an essay titled “The Limits of Religious Criticism in the Middle East: Notes on Islamic Public Argument.”<sup>295</sup> There, Asad positions the possibilities of a differently critical project—one embedded in an *Islamic* tradition of public reasoning—against that of the Kantian Enlightenment project; namely, the (post)Enlightenment assumption of a free individual. This tradition of criticism is not, for Asad, defined by the person who enunciates it—a Muslim—but rather by the site and manner of enunciation—that is, from within an Islamic mode of argument. In this way Asad's argument for an Islamic tradition of public criticisms rests—uneasily perhaps—in his understanding of an Islamic discursive tradition.

Here, Asad attempts to break apart a presumed opposition between the authoritative adherence to Islamic prescripts and public reasoned debate. To do so, he examines one example of these institutional traditions of criticism in the context of the modern kingdom of Saudi Arabia and the opposition of classically-trained Islamic scholars to US presence in Saudi Arabia during the gulf crisis of 1990. Rather than the Enlightenment *right* to critique a legitimate political authority, Asad discovers a different model of addressing (and highlighting concerns with) a legitimate Muslim ruler. Like Kant, these Saudi Islamic scholars view their government as a legitimate political system and, within that framework, publically censure the actions of the government, such as allowing US troops to station in Saudi Arabia itself. Central to this Muslim framework of criticism is the fact that “the Saudi government explicitly claims to be based on the *shari‘a*. Thus, what the critics offer is ‘advice’ (*naṣīḥa*), something called for by the

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295 Talal Asad, *Genealogies of religion : discipline and reasons of power in Christianity and Islam* (Baltimore: Johns Hopkins University Press, 1993), 200-38. This is the only essay in *Genealogies* that Asad had not published previously.

*shari‘a* as a precondition of moral rectitude (*istiqāma*), not ‘criticism’ (*naqd*), with its adversarial overtones.”<sup>296</sup> Furthermore, the site of *naṣīḥa*, the Friday sermon, links this advice to the collective duty of the *Islamic scholars* – one of their obligations as those who uphold the *shari‘a*.

Asad acknowledges that some may disagree with his argument that such discourses represent a form of reasoned public debate – indeed, the Saudi Islamic scholars abstain from “the post-Enlightenment idea of moral and political progress” and focus instead on maintaining the fulfillment of God’s commands within new social and technological spaces<sup>297</sup>. In so much as Islamic scholars bow to religious tradition rather than seek “progress”, it is possible—Asad acknowledges—that one might read this discourse as *non* or *anti*-modern. Asad argues however that this position assumes an overly limited concept of modernity as such, and its opposition to (religious) “tradition.” Instead, the criticism of the younger Islamic scholars—graduates from new Islamic institutions of learning—addresses new issues (like television and radio) not in a way that marks their criticism as untraditional – it continues to partake in frames and modes of reasoning of Islamic traditions of *naṣīḥa* and religious authority, but instead “because modern institutions (administrative, economic, ideological) and modern classes (especially those who have received a Western education) have come into existence, creating a new social space that is the object of critical discourse and practice.” Because the religious discourses of the Islamic scholars presuppose and are in part constituted by

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<sup>296</sup> Ibid., 212.

<sup>297</sup> Ibid., 220.



these new social spaces, “they are a *part* of modernity and not a *reaction* to it.”<sup>298</sup> In short, instead of subscribing to this secular self-assessment of Enlightenment tradition, Asad calls for the anthropological recognition of difference, particularly for the investigation of non-secular traditions and institutions of public criticism.

In Asad’s analysis of the Saudi Islamic scholars, it is notable that the Friday prayer serves as the institutional location of public criticism, the Islamic scholar as its mouth piece, the shari‘a as its normative content, and the monarchy as its object.

Other studies of Muslim education argue, like Asad, that classically-trained Islamic scholars hold a particular role within Islamic tradition that marks them as authors of and participants in the discursive tradition of Islam.<sup>299</sup> One support for reading Islamic seminaries in Iran specifically as bastions of Islamic tradition is that the Shi‘i Iranian seminaries were unmarked by the colonial influence that decimated much of the seminary influence elsewhere. Muhammad Qasim Zaman has argued that while in Egypt, for example, it was typically at the direction of the state that important reforms...were undertaken at the Azhar [seminary]" and in South Asia new madrasas were "established in the wake of the consolidation of British colonial rule as a way of preserving an Islamic identity," the scholastic centers of Iran and Iraq did not feel the "pressures of colonial rule" in the same way. This was not only a geographic distinction but, according to Zaman, particular to the Shi‘a as "informal styles of learning have...persisted more

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298 Ibid., 226.

299 Robert Hefner, for example, has argued that “Islamic schools are not *merely* institutions for teaching and training young believers – they are the *forges* from which the *ideas* and *actors* for the Muslim world’s future will flow” (Hefner, "Introduction: The Culture, Politics, and Future of Muslim Education," 4.)

resolutely, and longer, in Shi‘i scholarly circles than they did among Sunnis, for instance in South Asia or Egypt." Zaman suggests that comparatively "there is no parallel in Sunni Islam to the sort of independence from [the state that] the Shi‘i ‘Ulama have long enjoyed," a fact that Zaman attributes to the Shi‘i practice of paying a portion of their income each year to a ranking religious scholar (a practiced called *khums*, "the fifth").<sup>300</sup>

Many changes, however, impacted the institutions of Islamic learning in Iran over the course of the twentieth century. The main site of the Islamic seminaries (*hawzah*) in Iran was founded only in the first decades of the twentieth century. And, as I discussed above, even in the thirties the seminaries had begun to publish journals assessing their own relationship to "modernity," and by the 1960s were convening conferences on the topic. In the twenty-first century, the seminaries are sprawling complexes which not only, at times, include volleyball courts and girls' schools, but also internet access and—as I discussed above—a substantial web presence.

However, this independence has been compromised under the Islamic Republic. In fact, the post-revolution period creates a far more complicated situation for educational institutions and concomitant "traditions" of learning than suggested by other colonial examples of university elites and traditionalist madrasas. Rather, following the Islamic revolution in Iran, not only do the universities come under stringent critique as sites of secularizing and Westernizing forces, but the seminaries—largely independent until the early 1980s—are incorporated—uncomfortably and with much dissent from ranking

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300 Muhammad Qasim Zaman, "Epilogue: Competing Conceptions of Religious Education," in *Schooling Islam: The Culture and Politics of Modern Muslim Education*, ed. Robert Hefner and Muhammad Qasim Zaman (Princeton: Princeton University Press, 2007), 243.

Islamic scholars—as appendages of the state system and its claims to indigenous authentic authority.

As Zaman suggests, the *hawzah* maintained a much greater degree of independence from the state over the course of the twentieth century and was able to, more or less, direct its own affairs. Yet, while the relative isolation of Iran from colonial forces aided the Iranian Islamic scholars, they were not immune to the centralizing drive of the new Iranian nation-state.<sup>301</sup> It is worth recalling that even in the Iranian context—despite the unique history of institutional independence that Zaman highlights—the seminary and the state became interlinked following the formation of the Islamic Republic. In short, of the markers of an Islamic tradition of public criticism that Asad highlights—that is, the Friday prayer, the shari‘a, the scholar, and the monarchy—in Iran the state lays claims to each of these not only through its claims to represent Islam (a move the Saudi states makes as well), but also through its claim to Islamic scholarship and knowledge as the basis of the “guardianship of the jurist.” The Iranian scholar Yusefi Eshkevari, for one, highlights this transformation when he insists that “from a historical perspective, with the advent of the Islamic Republic...the coming to power of the clerics and their assumption of all responsibilities...the clergy entered a new phase.”<sup>302</sup> In short, there are numerous difficulties in mapping Asad’s “Islamic tradition” of public argument onto the Iranian sphere. Iranian scholars do attend to and evoke Islamic figures and texts, yet the institutional bases have themselves been disrupted. These new spaces—the

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301 Hefner, "Introduction: The Culture, Politics, and Future of Muslim Education," 8.

302 Hasan Yusefi Eshkevari, *Islam and democracy in Iran: Eshkevari and the Quest for Reform*, ed. Ziba Mir-Hosseini and Richard Tapper (New York: I.B. Tauris, 2006), 121.

public, the state—are not only the object of Islamic contestations, but also have shifted its foundations.

At the same time, differences remain between the discussions of critique located in the hawzah and those among new religious intellectuals elsewhere. To highlight these differences, I briefly turn to the journal *Madrasa*.<sup>303</sup> *Madrasa*—unlike *Critique and Perspective*—was a short-lived project.<sup>304</sup> It ran in four volumes from 2005-2006 (1384-1385). As a self-described “intellectual” (*rūshanfīkr*) journal, *Madrasah* builds on the publications and identifications of the early and mid-1990s as well as the position of the intellectual in contradistinction to that of the seminary scholar.<sup>305</sup> While *Critique and Perspective* grounds the practice and method of critique in a lineage of Islamic thinkers—Ghazali, Ibn Sina, Baqir al-Sadr, and Khomeini—in order to assess and comes to terms with the changes in “time and place” that mark modernity, *Madrasa* situates critical practice as constitutive of being and becoming modern.

Each issue of *Madrasa* took on a central topic, including the “nation-state,” “love (*ishq*),” and the thought of Fazlur Rahman. Not all articles in any given issue would pertain to that topic however, and articles on art and literature were common as well.

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303 The journal is printed with a two table of contents – one in Persian and one in English. The remainder of the writing is entirely in Persian. All translations—except for, when noted, the titles of articles—are my own. The journal itself spells its title as “madreseh” in the English table of contents; however, here I use the common American spelling instead.

304 Although *Madrasa* itself did not run for very long, it continued and echoes projects by other intellectual journals in Iran, including *Kiyan* from the 1990s and *Aftab* from the late 1990s and early 2000s. Although neither of those journals espouse a specifically “critical” project, “critique” runs throughout their discussions. Significantly, many of the same authors who wrote for both *Kiyan* and *Aftab* took part in the journal *Madrasa*.

305 On the history of the term “intellectual” within Iran, see Boroujerdi, *Iranian intellectuals and the West : the tormented triumph of nativism*; Ali Gheissari, *Iranian Intellectuals in the Twentieth Century* (Austin: University of Texas Press, 1998).

Like *Critique and Perspective*, the journal included works by and assessment of Euro-American intellectuals, including Jacques Derrida and Michael Ignatieff. While some of the authors who contributed to *Madrassa* would be unknown outside of Iran, others—such as the philosopher Abdolkarim Soroush—have been much discussed. It is important to note that, while Soroush is a presence in the journal, his views do not go uncontested or define its content; instead, detailed articles appear alongside his own writings that critique Soroush’s views of Islam, modernity, and the nature of reason.

*Madrassa* orients itself to the search for and analysis of knowledge (*shinākht*) in a manner both similar to and markedly different from *Critique and Perspective*. It defines its project by eight goals, not all of which I will discuss here. The first however, is to position itself as both a cultural (*farhangī*) and philosophical (*falsafī*) journal. Whereas culture defines “the collection of values (*arzesh*) of a society, customs (*hanjar*) that they follow, and the works that they produce”—all of which connect to a “way of life”—philosophy represents “a kind of learning (*dānesh*) which has theoretical issues of knowledge (*shinākht*) at its heart....Philosophy shines a light on these theories [of science, history, ethics, religion, and politics]. It analyzes them [and] distinguishes their internal contradictions.” The philosophy of *Madrassa* intends to move “on the ground” rather than exist above matters of lived existence.

Critique, here, is defined as the operation of the intellectual – it is the “on the ground” theorizing that the philosopher undertakes. As the editor’s introduction asserts:

*Madrassa* ...maintains an intellectualist concern for itself; meaning, it understands the critical (*intiqādi*) inclination as its most significant characteristic, and for this reason it believes that both society and

government (*hokuma*) need intellectuals... The intellectual is the critical conscience of society.... We believe that government—for its own survival—needs intellectuals, critics, opponents, and must not drive them away.

Intellectualism—this critical inclination—not only preserves government, but also brings modernity to the people. In this sense, intellectualism understands itself [as] the conscience of modern desires and ideals and as addressing the people who are not acquainted with these ideas and it believes—by affecting the people—one can move towards the realization of these [modern] ideas. *Madrasa* seeks to acquaint readers with modern ideas, to help with the maturation of their personalities (*shakhsi*), to increase their wisdom, and [their] questioning perspective.

This understanding of intellectualism—and the practice of critique as marking the role of the intellectual—invokes implicitly the Kantian formation at the root of the Euro-American debates over secular criticism. There, as Asad suggested in “The Limits of Religious Criticism in the Middle East,” the intellectual—in contrast to the clergyman—practices criticism through public reasoning. Indeed, it was this *lack* of free reasoning by scholars in the Middle East that led outsiders to mark the actions of the Saudi Islamic scholars as unmodern.

*Madrasa* does not suggest explicitly either that it follows *Critique and Perspective* in ascribing criticism to Islamic tradition or that it accepts the Euro-American discourse wherein criticism arises out of the Enlightenment; yet, it does (implicitly) define itself against the *hawzah* as a site of learning. In this sense, whereas *Critique and*

*Perspective* saw a need to interrogate, assess, and perhaps learn from modern forms of knowledge, *Madrassa* sees itself as rising out of modernity itself. Whereas the key terms of the *hawzah* journal built on a tradition of reasoning, engagement, and scholastic method from within Islamic scholastic traditions, *Madrassa* implicitly interrogates the location of Islamic learning.

It does this in part through the very name of the journal. Over the course of the 2000s, “madrassa” made its way into English and is now included in the Oxford English Dictionary where it is defined as “In Muslim countries: a school of Islamic theology and law; (also more generally) a school (esp. a secondary school) or institution of higher Islamic education.”<sup>306</sup> Most readers are probably familiar with this first meaning—“a school of Islamic theology and law”—or, even more simply, the media-representation of a madrasa as a religious school and, most likely, a site of conservative or even radical indoctrination. In Iran, this more general meaning of a “school” was quite common at through the beginning of the twentieth century, and used for elementary and secondary schools. However, by the time Sulayman Hayyim published his *New English-Persian Dictionary* in 1934—accompanying a wave to nationalize Iranian Persian and remove words derived from Arabic<sup>307</sup>--the public government schools were marked by different word with clear Persian roots, *rushdiyya*, with implications of maturity and growth.

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<sup>306</sup>“madraseh”, *Oxford English Dictionary*  
<<http://www.oed.com.libproxy.lib.unc.edu/view/Entry/112073?redirectedFrom=madrassa#eid>>

<sup>307</sup> For a fascinating discussion of this period, see Marashi, *Nationalizing Iran : culture, power, and the state, 1870-1940*.

While the word *madrasa* retains the general sense today, as a “place of teaching and learning,”<sup>308</sup> the journal *Madrasa* clearly marks this site of learning as a modern edifice by linking its own title to the Rushdiya Madrasa (*madrasa-ye rushdiya*), purportedly the first “modern madrasa in Iran.” The editor claims to follow the founder of that school, Mirza Hasan Rushdiya (1851 - 1944)<sup>309</sup> as a project of reform (*islah*). This reform project is not a political one, he argues, but instead looks to create a more “rational” society.

As much as *Madrasa* positions itself as disseminating a modern rationality, this reason is not entirely distinguishable from the religious reason understood by the writers of the hawzah journals. Indeed, it is difficult to ascribe a single position to the writers of *Madrasa*. Contributors to the journal include Abdolkarim Soroush, whose secularizing arguments regarding religious authority I discussed in the preceding chapter, as well as Mohsen Kadivar, whose constructions of Shi‘i political ethics I surveyed in Chapter Two. Although both authors participate in *Madrasa*, they hold diverse views on not only Iran’s political future, but also the relationship between human reasoning and the divine and the location of Islamic traditions of learning in modernity. Soroush, for example, calls unabashedly for an Islamic Enlightenment. He suggests, “We cannot say that rationalism or secularism was absent from the scene [of early Islamic history]. In theology or *kalam*, you have the rationalist and quasi-secular Mu‘tazilites [in the eighth through tenth centuries C.E.], who relied on reason in coming to know God and in moral thinking. Unfortunately the rationalism of the Mu‘tazilites was Aristotelian. This was very

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308 "madrasa," in *Dekhoda*.

309 Algar, *Religion and State in Iran, 1785-1906: The Role of the Ulama in the Qajar Period*, 224.



inauspicious: the European Enlightenment is based on a nominalist rationalism, whereas Islamic rationalism was Aristotelian and non-nominalist. Mulla Sadra's philosophy [from the sixteenth century], despite its appearance, is totally nominalistic; it might bring a kind of modern Enlightenment."<sup>310</sup> In other words, Soroush views the history of the Enlightenment, and the post-Enlightenment West, as a standard by which Muslim thinking should be judged. He has hopes that the sixteenth century Islamic philosopher Mulla Sadra might contribute to that project, but only in so far as Mulla Sadra's rationalism might accord with Enlightenment rationalism.

Kadivar, on the other hand, looks for a more limited understanding of human reason and hesitates over giving full authority to the human interpreter. In a published debate with Soroush Kadivar raised this issue, asking: "My question is, why are you negligent of 'divine wisdom'? Does not 'divine wisdom'...offer general directives in regards to correcting human understanding of the supreme and sacred, which is called religion? This is the claim of divine religions, that God has provided us with such general guidance through His prophets."<sup>311</sup>

In this sense, given the diversity of viewpoints contained within, *Madrassa* is not a uniform publication, but neither—as I showed—are the hawzah journals. Finally, like the hawzah journals, *Madrassa* too positions itself as a specifically Islamic project. The journal is not without religious identification. This is evident in part through its content –

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310 Michael Leezenberg, "Interview Soroush: Enlightenment and Philosophy in Islam," *ISIM Review* 20(2007): 36-37.

311 Kurzman, "Critics Within: Islamic Scholars' Protests Against the Islamic State in Iran," 356. For the debate in its entirety, see: Abdolkarim Soroush and Mohsen Kadivar, *A Debate between Soroush and Kadivar on Religious Pluralism (Monazereh-ye Soroush va Kadivar darbareh-ye pluralism-e dini)*, 5th ed. (Tehran, Iran: Salam Publications, 2000).

its third issue, for example, is devoted almost entirely to crafting a modern ethics of love (*'ishq*) out of an Islamic genealogy of writers. In addition, in its first editorial introduction, *Madrassa* authorizes its own project of knowledge and learning through Qur'anic citation: “It is He [God] who lays defilement upon those who will not reason.” [10:100].

### **The Muslim Public and Secular Reason**

These discussions of “critique,” “reason,” and the role of scholarship in modernity raise significant questions for how to represent Muslim thinking and the imbrications of such thinking in categories whose genealogies at least overlap with, if not originate within, secular Western concepts and categories. Secular critique, as I discussed above, marks in many discourses the operations of a specifically modern (perhaps liberal) individual. As Gourgouris argued, the “task of secular criticism... is to oppose any heteronomous politics.”<sup>312</sup> In itself, the ascription to the modern rationality arising out of modern education might align *Madrassa*'s project with the type of hermeneutics that Gourgouris and Mufti defend. Yet, the journal also does not express the “suspicion, if not dismissal, of religion’s metaphysical and epistemological commitments” that Mahmood attributed to secular-critique.

I am not interested here in suggesting that either the *hawzah* journals or the religious intellectual projects represent secular critique as understood by Gourgouris or Mahmood. I am intrigued, instead, by the ways in which both projects define their own engagements—specifically with ruptures they mark as modern—through reasoned critique. Both these terms have genealogies specific to Muslim contexts. While

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312 Gourgouris, "Antisecularist Failures: A Counterresponse to Saba Mahmood," 454.

“critique” has bases in authenticating texts, reason too is part of the historically Shi‘i scholasticism. Soroush above noted the early rationalist arguments of the Mu‘tazilite school; yet that Mu‘tazilite rationalism was to a large extent incorporated into Shi‘i learning, a tradition that finds echoes in the uses of “reason” throughout these journals. The Mu‘tazilites themselves argued that the “justice of God meant that certain of His laws could be found by reason alone, although the most correct form of these laws and of the way to fulfill them (such as how to worship Him), could be found only through revelation.” While “for Sunnis there are rational presuppositions such as the use of reason in interpretation of the sources of the law....Shī‘īs, on the contrary, embrace reason/intellect as one of their four major sources....The Shī‘ī acceptance of Mu‘tazilism was signaled by the adoption of a Mu‘tazilite slogan, ‘Everything that reason ordains divine law [*shari‘a*] ordains’ (and, it is understood to be implied, vice-versa).”<sup>313</sup> Little work has been done on contemporary Shi‘i engagements with reason (‘*aql*), yet the twentieth century Iraqi Shi‘i scholar Muhammad Baqir al-Sadr affirms the harmony of reason and revelation: “There is nothing whatsoever in them [the Qur’an and traditions of the Prophet and Imams] that conflicts with the assured dictates of reason.’...The Lawgiver cannot be in conflict with reason, so He *must* have intended something other than the prima-facie sense of the unclear text [when the text seems to contradict reason].”<sup>314</sup>

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313 Roy P. Mottahedeh, "Introduction " in *Lessons in Islamic jurisprudence*, ed. Roy P. Mottahedeh (Oxford: Oneworld, 2003), 19.

314 Muhammad Baqir Sadr, *Lessons in Islamic jurisprudence*, trans. Roy P. Mottahedeh (Oxford: Oneworld, 2003), 171.

Despite the history of critique and reason within Islamic learning, however, both the *hawzah* journals and public intellectual projects are marked by a singular interest in critique—as an operation of thinking subjects necessary for attaining true knowledge (whether of modernity or of Islamic truths) and approaching and evaluating modern problems. In addition, that critical practice must be—as suggested by the editors of both projects—divorced in some measure from the learned traditions of the past. Even for Khomeini—as the editor of *Critique and Perspective* suggested—the quality of the present demands a radical redefinition of the practice of even Islamic reasoning. In this sense, a specifically modern notion of critique has become embedded in not just Muslim, but Islamic *scholastic* discourses. It is a part of the intellectual and theoretical apparatus of the Iranian Islamic scholars and their attempt to theorize not only the Iranian political situation, but Islamic knowledge in general.

## Epilogue

My argument throughout this dissertation has been that the writings of Muslim scholars—both classically-trained and new kinds of intellectuals—displays the imbrications of secular forms and Islamic reasons. I have suggested that attempts to represent contemporary Islam struggle between emphasizing the continuity of Islamic practices, as well as connections to texts, figures, and commitments and highlighting the modernity, and therefore discontinuity, of contemporary Islam.

This problem is particularly fraught in the study of contemporary Iranian Islam, both because the Islamic Republic bases its own legitimacy in claims to Islamic tradition and because of the ripple effects the institutionalization of the “guardianship of the jurists” through the Shi‘i religious establishment. Scholars of Iran, such as sociologist Ali Mirsepassi, worry that affirmations of “Islamic tradition” against the universality of secular modernity lead inevitably to “political definitions ... centered on authenticity and thus based inevitably on the exclusion and denial of other ideas and experiences.”<sup>315</sup> Mirsepassi sees little utility even in re-forming of Islamic traditions for democratic projects (in his view, such re-formations simply re-inscribe claims to a wholistic and authentic self. They cannot provide a path for “open and democratic societies [that] avoid the imposition of a narrative of authenticity as a principle or basis for inclusion and

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315 Mirsepassi, *Political Islam, Iran, and the enlightenment : philosophies of hope and despair*, 14.

exclusion within modern society”<sup>316</sup>). Others who study Iran, however, are more open to religious visions. Farzin Vahdat, for example, has examined the writings of Iranian reformists—including Abdolkarim Soroush who I discussed in Chapter Three—as examples of a modernist reincarnation of Islam.<sup>317</sup> The non-authoritarian possibilities of this reincarnation, however, are limited. Muslims can only surmount violent readings of religion, Vahdat suggests, by ascribing to a liberal model of subjectivity that denies the authority of external forms.

This scholarship in Iranian studies conflicts with recent studies of Islamic tradition that distinguish historically Muslim modes of reasoning and practice from concepts and categories that mark secular liberal ways of knowing and understandings of the self. Vahdat’s work on Muslim subjectivity, for example, is directly counter to the arguments Mahmood put for in her *Politics of Piety* – that (at least some) Muslim practices and understandings of authority are embedded in those Muslims’ life world. For Mahmood, remaking those “sensibilities, life worlds, and attachments so that” Muslims might “be taught to value the principle of ‘freedom’” is itself a violent task.<sup>318</sup>

Despite the limitations I see in arguments for Islamic tradition apart from secular transformations, it is significant that scholars who emphasize continuity do so in large part from an ethical commitment to difference outside the hegemony of secular imperialism. As anthropologist Talal Asad suggested, the demand to highlight continuity in Muslim traditions, but *discontinuity* in Western conceptions of self, is motivated at

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316 Ibid., 14.

317 Vahdat, *God and juggernaut : Iran's intellectual encounter with modernity*, 214.

318 Mahmood, *Politics of piety : the Islamic revival and the feminist subject*, 38.

least “partly by a liberal concern that time and place should be made for weaker groups within spaces and times commanded by a dominant one.”<sup>319</sup> In this sense, the concern with continuity echoes the commitments that Islamic studies scholar William Cantwell Smith articulated decades ago, that “no statement about a religion is valid unless it can be acknowledged by that religion’s believers.”<sup>320</sup> In this sense, as Ernst and Martin suggested, scholars who emphasize continuity draw significance from the claim that “Muslim societies must be understood on their own terms and not a superimposed Western model.”<sup>321</sup>

In my view, two problems arise from this division: (1) scholars of Islam inevitably become wrapped up in defining Islam as they attempt to distinguish Islamic categories from secular ones; (2) this very act of definition limits the possibilities of representing Muslim scholars who engage with specifically modern categories, concepts, and problems as *Islamic* scholars; that is, as engaging with the present through commitments and categories that are at once Islamic and turned to problems specific to the modern world. I suggested at the outset that considering Muslims as engaged in—rather than separate from—the secular forms of modernity expands the possibilities for representing Muslim engagements with the present. I want to return to this possibility here. How might these Muslim debates over democratic, religious, and scholastic practices inform work on Islam in religious studies?

One option is to take seriously the suggestion, offered by scholars of Islam in the

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319 Asad, "Muslims as a 'Religious Minority' in Europe," 178-79.

320 Smith, *The meaning and end of religion; a new approach to the religious traditions of mankind*, 42.

321 Ernst and Martin, *Rethinking Islamic studies : from orientalism to cosmopolitanism*, 9.

new field of comparative political theory, as well as scholars of religion outside the study of Islam, to consider contemporary Muslim scholarship as part of a global humanities, outside the limits of secular critique or the lineage of a Euro-American academy. In the study of Islam scholars within comparative political theory have taken up this initiative. Political theorist Roxanne Euben , for example, examines how Muslim discontent with modernity mirrors concern with modernity voiced by Euro-American philosophers. For Euben, the writings of the Egyptian Sayyid Qutb (1906 - 1966) echo concerns with authority, morality, and community voiced by Robert Bellah, Hannah Ardent, and Alasdair MacIntyre. She argues that, given these commonalities, Muslim “fundamentalist thought can be understood, at least in part, as engaged in a common critique [with Western theorists] of rationalist epistemology, and in a project to ‘reenchant’ a modern world defined by disenchantment.”<sup>322</sup> Euben explains the reasons behind this common critique as a kind of syncretism arising out of shared history, suggestive of the “transcultural problematic of modernity. This problematic does not simply arise out of perennial questions derived from ahistorical, transcendent needs and human dilemmas, but rather emerges because the history of colonialism and imperialism and the imperatives of globalization ensure that Western paradigms will continue to frame the sensibilities of non-Western, indigenous critics.”<sup>323</sup>

Euben’s work differs significantly from studies of Islam that look for liberal interlocutors in that she focuses on modern discontent rather than the affirmation of

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322 Roxanne Leslie Euben, *Enemy in the mirror : Islamic fundamentalism and the limits of modern rationalism* (Princeton, N.J.: Princeton University Press, 1999), 122.

323 Ibid., 124.



political positions. These differences are evident when Euben's work is compared to others who analyze Muslim political thought. Political theorist Andrew March, for example, has conducted an exemplary study of Muslim writings—including those of Tariq Ramadan and Muhammad Abu el-Fadl—in order to construct an Islamic affirmation of a core liberal value, the legal equality of religious minorities. Drawing on philosopher John Rawls' work in *Political Liberalism*, March positions Islam as a “reasonable comprehensive doctrine,” which understands “the wider realm of values to be congruent with, or supportive of, or else not in conflict with, political values as these are specified by a political conception of justice for a democratic regime.” He suggests that “except for certain kinds of fundamentalism, all the main historical religions... may be seen as reasonable comprehensive doctrines.”<sup>324</sup>

To this extent, March sees his project—and the ascription of Islam as a “reasonable comprehensive doctrine”—as an important acknowledgment of Muslim thought. In response to anthropological studies of Islam, March argues that “debating Islamic moral commitments in the context of a rich and long-standing tradition *is* a lived practice, one of many lived practices for actual Muslims.” Beyond this, and more significant for my own thinking about Islam, is March's suggestion that “interest in formal doctrine is *deeply affirmative* of Muslim fellow citizens because it regards Islamic commitments not just as socially contingent responses to external circumstances, but also as semiautonomous expressions of first-order moral commitments that ought to be treated in a certain way in the public context of civic discourse.”<sup>325</sup>

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324 Andrew F. March, *Islam and liberal citizenship : the search for an overlapping consensus* (New York: Oxford University Press, 2009), 259.

325 Ibid., 273-74.

I find much of value in March's work, in particular his willingness to take seriously the commitments of contemporary Muslim interlocutors. I do not want to suggest, however, that the only utility of engaging with Muslim thinkers is to further a liberal reading of modernity or to discover compatible Muslim theories and arguments. Indeed, March's project assumes liberalism's neutrality toward Islamic commitments, an assumption that—particular in discussions of citizenship and minority populations—has been soundly critiqued.<sup>326</sup>

In this sense, I am far more interested in March's suggestion—which he leaves largely unexplored—that “our own (liberal or critical) understanding of the sources and meaning of contemporary moral disagreement will emerge altered from the inquiry into Islamic ethical discourses.”<sup>327</sup> This is where Euben's approach differs. Her concern is less whether or not Muslim writings and commitments might align with liberal, secular, or broadly democratic positions, but instead whether they share modernity's discontents.

I think that not only political theory, but the broader study of Islam could gain much from Euben's analysis here. In particular, her focus on the commonality of concern—rather than political alignments—between “fundamentalist” Muslims and Euro-American theorists pushes us to envision Muslim thinkers as critical interlocutors of

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326 Asad, for one, has suggested that that “The ideology of political representation in liberal democracies makes it difficult if not impossible to represent Muslims as Muslims. Why? Because in theory the citizens who constitute a democratic state belong to a class that is defined only by what is common to all its members and its members only. What is common is the abstract equality of individual citizens to one another, so that each counts as one.” Asad, “Muslims as a ‘Religious Minority’ in Europe,” 173. Asad's concern with the abstraction at the root of liberal citizenship is not unique within critical theory. For a seminal study of the issue, see Max Horkheimer, Theodor W. Adorno, and Gunzelin Schmid Noerr, *Dialectic of enlightenment : philosophical fragments*, Cultural memory in the present (Stanford, Calif.: Stanford University Press, 2002). See also, Winnifred Fallers Sullivan, *The impossibility of religious freedom* (Princeton, N.J.: Princeton University Press, 2005).

327 March, *Islam and liberal citizenship : the search for an overlapping consensus*, 276.

modernity and to highlight common feature of discontent beyond ascription to liberal doctrines. In my own work, Euben's perspective provides an entryway into engaging seriously with work that—in its political commitments—might be counter to my own. In Chapter Two I discussed Ayatollah Montazeri and Mohsen Kadivar's critiques of the Islamic Republic and its repression of protestors. Yet Montazeri continued to affirm a limited understanding of the jurists' guardianship, which from my own perspective is hardly an ideal system. Ayatollah Sobhani even more fully ascribes to the authority of Islamic legal scholars over the general population of Iranians. Yet, from Euben's perspective, both these cases have the possibility of demonstrating not only their incorporation of secular forms or their indebtedness to Islamic commitments, but also how the modernity is perceived from a vantage point outside the Euro-American academy.

While Euben stops at the diagnosis of modernity, scholars in decolonial studies have suggested that religious traditions located elsewhere might themselves be incorporated as the grounds of theory. This work in many ways returns to the debates over secular criticism that I surveyed in the previous chapter. In the previous chapter I reviewed debates over the nature of secular criticism and whether, as proponents suggest, secular critique is, in fact, “secular”; that is, whether it resists and undoes transcendental foundations or, instead, reinscribes normative liberal models of the subject. I compared these constructions of secular criticism to Muslim Iranian constructions of “critique,” not to suggest the secularity of those Muslim writings, but instead only the commingling of categories from the historically Islamic and the (post-) Enlightenment corpus. Yet affirmations surrounding secular critique do more than identify religious discourse as an

“other,” they also inscribe religious tradition as foreclosing reasoned debate. This argument on behalf of secular criticism runs throughout postcolonial studies – the term “secular criticism” itself was coined by Edward Said.<sup>328</sup> Amir Mufti, whose scholarship focuses on religious minorities and national identity, continues Said’s arguments on behalf of secular criticism. Mufti, as I noted in the previous chapter, argues that situating Islamist and/or traditionalist understandings of Islam as alternatives to secular modernity disregards the violent potential of these “solutions.”<sup>329</sup> While Mahmood, Asad, and others attend to the domination secular liberal categories and the precarious existence, within that domination, of Muslim life worlds, for Mufti the source of violence that requires attention is the majoritarian writing of group identity, ideology, and community. For Mufti, then, the necessary role of secular criticism is precisely to *disrupt* the universalistic, nationalist, and communitarian forms of identity that—he suggests—undergird such majoritarian ideologies. Instead of emancipation—the goal of critique—claims from religious traditions have only violent potentials.

Breaking from Said, many scholars in decolonial and postcolonial studies concerned with religion disagree. Walter Mignolo, for example, has attempted to

reveal in an elegant way the epistemological limits of Western thought  
and ...[the] epistemological potential [of non-Western thought], as sustainable  
knowledge and not as a relic of the past to be ‘studied’ and ‘fixed’ from the

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328 For discussions of Said’s “secular criticism,” see William D. Hart, *Edward Said and the religious effects of culture* (New York: Cambridge University Press, 2000); Khaled Furani, "Said and the Religious Others," *Comparative Studies in Society and History* 52(2010).

329 Mufti, "The Aura of Authenticity," 91.

perspective of Western disciplines. As sustainable knowledge, the epistemological legacy of [say, the] Confucian legacy dwells in the possibility of showing the limits of modern epistemology, in both its disciplinary and its area studies dimension. As such, there is no longer the possibility of looking at ‘translation’ or ‘information’ from ‘other cultures,’ by which it is implied that ‘other cultures’ are not scientific and are knowable from the scientific approaches of Western epistemology.”<sup>330</sup> Specifically, such an approach is distinct from *religious studies*. The point is that such border thinkers are “not interpreting, translating [their own traditions] from the Western hegemonic perspective, or transmitting knowledge from the perspective of area studies. Their analytic and critical reflections (rather than ‘religious studies’) are engaged in a powerful exercise of border thinking from the perspective of epistemological subalternity.”<sup>331</sup>

For Mignolo, this perspective moves beyond both Orientalism and area studies, each of which suppressed the “other” or the “Third World” “as a producer of cultures but not of knowledge.”<sup>332</sup> Mignolo argues that postcolonial studies is not “just a new field of study...but the condition of possibility for constructing new loci of enunciation as well as for reflecting that academic ‘knowledge and understanding’ should be complemented with ‘learning from’ those who are living in and thinking from colonial and postcolonial

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330 Mignolo, *Local histories/global designs : coloniality, subaltern knowledges, and border thinking*, 6-7.

331 Ibid., 9.

332 Ibid., 93.

legacies.”<sup>333</sup> Without “learning from” those whose locations of theorizing are elsewhere, postcolonial and subaltern studies will only continue the hegemony of (post)colonial knowledge, rather than promote “new forms of cultural critique and intellectual and political emancipations.”<sup>334</sup>

Mignolo does not completely deny, however, Mufti’s and Said’s concerns with the violence of religious traditions; indeed, he attempts to distinguish the type of “border thinking” he finds attractive from “fundamentalism.” Border thinking and the decolonization of knowledge, for Mignolo, is a “culture of transience and its dynamics” distinct from fundamentalism. The difference “involves a realistic review of the ethos we introject through our primary socialization. Like any ethos, the interjected ethos also has contents and processes. The assumptions and processes underlying the ethos tend to become masked by the ossified content, forms and rituals. These cannot be revived and deployed in the present. That would be the way of fundamentalism.”<sup>335</sup> According to Mignolo, the “past is forever present in our interjected ethos. It is a heritage and source of dynamicity, but it is also a pathology and a source of immobility and degeneration. The past can be regenerative if we can decode the processes and use them to unleash the energy held in the cultural identity.”<sup>336</sup>

While Mignolo attempts to define “border thinking” outside of “fundamentalism,”

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333 Walter D. Mignolo, "Colonial and Postcolonial Discourse: Cultural Critique or Academic Colonialism?," *Latin American Research Review* 28, no. 3 (1993): 5.

334 *Ibid.*, 5.

335 Mignolo, *Local histories/global designs : coloniality, subaltern knowledges, and border thinking*, 322.

336 *Ibid.*

I do not think he fully succeeds in articulating the difference between forms of thinking that are aware of and engage critically with the problems of modernity from “fundamentalist” affirmations of tradition. Considering Euben’s contribution that I surveyed above, I am in fact not certain that such a differentiation is possible or even desirable. It might be more honest, and beneficial, for Mignolo to argue instead that he finds certain articulations *unproductive* then to move those articulations beyond the realm of border thinking. In many ways, I would suggest, distinguishing the “underlying ethos” that drives a tradition from its “ossified content, forms and rituals” simply duplicates the problems with defining Islamic tradition that I have discussed throughout the dissertation.

Others in religious studies itself, however, are less concerned with defining the bounds of border thinking and more concerned, instead, with opening the grounds of theory to religious traditions unlimited by “fundamentalist” labels. I find that recent work in religious studies, outside the study of Islam, adds to the work above by examining the ways in which religious studies, as a field of study, distinguishes between the theoretical work undertaken in the Euro-American academy and locations of theorizing elsewhere. These works largely arise out of questions regarding the secular indebted to work by Talal Asad, but even more so historian Dipesh Chakrabarty and the “decolonial” moves by scholars such as Mignolo.

Arvand Mandair, a scholar of Sikh studies, contests this affirmation of secular criticism and notes a discrepancy in the relationship between scholars of religion and the subjects they study. Mandair wants religious studies to interrogate “the mechanism that continues to foreclose the South Asian or non-Western from the supposed ground of

theory.”<sup>337</sup> In particular, he argues that this mechanism is in large part a historical one. He suggests,

few if any social scientists working in the history of religions—or for that matter in the philosophy of religion, or cultural theory—would ever try to make the concepts of these [South Asian religious] traditions into resources for contemporary critical theory. And yet ‘past Western thinkers and their categories are never quite dead for us in the same way. South Asian(ist) social scientists would argue passionately with a Marx, or a Weber without feeling any need to historicize them in their European intellectual contexts.’<sup>338</sup>

Mandair argues that a key difference is that traditions located elsewhere are seen as history, culture, or theology while “in the Western intellectual traditions key thinkers who are long dead and gone are treated not only as people belonging to their own times, but also as though they were contemporaries;”<sup>339</sup> that is, it is not presumed odd—or a betrayal of tradition—that they are made to speak to the present. In contrast, as Mandair, argues, the “thinkers and traditions of South Asia, however, once unbroken and alive in

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337 Arvind-pal Singh Mandair, *Religion and the specter of the West : Sikhism, India, postcoloniality, and the politics of translation* (New York: Columbia University Press, 2009), 39.

338 Ibid., 383. Mandair’s quotation here is from Chakrabarty, *Provincializing Europe : postcolonial thought and historical difference*, 6.

339 Mandair, *Religion and the specter of the West : Sikhism, India, postcoloniality, and the politics of translation*, 383. For this argument Mandair draws on Chakrabarty, *Provincializing Europe : postcolonial thought and historical difference*, 5.



their native languages, are now matters of historical research. These traditions are treated as truly history.”<sup>340</sup>

Mandair’s argument here echoes my own concern with representing Islamic tradition and Muslim writings. To return to the debates I discussed in Chapter Two, how might Mandair’s identification of a historical difference between European “theory” and South Asian “history” impact the representation of Muslim political thought? In that chapter I examined the ways that classically-trained Islamic scholars—of competing political persuasions—drew on Shi‘i understandings of just rule and divine guidance in order to construct novel political theologies. These political theologies assuredly, as I argued, are marked by secular transformations, specifically the presence of the state. It is possible to see those engagements as, to use Mandair’s language, a “betrayal of tradition” – that is, as incorporating modes of reasoning and commitments that align more clearly with Euro-American genealogies than Islamic ones. What Mandair suggests, instead, is the possibility of representing those Islamic just rulers and divine guides—the Shi‘i Imams—as themselves grounds for theorizing in contemporary Islam or, at the very least, if others do not accept those grounds, identifying that Kadivar, Sobhani, and Montazeri the Imams are sources of theory.

He explored this mechanism himself by examining the European translation of a specifically Sikh concept, *sabda-guru*, into “Sikh theology.” He redeployed “*sabda-guri* with the intention of re-ontologizing the question of language” to open up Sikh concepts

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340 Mandair, *Religion and the specter of the West : Sikhism, India, postcoloniality, and the politics of translation*, 383. Mandair’s quotation here is from Chakrabarty, *Provincializing Europe : postcolonial thought and historical difference*, 6.

as sites of postsecular theory and/or political theology.<sup>341</sup> Mandair argued that, counter to the colonial-era projects of European translation, “the very effect that makes Western ideas seemingly ubiquitous [today], namely its globalization, paradoxically, makes the very ground of theory itself unstable.” He asks whether it is possible that, as this process reverses and “European texts are translated into non-European languages ... under a geopolitical economy different from the one that exists now, ... for non-European host languages to displace the very power differential that keeps theory supposedly on its own ground?”<sup>342</sup>

The journalistic projects I studied in Chapter Four suggest just this possibility. Regardless of whether from the bastions of Islamic institutions in Iran or produced by new religious intellectuals, both productions represent attempts to not just to mimic Western theory, but to assess its potentials for thinking about contemporary Islam in Iran. To what extent these texts are transformed through that translation remains an open question and the subject of future research. I would suggest it is likely, however, the positioning Rawls next to Imam Sadiq—as *Critique and Perspective* did in an issue on justice—presents a different economy of translation and interpretation than simply translating the writings of the Imams into English. While the translation into English, as Mandair suggests, positions Shi‘i thinking as merely theology, the productions of the Iranian journals destabilize that very representation.

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341 Mandair, *Religion and the specter of the West : Sikhism, India, postcoloniality, and the politics of translation*.

342 Ibid., 42.

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