# The Islamic State and the Crisis of Marja'iyat in Iran

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Since the 19th century Moslem societies, faced with Western dominance, have put forward a variety of alternatives in order to face off this seemingly invincible foe. The search for a viable alternative to Western dominance has included varieties of nationalism, socialism, and a return to Islam. Among them, the notion of a society based on Islamic law (shari'a) and tradition (i.e., an Islamic state) has been of longer duration and seemingly the only serious challenge to question of Western "dominance" as the Middle East prepares to meet the 21st century.

Since the late 19th century, these Islamist movements have taken a variety of forms, from al-Afghani's thoughts to the Moslem Brethren movement to post-World War II militant Islamist movements. As far as the meaning of an Islamic state is concerned, however, they all share some basic values: first, that an Islamic state is one that implements the shari'a; second, that the responsibility for legislation resides fundamentally with God and not man;[1] third, that man's power to legislate law is restricted to limits set by the shari'a; and, fourth, that within this context, an Islamic state is different, to say the least, from the notion of modern democracy where citizens play an instrumental role legislating laws. To be sure, there are many differences among Islamist movements, based on regional, ethnic, and cultural differences, but one can clearly see the above-mentioned fundamental notions shared among most, if not all, Islamist movements.

During the modern period Islamist movements in the Moslem world have played, to different degrees, significant oppositional roles. Nevertheless, for the most part, their attempts to secure state power has been frustrated. Where the movements have been successful, realities of state power have forced them to radically revise and redefine their traditional opposi-

tional doctrine to the extent of alienating the very supporters who had aided them in their quest for power. The only modern examples of Islamist movements managing to secure state power are the Islamic Republic of Iran (IRI), the Afghan Mojahedin's attempt to set up an Islamic state in Afghanistan, and the current regime in the Sudan.

The IRI is the only modern theocracy based on the Shi'i shari'a, and is the oldest and most stable of the three. As such, the IRI provides a good example of what an Islamic state is, how it functions, and to what extent it has had to redefine its pre-victory, dogma, values, and institutions. This paper's goal is, therefore, twofold: first, by relying on the IRI constitution, the writings of its founder, Grand Ayatollah Khomeini, and other sources, to provide an overview of what an Islamic state means to the statesmen of Iran today, and second, to show how in the course of its establishment, the IRI has come into conflict with the institution of marja'iyat (the institution of the source of emulation) and has been obliged to redefine the notion of an Islamic state, taking on in the process some of the very traditional institutions which had been beneficial in its creation and had helped it to undermine the legitimacy of temporal power for centuries.

### Historical Background

Shi'ism has been a minority branch in the Moslem world since the advent of Islam in the seventh century. At the core of dispute between the Shi'as and the Sunnis (the majority branch) is the question of the succession to the Prophet Mohammed who passed away in 632 C.E. While the Sunnis believed that the succession should have passed on to a trusted member of the Moslem community, based on consensus, the Shi'as stood for the leadership of Ali, the Prophet's

cousin and son-in-law. Both the Shi'as and the Sunnis were later sub-divided into various branches and schools of jurisprudence. At some points in history the Shi'as did manage to set up their own state but this did not alter their minority status in the Moslem world.

The theology of *Ithna'ashari*, or twelver Shi'as (the only branch this paper is concerned with), has at its core a conflicting attitude toward the legitimacy of the secular state. According to the Twelver Shi'i theology, the 12th Imam, or leader of the community after Ali, went into occultation in the ninth century and would return on resurrection day to bring justice to the world. The conflict arises from the notion that until the return of the Mahdi, the 12th Imam or *vali-e asr* (Lord of the Age), all forms of government are fundamentally illegitimate and at best may be tolerated but not legitimized.[2] In the meantime, the Shi'i ulama (clergy) have viewed themselves as the social group closest to the concept of truth and justice in the absence of the Mahdi. As one scholar has clearly put it:

> If the sole legitimate successor of the Prophet, if the sole legitimate authority after him is no longer present on the earthly plane, that means that inherently any worldly power that claims to exercise authority must be, *ipso facto*, illegitimate unless it can demonstrate in a clear and indisputable fashion that it exercises rule on behalf of the absent Imam.[3]

This seemingly insoluble conflict has put the Shi'i ulama establishment in a peculiar position vis-à-vis the state. The Shi'i ulama has come to view itself as the intermediary between the Lord of the Age and the Shi'i community and, thus, the moral leader of the community. However, without repressive organs of its own, e.g. military force, the Shi'i clergy had to somehow accommodate the state without either undermining its own "state legitimacy" theological stand or antagonizing the state to a point where it would openly move to harm ulama interests. In time, the state and ulama devised a working relationship which, notwithstanding its points of tension, lasted until 1979. As a result, the traditional and dominant doctrine of the ulama has been to maintain a moral role in society while attempting to establish a working relationship with the state without legitimizing it in theory.

Twelver Shi'ism was brought into prominence when, in 1501, the newly-established Safavid state made it the official religion of the empire and set about converting the population. During the 17th and the 18th centuries the Shi'i jurisprudence *(fiqh)* witnessed a struggle for dominance between two schools of *akhbari* and *usuli*. The outcome of this struggle

further solidified the ulama's position in society and vis-à-vis the state. Without getting into details of the differences between the two, it may be said that the akhbaris gave less importance to the role of the ulama establishment in deciding matters of jurisprudence and rejected the independent judgment of religious scholars in this regard. Conversely, the usulis viewed the role of the ulama as essential in deciding complex religious problems, its role in the everyday life of the believer, and its duty to engage in independent judgment over the religious and moral problems of society. By the beginning of the 19th century the usuli school had won and had become the dominant school of jurisprudence in major Shi'i centers.[4] The victory of usulis over akhbaris had long term consequences. As one scholar puts it: "One may say that the Revolution in Iran, at least the particular shape that it has taken, the form of leadership that it has enjoyed and continues to enjoy, would...be unthinkable without this triumph of the usuli position in this apparently technical dispute in the eighteenth century."[5]

The usuli victory came on the eve of reunification of Iran under the Qajars. During the Qajar period (1795-1925) ulama-state relations took more definitive shape. The Qajars never managed to establish a strong state and their control over the ulama establishment was much weaker than that of the Safavid state at the height of its power. It was during this period, therefore, that the Shi'i ulama laid claim to the moral leadership of society, and fully established its independence vis-à-vis the Qajar state; it was also at this time that the institution of Marja'iyat took shape. During the Qajar period the relationship between the state and the Shi'i ulama was a mix of cooperation, accommodation and outright hostility. By issuing religious decrees *(fatwa)* and declaring holy war *(jihad)*, the Shi'i ulama were instrumental in creating popular support for the state in two Russo-Iranian wars in 1813 and 1828 in which Iran was defeated and lost control of the Caucasus. Similarly, there was full cooperation between the two in opposing the Babi movement, in the 1840s and 1850s, which was deemed a heretical movement designed to undermine the state and Shi'i authority. Some high-ranking members of the ulama became large landowners and cooperated closely with the Qajar court. Nevertheless, there were also instances where the two openly opposed each other. The Tobacco movement of 1890-1891 and the Constitutional movement of 1906 witnessed the outright opposition of a number of high-ranking ulama to Qajar policies. It should be noted that the Qajar period also witnessed the rapid penetration of Iran by colonial powers, the entry of modernizing reforms, and emergence of social movements

that led to Iran's Constitutional revolution of 1906. All of these developments had their impact on the relationship between the state and the Shi'i ulama establishment.

## The Institution of Marja'iyat

As noted, the historical development of the role of the Shi'i ulama had evolved from a need for an intermediary between the Lord of the Age and the Shi'i community until the return of the former. The usuli jurisprudence gave the Shi'i ulama a more definite shape with a rather specific type of hierarchy. It was from this hierarchy that the institution of Marja'iyat developed. At the lowest level of the hierarchy stands the ordinary seminary student *(talabeh)* who attends a religious school *(madresseh)* at one of the Shi'i learning centers. Talabehs go through years of study and learning, attending the classes of a number of known and respected Shi'i clergy. When a talabeh reaches a point of scholarship, by writing his own *resaleh* (canon guide), he has reached *ijtihad* (jurisprudence) and becomes a *mujtahid* (independent legal jurist), in effect a high-ranking position in the Shi'i ulama hierarchy, which may roughly be compared to a modern university Ph.D. In more modern times, members of the clergy who have not reached the level of ijtihad have been granted titles such as *hojjat al-Islam* (proof of Islam), while the title of *ayatollah* has been used to refer to mujtahids. In the Qajar period, according to one scholar, "The mujtahids came to personify the leadership of the community, and this was one of the chief sources of their political and social influences."[6]

Once the rank of ijtihad has been reached, a mujtahid may practice *fiqh* (canon law), act as a judge, teach at a seminary and oversee the work of future mujtahids, write on complex as well as everyday problems of the believers and the faith, and issue rulings on religious issues. These rulings or fatvas are usually non-binding. From among the mujtahids, at any given period, a number of highly qualified and respected clergymen become *marja'-e taqlid* (source of emulation). The marja', who in the contemporary period has been referred to with the title of Grand Ayatollah *(ayatollah al-uzma)*, plays an essential role in the Shi'i believer's life. He is the one the believer or *muqalid* (emulator) approaches for a ruling, in the form of a religious decree in complex as well as simple religious matters. According to one scholar, the marja' is "the mujtahid whose example in matters of practice is, above all others, binding."[7] Since Shi'i centers of learning have traditionally been around Shi'i shrines, the site of the marja' has naturally been in one of these centers. At any given time, there may be a number of marja's in the Shi'i world, each having adher-

ence among the local population. At times there may emerge a marja' who is recognized by everyone to be the *'alam* of *marja'-e kol*, i.e., the first among equals. One source has recorded nine such figures since the 19th century, the last of which was the Grand Ayatollah Hosein Brujerdi (d.1961).[8] A marja'-e kol's dominance, however, is limited to his scholarship, the respect and recognition he receives from other marja's, and financial resources. This is to suggest that a fatva issued by a marja' may not be overruled by another marja' even if he is a marja'-e kol. Two marja's may issue contradictory fatvas and it is entirely up to their respective followers to follow one or the other. (Indeed, the IRI's response to the world community regarding its inability to override Grand Ayatollah Khomeini's death fatva on author Salman Rushdie is entirely within this tradition.)

The institution of marja'iyat took form in the 19th century and has become an inseparable part of the Shi'i ulama hierarchy. The marja'-e taqlid plays a key role as a link between the believer and the Lord of the Age. The existence of a number of marja's, and the fact that even a marja'-e kol's dominance does not necessarily carry any executive power, means that the Shi'i ulama hierarchy is decentralized with a number of power sources. Historically, this diffusion was essential in accommodating the Shi'i world at the local level where different ethnic, cultural, and language groups needed their own marja' and at a time when modern communication and transportation did not exist.

Despite ambiguities, the process of a mujtahid's promotion to the position of marja'iyat follows certain criteria. According to one source, Shi'i ulama agree that a mujtahid candidate must meet the following six conditions: maturity *(bulugh)*, intelligence *(aql)*, being of the male sex *(dhukurat)*, faith *(iman)*, justice *(adalat)*, and legitimate birth *(taharat-i maulad)*.[9] While some criteria—regarding sex and age—are clear, others seem subjective, for who is to say which mujtahid exercises justice or has faith. Here, the approval of one or more of existing marja's, attesting to the credentials of a mujtahid helps the candidates cause among emulators. In this context, the role of the individual believer becomes important. Since the position of marja' is not bestowed upon a mujtahid through any kind of suffrage, initially his prestige is gauged by the number of students he manages to support, the number of followers who are willing to entrust him with their religious dues and, finally, the number of people willing to become his muqalids. In this equation the free will of the muqalid to chose and emulate a marja' has become the lifeline of the system. Historically, this relationship can neither be de-

creed nor legislated by any source. (The willingness of the IRI to interfere in this process, for reasons which will be dealt with below, has caused the current crisis of the Marja'iyat in Iran.)

## The Iranian Revolution and the Islamic state

The 1979 revolution in Iran brought the traditional conflict between the Shi'i ulama and the secular state to an apparent end. Under Grand Ayatollah Ruhollah Musavi al-Khomeini's leadership the imperial regime was overthrown and the first theocratic Shi'i state of the modern period replaced it. At the core of the new regime's theocratic new order has been the concept of the Rule of the Jurist (velayat-e faqih). According to this notion, the best form of government until the return of the Lord of Age is one guarded and overseen by a competent Shi'i jurist. The jurist would stand above the traditional branches of power, i.e., the executive, the legislative and the judiciary, and guarantee the enforcement of religious law and behavior, while acting as a balancing force in the society. The development of this concept was neither new nor illogical in light of previous Shi'i doctrine. After all, if temporal power is inherently illegitimate and the ulama are the real guardians of society until the return of the Mahdi, then why not have the ulama rule the state and combine the temporal and religious spheres? This concept has been in existence in the Shi'i discussion since the early 19th century, but, as noted earlier, the prevailing doctrine has been one that has limited the ulama's role to acting as moral guide with occasional direct political action. Grand Ayatollah Khomeini should be credited with giving the notion of the Rule of the Jurist new life in his discussions of the early 1970s. While in exile in Najaf-Iraq, Khomeini attempted to answer the problem of direct ulama participation in politics and the notion of ulama guardianship of the state. While another marja' had given a negative response to the question of whether it was the ulama's duty to participate in politics and even to govern, Ayatollah Khomeini devoted two weeks of his classes to a rebuttal and suggested that the ulama were the only legitimate supervisors of politics.[10] His lectures, which laid the theoretical foundations of the coming Islamic Republic, embodied views on various issues that were observed and carried out by many believers.

The IRI constitution of 1979 gave a definite form to the Rule of the Jurist. According to the constitution, the jurist who may become the vali-ye faqih or the Ruling Jurist (henceforth the Leader or rahbar), should be a marja' who has been accepted by the people as a competent religious and political leader. The fact that the position of marja'iyat was mentioned in the origi-

nal constitution shows the importance the writers of this document gave to the religious authority which came with the institution of marja'iyat. Grand Ayatollah Khomeini was the undisputed leader of the revolution and one of the marja's of the Shi'i community. His position as the first Leader of the IRI was due to both his uncompromising politics against the imperial regime and his status as one of the great marja's.

The IRI constitution identifies the power and duties of the Leader as follows:

1.  appointment of clerical members of the Guardian Council (a twelve member constitutional body of six jurists and six laymen which oversees parliamentary bills for their adherence to religious laws and the constitution);

2.  appointment of the head of the judiciary;

3.  appointment of the commander-in-chief of the armed forces;

4.  approving the elected president of the republic;

5.  approving the removal of the president, after a decision by the Supreme Court;

6.  decreeing amnesty for prisoners.

In the event of the Leader's death, a Council of Experts, elected by the people, may select another marja' for the position. If no one person can be agreed upon, a group of marja's may be selected to form a Council of Leadership.[11]

The notion of the Rule of the Jurist faced problems from within the Shi'i community from the early days. The prestige and power of Ayatollah Khomeini, however, overcame these problems as long as he was alive. At the time of the Iranian revolution there were six marja's in the Shi'i world besides Grand Ayatollah Khomeini. Three resided in the city of Qum and were Grand Ayatollahs: Mohammed Kazem Shari'atmadari; Mohammed Reza Golpaiegani; Shahaboddin Mar'ashi-najafi; Hasan Qumi-Tabataba'i residing in the city of Mashhad, and Abolqasem Kho'i in Najaf-Iraq. Among the six, Kho'i adhered to the traditional role of the Shi'i ulama, namely remaining aloof from politics and acting as a moral guide to society. While not a marja'-e kol, Kho'i was a powerful and prestigious marja' who was viewed by many to be above the rest. At any event, due to his aloofness from politics, his residence in Iraq (out of the IRI's domain but under the Iraqi government's jurisdiction), and his non-belligerent attitude toward the IRI, his position did not directly influence matters in Iran. Of the remaining five, Ayatollah Khomeini became the Leader while Tabataba'i showed outright belligerence toward the notion of the Rule of the Jurist and was put under house arrest in Mashhad. Na-

jafi and Golpaiegani did not view the notion of the Rule of Jurist positively but being from the old school, remained aloof from politics and even accommodated the IRI. Only Shari'atmadari chose to confront the IRI openly and lost. He died in disgrace, under house arrest in 1983. Therefore, as long as Ayatollah Khomeini was alive the IRI witnessed some minor challenges from other marja's.

In 1988, as marja' and leader of the IRI, Grand Ayatollah Khomeini issued a religious decree which settled any future dispute between a Leader/marja' and other marja's. The issue in question was the extent and limits of an Islamic state's power. To this Ayatollah Khomeini responded by introducing the new concept of the Absolute Rule of the Jurist.[12] According to Khomeini, in an Islamic state the authority of the state and government were above religious laws. In the traditional "secular state vs. Shi'i ulama," Shi'i doctrine, as noted, would argue, at least in theory, that religious laws had precedence over secular state laws. Religious laws, of course, were in the domain of the ulama and their interpretation rested with the institution of Marja'iyat. Here, Grand Ayatollah Khomeini suggested that since the state was Islamic, led by a leading marja', the ruling of the Leader/marja' had precedence over other traditional marja's. This development was nothing short of a revolution in the Shi'i thought. As a marja', Khomeini simultaneously decreed that the Islamic state, led by the Leader/marja', was above religious laws and that the decree of the Leader/marja' could override those of other marja's. The traditional conflict between temporal state and Shi'i ulama was solved with the establishment of the Islamic Republic. Now, the Islamic state was moving to neutralize the very institution which had been instrumental to its creation.

## Crisis of Marja'iyat

As long as Grand Ayatollah Khomeini was alive, his support for the Islamic state under the Rule of the Jurist and his decree on the Absolute Rule of the Jurist, backed by his prestige and popularity and the state authority guaranteed his position and that of the Islamic state. But his death in June 1989 caused major new problems for his successors. At the core of the new crisis was the fact that the clerical leadership, who supported the notion of the Rule of the Jurist, could not accept any of the living marja's as the Leader of the Republic. This meant that the Islamic state had come into conflict with one of the pillars of the Shi'i ulama hierarchy. To rectify the situation, supporters of the Rule of the Jurist (none of them in the position of marja'iyat), changed the constitution

in June 1989, and the requirement of marja'iyat for the Leader was dropped. Next, the president of the Republic, Hojjat al-Islam Ali Khameneh'i, was selected by the Council of Experts as the new Leader. Clearly, the choice of Khameneh'i, who was soon after addressed as ayatollah but whose ijtihad credentials are disputed, was a political one. The apparent non-availability of a reliable marja' for the ruling jurist was filled by naming Grand Ayatollah Mohammed Ali Araki as marja' for former Khomeini followers.[13] Araki was a 100 year old obscure theologian whose credentials as a marja' was at best in doubt. His selection by the middle and lower ranking clergy now in charge of the post-Khomeini state was clearly a transitional choice designed to buy time until a more opportune time. What was clear, however, was that the notion of the Rule of the Jurist had already gone through a radical change and was now separated from the institution of the Marja'iyat immediately after the founder's death. While Araki proved to be the right choice and proved cooperative by asking his muqalids to follow Ayatollah Khomeini's directions, the fact remained that the new Leader, Khameneh'i, was unable to issue authoritative decrees as a marja'. Araki was chosen as the acceptable marja' while both Golpaiegani and Najafi were viewed with respect by the state and Kho'i and Tabataba'i were almost totally ignored.

The transition period came to an end, in 1994, when first Najafi and then Kho'i, Golpaiegani and finally Araki died between 1989 and 1994. Kho'i's death (Summer 1992) resulted in the IRI calling Golpaiegani the marja'-e kol, but his death (December 1993) followed by Araki's death (December 1994) started off a new round of crisis and showed that the IRI's preparations were inadequate. With the older generation of marja's gone, a new group of younger mujtahids were poised to become the marja's of Iran and Iraq. These were Grand Ayatollahs: Mir Mohammed Ruhani in Qum, Ali Hoseini-sistani in Najaf, Hasan Ali Montazeri in Qum, as well as Tabataba'i in Mashhad.[14] To these must be added the clerical leadership's attempt to introduce Ayatollah Ali Khameneh'i as a viable marja'.[15]

Among the above mujtahids, Tabataba'i, Sistani and Ruhani are known as marja's who have little or no sympathy for the notion of the Rule of the Jurist. Tabataba'i, under house arrest, is basically immobile and unable to have much contact with his supporters since the early days of the revolution. His center, the city of Mashhad, although an important center of learning and home to the tomb of the eighth Imam, is less important than the city of Qum which has become the major center of clerical activity in Iran.

These factors seem to have helped to lessen Tabataba'i's importance. Ruhani, an Azarbaijani Iranian, certainly seem to have the credentials to be a marja', but reports suggest that he has been under pressure and has even asked to be allowed to leave the country.[16] Sistani was Kho'i's student and heir-apparent. He resides in Najaf-Iraq, has apparently succeeded Kho'i as the undisputed marja' of Iraq and has even gained ground among the Shi'as of Lebanon.[17] Similar to Kho'i, Sistani is of the old school and disagrees with the notion of clerical rule. All of the above three are unacceptable to the clerical leadership of the IRI and their position as marja' can prove to be a serious challenge to an Islamic state which has been left with no marja'.

The case of Grand Ayatollah Hasan Ali Montazeri is the most complex one. A student of Ayatollah Khomeini and a militant clergyman during the anti-imperial regime struggle, Montazeri was an enthusiastic supporter of the Rule of the Jurist and was Ayatollah Khomeini's heir-apparent from 1985 to 1989. Montazeri became a victim of factionalism and his fall from grace was initiated by Ayatollah Khomeini in March 1989. While still the heir-apparent, the IRI referred to Montazeri with the title of grand ayatollah, but upon his dismissal, Ayatollah Khomeini did not address him with appropriate title, putting his Marja'iyat in doubt. Now that most of the old marja's are dead, the question of Montazeri's position as a marja' and perhaps his future political activities has come to the fore. After being removed, at Ayatollah Khomeini's suggestion, Montazeri moved to his old occupation of teaching in Qum and avoided politics so long as Khomeini was alive. After Ayatollah Khomeini's death, Montazeri occasionally issued declarations of protest, criticizing IRI policies. It seems that while he was removed as the heir-apparent, his position as a marj'a among many supporters of the IRI did not vanish. At one point a member of Parliament suggested that over 100 members were his muqalids. Also, since 1989 Montazeri have been actively building up his power base in clerical circles attracting many students. While the government has attempted to discourage people from accepting him as their marja', it seems that he is fast becoming a viable marja' with the right credentials and perhaps the only one who accepts the notion of the Rule of Jurist accompanied by strong reservation and criticism of the state. Although official state publications constantly attack him and state security agencies place many restrictions on his activities, the popularity of the combative Montazeri is growing. Recently, 20 high ranking mujtahids who support the Rule of the Jurist have published a letter supporting Montazeri's marja'iyat, suggesting that though Ayatollah Khomeini had removed him as heir-apparent his standing as a marja' had not diminished among those who support the Rule of the Jurist.[18] Among familiar signatories of the letter are such figures as Ayatollahs Abdol Karim Musavi-tabrizi, Mahdavi-kani, and Tavasoli, the former head of Khomeini's office. The fact that Montazeri is a supporter of the Rule of the Jurist, however, has not helped his case with the IRI leadership. He is viewed as someone who left the scene in disgrace and many of those in power today had helped bring about his downfall. His return as a viable political pole, backed by the position of marja'iyat, is a threatening specter to many.

It is clear that in December 1994, the IRI could not view any of the available marja's as either desirable or acceptable. To find a remedy, the IRI leadership took the unprecedented step of attempting to interfere in the process of choosing a marja', the first such direct move by a state against the institution of the marja'iyat. As noted, the IRI found the remedy in trying to promote Khameneh'i as a marja'. This was a seemingly impossible task which, nevertheless, the IRI leadership and media began to promote aggressively while Khameneh'i remained silent on the subject. There were three major problems with this strategy, which eventually led to its defeat. First, Khameneh'i as the Leader was a political choice from the very beginning. His credentials as a mujtahid are in doubt as it is not clear if he has written his own resaleh. Second, even if he was a mujtahid, his overnight promotion to the rank of Marja'iyat by the state propaganda machinery went against the traditional, and firmly-rooted, process of a mujtahid earning respect and reputation by laboring in Shi'i learning centers. Third, the whole notion of state dictating who should or should not be a marja' went against the tradition of the free will of the muqalid to chose his marja'. The state's aggressive promotion of Khameneh'i (who is referred to as the Leader of the IRI, the Islamic revolution and Moslems of the world by the IRI media) actually hurt his position, since his promotion, at the expense of more legitimate candidates, left little room for retreat. While Khameneh'i remained silent on the issue, personalities such as Ayatollah Mohammed Yazdi, the head of the Judiciary, argued that in the Islamic Republic, the Ruling Jurist and marja' were one and the same.[19] Yazdi also interjected a new element into the criteria for choosing a marja' which is a radical departure from Shi'i traditions. He suggested, while arguing the case for Khameneh'i, that in an Islamic state the marja'iyat candidate's political credentials (i.e., his knowledge and competency in political matters) takes precedent

over the traditional criteria for the institution. This meant that a mujtahid may become marja' solely based on his political acceptability, a process clearly in conflict with the tradition of marja'iyat. Furthermore, Yazdi's approach signaled a definite departure on the part of the IRI clerical leadership from traditional criteria for choosing a marja'.

The IRI leadership's attempt to promote Khameneh'i as the new marja' failed when faced with the Shi'i traditions of Marja'iyat. The failure probably became known when unofficial feedback obtained by polling major Shi'i centers suggested that the attempt was unacceptable. To remedy the situation and try to exert some kind of influence, the IRI leadership took three steps. First, to arrange a retreat for Khameneh'i, by having him refuse the offer of marja'iyat for Iran (as he explained, due to other heavy responsibilities), but agreeing to be the marja' for the Shi'as outside Iran.[20] His acceptance of marja'iyat for Shi'as outside Iran has neither traditional nor theological precedence in Shi'ism. Marja'iyat can be, and in modern times it increasingly is, transnational. A marja' in Iran can have muqalids in Lebanon or Pakistan. The problem of national borders was not an issue in the crisis of marja'iyat and his eligibility for the position. Second, to dilute the list of candidates for marja'iyat, some ulama supporters of the IRI named six mujtahids, without naming any of the above-mentioned marja's, as eligible candidates for the position. Khameneh'i suggested that there were hundreds of mujtahids available and eligible to become marja's. This policy does not seem to have succeeded in diverting attention from the above mentioned four marja's. Third, and perhaps the most important outcome of the crisis of marja'iyat in Iran, is the IRI's perception of a conflict between the ruling of the Leader and one of the marja's. As noted, according to Ayatollah Khomeini in 1988, a religious decree issued by a Leader/marja' had precedence over other marja's. Now, according to Ayatollah Ali Akbar Meshkini, the head of the Council of Experts (a constitutional body empowered to select the Leader and change the constitution), the decree of Khameneh'i (a non-marja') also had precedence over the religious decree of a marja'.[21]

## Conclusion

The developments cited above have initiated a process of change in the Shi'i concept of an Islamic state. Furthermore, in little more than 17 years, the above developments have started to radically redefine the position of the ulama vis-à-vis the state, a development that would have been unimaginable had it been attempted by a secular state. It seems that while,

by taking over the guardianship of the state, the goal of the Islamic leadership of Iran was to bring the traditional conflict between secular state and the Shi'i ulama to an end, in practice further polarization has occurred. While the concept of the Rule of the Jurist has come to mean domination of the state by middle- and lower-ranking ulama, the higher-ranking ulama (namely the marja's) all stand opposed to the Islamic state. Once again, the Shi'i marja's stand against a state which is being run by men who claim their competency not on religious bases, but on political and revolutionary credentials. While the dominant figures among the IRI statesmen are members of the ulama establishment, the very fact that they are lower and middle ranking and that they emphasize their political credentials (as against religious credentials) as criteria for controlling the state, suggests that a process of semi-secularization is under way. The institution of marja'iyat has been an integral part of the Shi'i-usuli clerical hierarchy since the 19th century. Furthermore, it had been instrumental in giving Ayatollah Khomeini the necessary credentials to become the revolutionary leader that he was and to initiate the doctrinal changes that he did. The very separation of the institution from the notion of an Islamic state signified a crisis in Shi'i doctrine as well as in IRI politics. The outright hostility of the current marja's suggests the deepening of the crisis.

The above development has created two long term political problems for the IRI. First, as the conflict between the state and the institution of marjai'yat grows, and as the IRI's other seemingly insoluble problems (particularly economic) continue, the ordinary Shi'i believer may find it more convenient to turn to his/her traditional religious center (i.e., marja's) in order to voice dissent. This would undoubtedly bring the conflict between the Islamic state and the institution of marja'iyat into open political confrontation. The outcome of such an encounter could only further aggravate the legitimacy problem of the post-Khomeini Islamic state. Already, the higher-ranking ulama, under the banner of the institution of marja'iyat, are moving to their traditional role of opposing the state with seemingly traditional reasoning, i.e., the illegitimacy of the state in the absence of the Lord of the Age. Second, no matter how much the Islamic state would like others to believe that it can function independent of the traditional ulama hierarchy, it is still very much dependent on binding religious decrees for legitimizing some of its actions. The suggestion that a non-marja' may issue a binding religious decree is neither plausible, acceptable or enforceable unless the high hand of the state is willing to act upon it by accepting all the conse-

quences.

## Notes:

1. For more on similarities and differences among Islamist movements see: John Esposito, ed., *Voices of Resurgent Islam* (New York: Oxford University Press, 1983).
2. For more on this see: Hamid Algar, *Religion and State in Iran 1785-1906* (Berkeley, Los Angeles: University of California Press, 1969), Ch. I.
3. Hamid Algar, *The Roots of the Islamic Revolution* (London: the Open Press, 1983), 11.
4. Abdolhadi Ha'eri, *Tashayo' va mashrutiyat dar Iran* [Shi'ism and Constitutionalism in Iran] (Tehran: Amir Kabir Publications, 1975), 84. For more on the Usuli-Akhbari conflict see: Juan Cole, "Shi'i Clerics in Iraq and Iran, 1722-1780: The Akhbari-Usuli Conflict Reconsidered," in *Iranian Studies*, Vol. XVIII, No., Winter 1985.
5. Algar, *The Roots of the Islamic Revolution*, 18.
6. Algar, *Religion and State*, 6. For more on this subject see: Ahmad Kazemi Moussavi, "The Establishment of the Position of Marja'iyyat-i Taqlid in the Twelver-Shi'i Community," in *Iranian Studies*, Vol. XVIII, No., Winter 1985.
7. Algar, *Religion and State*, 8.
8. Haleri, 83.
9. Algar, *Religion and State*, 8.
10. Michael Fischer, "Imam Khomeini: Four Levels of Understanding," in Esposito, *op., cit.,* 156-157.
11. For more on the IRI constitution and revisions implemented since Ayatollah Khomeini's demise see: Mohsen Milani, "Shi'ism and State in the Constitution of the Islamic Republic of Iran," in Samih K. Farsiun and Mehrdad Mashayekhi, eds., *Iran: Political Culture in the Islamic Republic* (London and New York: Routledge, 1992), 133-160.
12. For Ayatollah Khomeini's religious decrees in this regard see: *Kayhan,* (Tehran), January 7, 1988.
13. *Iran Times,* June 19, 1989.
14. These names began to circulate in religious circles, see *Iran Times,* December 2, 1994.
15. A group of IRI officials and 150 members of Parliament immediately declared Khameneh'i marja', see: *Iran Times,* December 9, 1994.
16. Reported in the London-based Arabic publication *Al-Shara Al-Awsat* and translated and published in *Iran Times,* February 10, 1995.
17. Shaikh Fadhlollah, the militant and important mujtahid of Lebanon, has named Sistani as the most capable marja', see: *Iran Times,* February 17, 1995.
18. The letter's existence was first reported by *Al-Shara Al-Awsat* and translated and published in: *Iran Times,* January 27, 1995.
19. *Iran Times,* December 16, 1994.
20. *Iran Times,* December 23, 1994.
21. *Iran Times,* December 2, 1994.