

The Iranian Clergy's Silence

By Mehdi Khalaji

“What we see is a military government, not the rule of the Shiite jurist.”
—Ayatollah Hussein Ali Montazeri’s 2009 open letter to Shiite religious authorities in Islamic countries.

ON JUNE 13, 2010, WHEN MEHDI KARROUBI, THE REFORMIST CANDIDATE in Iran’s 2009 presidential elections, paid a personal visit to the home of Ayatollah Yousef Sanei in the Shiite holy city of Qom, dozens of militants also descended on Sanei’s residence to disrupt the get-together. The militants were members of the Imam Sadeq Brigade 83, a paramilitary unit consisting of young radical clerics that is under the direct command of Iran’s Supreme Leader Ayatollah Ali Khamenei. These days, the brigade functions as one of the Islamic Republic of Iran’s main instruments of suppression against clerics and others that oppose the regime. In the early morning hours after ransacking Sanei’s office, the brigade stormed adjoining offices that belonged to the late Ayatollah Hossein Ali Montazeri, causing a great deal of property damage. These were but the latest actions undertaken by the theocratic regime against Ayatollahs Sanei and Montazeri—both religious leaders that supported protesters and the anti-government demonstrations that swept Iran in the wake of the country’s disputed presidential elections in 2009. Indeed, only several days before the raid on Montazeri’s offices, it was reported that Khamenei traveled to Qom with plans to visit the Shrine of Masoumeh (the sister of the eighth imam recognized as legitimate by Shiites). Ayatollah Montazeri was buried at the same shrine, but the regime ensured that his tombstone was removed on the day of Khamenei’s arrival.¹

Over a year since Iran's hotly disputed 2009 presidential elections and the subsequent violent crackdown on the opposition Green Movement, the Iranian regime is continuing its campaign to suppress and discredit Shiite clerics. Not unreasonably, Iranian democrats and others in the opposition expect Shiite religious scholars to react to these affronts and to defend their own against the Islamic regime. And yet, by and large, the clerical establishment has remained silent against the regime's attacks. What accounts for this silence of so many?

While there are several explanations why the clerical establishment has been unwilling to defend reform-minded clerics against the regime's attacks, what is clear is that the Shiite clergy's silence does not stem from indifference. In fact, there is a fundamental tension between Iran's clerical establishment and its theocratic government whose roots date back to the very inception of the Islamic Republic and, in important ways, even farther.

RELATIONS BETWEEN SHIITE CLERICS AND THE IRANIAN STATE HAVE been problematic and fraught with tension ever since the Safavid era, during which Shiism was adopted as the official religion of Iran. Before the Safavid period, few Shiites recognized or required an explicitly religious basis for political legitimacy, nor were they prone to advocate rebellion against the government. According to this classical view, everyone was obliged to support and obey the sultan—even though he acquired power by force and illegitimate means—because it was the sultan and the institutions of the sultanate that were charged with guarding and protecting the territories of Islam against infidels. However, by making Shiism the official ideology of the government, the Safavid rulers inadvertently helped to overturn this tradition of clerical self-subordination to temporal political power. In fact, many Shiites at the time believed that the establishment of a religious government before the return of the Hidden Imam was not legitimate; others within the clerical establishment believed it was necessary and sought to defend the Safavid regime.

As a consequence of this politicization of religion, Safavid rulers helped inaugurate a new historical phase of tension between Shiite clerics and the state, as well as a new era of competition within the clerical establishment itself over what the clergy's proper relationship to political power should be. Often times, these intra-clerical rifts came to be reflected in an overtly political and bureaucratic struggle over whom among the clerical ranks would hold which offices in the government, including powerful state positions like the *qadi*, or judge. After the Safavids fell, influential kings tended to ignore the clerics altogether, whereas fragile rulers invariably sought rescue from clerics. Such tensions within the clerical establishment and the rifts between clerics and kings lasted for nearly four centuries.

Ayatollah Khomeini intended to solve this tension between religious authority and political power once and for all by implementing the idea of *velayat-e faqih*—or, the guardianship of the jurist. In effect, his theory sought to unify the religious and political authorities in a new form of Islamic government and Shiite hierocracy; at the top of this new regime was the ruling jurist, a position that united both king and cleric. But the history of Iran since the Islamic revolution has shown that Khomeini’s vision has largely failed, and that the Shiite clerical establishment has not fully incorporated itself into the state apparatus.

THE KHOMEINIST CONCEPT OF “ISLAMIC GOVERNMENT” IS ROOTED IN AN expressly modern ideology that has little basis within the religious and political traditions of Shiism. In 1979, when Grand Ayatollah Ruhollah Khomeini mobilized people to courageously come into the streets and risk their lives for the sake of the Islamic revolution, many tradition-minded religious authorities stiffly resisted his political outlook and agenda. While Khomeini sought to overthrow the Shah and bring a decisive end to the monarchy, Shiite tradition historically accepted the monarchy and its institutions. Many Shiite scholars, in fact, considered the sultanate, not the republic, to be functionally in partnership with religion, and the kind of government that was best-suited for Muslims. For instance, Sayyed Abul Hasan Isfahani (1867-1946), an eminent religious authority, or *marja*, wrote that the “greatness of the sultanate is the highest dream of any devout Shiite, because the independence of an Islamic country, its security, and the immunity of Islam and Muslims depend on it.”²

Because of this traditional preference for the monarchy, many modernizing reform movements have faced stiff resistance from Shiite clerics in Iran. For example, after the decline of the Qajar dynasty, Reza Shah Pahlavi claimed that he sought to establish an Iranian “republic” similar to the one founded by Mustafa Kamal Pasha in Turkey, but Iranian clerics prevented him by arguing that the republican system was against Islam. As a consequence, Reza Shah Pahlavi was forced to inaugurate the Pahlavi dynasty and rule Iran by continuing the tradition and institutions of monarchy.

When the Islamic revolution erupted in 1979, some high-ranking Shiite clerics openly criticized Khomeini for provoking ordinary people to rebel against the Shah and the monarchy. Exposing these people to the government’s violent reprisals was seen by many as a violation of Islam. In a 1965 meeting in Najaf, Ayatollah Mohsen Hakim, an Iraqi *marja* with an extensive following in Iran, confronted Khomeini, saying that “the way you resist [against the Shah’s regime] is not right, because we do not have a weapon and power. Our weapon and power is people, and they are looking

to see where the wind is blowing.” Khomeini responded, “I did not do anything without research and reliable documents.” Hakim asked, “How will you answer to God for this bloodshed [that you’ve brought upon the people]?” Khomeini replied, “Imam Hossein rose up and he and some others became martyrs. Why was that? It was for saving Islam. Therefore we have to protest against Shah.”

At this point, Hakim became visibly upset. “Sir!” he angrily retorted, “*you* compare yourself to Imam Hossein? Imam Hossein was an [infallible] imam whose obedience was obligatory for all worshipers and he was a knowledgeable person who was entrusted by God... shedding one single drop of blood of an innocent would bear a great responsibility before God.” According to a witness, Khomeini was at a complete loss for a response, and “then silence reigned.”³

In addition to the ongoing dispute between traditionalists and modernists, there are intractable struggles over the concept of Islamic government among modern Shiite scholars as well. Most modern jurists concur that, at bare minimum, an Islamic government is one that implements the *Sharia*, or Islamic law. Yet among these scholars, there has emerged virtually no consensus about the extent to which sharia law should, or even could, be implemented within a society for it to be properly considered ‘Islamic.’ (In the traditional Shiite legal system, the full implementation of *Sharia* requires the presence of an infallible Imam. Since traditional Twelver Shiites believe the Twelfth Imam has gone into occultation, they consider the full implementation of Islamic law to be impossible at this moment in time—until his return.) Moreover, there is even less agreement among modern Shiite scholars over whether the implementation of Islamic law in a society requires the political rule of a Shiite jurist. This principle—that a jurist must rule, or *velayat-e faqih*, for Islamic law to be properly implemented—is of course the core tenet of Khomeini’s revolutionary teaching, upon which the Islamic Republic of Iran was founded in 1979. And it has laid at the crux of intra-Shiite religious and political disputation ever since.

One of the most prominent early opponents of Khomeini’s theory of the rule of the jurist was Ayatollah Mohammad Kazem Shariatmadari (1905-1986).⁴ He was a recognized *marja* long before Khomeini, and was trusted by the Shah’s regime. Shariatmadari was also the most open-minded *marja* of his time. He tried, for example, to modernize the educational system of the Shiite religious seminaries, and he also sought to introduce clerics to the study of the modern humanities. Furthermore, Shariatmadari was well known for his resistance to the creeping politicization and radicalization of the Shiite clerical establishment.

Shariatmadari argued that clerics and jurists should not assume positions in government or seek political rule. He believed religious scholars should only involve themselves directly in government in the event that the government has collapsed—and even then, only for the purpose of helping to form a new government and

re-establish order. According to Shariatmadari, only the absence of political institutions justifies a jurist's direct intervention in political affairs; otherwise, the jurist is authorized only to judge a government based on Islamic criteria while sympathetically advising its rulers to respect and apply Islamic law.

In sharp contrast to Khomeini, Shariatmadari did not believe that there should be a paramount position for one special jurist to serve as the "ruling jurist," or *vali-ye faqih*. In fact, while he recognized fundamental inequalities among religious scholars of differing ranks and learning and spiritual cultivation, Shariatmadari believed that all religious scholars were of an equal rank before government, or with respect to temporal political powers. He simultaneously maintained that religious authority was far superior to that of the temporal, political authorities who administered a society's government. For these reasons, he believed religious scholars should not diminish their positions and demean themselves by seeking to occupy political office or play a political role.⁵ For Shariatmadari, running a country was not essentially a religious job, as anyone who was qualified could occupy a governmental position—even an infidel, provided that he was respectful of Islamic law and rituals. In essence, a political ruler's role was not unlike that of a plumber's: One can appoint a ruler to govern a society just as one can hire a plumber to fix the pipes in one's house.⁶

The learned, quietist teachings of scholars like Shariatmadari were not the only reason Shiite clerics resisted Khomeini. In fact, many clerics felt that the Khomeinist revolution did not go far enough. They had assumed that an Islamic republic would apply the sharia codes in all realms of human activity. However, when these scholars discovered that Khomeini was more tolerant than them regarding women and other issues, they condemned his government for failing to be sufficiently Islamic. (Ayatollah Sayyed Hassan Qommi, who was under house arrest for more than two decades after the revolution, is a leading proponent of this kind of criticism of the Islamic Republic.) In today's Iran, there are still *marjas* who find fault with the current Islamic government from this perspective. For instance, Ayatollah Lotfollah Safi Golpayegani has fiercely criticized President Ahmadinejad's decision to appoint several women as ministers of his cabinet.⁷

Of course, not all clerical resistance to the Islamic Republic has been based on principle. In fact, many Shiite clerics, both within Iran and without, opposed Khomeini's revolutionary agenda for entirely personal reasons—just as many clerics today oppose Ayatollah Ali Khamenei because of their own personal grievances and vendettas.

Ayatollah Khomeini was especially adept at creating personal enemies within the clerical establishment. Few people in the history of Shiism engaged in publicly attacking and humiliating other clerics as frequently as Khomeini did. In his speeches and statements, Khomeini chastised high-ranking ayatollahs who disagreed with his principle of *velayat-e faqih*. He called them "stupid," "blithering," "backward," and "monarchist

clerics” who had been “deceived by colonialism,” and were “enemies of Islam and its prophet” as well as loyal to “American Islam” (a phrase meant to describe a liberal and pro-Western understanding of Islam). In 1987, Khomeini stated in an open letter to clerics around the country that “the extent to which your old father [himself] has been agonized by this petrified group [clerics who believe in separation of Islam and state] was much more than any pressure and difficulties by others.”⁸

Because of this antagonistic history between Khomeini and elements of the clerical establishment, some clerics to this day regard Khomeini—and Khamenei as well—as a tyrant who rose to power through illegitimate means and by selectively purging his clerical opponents. Others who early on championed the revolution expected that Khomeini would bring them to power; when Khomeini failed to do so, these clerics felt slighted and began to hate him. These personal disputes continue to shape the inner workings of the clerical establishment, and of the Islamic regime as a whole.

THE SUCCESS OF AYATOLLAH KHOMEINI IN IMPLEMENTING HIS THEORY OF the rule of the jurist after the 1979 revolution has placed Shiite clerics in a very difficult position. For the first time in the history of Shiism, the revolution had installed an ayatollah in the position of the king; for many, this made the idea of the implementation of Islamic law seem possible. At the very least, it made the clerical establishment’s conventional reluctance to involve itself in political activity seem antiquated. Moreover, after decades of living under authoritarian and erratically secularist rule during the Pahlavi period, Iran became home to the only government on earth that was run by a Shiite scholar. This historic development was thus popularly invested with even divine significance—and especially within the Shiite community, which had experienced centuries of persecution at the hands of hostile governments.

The Islamic revolution thus dramatically transformed the Shiite clerical establishment’s relationship to Iranian political institutions, opening up entirely new horizons for political thought and endeavor. At the same time, the revolution created entirely new dynamics for which the clergy was ill-prepared. For example, before the Islamic revolution, a cleric might have accrued tremendous prestige and authority by popularly opposing an unjust government, and by portraying this conflict as a struggle between spiritual and temporal powers. But with the establishment of an Islamic state, any clerical opposition to the theocratic regime came to be seen as an internal fight between clerics, with both parties able to damage each other’s religious legitimacy and prestige.

In the years since the revolution, the formation of a new Shiite clerical hierarchy and the increasing concentration of power in the office of the supreme leader and

jurist have rendered it increasingly difficult for clerics to register even mild criticisms of the Islamic regime in public. In fact, for a cleric to oppose the supreme leader and the religious hierarchy is seen as tantamount to dissenting politically with the most fundamental principle and institution of the theocratic regime itself—i.e., the absolute authority of the jurist.

The further institutionalization of the Islamic hierocracy has been reinforced by cultural practices within the Shiite community as well. Traditionally, Shiite jurists sought to avoid public disputes among themselves over non-scholarly issues as a way of pretending that they were pious and did not care about worldly affairs, only higher ones. While they openly squabbled amongst themselves over scholastic matters, the clerical community strived to portray itself to society at large as united on virtually all matters of consequence. After all, the clerics routinely claimed that as a class they were obligated to the highest of standards, as they professed to being the “heirs of prophets” (*al-ulama warathato al-anbia*) whose primary task is the safeguarding of the interests of the Islamic territories (*Bayzato al-Islam*) and preventing them from falling into chaos.

In addition to this, there are other important factors why clerics have generally been reluctant to publicly oppose or criticize the Islamic Republic. First of all, the supreme leader or jurist was declared to be a jurist unlike any other. To enforce his rule within the hierocracy, the supreme leader is able to exert his authority through a range of coercive instruments—including, perhaps most notoriously, through a body known as the “Special Court of Clerics” (*Dadgah-e Vizheh-ye Rowhaniyat*). This special court operates under the direct supervision of the supreme leader, and it does not follow the juridical procedures and laws of the rest of the country.

Since its establishment, the court has become well-known for its brutal and humiliating treatment of clerics of all ranks. For example, Ayatollah Shariatmadari was “tried” in this court. He was accused of being involved in a military coup to overthrow the regime and assassinate Khomeini, when in fact his real “crime” was attempting to challenge Khomeini’s legitimacy as a ruling jurist. His dossier was closed after many of his followers and relatives were arrested or executed, and Shariatmadari himself was shown on state television making a “confession” and begging for Khomeini’s pardon.

In addition to the special court, the Islamic regime has developed a range of other techniques for enforcing its rule within the clerical establishment. Among other things, the Islamic regime claimed direct responsibility for the day-to-day management of clerical institutions, and this fundamentally altered the clergy’s access to financial resources.⁹ To begin with, the Islamic government confiscated much of the property that belonged to Iran’s traditional religious authorities. In turn, this property was placed under the control of the supreme leader. For example, *Dar al-Tabligh* (the House of [Islamic] Propaganda), which was owned by Ayatollah Shariatmadari, became a base

for *Daftar-e Tablighat-e Eslami-e Qom* (the Office for Islamic Propaganda), the head of which is appointed by the supreme leader.

Khamenei also exercises considerable control over the clerical establishment directly through his own office. Ahmad Marvi, a cleric and former intelligence official, is the deputy in the supreme leader's office who deals with clerical affairs. The Ministry of Intelligence also supervises the establishment through its deputy on clerical affairs. Evidently other paramilitary units like the Imam Sadeq Brigade 83 have a significant role in intimidating the clerics and oppressing independent voices.

In more recent times, Khamenei's office has spearheaded the computerization of the management of the clerical institutions, which has thereby helped the supreme leader establish even more control over the clergy's financial resources and dealings. Before Khamenei, every marja had his own financial section where subordinate clerics registered to receive their salaries. But under Khamenei's financial system, all payments from marjas to clerics, or from one religious institution to another, first have to pass through a centralized office run by the Center for the Management of Qom Seminaries. Therefore, these payments ultimately require approval from the supreme leader's representatives. The Center for the Management of Qom Seminaries also maintains a comprehensive database about the marjas' properties, assets and income. The supreme leader utilizes this data to manage the marjas' financial activities.

Even Ayatollah Sistani—the preeminent marja of Najaf, Iraq, who has always enjoyed considerable autonomy from the Iranian hierocracy, and who represents a more traditional Shiism—cannot operate his office or manage his religious-financial network within Iran (and in some cases in other countries in the Middle East such as Lebanon and Syria) without cooperating with the Iranian regime.

Before the revolution, ordinary clerics were financially dependent on marjas. Today, however, most clerics also receive financial support through institutions run by the state and by the supreme leader. Furthermore, in order to demonstrate his financial and religious supremacy, Ayatollah Khamenei pays salaries to clerics much higher than the amount paid by the marjas. While most marjas supposedly rely on religious taxes, the supreme leader presides over the wealthiest and most profitable economic institutions in Iran, such as the Oppressed Foundation and the Imam Reza Shrine and affiliated companies. Today, religious marjas altogether provide but a small percentage of the clerics' financial needs. By contrast, the government and Khamenei himself are primarily in charge of financial issues in Shiite seminaries, especially in Iran.¹⁰ As such, the economic role and authority of the marja has been systematically reduced, just as the regime's authority and power over Shiite financial networks has been enhanced.

Moreover, since its establishment the Islamic Republic has created an entirely new

network of institutions—seminaries and dozens of research institutes, community centers, and libraries—whose principal purpose is the propagation of an ideology favored by the regime. The regime actively uses this influence to promote ideas beneficial to its goals while at the same time sidelining those ideas and religious teachings that are not. This has ultimately allowed the Islamic regime to dominate the intellectual life of Iran’s clerical establishment. This has been especially the case since the deaths of Grand Ayatollahs Abul Qassem Khoei, Mohammad Reza Golpayegani and Shahab Al-Din Marashi Najafi—all eminent scholars who opposed many aspects of the Khomeinist agenda. Following their deaths, the traditional centers of religious authority that operated as a religio-political check on the newly formed hierocracy went into steep decline, and a younger generation of clerics reared by the Khomeinist regime has come to occupy positions of great religious and political influence.

For clerics who are on the Iranian regime’s payroll, life is full of special privileges and perks. The government underwrites a hefty budget for religious institutions, making today’s Iranian clerical establishment the wealthiest in any period of history. Well-connected clerics and marjas favored by the regime are involved in lucrative business deals, receive exclusive governmental benefits, and can borrow large amounts of money from banks without sufficient guarantees for repayment. What’s more, many charities in Iran owned by marjas and other high-ranking clerics are doing business through corrupt dealings with the government.

The Khomeinist doctrine of the guardianship of the jurist requires that all clerics be subject to the orders of the supreme leader and jurist—just as any other Shiite worshiper would be. This doctrine is premised on the view that the ruling jurist is the heir of the Prophet Muhammad and the representative of the infallible Hidden Imam and benefits from all of their divine authorities. The supreme leader thus has the authority (*valayat*) over everything even beyond the Sharia and the country’s constitution, granting him—at least in principle, though there are always limits to this in practice—enormous powers over society in general and the hierocracy in particular.¹¹ What justifies the authority of the ruling jurist beyond the Sharia or constitution is the interests of the regime. According to Khomeini, the expediency of the regime or its interests overrules all Islamic laws. In this vein, some have claimed, for instance, that marjas cannot use religious taxes without the approval of the ruling jurist. It has additionally been argued that “fatwas by marjas that deal with public issues can come into practice only after the approval of the ruling jurist.”¹²

Therefore, within the Islamic Republic, what an individual jurist believes or the quality of his scholarship is of little significance; what matters most is how, within the structure of the hierocracy, the ruling jurist chooses to define his relationship to other individual jurists. In other words, jurists do not deal with the supreme leader and his office as a fellow or even as a superior member of a religious community,

but instead as the head of an expansive military-economic-political corporation.

And for members of this corporation in good standing there are abundant rewards. The very constitution of the Islamic Republic is based on a series of discriminations in favor of clerics. For instance, the head of the government, the head of the judiciary, all the members of the Assembly of Experts, the six members of the Guardian Council, the Minister of Intelligence and several other positions should be necessarily *mujtahid* or jurists. A secular democratic government that removes all discrimination, including policies that favor clerics, would not be an ideal government for the overwhelming majority of jurists and clerics, whether they like the existing political system or not. What the Iranian people might consider an ideal alternative to the current regime is not so for the majority of clerics. The Islamic Republic has systematically sought to deprive clerics of their independence and tarnished their reputations. Despite this fact, the Islamic Republic of Iran is still widely viewed as the most favorable government for clerics in the history of Islam.

THE ISLAMIC REGIME'S UTILIZATION OF AN ARRAY OF BOTH COERCIVE instruments to punish anti-regime tendencies as well as incentives and other perks to encourage and reward pro-regime behavior—not to mention the clerical establishment's own desire for self-preservation and well-being—helps to explain why a great majority of Iranian Shiite clerics have, on balance, kept silent about the government's violence against peaceful demonstrators following the June 12, 2009 presidential elections.

But the Shiite clergy's silence and failure to respond to the regime's oppressive violence has also brought to light something much more fundamental: that is, any clerical opposition to the regime, whether actual or potential, currently lacks an intellectually coherent and compelling Islamic alternative to the Islamic regime, and more specifically, a religiously-sanctioned theory about the relationship between Muslim jurists and the state that offers an alternative to the Khomeinist teaching that the jurist must rule.

This fact is apparent among those within the clerical establishment who claim to seek reform of the Islamic regime by making it more "Islamic." While there is a wide range of opinions over what kinds of reforms are necessary for the regime to become more Islamic, no members of the clerical establishment have been willing to articulate an alternative to the theory of the rule of the jurist. Marjas like Ayatollah Youssef Sanei, for instance, may single out regime actions—such as the government's violent crackdown against protesters—as being "un-Islamic," but they also make statements that unconditionally back the Khomeinist doctrine of the rule of the jurist. Other reformist clerics have voiced their frustrations with the supreme leader's

decisions, though have fallen short of criticizing the theory and institutions of the ruling jurist. For instance, Ayatollah Mohammad Ali Dastgheib has criticized Khamenei because he feels that he is entitled and even obligated to do so by the constitution of the Islamic regime itself: as a member of Assembly of Experts, Dastgheib is part of a body whose job is to appoint the ruling jurist and supervise him. The assembly is also theoretically authorized to dismiss the ruling jurist if it determines that he has failed to operate properly or lost the necessary conditions.

While they might take issue with the repressive and erratic policies of Khamenei's government, it seems that most clerics would prefer that the Islamic Republic survive. Indeed, many of the clerics who have been routinely identified as being part of the opposition appear to have reined in their support for the Green Movement and sought reconciliation with the regime. They might have contentious debates among themselves over differing visions for reforming the Islamic regime, but they have been unable to offer an Islamic alternative to the rule of the jurist.

For these reasons, many in Iran and elsewhere have begun to look to Iraq for a new Shiite theory concerning how to structure the relationship between the jurists and the state. The revival of the Najaf Hawza and of a more traditional, politically quietist form of Shiism in Iraq since the fall of the Saddam regime has indeed begun to reshape the internal dynamics of the Shiite world as a whole. And yet, it may well be a mistake to assume that the Najaf Hawza will provide an alternative Shiite way of organizing religious authority and political authority that would challenge Iran's Khomeinist doctrine and institutions—at least any time soon.

In a recent meeting with Akbar Hashemi Rafsanjani, Ayatollah Ali Sistani expressed deep concerns about the conflict between Rafsanjani and Khamenei and what this meant for the future of the Islamic Republic. He told Rafsanjani, "If you [Rafsanjani and Khamenei] stay united, all problems will be solved. I know that you have said that for you [Khamenei's] word is the last and that you would follow him, but I read your interviews with Mr. Ziba Kalam [a political scientist from University of Tehran] and found out that you [and Khamenei] have many [theoretical and jurisprudential] differences between you two." The reporter who witnessed the discussion said that Rafsanjani failed to convince Sistani that he actually follows and obeys Khamenei.¹³ This exchange suggests that, for Sistani, theoretical issues or matters of principle do not have the same importance as practical issues—including, foremost, the political unity and survival of the Islamic Republic of Iran as a powerful Shiite government grounded in the doctrine of the rule of the jurist.

Indeed, historically, Shiite jurisprudence has generally been guided more by practical considerations about the public interest than by theory-based or moral argumentation. Nowadays, the ultimate goal of Sistani and the jurists of the Najaf Hawza is to safeguard the clerical institutions and the interests of the marjas throughout

the Shiite world. Their experience of living under the Saddam tyranny in Iraq taught them how quickly hostile political rulers can devastate these clerical institutions. Therefore, Sistani and Iraq's clerical establishment will likely not take any action that will weaken or threaten Iran's government and Ayatollah Khamenei, as they see the survival of the Islamic Republic as a powerful Shiite state as the best protection for Shiism and its most cherished institutions.

For the foreseeable future, Iraqi Shiism will remain in important ways under the Iranian clerical establishment's shadow. Iraq's seminaries today have only a few thousand clerics, whereas there are nearly three hundred thousand in Iran's seminaries. Wherever he might hail from, the aspiring Shiite cleric simply cannot become powerful if he is separated and disconnected from Qom.¹⁴ Iraq's senior Shiite clerics may not agree with a maximalist interpretation of *velayat-e faqih* and might sympathize with some anti-government religious strata of Iranian society, but they will most certainly restrain themselves from confronting the regime head-on or collaborating with its opponents. Iraq's clerics, who are very much in the margin of the transnational Shiite clerical establishment, cannot afford this confrontation with the Islamic Republic, especially given their current vulnerabilities. For example, without Sistani's office in Qom and his other facilities and properties in Iran, it would be extremely difficult for him to operate his *marjayya*. As such, barring the collapse of the Islamic Republic—an event that would be catastrophic for Shiite clerics, because of their unprecedented proximity to the political order—the future of the clerical establishment and of Shiism as a whole for the next several decades will likely be shaped more by developments in Qom than by those in Najaf.

WHILE MANY WITHIN THE SHIITE CLERICAL ESTABLISHMENT HAVE benefited enormously from the Iranian regime, they also cannot be completely happy with it. The clergy's prestige and authority and wealth fundamentally depend on the people's trust. Without that trust, those whom the clerics seek to lead will not follow them in religious or other matters, and will not pay them their religious taxes. The Islamic Republic, by providing clerics with exclusive political and economic rights and benefits, has increasingly undermined the clergy's traditional independence from the state, and thereby placed the clergy's future ability to win the people's trust in jeopardy. To the extent that the clerical establishment is seen by ordinary Iranians as being close to the regime—or for that matter, complicit in its authoritarian and unjust rule—then it, too, will become the object of the opposition's enmity.

Most senior clerics do not accept the Khomeinist doctrine of *velayat-e faqih* in its maximalist interpretation. After all, the maximalist interpretation of "guardianship

of the jurist” effectively destroys the traditional position, prestige and functions of the jurist because it equates the jurist with ordinary people insofar as the jurist, like the people, is obligated to obey the ruling jurists in anything that relates to the public sphere. And yet, due to the intellectual poverty and the decadence of contemporary Islamic thought in general, clerics are unable to generate a new and alternative theory or conceptual framework for explaining sociopolitical realities and outlining a practical plan for reforming them.

For these reasons, many Shiite clerics have begun to return to older, pre-revolutionary Shiite theories about government, including the theory of the sultanate. While this may be interpreted as a turn away from the Khomeinist principles that inspired the Iranian Revolution, it also represents an implicit acceptance of the authoritarian regime that the revolution created. Increasingly, the ruling jurist is seen as a sultan whose legitimacy from a religious point of view is of little relevance. In this theory of the sultanate, what matters most is that the sultan has the ultimate power. Since clerics can neither reform the current system within Iran through political means nor advise the people on how to overthrow it (due to their lack of a coherent intellectual alternative to *velayat-e faqih*), more increasingly see the supreme leader as a sultan-like figure to whom obedience is obligatory for all. According to this perspective, even if this sultan doesn’t respect or fully implement Islamic law, and even if this Muslim leader might brutally punish his subjects (like Supreme Leader Khamenei) in the interests of protecting the Islamic regime, the jurists still dub him legitimate because a strong sultan whose strength is enhanced through loyalty of his subjects is best able to secure the Shiite territories and protect them from foreign aggressors.

Moreover, in today’s Iran, and because of the current government’s crackdown on elements of the religious establishment, a growing number of clerics have begun to take refuge in the tradition of *taqiyya*—a legitimate Shiite practice of deliberately disguising one’s religious or political beliefs in order to protect one’s life, money or safety. In this, Shiite clerics justify their general silence about the Islamic regime’s injustice and brutality toward the Iranian people by recalling a saying of Imam Ali, the Shiite’s first divine guide: “During civil disturbances be like an adolescent camel who has neither a back strong enough for riding nor udders for milking.”¹⁵

NOTES

1. See the report: <http://www.dw-world.de/dw/article/0,,5687709,00.html>.
2. Manzoor al-Ajdad, Sayyed Mohammad Hossein, *Marjaiyat dar Arsseh-ye Ejtima va Siasat*, (Tehran: Shirazeh,1379) p. 157.

3. Jafarian, Rasool, *Tashayo dar Iraq, Marjaiyat dar Iran*, Moasseseh-ye Motaleat-e Tarikh-e Moasser-e Iran, (Tehran, 1386) p. 95.
4. For a short biography of Shariatmadari see: Milani, Abbas, "Eminent Persians, The Men and Women who Made Modern Iran, 1941-1979," Syracuse University Press, 2008, vol. 1, pp. 367-376.
5. Rooznameh-ye Ettelaat, 23 khordad 1358 & Nashriyah-e Khalq-e Mosalman, 1 Mehr, 1358 & 22 Mehr, 1358.
6. Hosseini Shirazi, Sayyed Monir Al-Din, *Khaterat*, Markaz-e Asnad-e Enqelab-e Eslami, (Tehran, 1383) p. 256.
7. See Raja News report about this issue: http://www.rajanews.com/detail.asp?lang_id=&id=34710.
8. Khomeini, Ruhollah, *Sahifeh-ye Noor*, Entesharat-e Vezarat-e Farhang va Ershad-e Eslami, Tehran, 1384, Vol. 21, p. 273.
9. For a detailed account of government control over the clerical establishment see: Khalaji, Mehdi, "Nazm-e Novin-e Rowhaniyat" in *Iran Nameh, Tabestan va Paiiz-e 1387*.
10. Khalaji, Mehdi, *Last Marja, Sistani and the End of Traditional Religious Authority in Shiism*, Washington Institute for Near East Policy, September 2006, available online: <http://www.washingtoninstitute.org/templateC04.php?CID=250>.
11. See Khomeni, Rouhollah, *Sahifeh-ye nor*, vol. p.
12. Hajjarian, Said, *Az Shahed-e Qodsi ta Shahed-e Bazari*, Tarh-e no, Tehran, 1380, p. 90.
13. Rooznameh-e Jomhoori-e Eslami, 9/3/1388.
14. For instance, Sayyed Mohammad Hossein Fazlallah, a Lebanese jurist who entered into a bitter fight with the Iranian regime over *marjayya*, has in recent years finally reconciled with the Islamic Republic (he later opened an office in Qom). In early 90s when Khamenei was announced a marja, the Islamic Republic spent millions of dollars in Lebanon to discredit Fazlallah and campaign for the marjayyat of Khamenei in Shiite community. This led to Fazlallah's resentment and he cut his relationship with Iran for a number of years. But he knows very well that not having an office in Qom would pigeonhole him as a local marja, and not as a transnational leader.
15. Imam Ali, *Nahjul Balaaghah*, (Potomac, MD: Ahlul-Bayt Assembly of America, 1996), 263.