

THE CRISIS OF RELIGIOUS LEGITIMACY IN IRAN

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The Iranian Revolution was founded on a dual legitimacy, religious and political, which was embodied by Imam Ruhollah Khomeini. But the Constitution, the rulings of Khomeini, and the political process since his demise show that the political aspect has come to dominate and define the role of religion. This politicization, accompanied by an Iranization of supranational Shi'ism, leads to a de facto secularization, and actually undermines the traditional basis of the strength and independence of the Shi'i clergy.

The election of Iranian President Muhammad Khatami in May 1997 was an expression not only of a popular call for a more open and democratic society, but also of the increasing crisis of religious legitimacy in Iran. The Iranian Islamic Revolution was, from its inception, explicitly based on the conjunction of two legitimacies, religious and political, through the concept of *Velayat-e Faqih*, "the Mandate of the Jurist," meaning that the highest authority of the Islamic Revolution, the Guide or Leader (*Rahbar*), should be both one of the highest religious authorities (*marja'* or "source of imitation," plural *maraji'*) and the political leader, who "understands his time" ("*agah be zaman*") and therefore could lead a mass movement. But this congruence was realized only in the late Imam Ruhollah Khomeini's person. The Constitution stressed that Khomeini was both the highest ranking cleric and the political leader *par excellence*: thus, the ideal type of the

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Guide is a *faqih* (jurist) who embodies both legitimacies, before his appointment. And, in any case, after his appointment, he should be considered as both a "learned cleric" and a political leader.

But Khomeini's death in 1989 meant the end of this double legitimacy. His successor as Guide, Ayatollah 'Ali Khamene'i, was not a leading religious authority. This led to two questions: should the Guide be primarily a leading religious authority, or a political one? Second, how could an Islamic revolution bypass, through a political appointment, the highest religious authorities of the time, and even turn its back on some *shari'a* (Islamic law) requirements? Nevertheless, this conceptual crisis did not turn into a political one as long as all elections (presidential and parliamentary) selected candidates from a relatively homogeneous ruling elite from the time of Khomeini's death in 1989 until 1997. But, in May 1997, President Khatami was elected against the avowed wishes of the Guide, Khamene'i, bringing the two legitimacies into contradiction, even though, of course, the new president officially recognized the supremacy of the Guide. If the Guide, who already lacked some religious credentials, is now losing his political support, on which legitimacy is his leadership still based?

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

We can distinguish four levels of crisis: conceptual, clerical, political, and religious, leading to a complex array of positions from the different actors. As we shall see, it is a bit difficult in Iran to oppose "radicals" and "moderates," "conservatives" and "liberals," "traditionalists" and "modernists," not to speak of "leftists" and "rightists." If Khatami might qualify as a liberal, a moderate and a modernist, many of his supporters came from the radical side (and specifically from the American Embassy hostage-takers, such as Muhammad Musavi Kho'ei and 'Ali Akbar Mohtashemi), or from the "statist-leftist" side, like Mir-Hosein Musavi or Ayatollah Hassan Sana'i, whose foundation is promoting the *fatwa* calling for the death of British writer Salman Rushdie. On the other hand, the present "radicals," who oppose the rapprochement with the United States and advocate the supremacy of the Velayat-e Faqih over democracy, may now be branded as "conservatives," because they are simply trying to "conserve" the Revolution's establishment and prevent any social and political change. To make things even more complex, many "traditionalist" clerics support Khatami out of mistrust for the concept of Velayat-e Faqih, which they see as a modern innovation that undermines the traditional pillars of the clerical order.

The cornerstone for a classification of political factions inside the Islamic regime is in fact the attitude towards Velayat-e Faqih (hereafter, for convenience, VF). It is not just

a question of “opposing” or “favoring” the concept; another issue is the definition of the VF: is it primarily a religious, or primarily a political, function? Hence there are four positions, if we combine both criteria:

1) Those who favor the VF and consider that Ayatollah Khamene'i is the best qualified person for the function. Here we find all the “conservatives” who backed the candidacy of Parliament Speaker 'Ali Akbar Nateq-Nuri in the presidential elections of May 1997. These are the hardliners of the regime.

2) Those who favor the VF but do not consider Khamene'i as the right man for the job. This position is expressed in a very vocal way by Ayatollah Hosain 'Ali Montazeri, who had been designated as the successor to Imam Khomeini before March 1989 when Khomeini stripped him of the title. For them, the VF derives first from religious knowledge, and only secondarily from political ability. The faqih should be a leading *mujtahid* (a religious scholar capable of independent interpretation), and a *marja'*, but in any case his powers are not absolute.¹

3) Those who never accepted the VF, because it contradicts the principle of the *marja' iyya*. These represent the traditional religious leadership, the “grand ayatollahs” (*ayatollah 'ozma*), even if they did not oppose the Revolution. The main figure is the Grand Ayatollah Abu al-Qasim Musavi Khu'i, who died in 1992 in Najaf, Iraq. Many of the grand ayatollahs shared this view, including Kazem Shari'at-Madari (who died in 1983 after being stripped of his religious status by Khomeini), even if they kept silent (such as Grand Ayatollah Muhammad Reza Golpayegani). In this category were found the majority of the grand ayatollahs of the 1980s. It is ironic, then, when the Iranian system is called the “regime of the Ayatollahs,” since most of the grand ayatollahs did not support it.

4) Those who never accepted the VF as a theological concept but acknowledge the need for a political leadership and accept Khamene'i as the political leader of the Revolution. In this category is Shaykh Muhammad Fadlallah of Lebanon, who, as a disciple of Ayatollah Khu'i, could not endorse the VF, but, as a radical political leader, backed the Iranian Revolution and its leadership. This view comes close to recognizing the position of Leader as actually embodied by Khamene'i today.

THE CONCEPTUAL CRISIS

The Basic Tenets of the Revolution and its Contradictions

The Iranian Revolution always claimed to have two sources: God's sovereignty and the people's will.² If God's sovereignty is intrinsic to the very idea of a “religious

1. Montazeri has distanced himself from the concept of the VF, which he defended in the 1980s; he now favors a “*nezarat-e faqih*,” that is, a supervisory power limited to the protection of the Islamic validity of the laws. Hosein 'Ali Montazeri, “*Nezarat-e faqih*,” *Rahe Now*, no. 18, 31.5.1377 (1997-98).

2. Chapter 1, Article 1 of the Constitution states that the form of the government, an Islamic Republic, has been endorsed by “the people of Iran,” “through the affirmative vote of a majority of 98.27 percent of eligible voters,” implicitly making the people's will one of the sources of legitimacy. Then the absolute sovereignty of God is expressed (Article 2/1), while Article 5 states that “the just and pious faqih” should exercise the “*velayat*” during the occultation of the Hidden Imam, and Article 6 says that “the affairs of the country should be

revolution," one should never forget the populist and revolutionary, even Marxist, origin of the Revolution. As Professor Ervand Abrahamian noted, this Revolution is the last of the leftist, "third-worldist" and anti-imperialist revolutions, although it has been carried under an Islamic cloak.³ One of the reasons for its success was the combination of this leftist and populist trend with a recurrent traditional search for an Islamic (Shi'i) order, which attracted a large part of the clergy and traditional circles (such as the Bazaar). In the process of politicization, this traditional Shi'i Islam has been recast into a modern revolutionary millenarist terminology ("revolution" or "*enqelab*," "ideology" or "*ide-olozhi*," "classless society" or "*jame'e-ye towhidi*," the "party line" transformed into "the Imam's line" or "*khatt-e imam*," etc.).

When the Revolution succeeded, however, it had to establish a new Islamic political order, not on a *tabula rasa*, but on a clerical Islamic institution which had already existed and developed in Iran since roughly the end of the eighteenth century, and which had found a new popularity during the last decade of opposition to the Shah.⁴ This clerical order was based on a collective and informal spiritual leadership of some Great Ayatollahs, each considered a person able to interpret the Divine Law (mujtahid) and thus a source of imitation (*marja'-e taqlid*) for their followers. Each mujtahid was autonomous in a certain field: he delivered "diplomas," appointed representatives, opened teaching centers, had financial autonomy through the direct collection of religious taxes, and enjoyed a large degree of autonomy from the Iranian government (mainly because most of them lived in Najaf, Iraq). Imam Khomeini became, after 1963, one of the leading figures of this clergy, and succeeded in making of it an instrument for implementing the Revolution, even if most of Khomeini's peers were a bit reluctant about his ideological conceptions, and specifically the Velayat-e Faqih.

Interestingly enough, the Iranian Islamic Revolution did not bring this existing clerical structure into power, but instead built a specific institutional framework, staffing it either with laymen (Muhammad 'Ali Raja'e, Hassan Habibi, Mir-Hosein Musavi) or middle ranking clerics, the hojatolislams (as were 'Ali Akbar Hashemi-Rafsanjani, 'Ali Khamene'i, Muhammad Musavi Kho'einiha), plus some middle ranking ayatollahs, who were not considered as maraji' (Muhammad Beheshti, Muhammad Reza Mahdavi-Kani, Ahmad Jannati). The grand ayatollahs were kept aside (Khu'i, Golpayegani, Muhammad 'Ali Araki, Muhammad Tabataba'i-Qomi) or even repressed (like Kazem Shari'at-Madari).

Article 5 of the Constitution stipulates that, in the absence of the Hidden Imam, the leadership of the Shi'i community should be entrusted in a "just and pious jurist (faqih) aware of the circumstances of his time (*agah be zaman*)," who should assume the

administered on the basis of public opinion expressed by the means of elections." Text of the Constitution provided in Persian and French by the Iranian embassy in Paris. For an English translation, see (<http://eurasianews.com/iran/const.htm>). Analyzing the conceptual origin of the Iranian Constitution, Chibli Mallat speaks of a "dual emanation of sovereignty." See Chibli Mallat. *The Renewal of Islamic Law* (Cambridge: Cambridge University Press, 1993), p. 72.

3. Ervand Abrahamian, *Khomeynism* (London: Tauris, 1993).

4. For a history of the formation of the modern Shi'i clergy, see Said Amir Arjomand. *The Turban for the Crown* (Oxford: Oxford University press, 1988), chapter 1.

responsibility of his office in accordance with Article 107 of the Constitution. The original 1979 Constitution stated that the faqih should be chosen from among the marja' in one of two ways: 1) an immediate and direct recognition by the people, both as a "source of imitation" (marja') and a Guide (rahbar), or 2) a selection of one outstanding figure or of a collective leadership (three or five faqihs) through an Assembly of Experts (*Majles-e Khobregan*), made up of clerics elected by the Iranian people. Most of the provisions of the 1979 Constitution and all the amendments brought into effect in 1989 show how the requirements for the faqih shifted from religious to political qualifications, even if the Guide always has to be a cleric. Article 107 was amended in 1989: it no longer stipulates that the faqih should be among the highest ranking clerics, although it states that this was the case for Khomeini. The amended Constitution of 1989 also dropped the possibility of a direct election of the Guide by the people, as if only Imam Khomeini could have been directly recognized by the people as marja' and rahbar. The disappearance of any mention of the marja' in the 1989 Constitution shows clearly that the Guide, who is the supreme authority in the Islamic Republic, need not necessarily be the leading authority in religion. These dispositions underline the discrepancy between the traditional clerical establishment and the new revolutionary order. According to the Shi'i tradition, a marja', or grand ayatollah, is usually selected by his clerical peers through a long process with little role for the *vox populi*, except that it is understood that there should be a broad consensus.⁵ There is no precise and institutionalized process of appointing a grand ayatollah, and there is rarely just one at a time. That is the traditional structure. But on the contrary, according to the Iranian Constitution, there should preferably be only one Guide, and he is not appointed by his peers, because he has no peer, but by an elected body. Of course, the Assembly of Experts which elects him is made up of clerics, but they are themselves elected by ordinary Iranian citizens. Candidacies to the Assembly are screened by the Council of Guardians, itself appointed (in part) by the Guide. Thus the Council also is not an expression of the leading traditional clerical elite. In particular, they are all Iranians, excluding the Arab Shi'is from the process of appointing the leader of the Shi'is of the world. It is a political appointment, not a religious one. It is interesting to note that all the modalities for choosing a Guide from among the faqihs are through political means (elections) and that only the personality of Khomeini embodied ideally both legitimacies, religious and political. In the contradiction between the two legitimacies, politics explicitly prevail over religion.

In fact, after Khomeini's demise and the appointment of Khamene'i as the new Guide, some clerical circles tried to promote either Grand Ayatollah Golpayegani or Grand Ayatollah Araki as the new marja'. That would have reinstated a double order and separated the religious from the political legitimacy. But nothing was set up in official terms, even though Araki had supported the appointment of Khamene'i as Guide and had issued some fatwas in support of the regime (including the one banning TV satellite dishes). The reason is obvious: an official endorsement of a new marja' would have acknowledged the dissociation between religious authority and political function, which

5. See Mallat, *The Renewal of Islamic Law*, p. 44.

would be the negation of Khomeini's concept of an Islamic Revolution. But the consequence is to put the political order above the religious one.

The Prevalence of the Political State over Religion

Why, according to the Constitution as amended in 1989, need the Guide not necessarily be a marja'? It might be just in case there is no marja', but why should there be no marja' at a given time? The probable answer is that the distinction between marja' and Guide has been established precisely because there were other maraji' in 1989 who were not recognized as political leaders by the revolutionary Islamist circles. Of the two conditions required to become the Guide, the real one is not having specific religious qualifications, but being "aware of the times" ("agah be zaman"): that is, to be politically minded and to promote the ideological tenets of the Revolution. It is true that during the last century, many maraji' took a rather quietist approach towards State power, even if they were adamant about the Islamization of law and the protection of the clergy's interests (such as Ayatollahs Abu'l-Qasim Kashani and Hosein Borujerdi). This is why, for the Constitution, a marja' could be a Guide only if he is first a "political man," as Khomeini explicitly stated in a speech in March 1989.⁶ During the discussions on the 1979 Constitution, Khomeini was not in favor of making the marja'iyya a prerequisite for being chosen as a Guide, although the opposing view prevailed.⁷ It is obvious that from the beginning the prevalence of politics over religion was in Khomeini's mind. He knew all the maraji' of his time, of course, and was very aware that they were not prone to follow a revolutionary line.

Khomeini was able to combine the two, by stressing always the political aspect of the Revolution, even against the shari'a. Every time Khomeini had to clarify the complex relations between religious law and revolutionary legitimacy, he opted to emphasize the latter. This prevalence of politics over religion concerns more than the issue of choosing the Leader or Guide. It touches also the realm of the religious law or shari'a, the cornerstone of any Islamic state. Here also, the logic of the prevalence of the State is written into the Constitution, even if lip service is paid to the shari'a (as to the Sovereignty of God): Article 36, Chapter 3 states that "the passing of a sentence must be only by a competent court and in accordance with law," meaning that a *qadi* or judge cannot simply refer to the shari'a, but also must refer to the law of the State. No one can take the law in his own hands in the name of the shari'a (except for a clerical court set up to deal with religious matters). Many provisions of the Constitution are not in accordance with the

6. Abrahamian, *Khomeynism*, p. 35.

7. Letter to the President of the Assembly of Experts in March 1989, in Mohammed Yazdi, *Qanun-e Assasi Baraye Hame* (The Constitution for Everyone) (Tehran: Amir Kabir Publishing House, 1375/1996) (text provided to the author by Nushin Yavari d'Hellencourt).

shari'a (the definition of citizenship, the equality of men and women, the presence of attorneys in court proceedings, etc.).⁸

Khomeini was very keen to clarify the question of the relationship between shari'a and Iranian law explicitly. In his famous letter to then-President Khamene'i (6 January 1988), he stated that "the government can unilaterally abrogate legal (*shar'i*) agreements. . ."⁹ "Legal" here means conforming to the shari'a. It does not simply mean that the government might decide on things which are not in the shari'a (such as customs duties), which has always been the case even for very fundamentalist regimes. Khomeini explicitly states that the government might ignore or alter some shari'a requirements. Khomeini explains, for example, that the government might cancel pilgrimage, if it is in the interest of the Islamic State. The official reason for subordinating shari'a to the State law is to achieve the higher interest of the Islamic State and hence of Islam. But here again it is the political instance which decides what is essentially Islamic, in opposition to the prescribed rules of the shari'a. This assertive policy of binding shari'a to the State law explains the manner in which Imam Khomeini solved the conflict between the Parliament and Council of Guardians, whose duty is, according to the Constitution, to check the conformity with the shari'a of the laws passed by the Parliament. The Council was so adamant about its prerogatives that the issue became deadlocked: many laws were suspended in the absence of arbitration, which could come only from the Guide himself. So in 1987, Khomeini created the Expediency Council (*Majma'-e Tashkhis-e Maslahat*) as a way to deprive the Council of Guardians, in which religious lawyers had the upper hand, of the last word about the conformity with Islam of laws passed by the Parliament. Appointments to the Expediency Council were political and, as indicated by the term "*maslahat*" (the common interest) in the Council's very title, the goal of the Council was a political one.

The Accession of Khamene'i as the Rahbar

The growing discrepancy between religious legitimacy and political logic was further advanced by the appointment of Khamene'i as Guide in 1989, for not only did he not qualify as a marja' but he was even not an ayatollah, but just a hojatolislam. Soon after his appointment as Guide, he became known as ayatollah. The choice was then either to acknowledge the gap between the two legitimacies or to try to reunite them. The occasion came after the deaths of Ayatollahs Golpayegani and Araki (in 1993 and 1994, respectively), the two last maraji' living in Iran to be universally recognized. Government circles launched an offensive to have Khamene'i recognized as a marja'. This would have

8. For a study on the discrepancies between the avowed goal of "shariatization" and the real practices of the government, see Ziba Mir Hosseyn, *Marriage on Trial, a Study of Islamic Family Law* (London: Tauris, 1993).

9. For quotations and discussions of this letter and of other declarations of Khomeini, see Mallat, *The Renewal of Islamic Law*, p. 90; and Shahrough Akhavi, "Contending Discourses on Shi'i Law on the Doctrine of Wilāyat al Faqih," *Iranian Studies* 29, nos. 3-4 (Summer-Fall 1996), pp. 262-65.

restored the conjunction between the two legitimacies, in favor of the State and at the expense of the clergy. But the idea was dropped in the face of a passive opposition from the clerical circles of Qom (among others, Ayatollahs Taki Bahjat, Ahmad Azari-Qomi, and Fazel Lankarani). This opposition was unspoken, but the reluctance of the high ranking clerics was so obvious that the marja'iyya could not be bestowed on Khamene'i without enlarging an already existing gap between traditionalist clerics and the ruling elites. The Association of Qom's Religious Teachers (*Jama'e-ye Modaressin-e Hawze-ye Qom*), which is comprised of some 30 leading clerics of the holy city, began to distance itself from Tehran's politics. It would be a mistake to interpret their reluctance in terms of political opposition; they support the Islamic Republic. Many clerics from Qom are simply eager to restore the credibility and the autonomy of the clergy, even if they approve of the present form of government. Few attacked directly Khamene'i's credentials for being the Guide, as Ayatollah Montazeri was to do in December 1997. But about half of the members of the Association did not openly endorse the candidacy of Nateq-Nuri for the presidency in May 1997, although he was seen as the "official" candidate endorsed by the Guide himself.

The discrepancy between the political and the clerical order has logically been coupled with a slow *de facto* de-clericalization of the political institutions. For instance, after the reform of the Expediency Council in March 1997, the six religious lawyers appointed from the Council of Guardians lost their right to vote on matters not related to constitutional issues: the majority of the members are now laymen, appointed by the Guide¹⁰; even those who are clerics are appointed because they are members of the ruling circles and not because of their religious qualifications.¹¹ In fact, the Expediency Council has become a mini-Central Committee including most of the "big shots" of the regime. At the same time, the number of clerics elected to the Parliament dropped from 125 in the first Assembly to 50 in that of 1996.¹²

The Clerical Crisis

The Islamic Revolution destroyed the pillars of the autonomy of the international Shi'i clergy, which reached its culmination precisely on the eve of the Revolution. According to the Constitution, Shi'ism is Islam *par excellence* in Iran.¹³ But this promotion of Shi'ism appears to have been a mixed blessing, because it led both to the "statization" and the "Iranization" of Shi'ism.

10. These include Mir-Hosein Musavi, Mohsen Nurbakhsh, Hasan Habibi, 'Ali Velayati, Mostafa Mirsalim, 'Ali Larjani, Muhammad Hashemi, Hassan Firuzabadi, Gholamreza Aghazade, and others.

11. These include Ahmad Jannati, Muhammad Reza Mahdavi-Kani, Muhammad Kho'einiha, and others.

12. Jean Pierre Digard, Bernard Hourcade, Yann Richard, *L'Iran au XXIème siècle* (Paris: Fayard, 1996), p. 208.

13. Chapter 1, Article 2-5 stresses the role of "imama," while Article 2-6 explicitly refers to "the Sunna of the Ma'sum," that is, the Shi'i Imams; and Article 12 states that "the official religion is Islam and the school is the twelve Imam Ja'fari."

As we saw, the Revolution has weakened the traditional Shi'i clerical structure in favor of a political organization. All the "traditional" Shi'i clerical logic (established since the eighteenth century) has been ignored or bypassed by the institutions created by the Islamic Revolution, in order to ensure Islamization. The Guide is not necessarily a marja'. The interpretation of the shari'a is no longer a clerical prerogative. The Council of Guardians is not an emanation of the higher clergy but is appointed by the Guide. The Expediency Council is a secular and purely political body. The economic and territorial autonomy of the clergy has disappeared in favor of the State's structures.

On the other hand, the traditional clerical structures are experiencing a deep crisis after the Revolution. The marja'iyya is in crisis, because the procedures for the renewing of clerical elites are no longer working. The maraji' do not play a key role in actual politics. Grand Ayatollahs Khu'i, Golpayegani, and Araki are dead. The remaining grand ayatollahs are either very old (Muhammad Qomi), or stay aloof from the Revolution (Ahmad Azari-Qomi) when they are not under house arrest (Muhammad Rouhani, Montazeri, Muhammad Shirazi in Qom, 'Ali Muhammad Sistani in Najaf). There is an obvious suspicion on the part of the State towards grand ayatollahs whose constituency is independent of the revolutionary movement. For instance, Shirazi is the spiritual leader of the Bahraini Shi'is (among others); he never supported the VF, and two of his sons are also under house arrest.

Moreover the aging maraji' have been unwilling or unable to designate successors. But even if they had wanted to do so, there is a generation gap. The youngest religious scholars joined the revolutionary movement and distanced themselves from the religious establishment, except for Khomeini. Most of the clerics born in the 1930s, who could have provided the next generation of maraji' have devoted a large part of their time to politics (and sometimes spent time in jail under the Shah), which prevented them from pursuing their studies at the highest level; the ones who kept studying are discredited precisely because they were not involved in politics, lacking the political legitimacy that could qualify them in the eyes of the ruling political elites. That would not have been a drawback, had the clergy been able to retain its autonomy. But that autonomy is no longer the case. The religious taxes (*khoms* and *zakat*) are now distributed through the Assembly of Experts, headed by Ayatollah 'Ali Meshkini. Traditionally the *mujtahids* used to offer a stipend to their students; nowadays it comes from the State. It seems that only Montazeri has been able to keep some financial autonomy.¹⁴ The course of studies is more and more regulated by the State, although the Association of Religious Teachers in Qom still supervises the right to teach in the holy city. The territorial immunity that the clergy enjoyed has also disappeared: Najaf and Karbala', the Shi'ite holy cities in Iraq, had been taken under Iraqi government control in 1979, and the Shi'i rebellion in southern Iraq was crushed in February and March 1991, without any strong reaction from Tehran. In Qom,

14. Some clerical institutions have financial autonomy, like the religious holding Astan-e Qods in Mashhad, which manages the immense *waqf* (religious endowment) linked to the Shrine of Imam Reza. But, even if Astan-e Qods subsidizes many educational institutions, it is not in the classical framework of the *howze* (religious teaching center) under a marja''s supervision. Its manager, Ayatollah Vaez Tabassi, is one of the more influential notables behind the scenes, but he is not considered as a grand ayatollah and marja'.

the Hizbullah groups do not hesitate to interrupt Montazeri's teaching when he is too vocal against the Guide: the "*bast*," or traditional sanctuary for religious buildings from the State's encroachment, has almost disappeared, on the grounds that in the name of the Islamic State, everything that is Islamic should be under State supervision.

But this statization has met some resistance, based more on corporatist feeling and not on a political opposition. Qom retains a certain distance from political circles, as illustrated by the role of the Association of Qom Religious Teachers. Among its 30-odd members, only 14 publicly endorsed Nateq-Nuri's candidacy for the presidency in May 1997. Some of its members also publicized their non-endorsement of the official candidate. The attacks against Montazeri have upset many clerics, even those who do not support his ideas; they defend the immunity of the clerical establishment against State encroachment. Ayatollah Taki Behjat closed his seminary in December 1997 to protest the attacks against Montazeri.

Why has the clerical establishment been unable to resist statization? First, the clerics had to endorse the Revolution, because its avowed aim was to impose Islam and it was led by Imam Khomeini, who was seen as a grand ayatollah. Secondly, the clerical structures were not embodied in a bureaucracy. The process of building a strong hierarchy among clerics was rather recent (the nineteenth century) and never really fully achieved.¹⁵ The system was in fact rather flexible and based on consensus. Such a consensus worked in favor of the radicals during the revolutionary period, the moderates keeping a low profile, and avoiding vocal critics of the Islamic regime. When the Revolution created a bureaucracy and imposed formal rules for choosing the leadership, it had no parallel or rival system among the clergy. And finally, many hojatolislam and middle level ayatollahs found in the new State's bureaucracy social promotion, new jobs and perquisites, and a means to provide clients or family members with such advantages.

But the "statization" of the Shi'i clergy led also to its "Iranization." As we saw, the body which elects the Guide is made up of Iranian nationals elected by Iranian citizens (even if, according to the Constitution, the Guide is not necessarily an Iranian). The obsolescence of the marja'iyya deprived Arab Shi'i clerics of any possibility to be recognized as leading religious authorities by the Iranian authorities, and even to establish direct relations with Iranian clerics not linked with the State apparatus. There is no longer a neutral place to meet, as was the case with Najaf prior to 1979. Qom is under Iranian government supervision, even indirectly. Najaf and Karbala' are under strict police control by Saddam Husayn's Iraqi government. In fact, the nationalization of the Shi'i clergy is not limited to Iran. Every state with a strong Shi'i population tries to nationalize it: Saddam Husayn can obviously not accept that an Iranian cleric could be appointed as marja' in Najaf and enjoy some of the autonomy his predecessors had. Even if Saddam is more eager to weaken or even destroy the Shi'i clergy based in Iraq than to favor it, he nevertheless tries to promote an "Arab" marja' for Iraq, most recently Muhammad Sadiq

15 Hosein Borujerdi, who died in 1961, was probably the first of the maraji' to be recognized as *the* only leading religious authority of his time.

al-Sadr,¹⁶ and maintains Ayatollah Sayyid 'Ali Sistani under house arrest. But, even when they are repressed, most Shi'i groups outside Iran shape their policy within a national framework, allying themselves with other local opposition groups; as in Iran, they choose as political leaders mid-level clerics ('Ali Mazari, Karim Khalili and Muhammad Mohaqqueq for the Afghan Hizb-e Wahdat), who usually did not have Khomeini as their marja' prior to the Revolution, but more quietist grand ayatollahs, such as Khu'i. The process of nationalization of the Shi'i clergy, and the weakening of the marja'iyya is thus not limited to Iran, but is a general phenomenon in the Shi'i areas of the Middle East.

A clear example are the Iraqi Shi'is, who endeavored as early as February 1991 to promote an *Iraqi* answer to Saddam, trying to establish a common national Iraqi front. It is symptomatic that such eminent personalities as Muhammad Bahr al Ulum or the sons of Ayatollah Khu'i are pursuing their efforts inside a national, and even patriotic framework. What we see is the transformation of Shi'i Islamism into "Islamism-nationalism" at the expense of the supra-national clergy; in addition, the Iranian government has more and more difficulties in imposing its views on non-Iranian Shi'is. The paradox of the Iranian Islamic Revolution is that it has contributed to giving roots to the nation-state, by giving it a religious legitimacy at the expense of the transnational solidarities.¹⁷

We saw that the State's logic is now prevailing, but this State is not abstract: it is the Iranian State, with its Iranian geostrategic interests. This explains why the Iranian strategic alignments have less and less to do with Islam, and even (which is relatively new) with Shi'ism. The rapprochement with Saudi Arabia and the Gulf monarchies, not to speak of the United States, the close links with Armenia and Russia against Azerbaijan (where the bulk of the population is Shi'i), the lack of support for the Iraqi Shi'is during the 1991 Gulf War crisis and for the Bahraini Shi'is in 1997, all show that the clerical links which were instrumental in mobilizing the Shi'i communities in favor of the Islamic Revolution, have either been destroyed or have become alienated from the Iranian government.

The international structures of the Shi'i clergy are slowly unraveling. Many Arab clerics, like the Lebanese Shaykh Muhammad Husayn Fadlallah, dissociate their political support for Tehran from their choices about who should be the marja'. Fadlallah has supported Sistani's candidacy for marja'iyya in Najaf and is not opposed to seeing his friends promoting his own candidacy. Shaykh Muhammad Mahdi Shams al-Din in Lebanon, who never supported the Islamic Revolution, is acting as if there will be no other marja': he is promoting his own teaching institutions in Khalde, with no reference to Qom. Shi'i solidarity is expressed more and more through political channels. Iran's main leverage in Lebanon is the Hizbullah, which has its own networks of religious training, totally independent from Shaykh Shams al-Din's training centers. It is a clear case of the growing divisions brought about by the prevalence of politics inside a clerical structure which was rather homogeneous 20 years earlier (or more exactly, successfully tried to appear homogeneous).

16. Grand Ayatollah Muhammad Sadiq al-Sadr and two of his sons were killed in Najaf on 19 February 1999.

17. See Olivier Roy, *The Failure of Political Islam* (Cambridge: Harvard University Press, 1995).

The crisis of the *marja'iyya* is parallel to that of the *Velayat-e Faqih*. There could not be two kinds of leading authority, but the weakening of the first is proceeding alongside the weakening of the second. In fact, it is the very idea of a religious leadership which is dwindling, because the politicization of the function has framed it into a national and statist structure, which is in contradiction with the idea of a transnational clergy. Paradoxically, the only way to restore religious legitimacy is to withdraw from State politics, which means a "secularization" of some sort. Of course, such a move does not prevent many traditional clerics from advocating both an Islamization of law and mores, and a withdrawal from State management. As we saw in the beginning, clerics who criticize the VF do so from different perspectives. The main stream is "traditionalist," meaning that they want to keep an Islamic hand in issues of law and the constitution, but with less direct involvement in politics. For them "secularization" has no meaning, although it is probably what is going to happen. The clergy will not recover the strength it had during the first decade of the Revolution.

In fact, the vanishing of the revolutionary dreams has left the clergy largely divided. The mainstream is certainly "neo-fundamentalist," that is, stressing the *shari'a* and moral order, but deeply divided on political issues, or more precisely on the VF and clerical participation in State politics. A small fringe of liberal, and even secular-minded, clerics, seems to be emerging slowly, trying to express in a religious language the new trends that are changing Iranian society, as we shall see in the fourth part of this article.

The Political Crisis

The political legitimacy of the Guide is based on the people's support, but what if elections go contrary to the Guide's will? Such a political crisis erupted after the election of President Khatami. It is no secret that his opponent, Nateq-Nuri, had the favor of the Guide. By "losing" the elections through his proxy, the Guide lost a major part of his *political legitimacy*, at the very time the function of the VF had evolved into a mainly political one. Both legitimacies are definitively moving apart, while neither is fully enjoyed by the present Guide. Worse, Khatami undeniably won his political legitimacy through the elections. In these circumstances, what remains of the Guide's function and how might the relations between him and the president evolve?

The presidential elections showed that the consensus among the ruling elite has largely eroded and that there are political issues which should be addressed. The Rafsanjani era, which was supposed to achieve a smooth liberalization without questioning the basic tenets of the regime, ended in a deadlock. No drastic changes have been undertaken. The social and economic situation is worsening every year. Growing corruption and more conspicuous wealth among the new upper classes has antagonized not only the middle class, but also the lower classes, who provided the bulk of the regime's support. Even if the *basiji* (the "Mobilization" forces, unpaid voluntary militias from the 1980-88 Iran-Iraq War) are still devoted to the Guide, they openly criticize the weakening of the revolutionary spirit and the spread of "materialism." A more and more depoliticized population, and particularly the youth who have been brought up under the

Islamic regime, is fed up with the "moral order" and would like access to the kinds of entertainments which have been banned because they express "foreign cultural aggression" and "immorality" (e.g., the mixing of men and women). Sports is a field where youth has expressed its opposition. In December 1997, a throng of thousands of young women forced open the doors of the stadium where the victorious national soccer team was parading. There is a growing pressure from below, and it is time to provide some safety valve if the regime hopes to avoid more popular demonstrations.

Three issues are at stake: the alleviation of the "moral order" strictures (issues such as the forced wearing of the *chador*, co-education, free mixing of genders, entertainment, satellite dishes, etc.), multi-partyism, and economic reforms. Khatami vowed a cultural and political liberalization during his campaign and has tried to promote some changes since he has been in office (less harassment from the police, a curb on basiji interventions, promotion of women, a passport for the "liberal" Islamic thinker 'Abdolkarim Soroush, etc.). New newspapers are flourishing, though some have been banned, and the political debate in the press is very heated. But true multi-partyism has still not been established.

In fact, Khatami endeavored first to shake the taboos on which the Islamic Revolution is based. He did not say a word against the VF, but took public stands very different from the Guide on sensitive issues of foreign policy, the main one being, of course, relations with the United States (as in his interview with CNN in January 1998). Iranian foreign policy did not drastically change after Khatami, not only because of the resistance of the conservatives (as in the speech of the Guide at the Organization of the Islamic Conference summit in December 1997), but also because the new course of Iranian foreign policy had been largely adopted before Khatami's election (rapprochement with Saudi Arabia, a lower profile against Israel, an end to the exportation of the Revolution, cooperation with Russia on the Caucasus and Central Asia, settlement of the crisis with the European Union over Iranian operations against dissidents in Europe, etc.).

In fact, Khatami is not so much charting a new course as openly questioning the taboos of the Revolution, that is, the heritage of Khomeini, which is the main critique that his opponents have brought against him, referring to the "will" of Imam Khomeini. Questioning the symbols is not merely symbolic in Iran, it has an impact in politics.

As far as the economy is concerned, Khatami is in an uneasy situation. His followers belong to different schools of thought, and the liberals in politics are not necessarily liberals in economics. To open and liberalize the economy would mean both attacking the "perks" of the *nouveaux riches* and cutting the subsidies for the poor, which would destroy the networks of clientism, patronage and social integration on which the regime is based. Reforming the economy thus faces both populist and conservative opposition. A major issue involves the "Foundations," financial holdings which manage enormous wealth without accountability. Another issue is foreign investment, desperately needed by the oil industry. That could be dealt with only through normalization of relations with the United States, that is, by adopting a new international posture.

The conservatives, whose spearhead is the Judiciary under Ayatollah Muhammad Yazdi, are waging a rear-guard faction to oppose this evolution, invoking Imam Khomeini's will. There has obviously been a conservative reaction to liberalization, which

in fact predates Khatami's election: despite a relative political liberalization under Rafsanjani, the law has regularly been amended in a more "shari'atic" way since 1989 (the age of penal majority for women was put at nine in 1991, gender mixing was forbidden in hospitals in 1998, etc.). In fact, political liberalization has been counterbalanced with a "neo-fundamentalist" trend in law and everyday life. Many liberal newspapers and journals have been closed since spring 1998.

The Guide is in a delicate position. His only "inherited" legitimacy is as the embodiment of the revolutionary heritage and as the guarantor of its preservation. That revolutionary identity bypasses both the religious and political legitimacies, which he lacks in each case, for an "ideological" legitimacy. The danger is that an "ideology" cut off from both the political and religious legitimacies might isolate him from the people. The conservatives in fact are pressing him to dismiss the president, sooner or later, as Khomeini did with Abo'l Hassan Bani-Sadr. They are waging a guerrilla war against Khatami: for example, the Council of Guardians barred pro-Khatami candidates from running for the mid-term elections in March 1998 and for the Council of Experts elections in October of that year. But this could lead to popular uprisings, at a time when the attitude of the security forces (the police and the *Pasdaran*, the Revolutionary Guards Corps) is not certain. The other alternative would be for the Guide to act as a referee and to bring the conservatives onto the bandwagon of liberalization, ensuring a longer, but smooth transition. But for this prospect to be realized, the Guide's function has to be redefined. A solution could be to acknowledge the purely political nature of the function of the Guide, as Ayatollah 'Ali Meshkini, the head of the Council of Experts, sometimes hints. The Guide, in this sense, could become a "constitutional faqih," as there are "constitutional monarchs" in other countries, and Iran would openly become what it is already, according to its own constitution: a constitutional theocracy.

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

The Religious Crisis

It is obvious that such heated debates on the role of Islam and politics must affect the way people relate to Islam. Is the growing weariness of the population towards the Islamic system affecting popular religiosity? The head of the movement for literacy, Hojatolislam Mohsen Qara'ati, once complained that people were neglecting their prayers.¹⁸ Such major events as the Friday prayer at Tehran University attract fewer and fewer people. Tehran's streets do not empty at Iftar during Ramadan, as is usual in Peshawar, Cairo, or even Erzurum in "secular" Turkey. Although there is no scientific way to measure religious practices and belief, we can make some tentative remarks. The nationalization of

18. Iranian Television, 26 July 1996, quoted by BBC on 30 July 1996.

Shi'ism is working. One of the legacies of the Revolution is surely to have linked Iranianness with Shi'ism more than ever, in place of the "Persianization," promoted by the late Shah, with its ethno-nationalist ideology. The integrative force of Shi'ism has been particularly visible since the independence of the Muslim former Soviet republics and particularly Azerbaijan: there is no yearning for a "Greater Azerbaijan" among the Iranian Azeris, just sometimes a feeling that Baku should come back into the motherland. Conversely, active solidarity towards foreign Shi'is is very limited: the plights of the Iraqi Shi'is in 1991 and of the Afghan Shi'is in August 1998 did not arouse popular concern, while an Afghan Shi'i is first of all an Afghan in the eyes of Iranian public opinion.

But the "statization" of Shi'ism is also encountering some popular resistance. We might speak of "social Shi'ism" versus "State Shi'ism." Shi'i traditional customs have been revived for socialization purposes, due to the dearth of other, more secular entertainments. "*Sofre*," or traditional receptions given on religious occasions (such as mourning), are mushrooming, and spread beyond the traditional devout middle class families. Celebrations of '*ashura*' now revolve more around the neighborhood (*mahalla*), and the professional Guild or corporation (*hayat*), under the auspices of lay notables, instead of being given a political meaning, as was the case at the beginning of the Revolution.

The popularity of the concept of "civil society" (*jame'e-ye madani*) is striking. Interestingly enough, this same concept is popular in Turkey among the Islamists, and in Iran among those who would like to differentiate religion from politics. In both cases, it means a defiance towards an ideological State which has almost succeeded in its process of social integration, that is, the weakening of traditional ties of solidarity. The crisis of political Islam does not lead to a weakening of faith, but to its privatization.

This evolution is mirrored in an intellectual debate which has focused on 'Abdolkarim Soroush's works.¹⁹ In fact, Soroush is closer to the basic tenets of the Revolution than the attacks of the Hizballah against him might suggest. He endeavors to elaborate a religious justification of the double legitimacy which is expressed in the Constitution. He contrasts "*din*" (religion), which is the direct relation between God and the faithful, and "*dark-e dini*" (the apprehension of religion), which is the way this relation is embodied at a given time in a certain system (cultural, legal and political). He stresses also the classical distinction between shari'a and '*urf*' (custom), defining politics as the realm of '*urf*', and giving legitimacy to a "secularization" of political action, in a society which remains for him "religious," that is, aimed at allowing a human being to experience his transcendental relation to God (which, by the way, is a very Aristotelian conception of relations between society and the "final ends"). Although Soroush does not go so far as to reformulate the main concepts of the Constitution according to his views, it is clear that he provides the "political philosophy" of the Khatamists: how to secularize politics in a society which

19. 'Abdolkarim Soroush is the pen name of Farajollah Dabbagh, a scientist who studied epistemology and wrote extensively about philosophy and religion. He played a leading role in the "Islamization" of the university from 1981 to 1983; but he became increasingly concerned by the politicization of Islam. He has written many articles in the journal *Kyan*, advocating a separation between Islam and politics, urging a "religious civil society." He is now considered the leading figure among the liberal thinkers in Iran.

cannot afford to reject its heritage and origin: an Islamic Revolution. To what extent this philosophy is just an intellectual tool for a political transition or a landmark in the long path to reconcile Islam with political philosophy, reopening a debate that was closed around the thirteenth century, is another question. But more than ever, what is at stake in contemporary Iran is of prime importance for the relations between Islam and politics in general.

