

Contesting the Jurists' Authority:
Muslim Critique and Counter-Traditions in the Islamic Republic of Iran

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Abstract

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(Under the direction of Professors Carl Ernst, Katherine P. Ewing, and Omid Safi)

In this thesis I suggest that attending to the rhetorical construction of Iranian dissident arguments allows entry to a complex world of continually reconstructed and resituated Iranian imaginaries of Islam. Here, I engage with the work of two contemporary dissident Iranian authors, Abdolkarim Soroush (b. 1945 CE) and Mohammad Mujtahid Shabestari (b. 1936), and demonstrate the ways in which their critiques of Islamic juridical authority and Islamic jurisprudence (*fiqh*) themselves draw upon long-standing debates within Islamic tradition. I argue that, while these authors do in fact reimagine and reform elements of Islamic tradition in order to argue for a rationalist democratic politics, that reformation cannot be understood merely as the imposition of Euro-American models of secularism, but rather prioritizes a refigured imaginary of Islamic worship linked to inner states and self-conscious embodied practice.

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Introduction

Iranian Muslim reformists, such as Abdolkarim Soroush, Muhammad Shabestari, and Mohsen Kadivar, gained international attention during the Iranian Reform Movement of the 1990s. As the state loosened censorship of the press, Iranian religious intellectuals (*roshanfekran-e dini*) made political platforms out of journals and newspapers, critiquing the Islamic Republic through veiled discussions of religious knowledge and pluralist hermeneutics.¹ Scholars of Islam and Iran (and even some broader politically-minded analysts) latched on to these dissident pluralistic readings of religious knowledge. They read these Muslim reformists as not only the delayed expression of Iranian civil society, but as bringing modernist Euro-American philosophical concerns into Muslim Iranian politics.² However, they have largely ignored the ways these dissident secularist discourses, largely opposed to the intertwining of the government apparatus with the Islamic legal (*fiqhi*) establishment, also draw upon indigenous traditions within Iranian Islam.

In this thesis I suggest that attending to the rhetorical construction of these dissident arguments, arguments based in deeply embedded theological debates, moves us beyond the hegemonic secular and instead to a much more complex world of continually reconstructed and resituated Iranian imaginaries of Islam. Here, I engage with the work of two contemporary dissident Iranian authors, Abdolkarim Soroush (b. 1945 CE) and Mohammad

¹ Forough Jahanbakhsh, "Religious and Political Discourse in Iran: Moving Toward Post-Fundamentalism," *Brown Journal of World Affairs* v9, 2 (2003): 247; Adam Torock, "The Muzzling of the Liberal Press in Iran," *Third World Quarterly* 22, no. 4 (2001): 588-9.

² See Said Amir Arjomand, "The Reform Movement and the Debate over Modernity and Tradition in Contemporary Iran," *International Journal of Middle East Studies* 34 (2002): 719-731.

Mujtahid Shabestari (b. 1936), and demonstrate the ways in which their critiques of Islamic juridical authority and Islamic jurisprudence (*fiqh*) themselves draw upon long-standing debates within Islamic tradition. I argue that, while these authors do in fact reimagine and reform elements of Islamic tradition in order to argue for a rationalist democratic politics, that reformation cannot be understood merely as the imposition of Euro-American models of secularism, but rather prioritizes a refigured imaginary of Islamic worship linked to inner states and self-conscious embodied practice. First, I outline the innovative formation of the Islamic Republic and the model of juridical authority that it institutionalizes. Second, I note the ways in which some contemporary theories of secularism and the secular posit critical reformist Muslim philosophies as outside the bounds of Islamic discursive traditions; these boundaries are drawn, I suggest in this paper, based upon a limited view of Islamic tradition that denies not only the ways in which Muslims have constantly contested and reformed Islamic orthodoxy, but also the multiple and often contradictory modalities of Islamic traditions. Third, I outline the arguments of first Soroush and then Shabestari, highlighting the registers within Islamic tradition that they draw upon in their critique of Islamic jurisprudence. In both these cases, I argue that these dissident Iranian formulations require us to nuance received theories of the secular and secularism and to attend more closely to the ways in which Islamic imaginaries are themselves embedded in twenty-first century Muslim secularisms.

I. Orthodoxy and Discursive Traditions: Who Speaks for Real Islam?

Legal Constructions and Legitimate Authority: The Guardianship of the Jurist

The Islamic Republic, as institutionalized in both the original 1979 constitution and the revised 1989 constitution, represents a state in which the authority of Muslim jurists (*fuqaha'*) is given highest priority.³ The political structure of the Islamic Republic institutionalizes this formation. Article five of the constitution, for example, states that the leadership of Muslims is the responsibility of the “just and pious” legal scholar (*faqih*).⁴ At the Islamic Republic’s base is a “bifurcation of executive power” between the a popularly elected president and parliament, on the one hand, and this supreme legal scholar, selected by a body of other highly ranked legal scholars, on the other. While the president serves a four year term (with a limit of two terms in office), the *Faqih* is appointed for life, oversees the armed forces, and has the authority to veto the president’s decisions.⁵ This focus on Islamic juridical authority, is based largely upon Ruhollah Khomeini’s theory of the guardianship of the jurist (*velayat-e faqih*). In the period leading up to the 1979 Iranian Revolution and during the constitutional debates that followed, Khomeini argued that the proper government

³ Bahman Bakhtiari and Haleh Vaziri, “Iran’s Liberal Revolution?” *Current History* 101, n.651 (2002), 17-18; For a discussion of the ways in which Iranian political actors debated Khomeini’s own contradictory populist and authoritarian statements following his death, see Daniel Brumberg, *Reinventing Khomeini: The Struggle for Reform in Iran* (Chicago: The University of Chicago Press, 2001); Also see articles 107 through 132 of the Iranian constitution, <http://www.iranonline.com/iran/iran-info/Government/constitution.html> (accessed December 8, 2008).

⁴ *Constitution of the Islamic Republic of Iran* <<http://www.iranonline.com/iran/iran-info/Government/constitution-1.html>>, accessed January 14, 2008.

⁵ Bakhtiari and Vaziri; For a detailed discussion of the complexities of power sharing and institutional divides within the Islamic Republic, see Brumberg.

for a Muslim society is one in which experts in religious law oversee the state. Khomeini suggested that “since the enactment of ... [*shari`a*]...is necessary,...the formation of a government and the establishment of executive and administrative organs are also necessary.”⁶ In order for Islamic ordinances to be enacted, for Islamic law to play its appropriate role in Muslim life, a government was needed. Khomeini offered a particularly political reading of the jurist’s responsibilities. According to Khomeini, “Since Islamic government is a government of law, knowledge of the law is necessary for the ruler,” especially in the absence of the twelfth imam.⁷ During the occultation, in other words, only a jurist would have adequate knowledge to rule. In re-imagining the construction of the jurists’ guardianship, Khomeini differed drastically from earlier scholars (a fact I’ll return to shortly), yet regardless of the degree of innovation, Khomeini’s articulation greatly influenced the formation of the Islamic Republic. These theories of *velayat-e faqih* therefore define much of the contexts in which dissident authors have voiced their arguments since the early 1980s.⁸

Authenticity and Secular Critique

Whereas Khomeini, and the institution of the Islamic Republic as a whole, promoted the authority of the jurists as the representatives of the Hidden Imam and linked that representation to political governmental power, Soroush and Shabestari (alongside other

⁶ Ruhollah Khomeini, *Islam and Revolution: The Selected Works of Imam Khomeini*, ed. Hamid Algar (Berkeley, CA: Mizan Press, 1981), 42.

⁷ *Ibid.*, 59; For a discussion of Khomeini’s specifically legal arguments for this position, see also Robert Gleave, “Political Aspects of Modern Shi`i Legal Discussions: Khumayni and Khu`i on *ijtihad* and *qada`*,” in *Shaping the Current Islamic Reformation*, edited by B.A. Roberson (Portland, OR: Frank Cass, 2003): 96-116.

⁸ For a discussion of the legal transformation that took place between the 1979 and 1989 constitutions, as well as the ways in which the Islamic Republic incorporates an innovative vision of Islamic law, see Asghar Schirazi, *The Constitution of Iran: Politics and the State in the Islamic Republic* (New York: I.B. Tauris, 1997).

dissident Iranian religious intellectuals) moved to delegitimize not only the jurist's governmental position, but to deprioritize the place of legalist readings of Islam more broadly. I will explore these dissident arguments in a moment. First, I simply note that these articulations of secularist politics and, significantly, the critiques of Islamic legalism through which they are voiced, have been read as outside the confines of Islamic religious reason. Indeed, this is a position Saba Mahmood took in a 2005 article entitled "Secularism, Hermeneutics, and Empire." Mahmood's essay is insightful, particularly in its identification of the United States' theologically based international agenda, but it highlights the problem of defining the "discursive traditions" central to Asadian projects.⁹ Mahmood's essay focuses on the United States' billion dollar project of refashioning Islam internationally. According to Mahmood, the United States government draws on the (common) conception of secularism that links state neutrality toward religion with freedom of conscience.¹⁰ Yet Mahmood suggests that calls to reinforce secular divisions misunderstand the nature of secularism itself. Secularism is not a neutral project, but rather one that demands the construction of a certain kind of subjectivity. In other words, Mahmood (similarly to Asad and drawing on his work explicitly) contests secularism's neutrality. Not only does secularism form certain types of subjects, but the avowedly secularist and secularizing agenda of the United States' project (embodied in the "World Muslim Outreach" program with 1.3 billion dollars) hosts an "overt *theological* agenda." Rather than targeting Muslim individuals who support militarization or violence, both the United States and the Rand Corporation designate "traditionalist" Muslims, who enact non-liberal understandings of

⁹ For Talal Asad's most recent definition of discursive traditions see: "Reading a Modern Classic: W.C. Smith's 'The Meaning and End of Religion,'" *History of Religions* 40, no. 3 (2001): 205-222.

¹⁰ Saba Mahmood, "Secularism, Hermeneutics, and Empire: The Politics of Islamic Reformation," *Public Culture* 18, no.2 (2006): 324.

religion and subjectivity but are generally *not* engaged in or supportive of violence, as the greatest threat to US interests abroad. The basis for this threat is a religious hermeneutics that, according to the Rand Corporation, runs counter to “a modern democratic mind-set: critical thinking, creative problem solving, individual liberty, secularism.” U.S. programs are concerned less with militancy and more with the “interpretative act” indicative of liberal citizens.¹¹ The U.S. therefore attempts to enact an Islamic reformation that would remake a traditionalist hermeneutic into one compatible with the demands of secular democracy.

This question of hermeneutics is central to Mahmood’s critique and to her interrogation of liberal Muslim intellectuals. Here, I suggest that Mahmood reads the Muslim reformists she interrogates as outside the traditions of Islam. She argues that in liberal Muslim hermeneutics “the notion of the transcendent, no longer locatable within the religious text, finds a place in the ineffable and privatized world of individual readers who turn not to traditional authority but to their own cultured sensibilities to experience the true meaning of the word.”¹² The “traditional authority” cited by Mahmood, the identification with which marks a non-secularized, non-imperializing Muslim, seems to be the Islamic apparatus of specifically *juridical* authority. Indeed, it is this authority that the Rand Corporation identifies as problematic and in need of modernist reformation. According to Mahmood, the Rand report denounces “traditionalist” Muslims for “their inability to denounce the juristic tradition for its deficient and contradictory character.”¹³ While Mahmood’s analysis does actually capture certain elements of reformist approaches to the

¹¹ Ibid., 331.

¹² Mahmood 340.

¹³ Ibid., 334.

Qur'an, her further identification, on the one hand, of "ineffable" experience as a secularist-imperialist imposition and, on the other, of *juridical* authority specifically as the central aspect of traditional Muslim practice, denies the depth of Muslim relation to both inner experience (and not simply practice) and of alternative structures of non-juridical (*fiqhi*) authority in Islamic history. Mahmood sees this turning away from "traditional" authority as only linked to the imposition of a hegemonic secular; an imposition so drastic that it places these authors outside of Islamic logics and as the "ally" of Western imperialism.¹⁴ The problematic here, which I would like to contest, is Mahmood's implicit assertion that only two options exist for contemporary Muslims: pre-defined Islamic logics or secular-imperialist ones.

Mahmood is not the only scholar of Islam to suggest this bifurcation. Instead, this discussion of Western imperialism and secularist Muslims highlights an ongoing tension in constructions both of Islam as a discursive tradition and the assumed orthodoxy at the center of that tradition. Ovamir Anjum, in his essay "Islam as a Discursive Tradition: Talal Asad and His Interlocutors," similarly positions liberal Muslims as mouthpieces for (non-Muslim) Euro-American projects. He agrees with Charles Hirschkind's reading that the liberal Muslim reformer Nasr Abu Zayd (b. 1943) undertook "modernist attempts to *subjugate* Islamic modes of exegetical reasoning to a certain Western one," attempts that "transgressed boundaries considered Islamically acceptable by his contemporaries."¹⁵ Here, not only do the "modern" and the "Western" become synonymous, but Anjum unquestioningly accepts the claim, voiced by a certain segment of the Egyptian population, that this segment itself

¹⁴ Ibid., 329.

¹⁵ 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 added.

represents the heart of “real” Islam.

It is worth noting that the scholarly acceptance of these two entities, one Euro-American and one Islamic, reifies these two traditions and denies their mutual historical imbrications. Yet more significantly for my purposes, the contemporary positing of orthodoxy at the center of Islamic tradition relegates minority Islamic practice to a somehow less authentic position. Current discussions of Islamic orthodoxy elide the fact that some Muslims have *always* denied other Muslims status as such. In the Shi`i Iranian context specifically, disputes (both physically violent and intellectual) between institutional Sufi groups and the legal (*fiqh*) establishment are well-documented. The most famous example is that of the late-eighteenth century Ayatollah `Ali Bihbihani – known by the nickname *Sufikush*, the “Sufi killer.”¹⁶ (I will return to the historical debates over Sufism and Islamic jurisprudence in the Iranian context during my discussion of Soroush’s arguments. The point I hope to have made here, however, is that the scholarly *acceptance* of particular claims to orthodoxy blinds us to the ways in which Muslims have contested not only “traditional authority,” but also which individuals and which readings of Islam constitute that very authority. Iranian dissident arguments against the authority of the jurists cannot be read singularly within the context of the inexorable march of secularism over and against Islamic practices; instead, some attention at least must be paid to the ways in which Muslim secularisms re-imagine and re-articulate embedded and volatile contestations over religious subjects and rhetorical identifications.

¹⁶ Nasrollah Pourjavady, “Opposition to Sufism in Twelver Schism,” in *Islamic Mysticism Contested: Thirteen Centuries of Controversies and Polemics*, ed. Frederick de Jong and Bernd Radtke (Boston: Brill, 1999), 622-3; For another example of disputes within Islam over minority identifications, see, Sherman Jackson, *On the Boundaries of Theological Tolerance in Islam: Abu Hamid al-Ghazali’s Faysal al-Tafriqa* (Oxford: Oxford University Press, 2002).

Moving beyond Euro-American teleologies of secularization, in this paper I focus on the Islamic repertoires Muslims draw on to navigate contestations over the relationship between Islam and politics in the Islamic Republic of Iran. In contesting the jurists' assumption of political authority, Soroush and Shabestari locate themselves within long-standing debates within Islamic traditions that prioritize inner states and self-conscious (rather than merely formal) 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.

II. Abdolkarim Soroush and Spiritual (*Batini*) Religiosity

Soroush presents a particularly interesting example here of the continuity of Islamic discourses within these dissident arguments because, while current scholarship has outlined the role of Euro-American philosophy in his writings, his engagement with specifically Islamic traditions has been largely overlooked. 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.”¹⁷ Soroush argued that because religious knowledge itself is limited and contingent, modern Muslims must analyze religious precepts in light of extra-religious reason.¹⁸ More recently, Soroush has called for the separation of religious and political 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

¹⁷ Ashk Dahlen, “Deciphering the meaning of revealed law: The Soroushian paradigm in Shi’i epistemology” (Ph.D. diss., Acta Universitatis Upsalienes – Studia Iranica Upsaliensia, 2001), 285.

¹⁸ Abdolkarim Soroush, *Reason, Freedom, and Democracy in Islam: Essential Writings of Abdolkarim Soroush* (New York: Oxford University Press, 2000), 133.

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."¹⁹

Against the *fiqh*-based (or, legally-based) understandings of Islam that largely authorize the Islamic Republic, Soroush holds up the Iranian-Islamic tradition of *`irfan* (philosophical mysticism).²⁰ Whereas one might, as Mahmood does above, locate the legal establishment as the orthodox center of Islamic religious practice, the history of *`irfan* demonstrates an ongoing contestation over this very center, a contestation which many of the religious reformists in Iran, and Soroush in particular, draw on in order to debate juridical authority.²¹ As an identifiable school of thought, *`irfan* bridges the categories of Sufi practice 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 (*tasavvuf*).²²

The Iranian scholar Nasrollah Pourjavady highlights the polemical nature of these constructions and argues that Shi`i authors were almost uniformly opposed to Sufism prior to the thirteenth century. Early Shi`i intellectuals viewed Sufism as "a form of Sunnism," and

¹⁹ Abdol Karim Soroush, "I am not the Reformists' Godfather," *Shargh* (20 August 2006), <http://www.dr.soroush.com/English/Interviews/E-INT-IAMNOTTHEREFORMISTSGODFATHER.HTML> (accessed 8 December 2006), 5.

²⁰ 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 (May, 1999, Tehran)* (Tehran: Sadra Islamic Philosophy Research Institute, 2001): 173-192.

²¹ For another discussion of *`irfan* theories of guardianship, see Mohsen Kadivar, *Hokumat-e Velayi* (Tehran, Iran: Nashrani, 1999).

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

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 (*awliyā*) and people of miraculous deeds.”²³

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.”²⁴ While the Safavid period (1501-1736) witnessed the life of one of the preeminent masters of *`irfan*, Sadra al-Din al-Shirazi (d. 1640), it also saw a violent move on the part of the Safavid state 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, in attempting to limit the control of the “clerical elite,” both admitted *`ulama*’ with Sufi leanings to high circles of power.²⁵ On the other, the reign of Shah Safi in particular saw numerous messianic uprisings that initially curtailed Safi’s own interest in Sufism.²⁶ Both the well-known Shi`i scholar Fayz-e Kashani (d. 1679) and Sadra al-Din al-Shirazi himself spoke “of the ways in which the popularization of Sufism and the dervish cult were creating social discord” and distinguished themselves from the exaggerationist (*ghuluw*) groups of mystics.²⁷ Although the incorporation of *`irfan* into Shi`i theology was immediately positioned against institutionalized Sufism, the disassociation of

²³ Pourjavady, 614-5.

²⁴ Ibid., 619.

²⁵ Rula Jardi Abissab, *Converting Persia: Religion and Power in the Safavid Empire* (New York: I.B. Tauris, 2004), 119.

²⁶ Andrew J. Newman, *Safavid Iran: Rebirth of a Persian Empire* (New York: I.B. Tauris, 2006), 73-78.

²⁷ Kathryn Babayan, *Mystics Monarchs and Messiahs: Cultural Landscapes of Early Modern Iran* (Cambridge, MA: Harvard University Press, 2002), 417.

`irfan from Sufism was incomplete. Indeed, Pourjavady seems to suggest that the designation of `irfan as opposed to Sufism may, in some cases, have been a purely defensive measure, a terminological choice designed to “avoid the negative connotations” of Sufism.²⁸

While for much of its history `irfan was an elite discourse, revolving around the writings of Ibn `Arabi and Sadra al-Din al-Shirazi, in the twentieth century these discourses became increasingly public and political.²⁹ According to Alexander Knysh, Khomeini himself delved deeply into `irfan traditions – he not only studied Sadra al-Din al-Shirazi’s *Ketab al-Asfar*, but wrote his own treatises on `irfan.³⁰ Matthijs Van den Bos has suggested as well that following Khomeini’s death in 1989, the Islamic Republic attempted to ground its *own* authenticity in `irfan language and to re-imagine Khomeini as the preeminent practitioner of `irfan for the modern Iranian nation.³¹ Hamid Algar, a noted scholar of Iran and follower of Khomeini, positions Khomeini as beyond the level of the *marja`-e taqlid* (the Shi`i source of emulation), and instead as a “perfect person” fusing religion and politics.³² Even this past summer, the Iranian newspaper *Hamshari* published a piece entitled “A brief

²⁸ Pourjavady, 621.

²⁹ 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*, Vol. 62, No. 1 (1999), 45-6) - I have seen no work to date on the ways in which print culture, and specifically the establishment of publishing industries and increasing literacy in Iran, have impacted the reception of these discourses in twentieth and twenty-first century Iran

³⁰ Alexander Knysh, “*Irfan Revisited: Khomeini and the Legacy of Islamic Mystical Philosophy*,” *Middle East Journal* 46:4 (1992), 635-6.

³¹ Matthijs Van den Bos, *Mystic Regimes: Sufism and the State in Iran, from the Late Qajar Era to the Islamic Republic* (Leiden: Brill, 2002), 171.

³² Hamid Algar, *Roots of the Islamic Revolution in Iran* (Oneonta, New York: Islamic Publications International, 2001), 42.

look at the mystical (*`irfani*) and philosophical thought of Imam Khomeini,” which detailed Khomeini’s own engagements with *`irfan*.³³

In the 1990s, anti-state discourses arose that themselves drew on *`irfan* categories in order to contest the Islamic Republic’s oversight of appropriate Islamic practice. While the Islamic republic (specifically, the Islamic Republic’s theorization and institutionalization of the guardianship of the jurist), prioritizes Islamic jurisprudence (*fiqh*) as the heart of Islamic worship, Soroush argues that a model of religiosity offered by *`irfan* is most appropriate for a secular government and post-occultation society. Here, I focus largely on a 1998 article of Soroush’s, “Spiritual Guardianship and Political Guardianship” (“*valayat-e batini va valayat-e siyasi*”).³⁴ In this article, Soroush draws on Islamic philosophical mysticism (*`irfan*) to contest the Islamic Republic’s reading of both *velayat* (guardianship), as linked to the authority of the state, and of Islamic jurisprudence (*fiqh*), as the prioritized identification of the religious subject.

Soroush’s essay “Spiritual Guardianship and Political Guardianship,” draws upon two central questions from the history of Shi`i theology: 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 (*batini*) authority and limited political (*siyasi*) authority; (2) the conjunction of political and spiritual authority was unique to the Imams; and therefore, (3) during the occultation the Iranian Shi`a

³³ *Hamshahri*, “A brief look at the *`Irfani* and philosophical thought of Imam Khomeini,” <http://www.hamshahrionline.ir/News/?id=56730> (accessed December 8, 2008).

³⁴ Abdolkarim Soroush, “Spiritual Guardianship and Political Guardianship,” *Bast-e Tajrobeh-ye Nabavi (The Expansion of Prophetic Experience)* (Tehran, Iran: Mo’asasah Farhangi Serat, 1998): 242-282.

must turn to rational methods of government – specifically to political democracy. This argument revolves around a separation of religious from political authority (Soroush’s secularist claim) embedded in *`irfan* categories.

Semantic Slips: Valayat and Velayat

Soroush critiques the current instantiation of the Islamic Republic by linking *velayat/valayat* (to the Imams and denying juridical claims to represent the Hidden Imam in his absence. In the article “Spiritual Guardianship and Political Guardianship,” Soroush contrasts the *velayat-e faqih* (the guardianship of the jurists) with the *velayat* of the Imams. He argues that “the guardianship of the jurist has no part of *`irfani* and spiritual *valayat*...and the word is only used so that a group [of people] can mix this *velayat* (which means...political leadership) with that *valayat* (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`amat-e faqih*) so that the sophisticated associations [of the jurists] might collapse.”³⁵

This simple exposition, however, belies a much deeper field of meaning. Vincent Cornell notes that in Sufi discourse “*walaya* [*valayat*] and *wilaya* [*velayat*] are best seen as semantic fraternal twins that coexist symbolically...Each relies on the other for its meaning.”³⁶ This coexistence, as Cornell puts it, revolves around grammatical and theological debates over the precise meaning of these two terms. For example, while Ibn Kathir defined *velayat* in terms of authority and *valayat* in terms of closeness to God, the fourteenth century Indian Sufi Nizam al-Din Awliya’ reversed Ibn Kathir’s distinctions and

³⁵ Ibid., 280-1.

³⁶ Vincent Cornell, *Realm of the Saint: Power and Authority in Moroccan Sufism* (Austin: University of Texas, 1998), xix.

argued “it is *wilaya* that connotes closeness or love, whereas *walaya* connotes authority.” In Nizam al-Din Awliya’s words, ““that which takes place between the Shaykh and God is called *wilayat*. That is a special kind of love...His *walayat*, on the other hand, he can confer on someone else, whomever he wishes.””³⁷

While Cornell noted long-standing Sufi debates over the exact connotations of *valayat* and *velayat* (i.e., which connotes authority and which proximity to God), Soroush draws on *`irfan* theories to define the friend of god as *both* close to God and as a figure of absolute authority. The figure of the *vali*, linked to both Iranian *`irfan* and to theological status of the Imams, is the central figure of Soroush’s critique. Here, the contested semantic field at the root of the Islamic Republic’s *velayat-e faqih* opens up and presents a path for a complex dissident discourse of personal Islamic spirituality outside the confines of state oversight and juridical authority.

In Soroush’s discussion of guardianship (*velayat*), he draws a pivotal distinction between spiritual (*batini*) and political (*siyasi*) guardianship. Soroush places himself squarely in the discourses of *`irfan* - citing specifically Ibn `Arabi, Sadr al-Din al-Shirāzi, and Jalāl al-Din Rumi among others.³⁸ Soroush identifies the central figure of spiritual guardianship (*velayat-e batini*) as the friend of God (*vali*). Defining *`irfan* as Ibn `Arabi’s theories of divine manifestation, Soroush suggests the “perfect person” (*ensan-e kamel*) is the manifestation of all the divine names.”³⁹ As the reflection of God in the world, the friend of

³⁷ Ibid.

³⁸ The lineage that Soroush outlines for the history of *`irfan* echoes that suggested by the revolutionary ideologue Morteza Motahhari (d.1979CE), who himself noted not only the origin of *`irfan* 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).

³⁹ Soroush 1998a, 251. For detailed expositions of Ibn `Arabi’s theory, see William Chittick, *The Sufi Path to Knowledge: Ibn al-`Arabi’s Metaphysics of Imagination* (Albany: State University of New York Press,

God is so close to God that he is defined by “annihilation in God and existing through God.” Moreover, one of the main points of Rumi’s *Masnavi*, Soroush argues, is that a person cannot practice on his or her own without the consultation of a guide. Without the “shade” or the guardianship of a religious leader, it is impossible for an individual to reach God.⁴⁰ This guide’s authority is absolute and, in this context, “testing the Sheikh and raising objections are absolutely inadmissible.”⁴¹ While Soroush clearly cites the Sunni origins of these theories, he notes as well that in the Shi`i context *`irfan* discourses have identified the friend of god as the Imams.⁴² As Henri Corbin noted, “For Shiism...the final phase of prophecy (*nubūwah*) was the initial phase of a new cycle, the cycle of *walāyah* or Imamate....The word actually means *friendship, protection*. They are the ‘Friends of God’; strictly speaking, they are the prophets and the Imams.”⁴³ It is here, as Soroush links *`irfan* theories of religiosity and obedience to central Shi`i discussions of the Imamate, that his critique of the Islamic Republic becomes the most forceful.

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 to a limited political authority. The conjunction

1989), Henry Corbin, *Alone with the Alone: Creative Imagination in the Sufism of Ibn `Arabi* (Princeton: Princeton University Press, 1969), Michel Chodkiewicz, *An ocean without shore: Ibn Arabî, the Book, and the Law*, trans. David Streight (Albany: State University of New York Press, 1993) and *The Seal of the Saints: Prophethood and Sainthood in the Doctrine of Ibn `Arabi*, trans. Liadain Sherrard (Cambridge: Islamic Texts Society, 1993).

⁴⁰ Soroush 1998a, 258.

⁴¹ *Ibid.*, 260.

⁴² *Ibid.*, 268.

⁴³ Henri Corbin, *History of Islamic Philosophy* (New York: Kegan Paul International, 1993), 26.

of political and spiritual authority, Soroush argues in an implicit critique of the Islamic Republic, ended with the occultation of the Twelfth Imam.⁴⁴

Soroush's argument for a rationalist democratic politics, therefore, relies upon the delineation of two spheres of authority: spiritual and political. Yet even here it is worth noting that this very separation of religious and political authority is not *merely* a secularist intervention. Khomeini himself 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."⁴⁵ While Khomeini argued for the authority of the jurists in the Imam's absence, Soroush's argument that the conjunction of these two spheres in the Imams was *unique* and ended with the occultation of the Twelfth Imam, clears space for a secular government – one removed from the religious-legal establishment of Islamic jurists. 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 central debate that lies behind Soroush's essay is two-pronged: who represents the Imams during the post-occultation period and what elements of the Imams' authority devolve upon those representatives?

As we have seen, Khomeini's theory of *velayat-e faqih*, and the Islamic Republic's institutionalization of that theory, argued for the authority of the jurists as the deputies of the Hidden Imam.⁴⁶ Khomeini's theory was in fact innovative, and represented a drastic change

⁴⁴ Soroush 1998a, 280.

⁴⁵ Khomeini 1981, 64.

⁴⁶ 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 (*modiriyat*) of society" (Soroush 1998a, 274). We see here an implicit

in terms of the standard and prior articulations of jurists' authority – it is these debates that Soroush's essay draws upon and is inserted into. Despite Khomeini's claim to the absolute authority of the jurists, Muslim scholars have debated the extent of the guardianship of the *fuqaha*' since the occultation of the twelfth Imam in the late ninth century.⁴⁷ Instead of absolute authority, the jurists prior to Khomeini generally allotted themselves a "relative" guardianship. This 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."⁴⁸ The often cited cases here would be those involving orphans and the insane;⁴⁹ in short, a quite delineated subset of the population in comparison to the authoritative governmental guardianship institutionalized in the Islamic Republic.

As Said Amir Arjomand noted, the Islamic Republic propagated a specific understanding of *velayat-e faqih* 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'ite tradition) is incumbent upon the believer as a religious duty were often excerpted from the will and made into headlines in bold

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 1981, 25).

⁴⁷ For a detailed discussion of the changes in authority during the Lesser Occultation and following, see Abdulaziz Abdulhussein Sachedina, *The Just Ruler (al-sultān al-`ādil) in Shi'ite Islam* (New York: Oxford University Press, 1988).

⁴⁸ Shahrough Akhavi, "Contending Discourses in Shi'i Law on the Doctrine of Wilayat al-Faqih," *Iranian Studies* 29n.3 (1996), 223.

⁴⁹ Said Amir Arjomand, *The Turban for the Crown: The Islamic Revolution in Iran* (New York: Oxford University Press, 1988), 191.

letters.”⁵⁰ Historically, Shi`i political theory had been rather inclined to recognize the realities of 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.⁵¹ 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 *wilaya* [Arabic variant of *velayat*] over others.’”⁵² As several scholars have shown, the practical reach of the jurists’ authority, as well as the 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 *marja`-e taqlid* – the notion of a single pre-eminent jurist for each generation who would guide the community in religious matters.⁵³ Based on this increasing assumption of authority during the Qajar period, the noted scholar of Iran, Hamid Algar, has suggested that the

⁵⁰ Ibid., 153.

⁵¹ Abd al-Hakeem Carney, “The Desacralization of Power in Islam,” *Religion, State, and Society* 31, no.2 (2003), 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.

⁵² Arjomand 1988, 191.

⁵³ Akhavi, Shahrough. *Religion and Politics in Contemporary Iran* (Albany: State University of New York Press, 1980), 10-12.

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.⁵⁴ Yet while it is true that the post-Safavid period saw the increasing authority of Muslim jurists, even during the Qajar period the *'ulama'* had largely assumed the position of representing the Imam alongside, rather than in the absence, of the authority of extent political leaders.⁵⁵

In Soroush's essay on *velayat*, he supports in certain ways this earlier reading – suggesting that the holders of spiritual authority are purely the Imams, without reference to the legal scholars. Soroush's argument, therefore, 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 non-secularist figures, even ones so heavily invested in the rule of the jurists as Khomeini, themselves dissected the Imams' authority along these lines. The separation of these two modalities, therefore, is not merely a secularist intervention to disaggregate political and religious systems of authority (though it is that), but it is *equally* embedded in post-occultation debates over who represents the Hidden Imam.

Spiritual (batini) Religiosity and Secularist Hermeneutics

To return briefly to Mahmood's reading of Islamic tradition, Mahmood argues: "the project of a secular hermeneutics, and the form of discipline and rule it inaugurates, finds its *telos* in precisely a subject who recognizes the material expressions of a particular religion – its rituals, observances, laws, and scriptures – are linked only contingently to religious truth." Instead of "material expressions," secularist hermeneutics insist upon a "symbolic" view of

⁵⁴ Algar 15.

⁵⁵ Carney 204-5.

religion. In imperialist readings religion becomes not the literal word of God, but a system of symbols blind to the field of politics and embodied subjectivity.⁵⁶ Construed broadly, Soroush does posit spiritual (*batini*) guardianship as more central and enduring than political (*siyasi*) guardianship. Soroush argues that, during the occultation, the Hidden Imam “gives spiritual and inner guidance to people, not political leadership, from behind the veil. He takes their hands and indirectly (in absence) takes them toward God and he has those same qualities that the *`arefs* [masters of *`irfan*] have spoken of in terms of the friends (*`awliya*) of God.”⁵⁷ It is the political and external guardianship that ends with the occultation of the Hidden Imam; the spiritual and inner *valayat* of the Imams remains. Soroush’s secularist critique does indeed contest and deny the relevance of juridical claims (of *fiqh*) for contemporary Shi’i Iranians.

This contestation, however, does not assume the irrelevance of “rituals, observances, laws, and scriptures,” but does assert the primacy of certain *inner*, spiritual, relationships to God and the Hidden Imam. This is a valuation that in fact has much in common with prior *`irfan* discourse in terms of the hierarchical ranking of formal practice against inner states. On the one hand, Ibn `Arabi himself emphasized the necessity of formal practice. As William Chittick notes, 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 into practice and

⁵⁶ Mahmood 342-3.

⁵⁷ Soroush 1998a, 275.

invoking (*dhikr*) the name of God under a shaykh's guidance."⁵⁸ Yet Chittick notes as well that while Ibn `Arabi emphasized the role of formal practice in moving towards Truth, even his immediate commentators (such as the thirteenth century scholar Qunawi) focused instead on the philosophical aspects of Ibn `Arabi's theory, often called *vahdat-e vojud*. Chittick notes this bias as well in academic work on Ibn `Arabi, citing the work of Toshihiko Itzutsu and Henry Corbin specifically: "Where both authors come together is in failing to bring out the practical sides to Ibn al-`Arabi's teachings and his insistence on weighing all knowledge in the 'Scale of Law,' the norms revealed through the Koran and the Sunna of the Prophet."⁵⁹ While Chittick's critique here is useful in reorienting our understanding of Ibn `Arabi's own work, his evaluation of its reception history highlights the ways in which *`irfan* discourses, drawn from these later commentators, themselves have focused on philosophical truths over practical application, a move highlighted in Soroush's own presentation. Indeed, the notable revolutionary figure Morteza Motahhari (d. 1979), one of the founding figures of the Islamic Republic, foreshadows Soroush's own valuation of inner experience over formal practice. Motahhari, in detailing the relationship between the fourteenth century Persian Sufi poet Hafez and *`irfan* philosophies, argues that external practices are worthless without subduing the inner self (*nafs*).⁶⁰ He argued that "the *`urafa'* of the past spoke of the theory of arriving at Truth and encountering God (*liqa' allah*), and they understood all laws (*sharaye'*) as being for just such a goal and conclusion." Motahhari did value external practice - he

⁵⁸ William C. Chittick, *Ibn al-`Arabi's Metaphysics of Imagination: The Sufi Path of Knowledge* (Albany: State University of New York Press, 1989), xii; see also, Michael Chodkiewicz, *An ocean without shore: Ibn `Arabi, the Book, and the Law*, trans. David Streight (Albany: State University of New York Press, 1993).

⁵⁹ *Ibid.*, xvii-xix.

⁶⁰ Motahhari 12.

defined *`irfan* 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 the beginning of the stage of awakening (*tanabbuh*) and wakefulness (*bidari*) to the last stage, which is annihilation in god (*fana’ fi allah*) and remaining/living through god (*baqa’ billah*).”⁶¹ The role of practice (*suluk*) here is not incidental. Yet it exists within a hierarchical framing in which “all laws” are geared towards disciplining the inner self. Soroush draws on and extends these earlier discourses so that, in critiquing legal oversight, he posits a turn to “prophetic experiences,” higher levels of tasting and unveiling associated with Sufi experiences. 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 (*tahajjud*), fasting, prayer, giving alms, being generous (*enfaq*).” Yet these formal practices are not valued in their own right but as “parts of the prescriptions that open for people the inner door of *`irfani* and prophetic experiences.” Most forcibly, Soroush notes this hierarchical reading of the modalities of religious practice, not as a turn to religious experience without external practice, nor as a *merely* symbolic reading of Islam, but rather as a clear mystical path on which “the condition for imitating the prophet is imitating his experiences, not only following his commands and prohibitions.”⁶²

⁶¹ Ibid., 16.

⁶² Abdolkarim Soroush, “The Expansion of Prophetic Experience (*Bast-e Tajrobeh-ye Nabavi*),” in *Bast-e Tajrobeh-ye Navabi* (The Expansion of Prophetic Experience), (Tehran, Iran: Mo’asasah Farhangi Serat, 1998), 8.

III. Mohammad Mojtabid Shabestari and the Practice of *Adab*

I have suggested that a number of Iranian dissident intellectuals orient their critiques of the Islamic Republic largely as a critique of Islamic jurisprudence, drawing on registers from within the Islamic tradition that reprioritize the authority of Muslim jurists. However, not all these dissident scholars voice their critiques in the same way, nor do they all draw on the same Islamic sources. Like Soroush, Mujtahid Muhammad Shabestari contests the authority of the jurists, and the role of *fiqh*, in regulating Muslim religiosity. Unlike Soroush however, and as an example of the multiple and divergent traditions within Islam, Shabestari does not base his critique in post-occultation theology and *'irfan*, but rather contests the entanglement of Islamic jurisprudence in politics (*siyasa*) as detrimental to both jurisprudence and spiritually meaningful embodied worship.

Hojjatoleslam Mohammad Mujtahid Shabestari (b. 1936) supported the Islamic Republic early on and served in the *Majles* (Parliament) for a term. Like many Iranians, he quickly became disillusioned with the new government. During the 1990s, Shabestari became part of the “*Kiyan* circle,” a group of intellectuals (including Soroush) who published reformist articles in the monthly journal *Kiyan*. Shabestari’s critiques in particular focused on questions of hermeneutics and the multiplicity of interpretations of religious texts.⁶³ Like Soroush, Shabestari critiques religious bases for democratic government. Counter to several

⁶³ Daniel Brumberg, *Reinventing Khomeini: The Struggle for Reform in Iran* (Chicago: The University of Chicago Press, 2001), 214; For discussions of *Kiyan*, also see, Jahanbakhsh 246; Mehdi Semati, “Media, the State, and the Prodemocracy Movement in Iran,” in Isaac A. Blankson and Patrick D. Murphy, eds. *Negotiating Democracy: Media Transformations in Emerging Democracies* (Albany: State University of New York Press, 2007), 148-9.

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."⁶⁴ 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."⁶⁵ Shabestari's political critique is not only focused on the reality of multiple interpretations of Islam, but significantly on the independence of the '*ulama*' (religious scholars). He suggests that "the preservation of the independence of religion and the independence of the '*ulama*' of religion, from the perspective of protecting and respecting religion, is an indisputable and definite duty."⁶⁶ Similarly to Soroush, Shabestari's understanding of a "democracy of Muslims" against "Islamic democracy" does not imply that religious sentiments would not affect the political establishment, but rather that religious authorities, namely the '*fuqaha*' (legal scholars) would be disconnected from the state apparatus.⁶⁷

Constructing the State and Enforcing Moral Order

Shabestari's critique of the Islamic Republic delineates the boundaries of jurisprudential reason, a mode of reasoning that he retains as significant, but ultimately reads as detrimental to both Muslim religiosity and Islamic jurisprudence (*fiqh*) itself when tied to

⁶⁴ Muhammad Mujtahid Shabestari, "Democracy of Muslims, not Islamic Democracy," in *Naqdi bar Qara'at-ha-ye Rasmi az Din (A Critique of the Official Reading of Religion)* (Tehran, Iran: Tarh-e No, 2006a), 143-4.

⁶⁵ *Ibid.*, 146.

⁶⁶ *Ibid.*, 147.

⁶⁷ *Ibid.*, 146-7.

the governing power of the state. His critique here is not of Islamic jurisprudence in its entirety, but rather of jurisprudence when tied to the worldly powers of the state. As noted above, the expansion of the Islamic Republic's authority is linked to Khomeini's re-imagining of the relationship between Islamic jurisprudence (*fiqh*) and the state. In particular, Khomeini called for a newly politicized Islam, one that denies the removal of any realm from religious injunctions. In the introduction to Khomeini's *The Rule of the Jurist (Velayat-e 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 (*siyasat*). This idea that religion (*diyanat*) must be separated from politics and the scholars ('*ulama*') of Islam must not become involved in social and political matters is voiced and spread by imperialists."⁶⁸ Abd al-Hakeem Carney, analyzing transformations in Muslim discourses during the twentieth century, reads Khomeini's arguments as the sacralization of Muslim political activity. He suggests that Islamists employ a "secular/theocratic" dichotomy in which "secularism becomes the antithesis of Islam, as Islam has never relegated religion to the private sphere."⁶⁹ Khomeini, for example, regards this denial of division between religion and politics within Muslim society as both "necessary and self-evident."⁷⁰ Within the Islamic Republic itself, government agencies that "invade the lives of private individuals and attack their personal preferences" justify their actions "by appeal to the imperative of

⁶⁸ Ruhollah Khomeini, *Velayat-e Faqih (The Rule of the Jurist)*, (Tehran, Iran: Muassasah-e Entesharat-e Amir Kabir ba hamkari-e Namayishgah-e Kitab, 1978), 23.

⁶⁹ Abd Al-Hakeem Carney, "The Desacralisation of Power in Islam," *Religion, State, and Society* 31 (2003), 203.

⁷⁰ *Ibid.*

enjoining the good and forbidding evil as stated in Article Eight of the constitution.”⁷¹ This Article reads,

In the Islamic Republic of Iran, commanding the good and forbidding the evil (*al-amr bilma`ruf wa al-nahy `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....⁷²

Article Eight suggests 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.”⁷³ Kar suggests that by referencing the moral authority of this Qur’anic command to “command the good and forbid evil,” the Iranian state uses religion to authorize its surveillance of citizens’ personal and public lives.

The governmental regulation of behavior is not a complete innovation within Islamic contexts; yet historically, the boundaries between Islamic jurisprudence and the state have been much more complex than suggested by either Khomeini or the Iranian state. In certain ways the Islamic Republic has expanded (greatly) the pre-modern role of the Islamic market regulator (*muhtasib*) to “command good and forbid evil.” Yet in pre-modern contexts, the role of the market regulator was strictly limited. Mottahedeh and Stilt, in analyzing the writings of Muhammad Ghazali (d. 1111) and Ibn al-Ukhuwah (d. 1329) on the market regulator, suggest that these theorists of the state’s role in enforcing morality understood an

⁷¹ Mehrangiz Kar, “The Invasion of the Private Sphere in Iran,” *Social Research* 70 (2003), 832-3.

⁷² *Constitution of the Islamic Republic of Iran* < <http://www.iranonline.com/iran/iran-info/Government/constitution-1.html>>, accessed December 19, 2007.

⁷³ Kar, 833, 829.

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.⁷⁴

Frank Vogel adds to this argument in suggesting that legally a market regulator could enforce only a “categorical *sharia* [Islamic law] 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 (d. 1058) to the actions of the contemporary Saudi 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.”⁷⁵ 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

⁷⁴ Roy Mottahedeh and Kristen Stilt, “Public and Private as Viewed through the Work the *Muhtasib*,” *Social Research* 70 (2003), 738-9.

⁷⁵ Frank E. Vogel, “The Public and Private in Saudi Arabia: Restrictions on Powers of committees for Ordering the Good and Forbidding Evil,” *Social Research* (2003), 754.

records telephone conversations of dissident writers, but also extends its moral authority to matters of dress and association both inside and outside the home.⁷⁶ The Islamic Republic assumes the activities of sanctioned religious reasoning as part of the state apparatus. While the eleventh century scholar al-Mawardi placed independent reasoning (*ijtihad*) in the hands of individual legal scholars and allowed the market regulator (*muhtasib*) authority only on issues that required no interpretation, the Islamic Republic positions numerous regulative bodies to control and condemn non-sanctioned legal reasoning. One of the least discussed, though perhaps most institutionally innovative, bodies of the Iranian state is the “Special Court for Clergy” (*Dadgah-e Vizhe-ye Ruhaniyun*). The Special Court for Clergy polices the writings of Iranian religious legal scholars and, when finding their positions at odds with the authorized position of the Islamic Republic, has sentenced major dissident legal scholars to prison over the last ten years.⁷⁷ It is this legal instantiation of the state’s religious authority to enforce both particular readings of appropriate Muslim practice and religious thought that many Iranian dissidents condemn.

Shabestari, in contradistinction to Khomeini and the institutional formation of the Islamic Republic, locates his critique against the equation of political activity with religious practice and, in particular, against the logical coherency of contemporary political *fiqh*. Shabestari concedes to the Islamic Republic that the orders (*amr-ha*) and prohibitions (*nahi-ha*) referenced in Article Eight of the constitution represent integral aspects of Muslim religiosity. Contrary to Soroush’s positing of an ‘*irfani*’ religiosity, Shabestari argues that the majority of Muslims orient their religiosity not around ‘*irfan*’ (which he suggests is based on

⁷⁶ Kar 829.

⁷⁷ See Mehran Kamrava and Houchang Hassan-Yari, “Suspended Equilibrium in Iran’s Political System,” *The Muslim World* 94 (2004), 504.

“love” (*eshq*)), but rather around following the “commands and prohibitions of God (*amr va nahi-ye khodavand*).”⁷⁸ 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.” He also allows that in the past Islamic jurisprudence (*fiqh*) “clarified the orders and prohibitions of God and fulfilled the most central religious need of the public.”⁷⁹

Yet Shabestari argues that while 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 (*avamar*) and prohibitions (*nahi-ha*) in the Islamic religion – worship (*‘ibadat*), social transactions (*mu’amalat*), and politics (*siyasat*),” which are “linked to the *faqihs* (legal scholars),” but also ultimately “in agreement with the Holy Qur’an and the tradition (*sunnat*) of the Prophet.”⁸⁰ Under each of these headings, worship, social transactions, and politics, Shabestari groups a certain subset of activities so that matters of devotion (*‘ibadat*) pertains to activities “like prayer, fasting, alms, and pilgrimage,” social transactions (*mu’amalat*) pertain to activities “like marriage, divorce, buying, and selling,” and *siyasat* (a complex term that I’ll return to shortly, but which could be defined here either as “politics” broadly *or* as “punishment” in specific legal contexts) pertains to activities “like punishing stealing, retaliation, compensation for manslaughter, penal laws, and the rules of general guardianship.”⁸¹ Shabestari argues that the issue is that the orders and prohibitions

⁷⁸ Mohammad Mojtahid Shabestari, “Political Jurisprudence has forfeited its Rational Basis (*fiqh-e siyasi bastar-e ‘aqlai-ye khod ra az dast داده ast*)”, in *Naqdi bar Qira’at-ha-ye Rasmi az Din (A Critique of the Official Reading of Religion)* (Tehran, Iran: Tarh-e No, 2006b), 162.

⁷⁹ *Ibid.*, 163.

⁸⁰ *Ibid.*, 161.

⁸¹ *Ibid.*, 163-4.

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 aside....On the issue of politics (*siyasat*), the matter is completely the opposite....in the present age, most of the suggestions and religious opinions of legal scholars (*fatwas*) on the issue of politics (*siyasat*) do not have a rational explanation.⁸²

Rather than directly attacking the interventionist state of the Islamic Republic, Shabestari complains that the problem with religious conceptions of politics (*siyasat*) is *not* simply a problem of putting eternal divine orders and prohibitions into effect in the twentieth and twenty-first centuries (contemporary politics have nothing to do with taking vengeance for killings, tribal relations, and allegiance (*bay`at*) to a single ruler).⁸³ Instead, Shabestari suggests that democratic processes present simply the best political system. Religious opinions (*fatwa*) that contradict the freedom and equality at the root of the democratic system must simply be re-examined in order to uncover the compatibility of Muslim religious life with democratic politics. It is these democratic processes, rather than any anthropology they may presuppose, that represent the best life for Muslims.⁸⁴ Shabestari conflates specially legal (*fiqhi*) readings of *siyasa*, as punishment, with a broader meaning connoting “politics.” And then, based on this conflation, he cedes the political authority of the jurists (as overseeing both punishment and politics) to secular imaginaries.

⁸² Ibid., 167-169.

⁸³ Ibid, 174.

⁸⁴ Shabestari 2006a, 145.

In Shabestari's argument we do in fact witness a clearing of intellectual space for secular democratic government. However, even here this move represents not *merely* a secularist imposition, but rather opens up the historically complex relationship between the authority of legal scholars and the realm of *siyasa*, a term used to define both politics and punishment. On the one hand, in contradistinction to Islamist attempts to conjoin religion and politics, Abbas Amanat has suggested as well that in pre-modern contexts a jurisprudence of neither punishment nor politics (*al-fiqh-i al-siyasi*) existed.⁸⁵ Carney has suggested as well that "it has been commonplace for Muslim thinkers...to posit their own bipolar distinctions inside their communities: between *millat* (the religious nation) and *dawlat* (the state)...[and] between *shari`ah* (divine law) and *siyasah* (politics)."⁸⁶ Institutionally, he suggests, "throughout history there has always been a clear divide between these domains, particularly in the court system, where *shari`ah* judges would always stand alongside 'secular' (meaning, in this case, non-shariah) courts, which often did the bulk of the work."⁸⁷

Yet even Carney acknowledges the fact of the matter is that state law, particularly in the realm of "*siyasat*," encompassed punishment alone while religious 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 – whether or not in fact they had the power and

⁸⁵ Abbas Amanat, review of Abdulaziz Abdulhussain Sachedina's *The Just Ruler: The Comprehensive Authority of the Jurist in Imamate Jurisprudence*, *The Journal of Religion* 72:2 (1992): 309.

⁸⁶ Carney, 204.

⁸⁷ *Ibid.*, 206.

position to make good on those theoretical constructs.⁸⁸ Distinctions between *siyasa* and *shari`a* were never firmly delineated and the ascription of various sets of authorities over *siyasa* has also been common place. Part of the issue here in understanding the category of “*siyasa*” and its role in Islamic thought, is that of overlapping sets of terminology. The *Encyclopedia of Islam* highlights three different discourses surrounding this term: that of the philosophers, the legal scholars, and contemporary, perhaps more strictly “political,” situations.⁸⁹ One, is the category of “*siyāsa shar`iyya*,” identified as a particularly “Sunni constitutional and legal doctrine...calling for harmonization between the law and procedures of Islamic jurisprudence (*fiqh*) and the practical demands of governance (*siyasa*).” Associated with Ibn Taymiyya (d. 1328), this theory advanced “a more expansive vision for *fiqh*” than had previously been articulated by Muslim scholars.⁹⁰ 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*).⁹¹ However, little research has been done on specifically *Shi`i* views on Islamic Jurisprudence. One of the few is Hossein Modarressi Tabataba’i’s *An*

⁸⁸ Devin J. Stewart, *Islamic Legal Orthodoxy: Twelver Shiite Responses to the Sunni Legal System* (Salt Lake City: The University of Utah Press, 1998), 238.

⁸⁹ “Siyasat,” *The Encyclopedia of Islam* (Leiden: Brill, 1997), 693.

⁹⁰ “Siyasat,” *The Encyclopedia of Islam* (Leiden: Brill, 1997), 694-5; see also Vogel’s discussion of pre-modern Muslim legal systems “as consisting 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*,” 750.

⁹¹ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (Cambridge, UK: The Islamic Texts Society, 2003), 26.

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 Fayz-e Kashani as having a unique approach. Fayz-e Kashani (d. 1679), one of the seminal figures in Shi`i legal and theological debates, divides Islamic jurisprudence (*fiqh*) into two sections: “one on acts of devotion and social duties (*al-`ibadat wa`l-siyasat*) and the other on ordinary affairs and transactions (*al-`adat wa`l-mu`amalat*).”⁹² While Fayz-e Kashani’s terms mirror Shabestari’s in some ways, though not in the divisions, Kashani’s combining of devotional acts (*ibadat*) and social duties (*siyasat*) seems to point to an entirely different moral economy than Shabestari’s construction.⁹³

The second usage suggested by the *Encyclopedia of Islam* is a limited usage given the term by Muslim philosophers, such as al-Farabi (d. 950), who drew on Greek philosophy and prioritized rationalist philosophical ends, such that they “often elevated *siyasa* above *shari`a* in importance.”⁹⁴ The third, and perhaps most significant, reading of *siyasa* is “in the sense of statecraft, the management of affairs of state and eventually,” in modern contexts, “that of politics and political policy.”⁹⁵ Ibn al-Mukaffa (d. 757) presents the most significant element of “statecraft” in the early periods for our purposes. He suggests, “*siyasa* is the discretionary authority of the ruler and his officials, one which they exercise *outside the*

⁹² Hossein Modarressi Tabataba`i, *An Introduction to Shi`i Law: A Bibliographical Study* (London: Ithaca Press, 1984), 6.

⁹³ Talal Asad, in a study of secularization in late nineteenth and early twentieth century Egypt, suggests that Muslims tend to divide religious life into three categories: worship, social transactions, and punishment (*hudud*). Unfortunately, Asad does not include a citation for this division. See Talal Asad, *Formations of the Secular: Islam, Christianity, Modernity* (Stanford: Stanford University Press, 2003).

⁹⁴ “Siyasat” 694.

⁹⁵ “Siyasat,” *The Encyclopedia of Islam* (Leiden: Brill, 1997), 693.

framework of the shari'a [Islamic religious law].”⁹⁶ Closest to this reading is the vernacular reading in contemporary Persian of “*siyasat*” as simply “politics.” The dictionary *Farhang-e Ruz-e Sokhan*, published in 2004/2005 (1383H) includes five definitions of *siyasat*, but none that link it to matters of punishment. Rather, *siyasat* is simply “matters connected to the administration of a country and its relations with foreign states (*kharej*).”⁹⁷ An intriguing element of Shabestari’s discourse is that his critique largely collapses the difference between *siyasa* as punishment (a definition drawn from strictly legal terminology) and *siyasa* as politics. So that his critique of a specific subset of Islamic jurisprudence, a subset related to issues of punishment, becomes equally a critique of the jurists’ authority to rule.

Jurisprudence as a Worldly Science: The Decline of Islamic Jurisprudence

Shabestari’s critique of juridical authority, however is not limited to a critique of the logical bases of jurisprudence. Rather, he draws on Muhammad Ghazali (d. 1111) to argue for the limited nature of juridical authority over truly spiritual matters. Shabestari predicates this argument upon a long-standing critique that relates Islamic jurisprudence to merely worldly religious actions. Shabestari questions the Islamic State’s assumption of legal reasoning and the role of Islamic (rather than secular) jurisprudence in enforcing morality. 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 was severed between obeying

⁹⁶ Ibid., 694 (italics added).

⁹⁷ “Siyasat,” *Farhang-e Ruz-e Sokhan*, Tehran, Iran: Sokhan, 2004/2005 (1383).

god Muslim people's religious purpose, ultimate concern, and unconditional demand; in the words of Ghazali, this science [*fiqh*] became merely worldly (*donyavi*)."⁹⁸

This citation of Ghazali is essential here. Ghazali himself represents a seminal critique of legalistic Islam, and he advocated instead a more mystical (*irfan / Sufi*) approach to religious practice.⁹⁹ What Shabestari finds useful in Ghazali, however, is not his relationship to mystical forms of religiosity, but rather the hierarchy that Ghazali articulate between worldly and other-worldly sciences. As Ken Garden has noted, in *The Revival of Religious Sciences* (*Ihya Ulum al-Din*) "al-Ghazali draws a distinction...between this world (*al-dunyā*) and the other world (*al-ākhirā*)....Through the *Ihyā'*...this distinction marks a division of the religious sciences into worldly and otherworldly."¹⁰⁰ Ghazali himself advocates "'ilm *ṭarīq al-ākhirā*, the science of the path of the other world....[Salvation] is the main goal of religion and is pursued *through the otherworldly science*." 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."¹⁰¹

In fact, Ghazali positions much of the early portions of the *Ihya'* as a critique of jurisprudence. Like Shabestari, "Ghazali was disillusioned with the jurists (*fuqaha'*) for their inability to discern what he deemed to be the true meaning of things, namely the

⁹⁸ Shabestari 2006b, 163.

⁹⁹ K. Garden, "Al-Ghazālī's Contested Revival: *Ihyā' Ulūm al-Dīn* in Khorasan and the Maghrib" (PhD Diss., University of Chicago, 2005), 21; For brief biographies of Muhammad Ghazali, see the "Introduction" to Ebrahim Moosa's *Ghazali and the Poetics of Imagination* (Chapel Hill, NC: University of North Carolina Press, 2005), 1-32; for Ghazali's political location and interaction with the state authorities of his time, see Omid Safi, *The Politics of Knowledge in Premodern Islam: Negotiating Knowledge and Religious Inquiry* (Chapel Hill, NC: University of North Carolina Press, 2006), 104-124.

¹⁰⁰ Garden 25.

¹⁰¹ *Ibid.*, 28.

transformation that the practices prescribed by the law should bring about in the legal and moral subject.”¹⁰² Ghazali, like Shabestari, notes that while past jurisprudence was linked to religious concerns, the jurisprudence of his contemporaries was hampered by worldly relations. The element from Ghazali’s *Revival* that Shabestari draws into his critique is Ghazali’s valuation of internal states and sciences over the dictates of the jurists. Ghazali’s text delineates clearly the limits of Islamic jurisprudence, suggesting 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.*” In the case of prayer, for example, while the jurist may be able to oversee “whether or not it has been correctly performed in accordance with the prescribed regulations,” on the subject of “submitting and presenting the heart to God, however, both of which are works pertaining to the hereafter and through which works...are rendered efficacious, the jurist does not address himself; and in the case he does, *he oversteps his bounds.*”¹⁰³ This is a critique particularly relevant to Iranian dissidents working against the legally-defined Islamic Republic and is drawn on here in the works of Shabestari, and in those of Abdolkarim Soroush elsewhere.

While Shabestari does cite Ghazali’s statement that Islamic jurisprudence aligned with state power becomes merely “worldly,” he 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

¹⁰² Moosa 238.

¹⁰³ Faris 42-3, emphasis added.

governance of the polis and the governance of the body.”¹⁰⁴ Ghazali’s text imagines an interlocutor asking “Why have you appended jurisprudence to secular [worldly] sciences and grouped jurists among secular [worldly] scholars?”¹⁰⁵ 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.”¹⁰⁶ Yet even for Ghazali this intersection with worldly power is, as shown above, a decline for jurisprudence.

Regardless of Ghazali’s own intentions, Shabestari draws on the formative text of the *Revival* to ground his critique of the authority of the Islamic Republic (as a state based in Islamic *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

¹⁰⁴ Moosa, 214.

¹⁰⁵ 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 Ihyā’ ‘Ulūm al-Dīn* (Lahore, Pakistan: Sh. Muhammad Ashraf, 1966), 40); here, I chose to translate this term as “worldly sciences” (a more literal translation) in order to avoid any anachronistic assumption about either political or philosophical secularism from Euro-American traditions.

¹⁰⁶ Faris 40.

demonstrate that Islamic principles are not incompatible with democratic ones.¹⁰⁷ Yet he, more significantly, argues as well that true religion cannot flourish under any sort of “trusteeship” responsible for the religious and moral activities of its citizens.¹⁰⁸ What Shabestari suggests by citing Ghazali’s identification of *fiqh* as a “worldly science” is not that *fiqh* is secular (*donyavi*), but that linking religion and politics causes a detrimental transformation in the nature of religious practice, focusing it too much on the worldly performance of legal obligations and less on the true matters of the heart, which (as Ghazali suggested) are outside of the jurists’ domain.

Tensions in Embodied Ethics and Democratic Citizenship

While Shabestari’s suggestion that Iranian Muslims understand “politics” as a purely worldly category cedes much to a secular realm of state practice, it retains as well an integral connection to a formative (rather than merely symbolic) religious ethics that denies easy divisions between secular and non-secular realms. In terms of contemporary secular ethics, Talal 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.”¹⁰⁹ What does Shabestari make of the political realm of democracy and citizenship that Asad cites? Shabestari tells us above that both matters of worship (*‘ibadat*) and matters of transactions or social ethics (*mu’amalat*) are still based in reason and no problem exists in their religious foundations. Yet as much as politics as non-religious practice *may* define state authority as

¹⁰⁷ Shabestari 2006a, 149.

¹⁰⁸ Ibid., 146.

¹⁰⁹ Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003), 255.

outside religious logics, democratic practice remains indeterminably within the sphere of social (and therefore ethical) practice.

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.¹¹⁰ Asad 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.¹¹³ In this sense, the sidelining of Islamic jurisprudence outside the structures of the state (as relevant to morality rather than to law) represents a moment of secularization. Yet while Asad’s discussion of secularization in Egypt focuses on legalistic understandings of Islam, in the Iranian milieu we must attend to the ways in which the state has constructed itself in Islamically jurisprudential terms. 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.

Shabestari is interested less in constitutional constructions than in removing the state’s authority to enforce certain understandings of embodied worship. 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,

¹¹⁰ Ibid.

¹¹³ Ibid, 235-6.

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.¹¹⁵ Yet this inner faith (*iman*) is not severed entirely from correct practice. Shabestari suggests that Muslims during the time of Mohammad (correctly) understood god’s law (*qanun*) to mean submitting to the “orders of god” (*hukm Allah*) and becoming civilized (*mota’addab shodan*) through the discipline of devotion. The gnostics (*’urafa*), in contrast to legal scholars, argued that these conscientious civilizing acts were central to religiosity. Drawing again on one of the most well-known of these figures, Muhammad Ghazali, Shabestari argues that “when you open a book like [Ghazali’s] *The Revival of the Religious Sciences*, you see that from Ghazali’s perspective that which must be observed...are not the laws (*qavanin*) of life, but the *adab* of ...life.”¹¹⁶

Indeed, Ghazali’s *Revival* draws heavily on this very concept of *adab*.¹¹⁷ Ghazali divided his *Revival* into four sections: “Acts of Worship (*al-`ibadat*)”, “Norms of Daily Life (*al-`adat*)”, “The Ways to Perdition (*al-muhlikat*),” 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 ways of eating (*kitab adab al-akl*) to imitating the manners of the prophet

¹¹⁵ Shabestari 2006a, 151.

¹¹⁶ Mohammad Mujtahid Shabestari, “Religious Pluralism,” in *Naqdi bar Qira’at-ha-ye Rasmi az Din* (A Critique of the Official Reading of Religion) (Tehran, Iran: Tarh-e No, 2006), 419.

¹¹⁷ 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).

(*kitab adab al-ma`isha wa ikhlaq al-nabwa*).¹¹⁸ While in modern usage the term *adab* (in Iran, South Asia, as well as the Arab Middle East) has come to connote “literature,” the term as utilized by both Shabestari and Ghazali presents a more complex field of meaning. Ebrahim Moosa argues that we should translate *adab* neither as “civility” nor as “etiquette” (both translations are common). Rather, “it 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 formation of norms for right and exemplary conduct.”¹¹⁹ 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.”¹²⁰ Shabestari’s reconstruction of *adab*, this notion of civilizing practice as connected to religious worship and religious experience, in fact problematizes an easy notion of ‘the secular.’ Despite what some may assume about the privatized nature of religious experience, for Shabestari, the embodied civilizing practices of *adab* span all spheres of Muslim activity. 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*’

¹¹⁸ 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

¹¹⁹ Ebrahim Moosa, *Ghazali and the Poetics of Imagination* (Chapel Hill: The University of North Carolina Press, 2005), 209.

¹²⁰ Metcalf 2-3.

in worship, social ethics, and in politics.”¹²¹ Unlike Asad’s reading of secularization in Egypt, Shabestari’s removal of politics from *fiqh* categories does not merely inscribe the state’s secular practice onto the Iranian sphere. Instead, Shabestari draws on Ghazali’s reconstruction of *adab* as “the heart of law (*fiqh*),”¹²² to orient his critique against a particular reading of Islam that links formal 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.”¹²³ As we saw above in terms of Ghazali’s critique of the legal establishment (in which jurisprudence, though only indirectly related to the religious path, was still central), Shabestari does not simply replicate Ghazali’s critique, but instead re-imagines it in order to suggest a rationalist secular politics. Unlike Shabestari, Ghazali pointed to the ways as well in which these activities did not require conscious knowledge of their utility on the part of the individual subject, but rather, as Metcalf suggests, Ghazali’s own theory of *adab* highlighted the ways in which “divinely revealed ritual actions...act on man in ways beyond his comprehension.”¹²⁴ Yet, as a counter-discourse, the radical egalitarianism of *adab* presents a discourse open to re-interpretation as democratic critique. As Metcalf has argued, and this is particularly interesting when juxtaposed to the legal (*fiqhi*) claims of the Iranian jurists, “there is no

¹²¹ Ibid, 419.

¹²² Moosa 238.

¹²³ Shabestari 2006c, 421.

¹²⁴ Metcalf 10.

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.”¹²⁵ Here, Shabestari’s critique comes into focus, as the theory of *adab* presupposes a path for contemporary Muslim subjects open to all individuals and centrally focused on the cultivation of moral virtue, a cultivation impossible to achieve through enforced observance.

¹²⁵ Ibid., 4.

Conclusions

How can we understand these Iranian dissident articulations beyond simply the imposition of a hegemonic secular insisting on an internal and individualistic (rather than material and juridically-defined) reading of religion? The problem here, that I hoped to draw attention to through this thesis, is that Islamic traditions have involved not only literalist readings of the “material expressions” of religion, but contestations over the very ways in which scripture, law, and ritual should be read. My argument here is that reading transformations in Islamic arguments (whether Asad’s reading of colonial and post-colonial Egyptian ethics or the secularist claims made by Iranian reformists), as merely a battleground between secular logic and Islamic ones, blinds us to the nuances of these post-colonial articulations.

Ultimately, in the Iranian contest, that which calls for response is not only the secular parameters of the nation-state, but a legally (*fiqhi*) constituted state. 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 (indeed, such a counter-factual claim could be neither proven nor dis-proven historically), but rather that given the existence of such forms, our scholarship would be better served by attending to their valences than disputing their authenticity. In the post-revolution Iranian context we must pay at least equal attention to the ways in which the local

discourses, those of the juridical authority of *fuqaha*' in this case, are contested through Islamic imaginaries. In this way, while we might attend to the hegemonic power of the secular, we are careful as well not to define Muslim imaginaries only in opposition to secularist, or secularly-impacted, ones. Instead, we recognize Muslim imaginaries not as closed, timeless orientations 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.

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