Socio-Political Change and Development in Iran: Reżā Šāh and the Shi'i Hierocracy

 $\mathbf{B}\mathbf{y}$

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Abstract

The thesis offers an analysis of the Reżā Šāh period in terms of the balance between religion and politics and their societal and institutional power, the discussion of which is located within a historical framework. The relationship between religion and politics and their related effect on the 'legitimacy' of the structure of domination are considered within Weber's tripartite typology of domination. Whilst acknowledging the overall implications of the feasibility of adopting a Weberian framework and criticisms concerning the lack of accuracy of Weber's study of Islam, the thesis proposes that it is nevertheless possible to use a Weberian perspective in the study of Iranian Shi'ism. The changes introduced in the period are examined through an analysis of institutional changes deemed necessary for the process of modernization and secularization. An adequate understanding of this period is proposed to be critically dependent upon an understanding of the nature of the secularization process in Iran. This thesis is therefore concerned with two interconnected themes, one theoretical and the other historical. The theoretical theme, namely, the nature of the secularization process, arguably forms the core of the thesis in terms of its applicability to the period under study. It is the centrality of the secularization process which necessitates the analysis of a subsidiary argument concerning the limitations arising from Western (including Weberian) understanding of secularization, in particular with regard to Iran during the stated period. The historical theme - the analysis of the events between 1921 and 1941 - is considered for its own importance as a period of structural and institutional change and as a testing ground for the secularization thesis.

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Style and Usage

The system of transliteration used in this thesis is based on the system used in *Encylopaeda Iranica*, with a few symbolic differences. Words are transliterated with allowances for pronunciation. Arabic words have been transliterated as they are pronounced in Persian. The spelling of names of persons and places are rendered in the way they are most commonly known and pronounced. Titles often serve as family names (e.g. Sepahsalar) and are used interchangeably.

In the sections directly translated from Persian, words that appear in [] have been added for further clarification. Parentheses are used whenever they are used in the original texts. Some names appear in abbreviation or in slightly different version; when this is the case the full name is provided in parenthesis. Unless otherwise indicated all translations are my own.

The sections from the Memoirs of Šeīķ 'Abdol-Karīm Ĥā'erī Yazdī have been placed in chronological order after translation and do not appear so in the original texts. Also some of the people mentioned are referred to by their first names and Šeīķ 'Abdol-Karīm Ĥā'erī Yazdī's son, Šeīķ Morteżā, has added their last names to the texts. Furthermore, there are notes in the margins of the Memoirs that have been added for the purposes of clarification by Šeīķ Morteżā. At the end of the Memoirs there is a separate section written by Šeīķ Morteżā about his father, as well as an attached telegraph.

The system of conversion of dates is based on G. S. P. Freeman-Grenville, *The Islamic and Christian Calendars AD 622-2222* (AH 1-1650), Reading 1995. In cases when the Iranian solar is used, the date is followed by 'SH' and then by the corresponding Christian era date.

In Chapter Two, for the translation of the term $N\bar{a}'eb\ \c K\bar{a}s$ and $N\bar{a}'eb\ 'Am$, the words 'deputy' and 'delegate' are used interchangeably.

Finally, please note that some footnotes may appear on the following page.

Transliteration Table

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Introduction

The general focus of this thesis is the period between 1921 and 1941 in Iran, and the particular focus is the relationship between religion and politics, and its effect on socio-political change and development. An adequate understanding of this period is proposed to be critically dependent upon an understanding of the nature of the secularization process in Iran. This period marks an era of rapid modernization and centralization for the first time in Iranian history. Reżā Šāh implemented a series of reforms that had been attempted unsuccessfully by previous rulers, such as European style educational institutions, a secular and centralized judicial system, a modern standing army, modern economic structures, mass communication, networks connecting the entire country, and investment banks. A series of new institutions were established in order to help implement the centralization policies of the government.¹ This thesis is therefore concerned with two interconnected themes, one theoretical and the other historical. The theoretical theme, namely, the nature of the secularization process, arguably forms the core of the thesis in so far as its applicability to the period under study. The centrality of the secularization process necessitates the analysis of a subsidiary argument concerning the limitations arising from Western (including Weberian) understanding of secularization, in particular with regard to Iran during the stated period. The historical theme - the analysis of the events between 1921 and 1941 - is considered for its own importance as a period of structural and institutional change and as a testing ground for the secularization thesis.

Recently there has been a renewed interest in the Reżā Šāh period. However, most of the research undertaken tends to adopt what may be called a 'nineteenth-century, two-dimensional outlook'. The period is studied either in terms of 'microstudies', adopting an anthropological approach focusing on specific parts of the political or the social system, or alternatively in terms of the political realm, with particular emphasis on the impact of international power politics and its effect on transforming the internal structure. Little is written about the way in which religion has had a notable effect on political behaviour and significantly transformed Iran's polity. Religion and politics often compete to establish the legitimacy of their authority in a hegemonic way, and to this extent rivalry between them

¹ For a detailed account of the various changes that were introduced during this period please refer to the section entitled Reforms of Reżā Šāh, pp. 321-328.

for the loyalty of the subjects is inevitable. In the words of Max Weber, 'The antagonism of political and magical charisma is primeval.' The structural elaboration of religious thought and the development of the 'Olamā as an institution with vested interests in the enforcement of religious beliefs and norms through spiritual and coercive sanctions, and its consequences for the political system, particularly during the Reżā Šāh period, have not been considered. Accordingly, a three-dimensional perspective may seem more appropriate in understanding the dynamic and interconnected relationship between social structure and the religious basis of politics, in terms of both national and international politics and political organizations. This approach will enable us to have a better understanding of the importance of Shi'ism as a cohesive factor and the significance of the particular socio-historic development of Iranian 'Olamā and their role within the socio-political sphere.

Iran has had a long history of strong religious institutions that controlled law, education and social welfare. Government control of these institutions was viewed as necessary for both modernization and centralization. Governmental attempts to bring these spheres under its jurisdiction were viewed as an attack on religion. Hence the processes of modernization and secularization were deemed as synonymous, secularization being the inevitable outcome of modernization. However, if one looks at the stated period in terms of the relationship between religion and politics and their effect on the 'legitimacy' of the structure of domination, the actual process of secularization becomes far more complex and merits both a closer examination of terminology and a reassessment of historical events. We propose to provide an analysis of the Reżā Šāh period in terms of the balance between religion and politics and their societal and institutional power, as well as historical contingencies. Weberian sociology of religion and, more broadly, his sociology of domination provide us with the analytical tools to undertake such an endeavour. We hope to provide a theoretical framework drawing on Max Weber's sociology of religion in the analysis of the study of Shi'ism and its consequences in term of the political sphere. The relationship between religion and politics will be considered in terms of their effect on the legitimacy of the structure of domination.3

² Weber (1968), p. 1173.

³ Weber (1968), pp. 941-956, 1158-1368.

In Weber's sociology, there is a certain parallel between the state as the sector with the monopoly of physical violence and the church as the sector with the monopoly of sacral violence. The precise relationship between these two institutions he left open to historical and empirical inquiry. The church offered the state the protection of divine legitimacy and disciplined citizens. The state offered security, both external and internal in terms of the removal of the threat of heresy and unorthodoxy, by means of its disciplinary apparatus. Weber, in the chapters of *Economy and Society*, deals with the state and church dichotomy in terms of the ultimate sources of legitimacy. Furthermore, religious (hierocratic) and political (temporal) charisma seem to be equally fundamental, in their institutionalized form, in that one can not be reduced to the other. Political and hierocratic domination as the ultimate sources of legitimacy form the underlying basis for Weber's typology of the varying role of religion in the charismatic legitimization of domination.⁴ Weber provides a tripartite typology of domination, namely theocratic, hierocratic and Caesaropapism, each classification presenting the relative predominance of one of the two autonomous charismatic types of domination: the religious or the political.

Weber in the Sociology of Religion clearly recognized the essential tension between Christianity as a religion of 'brotherly love' and the state which monopolizes violence within a given territory. Weber explored historically how various compromises and accommodations were achieved between the church which has a monopoly of grace, and the state which has a monopoly of military violence. The societal structure of domination within the cultural logic of Shi'ism constituted a major force in the dynamics of Iranian society, particularly during the Reżā Šāh period and merits a comprehensive study of the formative years of Shi'i hierocracy. Shi'i 'Olamā will be considered in the light of the emergence and consolidation of an institution with vested interests in the enforcement of religious beliefs and norms through spiritual and coercive sanctions. This thesis aims to examine the full extent of the effects of Reżā Šāh's policies on the relationship between religion and politics, and the consequent social change. These changes will be examined in the light of institutional changes deemed necessary for the process of modernization and secularization - namely law and education - as strongholds of the 'Olamā and the military as the catalyst for the implementations of state policy.

⁴ Weber (1968), pp. 941-956 & pp. 1158-1368.

Finally, the importance and relevance of Weber's sociology of religion to the substantive analysis of the relationship between religion and politics in the case of Iran lies in the less recognized or fully confronted implication of Weber's analysis - namely that religion provides some components of the broader civilizational premises and frameworks which determine the way in which religious activities and organizations are related to political processes. The development and institutionalization of the perception of the basic tension between the transcendental and the mundane were closely linked to the emergence of a new social elite, which in the case of Iran were the Shi'i 'Olama. This process of institutionalization turned the new scholar class into relatively autonomous partners in the major ruling coalitions. Shi'i mysticism, like Sufism, represents an indispensable mode of institutionalization of transcendence in Islam. Irrespective of its a-political and world renouncing tendencies Shi'i mysticism had far-reaching political implications: It amplified normative pluralism and enhanced the duality of religious and political authority. Shi'i religious beliefs and institutional structures historically shaped by them have been crucial in the motivation and determination of political action in the history of Iran. Shi'i Islam as a world religion of salvation has had considerable transformative potential as it contains significant implications not only for religious ranking but also for political stratification.

Whilst acknowledging the overall implications of the feasibility of adopting a Weberian framework and the criticisms concerning the lack of accuracy of Weber's study of Islam, we believe that it is still possible to draw upon Weber's tripartite typology of domination in the study of Iranian Shi'ism. The full extent of the effects of Rezā Šāh's policies on the relationship between religion and politics and the consequent social change cannot be conceived fully without a historical framework. It becomes necessary to consider briefly the situation prior to the advent of Rezā Šāh to the throne. Furthermore, to be able to arrive at a well-informed conclusion as to the nature of Rezā Šāh's reign and its consequences for Iran, we must establish a geo-political, military, financial, social and cultural understanding of Iran. We shall consider the historical setting only in so far as it helps to clarify the nature of Iranian society prior to the rise of Rezā Šāh. We do not intend to provide a detailed historical account of this period as it has been dealt with categorically by numerous other scholars elsewhere.

⁵ In Persian by such historians as Makkī, Āštīyānī and Bahār, to name but a few. In English by such scholars as Ghani, Keddie, Abrahamian and many more.

The Historical Setting Prior to the Advent of Reżā Šāh to the Throne

Iran is situated in a highly important strategic position within the Middle East. During the late nineteenth and early twentieth centuries Iran was directly situated between the two geographical spheres of British and Russian influence. Although Iran was never formally colonized it did however face increasing pressures from both these governments, with significant consequences for internal politics. In 1907 the British and the Russians signed an agreement according to which Iran was divided into three geographical spheres. Northern Iran came under the sphere of Russian influence, which included areas that fell north of Qaşr Šīrīn, Eşfehān, Yazd, and Gardāneh Żolfaqār and the mountains of Żolfaqār. Southern Iran was declared to be under the British zone of influence and encompassed areas bordering Afghanistan, Balūčestān, the Sea of Oman, and the areas south of Żolfaqār, Bīrĵand, Yazd and Bandar 'Abbās. All the territories between these specified zones were declared as neutral areas. The agreement came under fierce attack by the Iranian government. However, the British and the Russians had complete control over their specified zones. This agreement was in effect until 1915 and both Britain and Russia had a significant military presence in their specified area of influence.⁶

In 1915 a new agreement was reached between Britain and Russia according to which the neutral areas were to be further divided between the two powers. Consequently, the entirety of Iran was divided up into spheres of British and Russian influence. It was agreed that the Russians would keep 11,000 Russian Cossacks in the northern territories and the British would keep 11,000 South Persian Rifles (southern police) in the south. After the October Revolution, the newly established Bolshevik government officially cancelled all previous agreements and the 1915 Agreement practically collapsed. This led to the withdrawal of all Russian military presence from Iranian territory. Following the withdrawal of Russian forces from the northern territories, the British moved some of their constabulary from India to Balūčestān, and sent their remaining military force to Hamadān, Qazvīn and Rašt, and as far as Bākū. Consequently, towards the end of First World War, the entirety of Iran fell to the British. The presence of British troops in various parts of the country had greatly reduced Iranian sovereignty

⁶ For further details please refer to Chapter Five.

and independence. Iran was faced with social disunity, tribal and ethnic conflict, political disorder, economic hardship and national poverty. ⁷

The Bolshevik Revolution led to the withdrawal of Russian troops from Iranian territory, which consequently created a vacuum in the balance of power. The Iranian government anxiously tried to prevent the British from filling this vacuum. This led to marked hostility towards the British. In January 1918, with the repudiation of Tsarist privileges; a new wave of popular and official Anglophobia spread through Iran. There were growing demands from the British for a friendlier attitude on the part of Iran. The British were apprehensive about this situation and wanted to safeguard their regional and local interests. There followed two years of British political and diplomatic supremacy, highlighted by the Anglo-Persian Agreement of 1919. The British entered into negotiations with the cabinet of Vosuqod-Dowleh, a highly unpopular politician, in order to reach an agreement whereby the Iranian government would employ British military, civil and technical advisors, to reorganize the army and the state administration. According to this agreement, Britain was to have military, administrative and financial protectorate over Iran. Internationally, the League of Nations did not acknowledge the 1919 agreement as binding; internally, the 1919 agreement aroused overwhelming protest from all sections of Iranian society.8 Hence, in November 1920, when the Soviet government sent an ultimatum demanding the evacuation of all British military forces from Iran, it was received favourably by both the government and the public.9

The October Revolution created an altogether new situation in the political arena of not only Iran but also the world in general. The consequences of the revolution soon became apparent in the internal socio-political situation. The new Bolshevik government abrogated all previous treaties which were disadvantageous for Iran. However, the entry of the Bolshevik forces into the northern territories of Iran and the spread of communist ideology, together with internal instability, weak and ineffective central government, and the absence of a united national army, created a far more serious threat for the totality of Iranian territory than ever before. Furthermore, the conceivable collapse of northern Iran to the Bolsheviks made the threat of communism seem even more imminent.¹⁰

⁷ Makkī (1369 SH/1991).

⁸ Āštīyānī (1362 SH/1983), p. 67.

⁹ Bahār [Mālekol Šo'arā] (1357 SH/1978).

¹⁰ Ibid.

The prevalent socio-political situation in Iran was uncertain and unstable, to such an extent that the national unity of Iran was under threat. Iran was practically under siege by foreign forces, social relations were severely strained, and the central government was weak and ineffective. The inherent weakness of the government was reflected in the numerous cabinet reshuffles and continual changes in the government. Political instability had reached such a degree that in the space of one year six cabinets were formed, Prime Minister after Prime Minister came to power achieving very little while chaos and disorder continued. Political instability was both effected by and in turn had an effect on social instability. Already fragile and intricate social relations were further debilitated as each social elite fought hard to maintain its existing status quo and safeguard its own power and privilege in the face of a weak and ineffective central administration. The lack of a strong central administration had proved beneficial for various autonomous and semi autonomous groups such as the 'Olama, tribal chieftains, major landlords, Qajar princes, the various revolutionaries, rebels and bandits. A weak and ineffective central government ensured the autonomy, power, and survival of these various groups. Regional selfautonomy, powerful tribal chieftains, financially independent and interfering 'Olama, and civil disintegration in turn further weakened the central government. The 'Olama, for example, dominated all judicial, educational and cultural affairs of the country. 11

In the words of Malekol Šoʻarā Bahār, a key political figure:

'The Šāh was about to flee, political figures were preoccupied with power, position and obtaining a place in the cabinet, and rebels were killing, plundering and acquiring wealth. Journalists were involved in printing obscenities against their rival groups, or promoting a particular political party at the expense of another. Competing political parties paid large sums to journalists to slander the opposition. Intellectuals had formed various political groups and set up numerous papers and were involved in internal fighting and back-stabbing. The commercial classes were anxious and feared the loss of their property due to social, economic and political insecurity. The average national income had greatly decreased. Iran had become increasingly dependent on foreign loans, and her financial future seemed bleak and uncertain.'12

The political instability of the country was further complicated by the social structure and the natural geography of Iran, which was in its very essence the antithesis to

¹¹ Dūlatābadī (1371 SH/1992).

¹² Bahār [Mālekol Šo'arā] (1357 SH/1978), pp. 55-6. Yaĥyā Dūlatābadī and 'Abdollāh Bahrāmī both important political figures of the time give a similar account as that of Bahār.

centralization. Many of Iran's villages, tribes and towns were on the whole isolated, economically self-contained and predominately self-governing. 13 The combination of the factors stated above had loosened the very cement which held the social mosaic together. It is often argued that Shi'ism played a fundamental role in the national unity of Iran; if one accepts this assumption, then the role of the 'Olama becomes even more significant and consequential. During the period under study, 75 per cent of Iranians were village dwellers and nomads who were under the control of Kans, Maleks, or Ilkans. 14 Hence, this limited social elite were major players in the political scene and so determined the outcome of the internal situation. The local Mollā was a figure of great influence as he was the link between the villagers and their Marja 'Taqlīd. The Iranian population was on the whole at the mercy of this small but puissant minority. The elite groups were often involved in preserving and maintaining their own territory of influence, even at the cost of endangering the national unity of Iran. They were often the instruments by means of which imperialist powers played out their power politics and ensured foreign supremacy through internal instability. Foreign military intervention and political disintegration had exacerbated the prevailing regional disorder to such an extent that the strength and autonomous tendencies of local powers vis-a-vis the central government took on an unprecedented magnitude.¹⁵

The largest class in Iranian society, the peasantry, lived much as they had done for centuries. The tribal population of Iran, which, in the early 1920s, were nearly 15 per cent of the total population, remained completely untouched by modern advances of any kind. The peasantry and the tribal populations were mostly illiterate. Their fate was often in the hands of the local tribal leaders and landowners who ruled like kings in their little kingdoms. The people had no say in their own fate, let alone in the running of the country. Even their very life was in the hands of the local \Breve{Kan} , \Breve{Ilkan} or \Breve{Malek} . Women, who made up half of the population of Iran, were deprived of any role other than motherhood; even that was limited, as they did not have any legal rights in relation to their children. Women were deprived of any social or political involvement, they did not have the right to vote, or to employment, and were even limited in terms of their access to public places. ¹⁶

¹³ Abrahamian (1982).

¹⁴ Dūlatābadī (1371 SH/1992).

¹⁵ Āštīyānī (1362 SH/1983).

¹⁶ Dūlatābadī (1371 SH/1992).

The outbreak of the First World War forced the Maĵles into a long recess which lasted until 1921. Irrespective of the several cabinets that were formed during the wartime period, the political situation in Iran bordered on anarchy. The exercise of governmental authority came to a virtual standstill. The consulates of Britain and Russia, as well as the British-owned telegraph offices, became the real seats of power in the provinces. Political refugees often used these offices as places of sanctuary in much the same way as they would use a religious shrine. Russian, British and Turkish troops occupied various parts of the country. Wassmuss, a German agent, was active in southern Iran organizing tribal resistance to Britain. To substitute the Swedish-led Iranian gendarmerie and to counterbalance the Russian-commanded Persian Cossack Brigade, the British organized the South Persia Rifles. Brigandage, tribal lawlessness and highway robbery were alarming. In fact highwaymen, in the absence of authority, often raided towns and sometimes remained, wrecking all economic activity. Such were the political events preceding the coup d'etat of 26 February 1921 which brought Reza Kan to power. Many historians often argue that the original engineer of the coup was a young journalist named Seyyed Żīyā'o-Dīn Tabātabā'ī. On the morning of 26 February 1921, when the people of Tehran woke up, they found the streets plastered with posters. They read 'I command!' and were all signed by Reżā Kān, Commander-in-Chief of all the Armed Forces.¹⁷ Seyyed Żīyā'o-Dīn became Premier, but there was little doubt where the real power lay.

It was against such a background that Reżā Ķān emerged as a dominant political figure. After the 1921 coup of Seyyed Żīyā'o-Dīn and the Cossacks, Reżā Ķān soon rose through the ranks of the army and entered the political scene. His first post was as Sardār Sepāh; he went on to become Minister of War, and then Commander-in-Chief of the Armed Forces. In 1923 he became Prime Minster and finally in 1925 he was crowned as the King of kings, Šāhanšāh. In retrospect, it is clear that the coup had been intended by the British as an alternative route to the achievement of the 1919 Agreement, namely political stabilization of Iran which would not pose a threat to the main local and regional interests of the British Empire. Reżā Šāh established a strong central government based on autocratic rule. His rule is most commonly described as a dictatorship established

¹⁷ Ibid.

¹⁸ Katouzian (1981), p. 538.

through terror and the brutal destruction of all those who stood in his way. The other most commonly agreed point is that Reżā Šāh's rule put an end to 'provincial kingdoms', regionalism, sectarianism, tribal fiefdoms, Ķānism, and Āķūndism. He also restored internal security by putting an end to civil war and secessionist movements. Once Reżā Šāh had saved the country from the threat of disintegration he went on to concentrate on 'the second goal of the Constitutional Revolution: modernizing the state. Reżā Ķān was no less a child of the Iranian Constitutional Revolution than Napoleon was of the French Revolution.' It must be pointed out that Reżā Šāh's rule was also a betrayal of many ideals and aspirations of the Constitutional Revolution such as civil liberties and parliamentary rule.

Throughout his region Reżā Šāh introduced and accomplished many unprecedented policies in Iran, achieved at the cost of sacrificing the aims and aspirations of the Constitutional Revolution, and fundamentally changing the fabric of Iranian society. However, despite the many new institutional innovations, social relations remained very much the same, as economic change occurred at a slower pace than in other areas such as the legal and educational system. The ongoing debate for Iranian scholars has been whether the achievements of Reżā Šāh justified the cost at which these new measures were accomplished: in other words whether the means justified the end. Whatever the response, it cannot be denied that the Reżā Šāh period was the corner- stone for what may be termed 'modern' Iran.

An Assessment of the Basic Characteristics of the Pahlavī Era

The period from 1921 to 1941 is viewed by most historians as one of cataclysmic change. The European influences that had been filtering into Iran since the 16th century finally gained ascendancy during this period and the country went through a phase of intense Westernization. Many of the physical aspects of Westernization are the product of this period. Ironically, this period also produced a great degree of suspicion and resentment towards the West. It was a period of 'rapid borrowing of the Western model', as well as the assertion of national identity. The two processes were simultaneous and related. The anarchic conditions of the country brought about the rise of Reżā Šāh and may, in some way, account for the nature of his reign. Reżā Šāh, unlike Kemal Ataturk whose reforms he emulated, wrote no articles, left no political testaments which can be

¹⁹ Arjomand (1988), pp. 62-3.

taken as his ideological core. The circumstances of his rise to power did not make him sympathetic to idealists and theoreticians. He proceeded to immediate and practical goals. He is often criticized by Iranian intellectuals as having lacked a formulated ideology, while others have suggested that this was due to the fact that he was simply a 'puppet' ruler. A closer examination of the period reveals that a definitive ideological motivation was present in all the activities of Reżā Šāh's regime. Although it cannot be located or studied in any one document, it can be deduced from his actions and from the writings of his supporters.

Reżā Šāh aimed at controlling society by means of the instruments of administration, regulation and military domination. This was in sharp contrast to the previous Qajar rule of manipulating communal rivalries, perpetuating tribal feuds, and weak, ineffective central government. The Pahlavī era marked the establishment of a highly differentiated political and social structure. Under Reżā Šāh, Iran became a transitional society, socially, economically and to a certain extent politically. Reżā Šāh embarked upon the construction of a comparatively modern state and inaugurated a course of rapid modernization. This process was achieved by reinforcing national unification and by establishing modern armed forces. From 1921 to 1941, most of the basic institutions needed for the elementary needs of society were established. It has been suggested that Reżā Šāh's twenty-year reign 'was a prolonged revolution, particularly in the light of the dramatic changes that he implemented in Iranian political society.²⁰ Although considerable quantitative changes did occur in the bureaucracy and the economic powers of the state during the Reżā Šāh period, the basic format of political institution stayed intact. The political system was still headed by an absolutist monarch but with the difference that the Pahlavī monarchy was supported by strong military and bureaucratic institutions. Reżā Šāh attempted to modernize the country's industrial infrastructure and its culture, but his reforms did not fully extend to the political realm and the basic political structure remained unaltered. The bureaucracy, the military and the royal court functioned as the primary pillars of the Pahlavī dynasty. However, the political structure of the Pahlavī regime had a fundamental difference from that of the Qajars, namely the reduction of the influence and power of the 'Olama in the political system. The 'modernism' of the Reżā Šāh period was more far-reaching, profound and consequential

²⁰ Lenczowski (1980), p. 88.

than the measures implemented or even envisaged during the 1960s and 1970s. The period witnessed the most concentrated effort to limit and regulate the power of the 'Olamā, and it may have succeeded further had it not been for the Allies' invasion and occupation of the country in 1941. The foundations of present-day government structure were laid during the Režā Šāh period.²¹

The three recurrent features of Iran's political history - autocracy, foreign intervention and revolution - marked almost all stages of the Pahlavī era. In certain periods, in fact, outside powers exercised as much dominance over the Pahlavīs as they did over the Qajars. During the reign of Reżā Šāh there was a conspicuous absence of revolutionary upheavals, although there were several regional challenges to the authority of the central government. Revolutionary situations did not arise because the regime initially courted the support of those groups who could form potential blocks of opposition, and then suppressed them when it no longer need their support.²² Despite the lack of rebellion against the regime, foreign intervention and political autocracy were paramount. The largely despotic and arbitrary nature of political power under the Qajars was replaced by a more systematic institutionalization of political power under the Pahlavīs. Attempts were made to build political power and authority into the Pahlavī system instead of emanating from individual political figures. Or in the language of the Constitutional Revolution, 'the achievement of the rule of law'. The Šāh nevertheless continued to be central to the survival of the system he had established. Foreign interference in the internal affairs of the country also persisted during the Pahlavī era. Reżā Šāh believed that only through his direct personal control over political process would the country be saved from chaos and from lapsing into communism. He viewed this form of authoritarianism as necessary not only to maintain a strong personal hold of power, but also in the effective imposition of central government's authority over the entire society.²³

Reżā Šāh tried to legitimize his rule by reviving the memory and the splendor of Iran's pre-Islamic past. However he was not able to gain widespread legitimacy or to give credence to his claim of divine kingship. Reżā Šāh attempted to rule with reference to the

²¹ Kamrava (1992).

²² This was most evident in the Republican movement, which will be fully discussed in Chapter Six, pp. 281-287.

²³ Dūlatābadī (1371 SH/1992).

pre-Islamic model of Persian kingship in an attempt to assume total power. He knew that if his rule were to be superimposed upon society, the socio-political culture of Iranian society would need to be altered. It was hoped that this would bring about a shift in public attitudes towards the form of authority of the monarch and concepts of legitimacy, which had taken shape in over two-and-a-half centuries of 'sacred-temporal' dual power structure. This cultural adaptation would be achieved by releasing such matters as the law and its implementation, and education from religious regulation, and expanding the jurisdiction of the state over these spheres. The concept of legitimate authority, who possesses it and who has the right to exercise it are pivotal questions for Shi'i Islam. These concepts have played a crucial role in shaping not only the religious but also the political history of Iran. The Imami doctrine as developed by the Moîtaheds holds that, after the Occultation of the Twelfth Imam, it is the Moîtaheds who must fulfil some of his duties and who are his representatives. In Iran, this belief was held not only by the 'Olama but by the people at large. Due to the dual power structure of politics and hierocracy, political loyalty could easily shift to one of the 'Olamā if the ruler did not have religious legitimization. The polarization of Iranian society had nurtured different attitudes towards the two forms of authority.²⁴

During the reign of Rezā Šāh, the institutional separation of religious and political power became virtually complete, but, the internal structure of Iranian society was far slower to change, and the influence of the 'Olamā over the masses stayed almost intact. Rezā Šāh wished to limit autonomous ecclesiastic charisma, and make it subordinate to secular power. However, this policy was part of a greater policy of reducing all other alternative sources of power (such as the autonomy of Tribal chieftains, for example) and was not specifically directed at the 'Olamā. Rezā Šāh sought to implement the power of the central government by establishing a professional standing army, a uniform judiciary, the rule of law, uniform secular education, and by curbing the power of 'Olamā, tribal chieftains, major landowners and all other alternative sources of power. These bourgeois reforms did not fundamentally change the fabric of Iranian society or the structure of social relations. Throughout this period, as the power of the central government increased, so the political power and influence of the 'Olamā decreased.'

²⁴ Algar (1969).

²⁵ Dūlatābadī (1371 SH/1992).

Reżā Šāh sought to achieve two basic goals: firstly, the transformation of the Iranian economy into a semi-industrialized and commercialized system; and secondly, the expansion of the power of the central government over all segments of society with the purpose of centralization and unification. In the process of achieving these two basic goals, the government attempted to eliminate traditional social forces and ideologies, and substitute them with ideologies and attitudes seen to be more compatible with its 'modern' aims. This had a particular and significant effect on religion and religious institutions. Reżā Šāh's first and most important task was to build up an army and disarm potential separatists, especially nomadic tribes. Later he took a series of steps to curb the power of the 'Olamā and spread an official ideology of nationalism, drawing upon Iran's pre-Islamic past and denigrating Arabs and by implication Islam. His rule may be described as 'autocratic secular nationalism'. The social, economic and political changes during this period were unparalleled in Iranian history.

During the Reżā Šāh period there was an increase in central government intervention in the economic sphere which produced new social groups. Their political orientation and economic philosophy were in sharp contrast to the traditional elite. A new social elite was formed around the government and the throne, whose main aim was to gain recognition and power to create a 'modern' society. The term 'modern' is often used as belonging to the standard view of history which takes capitalist modernity as an inevitable outcome or even natural law. Modernity occurs during the evolutionary process leading from early forms of exchange and social structure constrained by the 'irrational forces' of tradition to the economic and social rationality of the bourgeois. This particular understanding of modernity belongs to a view of history that cuts across the great divide between capitalist and non-capitalist societies. It treats capitalist laws of motion as if they were the universal laws of history. It is important to point out that even anti-modernism can have a similar effect on naturalizing capitalism, as can be seen in the sociological theories of Max Weber. For Weber, modern history has been a long process of rationalization, the rationalization of the state in bureaucratic organization and the rationalization of the economy in industrial capitalism. The effect of this process - the progress of reason and freedom most often associated with the enlightenment - has been to liberate humanity from traditional constraints. But at the same time rationalization produces and disguises new oppression, which Weber refers to as the 'iron cage' of modern organizational form. This view of history makes capitalism inevitable and at the

very least naturalizes it. Equating capitalism with modernity disguises the specificity of not only capitalism but modernity as well. It is commonly agreed that the reform policies of Reżā Šāh 'modernized' and fundamentally changed the fabric of Iranian society. However, the extent to which the formation of the Pahlavī State can be viewed in terms of a continuity of a set of historical processes or a complete break with the past is debatable.

An Overview of the Various Approaches to the Reżā Šāh Period

In regard to the above proposition, two models of argument are generally presented. The first views the emergence of the political system between 1921 and 1941 in terms of a fundamental change that resulted in a significant break with the past.²⁶ The Reżā Šāh period is viewed as the beginning of the process of transformation of Iran from pre-capitalism to capitalism. The second model of argument views the stated period in terms of an underlying historical continuity. Within this perspective the Pahlavī regime is viewed as a neo-patrimonial state, a historical continuation of the patrimonial (Asiatic despotism) rule of the Qajars. Most research carried out on the Reżā Šāh period has been influenced by one of these theoretical models. The Reżā Šāh period has been considered either in terms of a historical continuity of patrimonial or Asiatic despotism, re-emerging under modern conditions as neo-patrimonialism, or in terms of a direct consequence of geo-political and global forces. There are, however theoretical problems with both models. The cultural essentialist model supposes that the events of the past determine and limit the possibilities of future development. One prevailing argument in terms of the Middle East is that the Islamic 'essence' is accountable for the weakness or developmental 'failure' of the region. Despotism is seen as implicit within the very nature of Islam and political behaviour limited by debilitating Islamic social structures. The Islamic heritage is viewed as an obstacle to all subsequent development. Moreover, this theory fails to take global and external forces into account.²⁷ For its part, the first model fails to account for the specificity of Iranian political and social processes. The structural limitations of the theory overlook the distinctive characteristics of the Iranian case. The later structural account sees Iran in terms of the dependence of the 'peripheral' state on

²⁶ See for example Halliday (1979), Abrahamian (1982), and Banani (1961).

²⁷ For further discussion please see Zubaida (1993).

the world order that maintains it as an agent. It is 'external' to the social relations and institutions over which it governs.²⁸

Within the first perspective it is argued that there is a profound discontinuity between Iran prior to the First World War and Iran since then. Pahlavī rule was essentially different from previous monarchies in Iran. Under Režā Šāh, the state controlled the whole of the national territory, whereas the Qajar control did not extend beyond the main cities. The state intervened, controlled and promoted economic development, whereas the other neglected it. For the first time in Iranian history there was a large modern standing army, a centralized secular legal system, and secular mass state education. These institutional changes were unprecedented, as were the social and cultural reforms introduced, such as the uniform dress code and compulsory unveiling. The Pahlavī monarchy was constituted on an entirely new basis - that of military dictatorship. Režā Šāh's rule provided some of the necessary pre-conditions for the transformation of Iran to capitalism. Within this model of argument there is no substantive continuity between the Pahlavī monarchy and that of the previous centuries. There was such a very wide gulf between the two regimes, which is far more significant than the fact that they were both presided over by men calling themselves 'Šāh'.²⁹

This model of argument views Iranian history in terms of a systematic process of historical development, the transition from pre-capitalism to capitalism, within a global context. The specificity of Iranian internal processes is placed within a global setting. Dependency theory encompasses a large body of literature which incorporates many concepts and methods; however, the distinguishing feature of all dependency theory is that the social and economic development of 'underdeveloped' countries is viewed as conditioned by external forces. Within this perspective, Middle Eastern states are forms of the peripheral state, shaped by relations of dependency on the major capitalist powers of the centre. Dependency both prevents genuine economic development and undercuts the legitimacy of the modernizing state in that it fails to deliver what it promises. The externalization of the state from society in the Islamic world is the not historical outcome of 'Asiatic despotism' but rather the consequential creation of the capitalist world market. The state, by reason of its dependence on the world market, organizes the social

²⁸ For more detail please see, Amin (1976), Baran (1957), and Frank (1971).

²⁹ Halliday (1979), pp. 21-36, Abrahamian (1982), Keddie (1983), and Banani (1961).

formation which governs in accordance with the needs of the world market. Indeed, it not only governs civil society but negates it, by assuming all its functions. The economy, community, religion, education and family are all penetrated by the state. It derives its power mainly from its dependence on central powers rather than an internal power base. The state is economically oriented to extracting surplus value; ideologically this is first done under the banner of development and modernization, whereby people are forcibly modernized.³⁰

In developing countries, the economic role of the state is especially pronounced since the weakness of the indigenous bourgeoisie has tended to draw the state even further into an economically executive position than has been the case in the more developed capitalist countries. This pronounced role of the state under the conditions of capitalist development has been particularly noticeable in Iran. Discussion of the state and class interests represented are therefore essential to the analysis of the economic transformation in Iran.³¹ The Iranian state was not, as in many other Asian and African countries, a post-colonial state, in the sense of owing its very existence to the link between local bureaucrats and imperial states outside. Rather, the Iranian state was created in a comparatively independent manner.³² Furthermore, another feature often associated with a post-colonial state is the close relationship between bureaucrats and landowners: this too has been absent from Iran.³³ It must be pointed out that the relationship between state and society has been in the process of evolution over the last century and this evolving has resulted in a number of different conjunctures at different moments in its history. It is only by ignoring this history that it becomes possible to present the problem as a confrontation between community and the state, without taking into account the important socio-political developments of a national kind.³⁴

The second model of argument views the stated period in terms of an underlying historical continuity. Within this perspective, the Pahlavī regime is viewed as a neopatrimonial state, a historical continuation of the patrimonial (Asiatic despotism) rule of

³⁰ See for example Roxborough (1979).

³¹ Ibid

³² It must be pointed out that the historical links between the British and Reżā Šāh's consolidation of power are well documented. Furthermore the power play between Britain and Russia also had great significance for government formation in Iran.

³³ Halliday (1979), pp. 21-36.

³⁴ Zubaida (1993), pp. 144-5.

the Qajars. In other words, it is argued that there is a historic and systematic continuation, as Iran is an Asiatic country where despotism is an inevitable feature of political life. Patrimonial forces continued and were still influential even under the modernizing attempts of Režā Šāh. The reliance on extensive court patronage during the Režā Šāh period is often cited as an example of the continuation of patrimonial patterns. This argument operates within the theoretical framework of 'cultural essentialism' which views obstacles to development as overwhelmingly internal and unchanging during the last 1400 years of Islamic history. The logic of this assumption is that the present in any given history contains all of that history in its structure. This is the basic tenet of cultural essentialism. Its advocates have sought to explain the Režā Šāh period in terms of the continuity of persisting patrimonial influences in the political field. Imported European modernization at the levels of both institution and of ideation resulted in the formation of a neo-patrimonial state rather than a modern nation state.

Analytically it is helpful to make a distinction between cultural specificity and cultural essentialism. Cultural specificity is argued in terms of particular inherent and continuously active cultural elements which favour certain socio-political development and inhibit others. The work of Bertrand Badie³⁶ best illustrates cultural specificities sliding into cultural essentialism. Badie's argument rests on the contrast between the Western and the Islamic state at two levels: ideational and institutional. The ideational level is concerned with the question of legitimacy. In the Christian West there is a multiplicity of philosophical options at this level which has coincided in the establishment of political spaces distinct from the religious, governed by systematic considerations of legality and legitimacy and by individualized political actors. All this is in distinct contrast to Islamic political structures.³⁷ According to Badie, contrary to the Western model, the Islamic model is based on the divinely-revealed law (the Šarī'ah) which means that, in the world of Islam, the political sphere in so far as it is distinct from the religious sphere is not subject to challenges in terms of systematic discourses of legitimacy other than those which would abolish it.

The contrast at the ideation level is reinforced at the institutional level. This rests on the uniqueness of Western political history - a familiar theme in Max Weber and later

³⁵ For an extensive critique of this approach see Zubaida (1993).

³⁶ Badie (1986), as qouted by Zubaida (1993).

developed by Perry Anderson³⁸ among others - the 'triangular' structure of prince, barons and Church, each with its own power and jurisdiction. For Badie, the common European political culture contains within it a double germ from its feudal birth: the law state and the idea of practice and representation both acting against patrimonial tendencies. Consequently the modern European nation state is a product of a unique history, whereas the Islamic state in contrast followed patrimonial patterns of development. In Islamic countries 'imported' European modernization resulted not in the formation of the nation state but rather in 'neo-patrimonial states'. The failure of the modern nation state in the Islamic world is due to the following factors: failure of the 'law-state' and consequently failure of democracy, nation formation, continuation of regionalism and separateness of periphery from the centre. Cultural essentialism seeks to explain differences in political structures in terms of internal 'cultural essences' and makes a sharp distinction between Muslim countries and the West in terms of the 'Islamic essence'. Within this perspective, each historical period in a particular country is the manifestation of that particular 'cultural essence'. This theory fails to take global and external forces into account.

'Cultural essentialist' theories view secularization as the key component of the development of capitalism and democracy in the West and the unsuccessful development of both in other societies. Modernization is seen as synonymous with capitalist development and secularization. The assumption that secularism is the consequential result of modernization is theoretically problematic placed within a historic perspective. Furthermore in terms of Islamic societies, its assumptions are based on the widely-held misconception present among Muslims and non-Muslims that Islam is both a religion and a state, an inherent theocracy, which, when examined closely, does not hold to be historically accurate. Although there is no institutionalized priesthood in Islam, the 'Olamā played a crucial and decisive role in the political realm. This informally-structured institution acted in such a formalized and collective manner that it may be argued that they constituted a 'church' in the Weberian sense of the word. Shi'i Islam has undoubtedly played a formative role in shaping Iranian culture; Iran's pre-Islamic culture, however, is also of equal importance. The language, mythology, and historic identity of Iran have all to some extent preserved their pre-Islamic past. The interplay of these two forces - Shi'i

³⁷ Ibid., pp. 131-2.

³⁸ See for example Anderson (1974), Passages from Antiquity to Feudalism & Lineages of the Absolutist State.

Islam and the pre-Islamic - heritage have made Iran's reaction to the West extremely complex and also different from the rest of the Middle East. This is why the secularization debate is of such importance to the overall structure of this thesis and merits an in-depth discussion, both in terms of secularization and the domain of Islam, and in relation to Iran during the period under study.

Setting Out Our Argument and the Thesis Outline

In Weberian terms religion and politics are central to the symbolization of order and the normative governance of action and therefore fundamental to organization of collective life. The importance and relevance of Weber's sociology of religion to the substantive analysis of the relationship between religion and politics in the case of Iran lies in the less recognized or fully confronted implication of Weber's analysis - namely that religion provides some components of the broader civilization premises and frameworks which determine the way in which religious activities and organizations are related to political processes. The development and institutionalization of the perception of the basic tension between the transcendental and the mundane were closely linked to the emergence of a new social elite, which in the case of Iran were the Shi'i 'Olamā. This process of institutionalization turned the new scholar class into relatively autonomous partners in the major ruling coalitions. Shi'i mysticism, like Sufism, represents an indispensable mode of institutionalization of transcendence in Islam. Irrespective of its a-political and world renouncing tendencies Shi'i mysticism had far-reaching political implications: It amplified normative pluralism and enhanced the duality of religious and political authority. Shi'i religious beliefs and institutional structures historically shaped by them have been crucial in the motivation and determination of political action in the history of Iran. Shi'i Islam as a world religion of salvation has had considerable transformative potential as it contains significant implications not only for religious ranking but also for political stratification.

From the formative years of the doctrinal power of the 'Olamā, which can be said to have been during the tenth century from the time of the Greater Occultation (329/940) until the establishment of the first Shi'i dynasty in the sixteenth century, the Shi'i 'Olamā were a distinct social group but did not constitute a recognized institution. The Safavid period marks the transition of the 'Olamā from a distinct social group to a hierocracy. Safavid rule may best be explained in Weberian terms as a 'Caesaropapist' rule. Safavid rulers exercised supreme authority by virtue of their decadence from the time of the

Seventh Shi'i Īmām, Mūsā Ībn Ĵa'far (Al-Kāžem, d. 799) onwards. The Safavids 'imported' a number of Shi'i 'Olamā mainly from Lebanon. These 'Olamā were, on the whole, state functionaries, treated as a branch of the political administration. Throughout Safavid rule, the high-ranking clerical position was transformed 'into hereditary family property expropriable as a source of income', with prestige and power. In the subsequent one-and-a-half centuries, the 'Olamā succeeded in establishing monopolistic control over the religious life of the population, monopolizing the authoritative interpretation of doctrine, creating an autonomous administrative apparatus, a tax system and legal forms for the protection of ecclesiastical land-owning.

During the eighteenth and most of the nineteenth centuries, Safavid 'Caesaropapism' was replaced by the consistent Twelver Shi'i dualism of politics and hierocratic domination. It may be argued that, during this period, Shi'i hierocracy emerged as a 'church'. The extent of this development was such that during the Qajar period, the only two legitimate institutions of domination were the state and the 'Olama. The 'Olama's power was further strengthened by the inherent weakness of Qajar administration. Consequently, by the time Reżā Šāh ascended to the throne in the 1920s, the extent of 'Olama power and influence was unprecedented. Reża Śah sought to limit autonomous ecclesiastic charisma, and make it subordinate to secular power. However, he was not able to eliminate completely the social and doctrinal power of the 'Olama, as, by this time, the 'Olama had a well-established foundation. During the Reza Shah period the modernization of the state did entail the drastic decline of the institutional prerogatives and social power of the hierocracy. However, it did not diminish the legitimacy of the exclusive hierocratic authority of the 'Olama, which assured the continued financial independence of the hierocracy from the state. The institutionalization of the autonomy of the Shi'i hierocracy during the late eighteenth and nineteenth centuries assured its survival despite inexorable pressure from the state in the twentieth century. The Shi'i hierocracy not only survived but withstood the challenges of the Pahlavī state and triumphed with virtually exclusive control over religious learning and over authoritative interpretation of Shi'i Islam. Irrespective of the erosion of clerical control over education, the major defeat of the hierocracy in the legal sphere and the establishment of centralized supervision over religious endowments, the Howzeh 'Elmīyeh Qom maintained the independence of religious institutions of learning from the state.

The central theme of this thesis is the relationship between religion and politics, and the institutional structures historically shaped by them. To this extent the nature of the secularization process also forms the core of the thesis in so far as its applicability to the period under study. To view historical transformation from the perspective of secularization means, to a large extent, to view reality from the perspective of religion, since the secular, as a concept, only makes sense in relation to its counterpart, the religious. Chapter One considers a theoretical analysis of the secularization thesis in order to develop an appropriate analytical framework for the historical study of Iran during the Režā Šāh period. The analytical task of this chapter is to examine the complexities of the secularization thesis and address what exactly is meant by the 'separation' of church and state. It assesses how applicable is the theory of 'separation' or 'differentiation' to Islam and to Iran. We begin with an analysis of the limitations arising from Western (including Weberian) understanding of secularization. We go on to provide an analysis of the secularization debate in relation to Islam. Finally, the applicability of the secularization thesis to the Režā Šāh period will be considered.

Chapter Two considers the structure of domination and legitimacy within the cultural logic of Shi'ism and the balance between religion and politics in Iranian history. The purpose of this chapter is to provide a theoretical framework drawing on Max Weber's sociology of religion, in the analysis of the study of Shi'ism and its consequences in term of the political sphere. Shi'i 'Olamā will be considered in the light of the emergence and consolidation of an institution with vested interests in the enforcement of religious beliefs and norms through spiritual and coercive sanctions. The Weberian theory of authority, in particular traditional and charismatic authority, can help to clarify the case study of the nature of authority in Shi'i Islam. The theoretical claim of the holders of religious authority, including their right to determine the political, rests on their ability to enforce such a claim. This ability is in turn determined by the institutionalization and social organization of religious authority. It is hoped that this chapter will highlight the way in which Shi'ism had a notable effect on political action and significantly transformed Iran's polity.³⁹

Chapter Three will consider the reforms in the educational system and the consequent demise of 'Olama power. This chapter aims to examine the introduction of the

new education system in Iran as a microcosm of the diminishing power of the 'Olamā. Education will be looked at within the larger framework of social processes and change during the reign of Rezā Šāh. The profound changes in the role of education in the shaping of modern Iran have been largely neglected. Scholars have given comparatively little attention to the part played by the introduction of a Western-style education system, both as a catalyst for change and as an element itself subject to change. The study of the Rezā Šāh period, whether in terms of modernization, Westernization, secularization, or simply 'development' has focused largely on political change and its impact on social, economic, administrative and intellectual affairs. The importance and contribution of education are yet to be recognized. The transformation of the education system and the role of education are of paramount importance, as we shall attempt to argue.

Chapter Four will consider judicial reform and its consequences for the 'Olama. The adaptation of a Western-style legal system had far-reaching effects on the fabric of Iranian society. This was inevitable as the 'transplanting' of social institutions from one society to a totally different one would bring with it inherent value systems. The new system of codified and accessible laws specified not only the obligations of the individual as a believer in the case of Šarī'ah law but also the rights of the individual. The legal reforms of Reżā Šāh were the result of an ongoing process from the time of the Constitutional Revolution. The Constitutional period was a time of great liberal aspirations and attempts to apply the principles of democracy to Iran. One of the main aims of the Constitutionalists was the establishment of an independent judiciary and legal system. During the reign of Reżā Šāh, the Constitutional provisions proclaiming Shi'i Islam as the official state religion and designation of the Šāh as the defender of the faith were never altered. In practice, however, the power of the 'Olama was greatly undermined. Reżā Šāh's main point of attack against the 'Olamā was in the sphere of the law. Attacking them here deprived them of their chief social function and principal source of legitimate revenue. The legal reforms introduced during the Reżā Šāh period were motivated by two factors: firstly, nationalistic considerations that aimed to abolish the system of capitulation, and secondly, an attempt to create a central and state-controlled legal system. The consequential outcome of both was the fundamental reduction of the power of the 'Olama.

³⁹ Arjomand (1984), General Introduction.

Chapter Five will consider the military history of the Pahlavī dynasty and militaryled modernization and its consequences for the 'Olama. The military history of the Pahlavī dynasty is integral to understanding not only the dynasty's origin, but also that of the modern Iranian state's evolution and role in its internal, regional and international setting. Reżā Ķān achieved political power through a military coup in 1921, and the army remained a key component throughout the Pahlavī period. The army played a significant role in the modernization policies of Reżā Šāh and was at the very heart of the centralized state that he sought to build. The growth of militarism changed the fabric of Iranian society in four distinct ways: firstly, the military were the means by which Reżā Šāh rose to power, the driving force behind his reformers, and the institution which ensured the survival of his reign; secondly, the military institution was novel to Iran, recruiting most of its officers from outside of the traditional elite and it came to dominate Iranian society at the expense of the traditional elite; the military was both the implementer of centralization and its benefactor; thirdly, the Conscription Law brought with it considerable social change, all of which were an essential part of the over-all scheme of modernization; fourthly, throughout Rezā Šāh's reign the army continued to be as preoccupied with ensuring the survival of the regime as it had been from its outset. The 'Olama remained opposed to the increased militarism of the Reżā Šāh era as indicated in their involvement in the anti-conscription movements which will be fully discussed in this chapter.

Chapter Six will consider the establishment of Ĥowzeh 'Elmīyeh Qom. It will examine the role of Ĥowzeh in the continuation of the hierocratic challenge to the state as well as in terms of the pacification of this challenge by the state through the control of the Ĥowzeh. The Ĥowzeh 'Elmīyeh is a conglomerate of educational institutions in which learned teachers teach Islamic sciences. The school was established just at the time of Režā Šāh's consolidation of power. It is interesting that the Režā Šāh period, often characterized by secularization, should coincide with the establishment of one of the most important Shi'i theological schools. The revival of the Ĥowzeh 'Elmīyeh Qom as the centre of Shi'i studies meant that the Iranian government could excercise greater control over the school as it was within the geographical boundaries of Iran and under the jurisdiction of the government. Moreover, the Ĥowzeh 'Elmīyeh Qom came to represent the centre of orthodoxy; if the Ĥowzeh did not protest against the policies of the government it meant that Shi'i orthodoxy had no objections. This, however, did not stop individual clerics from voicing their opinions or leading local uprisings. These individual

cases remained usually at a local level as isolated incidents and did not take on the form of national protest. These local uprisings will also be examined in this chapter. Reżā Šāh endeavoured to revert Iran to 'Caesaropapism' but, through the school, Qom achieved the status of an alternative political centre and a potential challenge to the state. This was, however, a gradual development which did not make itself fully felt until the reign of Moĥammad Reżā Šāh.

Chapter One: Setting Out the Theoretical Argument: The Nature of the Secularization Process

Introduction

To begin with it must be pointed out that this wok is not a comprehensive or systematic study of the theory of secularization. The aim of exploring the secularization thesis is to develop an appropriate theoretical-analytical framework for the historical study of Iran during the Reżā Šāh period. The empirical study is not framed for theoretical-analytical purposes, and does in fact transcend the theoretical-analytical framework. We have tried to respect as much as possible the complexity and diversity of the different historical realties, avoiding the temptation to impose any homogenized interpretive scheme upon them.

Secularization as a concept refers to the actual historical process whereby the entire dualistic medieval system of classification of 'this world' and 'the otherworld' disappears, and is replaced by a new system of spatial structuration of the spheres. The medieval dichotomous classification of reality into religious and secular realms was to a large extent dictated by the church. In this sense, the official perspective from which medieval societies saw themselves was a religious one. Only the end of this dichotomous way of thinking permitted the secular realm to establish new perspective from which it could view itself differentiatedly. The fall of religious walls opened up a whole new space for processes of internal differentiation of the various secular sphere, or what Weber calls 'internal and lawful autonomy. Thus, to view historical transformation from the perspective of secularization means, to a large extent, to view reality from the perspective of religion, since the secular, as a concept, only makes sense in relation to its counterpart, the religious. When studying religion as a social phenomenon one should bear in mind the well-known difficulties inherent in the field of religion and the complexities it raises when it comes to evaluating empirical evidence. The protean nature

¹ Casanova (1994) and Keane (1998). Casanova suggests that four related and simultaneously unfolding developments - the Protestant Reformation, the rise of the modern state, the rise of modern capitalism, and the rise of modern science - set in motion the dynamics of the process which undermined the medieval religious system of classification. Each of the four developments contributed it own dynamic to modern processes of secularization and was one of the carriers of the process of modernization.

² Casanova (1994), p. 20.

³ Weber (1946), p. 336. Weber views this differentiation from the perspective of the clash of each of these spheres, as they follow their 'internal and lawful autonomy,' with the charismatic religious ethic of brotherliness or with the organic social ethics of the church.

⁴ Casanova (1994), p. 20.

⁵ There is consensus among social scientists concerning the difficulty in defining and measuring religiosity. In the study of religion social scientists need to address questions such as: are social structures

of religion makes it unsusceptible to scholarly classification. There is no consensus as to what counts as religion, even when there is agreement on the subject of study, there is disagreement on which of the dimensions of religiosity (membership, affiliation, beliefs, ritual and no-ritual practices, experiences, doctrinal knowledge and their behavioural and ethical effects) one should measure and how various dimensions should be ranked and compared.

The emergence of modern sociology is generally perceived as a complete shift from theology to a secular conception of the world. Such a view however overlooks an important factor in the history of modern sociology, one that concerns the interaction and correlation between sociology, including sociology of religion, and the long process of secularization of theology going back to the Renaissance. The founding fathers of sociology had merely transferred the grounds of religious validation from transcendence to immanence, from 'God's word' to 'God's work' as a part of the general shift in the order of knowledge from 'inward' to 'outward'. In the general context of positivism based on the 'philosophy of presence' religion became a mirror of representation within the social order, and the task of the sociologist became one of grasping the image in the mirror. Auguste Comte provides a clear example of this when he speaks of 'physical sociology' as a synonym of physical nature, and his analogy of the function of the sociologist as that of a physician.⁶ In Comtean terms human history would replace the incarnate God, to be enshrined forever in the mind of the believer. It may be argued that the emergence of sociology reflected the general structural shift in Western epistemology from transcendence to immanence. However, it may also be conceived as the inclusion of transcendence in immanence or 'otherworldliness' in 'innerworldiness', or what Armando⁷ calls a shift from the politics of beyond to the politics of behind. It may be argued that sociology on the whole, and notably sociology of religion, is founded on a single Western narrative that reflects the process of secularization of Christian theology.

religious or the personal lives that people live within it? How can one effectively differentiate between official and formal forms of religiosity? And so on.

⁶ Comte (1976), & Fletcher (1966).

⁷ Armando (1979).

The Limitations Arising From Western (including Weberian) Understanding of Secularization

For Weber, the historical uniqueness of Europe lies in rationalization and bureaucratic organization. In the road to these two processes rational legal systems would replace sacred traditional legal systems [Qāzī justice]. Weber views modern society as a machine. Rationality and bureaucratic organization offered man control over society and nature. The rational calculability of modern life ultimately leads not to freedom but to an 'iron cage'. Modern society brings with it a sharp distinction of the private and the public sector and an extended gap between rational knowledge and moral judgment. The problem facing modern man is disenchantment. Capitalism would continue without Protestantism at the cost of loss of intrinsic meaning. Secularization is presented in negative terms as it brings with it disenchantment and fragmentation. Weber was well aware of how Protestantism had prepared the way for secularization by clearly demarcating the sacred and the secular.

The theme of a negative interpretation of the secular is also to be found in Marxism in terms of Marx's concept of alienation. It may be argued that alienation is modern secular politics; mass media and its generated culture are the new secular religion. In Weberian terms increased rationalization brings with it institutional and cultural differentiation and specialization of different social spheres - politics, economics, religion, and morality. The process of calculability of social life brings with it the autonomy of each sphere of activity that has no claim to universal relevance or communal authority. These institutional changes transform human experience; the individual is forced to make choices between values that are partial and shifting. The result is an existential crisis in the meaning of life or what Weber calls 'disenchantment'. In the secular world the place of religion changes from the public to the private sphere of interpersonal relationships. It is somewhat paradoxical that the Reformation prepared the demise of religion as a social bond connecting all aspects of social life. For Weber the historical pressures for the separation of church and state emerged from the dual dynamics of internal religious rationalization and the secular state's emancipation from religion.

Weber's theory of secularization - namely that secularization was the product of capitalism and Protestantism on the one hand, and that secularization involves pluralism of conflicting values and the institutional regulation of religion on the other hand - has

become the basis of much contemporary sociological research. Two examples of such an approach are the works of Peter L. Berger and Alasdair MacIntyre. Berger⁸ provides a distinction between objective secularization, the institutional regulation of religion and subjective secularization, and the loss of religious credence at the level of human experience. Like Weber, Berger conceived that secularization was due to the development of the capitalist and industrial process, and moved 'outwards from this sector into other areas of society.' In Alasdair MacIntyre's approach, secularization resulted from the twin processes of urbanization and industrialization that shattered the communal morality of rural England.⁹ There are a number of criticisms concerning the perspective of secularization presented in the research of Weber, Berger and MacIntyre and others.¹⁰

There are a number of fundamental problems with the secularization thesis, even if one considers secularization only as a western phenomenon, as there is a lack of analytic distinction between the historical processes of secularization and the alleged consequences which those processes were suppose to have upon religion. For example, was Western secularization a homogenous process or can one distinguish distinctive variations, particularly in terms of 'privatization' and 'marginalization' of religion? Can we really discern a society that has become secularized? These theories must be able to account for religious revival as well as the continuity of religious beliefs and symbols in public life. The secularization thesis must accommodate for analytical distinctions between religion as the sacred culture of the common people and institutionalized forms of religion and go beyond the tendency to equate religion with the Church, and secularization with 'de-Christianization' of European society and culture. Sociologists who argue that secularization and industrialization are closely connected must also be able to explain the persistent tendencies of both institutional and popular religion in Eastern Europe and Russia.¹¹ By focusing on the relationship between economic change and religion within the conventional view of secularization, sociologists have failed to perceive a more important relationship between organized religion and the state. In the West, whatever the contradictory relationship between a capitalist economy and organized religion, Christianity came to provide a crucial basis of legitimacy for the emerging nation-state.

⁸ Berger (1969), p. 128.

⁹ MacIntyre (1967).

¹⁰ For other discussions, cf. Wilson (1966), Bellah (1970), pp. 89-106.

¹¹ For Russia see Bourdeaux (1968), and for Bulgaria see Martin (1969), chapters 10 and 11.

Finally, if the secularization thesis is to have any analytical value in comparative sociology, it will need to reconsider three of its ethnocentric prejudices: its bias for Protestant subjective forms of religion, its bias for 'liberal' conceptions of politics and of the 'public sphere,' and its bias for the sovereign nation-state as the systematic unit of analysis.¹²

Some scholars have questioned the extent to which the process of secularization has occurred within the Western world, let alone as a global phenomenon. David Martin, ¹³ for example, in attempting to refute the secularization thesis, has claimed that not only has secularization not occurred but also we cannot even point to a society or period that was Christian, or at least religious. Hence, most secularization theories depend on two myths: a 'Golden Age' view of a religious world, and some notion of the oversecularized individual. He argues that just as we cannot discover some mediaeval society that was wholly religious, so witchcraft and superstition can flourish in a so-called secular world. Turner also disputes the 'golden age of religion' or more precisely the 'golden age of the church' thesis in which organized religion was dominant at all levels of society. He argues, 'the very idea that the culture of the Church was the dominant ideology of the mediaeval period is highly dubious because even when the church had the political inclination to dominate through mission it simply lacked the institutional apparatus which would be necessary to transmit its ideology. '¹⁴

If the process of Western secularization is denied, then what are the implications of this refutation for non-Western societies, which at some point sought to emulate the Western model under a modernizing leader? One argument in response to Martin may be that the lack of religious practices and a mixture of rationalization and superstition in religious belief at any given time do not negate the dominance of religion over society. ¹⁵ Furthermore, popular interest in magic may be taken as evidence of secularization in so far as such activities are no longer crucial to the maintenance of social order. We must not assume that secularization is an even and inevitable evolutionary process taking place with the same causes and same consequences in every culture. In other words, there is no blueprint for the secularization process; what will count, as secularization will depend on

¹² Casanova (1994), p. 39.

¹³ Martin (1965), pp. 169-82; also Martin (1973), pp. 81-7.

¹⁴ Turner (1988), pp. 322-3.

¹⁵ Turner (1974).

the dominant norms, practices, and institutions in every given culture. It is only when we raise the problem of secularization as a global process that we can turn to the more specific issues of Islamic secularization. It may seem somewhat obvious that if secularization is taking place then it will follow a different path of development in Islam than in Christianity. In David Lerner's *The Passing of Traditional Society*, the theory of global modernization entails a process of global secularization. While Lerner asserts that his theory is not from an ethnocentric perspective, he also asserts that the process of modernization in the West has had global significance. He argues that 'the same basic model reappears in all modernizing societies on all continents of the world, regardless of variations in race, colour, or creed.'16

Arguably Lerner's theory is in fact ethnocentric; however, many modernizing leaders within the Middle East, such as Reżā Šāh and Attaturk, did in fact seek to fully implement and imitate the Western model of modernization/secularization. This shows the extent and the far-reaching impact of this kind of thinking as a discourse of dominance within a global context. The emphasis on Western history as the global model of development largely ignores numerous non-Western types of development such as in Russia, China, Cuba and Japan. These cases are either ignored or treated as deviations from a normative type. Furthermore, Lerner's theory is also deterministic since it claims that there is only one method of development that must be accomplished according to a set plan. It also assumes that traditional societies are static and homogenous, and also that modernity is uniform. Most modernization theories operate within the dualistic traditional/modern dichotomy that is far too simplistic to have any real analytical value.

Before proceeding further there is a need to clarify the extent which theories of secularization double as empirically descriptive theories of modern social processes and as normatively prescriptive theories of modern societies, and thus serve to legitimize ideologically a particular historical form of institutionalization of modernity. Secularization as a concept refers to the actual historical process of the transfer, or relocation of persons, things, function, meaning, and so forth, from their traditional location in the religious sphere to the secular spheres. Thus, the appropriation, whether forcibly or by default, by secular institutions of functions that traditionally had been in the hands of ecclesiastical institutions, has been defined as secularization. The core of the

¹⁶ Lerner (1985), p. 147.

theory of secularization is the conceptualization of the process of modernization¹⁷, an equally problematic concept and theory. Broadly speaking modernization is the process of functional differentiation of the secular spheres - namely the sate, the economy, and science - from the religious sphere. Donald E. Smith identifies the following elements in the definition of political modernization:¹⁸

- 1. Polity secularization, the process by which a traditional system undergoes radical differentiation, resulting in separation of the polity from religious structures, substitution of secular modes of legitimization, and extension of the polity's jurisdiction into areas formerly regulated by religion.
- 2. Mass politicization, the process by which mass participation in politics becomes the accepted norm and is substantially realized in practice.
- 3. Developmental capacity expansion, the process by which the polity increases its effectiveness in direct socioeconomic change.

In the first process the relationship with religion is a direct but negative one. Political modernization includes, as one of its basic processes, the secularization of polities, the progressive exclusion of religion from the political system. In the other two processes, the relationship with religion is indirect and partial but positive.¹⁹

The paradigm of secularization has been the main theoretical and analytical framework through which the social sciences have viewed the relationship of religion and modernity. The single theory of secularization is actually made up of three very different positions: secularization as differentiation of the secular spheres from religious institutions and norms, secularization as decline of religious beliefs and practices, and secularization as marginalization of religion to a privatized sphere. Each sphere merits an examination independently of the other spheres. The analytical task of the theory of secularization is to study what new systems of classification and differentiation emerge within the secular

¹⁷ Casanova (1994) defines secularization as 'nothing more than a sub-theory of general theories of differentiation, either of the evolutionary and universal kind proposed by Durkheim or of the more historically specific kind of Western modernization theory developed by Weber.' P. 18.

¹⁸ It must be pointed out that although we do not agree with Smiths 'inevitability of secularism' argument or his classification of Islam as an organic religion, one which religious and political functions are fused together, nonetheless, we think that some of his categorization may be helpful in clarifying the secularization process in Iran.

¹⁹ Smith (1974), p. 4.

²⁰ Casanova (1994).

world and what new place religion will have, if any, within the new differentiated system. Attached to the differentiation thesis there are two subtheses, which attempt to explain what will happen to religion as a result of the process of secularization. One subthesis suggested that the process of secularization would result in the progressive decline of religion until it eventually disappears. The other subthesis postulated that the process of secularization would result in the privatization and marginalization of religion in the modern world. There is a need to refine the theory of secularization by distinguishing between the general historical structural trend of secular differentiation and the different ways in which different religions in different places respond to and are affected by the modern structural trend of differentiation.

The theory of secularization as differentiation remains the core of the theory of secularization and serves as one of the primary distinguishing characteristics of modern structures. The process of functional differentiation refers to the development of institutional autonomy of the secular spheres - namely the state, the economy and science - and the religious sphere. 'Religion itself is constrained not only to accept the modern principle of structural differentiation of the secular spheres but also to follow the same dynamic and develop an autonomous differentiated sphere of its own.' It must be pointed out that in this thesis we will only attempt to analyze some aspects of the process of differentiation of the religious and political sphere and are not concerned with substantiating the process of differentiation in each of the spheres. We will explore the dynamics of differentiation of the religious and political sphere by analyzing different patterns and interpretations of the separation of church and state.

Historical pressures for the separation of church and state emerged from the dual dynamics of internal religious rationalization²² and the secular state's emancipation from religion. It is widely accepted that secularism advocates the separation of politics from religion, however, the type and degree of secularism is determined by a number of factors:

1. Whether and to what extent is it possible to separate politics from religion? 2. How and what justifies the separation of politics from religion? 3. What does separation entail and, how, after separation, must the two relate to one another? The demands for separation are usually linked to some undesirable pre-existing unity, and the advocates of separation

²¹Ibid., p. 212,

argue for a parting of ways in two different and distinct approaches. From the first approach, separation means total exclusion and refusal of any contact whatsoever between religion and politics. From this viewpoint the secular state must be anti-religious. The anti-religiosity may be interventionist or non-interventionist. In its interventionist form the state actively discourages religion. The interventionist reading, suspicious of religion's negative functions, favours government regulation of religion while denying religion any government support. Even when it accepts formal separation, the 'statist' interpretation is consistent with caesaropapist principles favouring both government support and government's absolute control of religion.²³ In its non-interventionist form it minimizes contact with religion and adheres to a strict secularist purity. The milder variety of exclusion of religion from politics proposes that religious and political institutions live as co-existing but independent institutions.²⁴ The second view of separation does not demand total exclusion. Some contact is possible but some distance too, what Bhargava calls 'principled distance'. Principled distance itself takes two forms. The first adheres to some version of political neutrality. The second form requires that the boundaries between religion and politics be respected. Religion and politics form distinct spheres with their own respective areas of jurisdiction.²⁶

Bhargava²⁷ distinguishes four versions of secularism: 1. Ethical secularism that excludes all religions from the affairs of the sate. 2. Ethical secularism that requires that the state maintain a principled distance from all religions. 3. Political secularism that excludes all ultimate ideals including religions from the affairs of the state. 4. Political secularism that demands that the state be principally distanced from all religious and non-religious ultimate ideals.²⁸ Political secularism inevitably carries with it the values of comprehensive secular worldview. From this viewpoint secularization is part of a larger modernist project and some versions of the secularization thesis rely on an autonomy-based liberalism with an individualistic concept of the person.²⁹ The neutralist justification

²² Casanova (1994), Halpern (1963) & Black (1966) refer to the necessity of changing one's psychological system and Smith (1970) refers to this process as polity-transvaluational secularization.

²³ Robbins & Robertson (1986), pp. 67-75.

²⁴ Bhargava (1998), p. 493.

²⁵ Ibid., p. 493.

²⁶ Ibid., p. 494 for further clarification please see Raz (1988) and Walzer (1984).

²⁷ Bhargava (1998), p.495.

²⁸ Generally, ethical secularism is found cohabiting with exclusionary separation.

²⁹ Bhargava (1998), p. 9.

of the separation of religion and politics lends itself to distinct interpretations. ³⁰ The first interpretation justifies neutrality by protecting the interests of both religion and the state. The neutral state serves the interests of religion by checking corruption that frequently follows excessive dependence on civil authority and advances the interests of the state by preventing civil strife caused by church state entanglement. The second view justifies neutrality in the name of the individual's freedom to choose.

The problem with the liberal conception is its tendency to conceive of the relationship between religion and politics as simply the constitutional separation of church and state. While separation may be necessary to guarantee the freedom of the state from religion and visa versa, it does not follow that religion must be privatized in order that these freedoms be guaranteed or that separation necessarily entails the progressive decline of religion. This brings us to the second and third subthesis of the theory of secularization - secularization as decline of religious beliefs and practices, and secularization as marginalization of religion to a privatized sphere, the most questionable theoretical and a general empirical proposition of the secularization thesis. Those versions of the theory of secularization that envisage the process of secularization as inevitable and progressive decline of religious beliefs are caught in a myth that sees history as the progressive evolution of humanity from superstition to reason, from religion to science. The privatization thesis only become problematic when it is turned into a prescriptive normative theory of how religion and religious intuitions ought to behave in the modern world. The theory of secularization should be flexible enough to be a testable and falsifiable empirical theory of dominant historical trends. Casanova³¹ has demonstrated that by analyzing the secularization thesis in terms of three very different and unintegrated subtheses, one is able to apply the theory of modern functional differentiation without accepting the other two subtheses, and without doing away with the theory of secularization altogether. There is a need to refine the theory of secularization by distinguishing between the general historical structural trend of secular differentiation and the different ways in which different religions in different places respond to and are affected by the modern structural trend of differentiation.

³⁰ Ibid., p. 15.

³¹ Casanova (1994).

If the theory of secularization is have any analytical function it should be complex enough to account for the historical 'contingency' that there may be public religions in the modern world, which do not need to endanger either modern individual freedoms or modern differentiated structures; and that there may be forms of 'public' religion which allow for the privatization of religion and for the pluralism of subjective religious belief.³² The theory of secularization should be reformulated by reconsidering its biased ethnocentric prejudices. It is only by addressing these ethnocentric prejudices that one can disentangle the thesis of differentiation from the thesis of privatization. 'Unlike secular differentiation, which remains a structural trend that serves to define the very structure of modernity, the privatization of religion is a historical option... '33

Nikki Keddie³⁴ provides an extensive critique of the 'secularization thesis'. She contends that secularization cannot be explained adequately in terms of an overwhelmingly 'societal' view. The secularization thesis centres heavily on Great Britain, with some attention to Western Europe. Secularization theory shares the linearprogressive viewpoint of modernization, and is really a sub-category of that theoretical approach. Broadly speaking societal secularization has usually accompanied modernization; the theory is undialectical and plays down contradictory forces. The main contradiction is that governmental secularization policies often bring anti-secular reactions, especially among certain classes and groups. This is one aspect of the point that secularization cannot be explained wholly by industrialization, modernization and so forth, but is related to political acts and to culture. Secularization is not a one way process, constantly growing with the forces of modernization. While the word 'secularization' is commonly used mainly for a social trend and the word 'secular' largely for a governmental policy, the two are dialectically related in a way not covered by the secularization thesis.35

Furthermore the degree to which religion is secularized is not considered. For many Westerners, the word 'secular' means the separation of Church and state. Secularists in this sense are those who favour Church-state separation, whatever their private religious beliefs. However, the reality in Western countries is much more varied

³² Ibid., p. 39.

³³ Ibid.

³⁴ Keddie (1994).

³⁵ Ibid., p. 5

than any such phrase would imply. Besides the ambiguity of such a concept as separation of Church and state, particularly when the ideal is compared to actual conditions, there is the fact that some application of 'secularism' in practice has meant something quite antithetical to the ideal of Church-state separation: increasing control of Church by the state. This is clearly the case in Pahlavī Iran where strong religious institutions controlled much of the law, education and social welfare. Considerable state control of institutions hitherto under religious control seemed necessary to introduce modernization and centralizing changes. There seems to be a lack of clarity in applying the word 'secular'. Communist countries for example are often not referred to as secular; this may be due to the obvious way in which the state controls the Church. Yet on this point there is little to choose between communist countries and Ataturk's 'secular' Turkey, which, if anything forcibly changed religious practices far more than communist governments did.³⁶

So far we have looked broadly at the secularization thesis and some of its implications. The analysis of the secularization thesis shows a number of things: 1. The concept and theory of secularization is embedded in a historical account of the development of western modernity. 2. What passes for a single theory of secularization is actually made up of three very different and unintegrated positions: secularization as differentiation of the secular spheres from religious institutions and norms, secularization as decline of religious beliefs and practices, and secularization as marginalization of religion to a privatized sphere. Each sphere merits an examination independently of the other spheres. 3. The thesis of separation/differentiation of the religious and secular the core of the theory of secularization. spheres remains as separation/differentiation thesis means different things in the US, in France, Germany, Britain, India or Iran and, should be interpreted differently at different times in each place, allowing for historical 'contingency' and variation.³⁷ 5. If the secularization thesis is to

³⁶ Ibid., p. 8.

³⁷ Casanova suggests that four related and simultaneously unfolding developments - the Protestant Reformation, the rise of the modern state, the rise of modern capitalism, and the rise of modern science - set in motion the dynamics of the process which undermined the medieval religious system of classification. Each of the four developments contributed it own dynamic to modern processes of secularization and was one of the carriers of the process of modernization. If one accepts this assumption, it follows that one should expect different historical patterns of secularization. As each of theses carriers developed different dynamics in different places at different times, the pattern and the outcome of historical processes should vary accordingly. Only when it comes to capitalism has it been nearly universally recognized that there is a positive correlation between rates of secularization and rates of economic development, urbanization, industrialization, proletarianization, and education. Casanova (1994), pp. 21-25.

have any analytical value in comparative sociology, it will need to reconsider three of its ethnocentric prejudices: its bias for Protestant subjective forms of religion, its bias for 'liberal' conceptions of politics and of the 'public sphere,' and its bias for the sovereign nation-state as the systematic unit of analysis.³⁸ 6. There is a need to make an analytical distinction between the thesis of differentiation and the theses of marginalization and privatization.

Finally, due to the highly complex nature of the relationship between religion and politics, it is necessary to distinguish between different kinds of politics and culturally specific differences in religion when interpreting diverse traditions. The mutual interdependence of the religious and the political spheres makes scholastic categorization challenging and as these spheres overlap the distinction between the two becomes increasingly difficult to define. More challenging than scholastic categorizations, however, is analyzing the relationship between the religious and political spheres in concrete historical cases. In the Iranian case, the institutionalization of Shi'ism made possible the distinction between the actual and ideal orders and is an important factor in the analysis and understanding of the nature of Iranian secularization. Thus we will start by considering the relevance of the secularization thesis to Islam, and in particular Shi'ism and then go on to engage in an in-depth discussion of the secularization thesis in relation to the Reżā Šāh period. In this section we will consider the following points: 1. The Christian origins of secularism are undeniable but does this mean that it has no application elsewhere? 2. What exactly is meant by the separation of church and state? 3. Why is the separation/differentiation of religion and politics necessary and what does it entail? 4. How far can a distinction between religious and cultural practice be drawn in societies dominated by religions that emphasize practice rather than belief? 5. How can we measure the effects of secularism in a country where religious and cultural practice is more or less indistinguishable?

An Analysis of the Secularization Debate in Relation to Islam

In terms of secularism³⁹ and the domain of Islam as distinct from its connotations in Christian countries, many scholars have viewed secularism as alien to the Islamic polity

³⁸ Casanova (1994), p. 39.

³⁹ Although it may be argued that the 'doctrine of secularism' is alien to the Islamic 'ideal', however, this does not mean that the social process of 'secularization' is also 'alien' or 'incompatible' with Islam.

as there is no separation of temporal and spiritual authority in Islam. 40 'In Europe, the struggle between temporal and spiritual authority (and their eventual separation in the modern state) are part and parcel of the course of history. In Islam such separation is totally irrelevant to traditional thinking on the nature of polity, and altogether unacceptable to the men of religion. In essence, rather than being a creed and set of rituals, Islam lays down for its adherents norms of behavior and guidelines for lifestyle in all spheres of life. Secularization cannot be a matter limited to the issue of religion and the state, or of religion versus science. All Niyazi Berkes notes that in Islam, 'Religion and state were believed to be fused together; the state was conceived as the embodiment of religion, and religion as the essence of the state. However, if one examines this claim within a historic perspective, it does not seem to be validated, particularly with regard to Shi'i Islam.

A close study of original Islamic sources (Qorān and $\hat{H}ad\bar{i}s$) shows that they have very little to say on matters of government and the state. The first issue to confront the Muslim community immediately after the death of the Prophet Moĥammad was the problem of successorship and consequently of government. Muslims, therefore, had to 'innovate and improvise with regards to the form and nature of government.' Indeed, the very first disagreements that emerged within the Muslim community and led to the eventual division into Sunnis, Kharijites and Shi'a were pivoted on the concept, characteristics and legitimacy of political leadership. Theorizing about politics, however, occurred much later on in Islamic history and most of what emerged, at least within the Sunni tradition, was produced in the 'shadow of the state', in that the official jurisprudence sought to impart religious legitimacy to the government of the day, which had usually come to power by force or intrigue and which, in its daily conduct, was not generally living up to the Islamic ideal. The traditional jurists were sponsored by the state

It may be helpful here to distinguish more clearly between a social process, namely secularization, and a political ideology, namely secularism. The latter is an aspiration, the former a process. Like other ideologies, e.g. nationalism the aspiration claims legitimacy from the objectivity of the process, but a similar distinction prevails.

⁴⁰ Berkes (1964).

⁴¹ Ibid., p. 8.

⁴² Ibid.

⁴³ Von Grunebaum (1953), p. 142.

to 'forge' a link between politics and religion by giving a religious legitimacy to the political power.⁴⁴

The state had sanctioned a certain 'methodology' of writing based on linguistic explanation, *Bayān*, and reasoning by analogy, *Qīyās*, backed by a juridic elite. The result was an elegant and elaborate body of jurisprudence and a formal theory of caliphate with recurring themes from traditional Arab conceptions of authority, which, through monopoly and repetition, had become altogether entrenched in the Muslim mind. Subsequent generations have found it extremely difficult to distinguish between what was meant as 'description' and what was meant as 'prescription' within this literature. This body of jurisprudence has been elevated to the level of the religious law. The important fact, which is often overlooked, is that this jurisprudence was in fact a human improvisation meant to address certain political and social issues in a certain historic and geographic context. It was heavily influenced by pre-Islamic Arab conceptions of authority and legitimacy. It fulfilled a certain political function by imparting religious legitimacy to the government of the day.

The idea that Islam is both a religion and a state, $D\bar{i}n \ va \ Dowla$, is in fact a very recent concept, which may date back to the second decade of the twentieth century at the earliest. All that 'political Islam' retains from the past is the juristic tradition linking politics to religion. If this is so, then how can one address the question of why there was a certain fusion between religion and politics throughout the history of the Islamic state? One familiar argument is that Islam is a 'political religion' by its 'very nature'. Another explanation may be that religion and politics were brought together in the historical Islamic state by the way in which the state appropriated religion. Islam is in fact a religion of collective morals, but there is very little in it that is specifically political. There is very little in the original Islamic sources on how to form states, run governments or manage organizations. The 'monopoly' of a certain religion has always been one of the state's usual instruments for ensuring ideological hegemony. The historical Islamic state inherited this tradition. It was against a background of religio-political opposition movements against the state, such as that of the Shi'a who challenged the legitimacy of the government, that the official juridic theory of the state emerged by a way of counter-

⁴⁴ Ayubi (1990), pp. 1-35.

⁴⁵ Ibid., pp. 1-35.

argument. The new official theory had to justify and legitimize, in religious terms, the government and its activities. This was the historic origin of the convergence between religion and politics. Ideologically, it was expressed in a body of writing that was produced by state-employed jurists with the implicit intention of conferring religious legitimacy on the political rulers.⁴⁷

In Shi'i Islam, there existed a separation of power of the state and authority of the Imām from the death of the Prophet onwards. The Shi'a lived as members of the Islamic community, but with allegiance to the Imām and not to the state. The only legitimate authority was the religious authority of the Imām of the time - until the Greater Occultation of the Twelfth Imām. The Shi'a believe that the rightful temporal rule of the Imāms was denied to them through the system of caliphate. The only time that the Shi'i ideal was recognized was during the short caliphate of 'Alī (656-d.661). From the death of the Prophet onwards there existed a separation of temporal and spiritual rule for the Shi'i minority. Thus, any state claiming to be an Islamic state represented illegitimate power, tyranny, and brutal force.

The period of infallible rulers came to an end with the Greater Occultation of the Twelfth Imām, who remains alive but hidden, because the universe could not survive without a representative of God on earth, or without His proof, $\hat{H}o\hat{j}\hat{i}a$. To continue the link between the Imām and the community, four consecutive 'specific' agents were appointed by the Hidden Imām. The fourth agent was the seal of the 'specific' agents. This marked the end of the Lesser Occultation and the beginning of the Greater Occultation (873-940). For the Shi'a from the time of the Greater occultation, there existed no direct link to legitimate authority. In time, the 'Olamā came to partake of the authority and, to some extent, the charisma of the Imām as the upholders of religion, although, according to Shi'i doctrine, after the death of the last agent no-one could claim any privileged position in relation to the Imām. Temporal/political power was devoid of any religious authority preceding the advent of the Hidden Imām. Until such time, all states would be devoid of religious authority. No claims could be made on such authority, only that the consensus, Ijma, of the body of the 'Olamā was a guarantee that the community was not acting against the wishes of the Imām. The idea of rulership gradually

⁴⁶ Ibid., p. 4.

⁴⁷ Ibid.

came to hold an important place amongst the 'Olamā. The following arguments are often quoted by 'Olamā in order to establish the right of rulership for themselves:

- 1) The Prophet is reported to have said: 'May God be compassionate to my caliphs, those who will come after me and will deal with my *Ĥadīś* and *Sonna*.'
- 2) The Prophet is reported to have said: 'When a believing jurist dies, Islam suffers an irreparable loss because the believing jurists, *Al-Mū'menīnol-Foqahā*, are the protectors of Islam.'
- 3) The jurists are the authorized representatives of the Messengers on the stipulation that they do not follow secular rulers.

The political authority of the 'Olamā is one of the subjects of polemics in clerical circles and no final conclusion has yet been achieved. Concerning other matters there is little disagreement amongst the 'Olamā. According to Šeīk Murtaza Anṣārī: 'There are three offices: 1) The office that deals with religious matters; this office belongs to the $Faq\bar{\imath}h$ without any question. 2) The administration of justice; this institution has also been unquestionably entrusted to the Mojtahed. 3) The third office is that of politics, that is, rulership; the idea of its being under the authority of the 'Olamā is not yet accepted by all, and therefore it requires further discussion. This is of course not an exhaustive and categorical treatment of the basis of the political and legal claim of the 'Olamā nor have all these $Ahad\bar{\imath}\dot{s}$ been fully accepted by all the 'Olamā. To be able to further expand the argument a closer examination of the theory of legitimate authority in Shi'i Islam is required and will be fully considered in Chapter One.

The Safavid period (1501-1722) marked the establishment of the first Shi'i state. For the first time in history, the Shi'a were no longer a minority group living among the Sunni majority. In this period the 'Olamā enjoyed a great deal of influence in the state. Many of the 'Olamā cooperated closely with the Safavid rulers. The interaction and involvement of the 'Olamā with the Safavid state and the misconceptions regarding the history of Sunni Islam as discussed earlier, have led many to argue that one cannot talk about a separation of temporal and spiritual realms within Islamic countries. It may be more accurate to argue that due to the all encompassing nature of Islam and the close association of the 'Olamā with the state, such distinctions are hard to trace. However, from this proposition one cannot draw the conclusion that due to the Islamic 'essence'

⁴⁸ Hairi (1977), pp. 59-60.

⁴⁹ Ibid., pp. 59-60.

such a separation of temporal and spiritual authority is not possible or could not exist in Islam. Historically, the 'Olamā have come to take on the role of leaders and advisors on religious matters. This privileged role has come to be viewed as synonymous with Islam per se. In Muslim societies, therefore, any change in the traditional lifestyle and the removal of any sphere of activity from clerical influence came under the heading of 'secularization'. Consequently, in practical terms this has often meant restricting the power and influence of the 'Olamā.

It may be concluded that despite the widely held misconception that any Islamic polity is inherently a theocracy, the Qoran does not specify a distinct political sphere. In the Sunni world, the period of the rule of the Four Rightly Guided Caliphs has been idealized into a 'golden age' of Islamic theocracy. Lapidus has demonstrated that with the growth of the independent body of religious advisors and jurists, forming a religious elite, and the emergence of the schools of jurisprudence, the Caliphate was no longer the sole identifying symbol of Islam.⁵⁰ The formation of the 'Olama thus marked the separation between the Caliphate and the institution embodying Islamic revelation. The two, however, cooperated. The 'Olama provided religious legitimacy for the caliphate, while the caliphate ensured the support and the maintenance of the 'Olama. This occurred relatively early on in the Sunni world. The process was much slower to unfold for the Shi'a, as before the consolidation of Shi'ism as the state religion by the Safavids in the sixteenth century, the Shi'i community lived as a minority group under Sunni rule. However, after one and a half centuries of Shi'i rule, the Shi'i 'Olamā had come to assume the exact same functions as their Sunni counterparts. Moreover, the principle of \bar{l} itehād and \bar{l} ima as restricted to the consensus of the Moîtahed had ensured far greater power for the Shi'i 'Olamā. If one compares some of the treatises, mentioned earlier on the nature of the relationship between religion and politics, one finds overwhelming similarities with Sunni theories. Shi'i 'Olamā by the end of Qajar period had come full circle to the exact same position as the Sunni 'Olama in terms of the relationship between religion and politics.

⁵⁰ Lapidus (1975), pp. 368-85.

The Applicability of the Secularization Thesis to the Reżā Šāh Period

The secularization thesis seems to be a prevalent theme in sociology. Nineteenthcentury social theorists as far removed as Friedrich Engels and Ferdinand Tonnies shared a common perspective in which it was confidently assumed that the development of capitalism would necessarily undermine the social and cultural bases of religion. The thesis of religious decline has its origins in the Enlightenment critique of religion. This critique was not so much a theoretical statement or an empirical proposition as a practical political program. This practical political program was most effective wherever churches had attained caesaropapist establishment and were resisting the process of differentiation. In such cases the Enlightenment critique of religion was usually adopted by social movements and political parties, becoming in the process a self-fulfilling prophecy. Once in power those movements and parties tended to translate the theory into applied state policies, in extreme cases enforcing and administering through violent coercion the process of secularization from above.⁵¹ Secularists supposed that the separation of religion from such domains as law, education, and government released citizens from irrational prejudices, promoted open mindedness, provided the necessary precondition for democracy, and led to the decline, marginalization and privatization of religious belief and practices. This was not the case in Iran. In Iran secularization did not bring with it a democratic process whereby supporters of religion could take advantage of the freedom of association provided by civil society to protest against the decline of religion. 'Perhaps the most striking contradictory self-paralyzing feature of secularism is its theoretical and practical affinity with political despotism.'52 One problem with the view that the struggle for secularity was a struggle for toleration of differences is its failure to spot the inherent dogmatism of the process of secularism from above. Attempts to institutionalize secularism, as in the case of Iran, have been so riddled with violence and coercion that 'they qualified as experiments in internal colonialism'. 53

'Secularism' with all its ambiguity, is the most used concept when referring to the reign of Rezā Šāh. However, the exact extent of actual secularization has never been fully studied. This is partly due to the highly complex nature of the relationship between

⁵¹ Casanova (1994), p. 214.

⁵² Keane (1998).

religion and politics, which makes binary classification particularly difficult. The mutual interdependence of the religious and the political spheres makes scholastic categorization challenging and as these spheres overlap the distinction between the two becomes increasingly difficult to define. More challenging than scholastic categorizations, however, is the analysis of the relationship between the religious and political spheres in concrete historical cases. It, therefore, becomes necessary to distinguish between different kinds of politics and culturally specific differences in religion when interpreting diverse traditions. In the Iranian case, the institutionalization of Shi'ism made possible the distinction between the actual and ideal order. The institutionalization of the norm of the juristic authority of the 'Olama enhanced by the evolution of the juristic norm of authority throughout the nineteenth century resulted in the economic and political independence of the hierocaracy from the state. This development forced religious scholars to combat and/or accommodate competing normative orders. This process paved the way for the 'secularization' of religion in more or less the same way as Weber describes Protestantism as having prepared the way for secularization by clearly demarcating the sacred and the secular.

In Iran education, law, social practices and traditions all had strong religious elements which involved both considerable control by Shi'i hierocracy and a set of beliefs guiding ideology and activity. Furthermore Shi'i religious institutions enjoyed considerable economic and political power. Such cultural, political, and economic power in the hands of religious institutions was tied to traditional ways of doing things, including both economic and political structures. This meant that when national integration and centralization began to develop, the old religious institutions came under attack by intellectuals and by rulers. 'These institutions were inadequate to provide or even adapt quickly to modern technology, science centralized and bureaucratic political structures and other aspects of modernity, and so new ways of thought and new structures developed outside the old religiously-controlled ways. This is a simplified and schematic picture of the rise of political secularization....' If the changes in Iran are to be viewed in terms of political secularization, it becomes necessary to make an analytical distinction between whether the reforms of Režā Šāh were designed to diminish the hold of the Shi'i

⁵³ Keane (1998).

⁵⁴ Ibid., p. 10.

worldview over the masses or an attempt to differentiate and reduce the institutional power of the Shi'i hierocracy. The defining characteristics of Iranian secularization seems to indicate that the prevalent critique of religion was a practical-political critique, directed against the ideological functions of religious institutions, rather than a cognitive critique of religion directed against the truth claims of religious worldviews. The predominant presence of anticlericalism serves as the best indicator of the suitability and effectiveness of the political critique of religion in Iran and consequently the political nature of Iranian secularization. Reżā Šāh's policies were an attempt at initiating and implementing a process of differentiation of spheres which would enable and ensure government control of these spheres, including religion.

We now need to consider the extent to which Režā Šāh's policies could be viewed as secular. The judgment on whether or not Režā Šāh's policies were secular depends on an understanding of what constitutes a secular state and what exactly differentiation or separation means. What are the characteristics of a secular state? Three principles are usually mentioned in the liberal-democratic doctrine on the subject. 1. The principle of liberty, which requires that the state permit the practice of any religion, within the limits, specified by certain other basic rights, which the state is also required to protect. 2. The principle of equality which requires that the state not give preferences to one religion over another. 3. The principle of neutrality which requires that the state not give preference to religious over the non-religious, and that the state should not involve itself with religious affairs or organizations. The idea of a secular state requires that the liberty principle be limited only by the need to protect some other universal basic right, and not by appeal to particular interpretation of religious doctrine.

The implementation of the first principle involves reforms in the legal sphere. In the area of legal reform in Iran, there was a desire to initiate a process of rational interpretation of religious doctrine, to find a representative and credible institutional process for the reform of religious practices, and reduce ecclesiastical hold over the legal sphere. The use of state legislation to achieve this modernist purpose came into conflict with another modernist principle; the freedom of religion and this is one of the anomalies of the process of secularization in Iran. The problem with the applicability of the second principle - that of equality - which concerns us is the way in which religion was reformed by state legislation both institutionally and in terms of practice. The use of state legislation

to bring about reforms only in the religion of the majority created a series of inconsistencies in the very notion of equal citizenship. Furthermore, reform in religious practices through state legislation negated both the rights of the citizen and the principle of liberty. The third principle - that of the separation of state and religion - was not recognized in the Iranian constitution, which declared Shi'ism the official state religion of Iran. In Iran Shi'ism remained the official state religion and theoretically the state favoured one religion over and above others.⁵⁵ In practice however, this was not the case as has been clearly demonstrated throughout this thesis and does not require further exploration here. What the polices of the state accomplished was the separation and differentiation of religious institutions from the affairs of the state. Finally, the neutrality principle did not apply in the case of Iran as the state continually involved itself in the affairs of religion. This is precisely the ground on which the argument that Iranian secularism has to have a different meaning from Western secularism is based on. The historic realities of the Iranian situation call for a different relationship between state and civil society than what is regarded as normative in Western political discourse, at least in the matter of religion.

The need for separation of religion from politics and the reasons cited for the necessity of secularization by its advocates are: 1. To prevent sectarian violence. 2. To ensure civic peace and toleration of differing beliefs. 3. To ensure full religious liberty. 4. To promote a life lived within the bounds of human reason and autonomy. 5. To safeguard the value and notion of citizenship, the prerequisite of modern democracy. None of these factors can be said to have been the motivating reasons behind Reżā Šāh's polices with the exception of the last. However, the promotion of the concept of citizenship during the Reżā Šāh period was to produce loyalty and obedience to the state rather than the promotion of a democratic ideal. One salient aspect of Reżā Šāh's polices, and one, which is viewed as a necessity of political secularism, is that religion is irrelevant to citizenship. Being a fellow citizen is more important than being a religious other. The concept of citizenship is viewed as the functional requirement of a modern state. The desire to cultivate a sense of citizenship and common allegiance to Iran can be clearly seen

⁵⁵ Although there were no state taxes to support religious institutions, the state could not stop the voluntary payment of religious taxes to the 'Olamā. The payment of voluntary taxes to the 'Olamā as 'vicegerents of the Hidden Imam' was one of the major contributing factors to their survival and relative independence even during the Režā Šāh period.

in the education reform and the introduction of compulsory military service. It was also one of the underlying objectives behind the judicial reforms, Uniform Dress Code, the Hat Law and Compulsory Unveiling. It must be noted that all of these policies⁵⁶ negate the principal defining characteristics of a secular state: the principle of liberty; the principle of equality; and the principle of neutrality.

As pointed out by Donald E. Smith⁵⁷ the secular state must not be identified with the separation of religion from the state, as mere separation does not guarantee religious liberty. A secular state must view the individual as a citizen independent of membership of any particular religious group but at the same time the state must protect religious liberty and non-discrimination in the political arena by its neutrality in religious matters. During the Reżā Šāh period the promotion of the notion of citizenship did not entail the protection of religious liberty and non-discrimination in the political arena by its neutrality in religious matters. If separation is taken to mean that the state provides no support in any form to religion and domination is taken to mean that all public religious functions are state controlled then in Iran secularism entailed both separation and domination. In Iran Separation was the means by which state domination of religious institutions was accomplished. It is particularly difficult to measure the exact extent of separation in Iran as religious and cultural practices were more or less indistinguishable, giving rise to ample ambiguity, flexibility, and often confusion between political, religious, and cultural boundaries. Furthermore, to ascertain the distinction between religious and cultural practices is principally more complex in societies dominated by religions that emphasize practice rather than belief. This, however, does not mean that we can not provide some sort of analysis as to what the separation of religion and politics entailed in Iran. The Reżā Šāh period marks the instigation and implementation of the process of state driven differentiation of spheres. Broadly speaking Iranian secularism during the Reżā Šāh period can be characterized by the following:

1. The differentiation of the spheres of religion and politics by virtue of which Shi'i Islam stopped being an inclusive institution coextensive with politics. Or in other words the erosion of the dual sacred-temporal power structure.

⁵⁶ Judicial Reform, Uniform Dress Code, the Hat Law and Compulsory Unveiling. 57 Smith (1974).

- 2. The continuation of the view that religion provides the foundation of morality and performs a useful public function in so far as it does not interfere with affairs and practices of the state.
- 3. The promotion of a nationalist-secular worldview that establishes a hierarchical relation between the secular and the religious and expels religion form public life.
- 4. Attempts at privatizing religion and diminishing the power and influence of the Shi'i hierocracy, particularly in the legal sphere and education.
- 5. The expansion of state control over religion at the expense of religious liberty.⁵⁸
- 6. Emphasis on the irrelevance of religion to citizenship and the endorsement of loyalty and obedience to the state over and above religious, ethnic and regional royalties.
- 7. State intervention in the religious sphere, challenging religious authority by subjecting it to external superiority of legal norms. The use of state legislation to bring about reforms in religion.
- 8. An attempt to separate some religious and non-religious institutions in their institutionalized form, rather than an effort to strictly separate every religious form from every non-religious practice.
- 9. The promotion of religion-as-faith rather than religion-as-national-identity.⁵⁹
- 10. The promotion of the state as the defender of religion by checking corruption that follows excessive dependence on hierocractic authority (state sponsored anticlericalism).

Western works about secularism often over-emphasize the role of intellectuals and understate the role of government as instruments of secularization. Although scholars often stress intellectual trends, the pragmatic and governmental impetus to secularize was far more important in terms of its effect on societal change. In the case of Pahlavī Iran, political motives and governmental policy were the driving force of secularization rather than intellectual or social belief. It is popularly believed that both modernizing Pahlavī regimes were far ahead of the population in secularist beliefs and practices. Secularization in Iran is inseparable both from Westernization and centralization, although not

⁵⁸ This is the most paradoxical feature of the secularist argument, as religious liberty is cited as the principal reason behind the separation of religion and politics. Compulsory Unveiling, the Uniform Dress Law and the Hat Law best exemplify this point.

synonymous. It is often argued that politics and religion were inseparably intertwined in pre-modern Islam and that Islam is inherently a theocracy. In the light of the historical reality of the Islamic Empire, this simply does not hold. Instead one finds a dual power structure of religion and politics, one providing security and the other legitimacy. However, these societies were not secular in any modern sense, as dominant ideas took a religious form. In Iran, from the Safavid dynasty onwards, the 'Olamā controlled most education, law and social services, and had possession of religious taxes and endowments which ensured their economic and hence political independence. Secularized religion is a very important category in terms of late Shi'i development in Iran, and will be fully discussed in Chapter Two.

Režā Šāh modelled himself on Ataturk and his reforms, and the Turkish elite consciously copied the model of secularization and modernization that was presented by Western society. The only alternative model in the first half of the twentieth century was the model of communist development in Russia, but the adaptation of this model was ruled out by the historical and geographical threat posed by Russia. Although Britain and Russia were equal contenders in the rivalry for supremacy in the internal political scene, however, increased British influence during this time ensured that the Communist model of development was never an option. Many Iranian intellectuals favoured the communist path but were suppressed. Western vocabularies of motive were adopted in the Middle East because the new elite had been trained in a European tradition, so secularization in Iran was essentially mimetic. The only reason that such models (as Lerner's model) seem to fit Iranian social development at all is because of political imitation of the West and not some intrinsic global value of these theories. However there is a crucial difference between Western and Iranian secularization in that the latter was imposed by political decree rather than emerging automatically from economic change.

The Reżā Šāh period represents the most dramatic and systematic attempt to impose politically a specifically Western view of secularization. Secularization was imported and politically administered. The reform movements of the nineteenth and twentieth centuries were largely concerned with the attempt by Western-educated intellectuals to impose a Western pattern of secular political classification and

⁵⁹ The promotion of Iran's pre-Islamic history as the main source of national identity best exemplifies this point.

organization on the religious community. However, these attempts did not achieve very much. It was only when secularization became an official government policy that it made a profound impact on society. In Iran, the aim of secularization was not to eliminate Islam but to limit, separate and differentiate its social function as only one source of national cultural and social integration. According to this view, it was necessary to differentiate the social order, releasing Islam from its encasement within the political, legal and education sectors. Furthermore, within the secularization thesis, the secularization of law and education is a fundamental requirement of the process of rationalization that prepares the way for capitalist development. The secular control of religious education was not primarily an attempt to eliminate Islam, but rather to sever religion and religious education from traditional values and institutions.

The end result was of two parallel educational institutions, one religious and one secular, mutually antagonistic and revealing the profound intra-elite conflict among the military, the civilian secular elite and the religious hierarchy. In fact, in terms of its social impact it was fourfold: the common people who had little or no education, the religious personnel trained in *Madresehs*, the civil elite of the secular schools and the military elite of military academies. Ziya Gokalp's⁶² observation concerning the effects of secular education upon Turkish society seems to be also true in the case of Iran. He observed that, 'One portion of our nation is living in an ancient, another in a mediaeval, and a third in a modern age. How long can the life of a nation be normal with such a threefold life?' The contradiction was to some extent resolved by increasing the role of secular educational institutions and by bringing the religious institutions under state supervision. With reforms in the legal sphere, Rezā Šāh took institutional secularization to its logical conclusions, namely the removal of the vestiges of power of the Šarī'ah and the 'Olamā. Although the Šarī'ah was severely restricted, it still retained considerable normative prestige and influence.⁶³

The religious code was the legal basis of family life and therefore exerted its influence in most aspects of everyday life. The intention of reform was to make Iranian legal practices consistent with those of every 'developing', 'civilized' nation. In practice,

⁶⁰ This remains the basic premise of the theory of 'differentiation'.

⁶¹ Mīrza Şāleh (1372 SH/1993).

⁶² Berkes (1959).

⁶³ Šāyegān (1316 SH/1937).

many of the old attitudes and customs continued, especially in the rural and geographically-isolated areas. The impacts of these changes were nevertheless profound: they represented a frontal attack on the remaining institutions of the religious order. Reżā Šāh was, however, not content with imitating the West in terms of institutional changes. The mimetic quality of Iranian secularization had to be carried out in detail at the personal level in terms of dress and habit. The modernization of dress was one aspect of the attempt to achieve modernization in detail. It was crucial to this process to change and modernize the appearance of Iranian women with the anti-veiling policies of the government. The robe and the turban were restricted to certified 'Olamā and a Westernstyle suit and hat was compulsory for all other civilian classes. It was for this reason that the 'hat law' was passed.⁶⁴

The new Iranian not only had to think as a European but also look like a European too. Indeed the hat law and the unveiling policy signified, more than any other legislation, that secularization had to penetrate to all aspects of life. Iranian secularization differed from its European counterpart in two important aspects. Firstly, secularization was forced through as a political measure under the control of an autocratic government; secularization was not part of a process of economic modernization but the consequence of a series of difficult political choices. Secondly Iranian secularization was continuously mimetic in that it took Europe as its specific model of adaptation. However, the Constitutional Revolution and its ideals could not be indefinitely resisted. It was probable that some degree of de-secularization would take place since Reżā Šāh's reforms had obviously been forced upon many sections of society against their wishes and interests. The imitation of Western secularization produced a number of moral and spiritual dilemmas that were more than superficial.

The military reforms of Reżā Šāh are not usually presented under the heading of secularization, but this was their result. Western uniforms and drills offended many of the 'Olamā, and high-ranking army officials were usually anti-clerical. It was impossible to modernize without reducing the prerogatives of the 'Olamā and undermining traditions identified as 'Islamic'. In Iran, the bringing of religious endowments and taxation under greater government control, the expansion of modern, state-controlled education, the adoption of secular codes especially for trade, and reforms in Islamic law and its

⁶⁴ Avery (1965).

codification were seen as necessary in order to strengthen the state in the face of Western incursion and internal revolts. All these measures were carried out as a matter of state policy and primarily as political phenomena, rather than of intellectual or social beliefs and practices. However, the role of Iranian intellectuals and reformists in promoting and initiating a vocabulary of reform should also be acknowledged. Such secularization from above was deemed necessary out of a sense of 'pragmatism' on the part of the government, in terms of acting in accordance to the 'needs of the time' and the country. It was also due to the economic transformation taking place that the old 'religio-legal structures with their lack of modern or secular law and their ties to agrarian society could not cope with. These transformations, like secularization, had to be heavily prompted by governments, given the weakness of capitalist classes and the strength of the European economic condition and even control.' ⁶⁶

Režā Šāh believed that Islam could contribute to public rejuvenation of Iran only by becoming a dynamic personal piety. The way in which religion had become institutionalized in Iran made it appear as though the question had implications for the whole of social existence. Hence, the two facets of the Iranian secularization each invited a different approach. It is noteworthy that it is this dual obligation of Islam as a personal religion of enlightenment and as a religion of social solidarity that is precisely the problem of personal religion in a lay state. Režā Šāh's reforms demonstrated that man could quite speedily transform institutions that had been regard as divinely- ordained and immutable. Under the new conditions, Islam had to compete and blend with a variety of different ideological perspectives that made different intellectual claims and required different types of commitment. The peasantry in Iran remained somewhat unaffected by these challenges that have been most characteristic of the urban classes, particularly the intelligentsia. To this extent the full impact of Režā Šāh's modernization policies in changing the social relations and structure of Iran seems not as far reaching as is often suggested.

In Iran, secularization was far from liberal or democratic. Although in the West secularism is associated with the left and liberals, in the case of government controlled centralization, secularization has been anti-Constitutional and anti-democratic and evoked

⁶⁵ It must be pointed out that there were growing demands on the part of the intellectuals for such reforms ever since the Constitutional period; however, none of the measures was carried out until the Režā Šāh period, when these measures became a matter of state policy.
66 Keddie (1994), pp. 16-7.

a religious resurgence. Reżā Šāh's aim was to establish state control over religion and the religious classes, including controlling and limiting religious education, the involvement of the 'Olamā within the legal sphere, and the extent and usage of Šarī'ah law, and decreeing new forms of 'secular' Western dress for men and women. 'These were all to a large degree questions of control and power, words that all too rarely enter the discussion of secularism.'⁶⁷

In traditional societies, like Iran religious ideas performed an important integrative function by legitimizing the political, social, and economic system. Secularism or more precisely political secularism appeared to make no penetration of society's beliefs or institutions and remained confined to a handful of people intent upon borrowing only a narrow range of Western military technology or bureaucratic practices. Therefore, there existed a wide cultural and political gulf between the relatively small modernized sector of society organized around new institutions and concepts and the vast majority still clinging to traditional beliefs and practices. Secularism was expressed not merely as a changing of a set of institutional relationship, but also as an ideology. However, the limits of its operation remained as merely the changing of a set of institutional relationship. Though in Iran, traditional society was beginning to show signs of disintegration, modernization had transformed only a very small segment of urban Iranian society.

It is difficult to agree with the assertion⁶⁸ that the dominance of polity over religious beliefs, practices, and ecclesiastical structures in itself is a form of secularism.⁶⁹

⁶⁷ Ibid., p. 21.

⁶⁸ such as that of Donald E. Smith (1974), p. 8.

⁶⁹ Smith proposes five analytically distinct aspects of secularization:

^{1.} Polity-separation secularization refers to the institutional separation of religion and polity (church-state separation) and the denial of the religious identity of the polity (non-recognition of a state religion or religious character of the state). Government ceases to perform its traditional functions as promoter and defender of the faith.

^{2.} Polity-expansion secularization involves the expansion of the political system into areas of society formerly regulated by religion. The polity thus extends its jurisdiction into areas of education, law, economic activity, and so on, which were subject to religious norms and structures in the traditional system.

^{3.} Political structure secularization refers to the transformation of values associated with the polity; secular notions of political community, the legitimacy of the polity, and the meaning of politics replace traditional religious notions in the thinking of many people.

^{4.} Political-process secularization is the decline of political saliency and influence of religious leaders, religious interest groups, religious political parties, and religious issues; it also denotes the weakening of religious identity and ideology of the actors as a consequence of participation in the political process.

^{5.} Polity-dominance secularization refers to a radical program of secularization by revolutionary regimes that recognize no area of religious autonomy. Their effort is to eliminate entirely the influence of religion from society or alter radically its content to bring it into line with official ideologies.

It is not the institutional relationship between religion and state (whether or not the polity dominates the religious structure) that is important, but the character of the issues themselves that constitutes the essence of secularism. Secularism of necessity therefore demands the ability by the state and the individual to make that subtle psychological distinction between religion and politics, to be able to accept a public sphere where secular concepts and principles are dominant and a private sphere where religious principles prevail. Most studies on the process of modernization or secularization recognize the necessity for all systems of existence, psychological and intellectual as well as the political, social and the economic to undergo transformation. This level of change did not occur in Iran. Traditional beliefs, practices, and values continued both among the village population and the majority of urban masses, with the exception of a small urban minority.

Morroe Berger's observation about the nature of secularization in Egypt under Nasser, seems to also apply to Iran. Berger notes that:

'The military regime's denial of political influence of the ulama is not secularism... secularism means the separation of church and state and the latter's supremacy; it does not call for the state's control of the intimate details of religious teaching or the harnessing of religion to the purposes of the government of the day. '71

The regime's reform of previously 'Olamā-controlled institution was carried out mainly for its own political purposes. Yet for all this change Iran remained an Islamic state, secular in part but nevertheless preserving the one vital link that connects state and society to God: the Šarī ah. The Šarī ah maintained its theoretical and social primacy. Although the Šarī ah was changed in a drastic manner and the sources from which legal principles can be drawn were expanded beyond its boundaries, this did not repudiate the theoretical or social ascendancy of the Šarī ah. Scholars have generally considered the secularization of Islamic law to have been almost completed during the Režā Šāh period and point to the changes in the personal status codes as the final destruction of the Šarī ah. Yet the crucial theoretical link between the state and sacred law remained in tact. Although reform removed education and law from the jurisdiction of the 'Olamā to that of the state, however, the 'Olamā still enjoyed the sole monopoly over interpretation of the

⁷⁰ Halpern (1963) & Black (1966) refer to the necessity of changing one's psychological system and Smith (1970) refers to this process as polity-transvaluational secularization.

Šarī'ah and continued to argue that Šarī principles must govern the 'Ommah. Governmental policies and ideological pronouncements can not be equated with 'actual' socioeconomic and political changes. The economic and administrative changes only partly altered the life and organization of Iranian society. The traditional family, the traditional value system and behavior patterns, and religious community remained almost intact.

Government coercion in order to secularize the political culture and the political process is of central importance in revolutionary programs of polity-dominance secularization. However, in the absence of secular political values, these measures are effective only so long as coercion is applied. This was evident in the Iranian case with the resurgence of religion, which led to the repudiation of the whole notion of a secular state. At the same time that the government was implementing policies of secularization, the political process was becoming not more secular but more traditional-religious as clerics discovered in religious symbols a powerful instrument for mass mobilization. Smith points out 'it should be borne in mind, however, that this very political process in which the masses become involved is one of the major components of our definition of political modernization.'72

During the Reza Shah period the modernization of the state did entail drastic decline of the institutional prerogatives and social power of the Shi'i hierocracy. However, it did not diminish the legitimacy of the exclusive hierocratic authority of the 'Olamā, which assured the continued financial independence of the hierocracy from the state. This independence was sustained by the one source of income that was inevitably immune from state encroachment: the voluntary payment of religious taxes to the 'Olamā. The institutionalization of the norm of the juristic authority of the 'Olamā enhanced by the evolution of the juristic norm of authority throughout the nineteenth century resulted in the independence of the hierocaracy from the state. The institutionalization of Shi'ism thus transformed the societal structure of domination in Iran. The institutionalization of the autonomy of the Shi'i hierocracy during the late eighteenth and nineteenth centuries assured its survival despite inexorable pressure from the state in the twentieth century. Irrespective of the erosion of clerical control over education, the major defeat of the

⁷¹ Berger (1970), p. 128.

⁷² Smith (1974), pp. 10-11.

hierocracy in the legal sphere and the establishment of centralized supervision over religious endowments, the Ĥowzeh 'Elmīyeh Qom maintained the independence of religious institutions of learning from the state. The Shi'i hierocracy not only survived but withstood the challenges of the Pahlavī state and triumphed with virtually exclusive control over religious learning and over authoritative interpretation of Shi'i Islam.

The loss of judicial and educational functions and the loss of control of religious endowments and land ownership seriously undermined the hierocarcy. But these developments also had another important consequence: The differentiation and separation of religious and political powers became complete and the Shi'i hierocracy became 'disembedded'⁷³ form the Pahlavī regime. The economic and political disenfranchisement of the hierocracy resulted in their social 'disembeddedness.' Socially there had always been a tendency for the upper rank of the hierocracy to intermarry, forming a highly endogamous group. This tendency was accentuated by the 'Olama's loss of social prestige, which greatly reduced the frequency of intermarriage between them and the increasingly secularized social and political elites.⁷⁴ The reduction of power and the disengagement of the 'Olama from the Pahlavi regime contributed to their solidarity as a tightly knit status group in control of autonomous religious institutions, particularly the Howzeh 'Elmīyeh Qom, and aided their survival and success. The Pahlavī regime's attempts at the separation of religion from politics or the disengagement of religion from political society did not mean, however, that religion became necessarily privatized or that it no longer played a public role. It only meant that the public locus of religion was no longer the state or political society, but rather civil society. In the traditional religiopolitical system, political participation was limited to a small number of individuals, whereas religious participation was on a mass scale, irrespective of periodical outbreaks of anti-clericalism. The anti-clerical policies of the Pahlavī regime, the newly found locus of religion, and mass participation in religion enabled the Shi'i hierocracy to politicize the sacred symbols of religion, and find in these sacred symbols the bases of social support. In this sense religion contributed to the process of mass politicization by providing sacred symbols that acquired political significance. The Shi'i hierocracy found in these sacred symbols an important key to mass support and mobilization, a key that their secular rivals

⁷³ Arjomand (1993), p. 232.

⁷⁴ Ibid., p. 233.

in the struggle for power had denied themselves. The power of sacred symbols to inspire mass movement and mobilization, throughout Iranian history, particularly during the 1979 Revolution, serves as the best testimony to the continuing social power and influence of the 'Olamā.

Chapter Two: The Structure of Domination and Legitimacy within the Cultural Logic of Shi'ism: The Balance Between Religion and Politics

Introduction

The purpose of this chapter is to provide a theoretical framework drawing on Max Weber's sociology of religion, in the analysis of the study of Shi'ism and its consequences in term of the political sphere. The relationship between religion and politics and their effect on the 'legitimacy' of the structure of domination are considered within Weber's tripartite typology of domination. This chapter offers an analysis of Shi'ism in terms of the balance between religion and politics and their societal and institutional power, the discussion of which is located within a historical framework. The structure of domination within the cultural logic of Shi'ism constituted a major force in the dynamics of Iranian society and merits a comprehensive study of the formative years of Shi'i hierocracy. Shi'i 'Olama will be considered in the light of emergence and consolidation of an institution with vested interests in the enforcement of religious beliefs and norms through spiritual and coercive sanctions. The theoretical claim of the holders of religious authority, including their right to determine the political, rests on their ability to enforce such a claim. This ability is in turn determined by the institutionalization and social organization of religious authority. It is hoped that this chapter will highlight the way in which Shi'ism had a notable effect on political action and significantly transformed Iran's polity.²

Weber, in the chapters of *Economy and Society*, deals with 'state' and church dichotomy in terms of the ultimate sources of legitimacy.³ In relation to the institutionalization of charisma, he mentions two fundamental sources of charismatic authority: the charisma of the divinely inspired and the charisma of the world. Furthermore religious (hierocratic) and political (temporal) charisma, seem to be equally fundamental, in their institutionalized form, in that one can not be reduced to the other. Political and hierocratic domination as the ultimate sources of legitimacy form the underlying basis for Weber's typology of the varying role of religion in the charismatic legitimization of domination. He provides a tripartite typology, namely theocratic,

¹ Weber (1968), pp. 941-956, 1158-1368.

² Arjomand, points out that while Weber's attention, in his substantive work, was largely devoted to 'economic ethics' of world religions and their bearing on social action, Troeltsch's classical study 'eloquently demonstrates, world religions can also contain "political ethics", whose bearing on social action and on attitudes towards the political order can be subjected to sociological analysis.' The study of Shi'i sm as a world religion clearly demonstrates this point as it had little effect on the economic transformation of Iran but had significant effect on the political sphere, Arjomand (1984), General Introduction.

hierocratic and Caesaropapism.⁴ Each classification represents the relative predominance of one of the two autonomous charismatic types of domination: the religious or the political.

The Weberian theory of authority, in particular traditional and charismatic authority, can help to clarify the case study of the nature of authority in Shi'i Islam. The formation of the Shi'i branch of Islam will be considered as a dialectical outcome of the interaction between a pre-Islamic concept of authority and the continuation of the Prophetic charismatic authority. According to Weber, charisma is applied to a certain quality of an individual's personality by virtue of which 'he is considered extraordinary and treated as endowed with supernatural, superhuman or at least specifically exceptional powers or qualities.' In Weber's typology of charismatic authority, the underlying process is 'routinization' of authority as it seeks to perpetuate the peculiarities of its order in an institutional format. This seems somewhat problematic in the case of Shi'ism which can be said to be an attempt in the reproduction and perpetual continuation of the Prophetic charismatic authority.

In the Sunni case, on the other hand, there was a drive towards the institutional preservation and perpetuation of Islam. This process was characterized by the 'routinization' of social and economic life back to what Weber terms a more 'normal' situation. The emphasis being on stability and order, this entailed the accommodation and re-emergence of traditional elements. Consequently, some major pre-Islamic Arab traditions found their way into the political, social and economic development of early Muslim history. With the 'routinization' of the charismatic authority of the Prophet, the religious (the external organization or exoteric), the spiritual (inner or esoteric), the legal and the military dimensions became separated into distinct modes, figures, and institutions of authority. In Shi'i Islam there was an attempt towards the preservation of the Prophetic charismatic authority. There was a persistent tendency towards preserving the sanctity and the charismatic nature of the Prophet's authority. To this extent Shi'i development can be viewed as an attempt in the perpetuation of charisma rather than its 'routinization'. The Shi'i Imāms possessed all the characteristics of the Weberian typology of charismatic authority. Within the Weberian framework, what constitutes the fundamental character of

³ Weber (1968), Chapter XV, 'Political and Hierocratic Domination', pp. 1158-1211.

⁴ Ibid., pp. 1159.

different branches of Islam is not whether they are orthodox or heterodox but the particular position that they maintain *vis-à-vis* the Prophetic charismatic legacy. According to Weber: 'The way in which this problem [of succession] is met, if it is met at all, and the charismatic community continues to exist or now begins to emerge, is of crucial importance for the character of the subsequent social formation.'6

It is to this extent that we hope to use Weberian sociology as a guideline. It must be pointed out that although a considerable number of Weberian concepts have been used, they remain on the whole basic sociological concepts, used for the sole purpose of clarifying varieties of social action, groups and organizational form. The overall implications of the feasibility of adopting a Weberian framework in the study of Iran, the shortcoming within Weber's theory, and the criticism concerning the lack of accuracy of Weber's work in dealing with non-European societies, have been deliberately dealt with in a brief way. The reasons for this are twofold: firstly, in order to avoid the pitfalls of 'grand theorizing' whereby the actual details of the area under study are impinged upon by the constraints of the theory; and secondly, to provide scope for an alternative interpretation of particular historical events. This, however, does not imply a lack of methodological consistency, as the concepts that have been used are systematically integrated into the study.

The full extent of the effects of Režā Šāh's policies on the nature of the relationship between religion and politics and the consequent social change can not be fully examined without a comprehensive understanding of the historical development of the role of the 'Olamā in both pre-and post-Safavid Shi'ism. From the greater Occultation (940 AD), until the establishment of the Safavid dynasty, in the sixteenth century, the Shi'i 'Olamā were a distinct social group but did not constitute a recognized institution. The Safavid period marks the transition of the 'Olamā from a distinct social group to a hierocracy. Safavid rule may best be explained as a 'Caesaropapist' rule. Safavid rulers exercised supreme authority by virtue of their descendance from the Seventh Shi'i Īmām, Mūsā Ībn Ĵa'far (d. 799 AD). The Safavids 'imported' a number of Shi'i 'Olamā mainly from Lebanon. These 'Olamā were on the whole state functionaries, and treated as a branch of the political administration. Throughout Safavid rule, high-ranking clerical

⁵ Weber (1968), p. 241.

⁶ Ibid., p. 246.

position was transformed 'into hereditary family property expropriable as a source of income, prestige and power.' In the subsequent one-and-a-half centuries, the 'Olamā succeeded in establishing monolistic control over the religious life of the population, monopolizing the authoritative interpretation of doctrine, creating an autonomous administrative apparatus, a tax system and legal forms for the protection of ecclesiastical land owning.

During the Qajar period, Safavid 'Caesaropapism' was replaced by the consistent Twelver Shi'i dualism of politics and hierocratic domination. It may be argued that during this period, Shi'i hierocracy emerged as a 'church'. The extent of this development was such that during the Qajar period, the only two legitimate institutions of domination were the state and the 'Olamā. The 'Olamā's power was further strengthened by the inherent weakness of Qajar administration. Consequently, by the time Reżā Šāh ascended to the throne, the extent of 'Olamā power and influence was unprecedented. Reżā Šāh sought to limit the autonomous ecclesiastic charisma of the 'Olamā, and make it subordinate to secular power. However, he was not able to eliminate the social and doctrinal power of the 'Olamā, as, by this time, the 'Olamā had developed a well-established foundation. 'A fully developed ecclesiastical hierarchy, with an established body of dogmas and particularly well organized system, cannot be uprooted at all.'⁸

This chapter aims to provide a comprehensive analysis of the roots of the prevailing relationship between religion and politics during the Režā Šāh period. We start with an account of the doctrinal differences between Sunni and Shi'i Islam, and its consequences for the development of the Shi'i 'Olamā as a distinct institution. The second phase examines the period after the Greater Occultation, when the Shi'i 'Olamā were a distinct group but did not constitute a recognized institution, a hierocracy. The third phase considers the significance of the Safavid Period in the transition of the 'Olamā from a privileged group to a hierocracy. The fourth phase deals with the consolidation of exclusive religious authority, resulting in the emergence of the 'Olamā as a 'church' and traces the reasons for the increase in the power of the 'Olamā, during the Qajar and early Pahlavī period. Finally, a historical and socio-political account of the period in relation to the 'Olamā will be provided.

⁷ Ibid., pp. 1162-3.

⁸ Ibid., p. 1175

The Origins Of Shi'ism; The Dispute Over Succession

The aim of highlighting the actual disagreements between Sunni and Shi'i Islam in terms of doctrinal, theological and legal practices is to provide a better understanding of their socio-historic role in shaping the actual living experiences of specific groups. It must be pointed out that opposing trends have always existed simultaneously within both traditions, and within each and every school of jurisprudence. Therefore, to provide a generalization about Sunni or Shi'i Islam is difficult insofar as a contrary, however atypical, evidence can be provided to challenge the norm. This will become more evident later on when we come to consider the relationship between 'Olamā and politics in Iran. The following account is a general analysis of the doctrinal, theological and legal differences and the reasons for such divergence between Shi'i and Sunni Islam.

Immediately after the death of the Prophet, dispute broke out at the Saqīfeh assembly over who should succeed him. One group of Muslims, namely the Shi'a, who proved to be the minority, believed that the Prophet had in fact designated a successor, namely 'Alī, his cousin and son in law. The Shi'a argue that in 632 AD, the Prophet, in a speech delivered during his way back from his last pilgrimage to Mecca, at a place called the Gadīr Kom, clearly stated that 'he for whom I was the master, Mūllā¹², should hence have 'Alī as his master. The above Ĥadīś is commonly referred to as the 'Ĥadīś of Ghadir-eh Khom' and is recognized as authentic by both Sunni and Shi'i scholars. However, Sunni scholars disagree with the Shi'i interpretation of the word Mūllā. They argue that in this instance it was meant as 'friend', rather then lord or master. The second Shi'i argument is that the Prophet had repeatedly asserted that "Alī in relation to me is like Hārūn (Aaron) in relation to Mūsā (Moses). Furthermore, the Prophet had on numerous occasions praised the benevolent and distinguished characteristics of 'Alī,

⁹ For a detailed account of the dispute see Bohlūl Afandī (1370 SH/1991).

¹⁰ Āštīyānī (1362 SH/1983), p. 67.

¹¹ Ghadir means pool. For further details see Bohlūl Afandī (1370 SH/1991), & Āštīyānī (1362 SH/1983).

¹² The word Mūllā, like most words in Arabic has multiple meaning, including protector, patron, friend, companion and associate.

¹³ Āštīyānī (1362 SH/1983), p. 67.

¹⁴ The Ĥadīś appears as authentic 'Ṣaĥīĥeh', in the following Sunni books; 1) Tarmaźī, Sonan, p. 623 & 297. 2) Nassā'ī, Ķaṣā'eṣ, p. 93. 3) Ĥākem, Mostadrak, p. 109 & 110. 4) Heysamī, Maĵma'ol-Zava'ed, p. 106 & 104. 5) Ībn Hajar, Ṣavā'eq, p. 42. 6) Faķr Rāzī, Taſsīr, Verse 61 Sūreh 5 (Mā'edeh).

¹⁵ This obviously does not have the same implication in relation to the question of succession.

¹⁶ Āštīyānī (1362 SH/1983), p. 67.

stressing his special place and his contributions to Islam. The Shi'a view the first reason as exoteric and explicit, and the second as esoteric and implicit affirmation of the rightful successorship of 'Alī by the Prophet.¹⁷

According to Weber, legitimacy is acquired through 'designation on the part of the original charismatic leader of his own successor and his recognition on the part of the followers...' The main Shi'i argument for the legitimacy of 'Alī successorship is his designation by the Prophet. The metaphysical context of the transfer of the Prophet's charismatic authority to 'Alī and through him to his male descendants went directly against the pre-Islamic Arab notion of authority and mentality. The continuation of the charismatic mode of authority disrupts the resumption of 'normal' economic life. The forces of 'routinization' seek to terminate the charismatic mode of authority. 'Alī's inherited charismatic authority differed from Prophetic authority in that it was not based on revelation. However, the nature of his authority was charismatic, exhorting 'the authority of the extraordinary and personal gift of grace, the absolutely personal devotion and person confidence in revelation, heroism or other qualities of individual leadership.' It must be pointed out that contrary to the Weberian characterization of the social relations pertaining to the charisma, the charismatic authority of the Prophet was not transitory and arbitrary but continued in the formation of Shi'i Islam.

The Shi'i argument starts with the premise that it is inconceivable, given God's justice and benevolence, *Lotf*, towards humanity, that he should have left the issue of leadership, *Imamate*, undecided.²⁰ The rationale of benevolence is the same rationale which necessitated the sending of God's emissaries and Prophets. God's benevolence requires that, in the absence of the emissaries and Prophets, infallible (*Ma'ṣūm*) leaders should be appointed for the custodianship, *Velāyat*, of their followers. This forms the basis for the Shi'i belief that the earth can never be empty of an infallible, who is the proof of God, *Ĥojjatollāh*. Furthermore, the acceptance of the Prophecy of Moĥammad was the commitment to the implementation of *Imamate*. The principles of divine designation, *Naṣṣ*, absolute justice, '*Adl Moṭlaq*, knowledge imparted directly from God, which encompasses 'Knowledge by Presence', '*Elme Ladonnī*, and their prerequisite infallibility,

¹⁷ Ibid. & Bohlūl Afandī (1370 SH/1991).

¹⁸ Weber (1968), p. 247.

¹⁹ Weber (1948), p. 79.

²⁰ Tabātabā'ī (1348 SH/1969).

Ismat, form the doctrinal principles of Shi'ism.²¹ Hence, absolute justice is the foundation of the Īmām's legitimate right to both political and spiritual leadership.

Some have presented the Saqīfeh dispute as merely a contention over personalities, but have failed to grasp the fundamental themes that were and still are at the heart of the theoretical and doctrinal differences between Sunni and Shi'i Islam. Such altercations have shaped the ongoing debate concerning the relationship between religion and politics. Needless to say, these theories have evolved and changed over time and in response to the political needs of their societies. The Shi'i case is often presented as being based on the personal characteristics of 'Alī. However, to see Shi'ism as being based solely on the personality of 'Alī, is to completely over look the fundamental principles of the Shi'i argument. The issue of personalities, which seems to some extent to dominate the Shi'i argument, enters into the debate because the Shi'a maintain that only those individuals who were closely associated with, or related to, the Prophet could have possessed such qualities. These were none other than 'Alī and his male descendants.²² However, the question of descent is based not upon personalities but rather on divine attributes and the principles of designation, infallibility, divine knowledge and justice. The precondition to absolute justice is immunity from sin; thus, only the infallibles could be truly just. The theory of 'Eşmat of the Imam is closely linked to the most important element in the Shi'i political thesis, namely the indisputable necessity of absolute justice as a condition of rulership.

The other group of Muslims, who came to form the majority, held that the Prophet had deliberately left the question of his succession open, leaving it up to the community to decided upon the leader. This group of Muslims came to be known as Sunni, or those who follow the tradition, Sonna, of the Prophet. As has been mentioned before, many Sunni scholars and collectors of $\hat{H}ad\bar{\imath}s$ have cited the $\hat{H}ad\bar{\imath}s$ of $\hat{G}ad\bar{\imath}r$ Kom as authentic, but disagree with the Shi'i interpretation of it, based on the understanding of the word $M\bar{\imath}ull\bar{\imath}a$. They argue that $M\bar{\imath}ull\bar{\imath}a$ in this context actually means 'friend' or 'helper' rather than 'master' as interpreted by the Shi'a. The true intentions of the Prophet cannot be established here, however; what concerns us is that it was the Sunni view which prevailed at the $Saq\bar{\imath}feh$ assembly.

²¹ Možaffar Najafi (1390 SH/1970).

²² Tabātabā'ī (1348 SH/1969), & Mugnīyeh (1968).

Äbū Bakr, an older and distinguished member of the community, was chosen as the Prophet's immediate successor. The Saqīfeh affair marked the basic features of the procedure of the elections of the Caliph, which are Ijma, consensus, Bey'a, literally the clasping of hands, and $\dot{A}hd$, the covenant under taken by the Caliph to rule in accordance with the provision of the Sarī'ah, and the community's promise to obey him. Enayat argues that the Sunni argument 'may be taken to symbolize their [Sunni] adherence to principles rather than personalities.'23 This argument may be looked at from a completely different perspective. If sucessorship is to be decided by the community, based on election, then the leader will be chosen on the qualities and strengths of his character. Ābū Bakr for example was thought to be a suitable candidate for Caliphate based on his seniority, his standing within the community, and the fact that he was one of the companions of the Prophet. In this respect, the question of personality becomes the deciding factor in the election of the leader. The fact that a leader is elected does not imply that character and personality are not deciding factors in the process. On the contrary, they are the very premise. Furthermore, if one accepts Enayat's argument as valid, it becomes applicable only if the principles of consensus are truly adhered to, which was not the case, as 'consensus' usually referred to consensus of the elite or 'the people who loose and bind', Ahlol Aqd-e val-Ĥal, and not the entire Muslim community.

In terms of the question of succession for the Sunni majority, the Weberian typification identifies some of the major issues involved. In Weberian terms, the following three characteristics may be said to be the distinguishing features of Sunni Islam: 1) The rapid routinization of charismatic authority of the Prophet; 2) The re-emergence of the pre-Islamic traditional Arab modes of authority, or the resumption of everyday routine structure of ordinary life; 3) The subdivision of the Prophet's authority into distinct and separate spheres. Weber points out that 'The original basis of recruitment is personal charisma. However with routinization the followers or the disciples may set up norms for recruitment, in particular involving training or tests of eligibility... A genuine charismatic leader is in a position to oppose this type of prerequisite for membership: his successor is not free to do so, at least if he is chosen by the administrative staff.'²⁴ This fits the norms of recruitment of the Rightly Guided Caliphs as well as the Umayyads. In the norm of

²³ Enayat (1982), p. 5.

²⁴ Weber (1968), p. 249.

recruitment, one can see the manifestation of tribal affiliation rather than Islamic precepts. This is particularly so during the reign of 'Ośmān (644-656) where nepotism and tribal loyalty were most discernible.

In terms of traditionalization of authority for the Sunni majority, the significance of the process was in the re-emergence of traditional Arab authority rather than the case of charisma becoming traditionalized in its own right as Weber indicated. The selection of Ābū Bakr was not bound to any particular stipulation of the Prophet's authority, the Qorān or *Ĥadīś*, but a selection based primarily within tribal affiliation and rivalries. The ceremony of Bey'a was the traditional mode of recognizing the authority of a tribal chief. 'There was a remarkable resemblance between traditional pre-Mohammadian practice and the particular way in which the 'Rightly Guided Caliphs', especially Ābū Bakr, were elected and their authority legitimized. It was primarily to Mohammad as a tribal chief that the question of succession to his authority was addressed by the majority of Muslims. This was demonstrated further by the Caliphs having primarily political and administrative, as opposed to religious or spiritual, significance.'25 Watt maintained that Ābū Bakr's assumption of the title of Kalīfeh Rasūllolāh²⁶ had no particular religious significance. He concluded, 'It is thus unlikely that the Qoran was the source from which Abū Bakr derived his title. It must come rather from the ordinary secular [non-Islamic] use of the word.'27 The acceptance of the Caliph by the community did not represent any particular procedure designated by the Prophet. In fact, both the ceremonies of Bey'a as well as Kotbeh, in which Abū Bakr accepted his responsibility as the leader, were in accordance with traditional Arab customs. In Weberian terms, both the 'process' and the 'formality' necessary 'for the legitimacy to take on the character of an acquired right' were derived from traditional Arab customs. The Prophet's authority was divided into various spheres. The Caliph only partook in the political administrative authority of the Prophet and not the religious.²⁸

The Shi'a challenge the pivotal principle of *Ījma* within the Sunni tradition, disputing it on the following grounds; firstly, they argue that in the election of the first Caliph, Ābū Bakr, not all parties were consulted and therefore the assembly was not truly

²⁵ Dabashi (1989), pp. 81-2.

²⁶ The Caliph of the Messenger of God.

²⁷ Watt (1968), p. 32.

²⁸ Barthold (1359 SH/1979).

representative of all Muslims.²⁹ Secondly, the question of the leadership of the community was too vital to be left to the deliberations of individuals. The Prophet was designated by divine authority and it follows that his successor should also be the same. Only God is aware of the presence of the qualities of knowledge and infallibility and impeccability in individuals, and can therefore fulfil the purpose of divine revelation by making these individuals known to his emissaries. Furthermore, the principle of Ijma was not applied to the election of the succeeding Caliphs, as Abū Bakr 'appointed' his next successor, 'Omar Ibn Kattāb. The Shi'a argue that if, according to Sunni tradition, the Prophet himself was not entitled to designate a successor, then why was Ābū Bakr able to appoint the next Caliph? After Ābū Bakr, 'Omar appointed a six-member committee to elect the next Caliph. After the fifth Caliph, Mo'āvīyeh Ībn Abū-Sofīyān (d. 682 AD), the Caliphate became hereditary, and the principle of $\bar{l}jma$ in the election of Caliphs was completely neglected. These are the two main political trends in Islam. The third major political trend, whose followers came to be known as the Kavārej, 30 was rejected by both the Sunni and the Shi'a in the first four decades of Islamic history. However, it must be stressed that Sunni and Shi'i are two very broad categories, and by no means exhaust all the various divisions within them. The emphasis will be on these two distinct developments, as relevant to our study.

The end of the reign of the Four Rightly Guided Caliphs, Kolafā'e Rāšedīn, up to the fourth/tenth century, marks the period of the formulation of the theory of the Caliphate. The establishment of the Umayyads as the first Islamic dynasty (658-661 AD) marks the partial victory of the traditional Arab concept of authority over the charismatic legacy of the Prophet's authority. Only twenty-nine years after the death of the Prophet, the clan from which his staunchest enemies came had assumed the leadership of the ummah for the period of almost ninety years. The study of this period reveals two distinct developments: firstly, much readiness to revise and re-think political thought in the light of changing circumstances by Sunni theoreticians; and secondly, that most of these theoreticians were high functionaries at one time or another in the administration of the

²⁹ Sunni tradition backs up this argument. According to most Sunni historians there were only eight of the Prophets companions present during the election of Abu Bakr, three of whom were from the Ansār and five from the Ashāb. There were no members of Banū Ĥāšem, the family of the prophet present. Behĵat Bohlūl Afandī, himself a Sunni jurist, quotes an extensive number of Sunni text which confirm this. Bohlūl Afandī (1370 SH/1991), pp. 98-99.

³⁰ Plural of Kāreî meaning an outsider.

caliphate.³¹ These two developments may be explained by the fact that the Sunni concept of caliphate had from the start been devoid of all metaphysical and spiritual association, in contrast to the Shi'i concept of Imamate. The Four Rightly Guided Caliphs partook, to some extent, in the spiritual charisma of the Prophet by virtue of having been among his closest companions. However, contrary to the widely held misconception that any Islamic polity is inherently a theocracy, after the Fourth Rightly Guided Caliphs, the political and spiritual spheres became completely separated. From then on, the structure of the Caliphate can best be explained in terms of a dual power structure consisting of the independent body of religious advisors and jurists, forming a religious elite, and the office of caliphate. The 'Olamā provided religious legitimacy for the caliphate, while the caliphate ensured the support and the maintenance of the 'Olamā. The theoretical formulation of the caliphate as purely 'governance' occurred in the last phase of the classical theories of the caliphate.

Three names stand out in the history of Sunni realism: Abu'l Ĥasanol-Movārādī (d. 1058 AD), Ābū Ĥamīd Moĥammad Al-Ĝazālī (d. 111 AD) and Badroddīn Ībn Ĵamā'e. Movārādī attempted to justify the caliphate as it developed historically, relying not only on the precepts of the Šarī'ah, but also on historical precedents as represented in the *Ījma* of the community. Ädazālī, writing somewhat later, was concerned with the preservation of the religious life of the community and, with this end in view, he attempted to work out a new relationship between the Caliph and the Soltān based on the cooperation of the former with the actual holder of power. Ädazālī declared that: Government in these days is a consequence solely of military power, and whoever he may be to whom the possessor of military power gives his allegiance, that person is the Caliph. However, the recognition of this last phase of the evolution of the classical

³¹ Ayubi (1990).

³² Enayat (1982), p. 10.

³³ Ibid., pp. 10-11

³⁴ Ĝazālī while insisting on the necessity of an Imām admits that in his day the only method of appointment of the Caliph was by designation by the holder of actual power. The constitutive process was thus a Šar'ī process but the constituent power was the Soltān. In effect, therefore Ĝazālī accepted a compromise, by which the validity of the government of the Soltān was established only upon the Soltān's oath of allegiance to the caliph and the caliph's appointment by the Soltān. The Soltān by his exercise of the constitutive authority, recognized in fact the institutional authority of the caliphate which rested primarily on the Islamic Sunni community, and in theory the functional authority which rested with the Šarī'ah proper. Binder (1995), pp. 236-239.

³⁵ Gibb (1962), pp. 142-3.

caliphate was the main achievement of \bar{l} bn \hat{J} amā'e, who declared military power as constituting the essence of rulership. 36

In the theory of caliphate, the necessity of a powerful government to repel external aggressors was strongly acknowledged. This recognition provided the basis for the justification of tyranny in the name of religion. The position of the state was sanctified and became the ruling political doctrine among the majority of Muslims. According to Sunni jurists, the function of the caliphate was the defense of the Šarī'ah, the maintenance of political and social order, and the preservation of the perfect community. The spiritual function of the Prophet was inherited not by the Caliph but by the community as whole. This juristic theory became increasingly divorced from actual practice, as time went on and the nature of the caliphate became more absolutist. Moreover, as the gap between the ideal and the actual widened so did the understanding between the people and the jurists diminish. This meant that in the last resort the only remedy was an appeal to force. This led to the prevalent juristic theory that, although a government was founded by force, allegiance and obedience to it was necessary as it prevented anarchy and disorder.

An alternative historical account of the relationship between the 'Olamā and the rulers in the formative years of Islamic jurisprudence is provided by 'Abdol-'Azīzol-Badrī. He describes how the founders of the four legal, Feqh schools, namely, Ābū Ĥanīfe, Malek, Šāfe'ī and Ībn Hanbal, as well as compilers of Prophetic sayings, Aĥādīś, 40 such as Boķārī, had all endured hardship and imprisonment rather then submitting to irreligious demands of the rulers. 41 This, however, does not disprove the distinct realism of such people as Movārādī or Ībn Jamaeh. Furthermore, it does not lessen the overall impression of adaptability to the changing political setting gained from important Sunni treaties on government from the Buyid to the Mongol period. As a result of the initial flexibility of Sunni exponents of the theory of caliphate, it eventually reached such a point that the decisive value in politics appears to be security over and above justice. In Sunni thought, the danger of this gradual outcome had existed right from the earliest years of Islamic history. Immediately after the end of the era of the Four Rightly Guided Caliphs, the

³⁶ Roisenthal (1958), pp. 42-43.

³⁷ Lambton (1956-57), pp. 125-48.

³⁸ Ibid., p. 126-7

³⁹ Gibb (1971), p. 20.

⁴⁰ Singular Ĥadīś.

⁴¹ Enayat (1982), p. 15.

prestige of the ruler rested not on the successorship derived from the companionship of the Prophet, but merely on sheer force. The need of sheer force to establish rule through doctrinal legitimacy is by no means exclusive to Islamic history.

H.A.R. Gibb points to the principle of legitimate divergence of opinion on secondary matters of religion, *Elstelāf*, to argue that there was no 'universally accepted doctrine of caliphate' amongst the Sunni community. He argues, 'The caliphate is the form of government which safeguards the ordinances of the Šarī'ah and sees that they are put into practice. So long as this principle is applied, there may be infinite diversities in the manner of its application.' This definition by its very nature includes within its premise the use of force as a legitimate tool of government. As long as the ordinances of the Šarī'ah are put into practice, irrespective of the means by which this is achieved, then the system may be termed a caliphate. If the caliphate is taken to be a secondary religious matter, then by defining it in such a way, its very existence negates the primary reasons for its esatblishment. Gibb concludes from his argument that 'Muslim thought refuses to be bound by the outward formula.'

Gibb's argument placed within a historic perspective does not hold. The sheer force of the rulers was based on 'contrived' doctrinal legitimacy through the works of the jurisconsults and theologians, in the name of 'pragmatism'. To achieve this, rulers crushed independent thinking whenever it threatened the established order. Therefore Muslim thought has been 'bound' and restricted by an 'outward formula', namely the political power of the caliph which sought to eliminate any alternative system of thought. The best example of this is the persecution of the Shi'i community throughout Ummayyed and Abbassid rule. There has always been much reluctance to reassess critically the works of early masters such as Movārādī and Ĝazālī. Ayubi⁴⁴ argues that the subsequent generations of Muslims have found it increasingly difficult to distinguish between what was meant as 'description' and what was meant as 'prescription' in the inherited body of Islamic knowledge. The few who have dared to break out of this circle have consequently been accused of heresy. Such uncritical loyalty to the past has resulted in years of stagnation in Islamic political thought. Canonical stagnation resulted in Muslim submissiveness and lack of critical thought, justified in the name of loyalty to Islam.

⁴² Gibb (1962), p. 148.

⁴³ Ibid., p. 149.

The reasons underlying the divergence between Sunni and Shi'i Islam have been studied by a number of scholars from various perspectives. There are scholars such, as Louis Massignon, 45 who stress the relationship between Shi'ism and the political aspirations of middle-class artisans. Contrary to this view, but also from a sociological perspective, Petrushevskii, a Marxist historian, views the success of Zaydi sects in the southern parts of the Caspian sea as being the result of the peasant rebellion against Sunni landed aristocracy. He also explains the appeal of Mahdism in terms of 'the hopes of artisans, peasants and the poorest strata of desert dwellers for social evolution.⁴⁶ Others such as James Darmsteter, Henri Corbin and Hamid Algar⁴⁷ interpret the Shi'a - Sunni divergence in terms of the encounter between Iranian and Arab cultures. Montgomery Watt⁴⁸ stresses the social factors in the genesis of Shi'ism. He explains the growth of Shi'ism by pointing out that the early members of the Shi'i community came mostly from Southern Arabian tribes among whom the tradition of 'semi-divine kings' was strong. So Shi'ism provided an ideological basis to aid their social and psychological transition from nomadism to the military cast of the Islamic empire. All these accounts attempt to provide an understanding of Shi'ism in terms of its social implications, 49 at the expense of neglecting Shi'i doctrine which is seen as an area for theological study. However, the full social implications of a religious movement can not be comprehended if the spiritual dimension, which distinguishes it from other movements is neglected.

The primary principle of Sunni Islam is the sanctity of the consensus of the community. This is based on the Prophetic saying that 'My community will never agree in error.' The Sunni thus attribute the very infallibility, that for the Shi'a belongs to the Imāms, to the community. Consensus is defined as 'the agreement among the people who loose and bind.' The Shi'a refute the infallibility of the community. The unsuitability of Sunnis to qualify as the community as meant by the Prophet, is pointed out by the in relation to the misdeeds of Sunni rulers throughout the greater part of Islamic history. The Shi'a, however, do not dismiss consensus altogether; instead they define it in a much more

⁴⁴ Ayubi (1990).

⁴⁵ Cited in Marquet, (1961), p. 236.

⁴⁶ Petrushevskii (1354 SH/1975), p. 283.

⁴⁷ Cited in Lewis (1940), p. 24, Corbin (1971-2).

⁴⁸ Watt (1961), pp. 106-10.

⁴⁹ With the exception of Henri Corbin.

⁵⁰ According to Imām Faķrod-Dīn ar-Rażī, this group are the holders of power and position, Ĝazālī however, defines Īĵma as the agreement of the community in general.

restricted way. This may be seen as their defence against intimidation by the opinion of the majority. For the Shi'a consensus is only valid when it includes the opinion of one of the infallibles, $Ma' \bar{s}\bar{u}m\bar{n}n$. Consensus has been retained in Shi'i legal system, even after the Greater Occultation. The Shi'a believe that the earth can never be empty of the $Ma' \bar{s}\bar{u}m$, which means that whenever consensus is formed among concurring scholars, there must have been a $Ma' \bar{s}\bar{u}m$ amongst them. This doctrine has provided the perfect safeguard against majority imposition. ⁵²

The Shi'a rejection of the concept of the consensus of the community results directly from their legitimist theory of succession of the Prophet. This must not be taken exclusively at a political level, otherwise the whole Shi'i doctrine becomes nothing more than a question of personalities. The esoteric dimension of Shi'ism, intertwined with Shi'i theosophy, explains the rationale behind Shi'ism. Truth is known only to God, the Prophet, and the members of his family. The worldly manifestation of Islam only reflects the outward truths, Haqīqat-e Žāherī. Prophet Mohammad, as the seal of the Prophets, was the repository of the complete treasure of religious precepts; he, however, revealed only some of them, because of the unsuitability of complete revelation for that particular historical period. This was necessitated by the wisdom of gradualness, *Ĥekmat AttārīĴī*. Both the Inner, Baten and Outer, Žāher, truths, Ĥaqīqat of these undeclared precepts were entrusted to the Imams.⁵³ Shi'ism came into being to preserve and gradually communicate the essence of Islam.⁵⁴ Later in Shi'i development, the 'Olamā came to gradually part take in the functions of the Imams⁵⁵. It was argued that these truths were then entrusted through the Imams to the Moîtaheds, 'So that they would progressively reveal them at appropriate junctures, according to their wisdom, whether by inferring the particular from the universal, or the relative from the absolute, or the concrete from the abstract.⁵⁶ According to Corbin, the distinction between *Žāher* and *Bāten*, the apparent and the hidden, the exoteric and the esoteric, forms the philosophical aspect of the Shi'i

⁵¹ Ţabātabā'ī (1348 SH/1969).

⁵² For further detail on the concept of Ima within the Shi'i legal system see,

Al-Ķorāsānī (1409 SQ/1988), pp. 68-70, & Šahābī (1344 SH/1965), pp. 114-7.

⁵³ Možaffar Naĵafi (1390 SH/1970).

⁵⁴ Ibid.

⁵⁵ To be further discussed later.

⁵⁶ Kashif al-Ghita (1982), pp. 79-80.

case for Imamate as the heart and truth of prophecy, *Nabowvat*. He calls Shi'ism 'the sanctuary of Islamic esotericism.' ⁵⁷

Lambton argues that in the fifth and sixth century AH, Sunni political theory was primarily concerned with holding together the religious institution and the state, and to reconcile religious theory with historical precedent, which differed widely from the original conception of the caliphate. Shi'i theories, on the other hand, were strongly influenced by Hellenistic theories, and adopted the Platonic idea of the 'philosopher king'. 58 Hellenistic theories were transmitted and became prominent in Shi'i thought of this period. Consequently the adaptation of the Platonic idea of the 'philosopher king' to the Islamic ideal administrating the Sarī'ah under divine guidance strongly influenced Shi'i theory. The Shi'i theory of ruling institution was no more concerned with the question of power than was the Sunni. 'At liberty to reject historical precedent, it exaggerated the religious element taking over and adapting the philosophy of light.'59 The Shi'a believe that from the creation of Adam onwards a divine light had been passed down the line of Prophecy to Mohammad and through Mohammad to his daughter Fatemen and son-in-law 'Alī, and then to each of the remaining eleven Imams. In fact, the light of Adam, Moĥammad, Fāṭemeh, 'Alī and the Īmāms was one and the same light. By virtue of this divine light, the Imams had been endowed with knowledge of the known and unknown and immunity from sin. Lambton argues, 'With the disappearance of the last Imam in 873⁶⁰ the divine light became, in theory stationary, political theory being meanwhile wielded by others who were presumed to be under the guidance of the agents of the hidden Imam.⁶¹ The Shi'a, unlike their Sunni counterparts, were not faced with the problem of providing legitimacy and justifying the state as it developed historically, almost from the beginning. Writing during the Occultation of the Hidden Imam, the Shi'i jurists did not feel the need, which Al-Movārādī had felt, to justify the state. ⁶² During the early period of the Greater Occultation, Shi'i Foqahā, maintained that all temporal power, even a Shi'i government, in the absence of the Imam was illegitimate and unrighteous. They felt

⁵⁷ Corbin (1971-2), pp. 181,186, 210, p. 254.

⁵⁸ Lambton (1956-57), pp. 125-48.

⁵⁹ Ibid., p. 136.

⁶⁰ The Lesser Occultation.

⁶¹ Ibid.

⁶² Lambton (1962-64), pp. 115-36, p. 115.

no responsibility for the conduct of political affairs, or a compulsion, as had Al-Ĝazālī, to provide legitimacy for the temporal government.⁶³

It is argued by some, mainly Western, scholars⁶⁴ that the doctrine of the twelve infallible Imams, with particular emphasis on infallibility was not specified at the time of the death of the Prophet, or during early Shi'ism, but developed gradually and through historical evolution. Montgomery Watt, for example, argues, 'It was only between 847 and about 920 that Imamī Shi'ism took definite shape. It stands to reason that there could not be an Imami or "Twelver" form of Shi'ism before the death of the Eleventh Imam and the disappearance of the Twelfth.'65 Shi'i scholars reject this, arguing that not only the doctrine of 'Eşmat but also the actual number of Imams had been explicitly stated by the Prophet himself. The following *Ĥadīś*, 'After me there shall be twelve Caliphs from the Quraiš', which is acknowledged in Sunni compilations of *Ĥadīś*, such as Bokārī's *Aĥkām*, Moslem's Saĥīheh (Al-Īmāreh), 66 as well as the Verse of purity 67 'And God only wishes to remove all abomination from you, ye members of the family, and to make you pure and spotless'. All of these are cited as proofs of this point. Shi'i legal and theological works describe the office of Imamate as the supreme leadership over the affairs of religion (Dīn/sacred) and mundane life (Donyā/profane). The Īmām is the head of the Muslim community, the successor of the Prophet, and the guardian of all Muslim religious and social affairs. By the ninth century the Shi'i community was already well established both socially and doctrinally. A vast body of theological and legal literature existed based on the sayings and teachings of the Fifth⁶⁸ and the Sixth Imam and to a lesser extent from

63 Ibid.

⁶⁴ Such as Lambton (Ibid.), Watt & Elisah, (1969), p. 26.

⁶⁵ Watt (1983), pp. 21-33, p. 21.

⁶⁶ The Hadīs also appears in the following Sunni compilations, Ahmad Hanbal's Massnad, pp. 86-9, 90-2, Tamzadi, Şahīheh, p. 53, and Ibn Hajar, Şavā'eq, p. 113, as well as others.

⁶⁷ The Holy Qorān, 33:33, Sūreh XXXIII (Aĥzāb). It is commonly agreed by commentators of the Qorān that the verse refers to Moĥammad, Fāṭemeh, 'Alī, Ĥasan and Ĥoseīn. In the Persian tradition they are referred to as the 'Pani-Tan'.

⁶⁸ The Twelve Shi'i Imams:

^{&#}x27;Alī Ībn Abu Ţāleb (d. 40/661)

Ĥasan Ībn 'Alīal-MoĴtaba (d. 49/669)

Ĥoseīn Ībn 'Alīal-Šahīd (d. 61/680)

^{&#}x27;Alī Ībnal-Ĥoseīn Zaīnol-'Abedīn (d. 95/713)

Mohammad Ibn 'Alīal-Bāqer (d. 114/732)

Ĵa'far Ībn Moĥammadal-Şādeq (d. 148/765)

Mūsā Ībn Ĵa'faral-Kāžem (d. 183/799)

^{&#}x27;Alī Ībn Mūsāal-Reżā (d. 203/818)

Moĥammad Ibn 'Alīal-Ĵavād (d. 220/835)

^{&#}x27;Alī Ībn Moĥammadal-Hadī (d. 254/868)

Mūsāal-Kāžem. These were later compiled in books and collections of *Ĥadīś* by Shi'i scholars, that made the Shi'i community self-sufficient except in odd cases where a new question arose or reports conflicted or opinions regarding interpretation differed.

Furthermore Shi'i scholars argue that the term Shi'a and its usage existed at the time of the Prophet himself, although it is has been claimed otherwise. After the death of the Prophet, the Shi'i focal point became centreed around 'Alī. The followers of 'Alī developed a specific understanding of Islam founded on the exoteric and esoteric exegesis of the Qorān based on 'Alī's teachings, and his interpretation of the Prophetic Sonna. The Shi'i Imāms after 'Alī seemed more interested in the continuation of this doctrinal tradition rather then political power. They did not seek implicitly or explicitly to gain political power or partake in any intrigue or plot against the ruling Caliph. Their lack of interest in the political sphere can be further illustrated by the fact that, irrespective of imprisonment, torture and house arrest at the hand of the Caliphs of the time, they did not resort to violent or forceful means. Their role was mainly as interpreters of scripture, teachers of religious sciences and models of piety.⁶⁹

The Shi'i İmāms possessed all the characteristics of the Weberian typology of charismatic authority. The Shi'a refusal to accept the authority of the first three Caliphs and their emphasis on the supremacy of the Īmāms as infallible and designated successors of the Prophet was a departure from the pre-Islamic Arab practices. An examination of the Shi'i concept of authority reveals three distinct characteristics: 1) the perpetuation of the charismatic authority of the Prophet; 2) minimal influence of pre-Islamic traditional Arab concepts of authority; 3) the preservation of the all-inclusive charismatic authority of the Prophet and its prevention from segmentation into different spheres. The Shi'i Īmāms were the living embodiment of the charismatic authority of the Prophet. The leadership of the Īmām is independent of any human recognition as it is considered to be a divine dispension. Weber recognized this when he pointed out that the charismatic leader 'does not derive his right from [the follower's] will.'⁷⁰ In Shi'ism the Īmām is the ultimate theologian and judicial authority.⁷¹

Ĥasan Ībn 'Alīal-'Askarī (d. 260/874)

Moĥammad Ībnal-Ĥasanal-Mahdīal-Montažeral-Qāīm, 260-329/873-940, Lesser Occultation and 329/940- Greater Occultation.

⁶⁹ Ĥā'erī Yazdī, Unpublished Memoirs.

⁷⁰ Weber (1948), p. 246.

⁷¹ Fakhry (1970), p. 41.

Shi'i Islam considered itself the rightful heir to the essential doctrine of Islam and has sought to preserve it as a distinct religious/cultural entity. In terms of the charismatic authority of the Prophet, two trends developed after his death: the routinization and fragmentation of his authority and the transference of his authority, to 'Alī and his male descendants. Weber considers 'preservation' to occur though either traditionalization or routinization. The Shi'i case of Imamate may be said to be a personal preservation or continuation of the Prophet's charismatic authority. The personal continuation of the charismatic authority of the Prophet by the Īmāms prevented the rapid disintegration of the Prophetic authority into various spheres. The Prophet is the sole source of legitimacy for the Īmāms' charismatic authority. Shi'i Islam before the Greater Occultation was a direct continuation of the Prophetic charismatic authority by the Īmāms, which prevented its 'routinization' in the Weberian sense of the word.

However, after the Greater Occulation there was no longer a legitimate claimant to this authority, and thus a process of routiniztaion of the Imam's charismatic authority began. Following the Lesser Occultation this charismatic energy was continued and preserved through the doctrine of agency of the 'Hidden Imam'. However, after the last agent this charismatic energy was claimed by the 'Olama as a collective body as the general representatives of the Hidden Imam. The Shi'a were now faced with an attempt to institutionalize charisma in its pure form. In the Shi'i Īmāms both esoteric and exoteric aspects of the Prophet's charismatic authority were preserved. After the Greater Occultation there was an attempt to preserve this aspect but the practicality of life had led to the routinization of this charismatic authority and its separation into different spheres as had occurred in Sunni Islam after the death of the Prophet. The 'Olama played a crucial role in this process. Although they could not claim the same kind of charismatic authority as the Imams or as the 'Four agents', however, they legitimized their position as representatives of the Imams by virtue of their knowledge and as a collective body of learned individuals. In a very peculiar way Shi'i Islam developed into an institutional form of charismatic authority.

From the death of the Prophet until now, the Shi'i doctrine has evolved and advanced, and left its mark on the societies in which it has flourished. Shi'ism has been a major contributor in shaping social, cultural, political and ideological development in the Muslim world. The extent to which late Shi'ism which we have called "Olamā centred"

Shi'ism, differed from early 'Imamism' and its consequences for the political development of the role of the 'Olama is an ongoing debate, which shall be further examined. The historical development of Shi'ism can approximately be divided into three distinct, but interrelated, cycles. 72 Firstly, Shi'i society during the presence of the Imams, which started from the death of the Prophet in the 11th year of Heĵra, 632 AD and ended in the year 329/940, with the Greater Occultation. During this period the Shi'i community had direct communication with the Imam except for the Twelfth Imam who communicated with the community through his four special deputies, Nā'eb Kāş. The second cycle starts from the death of the last special deputy, 'Alī Ībnal-Samarī, in 940, until the establishment of the Safavid dynasty in 1501. This was a period of renovation and systematization of Shi'i legal theory and jurisprudence, through the works of Kolaynī (d. 940 AD) who is often referred to as the 'Renovator' of the tenth/fourth century, Ibn Bābuya (d. 991 AD), Al-Mofid (d. 1022 AD), Al-Morteżā (d. 1044 AD), Al-Ţūsī (d. 1067 AD) who laid the foundations of Imamī rational theology and the principles of jurisprudence, Osūlol-Feqh. During the thirteenth/seventh and the fourteenth/eightieth century Shi'i theology became cannonized, through the efforts of the great Shi'i philosopher and theologian Naṣīrod-Dīn Tūsī (d. 627 AD) and Allāmeh Ībnol-Moţahar Al-Ĥellī (d. 726 AD). The third cycle commences with the Safavid dynasty in 1501.

Ali's rule marked the beginning of the first cycle. Twenty-five years after the death of the Prophet in the year 665, 'Alī assumed the caliphate. The circumstances leading to 'Alī's Caliphate may be best explained in the words of 'Alī himself: 'At that moment, nothing took me by surprise, but the crowd of people rushing to me. It advanced towards me from every side like the mane of the hyena so much so that Ĥasan and Ĥoseīn were getting crushed and both ends of my shoulder garment were torn. They collected around me like a horde of sheep and goats...'⁷³. Apart from the short rule of Al-Ĥasan, the other Shi'i Īmāms did not assume political leadership, and tended to abstain from politics. During the Iranian revolt against the Umayyads in the eighth/second century, Ābū Moslem-e Ķorāsānī, the leader of the rebellion, approached Īmām Ĵa'far Ībn Moĥammadal-Şādeq (d. 765 AD), offering him allegiance and asking him to claim the

⁷² Šahrestānī (1350 SH/1971), p. 122.

⁷³ Nahjul Balagha, Sermons, letters and sayings of Imām 'Alī Ibn Abu Tableb. 'The sermon of Ash-Shaqshaqiyyeh'. The rest of the sermon deals with 'Alī's view about the first three Caliph's rule and the troubles created by his opponents during his own rule, pp. 105-119.

caliphate. Ĵa'faral-Ṣādeq refused. According to Āštīyānī, 'not only did Ĵa'faral-Ṣādeq decline the offer of caliphate, but forbade all other members of his household to accept it.'⁷⁴ In 822, Ṭāĥer Ībn Ĥoseīn, the founder of the Tahirid Dynasty and the governor of Ķorāsān, removed the name of 'Abdollāh Mā'mūn Ībn Hārūnal-Rašīd the seventh Abbassid Caliph from the prayer sermon.⁷⁵ He then sought allegiance with the Shi'i Īmām of the time, Moĥammad Ībn 'Alī Al-Ĵavād (d. 835 AD), who refused, and did not allow his name to be placed in the sermon. Consequently Ṭāĥer Ībn Ĥoseīn placed the name of one of the sons of the Seventh Shi'i Īmām Mūsā Ībn Ĵa'far in the sermon.⁷⁶ The Alawids of Ṭabarestān ruled most parts of Māzandarān and Gīlān in the northern parts of Iran, between 864-928. The Alawids also attempted to seek allegiance with the Shi'i Īmām 'Alī Ībn Moĥammad Al-Hadī (d. 868 AD) and Ĥasan Ībn 'Alī Al-'Askarī (d. 874 AD) and both refused. The Buyid dynasty (928-1041 AD) were a Shi'i dynasty, and thirteen years of their rule coincided with the life of the Twelfth Īmām, before the Greater Occultation, and there was no attempt on the part of the Twelfth Īmām to seek political power or recognition by the Buyids.⁷⁷

According to Shi'i history and tradition the Twelfth Imām was born in the year 868, and from 873 he went into hiding fearing for his life and safety. The period between 873-940 is known as the period of the Lesser Occultation, *Ĝeybat-e Şoĝrā*. During this period the Imām communicated with the Shi'i community through his four special deputies, *Nā'eb Ķāṣ*, who were 'Ośmān Ibn-Sa'īd, Moĥammad Ibn 'Ośmān, Ĥoseīn Ibn Rūĥ-e Nowbaķtī, and 'Alī Ibn Moĥammad Al-Samarī. The special deputies of the Twelfth Imām, during the Lesser Occultation, acted by his direct appointment and made no claim to political leadership on his behalf or in his stead.⁷⁸ In 940, the Imām is reported to have given the following letter to his fourth and last special delegate, 'Alī Ibn Al-Samarī. The letter reads:

'Oh 'Alī Ībn Moĥammad Al-Samarī hear this, may God increase the reward of your brethren at the time of your death. You will die in six days' time. Hence, sort out your affairs. Do not choose any other person as your successor. The Greater Occultation is nigh. There shall be no manifestation [of the Īmām]

⁷⁴ Āštīyānī (1362 SH/1983), pp. 87-8.

⁷⁵ The name of the reigning Caliph, was mentioned in the sermon after each prayer, particularly after the Friday prayer, as the 'leader of the faithful', whose obedience was obligatory for every [Sunni] Muslim.

⁷⁶ Āštīyānī (1362 SH/1983), p. 109 & Mo'īn (1358 SH/1979), p. 1075.

⁷⁷ Ibid., p. 51 & 158.

⁷⁸ Sachedina (1981), pp. 86-99.

until a time ordained by God, [which will be] after the passing of time, the hardening of hearts and the increase of injustice upon the earth. Soon there shall be those among the Shi'a who will claim to have seen me. Beware, whoever claims to have seen me before the revolt of Sofyānī, and the ethereal roar of thunder, is lying and claiming falsehood upon me. There is no power or majesty except that of God.'79

This letter marks the commencement of the Greater Occultation, *Ĝeybat-e Kobrā*, and adamantly rejects any claim by any group or individual to be representative of the Twelfth Īmām.

Post-Occultation Shi'ism and its Consequences for the 'Olamā

With the Greater Occupation, the first cycle, during which the Shi'i Īmāms were among the community and accessible to them, came to an end. Contrary to what is often assumed, the main framework of the Shi'i thought, as a distinct and audible doctrine, took shape within the first cycle of Shi'i development, and not after the Greater Occultation. The dedication to the furtherance of knowledge and Islamic science became particularly marked from the time of the Fifth and Sixth Īmāms, Moĥammad Ībn 'Alī Al-Bāqer (d. 732 AD), and Ĵa'far Ībn Moĥammadal-Şādeq (d. 765 AD). Twelver Shi'ism developed a distinct doctrine and system of jurisprudence under the leadership of the Fifth and Sixth Īmām. As previously mentioned, the Īmāms were presented with numerous opportunities and offers of allegiance by various groups, who had seized power by force, often in the name of the Household of the Prophet, *Ahlol-Baīt*, and which they declined.⁸⁰

Arjomand argues that 'Al-Baqir and Al-Sadiq's disapproval of armed rebellion signified the subsistence of this worldly eschatological millenniumism and its replacement by religious legalism of Al-Baqir and a quietistic mystical piety of Al-Sadiq. Al-Sadiq's injunction to the Shi'a to transact with the rest of the Muslims and enter the services of non-Shi'i governments signified the acceptance of the world.' It must be pointed out that the Shi'i legalism which developed had as its basis the inherent illegitimate rule of the Caliph, and was thus fundamentally different in its approach to its Sunni counterpart. The quietistic mystical piety of Al-Şādeq did not signify an acceptance of the nature of the rule of the Caliph. The question was not the acceptance or the negation of the world, but rather, the unjust nature of political rule, which remained a fundamental concept of the

⁷⁹ Țabarsī (1335 SH/1956), p. 168 & Maîlesī (1362 SH/1984), p. 928.

⁸⁰ Ĵa'farī Langarūdī (1368 SH/1988), p. 46.

Shi'i doctrine. The permissibility of 'entering the service of non-Shi'i government' did not negate the unjust and thus illegitimate nature of that government. As long as a fallible assumed rule at the expense of an infallible, that government was fundamentally illegitimate. The government was illegitimate to the extent that it claimed to be based on Islamic principles, and to be the administrative apparatus of Islam. Therefore it can not be argued that the Fifth and the Sixth Imāms, through 'legalism' and 'quietisite mystical piety', sought a more pragmatic and thus 'accommodatory' theory of Shi'ism, as did the Shi'i 'Olamā in later years, which marked their acceptance of the world. Shi'i legal theory was centred around the praxis of 'unjust' political rule, which was taken as a priori and did not need to be repeatedly mentioned. Furthermore, Shi'i scholars argue that the emphasis on doctrinal expansion does not signify a change in the Shi'i approach. Even 'Alī's primary concern was not political leadership, as substantiated by 'Alī's refusal to accept the allegiance of 'Abbās Ībn 'Abdol Moṭaleb and Ābū Sofyān during the Saqīfeh [Banī Ṣādeq] assembly.⁸²

The period commencing with the Greater Occultation until the establishment of a Shi'i state by the Safavids in the sixteenth century, marks the formative years of the development and expansions of Shi'i doctrine. This period witnessed the rise of Shi'i doctors of law, and further specialization of Shi'i jurisprudence. The foundation of Shi'i jurisprudence, Feqh, is based on four principal codices, known as 'Oşūl Arba'eh.'83 These four books compromise of Kolani's (d. 940 AD), Oşūlol-Kāfī, Ībn Bābūyeh's (d. 991 AD), Man-Lā-Yahžarol Faqīh, Šeīk Ṭūsī's (d. 1067 AD), Estebṣār and Tahžīb. The 'Four Principles' are derived from 400 treaties on Aĥādīs'84 of the Shi'i Īmāms, often written during the lifetime of the particular Īmām. These three scholars systematized these 400 treatises into four principle codices, which form the basis of Shi'i legal theory and jurisprudence. During the Il-Khanid period Shi'i theology became cannonized through the efforts of the great Shi'i philosopher and theologian Naṣīrod-Dīn Ṭūsī (d. 627

⁸¹ Arjomand (1984), pp. 101-2.

⁸² Bohlūl Afandī (1370 SH/1991), pp. 98-100.

⁸³ In Persian, the Four Principles are referred to as 'Čāhār Asl'.

⁸⁴ Plural of Ĥadīś, narrated traditions relating to deeds and utterances of the Prophet and the Īmāms. The Sunni definition of Ĥadīś includes the Prophet and his companions.

⁸⁵ An index to these four hundred treatises was compiled by Ibn Ĝażāerī.

⁸⁶ Mo'īn (1358 SH/1979), p. 10548.

H). The work of Naşîrod-Dîn Ţūsī was continued by his student Allāmeh Ībn Al-Moṭahar Al-Ĥellī (d. 726 H), and his son Fakrod-Dīn Moĥammad Al-Ĥllī (d. 771 H).⁸⁷

Arjomand argues that the pre-Safavid Shi'ism showed two distinct features of development. On the one hand, the development of 'urban' intellectual Shi'ism, on the other hand the development of 'undisciplined', 'extremist' Shi'ism based on devotionalism towards the Imams. 88 The analytic division imposed by Arjomand seems to be influenced by the works of Max Weber and Ernest Gellner and the historical reassessment of 'Shi'i modernists'89 who emphasize the rational aspect of Shi'ism with a complete negation of its mystical and esoteric character. However, these two aspects are not always as separate and clear-cut as is suggested here. The rational side of Shi'ism is deeply imbedded within its esoteric principles, precisely because of the doctrinal basis of Shi'ism, as discussed earlier. Therefore, 'rational Shi'ism' cannot completely negate 'devotional Shi'ism' without questioning the very prerequisite of Shi'i doctrine, namely infallibility. Esoteric Shi'ism and its popular manifestation, 'devotional Shi'ism', provide a safeguard against the acquired privileges of the theologians as only the Imams are worthy of devotion. Furthermore, after the Greater Occultation, Shi'i 'Olama were turned to for matters of religious guidance, so the 'rational' work of these scholars was publicly reflected through the advice they provided for the Shi'i community. Arjomand's interpretation of early Shi'ism is heavily influenced by recent developments in the spread of 'rational' [political] Shi'ism, which seeks to rid Shi'ism of all its esoteric basis, and the inferring outcome of which is the innovatory concept of the 'Rule of the Jurist' or Velayat-i Faqīh.

According to Kohlberg, early pre-Occultation Shi'ism was fundamentally distinguished by the recognition of the injustice and inherent illegitimacy of temporal rule, and the recognition of the Īmām as the 'right ruler'. During the tenth century AD various Shi'i theologians and jurists elaborated Shi'i juristic literature in such a way as to make it as flexible as that of the Sunni counterpart, thus attributing hitherto non-existent rights and privileges to themselves. ⁹⁰ After the Greater Occultation, the ultimate repository of

⁸⁷ Āštīyānī (1362 SH/1983), p. 527.

⁸⁸ Arjomand (1984), p. 31.

⁸⁹ For example 'Alī Šariattī, the ideologue of the Islamic Revolution and Naĵaf Ābādī (1361 SH/1982), p. 12. Naĵaf Ābādī rejects Ĥoseīn's foreknowledge of his faith and reconstructs the drama through 'ordinary and natural causes'. He tries to impose a 'rationalistic' framework on the episode of Karbalā and thus challenges the concept of the 'knowledge of the Īmām' and esoteric Shi'i interpretation of the episode. 90 Kohlberg (1976).

the law was absent, and the Shi'i community had no means of direct access to the Imām, which had two major consequences. 'Firstly, the clerical class became the medial expositors of the law. Secondly, the denial of any immediate threat to de facto power (the legitimate ruler being absent) rendered possible a variety of approaches to the government of the day.'91 Only the Imām of the Age is able to fully implement the Šarī'ah; in his absence all politics is devoid of legitimacy, and certain functions of the Imām are thus considered lapsed, *Sāqeţ*.

Šarīfol-Mortežā⁹² and Moĥammad Ībn Ĥasanal-Ṭūsī⁹³ were responsible for major contributions to Shi'i jurisprudence in the tenth century, and they both affirm the theory of lapsing, *Soqūţ*. The executive functions of the Īmām during the period of the Greater Occultation remain inoperable until the return of the Īmām, who will fully and rightfully implement the Šarī ah. Calder argues that the doctrines of Occultation attest a denial of political legitimacy as well as an abstention from active political opposition. In the absence of the Hidden Īmām, no temporal rule has any claim to legitimacy. Through gradual appropriation, the 'Olamā had come to assume some of the 'lapsed' functions of the Īmām. In practice, however, the function of the 'Olamā as defined by the theory of jurisprudence did not cover all aspects of government. Their executive powers did not cover the maintaining of order or the defence of the country.

In the major works of jurisprudence up to the Sixth century, the principles of governance are discussed only twice, once under a just and rightful Soltān and once under an unjust ruler. The recognition of the fact that any government during the Occultation was considered illegitimate did not prevent some kind of modus vivendi, by varying from support for the relatively, just ruler, to disassociation and dissimulation, $Taq\bar{\imath}yeh$ under unjust and hostile rulers. In this way, practical support was offered, and cooperation was established with acknowledged illegitimate temporal power. Some Olamā thought it preferable, Mostahab and some even obligatory, $V\bar{a}\hat{\jmath}eb$ to work for and support a relatively just governor, and 'undesirable' but permissible, $J\bar{a}'ez'$, to work for a relatively unjust ruler. It was through the ability to define and classify governments as 'just' or

⁹¹ Calder (1982), pp. 2-20, p. 4.

⁹² Šarīfol-Morteżā (1374 SH/1995), pp. 40-41.

⁹³ Al-Tuesī (1965), p. 64.

⁹⁴ Calder (1982), pp. 2-20, p. 4.

⁹⁵ Ibid.

⁹⁶ Madelung (1980).

'unjust' and the conditions under which it was $V\bar{aj}eb$ or Mostahab, $Makr\bar{u}h$ preferable to abstain, or $J\bar{a}$ 'ez, to work with them, and when and which government to support, that the 'Olamā were able to exert real influence and pressure on governmental politics. Although ultimately the just rule can only be the Imām, however, the degree of 'relative justice' of a government, as assessed by the 'Olamā as the general representatives of the Imām, is the deciding factor as to whether it is Mostahab, $Makr\bar{u}h$, $J\bar{a}$ 'ez or $V\bar{aj}eb$ to cooperate with such a government. Madelung introduces the concept of 'derivative, functional legitimacy' in his study of Šarīfol-Mortezā's treaties. He argues that a ruler may be considered just if he recognizes the Imāms, administer their commands, and rules by the Šarī'ah. Madelung, refers to the junction of the 'just ruler' as 'derivative, functional legitimacy'. This is a helpful concept in clarifying the concept of 'relative justice', while acknowledging that legitimacy belongs primarily and intrinsically to the Imāms.

If one accepts that the doctrine of Occultation affirmed a denial of political legitimacy, then the fact that the Twelfth Imam had not assumed a political role before his Occultation meant that the Occultation had more serious consequences in terms of the 'non-political' functions of the Imam. Furthermore, there is no reason to suggest that post-Occultation Shi'ism entailed a particularly marked abstinence from political opposition, as compared to pre-Occultation Shi'ism. Political abstinence had been the practice of Shi'i Imams from the seventh century onwards. Calder has rightly pointed out the concept of 'illegitimacy' of temporal rule within the Shi'i doctrine. However he has failed to make the following analytical distinction: within the Shi'i doctrine, the concept of illegitimacy of temporal rule is applicable to a government which claims to be Islamic, or partaking in the spiritual charisma of the Prophet, by any other person than the Imams. This does not necessarily mean that any government is inherently illegitimate. The political consequences of the Occultation are often stressed without considering its spiritual and religious consequences.

The historical unfolding of Shi'i jurisprudence departed from the original doctrine, as the executive functions of the Imam were gradually re-expressed and 're-invented' in various ways as 'rightfully' belonging to the *Foqahā*. The tradition most quoted as support for the justification of the authority and leadership of the 'Olamā in the absence of

⁹⁷ Madelung (1980), p. 30.

the Imam is based on two Aĥadīś, but with a particular emphasis on the second. The first Ĥadīś states:

[The Sixth Imam, Ja'far Ibn Mohammad, known as Al-Sadeq said:] 'The 'Olama are the inheritors of the Prophet. Therefore be aware from whom you obtain your knowledge.⁹⁸

The second *Ĥadīś*, known as the tradition of 'Omar Ībn Ĥanžaleh, states that the Imām, upon being asked whether Muslims were permitted to take their disputes over debts and inheritance rights to the temporal rulers, answered quoting the Qorānic verse (4:6) in which those who 'go for judgment' to falsehood, $T\bar{a}\hat{g}\bar{u}t$, are admonished. The exact wording of the *Ĥadīś* is as follows:

"Omar Ibn Ĥanžaleh said: "I asked Ābū 'Abdollāh [Al-Şādeq] if two groups among the Shi'a have a dispute over a debt or inheritance is it permissible [Ĥalāl] for them to refer to the official judge of the Caliph for a verdict?" Imam Şadeq replied: "If someone refers to them [the official judges] it is like referring to falsehood and Satan." I asked: "So what must they do in order to resolve their disputes?" Imam Şādeq answered: "They must look and search for someone who has narrated our *Ĥadīś*, and has accurate knowledge and precise execution of all that which is permissible and that which is forbidden in our doctrine, and ask him. They must refer to such a person to judge between them, as I have chosen such a person from among you. They must accept his judgment, for if they do not they have rejected the judgment of God, and rejected us. If someone rejects us, then they have rejected God, and this is the same as polytheism and idolatry"..., 99

The Imam was then asked, what if there were different verdicts based on different Hadīś ascribed to the Imams? He is reported to have made the following reply: 'Then the opinion of the most just and learned should be taken.' Ibn Ĥanžaleh then asked, 'What if all judges are equally just and learned?' 'In that case', the Imam answered, 'one should look into the Aĥadīś which are attributed to us, accepting that which enjoys consensus of our followers [$Ash\bar{a}b$], and rejecting the one which is narrated by only a few [witnesses], as that which is the subject of consensus should not be doubted.'100 In this *Ĥadīś*, there is no mention of arriving at a verdict through independent reasoning or *Īĵtehād*, only the importance of consensus based on Ahādīś is stressed. Furthermore, there is no mention of any particular group who has sole monopoly over reported traditions.

⁹⁸ Kolaynī (1348 SH/1969), p. 32.

⁹⁹ Ibid., p. 67, Ĥadīś, no. 10.

¹⁰⁰ Ibid., pp. 87-88.

Coulson maintains that a transition took place in Shi'ism after the Greater Occultation of the Twelfth Imam from a more restricted form to a more flexible version. He argues that as a result of the Occultation of the Imam, the exposition of law has been the task of qualified scholars, Moîtaheds. However, as much they may have been regarded as the deputies of the Imam and working under his influence, their use of human reason, 'Aqel, to determine the law has been accepted as necessary and legitimate. 'Inevitably, therefore, the concept of probable rules of law, Zan-e Mo'tabar, and the authoritative criterion of consensus have been recognized by the Ithna-Asharites [Twelver Shi'a] and their system is certainly not without its variant scholastic opinions.¹⁰¹ Two points need to be emphasized: Firstly, his account of early Shi'ism is not entirely accurate, as there were only four specific deputies, Nā'eb Ķās, after the Occultation, and as the letter of the Twelfth Imam to his last special deputy clearly specifies, no one individual or group could claim legitimacy as the deputy of the Imam, or claim to have had communication with him. However, the 'Olama came to gradually assume the position of general deputy, $N\bar{a}'eb'\bar{A}m$, of the Imam, and the reasons for this development will be discussed later. The 'Olama's claim to being the general deputy of the Imam is not recognized as legitimate by all members of the Shi'i community. Secondly, even if one accepts Coulson's account of early Shi'ism as accurate, one question still remains: whether the transition from that form to a more flexible version took place merely by force of circumstances or whether the fundamental principles of Twelver Shi'ism contained the possibility for this change?

Enayat views this development as a sequel to the Shi'i case for the Imamate. 102 The argument is as follows: if the Imāms are charged with the duty of guiding the Muslims after the end of the 'cycle of revelation', the 'Olamā and Moĵtaheds are charged with the duty of guiding the Muslims after the end of the 'cycle of Imāmah'. The difference of course is that the 'Olamā do not, and cannot, partake of the quality of 'Eşmat of the Imāms. Thus, the logic of the theory of Imamate was elaborated to encompass the 'Olamā. The 'Olamā have extended the Shi'i concept of authority to be inclusive of themselves. It is claimed that the chain of authority leads from the Divine to the Prophet and to the Imāms, and thence from the Imāms to the 'Olamā. The logic applied here negates the first premise of the Shi'i doctrine: 'Eşmat of the Imām is a priori

¹⁰¹ Coulson (1978), pp. 10-78.

¹⁰² Enayat (1982), p. 5.

to his justice, knowledge, and supreme spiritual and political leadership of the community. It was the 'Eşmat of the Īmāms which set them aside from rest of humanity. If the fundamental quality of 'Eşmat is missing then the rest of the argument of Imamate does not hold. Furthermore, the last letter of the Twelfth Īmām that is accepted as authentic by all Shi'i 'Olamā clearly rejects claims to a privileged position by any group or individual. The 'Olamā claim their privileged position by virtue of their knowledge, but within the Shi'i doctrine any knowledge other than 'Elme Ladonnī, which belongs solely to an infallible, is not considered as substantiating such a claim. It may thus be argued that the claims of the 'Olamā do not have doctrinal basis, but rather sociopolitical ones.

By the sixteenth century, the assumption that the 'Olama and Mostaheds are charged with the duty of guiding the Muslims after the end of the 'cycle of Imamah' had became more or less generally accepted. This resulted in what we have termed terminological innovation, Bed'ate Loĝavī, whereby the Foqahā were now recognized as $N\bar{a}'eb$ ' $\bar{A}m$ of the $\bar{I}m\bar{a}m$.¹⁰³ The only executive function of the $\bar{I}m\bar{a}m$, which was not considered as transferable to the Fogahā, was that of Ĵahād for the sake of expansion. The elaboration of the theory of general delegation reflected the consolidation of clerical authority within certain spheres of life. In the tenth and eleventh century, the theory of general delegation referred primarily to judicial authority, as the executive functions of the Imam were considered lapsed, Saget. In the subsequent period, between the eleventh and sixteenth century, the 'Olama came to gradually assume most of the exclusivist duties of the Imam. These included the control of canonical taxes, Koms and Zakāt, and defensive, Jahād. One important consequence of the doctrine of 'general delegation', was the financial independence of the Shi'i 'Olama from the state, in terms of their acquired right to collect and administer the religious taxes of Koms and Zakāt. The Sunni 'Olamā, however, did not acknowledge the continual validity of Koms as applicable and only recognized the governmental collection of Zakāt.

Another aspect which is particular to Shi'ism and is derived from the acceptance of the principle of Iĵtehād is the office of *Marĵa'* Taqlīd. The *Marĵa'* is the highest religious authority whose ruling and opinions should be accepted by all members of the Shi'i community. The concept of imitation Taqlīd of a Moĵtahed [one who practices Iĵtehād] as incumbent upon the believers, was first explicitly expressed in the works of

Hasan Ibn Yusef Ibn Moţahhar Al-Hellī Al-'Allāmeh (d. 1325 AD), and is indispensable from the growth of power and prestige of the 'Olama in later years. However, this office did not exist in Twelver Shi'ism until the middle of the ninetieth century. It was introduced by Šeīk Morteżā Anṣārī (d. 1864 AD), whereby the most learned of the 'Olama was recognized as worthy of being imitated by all members of the Shi'i community in his spiritual pronouncements. This move centralized the hitherto pluralistic system of scholarship and spiritual guidance in Shi'ism. The believers were urged to follow and imitate the example of a Moîtahed, and to act in accordance to their opinions and rulings. The obligation of the Shi'a to follow a Moîtahed is also based on their duty of loyalty and obedience to the Hidden Imam, which is transferred to his representatives, namely the 'Olama. 104 The lay follower or imitator, Mogalled, must pay his contribution of canonical taxes to the Marĵa' Taglīd. Spiritual centralization was soon followed by financial centralization. Thus a growing proportion of the donations of the faithful, known as the Imam's share, Sahmiveh Imam, made previously to the local and provincial clergy were now paid to the Marja' Taglīd. It was the result of this spiritual and financial centralization that enabled subsequent 'Olama to lead mass movements, which will be fully discussed later. The 'construction' of the concept of Marĵa' Taglīd presents another example of the working of the mundane forces in religious affairs; 105 it also demonstrates the gradual acquisition of extra powers by the 'Olama, as ascribed to them by themselves.

The Shi'i 'Olamā did not recognize the $\check{S}ar$ ' $\bar{\imath}$ legitimacy of the government, and, as ' $N\bar{a}'eb$ ' $\bar{A}m'$ Imām, made themselves his executors and thus they focused on religious finances. In particular, they were able to justify their monopoly of Koms, which became their primary source of income. The financial independence of the Shi'i 'Olamā from the government made admissible a certain degree of opposition and resistance, which were absent among Sunni clerics, as they were much more tied to and restricted by the government. Furthermore, among the Shi'i 'Olamā the recognition of a fully qualified $Faq\bar{\imath}h$ was dependent on the strength of his public following, and the subsequent financial support. In so far as the Shi'i 'Olamā were dependent on public opinion for recognition

¹⁰³ Elisah (1969), p. 26.

¹⁰⁴ Elisah (1969), p. 26.

¹⁰⁵ Enayat (1982), p. 162.

¹⁰⁶ Calder (1982), pp. 2-20, p. 5.

and financial support, to this extent they were bounded by public opinion. ¹⁰⁷ Thus, the 'Olamā frequently followed as well as led public opinion. The theory of the $Faq\bar{\imath}h$ as the rightful representative and executor in the absence of the $\bar{I}m\bar{a}m$, and the recognition of governmental power as illegitimate, did not prevent the emergence of a variety of accomodatory theories and the emergence of various approaches to political power. The Shi'i 'Olamā were influential both before, during and after the Safavid period, but although they never claimed to have created an ideal $\check{S}ar'\bar{\imath}$ government, ¹⁰⁸ and the potential for the rule of the jurist implicit in the theory of general delegation was rarely stressed.

The accommodatory theory of Shi'i jurisprudence sought to solve the practical problem of establishing a modus vivendi with actual governments, and to this extent deviated from what is often referred to as 'Shi'i idealism' and to contain many features of 'Sunni pragmatism'. The original Shi'i doctrine or 'Shi'i idealism' does not lend itself to flexibility or practical re-evaluation, according to the needs of the time. However, the accommodatory theory of jurisprudence as developed by the 'Olama throughout the centuries after the Greater Occultation allowed for 'constructive' political theory to take precedence over the esoteric doctrine of Shi'ism. It was based on the assumption that during the Occultation the governing inception would not be synonymous with the religious one. The structural ground for the debate was the acceptance of the implementation of the Šarī'ah by a qualified Faqīh, which made accommodation possible, and represented the decisive right of the 'Olama to oppose, resist or to influence. However, it must be pointed out that the Occultation of the Imam and the theory of the inherent injustice of temporal rule until his return led to a separation of the Shi'i 'Olamā into two distinct categories, those 'Olama who piously withdrew from the political sphere, viewing it as unjust and inherently illegitimate in the absence of the Imam, and those who actively endeavoured to subjugate political power. This development occurred after the Greater Occultation, continued throughout the Safavid, Qajar and Pahlavī periods, and even exists among the 'Olamā today. 110

¹⁰⁷ Lambton (1962-64), pp. 115-36, p. 118.

¹⁰⁸ Until the Islamic Republic of Iran, this could be viewed as the eventual and decisive outcome of the potential for the rule of the jurist implicit in the theory of 'general delegation'.

¹⁰⁹ See Enayat (1982), & Calder (1980).

¹¹⁰ Dūlatābadī makes an important distinction between 'worldly 'Olamā', Donyavī, and 'spiritual 'Olamā', Ma'navī or Ahle Manā. He describes the 'worldly 'Olamā', as 'those whose quest for worldly

Arjomand rejects the concept of the inherent illegitimacy of temporal rule. He argues that 'the development of Imāmī Shi'ism into a sectarian religion within the Islamic body politic entailed a de facto depoliticization of the conception of political leadership, the Imamate. The gradual delimitation of the religious sphere by the corpus of the religious literature on theology and jurisprudence, by omission, relegated temporal rule to the sphere of the profane. The sublimation of the mahdistic tenet in the doctrine of Occultation assured the continual secularity of the political sphere to the end of time.' In Shi'ism the Greater Occultation accentuated the divorce between Imamate and political rule, and further enhanced the differentiation of the religious and political sphere. Arjomand argues that, with the development of systematized jurisprudence, Imamate became a purely theological topic and its practical implications diminished. Thus the importance of Imamate as a topic of public law was greatly reduced and Imamate became a topic in sacred history. However, philosophical treatments of the topic of Imamate became more rigorous and more elaborate. After the Greater Occultation, Imamate became distinct from mundane politics. Italian into a sectarian religious within the Islamic became distinct from mundane politics.

The conceptualization of Imamate by Kolaynī gave rise to a metahistorical utopia of divine guidance through the Imāms. However, the properties of this 'Shi'i' utopia as opposed to the utopia of the golden age of the Rightly Guided Caliphs, were such that, while the former provided for the pursuit of a theocracy, the latter was unsuitable as a basis for the sacralization of the political sphere and of political action. The unabridged gap between dogma and political reality made idealistic theological abstraction rather than legal positivism the distinctive mark of the Shi'i doctrine of Imamate. Arjomand proposes that Imamate was integrated into the Shi'i theological system and not into Shi'i jurisprudence, and thus this enabled the jurists to develop a political theory. It was not until the thirteenth/seventh century that the topic finally appeared in Shi'i jurisprudence. The distinctiveness of Twelver Shi'ism is in the 'secularization' of politics and the 'separation and reciprocal independence of the theological and political spheres'. 114

domination, Rīyāsat Ma'-ābī, outweighs their religious aspects, who intermingle with state functionaries, hold religious court and gain large fortunes. He describes the 'spiritual 'Olamā', as 'those who have no relations with state functionaries, who do not interfere in the administration of the law and avoid worldly luxuries.' Dūlatābadī (1371 SH/1992), pp. 50-54 & 134.

¹¹¹ Arjomand (1984), p. 260.

¹¹² Ibid., pp. 36-7.

¹¹³ Ibid., pp. 37-8.

¹¹⁴ Scarcia (1975), pp. 118-19.

However, it could also be argued that the development of post-Occultation jurisprudence resulted in not only the 'secularization' of politics but also in the 'politicization' of Imamate. Thereby the 'Olama justified their involvement in political sphere through the 'innovation' of the concept of 'general delegation', in the absence of the Īmām. Arjomand's argument assumes a separation between Shi'i theological system and Shi'i jurisprudence. Nevertheless, if and when the metaphysical and esoteric basis of Imamate were reduced to 'sacred history', the 'fallible' 'Olamā came to assume and perform the exclusive functions of the 'infallible' Imam, deriving their authority from this very 'sacred history'. Therefore the separation between 'scared history' and 'jurisprudence' could not have occurred completely. It may be argued that in as much as politics was secularized, religion was politicized. Furthermore, if it is argued that there occurred a shift in emphasis from 'this worldly eschatological millenniumism' to 'religious legalism and quietisitc mystical piety' from the time of the Fifth and the Sixth Imams, when the foundations of Shi'i jurisprudence were laid, then how can the Imamate not have been 'integrated into Shi'i jurisprudence' by the Īmāms themselves? One may argue that, due to the fact that the Imams [with the exception of 'Alī and short rule of Ĥasan] did not assume political leadership, in effect a 'separation and reciprocal independence of the theological and political spheres' had occurred early on in Shi'ism. However, this was as much a characteristic of pre-Occultation as it was of Post-Occultation Shi'ism, and is by no means because of the ability of the Shi'i 'Olama to develop a political theory. What the 'Olama did achieve was in effect the sacralization of the profane by means of basing their political aspirations on a religious premise.

Arjomand criticizes Calder's concept of 'illegitimacy'. He argues that a group of Western scholars writing about nineteenth century Iran state their arguments in general terms without any reference to Shi'i juristic writings from the earlier periods, or for that matter from the nineteenth century. Calder's work is vitiated by non-sequitur allegations of inevitable illegitimacy of de facto powers and an anachronistic bias in the interpretation of the earlier periods. 'The Occultation of the Twelfth Imam does inaugurate a period in which divinely inspired and infallible authority in religion and in political leadership can not be obtained. But while appreciative of the gradual establishment of valid opinion, Zan-e Mo'tabar, as the relevant criterion for legitimacy of legal norms during the occultation, Calder fails to note the inevitable change in the criterion of legitimacy of political authority which is the exact logical parallel of the change in the criterion of

legitimacy of religio-legal authority. Calder has studied Shi'i jurisprudence, but his notion of 'legitimacy' is doubtless not a category of Shi'i law. Calder's assumption is that if the Shi'i theory of historical Imamate of 'Alī and his descendants were positive public law of the period of occultation - i.e, if it were tantamount to modern Constitutional theory - temporal rulers would be illegitimate until the end of time. As has been pointed out the assumption is false.¹¹⁵

There is need for clarification of two different concepts, which although interrelated are not the same thing. Firstly, inherent 'illegitimacy of political rule' within Shi'i doctrine refers to illegitimacy to claim 'Islamic rule' during the presence or the Occultation of an Imam. In other words, a claim on the part of any ruler, other than the Twelve Imams, to be the supreme spiritual and political leader of the Muslim community is illegitimate - i.e. If the claim is made on Islamic basis as was the claim of the Caliphs. This does not mean, as Calder claims that any political rule is inherently illegitimate. It is illegitimate only as far as it entails a religious claim. It is precisely for this very reason that the 'Olama's claim to being 'Nā'eb 'Ām' of the Īmām, which is the perquisite for their increased political involvement, is an innovation. Secondly, as Arjomand correctly pointed out, the notion of 'legitimacy' is not a category of Shi'i law, but, the relative justice of temporal rule is, as only the rule of an Infallible is absolutely just, which is the premise for the arguments of illegitimacy. It may be concluded that while any assertion on the part of a ruler, other than the Twelve Imams, to supreme spiritual and political leadership of the Muslim community is illegitimate, in the presence or absence of the Imam, however, the criterion of Justice is still applicable, be it only in relative terms, to temporal rule in general. Thus political rule must be judged in relation to its level of justice, and to this extent the concept of illegitimacy is an inherent part of Shi'i jurisprudence.

The second cycle of Shi'i development (940-1945), can be further divided into two distinct parts. Part one (940-1051), which lasted about six centuries, is distinct from the second phase in that during this period the Shi'i community lived as a minority group under Sunni rule. Like most minority groups in history, the Shi'a faced persecution at the hands of often hostile governments, with a few minor exceptions of local or Shi'i -friendly rule such as that of the Seljuk ruler Malek Šāh (1072-1104) who ruled over Iran, Greater

¹¹⁵ Arjomand (1984), p. 280.

Syria (Šāmāt) and parts of Iraq (Beīnol-Naĥreīn),¹¹⁶ and Solţān Moĥammad Ķārazmšāh (1199-1220), who removed the name of Nāṣer the 35th Abassid Caliph from the sermon and replaced it with one of the descendants of Ĥoseīn Ībn 'Alī, the third Shi'i Īmām,¹¹⁷ and Solţān Moĥammad (1303- 1316), who converted to Shi'ism. The only other short episode of Shi'i rule before the Safavids was that of the Sarbedārān (1335-1386).

The revolt of the Sarbedārān in the eastern part of Iran, Ķorāsān, is said to have been the precursor of the Safavid Dynasty. The rule of the Sarbedārān, like the Safavids after them, was based on the Sufi concept of the 'guide' and the 'disciple'. The Sarbedārān were explicitly anti-Sunni, and their aim was the augmentation and development of the Shi'i message. The leaders of the Sarbedārān movement had ongoing correspondence with Shi'i 'Olamā outside Iran, in particular in the Ĵabalol-Āmel region of Southern Lebanon. Some of these 'Olamā were invited to Ķorāsān to educate the people and popularize the Shi'i doctrine. Šeīķ Šamsod-Dīn Moĥammad Makkī, known as Šahūd-e Avval¹¹⁸ (d. 1384 AD) sent his famous book Al-Lom'at ūd-Damešqīyeh to Solţān Moʻayed Sarbedārī, so that his Fātvās could be used as a basis of emulation for the growing Shi'i community in Iran Al-Lom'at ūd-Damešqīyeh is one of the most renowned books of the Īmāmī tradition and is still being taught in theological schools throughout the Shi'i world.¹¹⁹

During part one of the second cycle of Shi'i development, prior to the establishment of the Safavid dynasty, the Shi'i community lived under Sunni rule. Thus the cardinal tenets of Shi'i jurisprudence evolved largely under Sunni rulers. The case of the cooperation with the government was more clear cut, although Sunni rulers were considered as strictly illegitimate. It was, however, considered permissible to take office as long as it was possible to implement Shi'i law and to protect the community. The laws were applied on behalf of the Īmām and not the ruler. The acknowledgment of the legitimacy of de facto power has been a prominent feature of Sunni political thinking. Conversely, the denial of legitimacy has been the distinguishing feature of Twelver Shi'i

¹¹⁶ Mo'īn (1358 SH/1979), p. 780, & Āštīyānī (1362 SH/1983), p. 527.

¹¹⁷ Mo'īn (1358 SH/1979), pp. 487-88, &. Āštīyānī (1362 SH/1983), pp. 400-2.

¹¹⁸ The First Martyr.

¹¹⁹ Āštīyānī (1362 SH/1983), p. 601-2.

¹²⁰ Binder (1965).

¹²¹ See for example articles by Gibb (1962).

jurisprudence.¹²² This is certainly true of early Shi'i history, however, after the Greater Occultation, Shi'i jurists no less than their Sunni counterparts, were concerned to provide, within the structure of the Šarī'ah means of accommodation with de facto powers. So much so that by the Qajar period the works of some Shi'i 'Olamā were almost identical to their Sunni counterparts, as we shall go on to discuss.

The Shi'a had achieved political responsibility relatively late in its development, and had not, therefore, in its formative period concerned itself with the problem of government and the administration of the community. Hence, the development of accommodatory theories occurred much earlier in the Sunni world than within the Shi'i. The reasons for this are twofold: firstly, the Shi'a, before the advent of the Safavid dynasty, for most parts had lived as a persecuted minority under Sunni rule which was viewed as tyrannical and illegitimate; secondly, the concept of the Imamate meant that the Imām was the upholder of the divine law, although his right to political power had been usurped, and thus the intricate elaboration of divine law was the task of the Imām and not the clerical class as was the case in the Sunni world. However, after the Occultation, the Shi'i 'Olamā came to assume this role as discussed previously. The establishment of the Safavid dynasty marks the beginning of part two of the second cycle, where Shi'ism was declared the national religion which posed new and more complex problems of authority for the 'Olamā.

Safavid Caesaropapism, and the Consolidation of a Hierocracy

In 1499, Šāh Īsmā'īl, the great grandson of Šeīķ Ṣāfīod-Dīn Ardabīlī the leader of the safaviyeh Sufi order, led a revolt in Iran, backed by his disciples. His followers were known as *Qzelbāš* (Red-heads) as they wore red turbans with twelve stripes, symbolizing their allegiance to the Twelve Īmāms. In 1501, Šāh Īsmā'īl ascended the throne in Tabrīz, which was made the capital city, and proclaimed Twelver Shi'ism the official national religion of Iran. Šāh Īsmā'īl not only united the totality of Iranian territory, but also united Iran's population through a single creed, namely Shi'ism. Many Iranian historians view the Safavid period as indivisible from Iranian national identity. The most significant aspect of this declaration was that it ensured Iranian national sovereignty against the

¹²² See for example, Keddie (1972), Eliash (1969), Calder (1980), and Lambton (1962-64).

¹²³ Āštīyānī (1362 SH/1983), pp. 667-9

encroachment and aggression of the Ottoman Empire. The Ottoman Solţāns considered themselves as *Amīr-Al-Mo'menīn*, the Commander of the Faithful, of the entire Muslim world, and viewed allegiance of every Muslim to the Solţān as obligatory.' The declaration of Shi'ism as the official religion of Iran helped reaffirm the distinctiveness of Iranian culture and its socio-historic roots.

As had been the case under the short rule of the Sarbedārān, 125 during the Safavids many Shi'i jurisconsultants were invited to Iran from Ĵabalol-Āmel, Lebanon. ¹²⁶ During the Safavid period, the 'Olama remained on the whole state functionaries and the consolidation of Shi'ism within Iran was treated as a branch of political administration. The 'Olama were professionals providing technicalities and assistance to the state, but remained under its political control. The Safavids based their claim to rule on decent from the Imam Musa and direct appointment from God, employing the title, Žellollah, the shadow of God, like Sunni rulers before them. This claim challenged the 'Olamas' prerogative as representatives of the Imam, and posed a problem in terms of legitimacy of the ruler, the Safavid claim was based on decent from the Imams. Many 'Olama however cooperated with the Safavids, as the establishment of Shi'ism as the official state religion rectified both the faith and their own position.¹²⁷ For the first time, Shi'i 'Olamā participated in the organization of the state, and major changes occurred in their relationship with temporal power. However, the fundamental Imamī theory remained unaffected by these changes. Also, for the first time, the security of the state was bound up with Shi'ism, and unorthodoxy was severely dealt with. During the Safavid period, adherence to religion became synonymous with loyalty to the state. Religious and temporal power combined forces to suppress heresy. 128 The 'Olama owed much of their power and prestige to the support of Shi'i kings. The 'Olama who cooperated with the

¹²⁴ Ibid.

¹²⁵ The rule of the Sarbedārān lasted for forty-six years.

¹²⁶ The most renowned Shi'i scholars of the Safavid period were: Ĥoseīn Ībn 'Āmolī, Moĥammad 'Āmolī, known as Šeīķ Bahāī (d. 1622 AD), Mīrmoĥammad Bāqer Ībn Moĥammad Estarābādī known as Mīrdāmād (d. 1630 AD), Zeīnod-Dīn 'Abu'l Ĥasan 'Alī Ībnal-Ĥoseīn known as Moĥaqeq-e Kerkī (d. 1533 AD), Moĥammad Bāqer Maĵlesī (d. 1698 AD), Moĥammad Taqī Maĵlesī (d. 1659 AD), Molīā Moĥsen Feyż Kāšānī (d. 1680 AD) and Moĥammad Ībn Ībrāhīm known as Şadrod-Dīn Šīrāzī, Molīā Şadrā (d. 1640 AD). Mo'īn (1358 SH/1979), p. 300, pp. 989-990, p. 2068, p. 1911, p. 1904, p. 1905, p. 1910, & Āštīyānī (1362 SH/1983), p. 698.

¹²⁷ Savory (1980), p. 93.

¹²⁸ Savory (1980), p. 30.

state were severely criticized for their worldly involvements by thinkers such as Şadrod-Dīn Šīrāzī, known as Mollā Şadrā.

During the Safavid period, the government kept a large measure of control over the 'Olamā through the office of 'Şadr', later known as Mollā Bāšī. The 'Şadr' made the principal appointments, supervised the management of important endowments, Awqāf, and looked after the privileges of the seyyeds. 129 The office of Şadr was a powerful position and its main task was to stamp out heresy. In every big town, the Šeīkol-Īslām¹³⁰ and the Īmām Ĵom'eh¹³¹ of the main mosque were state appointed. 132 In the Safavid administration and bureaucracy, the 'Olamā played an important part but only as state officials. During this period, some managed to acquire great wealth. The jurisdiction of the Šarī'ah was not extended at the expense of 'Orf, civil and arbitrary despotism, rather the reverse. 133 The Safavid 'Olamā rarely, with some exceptions, spoke out against the injustice of the rulers. 134 Overall, they supported the Safavids as the Safavids supported them. Also to some extent they viewed the government as 'more legitimate' than other non-Shi'i, non-Seyyed governments. The Safavids were viewed as preferential, based on their genealogical claim and their allegiance to the Īmāms. 135

Primarily, the role of the 'Olamā in Safavid administration was very much as official functionaries. In the later Safavid period as the state weakened, the *Moĵtaheds* gained more power and domination in religious affairs. Increased power was accompanied by an accumulation in wealth and influence, not only from holding state offices but also from acquisition of endowed land. It would be over-simplistic to assume that during the Safavid period there existed a single and commonly-accepted view on the relationship of religion and state. An examination of this period reveals a diversity of opinion. There was the 'original' or fundamental Shi'i jurisprudential theory, which maintained that only the Īmām is the just and legitimate ruler and that all others are usurpers and unjust. There was

¹²⁹ The descendants of the prophet.

¹³⁰ The office of Şadr was replaced by the office of Šeīkol-Īslām.

¹³¹ The leader of the Friday prayers, and the official link between the government and the 'Olamā.

¹³² Bagley (1971), pp. 1-22.

¹³³ Ibid., p. 5.

¹³⁴ Lambton (1956-57), pp. 125-48, pp. 131-2.

¹³⁵ The Safavid Šāhs used such titles as 'Bandeh Šāh Velāyat', the slave of the king of 'successorship of the Prophet', i.e. Imām 'Alī. The literal meaning of 'Valī' is to be a friend, to be near, to govern, to administer, to manage, to rule, to have power, authority or to command. In the Shi'i usage of the word, all the above meanings are portrayed and embodied in the person of 'Alī and the eleven successive Imāms in relation to the Prophet.

the theory that the ruler who defended Shi'ism and carried the sword for the exercise of justice had a conditional authority on the basis that he recognized the superiority of the Īmāms. Also there was the view that jurists and princes must cooperate in order to ensure the welfare, protection and righteousness of the people. This last view seems to have been the dominant one, and one which is echoed in the works of Moĥammad Bāqer Maĵlesī¹³⁶ (d. 1699 AD), who held the powerful position of Šeīkol-Īslām:

'Know that justice, Adl, of kings and princes, Omarā, is one of the greatest things conducive to the well-being of man. The justice and righteousness of kings and princes is the cause of the righteousness of all people... It is related by a reliable source that the Prophet said, "There are two classes, Senf, in my community such that if they are corrupt, my community is also corrupt." The two classes are the Foqahā [jurists] and the Omarā [princes]."

Using this argument as his basis, Maîlesī discerns the necessity of cooperation of the 'Olama with temporal power, and thus recognizes the interdependence of religion and de facto government. From Maĵlesī's referral to rulers 'as kings who follow the true religion' it can be deduced that his theory applied only to Shi'i rulers. Maîlesī viewed the first duty of the ruler as the defence of the Imamī faith. The view expressed by Maîlesī can be interpreted in two ways: as a strand of thought, which had existed alongside the original Shi'i theory of temporal power, or as a direct response to the advent of a powerful Shi'i state, which for the first time had allowed the Shi'i 'Olamā to participate fully in its administration. ¹³⁸ The *Ĥadīś* 'Kings have sovereignty over the people and 'Elm [people who posses knowledge, namely the 'Olama] have sovereignty over them [kings], '139 takes the above $\hat{H}ad\bar{i}\dot{s}$ to its full conclusion. The 'Olama possess the knowledge of definition of justice, and to this extent hold 'sovereignty over kings.' Abdulaziz Sachedina, comparing a *Ĥadīś* as reported by Al-Ţūsī and Maĵlesī, points out the subtle shifts in meaning which occurred in the collections of late Safavid scholars such as Maĵlesī. Al-Ţūsī reports that the Twelfth Īmām said, 'I am proof, Ĥoĵĵa, to you all', clearly meaning the community as a whole. Maĵlesī reports the Ĥadīś with the change,

¹³⁶ Maĵlesī was one of the great Safavid Moĵtaheds, and is famous for compilation of Shi'i Ĥadīś literature in his celebrated work Bahārol Anvār, (1362 SH/1984).

¹³⁷ This Ĥadīś is attributed to the Prophet and first appears in the work Harrānī, a fourth century theologian.

¹³⁸ Martin (1989), p. 18.

¹³⁹ Maĵlesī (1362 SH/1984), p. 49.

'and I am the $\hat{H}o\hat{j}\hat{j}a$ to them', implying that the *Moĵtahed* stand between the Imam and the community as a kind of mediator. ¹⁴⁰

The question over the legitimacy of the state was an issue which had already been faced by the Shi'i 'Olama, in the early formative period and particularly during the Safavid period. The theoretical negation of the legitimacy of temporal power in the absence of the Īmām was not accepted by all 'Olamā; nevertheless, it was a potent concept that could not be ignored. It was effectively and powerfully used by the 'Olama whenever a ruler dared to countermand their will. Like other doctrinal obstacles facing the 'Olama, the road had already been paved for overcoming this particular one, by the teachings of such 'unquestionable authorities as Šeīk Tusi and Ībn Idris'. 141 Both recognized not only the admissibility of working with temporal powers, but also the possibility of a just ruler (although not ultimately just) in the absence of the Imam. This position was further developed during the Safavid period. However, it also received fierce opposition from such scholars as Šeīk Ībrāhīm Ghatifi, who fundamentally rejected temporal rule. It may be useful in further clarifying the position of those 'Olama who saw as permissible the cooperation with temporal governments under certain conditions to quote a statement by an influential figure of the Safavid period Mollā Moĥammad Bāqer, known as Moĥaqeq-e Sabzehvārī, (d. 1679 AD):

'No time is devoid of the existence of the Imām, but in certain periods the Imām is absent from the eyes of human beings for reasons and expediencies, but even the world is proposing thanks to the emanation of his existence. Now in this period, when the Master of the Age is absent, if there is no just and judicious king to administer and rule this world, the affairs will end in chaos and disintegration, and life will become impossible for everybody. But it is inevitable and imperative, for people [to be ruled by] a king who will rule with justice 142 and follow the practice and tradition of the Imāms. 143

¹⁴⁰ Sachedina (1981).

¹⁴¹ Enavat (1982), p. 173.

¹⁴² According to Moĥaqeq-e Sabzehvārī, the conditions for the 'just king' are as follows: 1) He must follow the tradition of the Imām. 2) He must repel oppressors. 3) He must protect his subjects who are the trustees of God Almighty. 4) He must keep every subject in his deserved status. 5) He must safe guard the faithful from the threat of infidel aggression and domination. 6) He must disseminate the word of the Šarī'ah. 7) He must empower the people to piety and religiosity. 8) He must refrain from coveting the belongings of his subjects and from making their persons and belongings the instrument of sin and lasciviousness. 9) He must enjoy in the good and forbid evil. 10) He must maintain the safety of high ways and frontiers. It is interesting to note that this stance is very similar to the Sunni theory of the obligations of the Caliph.

¹⁴³ Sabzehvārī (no date), Rowżatol Anvār-e 'Abbāssī, p. 9.

During the Safavid period, Shi'i religious officials were, like their Sunni counterparts, incorporated in the bureaucratic institution of the state. The religious institution was subordinate to the political institution. However, not all Shi'i 'Olamā functioned as state officials. A section of the 'Olama refrained from any political involvement, regarding all governments unjust during the absence of the Imam. This section was regard by the people as a refuge against the injustice of the state. Lambton argues that neither group appears to have seriously considered the position and relationship between the religious and political institution.¹⁴⁴ She maintains that no 'specific' treatises were written on the subject. This, however, does not signify that neither group had given serious thought to the relationship between religion and the state. The position of each group is clearly marked by its involvement and non-involvement in political affairs. Those who cooperated with the state sought an accommodatory theory legitimizing their involvement as well as the political power of the government, not all that different from their Sunni counterparts, with only one exception: the recognition of the 'ultimate' authority of the Imam. The second group remained strictly faithful to the primary Shi'i concept of authority, and thus in the absence of the Imam abstained from political involvement or theoretical legitimization.

The Safavids based their claim to legitimacy on their descendence from the Seventh Imām. However, they were not completely independent of the 'Olamā, as the confirmation of their legitimacy was dependent on the 'Olamā as the perpetuators of Shi'i doctrine. Consequently, their claim to legitimacy was not strictly autonomous. In this respect, the Shi'i 'Olamā performed the same function of providing doctrinal legitimacy to the state as had their Sunni counterparts from the first century after *Heĵra*. In return for the safety and 'relative justice' provided by the king, the 'Olamā recognized his power as legitimate. The Weberian term 'Caesaropapism', or the complete subordination of priestly to secular power, may be an accurate definition of Safavid rule. Weber defines caesaropapist rule in the following way:

'Caesaropapist government treats ecclesiastic affairs simply as a branch of political administration. Gods and saints are deities of the state; their worship is a state affair... If the political official does not fulfil these religious obligations himself, merely with the assistance of the priestly professional these technicalities will be put into the hands of a priesthood, which is

¹⁴⁴ Lambton (1962-64), pp. 115-36, p. 116.

politically controlled. The state-maintained priesthood lacks economic autonomy, property and an independent administrative apparatus. All official priestly acts are supervised by the state. There is no specifically clerical way of life, apart from some technical training for ritual functions, and hence also non-specifically priestly education. Hierocratic charisma is degraded to the level of mere administrative technique. Moreover, caesaropapist nobility transforms the high-ranking priestly positions into hereditary family property expropriatable as a source of income, prestige and power. As a legitimizing power hierocray is almost indispensable (and especially) to the caesaropapist ruler. 146

In the Safavid attempt of creating religious uniformity and suppressing 'unorthodoxy', the 'Olama's role was of crucial importance. In Weberian terminology, 'hierocracy is the incomparable means of domesticating the subjects in things great and little. The domesticating role of hierocracy is even greater with regard to internal control.'147 The Safavids had built up and sustained the body of Shi'i 'Olamā, and to this extent exercised great control over them. However, the Safavids were not able to prevent all independent thought. The Akbarī schools 148 greatly criticized the 'worldliness' of the Moîtaheds; their controversy with the dominant Oṣūlī School went on for two centuries. The long-standing interest of Iranians in philosophy seems to have been greatly stimulated by the philosophical elements in Shi'i doctrine. While philosophy was in decline and stagnation in other parts of the Muslim world, there was a 'flowering' of Iranian philosophy, vis-à-vis Shi'i philosophy or what Corbin refers to as 'theosophy', namely, the 'Ešrāqī' School of 'Illumination'. Mollā Şadrā, Şadrod-Dīn Šīrāzī (d. 1640 AD), for example, wrote many books which have been of major importance to Islamic philosophy. In his only book in Persian 'Seh Aşl' he rigorously criticizes the 'worldly 'Olama', and rejects their premise of 'worldly involvement'. However, it may be concluded that the Safavid period marks the transition of the 'Olama from a distinct social group to a hierocracy.

After the collapse of the Safavid empire in 1722, the members of the Shi'i hierocracy were forced to subsist on their own, totally independent of the state. The science of jurisprudence and practice of analytical reasoning to derive legal norms, *İĵtehād* was adopted explicitly around the beginning of the fourteenth century. The adaptation of

¹⁴⁵ Weber (1968), pp. 1162-3.

¹⁴⁶ Ibid., pp. 1161-2.

¹⁴⁷ Ibid., pp. 1175-6.

the principle of *ljtehād* constituted an intellectual revolution in medieval Shi'ism. It greatly enhanced the juristic authority of the Shi'i 'Olamā. This was further strengthened through the Shi'ism of the Safavid period, which may be termed the 'Shi'ism of the *Mojtahed*'. The revival of the Akbarī school towards the end of the seventeen century, marked a resistance to this particular brand of Safavid Shi'ism, as well as to the growth of hierocartic power of the *Mojtaheds* in Iran. In the last decades of the eighteenth and the whole of the nineteenth centuries, the reaffirmation of the principle of *ljtehād* resulted in the enhancement and furtherance of the power and the independence of the Shi'i 'Olamā. Thus, by the end of the nineteenth century, the religious institution was not only economically independent but controlled the religious life of over ninety per cent of the people of Iran. Consequently, by the Qajar period, a shift in the balance between secular and religious power had occurred in such a way that religious was no longer subordinate to the political but they were mutually interdependent. Politics and religion formed a mutually interdependent dual power structure.

The Emergence of an Independent Shi'i Hierocracy

The interval between the Safavid and Qajar period was a testing time for Shi'ism. It was probably also then that loyalty to Shi'ism became to some extent identified with Iranian national life, and Shi'i beliefs and practice left a deep impact on national life. The Safavids were succeeded by the Afsharid dynasty. Its founder, Nāder Šāh, was a Sunni, and attempted to rid Iran of all antecedent Shi'i influences. Nāder Šāh presented a bill consisting of five amendments to Iranian notables and tribal chieftains, as a precondition for his acceptance of the throne. The notables accepted. It is of interest to consider Nāder Šāh's five amendments, as his conditions were of significance for the newly Shi'i Iran. The five conditions were as follows:

- 1) Iranians must let go of their views concerning the people of *Ahle Sonnah* [to accept the Sunni doctrine as valid].
- 2) The Shi'a, while performing the pilgrimage, $\hat{H}a\hat{j}$, must accept one of the 'Four Schools' of Sunni Feqh [Hanafi, Šāfe'ī, Mālekī and Hanbalī] and

¹⁴⁸ The role of the Akbarīs will be dealt with in detail later. The founder of the school was Moĥammad Amīn Astarābādī (d. 1033/1623). Strothmann, & Rypak (1934), pp. 249-302.

¹⁴⁹ Arjomand (1988), p. 13.

¹⁵⁰ Ibid., p. 14.

¹⁵¹ The resulting compromise between secular and religious power may vary greatly, and actual distribution of power may shift without any formal modification of the compromise.

¹⁵² Āštīyānī (1362 SH/1983), pp. 667-9 & Bagley (1971), pp. 1-22 & pp. 5-6.

join them in performing the circumambulation of the Ka'be, which is four-sided, each side being set apart for one of the 'Four Schools'. [Accept one of the 'Four Schools' and its rites in performing the pilgrimage. Prior to this, the Ottomans did not allow Iranians to take part in the annual pilgrimage, as the Shi'a were not considered Muslims]

- 3) A pilgrim leader, Amīr ul-Ĥaĵ, should be elected from Iran to lead the Iranian pilgrims. The Ottomans should treat Iranians pilgrims in exactly the same manner as other pilgrims.
- 4) There should be an exchange of hostages between Iran and the Ottoman Empire.
- 5) There should be an exchange of representatives between Iran and the Ottoman Empire.

This proposal was also presented to the Ottomans. They accepted four of Nāder's amendments, but rejected the acceptance of Twelver Shi'ism as one of the branches of Islam, as they considered Shi'ism an innovation and heretical. Nāder attempted to rid Iran of all preceding Shi'i influences and reverse the process stared by the Safavid. Nāder was intent on destroying and uprooting the *Qzelbāš*. Consequently, this led to his murder at the hands of the *Qzelbāš* in 1747. It is suggested that Nāder's murder, as well as having political motives, had an overriding religious one. The Zand dynasty succeeded the Afsharids and ruled Iran from 1749-1794. During this period, the 'Olamā had little influence and no direct involvement in matters of governance. The abortive attempts of Nāder Šāh to deinstitutionalize Shi'ism and confiscate Shi'i *Awqāf* helped give impetus to counter-claims to power by the *Moĵtaheds*. In part, this was reflected in the successful struggle of the Oṣūlī school of thought over the Akbarī. However, they had already secured a well-established basis within society, and managed to survive both Nāder Šāh's anti-Shi'a policies and the Zand dynasty, and emerged with hitherto unprecedented power and privilege during the Qajar period.

The reasons for a shift in the balance between secular and religious power by the Qajar period consist of doctrinal, financial and institutional changes in internal structure of Shi'i hierocracy, as well as socio-political and economic changes in the nature of the government. The independence of the 'Olamā from the state are viewed¹⁵⁶ as being the consequence of the following internal structural changes: the development of the theory

¹⁵³ Āštīyānī (1362 SH/1983), p. 730, & Mo'īn (1358 SH/1979), pp. 2088-89.

¹⁵⁴ Āštīyānī (1362 SH/1983), pp. 733-4.

¹⁵⁵ Keddie (1981), pp. 23-5.

¹⁵⁶ See for Example, Arjomand (1988) & (1984), Martin (1989), and Enayat (1982).

of *līṭtehād*; the revival and ascendancy of the Oṣūlī school of thought, which is seen as a prerequisite for the financial independence of the 'Olamā, through the authorization of the collection of religious taxes as representatives of the *l̄mām*; the consolidation of the theories of *Marĵa* '*Taqlīd*; and the enhanced independence of the 'Olamā by the fact that the major Shi'i theological schools were based in the holy cites of Iraq, outside the jurisdiction of the Iranian government. This was further strengthened by the weak and ineffective nature of Qajar rule. For example, the Qajars had inherited the offices of Šeīķol-Īslām and *l̄mām Jom'eh* from the Safavids, but due to the inherent weakness of Qajar administration, they did not exercise the same institutional control over the 'Olamā as the Safavids did. In addition, the position of *Moĵtaheds* had gained doctrinal strength through the triumph of the Oṣūlī school over the Akbarī school, which occurred in the eighteenth century.¹⁵⁷

Furthermore, during the various wars with Russia, the Shi'i 'Olamā were called upon to mobilize support for the government as the only cohesive and hegemonic power beyond regional, communal, and tribal loyalty was loyalty to Shi'i Islam. Consequently by the Qajar period, as a result of the development of the theory of *lĵtehād*, the ascendancy of the Oṣūlī school, the financial independence of the 'Olamā, and the consolidation of the theories of *Marĵa' Taqlīd*, a dual conception of political and religious functions had developed, whereby the 'Olamā had assumed independent control of the Qajars. The impact of these institutional developments, combined with the lack of internal instability and ineffective Qajar administration led to the development of the 'Olamā-state' dual-power structure, which characterized the Qajar period.

The upper ranks of the 'Olamā consisted of Moĵtaheds who enjoyed tremendous power and prestige during the nineteenth and early part of the twentieth centuries. Although the 'Olamā are referred to as the religious institution, the extent of their organization into a hierarchical system of authority should not be exaggerated. There was no formal hierarchy of authority among the Moĵtaheds, and the lower clerics could be differentiated by the patronage of various Moĵtaheds and the extent of their learning and piety. However, this is not to say that no system of hierarchy existed amongst the Moĵtaheds. Those in the shrine cities of Ottoman Iraq [Atabāt] held pre-eminence, while in Iran those in Tehran looked upon themselves as taking prominence over their

¹⁵⁷ Algar (1969), p. 6.

colleagues in the provinces.¹⁵⁸ Theoretically, a *Moĵtahed* was supposed to embody impeccable character and extensive knowledge. In practice, however, many *Moĵtaheds* inherited their office.¹⁵⁹ As a result of the indistinct and informal organization of the Shi'i 'Olamā, they often failed to act as a unified body, except on rare occasions. The preeminence of the *Moĵtaheds* during the Qajar period was a direct consequence of the ascendancy of the Oṣūlī school of thought. It will be helpful for our purposes to consider the basic differences between the Akbarī and Oṣūlī schools.

The Akbarī school was founded by Moĥammad Amīn Astarābādī (d.1627 AD), 160 and dominated religious learning until the beginning of the Zand period. With the emergence of Moĥammad Bāqer Vaĥīd Behbahānī, the Akbarīs were decisively defeated. The principles of the Oṣūlī jurisprudence were laid down by Mohammad Bāqer Behbahānī (1705-1803), and later modified by Šeik Morteżā Anṣārī (1801-1864). The ground was then prepared for men such as Mīrzā Qomī (d. 1815 AD), Mollā Moĥammad Kāžem Korāsānī (d. 1911 AD), and Moĥammad Ĥoseīn Nā'īnī (d. 1936 AD). In fact, Akbarī ascendancy was to such a point that there was no mention of important Moĵtaheds in the history of Shi'i law until the middle of the eighteenth century. The Akbarīs rejected the cardinal role of the Moîtahed as incompatible with the authority of the Imam, and considered the use of $\bar{l}\hat{l}teh\bar{a}d^{161}$ reprehensible. They also rejected the concept of $Taql\bar{u}d^{162}$, arguing that all believers are followers and thus Moghled¹⁶³ of the Imam, and only the Fourteen Infallibles are worthy of imitation. They relied exclusively on guidance through interpretations of the traditions of the Imams. According to Bayat, the Akbarī doctrine was formulated partly as a response to the power acquired by the Moîtaheds during the Safavid period. 164

The Oşūlī's derived their name from the principles, O\$\tilde{u}l\$, of jurisprudence used by the Mo\tilde{tale}tale in arriving at their independent deduction of the law, \(\bar{l}\tilde{tale}tehaa\). The four principles, 'Adl Arba'e, of jurisprudence are: Qor\tilde{a}n, \(Sonna\), \(\bar{l}\tilde{p}ma\) [of other Mo\tilde{tale}taleds], and reason '\(\bar{A}qel\). The principal basis of the O\tilde{u}l\tilde{l} doctrine is the capability and primacy of

¹⁵⁸ Hardinge to Salisbury, no. 58, & May 1897, FO 539/76, no. 74.

¹⁵⁹ Martin (1989), p. 13.

¹⁶⁰ Strothmann & Rypak (1934), pp. 249-302.

¹⁶¹ Independent legal judgment, effort or ability to deduce rules from sources.

¹⁶² Imitation of authorities in canonical matters, Moîtaheds.

¹⁶³ One who imitates.

¹⁶⁴ Bayat (1982), pp. 21-2.

reason, secondary only to the Qorān and *Sonna*, to discern the rules of the Šarīʻah. This Oṣūlī premise establishes the basis for the necessity of *lītehād*, and the refusal to accept uncritically the contents of the four principal codices¹⁶⁵ of Shi'i tradition. The Oṣūlīs maintain that, through the supremacy of reason, a more accurate criterion for ascertaining the authenticity of attributed sayings of the Prophet and Īmāms can be devised. Finally, the Oṣūlīs prohibit the imitation of deceased authorities to ensure the abiding dynamism of *lītehād*. The practice of *lītehād* based on the *Oṣūlol-Feqh* was given precedents over tradition, and thus a more significant role was attributed to the interpretation of the *Moĵtahed*. Iītehād is viewed as obligatory on the part of the *Moĵtahed*, as Taqlīd is on the part of the *Mogalled*.

The science of *Oṣūlol-Feqh*, the principles or theory of jurisprudence, reached new peaks in the nineteenth century. This science had cultivated subtle argumentative skills among the Shi'i clerics. The growing tension between the Oṣūlī and the Akbarīs, which had existed since the eighteenth century, continued. The Oṣūlī doctrine produced a concept of orthodoxy pivoted on and expounded by the *Moĵtaheds*. The 'Olamā held the sole monopoly of not only interpretation but also the very definition of orthodoxy. The Oṣūlīs were dominant throughout the Qajar period, strengthening the position of the *Moĵtahed* not only against temporal power but also in the elimination of dissent. The principle of *lĵtehād* in Shi'i jurisprudence is a potentially revolutionary stance in the face of temporal power, as it allows for doctrinal flexibility in unforeseen circumstances. Only in Shi'ism is *lĵtehād* the logical and essential concurrent of the creed.

Enayat believes that the principles of Twelver Shi'ism allowed for such a development. 'We believe that the doctrine of Imamate is as much part of the Shi'i concept of law as the necessity of *lîtehād*. It was thanks to the Oṣūlīs that the logical and indefeasible connection between the Imamate and *lītehād* was demonstrated with force and clarity. The 'Olamā of all persuasions already enjoyed great influence among the masses as spiritual leaders, judges, administrators of *Awqāf* [endowments], and even landowners, traders and moneylenders. What they still needed in order to stand up to the despotic monarchy of the Qajars, without impairing the supremacy of the Šarī'ah, was a

¹⁶⁵ By Kolaynī, Šeīķ Saduq and Šeīķ Tusī.

¹⁶⁶ Algar (1969), pp. 33-6.

¹⁶⁷ Bayat (1982).

¹⁶⁸ Motahharī (1341 SH/1962).

political theory formulating the principles of representation and government accountability in the categories of Shi'i jurisprudence.' This argument does not provide a satisfactory basis for its assumption, namely the 'indefeasible connection between the Imamate and *ljtehād'*. It is true that the Oṣūlī school triumphed over the Akbarī, but one can not simply deduce from this that the Oṣūlī ascendancy was somehow inherent in the principles of Shi'i belief.

The 'Olamā had acquired sole monopoly over interpretation of doctrine more so with the ascendancy of the Oṣūlī School. This elitism enabled them to 're-interpret' or 'rethink' certain concepts in order not only to legitimize their involvement in political and temporal affairs, but their role as representatives of the Īmām and therefore custodians of religion. It may be argued that this development was very much an innovation within Shi'i thought, in so far as it brought it closer to Sunni Islam in that it legitimized the authority on a 'fallible' in the affairs of religion. This trend actually refutes the primary principle of Shi'ism, which is the need for infallibility and Imamate, and comes full circle back to the very point which distinguished the two communities at the outset. However, the principle of *lītehād* and *līma* as restricted to the consensus of the *Mojtahed* has ensured far greater power for the Shi'i 'Olamā than their Sunni counterpart. The claim to hold supreme religious authority is as illegitimate within the Shi'i doctrine is the claim to hold supreme political power during the absence of the Īmām. However, the 'Olamā as the propagators of doctrine legitimized their monoploy of religious authority based on the concept of deputyship of the Īmām, thus partaking in the spiritual charisma of the Īmām.

The way in which the 'Olamā provided or, one can even say, 'invented' a religious basis to support their actions is best demonstrated by the 'Olamā's involvement in the Constitutional movement. Both Constitutionalist and anti Constitutionalist 'Olamā provided arguments based on Islamic precepts to support their particular stance. Nā'īnī, for example, regarding the necessity of support for the Constitutional movement, argues on the basis of the concept of 'obligatory preliminary' the adoption of a constitution becomes obligatory for Muslims when it is a precondition for their welfare, security and progress. The Sunni argument holds that public interest, *Maṣlaĥ*, should always prevail over the preferences of jurisconsultants. The Shi'a refute the concept of *Maṣlaĥe* in

¹⁶⁹ Enayat (1982), p. 170.

¹⁷⁰ Nā'īnī (1334 SH/1955), pp. 74-5.

favour of 'obligatory preliminary'. The concept of 'obligatory preliminary' enables them to devise laws for which there are no previous canonical licence, which is viewed by the Akbarīs as innovatory. Šeīķ Fażllollāh Nūrī rejected the notion of constitution as the sovereignty of the people. He argued that sovereignty belonged to Allah alone, and at his will was successively relinquished to the Prophet, to the Īmāms, and finally to those learned enough to render judgment in the matters of law [Moĵtaheds]. Thus, there is no place in this arrangement for the masses to exercise their sovereignty. As can be seen both the consituionalist camp¹⁷¹ and the anti constituionalist¹⁷² presented their arguments within an Islamic framework, and through religious rhetoric, to provide justification for their actions.¹⁷³

The level of political involvement on part of the Shi'i 'Olamā in the Constitutional Revolution was unmatched among their contemporary counterparts in Ottoman Turkey or Egypt. The increased political participation of Shi'i 'Olamā is highlighted by their involvement in the Constitutional Revolution . According to Aĥmad Kasravī (d. 1946 AD), the Shi'i 'Olamā, by rectitude of their belief in the exclusive legitimacy of the temporal and spiritual rule of the Imāms, have always been opposed to temporal power in the absence of the Imām.¹⁷⁴ It is interesting to note that Kasravī somewhat negates his own argument by his detailed description of the role of many of the 'Olamā in the Constitutional Revolution of 1906. Hamid Algar, although from a diametrically opposed premise, arrives at the same conclusion as Kasravī. He writes: 'In the new situation [after the establishment of Qajar rule] a political theory to accommodate the state within the system of belief was still not developed. Such a theory was probably impossible: The 'Olamā, having established their position as the de facto regents of the Imām, could not then have allotted the monarchy a similar position. Without such a position, the monarchy was bound to be regarded as illegitimate.' 1755

The triumph of the Oşūlī school had significant consequences for Shi'i political thought and the social role of the *Moĵtahed*, the implications of which can hardly be

¹⁷¹ Such as Mollā Moĥammad Kāžem Ķorāsānī, Ĥāĵ Mīrzā Ĥoseīn Ķalīlī Tehranī, Šeīķ 'Abdollāh Māzandarāni, and Šeīķ Moĥammad Ĥoseīn Nā'īnī [in Iraq], Seyyed Moĥammad Şādeq Ţabātabā'ī, Seyyed 'Abdollāh Behbahānī [in Iran].

¹⁷² Such as Nūrī [Iran] and Moĥammad Kāžem Yazdī [Iraq].

¹⁷³ Ādamīyat (1355 SH/1976).

¹⁷⁴ Kasravī (1348 SH/1969), p. 11.

¹⁷⁵ Algar (1969), p. 22.

overstated. The right of *lītehād* and the authority of reason encouraged a more flexible approach to the application of jurisprudence to emerging social problems. The acceptance of the validity of probable knowledge, Žan-e Mo'tabar, and the permissibility of actions not specifically forbidden by the sources also helped this. The consequent reassertion of the status and the role of the Moîtahed provided more scope for the involvement of the 'Olama in political and temporal affairs. However, it must be pointed out that it would be far too simplistic to portray the Osūlīs as logical and 'progressive' and the Akbarīs as traditional and 'reactionary'. In fact, many features of the Akbarī doctrine, such as their stance against the privileged position of the Moîtaheds were strongly anti-elitist. Furthermore, it could be argued that the Akbarīs remained closer to the esoteric and spiritual side of Shi'ism. Their distrust of 'fallible' and limited human reason can be viewed as an extension of the logic of Imamate. If the secret truth of Islam can only be found in the mundus imaginalis, then God, the Prophet and the members of his house (the Imams) only know its full truth. Hence, when the cycle of the Twelve Imams was completed, so was the doctrine of the wisdom of gradualness, *Ĥekmate Tadr*ȳi, and all that was required was revealed. This assumption forms the basis for Akbarī emphasis on the Imams as the only source of imitation, Taglīd.

The Akbarīs repudiate the Oṣūlī claims. Firstly, they reject reason and consensus, on the grounds of fallibility of all non-Ma'sūms (non-Infallibles). They argue that all individuals are at the same level of mediocrity, and only worthy of being imitators, Mogalled, of the Prophet and Imams. They condemn Iîtehād as the product of arbitrary probable knowledge, Zann, in favour of definite knowledge, 'Elme Qat'ī, of the Īmām. While the Oşūlīs allow for judicial innovation through their endorsement of the validity of probable knowledge to deduce canonical rules, whenever access to 'definite knowledge' proves impossible, the Akbarīs reject this. Instead of *Īĵtehād*, the Akbarīs regard the collection of the sayings and traditions of the Imams as an adequate and complete model of imitation for all Muslims. It is obligatory for every Muslim, even the ordinary, 'Ammī Muslim, to know and follow the example of the Imams. The Akbarī tradition places the onus of knowledge upon the individual rather than the sole monopoly of a specific group. The Oşūlīs maintain that any act is presumed permissible except when explicitly forbidden by the Šarī'ah. For the Akbarīs this is unacceptable, as they view all knowledge as unreliable, except that which is conveyed by the Imam, and that whenever an act is not explicitly permitted by the Sarī ah one should refrain from it. Furthermore, the Akbaris

differ from the Oṣūlīs in accepting the imitation of deceased authorities. They argue that the truth of a proposition is not affected by the death of its narrator, but rather its basis; the ruling of past 'Olamā should only be rejected if they are the products of their own arbitrary rulings rather than 'definite knowledge.'

In the middle of the nineteenth century, a process of re-thinking occurred in Shi'i traditional attitudes. Enayat calls this 'the new phase of Shi'i dynamism.' The outcome of this rethinking changed some of the political features of Shi'ism, turning it 'from an elitist, esoteric and passive sect into a mass movement animated by democratic ideals, and contempt for innate privilege.' Enayat views the importance of this rethinking in its ability to determine political behaviour. However, it must be pointed out that in terms of reducing the elitist aspect, this did not occur as widely as it is believed. The 'Olamā still held the exclusive right of 'legitimate' interpretation of the doctrine, combined with their knowledge of Arabic, which was lacking in the general population. Their political activism did not negate their claim to esoteric knowledge or privileges based upon that knowledge. It was now simply of secondary importance to their temporal position. This resulted in the decline of the overall role of the 'Olamā as spiritual leaders as their involvement in temporal affairs increased.

The concept of *lîţtehād* monopolized Islamic knowledge as the sole preserve of the *Moîţtahed*. The introduction of the concept of *Marĵa' Taqlīd*, created passivity and ignorance amongst the people, in that people had a passive relationship to their beliefs, in so much as they relied upon the 'Olamā to tell them what is prohibited and what is allowed. In so much as *lîţtehād* encouraged the growth of analytic and critical reasoning amongst the Shi'i 'Olamā, it prohibited it amongst the mass of people, as their thinking was done for them by the *Marĵa' Taqlīd*. This ignorance was the cause of their passivity; it also was the very root of the religious domination of the 'Olamā, which they guarded possessively. Undoubtedly, during this period, there was a revival in the political features of Shi'ism; however, the extent to which the relationship of the people to their belief, political access and to the 'Olamā actually changed is debatable. Contrary to what has been proposed by Enayat, we hold that the ascendancy of the Oṣūlī school added to the elitist nature of Shi'ism, in that it created a new elite within the Shi'i doctrine, namely the

¹⁷⁶ Korāsānī (1306 SH/1888), pp. 30-6.

¹⁷⁷ Enayat (1982), p. 163.

Moĵtaheds. This period certainly marks the growth of political activity on the part of the 'Olamā, as well doctrinal justification necessitated by this involvement. It also highlights the special place of the 'Olamā in Iran, the power and prestige conferred upon them by a combination of spiritual, social, political and financial functions. Furthermore, the increased political involvement of the 'Olamā is by no means synonymous with mass participation of the Shi'a in the political sphere, as is often suggested.

The jurisprudential domination of the Oşūlī school must not be mistaken for the acceptance of their doctrine by all members of the Shi'i community, the authority of the Moĵtahed was not accepted by all. Furthermore the Shi'a do not have any council or individual who sets doctrine for the future. The remarks about the ascendancy of the Oşūlī School refer to general trend and not unanimous opinions. There were, of course, other 'Olama in the nineteenth and twentieth centuries who held varying opinions than those held by the majority. Šeīķ Morteżā Anṣārī (1799-1864), the leading Shi'i jurist of the nineteenth century, showed a marked reluctance in commenting on politics, and questioned the deputyship of the Moîtahed as it could not be decisively deduced from the sources. 179 Hence, it can be seen that the domination of any of these systems of thought did not depend upon the influence that religion in general exerted upon the life of people, or unanimity of opinion. However, the manner in which social domination was organized varied greatly, which had consequences for the course of religious development. In light of the Osūlī triumph, towards the end of the eighteenth century and the beginning of the nineteenth century there was a resurgence of Sufism and the Ne'matollahī order in particular gained a large following. The Sufi concept of the Šeīk or the Pīr¹⁸⁰ directly challenges the position and authority of the 'Olama, and the Moîtaheds in particular. Sufism was often crushed in the name of heresy by the Shi'i orthodoxy. The persecution of the Nemtullahi order in the early nineteenth century by Fath 'Alī Šāh provides an interesting example of the collaboration of the 'Olama and the state. The 'Olama managed to persuade the Šāh that the Nemtullahi order directly threatened and undermined the Šarī'ah. Moĥammad 'Alī Behbahānī, the son of Moĥammad Bāqer Behbahānī, was an

¹⁷⁸ Ibid., p. 164

¹⁷⁹ Arjomand (1984), pp. 236-7.

¹⁸⁰ The Sufi concept of the 'Guide' or 'Master', is based on a chain of authority known as Selseleh, which is usually traced back to the Prophet through one of the Īmāms, mostly 'Alī. This is generally true of most Sufi orders with the exceptions of the 'Naķšebandī' who trace their Selseleh back to Abu Bakr.

influential figure in the arrest of Ma'ṣūm 'Alī Šāh, the $P\bar{\imath}r$ of the Nemtullahi order, and many of his followers in Kermānšhāh. The Šāh, who was not personally hostile to Sufism, suppressed the movement. Concerning this incident Malcolm explains:

'They [the 'Olamā] have always succeeded in convincing his [the Šāh's] judgement that the established religion was necessary to support the state, and that nothing could be more dangerous than the progress of a spirit of infidelity, which by unsettling men's minds was calculated to throw them into a state of doubt and ferment.'182

This illustrates the way in which political power can offer exceeding support to the hierocracy 'by providing the brachium secular for the annihilations of heretics.' 183 Furthermore, 'As a rule, priestly charisma compromised with the secular power most of the time tacitly but sometimes also through a concordat. Thus the spheres of control were mutually guaranteed, each power was permitted to exert certain influences in the other's realm in order to minimize collision of interest... These compromises also committed the two powers to mutual existence. The secular ruler makes available to the priest the external means of enforcement for the maintenance of their power. In return priests offer their religious sanctions in support of the ruler's legitimacy and for the domestication of the subjects. This incident clearly demonstrates that the 'Olamā did not only not view the state as illegitimate but perceived their interests as intertwined with that of the state. The persecution of the Sufis and the Babis emphasis the contingency of 'orthodox religion' as defined and expounded by the 'Olamā and the state. 'Orthodoxy' helped to bestow legitimacy and thus political stability, but it depended on the coercive power of the state to enforce it.

It may be useful to examine some of the views of certain 'Olamā on the relationship between religion and state during this period. Seyyed Ĵa'far Ībn Esĥāq Dārābī, Borūĵerdī Kašfī (d. 1850 AD), in his treatise entitled Toĥfātol-Moluk, argues that during the Occultation of the Īmām, the two functions of Imamate, religious and temporal sovereignty pass to two groups, the 'Olamā and the rulers, who act as the deputies of the

The Sufi concept of the Šeīķ has an implicit claim in the authority and charisma of the Prophet, which poses an alternative to the 'Olamā's claim to being the general representative of the Īmām.

¹⁸¹ Bāmdād (1348 SH/1969), pp. 423, & Mo'īn (1358 SH/1979), p. 1999.

¹⁸² Malcolm (1829), p. 414.

¹⁸³ Weber (1968), p. 1175.

¹⁸⁴ Ibid., pp. 1161-2.

¹⁸⁵ Cited in Noqabāol Bašar, p. 241, as cited in Enayat (1982). Kašfī also discuss the extent of the justice of the ruler, and the 'Olamā's role in defining justice, Ibid.

Īmām. 'The *Moĵtaheds* and the rulers both hold the same office, that of the Imamate, transferred to them from the Īmām through the deputyship, *niyabat*, and consisting of two pillars, *Rokn*, knowledge of Prophetic matters which is called religion and the implementation of the same in the course of imposing order on the world, called kingship or sovereignty.' In the absence of the Īmām, the authority of the 'Olamā and the power of the sovereign are intertwined, and it is in the interests of both to maintain this consensus. Kašfī maintains that the 'Olamā and the rulers are each a special deputy, $N\bar{a}'eb$ $K\bar{a}s^{187}$ of the Īmām, the 'Olamā in the matter of knowledge, and the rulers in the matters of the sword. One condition for both functions is justice. This theory provides religious legitimization for the ruler only in the temporal sphere and does not confer any religious authority upon him. This line of argument, based on the separation of powers of the Īmām, has also been prevalent in earlier Shi'i theologians such as Qomī and Maĵlesī.

The interdependence of the two functions of the Imam, and therefore the mutual dependence of the 'Olama and the rulers in his absence, is also stressed by Šeīk Fażllollah Nūrī (1840-1909): 'During the periods when the government, Dawlat, and the leadership of the community, Mellat, was fixed in one person, as in the time of the Prophet, the duty of regulating the affairs of the community, 'Omūm-e 'Āmmeh, was in the charge of one person. Now, through the exigencies of divine ordinances, each of these duties is in separate hands so it is the responsibility of each with the assistance of the other to guard and preserve the religion and the world of the worshipers, Dīn va Donyāyeh 'Obadā, so that the roots of Islam may be protected in the absence of the Imam.'188 Nūrī, in the tradition of Maîlesī, Qomī and Kašfī, views the application of religious principles and the wielding of power, in the absence of the Imam to be the duty of the 'Olama and the ruler. Concerning this he writes: 'In truth these two are supplementary and complementary to one another, and the foundation of Islam depends on them. Without these two Islamic precepts, that is, deputyship in the affairs of prophecy, Nīyābat dar Omūr-e Nabavīyeh, and worldly rule, Saltanat, religion would collapse.' He goes on to say that the two groups that sustain and maintain religion, namely the 'Olama and the Soltans, are responsible for justice and righteousness of the community. However, in this

¹⁸⁶ As quoted in Arjomand (1984), p. 226.

¹⁸⁷ The fourth deputy was the seal of the 'Special deputies of the Imam'.

¹⁸⁸ Nūrī (1893) & (1362 SH/1983), pp. 61-2, & Malekzādeh (1327 SH/1948), pp. 215-9.

¹⁸⁹ Ibid.

interpretation, ultimate authority seems to lie with the 'Olamā, as the expounders of religion and the definers of justice. To this extent the legitimacy of the government is decided by the 'Olamā, as they are the ones who can judge the extent of its relative justice. Furthermore, since Imamate had been deprived of its political role, there was a particular emphasis on the religious aspect; the 'Olamā as 'deputies' of the Īmām had 'inherited' this tradition. Now that the government was a Twelver Shi'a one, the 'Olamā, as the representatives of Īmām, had a particular influence upon the political realm in terms of providing legitimacy.

The work of Mollā Aĥmad Narāqī¹⁹⁰ (d. 1829 AD), who is said to have first formulated the concept of the 'Velayat Faqīh', rule of the jurist, later developed by Komeynī, cannot be left unmentioned. He poses the question of the extent or limits of the power of the Faqīh, Taĥdīd velyatol-Faqīh. Quoting various Aĥadīś, in particular one by the third Shi'i Īmām, Ĥoseīn, 'The complete affairs of the community are in the hands of the just and devote 'Olamā'. Narāqī, arrives at the conclusion that the powers of the Prophet and the Īmām belong to the 'Olamā during the Occultation. He views the limits of the powers of the Faqīh as synonymous with those of the Prophet and the Īmāms. Based on the Ĥadīś, 'Kings have sovereignty over the people and 'Elm has sovereignty over them [kings],'191 Narāqī argues that, the second has 'Velāya' over the first. In this way he attributes both political and religious supremacy to the Faqīh, arriving at the 'contradictory premise' of the 'Velāyat Faqīh'. 192

A view which was particularly close to Sunni conclusions, on the necessity of coercive power and obligation of obedience, is to be found in the work of Moĥammad Rafī Ṭabāṭabāṭāī, known as Nežāmol-Īslām Tabrīzī. In his treatise Ĥoqūqe Doval va Melall, 193 written in 1887, he makes a distinction between a ruler who is a pretender to the Imamate and who must not be helped, and a just and rightful ruler, Ahlol Ĥaq, who must be obeyed. However, he concludes that the Solṭān must in any case be obeyed: 'The Prophet himself said, "Obedience to the Solṭān is obligatory, and whoever disobeys the Solṭān, disobeys God." For power is necessary to protect the country and its people.' This can not be done except by a government. For this reason, people must not delay in paying

¹⁹⁰ Narāqī (1990).

¹⁹¹ Maĵlesī (1362 SH/1984), pp. 49.

¹⁹² Ĥā'erī Yazdī (1995).

¹⁹³ Ţabāṭabāáī (1356 SH/1977).

their taxes and other duties for the well-being of the country. The order, peace and the progress of the society depends upon the payment of taxes, $M\bar{a}l\bar{i}y\bar{a}t$, and their payment is an act of devotion, $T\bar{a}$ ' $\bar{a}t$.¹⁹⁴

It must be pointed out that none of these theories had a consensus among the 'Olamā or was completely accepted by the state. One can find, in the nineteenth century, a diversity of opinion among the 'Olamā on the nature of their relationship with the state as well as concerning the authority of the *Moĵtahed*. However, by the end of the nineteenth century, before the major impact of Western ideas, there appears to have been an 'approximate consensus on the practical relations between religion and the state.' ¹⁹⁵ It was approved and commonly accepted that the 'Olamā and the state must cooperate for the well being of the country, Islam and the people. In terms of the separation of functions of the 'Olamā and the Šāh, it was the 'Olamā who held ultimate authority. The Šāh was expected to uphold and protect the tenets of the Šarī ah, and only to this extent was he not treated as illegitimate or unjust. The 'Olamā, having established themselves as the deputies of the Imām and the upholders of Šarī ah, had the right of definition as to what was acceptable and what was not. Thus, they held the exclusive right of defining when the Šāh was acting according to or against the Šarī ah.

This dual partnership between the Šāh and the 'Olamā had existed in Iran in earlier times when Iran was under Sunni rule. Martin thus argues that the concept of partnership of religion and state, which is reflected in some of the accomodatory theories of Qajar times, may have been derived from a traditional consensus, established in the medieval period when Iran was under Sunni rule. ¹⁹⁶ This is also reflected in the views of Bagley, ¹⁹⁷ who suggests that the dual power structure of religion and politics and the idea of the cooperation of government and the clergy has it roots in the pre-Islamic culture of Iran. The clergy have always been an important class in Iranian society, even during Iran's pre-Islamic history. In addition, justice was a main theme in Iranian thought in both pre-Islamic and Islamic Iran. The saying that 'Religion and Empire are brothers', is ascribed to the Sassanid king Ardešīr Pākān.

¹⁹⁴ Ibid.

¹⁹⁵ Martin (1989), pp. 30-31.

¹⁹⁶ Ibid. p. 33.

¹⁹⁷ Bagley (1971), p. 1.

The question which now needs to be addressed is whether the changes which occurred during these one and a half centuries, vis-à-vis the reaffirmation of the principle of *l̄ʃtehād* which resulted in the enhancement and furtherance of power, institutional and financial independence of the Shi'i 'Olamā, meant that the Qajar 'Olamā could effectively be termed a 'church'? Arjomand argues that '... "church" as the living extension of Incarnation and the mystical body of Christ is too specifically Christian to be helpful in comparative sociology.' Bearing this in mind, we still believe that it will be useful to consider Weber's definition of a 'church', and see to what extent his characteristics are applicable to the Shi'i 'Olamā. This will help to further clarify the transition of the 'Olamā from a distinct but non-institutional group to a powerful and independent institution. Weber distinguishes four features as characterizing the emergence of a church out of a Hierocracy:

1) 'The rise of professional priesthood removed from the world with salaries, promotions, professional duties and distinctive way of life.'

The basis for the development of the Shi'i 'Olamā as a distinct institution can said to have occurred during the Safavid period. During the next one-and-a-half centuries, the consolidation of the 'Olamā into an autonomous institution monopolizing the authoritative interpretation of Shi'i doctrine occurred, whereby the 'Olamā succeeded in establishing a monolistic control over the religious lives of the population. The financial independence of the 'Olamā was a simultaneous development, through the authorization of religious taxes as representatives and on behalf of the Īmām. The concept of the collection of the Īmām's share as a part of the religious taxes of *Koms* was introduced, now collectable by the 'Olamā on 'behalf' of the Īmām. It must be pointed out that the 'Olamā were to this extent dependent on the faithful for their financial independence from the state. With popularization of the concept of Taqlīd, the faithful paid their religious taxes to the Marĵa'. The Marĵa' would then allocate a certain sum to be paid to the Tollāb. The distinct way of life is a Christian characteristic of priesthood which is not applicable to Islam, although the piety of many 'Olamā was judged by the public on the extent of the simplicity of their lives, and their non-involvement in political matters.

2) 'Claim to universal domination, that means, hierocracy must at least have overcome household, sib and tribal ties, and of a church in the full sense of the

¹⁹⁸ Arjomand (1984), General Introduction.

¹⁹⁹ Šeīķ 'Abdol-Karīm Ĥā'erī Yazdī is said to have paid his Ţollāb 1 Qerān a week.

word we speak only when ethnic and national barriers have been eliminated, hence after the levelling of all non-religious distinctions.'

During the Safavid period, belief in religion was synonymous with loyalty to the state. The period after the Safavid fall was a testing ground for Iran's loyalty to Shi'ism. The distinctness of the Shi'i doctrine is viewed by many scholars as significant in the national life of Iran, setting it aside from its Arab neighbors. It was during this period that loyalty to Shi'ism became to some extent identified with Iran's national life. Shi'i beliefs and practices had left a deep and lasting impact on the national life of Iran. By the Qajar period, the only cohesive power beyond regional, communal and tribal loyalty was loyalty to Shi'i Islam.

3) 'Dogma and rites (Kultus) must have been rationalized, recorded in Holy Scriptures, provided with commentaries, and turned into objects of a systematic education, as distinct from mere training in technical skills.'

Twelver Shi'ism developed a distinct doctrine and system of jurisprudence under the leadership of the fifth Moĥammadal-Bāqer (d. 733 AD) and sixth Ĵa'faral-Ṣādeq (d. (765 AD). By the ninth century, the Shi'i community was already well established both socially and doctrinally. A vast body of theological and legal literature existed - quoting from the Fifth and the Sixth Īmām, and to a lesser extent from Mūsāal-Kāžem, compiled in books and collections by Shi'i scholars - that made the Shi'i community self-sufficient except in odd cases where a new question arose or reports conflicted or opinions regarding interpretation differed.

4) 'All those features must occur in some kind compulsory organization. For the decisive fact is the separation of charisma from the person and its linkage with the institution and particularly with the office. Sociologically the church differs from the sect by considering itself the trustee of a "trust fund" of eternal blessings that are offered to everyone. In one word the church is the bearer and trustee of an office charisma, not a community of personally charismatic individuals, like the sect.' 200

Although the 'Olamā are referred to as the religious institution, however, the extent of their organization into a hierarchical system of authority should not be exaggerated. There was no formal hierarchy of authority among the *Moĵtaheds*, and the lower clerics could be differentiated by the patronage of various *Moĵtaheds* and the extent of their learning and piety. However, this is not to say that a system of hierarchy did not exist amongst the

²⁰⁰ Weber (1968), p. 1164.

Moĵtaheds. 201 Those in the shrine cities of Ottoman Iraq (Atabāt) held pre-eminence, while in Iran those in Tehran looked upon themselves as taking prominence over their colleagues in the provinces. 202 It could be argued that, with the ascendancy of the Oṣūlī School with its emphasis on \bar{l} \bar

It may effectively be argued that the term 'church' can loosely but accurately be applied to the 'Olama during the Qajar period. There is a distinctive patterns of development of Shi'i 'Olama from the time of the Greater Occultation until the period under study. After the Greater Occultation until the establishment of the Safavid dynasty, the Shi'i 'Olama were a distinct social group but did not constitute a recognized institution, a hierocracy. The Safavid period marks the transition of the 'Olama from a distinct social group to a hierocracy. The eventual consolidation of the Shi'i 'Olamā as a 'church', occurred in the nineteenth century. During this period, the religious, judicial and educational institutions fell within the sphere of control of the 'Olama. Simultaneously, as in the Sunni world, a number of treatises on political ethics and political theory were written by Shi'i jurists to legitimize this division. These works emphasized the interdependence of religion and kingship, and the importance of cooperation between religion and politics. Reżā Šāh ascended the throne in a country where this dual power structure had already taken firm roots. His policy of centralization was the antithesis of this dual structure of authority. Reżā Šāh was thus faced with a rival power structure, and made every effort to ensure its displacement. Consequently, the 'Olama were irreconcilably alienated from the Pahlavī State. The centralizing polices of Reżā Šāh devastated the clerical institution foundations of power, and to some extent lessened their cultural influence. However, one aspect of the traditional role of the 'Olama which survived and was in fact strengthened, was their role as 'the refuge from the oppression of tyrants and governmental officials'. This was one of the reasons for the continued influence, importance and popularity of the 'Olama. Although many of their 'public' and political functions were removed from them, this did not reduce the importance of the

²⁰¹ Theoretically, a Moĵtahed is supposed to embody impeccable character extensive knowledge. In practice however, many Moĵtahed inherited their office.

²⁰² Hardinge to Salisbury, no. 58, & May 1897, FO 539/76, no. 74.

Marĵa' Taqlīd or the Ma'navī 'Olamā²⁰³ or the extent of their power and influence over the lives of many Iranians. During the reign of Reżā Šāh, the institutional separation of religious and political powers became virtually complete; however, the internal structure of Iranian society was slower to change and the influence of the 'Olamā over the masses stayed almost intact.

²⁰³ Dūlatābadī makes an important distinction between 'worldly 'Olamā' (Donyavī) and 'spiritual 'Olamā' (Ma'navī or Ahle Manā). He describes the 'worldly 'Olamā'

as 'those whose quest for worldly domination, Rīyāsat Ma'-ābī, outweighs their religious aspects, who intermingle with state functionaries, hold religious court and gain large fortunes.' He describes the 'spiritual 'Olamā' as 'those who have no relations with state functionaries, who do not interfere in the administration of the law and avoid worldly luxuries.' Dūlatābadī (1371 SH/1992), pp. 50-54 & 134. 'Olamā' as 'those who have no relations with state functionaries, who do not interfere in the administration of the law and avoid worldly luxuries.' Dūlatābadī (1371 SH/1992), pp. 50-54 & 134.

Chapter Three: Educational Reform and the Demise of 'Olamā Power

Introduction

This chapter aims to examine the introduction of the new education system in Iran as a microcosm of the diminishing power of the 'Olamā. Education will be looked at within the larger framework of social processes and change during the reign of Režā Šāh. The role of education in the shaping of modern Iran has been largely neglected. Scholars have given comparatively little attention to the part played by the introduction of 'Western-style' education system both as a catalyst for change and as an element itself subject to change. The study of the Režā Šāh period whether in terms of modernization, Westernization, secularization, or simply 'development' has focused largely on political change and its impact on social, economic, administrative and intellectual affairs. The importance and contribution of education is yet to be recognized and fully appreciated. The transformation of the education system and the role of education are of paramount importance, as we shall attempt to argue in this chapter.

State authorization, sponsorship, funding and control of mass education first developed in Western Europe and later became a central feature of a highly institutionalized model of national development. European states became engaged in authorizing, funding and managing mass schools as a part of an endeavour to construct a unified polity. Within such polity, individuals were expected to find their primary identity with the nation. The education reforms of the Reżā Šāh period should be placed within the larger framework of his attempts to emulate the Western model of the nation-state and sponsored mass schooling as an institutional component. Mass education was evoked as a means of removing internal obstacles such as the power of the 'Olamā, tribal chieftains, and elite classes with a vested interest in a decentralized Iran. Mass state-controlled education was an indispensable factor in the development of a centralized state structure and the reconstruction of a sense of national identity based on Iran's pre-Islamic past.

The introduction of the new education system and the consequential reduction of the power of the 'Olamā operated at two levels: firstly, in its most direct and immediate effect of the removal of the function of education and educational funds from the hands of the 'Olamā to that of the state; secondly, and by far the most significant in terms of

¹ Ramirez & Boli (1987), p. 2.

² Ibid., p. 3

diminishing the influence of the 'Olamā in the long run, was the political socialization of the individual based on a value system alien to that of the native culture. The new education system through the 'import' of cultural values assisted the process of legitimization of other social changes, which were to be introduced. Education was the most potent force for Iran's cohesion as a nation, a force simultaneously capable of diminishing allegiance to Islam and weakening regional and ethnic ties and loyalties. The new schools promoted loyalty to the nation over and above all other 'sub-loyalties'. Through the new education system Reżā Šāh hoped to achieve the eventual breakdown of religious and regional loyalties and replace them with loyalty to the king and country.

The 'Olamā were intolerant of any change likely to prejudice their values let alone their status. It was not surprising that the most adamant opponents to the new education system were the 'Olamā. Although they could not deny the backwardness of Iran as measured against the material progress and strength of the West, they viewed the new education system as innovation, *Bed'a*, and innovation as un-Islamic. Resistance to change was seen as a religious obligation. The Prophet is alleged to have said: 'The worst things are those that are novelties, every novelty is an innovation, *Bed'a*, every innovation is an error and every error leads to hell fire.' The Islamic world did not need to follow the same 'road of progress' as that of the West. Islamic traditions contained all that was required for a progressive society. Iran's progress did not depend on 'blind imitation' of the West but on return to 'true Islamic values' and Islam's glorious past.

Mass sentiment seems to have reflected and supported clerical attitudes. The following assessment by a British observer who travelled extensively in Iran early in the nineteenth century confirms this:

'It is not easy to describe persons who fill no office, receive no appointment, who have no specific duties but who are called from their superior learning, piety and virtue by the silent but unanimous suffrage of the inhabitants..., to be their guides in religion and their protectors against the violence and oppression of their rulers and who receive from those by whose feeling they are elevated a respect and duty which leads the proudest king to join the popular voice.'4

The analyst Reżā Qolī Hedāyat writes: 'The decrees of the 'Olamā had preference over those of the Šāh... Had the Šāh felt compelled to oppose their policies the people

³ Lewis (1953), pp. 52.

would have toppled the monarchy.' Other travellers of the same period as well as later scholars have made very similar observations.

In the second half of the century in Iran as well as other parts of the Muslim world, the acknowledgment that Western education was vital for the achievement of progress became widespread. The intensity of this process was accelerated by the emergence of a new group of Western-educated thinkers. Education was viewed as one of the main 'secrets' of the success of the Western world. As Bernard Lewis has noted, this view was common at the end of the nineteenth century among Middle Eastern explorers of Europe. It was thought that political freedom was the secret source of Western power and success, the 'Aladdin's lamp with which the East might conjure up the genie of progress and win the fabulous treasures of the gorgeous and mysterious Occident." For the European educated intellectuals, 10 the imitation of the Western system of education was no longer 'an innovation' equivalent to an 'error' but rather the very road to salvation. Western-educated intellectuals, though not entirely divorced from their Iranian heritage, found inspiration for their views on education primarily in the West. Their writings show traces of eighteenth-century French thought on education influenced by theories such as those of Rousseau, Condorcet and Pestalozzi. Some also betray the influence of the 'founding fathers' of the United States - Thomas Jefferson, James Madison, John Hancock, and John Adams - who held that freedom and illiteracy were irreconcilable. Others reflect Adam Smith on the economic importance of education. However, given the prevalent religious ambiance and their own traditional upbringing, they often sought to accommodate both Western ideals and Islam. Some Muslim intellectuals viewed the expansion of education as the prerequisite of freedom, others as its inevitable outcome. Both groups viewed progress, freedom, and education as interrelated and inseparable. Education was considered as the social foundation for the formation of a modern nation state.

⁴ Malcolm (1829), p. 432.

⁵ Hedāyat (1339 SH/1960), p. 674.

⁶ Browne (1926), pp. 370-71, Curzon (1892), & Wills (1891).

⁷ Algar (1969).

⁸ Lewis (1966), p. 47.

⁹ Ibid.

^{10 &#}x27;Intellectuals' is a term, which is not easily defined. The way the term is used in this context may be best described through Raymond Aron's Definition of intellectuals as 'experts and men of letters' and those of the 'inner circle' who 'live by and for the exercise of the intellect'. Aron (1957).

Many educational reforms of the Pahlavī period had their roots in the Constitutional period. During the Reżā Šāh period these processes were intensified and accelerated. To be able to further discuss the impact of the changes introduced in the education system by Reżā Šāh and its consequences for the 'Olamā, the education system prior to the reign of Reżā Šāh needs to be considered. In this chapter the role of intellectuals in promoting the need for a modern education system, the early experiments in modern education, the education reform during the Constitutional period, and finally education as a microcosm of the demise of clerical power during the reign of Reżā Šāh will be considered.

The Role of Intellectuals in Promoting Educational Reform

Iranian intellectuals like their counterparts in other parts of the Middle East viewed Western style education as the 'cure' for all the ills of their societies and people. The West was viewed as a desirable model of imitation for 'progress' and 'development'. The West had progressed while the Islamic world had stagnated. The key to this progress was education. The source of Western strength was its freedom and the precondition of freedom was in turn education. The Japanese victory over Russia (1904-1905) and the rapid pace of Japanese modernization had inspired Muslim intellectuals and reinstalled their confidence in the ability of the East to equal and eventually surpass the West. 'Only by virtue of education has the old Japanese nation, which for thousands of years lived in darkness and deprivation, came to enjoy such a prominent position.' ¹¹

Iranian intellectuals tended to be optimistic concerning 'copying' successful foreign education systems in the hope that other social, economic, and political processes would 'automatically' follow. This optimism derived partly from an assumption that it would be much easier to 'transplant' education systems than political and economic institutions. The spread of education was seen as paving the way for future reforms, making them socially more acceptable. Education was seen as a separate entity which was not subject to social, economic and political structures, and thus capable of being 'shipped-out' almost like a crate of industrial products from developed countries to underdeveloped countries. Schools were often referred to by educationalist intellectuals

¹¹ Malekzādeh (1327 SH/1948), pp. 152-3.

¹² Menashri (1992), pp. 44-45.

as 'factories for producing human beings.' Schools were compared to industrial factories; as factories take in raw materials and turn out products, schools take in 'ignorant children and turn out engineers and accomplished thinkers.' Setting up several of these factories would 'help Iran to advance by three hundred years in the space of three months.'

The pro-modern education arguments were often presented in an Islamic guise and terminology, a method employed on the part of the intellectuals to counteract opposition of the 'Olamā and to win over public opinion.¹⁵ The intellectuals did not openly reject traditional religious knowledge, as they could not have instantaneously opposed the hierocratic institution given their socio-historic milieu. It was, however, obvious that the traditional concept of knowledge was regarded as having little relevance or value in the modern world. Their definition of knowledge was very much a European one in terms of 'applied scientific technological knowledge' and progress in terms of the extent of the domination and control of nature. If they were to win the support of the general public, they needed to demonstrate that the new style of education was not contradictory but in fact complementary to Islamic beliefs and principles. Malkom Ķān (1833-1908),¹⁶ the most forthright spokesman and critic of the old education system and the 'Olamā, wrote: 'Those most hostile to the ordering of the country, the education and liberty of the people are the 'Olamā, the fanatic grundys.' The religious establishment's ideological opposition to the new education system hindered its social progress.

The attempts of the intellectuals to promote the new education system as being inline with the Islamic precept of the 'search for knowledge' *Tālebol'elm*, failed to convince

¹³ Malekzādeh (1327 SH/1948), pp. 152-3.

¹⁴ Ibid.

¹⁵ The same approach was used for promoting the ideals of Constitutionalism; see Ādamīyat (1355 SH/1976).

¹⁶ Malkom was born to an Armenian family from Julfa. His father had converted to Islam, presumably for practical reasons. At the age of ten he left for Paris, and with the recommendation of Amīr-Kabīr, studied political science. He returned to Iran in 1851 and entered government service and worked as a teacher and translator at the newly established Dārol-Fonūn (1852) and as a personal interpreter to the Šāh from 1856. In 1863 he was exiled to Baghdad on the account of being 'irreligious' and then to Istanbul where, as a result of Sepahsālār's patronage, he was able to submit his reform projects to the government. He returned and was appointed advisor to Sepahsālār (then the Prime Minister) and was elevated to the ranks of nobility. He was later appointed as the ambassador to London and dismissed due to his involvement in a financial scandal. He remained in Europe until he was appointed as as the ambassador to Rome in 1902. For more information on Malkom see Algar (1973).

the 'Olamā. The 'Olamā remained the most adamant opponents of the new education. ¹⁸ Even to those 'Olamā who supported the constitution, the new educational system often remained 'the tantamount of irreligiousity. ¹⁹ The 'Olamā acknowledged the importance of education in general but regarded the new education system as dangerous to the Muslim civilization and to their own status in society. The danger that the new education system posed for the 'Olamā was twofold: firstly, they would no longer have control over financial as well as Constitutional matters pertaining to education, which was detrimental to their status. The teachers of *Maktab* traditional religious elementary schools stood to lose an important source of income. Furthermore the removal of religious endowments from the jurisdiction of the 'Olamā was a blow to their financial autonomy. Secondly, the new curriculum based on the European model nurtured an imported value system, which would in the long run reduce religious loyalties and consequently erode the influence of the 'Olamā within society.

The intellectuals were very critical of the traditional system of education. The traditional religious elementary schools, Maktab, were viewed as inadequate. It was argued that the students were not prepared for any useful occupations in life and the syllabus was totally irrelevant to the country's needs. The schoolteachers, $\bar{A}k\bar{u}nds$, were usually lower-ranking clergy lacking in education and pedagogical training themselves. The intellectuals criticized the traditional schooling system as stagnant and incapable of facing up to the challenges of the modern world. The failure of the traditional school system was viewed as twofold: firstly, the system of traditional schooling reflected the distorted social perception on the part of the religious and the political establishment valuing lineage above merit; secondly, for its own inherent demerits, which will be discussed later.

The traditional school system reinforced social traditions valuing lineage over and above merit. The political establishment, whose interests were served by the reinforcement of this value system, neglected educational reform. The inherent demerits of the traditional system were viewed as being in three major areas: the curriculum, the method of instruction and quality of teaching. The curriculum was thought to be irrelevant and out-moded. The method of teaching was viewed as uncritical and non-analytic. It was

¹⁸ For a more detailed discussion of the above see Maĥallātī (1346 SH/1967), pp. 12-15.

¹⁹ Bakš Qajar (1356 SH/1977), pp. 76-79.

based on memorizing, and asking questions was discouraged. The teachers were often of little education themselves.²¹ Mehdī Qolī Hedāyat wrote of his own teacher: 'May God rest his soul. He was so illiterate that we, his students, had to correct his mistakes!' The 'new educationalist' argued that instead of instilling beliefs and fostering good manners schools should prepare students for productive participation in building a new Iran. Such zealous support for Western-style education undoubtedly contributed to the spread of modernism but at the same time stimulated fierce opposition by the 'Olamā.

Malkom Kan was among the Iranian intellectuals who viewed education as the principal precondition of freedom and progress. His thoughts were particularly influential in the promotion of the modern education system. Malkom was well acquainted with the thoughts and lifestyle of the West, which he inspired to imitate in Iran. He was in fact the first advocate of comprehensive change as one can learn from his first treatise published in the late 1850's entitled The Book of Reforms, Daftare Tanžīmāt. One can trace influences of both Darwinism and of eighteenth-century humanism in the works of Malkom Kan. In his treatise Principles of Humanism, Osūl-e Ādamīyat,²³ he speaks of the three stages in the development in nature; inanimate, animal, and human. Malkom argues that man's ability to rise from the animal stage to that of humanity depends on acquiring knowledge. As long as people did not 'enjoy the enlightenment of knowledge they could not elevate themselves to the stage of humanism.'24 There seems to be a certain degree of Kantian influence in the works of Malkom too. He distinguishes three other stages in the development of human civilization - religious, philosophical and scientific - which can be said to be parallel to childhood, adolescence, and maturity. To achieve the highest level, societies, just like individuals, must acquire knowledge.²⁵

The educationalists emphasized the importance of education for the community as a whole rather than just for the individual. Malkom argued that: 'The strength of states

²⁰ Qāsemī-Pūyā (1377 SH/1998), pp. 89-92.

²¹ Ibid., and Hedāyat (1344 SH/1966).

²² Ibid., p. 10.

²³ One can find similar lines of argument in terms of 'human progression' in traditional Persian literature, such as the works of Ĵalālod-Dīn Moĥammad Balķī [Rumi]. Rumi speaks of the human's ability to progress from vegetable to animal to human and finally the 'perfect man'. The fundamental difference lies in the concept of knowledge. One can deduce from Malkom's work that his concept of knowledge is an 'instrumental' concept in terms of applied scientific knowledge and technological progress. It is within his definition of knowledge that one can see direct influences of Western thought.

²⁴ Malkom Kān [Nāžemol Dowleh] (1324 SH/1945), pp. 232-34 & 238-44.

²⁵ Ibid.

today depends more and more on the knowledge and education of their people. In the past the power of the Arab Empire was based on the qualifications and characteristics of its leaders. Today, the strength of the French government, however, is the result of the education of its people. In our days a situation such as that which existed during the Arab Empire is no longer sufficient. We must now have a state like France and England. Such a state can exist only after providing education for the public at large. '26 It must be pointed out that Malkom's thinking was not free from contradictions. He often changed his line of argument 'according to the audience he was addressing.'27 For example, it was not sufficiently clear whether he regarded the spread of education as a prerequisite for a Constitutional regime or as its inevitable outcome. This, however, did not detract from his determining influence. Furthermore his views can not be taken as representing those of the advocates of modern education, although they were very influential in shaping some of these arguments.

Intellectuals in the second half of the nineteenth century stressed the interrelation of education, freedom, and progress. It was only through the adoption of Western education that Iran could equal the achievements of the West. The military might of Europe impressed the Middle East the most. Thus, it was only natural for the intellectuals to stress education as a means to promote military power. Malkom wrote, 'The strength of Europe derives from a thousand sorts of different instruments. Failure to adopt each and every one of them will make it impossible to have armies as the Europeans have. The instruments social, economic, and political all depend on education.' He goes on to say, 'In the days of our great Caliphs, the strength of states stemmed from the number of their troops but today in India 30,000 British rule over 150 million Asians. This is so because in the past states fought each other with the strength of their arms; now they fight with the power of science.'

Nineteenth-century Iranian intellectuals usually had first-hand experience of the West. In the West they were exposed to the spirit of revolution and nationalism that dominated nineteen-century Europe. They were particularly struck by the concepts of freedom, liberty of the individual, supremacy of law, limits of royal power, the power of

²⁶ Ibid., pp. 92-3.

²⁷ Algar (1969), p. 189.

²⁸ Malkom Ķān [Nāžemol Dowleh] (1324 SH/1945), p. 91.

²⁹ Ibid.

parliament, the separation of religion, the state and education, all of which were lacking in their own country. Returning foreign graduates attempted to put into practice all that they had witnessed in the West. They felt an urge to make their newfound views public. 'They thought of themselves as the new apostles, spreading the message of science, liberty and progress.' This is not to say that they all had the same perception of Western civilization or wanted to imitate it in every respect. However, they were all impressed by what they had seen and wanted their country to benefit from it. Their efforts did not have far reaching implications, as we shall go on to discuss.

The ability of the intellectuals to appeal to public opinion let alone attract them to their cause, was severely limited.³¹ Despite the relative growth of the reading public, Mehdī Qolī Hedāyat remarks: 'Of books we have enough; what we lack are readers, the customers are illiterate.'32 This point can be clearly seen throughout Iranian history. The Tobacco revolt and events of the Constitutional Revolution ³³ are prime examples. In both instances, when it came to mobilizing mass support, it was the 'Olama and not the intellectuals who were the driving force. The intellectuals remained divorced from the masses. Their contribution was limited to the views of the upper classes and sections of the political establishment. There is a tendency in works about education to often overemphasize the role of intellectuals and understate the role of government as instruments of social change. Although scholars often stress intellectual trends, the pragmatic and governmental impetus to bring about reform was far more important in terms of its effect on societal change than the role of intellectuals. This was particularly so in the case of Pahlavī Iran, where political motives and governmental policy were the driving force of educational reform rather than the intellectuals or social belief. Some of the educational reforms that the intellectuals hoped to achieve through the spread of ideas, Reżā Šāh achieved through decree.

Early Experiments with Modern Education

The first attempts to obtain the benefits of Western education were made by sending Iranian students to European universities. At around the same time similar steps were also being taken in Egypt and the Ottoman Empire. The first Iranian students left

³⁰ Bayat (1982), p. 134.

³¹ Menashri (1992), p. 74.

³² Hedāyat (1344 SH/1966), p. 192.

Iran in 1811, making them among the first Middle Eastern students to do so. State-sponsored programs for students abroad were undertaken during three periods. The first period lasted from 1811-1815. The second period ran from 1845-1847. The third period from 1848-1896, which coincided with the first years of the reign of Nāṣerod-Dīn Šāh. In addition to the state-sponsored group, some other people left to study in Europe privately mostly, from the nobility and elite families in the second half of the century. Belonging to the power elite, they were usually supported by the government to some extent and chose their field of study either on the advice of prominent political figures, or on the strength of their family's evaluation of the future needs of the country. The field of study of government-sponsored students was decided for them according to the directives from the court as the need for potential manpower arose. In the early stages, most received military training or took up subjects that were useful to the army, such as engineering and mathematics. Medical study too was mainly for service in the army. Very few studied liberal or social sciences. In the strength of service in the army.

The careers of returning graduates had two characteristics: firstly, they were elevated relatively quickly to prominent positions; secondly, their position had little to do with the field of their study. The frequency of government and court appointments for graduates reflected the importance attached to the value of European-style education and in turn cultivated the interest of young people in studying abroad. Studying abroad offered graduates professional and social prestige. It must be pointed out, however, that given the social background of graduates, they would have been guaranteed prestigious careers in any case. Nevertheless education and in particular Western education became increasingly important. Gradually, even upper-class families came to believe that the careers of their sons had to be underpinned with educational qualification. Consequently, a European education initially undertaken for the sake of qualification soon became an important means of securing social prestige. Although most European-educated graduates occupied positions that were unrelated to their academic background, they were, through their involvement in the country's social, political, and economic life, able to contribute significantly to the overall process of modernization. This new educated group played a

³³ Also during the 1979 Revolution.

³⁴ Qāsemī-Pūyā (1377 SH/1998).

³⁵ Malkom Ķān for example decided to study political science on the advice of Amīr-Kabīr. For further details please see Algar (1973), p. 16.

central role in the nineteenth century reforms and liberal movements leading to the Constitutional Revolution. Although they were unsuccessful in mobilizing mass support for their new ideologies, they were successful in influencing individual politicians to carry out reforms and in turning the socio-economic elite against the regime.

The First Institute of Higher Education

The first institute of higher education in Iran was the Dārol-Fonūn, which was inaugurated on 28 December 1851. Its establishment was the natural outgrowth of the motives and expectations that had led to the dispatch of students to Europe earlier on. Its main aim was to make available Western technology to Iranians. The Dārol-Fonūn was the first educational establishment to be set up by the political rather than the religious establishment in Iran. It was also the first institution to teach modern Western science.³⁷ The Dārol-Fonūn was a polytechnic, designed to teach upper-class young men Western technology and science, thus preparing them for senior appointments in the army and administration. Amīr-Kabīr was the initiator and the driving force behind the establishment of Dārol-Fonūn. The name and curriculum were modelled on a comparable school first opened in Istanbul in 1845. The Russian³⁸ model of similar schools had also influenced his vision for the Dārol-Fonūn, as had the reforms of Moĥammad 'Alī Pašā in Egypt in particular, and the establishment of a medical school in Cairo was also influential.³⁹ The recognition of the need for modern education in Iran must be viewed within the overall processes of change that were occurring through out the Middle East.

Towards the end of the nineteenth century, the graduates of Dārol-Fonūn, together with the foreign graduates, played a significant role in the growth of liberal movements in Iran. For half a century, Dārol-Fonūn was the only institution of higher education in Iran⁴⁰ and remained the most important one. The importance and significance of Dārol-Fonūn lay in a number of factors: 1) Most important was the very initiative by the government to set up a school to teach modern science which was independent of the 'Olamā. This turned it into the cornerstone of modern education in Iran. 2) Dārol-Fonūn

³⁶ Ibid.

³⁷ Qāsemī-Pūyā (1377 SH/1998), pp. 135-7.

For further details about the Dārol-Fonūn see: Avery (1965).

³⁸ Amīr-Kabīr had traveled to Russia in the 1820s and the Russian education system had left a lasting impression on him.

³⁹ Qāsemī-Pūyā (1377 SH/1998), pp. 125-140.

⁴⁰ Until the establishment of Tehran University.

trained relatively large cadres of Iranians giving them some expertise in their particular field of study and generally acquainting them with Western culture and language. 3) The graduates in turn promoted modern education, whether through propagating their views or by setting up new schools. 4) Dārol-Fonūn served itself as a centre where public lectures and discussions were held. Its printing press published not only official newspapers and textbooks but also translations of Western literature and scientific journals.⁴¹

The foreign graduates and the graduates of the Dārol-Fonūn were the driving force behind the first newspapers in the mid-nineteenth century, and behind the expansion of the press in the following decades. They published the most important newspapers and were both their main writers and principal readers. 42 The newspapers published abroad by Iranian expatriates in the 1870 reflected political development and took a firm stand for Constitutionalism. These papers could afford to be more radical and outspoken as they were not subject to censorship. Another avenue for challenging the political situation in Iran through literary opinion was translation and original critical writing, both of which owed a great deal to the graduates. In the last quarter of the century there appeared many original books of political and social criticism. In the last quarter of the century their urge to publish was complemented by a growing desire to read. The reading public fed on political treatise, periodicals and newspapers. Banned publications were smuggled into the country and read widely, and not just in the close circles to which they were primarily addressed. They were even circulated at the court. 43 According to Browne, on the eve of the Constitutional Revolution some newspapers printed a few thousand copies of each issue and these were circulated amongst readers.⁴⁴

Opposition to Dārol-Fonūn came mainly from the 'Olamā. They opposed the very act of the setting up of schools outside the realms of their control and resented the teaching of modern subjects. The new schools were an intrusion into their traditional domain, hitherto exclusively their own. In an attempt to appease the 'Olamā the founders incorporated religious studies into the curriculum and held public prayers at the school. Their efforts failed to pacify the 'Olamā. Having failed to prevent its establishment, the

⁴¹ Menashri (1992), p. 74.

⁴² Qāsemī-Pūyā (1377 SH/1998), pp. 106-109.

⁴³ Browne (1914), p. 25-6.

⁴⁴ Ibid.

'Olamā appealed to the Šāh not to support a school bound to cultivate 'anti-monarchical philosophies'. The Rošdīyeh School in Tabrīz for example, was stormed and destroyed by a mob of *Tollāb* and its founder Ĥasan Rošdīyeh suffered *Takfīr*. Also Yaĥyā Dūlatābadī, the headmaster of four schools, wrote of numerous threats to his life by the 'Olamā in his memoirs. Their pressure increased with the spread of liberal movements in the Ottoman Empire and the approval of a Constitution there in 1876. Furthermore their opposition was further intensified with the growth of liberal movements in Iran towards the end of the century. This opposition to 'new education' on the part of the 'Olamā continued into the Reżā Šāh period, where all these processes were intensified and pursued as a matter of state policy.

General opposition to modern education revolved around two principal arguments. One was the view of the 'Olama that the Western impact on education and through education on the community was harmful to Iran in general and to Islam in particular. They accused the European powers of wishing to turn the students away from Islam in order to place them under their own influence and thus advance their imperialist interests in Iran. The second argument questioned the contribution of new education to society in general and to studies abroad in particular. According to this argument, the graduates did not contribute much to the advance of Iran as most of them ended up in administrative positions and helped to maintain the status quo.⁴⁸ The sending of students abroad, the establishment of Dārol-Fonūn, and the new elementary schools signified two major innovations: firstly for the first time in Iran there was a deliberate, even methodical, attempt to learn from the West; secondly and perhaps more importantly, the state assumed responsibility for education for the first time instead of the religious establishment. This was particularly significant in terms of the balance of power between hierocratic and political structures of domination, in a country where religious institutions controlled much of education and social welfare. State control of institutions which were hitherto under religious control seemed necessary to introduce modernization and centralizing changes.

⁴⁵ Dūlatābadī (1371 SH/1992), pp. 262-79, 307-9.

⁴⁶ The Rošdīyeh School was one of the first 'modern' or 'new' schools to have been established in Iran. For further details on the school please see Rošdīyeh (1362 SH/1983), and Qāsemī-Pūyā (1377 SH/1998), pp. 188-214.

⁴⁷ Dūlatābadī (1371 SH/1992), pp. 180-184.

⁴⁸ Mūstowfī (1360 SH/1981), p. 125.

The Constitutional period, commencing from the ratification of the Constitution in 1906 to the 1921 coup, was an era of relative liberalism. It was an interlude between two periods of autocracy. The intellectuals attempted to promote their reform programmess during this period. These intervals of diminishing control were too short and besieged with instability, social tension and economic upheaval to allow reform to be of any significant resolution. During this period the advocates of educational reform placed particular emphasis on elementary education. Elementary schooling was viewed as a prerequisite for a Constitutional regime. It was argued that elementary schooling was an essential condition for the building of a modern state, for social and economic progress and for expanding and improving higher education. The educational legislation of the period reflected such thinking.⁴⁹

The Supplementary Constitutional Law of 1907 established the legal basis for education to be free and for schools to be removed from clerical control. The Fundamental Law of Education of 1911 set forth with great clarity the conceptual framework of the educational system. It dealt with elementary education and particular stress was placed on how to bring the children of lower-class families into schools and how to make the education programme uniform throughout the country. Compulsory free primary education was seen as the only means of achieving greater social and political justice. The law specified that each village and urban quarter must have a school⁵⁰ and those state schools should primarily serve the poor.⁵¹ Wealthy families from towns were made responsible for the upkeep of urban schools, rural landlords for village schools.⁵² Unlike the initial preferences for military studies in the nineteenth century, the 1911 students sent abroad favoured education and science. Studies abroad had hitherto been considered as a tool for military advancement and were now conceived as an instrument for educational reform.⁵³ In contrast to the past Maĵles, members now insisted that preference be given to students from lower-class and provincial background. The law concerning the criteria for the selection of student candidates insisted that all must be

⁴⁹ Qāsemī-Pūyā (1377 SH/1998), pp. 234-283.

⁵⁰ As specified in Article 19 of supplementary Constitutional law of 1911, Maĵmū'eh-e Qavānīn-e Maĵles Šūrāye Mellī. Initially each Maĵles was elected for two years and later for four years.

⁵¹ As specified in Article 25 of supplementary Constitutional law of 1911.

⁵² As specified in Article 22-24 of supplementary Constitutional law of 1911.

⁵³ Qāsemī-Pūyā (1377 SH/1998), pp. 262-267.

[men] from poorer families, Foqarā, bachelors and between 15-30 years of age.⁵⁴ All had to pass a competitive government examination to show that they possessed the necessary academic qualities. About one hundred and fifty candidates competed for thirty scholarships, another indicator of the growing demand for higher education. These conditions reflect clearly the over-optimistic liberal aspirations of the Maĵles members and the stark realities of the country. If candidates from poorer families could be found at all, they were unlikely to have acquired the level of education necessary to enable them to pass the rigid government examination. In reality most of the students sent abroad were sons of upper-class families.

The educational laws of the Constitutional period became a precedent for similar laws under Reżā Šāh. The Medical law, Qānūn-e Ţebābat, of 1911, for example, made the practice of medicine conditional on acquiring modern medical training. During the Reżā Šāh period the practice of law and of teaching were restricted to graduates of modern universities. Subsequently, both lawyers and schoolteachers were mostly from amongst the 'Olama with traditional religious training. The new laws removed their hold over these professions and paved the way for the modernization of Iran. The widely-held expectation that the Constitutional Revolution would lead to immediate advancement in education did not materialize. During this period, important advances were made, such as defining and incorporating the overall objectives of the education system into legislation. These objectives were free and compulsory education, a uniform system of education, opportunities for lower-class children and children from the provinces, and making certain occupations conditional on an appropriate modern education.⁵⁵ Furthermore it was during this period that the foundations for the Ministry of Education were laid. The problem at hand was the actual implementation of these policies. It was not until the Reżā Šāh period that some of these policies were implemented and the ideas of the early years of the century were actualized.

Reżā Šāh believed that the progress of Iran depended on the adoption of Western technological achievements and on the 'selective borrowing' of certain Western cultural values, social, economic and political institutions. A modern educational system was the primary and vital requirement for the purpose of achieving all three goals. Education was

⁵⁴ Ibid.

⁵⁵ Such as the practice of medicine, law and teaching.

viewed as necessary for the 'rapid' advancement of the nation. The Šāh's personal interests shaped educational policies in all their aspects. His approach to education was primarily utilitarian; he considered education as a pragmatic means of advancing his policies. Education was only valuable if it contributed to the stability of the state and the social adaptation of the individual to it. Accordingly, importance was placed on the society as a whole rather than the individual to be educated. The function of education was viewed as integrating the individual into society, and not to develop his particular personality - in other words, to create uniformity rather than individuality. The gap between these two approaches runs through much of modern education theory in the West. One side viewed 'man' and 'his' individuality as the object of education; the other sought to form a citizen loyal to his nation and state. For Režā Šāh the matter was simple: the citizen must be totally subordinate to the state and education was nothing if it was not the means to create loyal citizens.

Education Reforms Introduced by Reżā Šāh and its Consequences for the 'Olamā

Reżā Šāh thought of education as the most potent force for Iran's cohesion as a nation, a force simultaneously capable of diminishing allegiance to Islam and weakening regional and ethnic ties and loyalties. The schools were to promote patriotism, *Mīhan-Pārsī*, loyalty to the nation, national unity, *Vaĥdat-e-Mellī*, and national independence, *Esteqlāl-e-Mellī*. Fostering a uniform educational programme which promoted the above ideas was seen as vital in bringing the constituent elements of Iranian society together. Education was viewed as the only long-term plan which would help to consolidate the authority of Reżā Šāh. In studying the proclamations of Reżā Šāh and Ṭabāṭabā'ī, one can see that even as early as 1921 such views were clearly set forth. Ṭabāṭabā'ī states: 'It is essential for the character, the spiritual foundation and the feelings of our young people to be developed and advanced by means of a national patriotic education so that our sons [will be] willing to sacrifice their lives for their homeland.'⁵⁷

In highly centralized countries, education becomes a state function and a means of attaining identity, unity and developing a sense of patriotism, devotion and national

⁵⁶ Dewey (1916).

⁵⁷ Mūstowfī (1360 SH/1981), pp. 218-19. Also cited in Dūlatābadī (1371 SH/1992), pp. 235-236. The Proclamation was issued on 26 February 1921.

responsibility. It was the hope of the Reżā Šāh government to achieve such results through the new educational system. The establishment of a unified education system was attempted very early on, in fact as early as 1922. The new Iranian education system was modelled on the French system. In 1922 the government had already formed the Supreme Council of Education, Šowrāye 'Ālīy-e Āmozeš, which was responsible for outlining a unified education policy. The year 1925 saw the formation of the Department of Public Education, Edareh Āmūzeše 'Omūmī, in the Ministry of Education to supervise its implementation. In the mid-1920s, a uniform syllabus was prepared for elementary and secondary schools (for boys and girls) and was made mandatory for all schools. Private schools were also accountable to the ministry and had to follow the official programme. In 1928, all foreign schools were compelled by a decree to use the official syllabus up to the fourth grade, and Farsi was to be the only language of instruction. Also, in 1928 all school textbooks for all regions was standardized. In 1937 the government nationalized all foreign elementary schools and in 1939 all secondary schools as well. In the same year, a new modified series of textbooks was published for all subjects in all elementary and secondary schools.⁵⁸

The standardization of the textbooks was designed specifically to fit the regime's aims and need.⁵⁹ The textbook emphasized the standard elements of a 'national education', which were language, literature, history and geography, as well as music and folklore.⁶⁰ To create uniformity and centralization by overcoming Iran's ethnic and linguistic pluralism, special emphasis was laid on the knowledge of Farsi. Farsi was taught only in the correct standard pronunciation to avoid local and regional dialects. In the teaching of history a great deal of emphasis was placed on Iran's pre-Islamic past and the 'glory of the Persian Empire'. The Achaemenial period was particularly stressed. Instructions in geography attempted to invoke a sense of Iran as a unified homeland and to stress a bond linking all various regions irrespective of their individual differences. Regional differences and hence regional loyalties were to become secondary to being Iranian and loyal to king and country. Literature, especially poetry, and Iranian art were likewise emphasized. Physical education and paramilitary training - typical of nationalist

⁵⁸ Sadiq (1931), pp. 49-50 & Arasteh (1969), pp. 76-77.

⁵⁹ Sadiq (1931), p. 53 & Banani (1961), pp. 94-95.

⁶⁰ Sadiq (1931).

education - were also promoted.⁶¹ In 1935 Reżā Šāh instructed the newly-established Academy for the Persian Language, *Farhangestān*, to 'cleanse' Farsi of Arabic-borrowed words and replace them with 'pure' Farsi words. This was a somewhat limited emulation of Kemal Ataturk's policy of replacing the Arabic alphabet with Latin script in 1928 in Turkey. At the same time, an Archaeological Museum and an Academy of Arts was established as a tribute to Iran's pre-Islamic past. ⁶²

The importance of education for the further development of Iran, a continuing theme from the nineteenth century, was of central importance in shaping the educational policies of Reżā Šāh. The Šāh related his own views on education in an interview with Rosita Forbes. ⁶³ In answer to a question as to whether it was advisable to educate the best men in Europe he said:

'It would be much better to educate them here in the country where they are going to live and with whose progress they must be inevitably concerned. But we have not yet the necessary machinery. We need all sorts of technical experts and these must for the moment be trained in Europe, but I hope the young men we send to France and Italy will realize that civilization is different for every country. I don't want to turn the Persian into a bad copy of a European. That is not necessary for he has mighty traditions behind him. I mean to make my countrymen the best possible Persians. They need not be particularly Western or particularly Eastern. Each country has a mould of its own, which should be developed and improved until it turns out a citizen who is not a replica of anyone else but an individual, sure of himself and proud of his nationality. The Persian character has got to be hardened. For too long my countrymen have relied on others. I want to teach them their own value so that they may be independent in mind and action.'64

The link between education and the promotion of the ideals of nationalism are clear in the above statement. There seem to exist in the Šāh's speeches an underlying ambivalence and moral dilemma, a dilemma of wanting to assimilate Western cultural values without the total loss of Iranian identity. The Western model was desirable to the extent that it was viewed as advanced and progressive. On the other hand, a sense of Persian heritage and national pride meant that complete Westernization was undesirable.

⁶¹ Menashri (1992), pp. 95-6.

⁶² Banani (1961), p. 98.

⁶³ Forbes (1931), pp. 182-87.

⁶⁴ Ibid.

Banishment of clerics from their traditional hold over education and the administration of justice signified more than a mere mitigation of the activities of the religious establishment. Primarily it marked the decline of a dual-power structure prevalent in Iran for over two centuries. It deprived many clerics in the education and judicial system of their livelihood. Their influence was further curtailed as reorganization of religious endowments was undertaken in order to find money for the educational expansion; the endowments had been overseen under the Ministry of Education from its inception by the second *Maîles* in 1911. The Higher Council of Education, which was set up in 1921, included in its terms of reference the discussion of using *vaqf*, endowments, for the support of state schools.⁶⁵ Furthermore it signified a decrease in traditional aspects of social life. Changes in the judicial and education system paved the way for further social change. In particular through the adoption of a Western-style education, the next generation of Iranians experienced a fundamental change not only in the classroom but also in their norms and values.

Reżā Šāh was more concerned with fully establishing his monopoly of power rather than with conducting an ideological campaign against Islam. This implied reducing the influence of the 'Olama in all aspects of social life and confining them to matters of faith and ritual. In his Safarnāmeh-e [Travelbook to] Māzandarān, Reżā Šāh relates that during his Premiership, he met someone who presented himself as a Šeīkol-Īslām. Reżā Šāh then inquired about the level education necessary to attain such a position. He answered: 'Throughout Iran, the primary condition for being a Šeīkol-Īslām is ignornace. Therefore, I, who cannot read or write, am more a Šeīkol-Īslām than any real Šeīkol-Islām!' He added that even though the 'Olamā are themselves illiterate, they can still manage to turn popular ignorance to their advantage.66 'Implicit in Reżā Šāh's educational reform was his determination to undermine the influence of the religious classes. Education had been their province until the Constitutional movement. Secularization and Westernisation went together. The emphasis on sport and quasimilitary drilling was the antithesis of the old discipline of the robe.⁶⁷ The Šāh was well aware of the extent of clerical power and the threat of their challenge [potential and actual] to his reforms. 'Abdollāh Razī, editor of the periodical Rastāķīz, Resurrection, in

⁶⁵ Farrok [Mo'taşamol Saltaneh] (1347 SH/1968), p. 255-6.

⁶⁶ Pahlavī (1305 SH/1927), pp. 54-55.

⁶⁷ Avery (1965), p. 284.

an article published shortly after Reżā Šāh's coronation proposes that the root of Iran's problem is not military or political weakness but rather the corruption and the power of the 'Olamā.⁶⁸ In another article in the same periodical, it is argued that only through 'education and action' can the power of the 'Olamā be counteracted.⁶⁹

The Šāh realized the extent of popular support enjoyed by the 'Olamā, and he managed to maintain good relations with them as long as he was Prime Minister and until he had obtained his monopoly of power. Režā Šāh wanted religion in Iran to take a place similar to that prevailing in the Christian West at the time. To achieve this goal, the Šāh launched a comprehensive educational effort. One key factor in reducing the power base of the religious establishment was removing education (and the courts) from its monopoly. The new system of education was to serve as a conduit for the spread of new ideas in society. He believed that the influence of the 'Olamā was largely based on the ignorance of the people at large. With this aim he began to 'educate Iran'. ⁷⁰

Efforts were made on the part of the government to substantially reduce the number of the old-style religious-run Maktab and Madreseh students. Efforts were made to cut down the number of Tollāb and thus to reduce the reservoir of future religious functionaries. Also there was to be a uniform and government-regulated exam, which the Tollab had to pass in order to be awarded their particular rank. In 1925 the new conscription law did not cancel the exemption of Tollab from the services, but army and police officers carried out frequent inspections and enlisted many whom they did not consider 'genuine' Tollāb. This caused much resentment among the 'Olamā. In effect, the new policies caused a drastic fall in the number of Tollāb. In the meantime, the new system of education was expanded. These policies were introduced in the hope of achieving the goal of making the new generation of Iranians less strongly attached to the 'Olama and to reduce their power and influence. The changeover from traditional to the new education, which had begun in the nineteenth century, was now significantly accelerated with a concurrent decline in the number of Maktab students. In 1924 the Supreme Council of Education laid down for the first time conditions (both pedagogical and sanitary) for opening Maktab. New Maktab could only be opened with the approval

⁶⁸ Rażī, (1925), pp. 34-5.

⁶⁹ Rastāķīz, September (1925), pp. 2-3.

⁷⁰ Menashri (1992), p. 100.

⁷¹ Makkī (1369 SH/1991), p. 251.

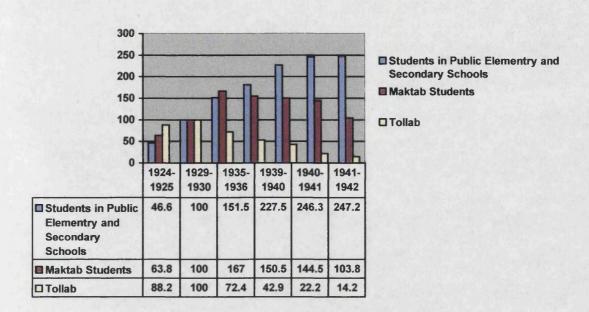
of the minister of education. Table 1 compares the decline of *Maktab* and *Madreseh* students with public school attendance in selected years between 1924 and 1945. Since the data are based on government sources, it is possible that the public school figures are overstated and the *Maktab* and *Madreseh* figures fall short of reality.⁷²

Table 1. Students in *Maktab* and *Madreseh* compared with public schools in selected years between 1924-1925 to 1941-1942.

Year	Students in Public Elementary and Secondary Schools		Maktab Students		<i>Ţollāb</i>	
	NO.	%	NO.	%	NO.	%
1924-1925	59,339	46.6	22,929	63.8	4,879	88.2
1929-1930	127,546	100.0	35,931	100.0	5,532	100.0
1935-1936	193,271	151.5	60,008	167.0	4,004	72.4
1936-1937	231,119	181.2	55,645	154.9	2,935	53.1
1939-1940	290,118	227.5	54,069	150.5	2,373	42.9
1940-1941	314,173	246.3	51,922	144.5	1,341	22.2
1941-1942	315,355	247.2	37,289	103.8	784	14.2

⁷² Menashri (1992), p. 102, figures computed by the author, based on: SBB/MA, Dowran-e Pahlavī, Tehrān: Markaz-e Amar, 2535[1976/7], 35-55; VAP, Gozāreš-e Āmuzeš, Document 284 in MAM; Ķāeĵe-Nūrī.

Chart 1. Shows the decline in the number of Maktab students and Tollāb as compared with the number of students in public and elementary schools in the years between 1924 and 1942. The percentages are based on and compared to the years 1929-1930.



Reżā Šāh, as well as attempting to eliminate the traditional school system, also sought to limit Islamic studies in the new schools. The number of classroom hours dedicated to Islam and Arabic were reduced and substituted with the natural sciences (in high school), and music, and painting were also added. It is interesting to note that the *Madreseh*, having lost the *Maktab* as their recruiting ground, eventually succeeded in attracting graduates from the new schools.⁷³ In assessing the success of Reżā Šāh's policies of secularizing the education system, David Menashri writes:

'All in all, given popular devotion to religion and the strength of the Shi'i establishment, secularization in the school system and through it in other areas of life was a considerable achievement. But much of the hope for making education a lever for secularization necessarily depend on its expansion to include most if not all of the school-age population. The fact that at that time education still remained the privilege of a tiny minority precluded such results. More importantly the religious devotion even of the graduates of the new schools remained very much alive. Secularization efforts notwithstanding, the inherent strength of the Shi'i sentiments in Iran made it possible for Islam to remain Iran's cohesive element even under Reżā Šāh.'⁷⁴

⁷³ Sadiq (1931), & Avery (1965), pp. 275-6.

⁷⁴ Menashri (1992), p. 104.

It may also be added that although the education and legal policies did in fact limit the influence of the 'Olamā over the public sphere, their power over the masses remained intact. Strong religious sentiment, coupled with the role of the 'Olamā as it had evolved in Shi'i Iran, ensured the 'Olamā of their privileged role as the 'custodians of the believers'. The augmentation of the new education system was viewed as bringing the country closer to Western ways and ideals. The new range of subjects taught in schools was with the intention of giving an added impetus to Westernization. The tendency towards Westernization was paramount in all aspects of Reżā Šāh's education policy. It aimed to adopt Western science and technology, 'selectively' appropriate some Western cultural values, and to borrow Western social and economic structures. The regime enjoyed the support of intellectuals in its education policies, some of whom interestingly enough came from an 'Olamā family background. Most influential among them were Taqīzādeh, Aĥmad Kasravī, Ĥoseīn Kāžemzādeh, 'Alī Daštī, and Moṣtafā 'Adl. The fiercest opposition to the new schools came from the 'Olamā, who viewed the process as weakening Islamic principles and beliefs.

The Šāh, in his address to students sent abroad in 1930, made it clear that the purpose of sending them abroad at public expense was not only for them to acquire knowledge but also to acquaint them with Western culture. He said that if it was simply a question of their receiving foreign education, 'We could have engaged foreign instructors to teach in Iran. Our chief aim is that you should receive a moral education, for we note that Western countries have acquired a high standing as a result of their thorough moral education.' Turning to the Minister of Education he went on, 'You should take care to select countries which pay proper attention to moral education and you should send students there.' The Šāh in a speech to the first group of students to be sent by him to France said that they [the students] might think it strange that a monarchy should send its students to a republic to be educated. In the Šāh's view, the reason was that they were to acquire the 'French sense of patriotism and keep it deep in [their] hearts.' The important lesson for the students was to learn a sense of patriotism and loyalty to the nation-state as was seen to be the case in Europe. Upon their return the students were expected to serve their country and its ruler. The Šāh insisted on sending the Crown Prince to study at a

⁷⁵ Farrok [Mo'taşamol Saltaneh] (1347 SH/1968), pp. 233-4.

⁷⁶ Wilber (1975), p. 135.

European school. He is reported to have said at the time of his son's departure: 'It is very hard for me to part with my beloved son but one must think of the country. Iran needs educated and enlightened rulers. We, the old and ignorant, must go.'⁷⁷

The Iranian education system was modelled on the French, and French was the main foreign language taught in Iran. The majority of the earlier students who were sent abroad were sent to France. There was, however, a gradual increase in the number of students going to England, Germany, and later to the United States. The percentage for the United States rose significantly after World War II. The government allotted the field of study of the students to be sent abroad; in return, the government would provide graduates with jobs for a period consistent with the length of their study. A survey conducted by the Institute for Social Research at Tehran University shows that out of 176 graduates, 27.3 per cent studied medicine, 25.6 per cent studied chemistry, physics, and/or mathematics, 19.9 per cent studied engineering, 19.9 per cent studied arts and social sciences, 7.3 per cent studied agriculture. The survey included teacher-trainees in the above categories.⁷⁸ When one compares these figures with the occupations of the graduates, it becomes clear that very few entered the field of their speciality. The survey of 176 students shows that 52.2 per cent were appointed to the civil service, the municipalities, or government-owned firms, 31.8 per cent were employed by Tehran University, 12.5 per cent taught at the Tehran Teachers' Seminar or other schools, 1.2 per cent entered the profession of their field of study and 2.3 per cent did not answer the questions on the survey about occupation.⁷⁹ If there were not an adequate offer of a position within six months of their return, they would be free to make their own arrangements. The government attempted to allocate jobs to students relevant to their field of study. In practice, graduates ended up in occupations not directly related to their expertise and felt that the government owed them a 'respectable' position.

An additional feature of the new system of education was the encouragement of the education of girls at all levels. Under the traditional system, the number of girls in school had been very small. This is partly because, in more privileged families who could afford to educate their daughters at all, girls tended to be educated at home. They were

⁷⁷ Arfa (1964), p. 226.

⁷⁸ The survey of the Institute for Social Research, University of Tehrān, 1974. Moradī-Neǧād and Šarīatī (1353 SH/1974), p. 27.

⁷⁹ Ibid., p. 70.

taught by either a private tutor or their fathers. It was not considered appropriate or culturally acceptable for women to go out of the house to attend a *maktab*. In private *maktabs*, however, boys and girls of the same household often studied together. Although technically a woman could become a *Moĵtahed*, none was recognized as a *Marĵa' Taqlīd*.

The first non missionary girl's schools were opened during the Constitutional Revolution, such as Nāmus in 1907, and the Ecole Franco-Persane in 1908, and Women's Associations were active in expanding education for girls. On the whole education of women was very limited during this period. It was not until 1935 that girls were admitted to institutions of higher education. In the same year elementary education became coeducational.

The education of girls was highly favoured by the intellectuals and educationalists, and fiercely opposed and criticized by the 'Olamā. The education of women was viewed by educationalists and intellectuals as the path of progress. Režā Šāh himself saw a direct link between the education of girls and the process of Westernization. In 1934 on his visit to Turkey, the Šāh was so impressed with the expansion of girls' education there that he said to his ambassador in Istanbul that it was essential for Iran to imitate the Turks in advancing the education for girls. In January 1936 in a ceremony held at the training college for women teachers to mark the abolishing of the veil, the Šāh stressed the importance of expanding education for girls. The Šāh added that 'Because of our women's custom to wear the veil, due to ignorance and illiteracy, the Europeans have always taunted and despised us.' The Šāh viewed the situation as changing only if the veil was discarded and women educated.

Table 2 shows the enrolment of girls as compared to boys at elementary and secondary schools from 1922 to 1942. Enrolment rose faster for girls than for boys. As can be seen from the table, the increase in the attendance of girls was quite substantial as compared with the pre-Reżā Šāh era.

⁸⁰ Fischer (1978), pp. 189-215.

⁸¹ Qāsemī-Pūyā (1377 SH/1998), pp. 356-7.

⁸² Bayat (1978), pp. 295-308.

⁸³ Sadiq (1931), pp. 115-16.

⁸⁴ Ĥekmat (1355 SH/1976), p. 88-97 also quoted by Makkī (1369 SH/1991), pp. 258-9.

Table 2. Expansion of elementary and secondary education according to sex in 1922-3 to 1941-285

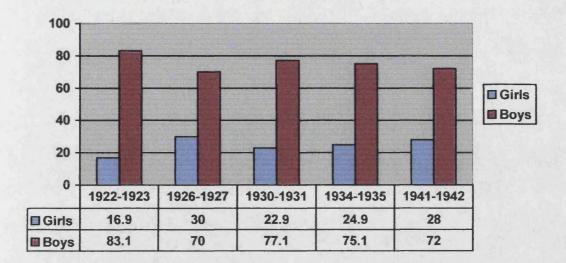
Year	Total no. of	GIRLS		BOYS	S
	students	NO.	% of students	NO.	% of students
1922-1923	44,819	7,592	16.9	37,227	83.1
1926-1927	60,337	18,084	30.0	42,253	70.0
1930-1931	137,504	31,477	22.9	106,027	77.1
1934-1935	183,204	45,542	24.9	137,662	75.1
1941-1942	315,355	88,195	28.0	227,160	72.0

In 1934, girls were admitted for the first time to the Tehran Seminar for high school teachers. The admission of female students aroused fierce clerical opposition. The director of the school, 'Īsā Ṣādeq, came under direct attack by the 'Olamā. To the threats against him he is reported to have said: 'The time when the 'Olamā decided which way this country was moving has gone forever.' Forty years later in an interview with David Menashri, he acknowledged that only the support of the Šāh had made it possible to overcome the 'Olamā's opposition. Tehran University did not admit its first female students until five years later in 1940/41.

⁸⁵ Ibid., pp. 108-110, figures computed by the author based on: SBB/MA, Dowrān-e Pahlavī, 33-55; VAP, Gozāreš-e Āmuzeš, Document 284 in MAM; Ķāeĵe-Nūrī.

⁸⁶ Ibid., pp. 88-97.

⁸⁷ Menashri (1992), pp. 108.



Irrespective of some of the liberal aspirations for the new education system, the Šāh's own concept was both totalitarian and pragmatic. The purpose of education was not only to provide knowledge for the 'sake of knowledge' but to 'nurture' loyal, obedient and self-sacrificing citizens willing to sacrifice their individual life for the greater cause, for the Ab va Kāke vaṭan, the water and soil of the homeland. The philosophy of education and issues of the state's moral right to place the stamp of such education on its citizens were no concern of his. His confidence that he was leading the nation along the right path was sufficient. Accordingly schools were to inculcate 'self evident' values and simple principles but not to encourage critical thinking likely to undermine the students' faith in the justice of the regime. Education was seen as a combination of indoctrination, imparting views, and censorship withholding harmful information.88 Intellectuals and liberals tended towards democratic aspiration and opposed the imposition of a certain set of values, and advocated critical thinking and individual understanding in education. However these differences were not clearly expressed during this period; instead most preferred to keep their arguments in consonance with the Šāh's. Many educationalists preferred to work for the improvement of education prior to its expansion. They were all critical of the fact that education was almost entirely academic, turning out graduates that were only fit for administrative posts. This being so, during this period little effort was

⁸⁸ For further analysis of the role of education please see Dewey (1916), p. 4-6 & Locke (1989), p. 50.

made to improve the quality of education. The emphasis was placed instead on expanding education and moulding it to serve and benefit the aims of the regime.

Režā Šāh was a determined defender of vocational education. He viewed manual work as most valuable. He had hoped to correct Iran's technical backwardness through education. Actual policy followed this overall line. The Ministries of industry, roads, war, agriculture, health, communication, finances and mines each set up various vocational schools and technical colleges with the immediate aim of training potential employees. The first non-departmental polytechnic was founded in 1922. From 1923 onwards, every concession to a foreign company was made conditional on its providing professional technical instruction to Iranian students and workers. In order to attract more students, technical schools annulled tuition fees from 1926. Despite these efforts the standards remained low and they developed at a much slower pace than academic schools. This was partly due to the low social esteem of manual work and hence vocational education. The technical schools lacked the social prestige of academic schools. Vocational education seemed a contradiction in terms: manual work was taught in workshops and out in the fields; schools were there to escape from such prospects.⁸⁹

The increase in the spread of the ideals of nationalism, secularism, Westernization and loyalty to the state was best served through the expansion of elementary schooling. The role of elementary schooling is seen as an important factor in the way in which the individual's sense of political awareness forms the basis for future elaboration of opinions, attitudes, concepts and eventual behaviour 'in the entire area that we call citizenship. The process of socialization through schooling becomes somewhat harder to assess when one attempts to evaluate the level of education which promotes economic growth. Studies in this field suggest that conditions for economic growth necessitate a shift from elementary to secondary education when the former has come to embody some ten per cent of the total population. If this line of argument is to be accepted, than even from the point of view of economic growth elementary schools ought to have had priority under Režā Šāh. This was in fact the case during the Režā Šāh period. The Šāh stated: 'We must first and foremost teach our workers and farmers to read and write; only then we can

⁸⁹ Menashri (1992), pp.111-113.

⁹⁰ For further analysis of the process of political socialization in young children see: Hess & Easton (1975), pp.304-16. & (1962), pp.257-265.

⁹¹ Ibid., p. 261.

move on to higher education.⁹³ Taqīzādeh, one of the most prominent supporters of this view, in a lecture at the American school for girls summed up his views as follows: 'Progress, civilization, independence, salvation, freedom and nationalism all depend on elementary education.⁹⁴

Development again contradicted ideological preferences. Although some important initiatives were taken to improve elementary schooling, the onus remained with higher education. The policies were a consequence of the growing demand for skilled labour to implement reform programmes and to accommodate the expanding bureaucracy. As a result, the growth of higher education was far more rapid than that of elementary education. The Iranian intellectuals viewed the expansion of schooling as a means of bridging all social inequality between classes, urban and rural, capital and province, and even, for some, between men and women. The Prime Minister's manifesto after the 1921 coup stated that education must not be limited to the 'oppressive elite'; it should be bestowed on everybody, including the village population. During the Reżā Šāh period, this theme was incessant in the declarations of politicians and intellectuals alike. Many also expressed hopes for higher education becoming more accessible to the underprivileged.

In practical terms the most important step taken by the government was the decree of 16 May 1927 declaring that the education of all state schools was free for the needy. In addition, in places where there were private schools, state schools were to admit only children from low-income families. However, there still remained a sharp contrast between the hopes and aspirations of intellectuals and educationalists, and the actual developments. Very few children from lower social classes made it into schools. Education in villages, where more than 65 per cent of Iranians lived at the time, remained as restricted as before, as did education in provincial towns. This was due partly to lack of facilities and partly to elite opposition to mass education. The 'Olamā opposed the new educational system and discouraged people from sending their children to school from the fear that they would be indoctrinated with 'corrupt' and 'anti-Islamic' beliefs. The low success rate of the spread of education was not only the result of the ineffectiveness of

⁹² For various assessments please see Haribson & Myers (1964), pp. 23-48.

⁹³ Arfa (1964).

⁹⁴ Taqīzādeh (1351 SH/1972).

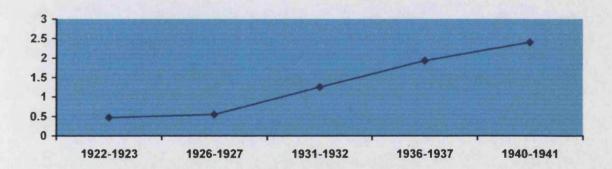
⁹⁵ Dūlatābadī (1371 SH/1992), pp. 235-6.

government policies but also due to cultural and traditional obstacles and prejudices towards a new educational system. In terms of mass appeal, the fact that it was not endorsed by the 'Olamā deterred many from sending their children to school.

Table 3. Growth of elementary and secondary school compared with that of the population, in years 1922 to 1941. 96

YEAR	Estimated population (in thousands)	No. of students in state elementary and secondary schools	No. of students as % of total population
1922-1923	9,500	44,819	0.47
1926-1927	10,900	60,337	0.55
1931-1932	11,000	138,567	1.26
1936-1937	12,000	231,119	1.93
1940-1941	13,000	314,173	2.41

Chart 3. Shows the number of students as percentage of total population between the years 1922 and 1941.



The question of enabling the children of lower-income families was often advocated. Liberal members of the *Maĵles* frequently urged that when applicants had similar qualifications, preference should be given to poorer students. They argued that the affluent families would and could afford to send their children abroad even without government grants. Lower-class students were likely to contribute more to society after their return by taking up useful occupations, whereas the rich would usually join the family business or seek government office for the sake of prestige only. Taqīzādeh, one the advocates of sending poorer students abroad in articles written in 1926 and 1928,

⁹⁶ Menashri (1992), p. 121, Figures Computed by the author based on: Sbb/Ma, Dowran-e Pahlavī, Tehrān: Markaz-e Āmār, 2535 [1976/7], 35-55; Vap, Gozāreš-e Āmuzeš, Document 284 in MAM; Ķāeĵe-Nūrī.

spoke of the money of the poorest taxpayers being used to finance the study of rich boys abroad. He argued that upper-class parents viewed studying abroad as nothing more than a good investment with high prospects on return.⁹⁷

The survey of the Institute for Social Research at Tehran University examined the occupation of the fathers of 176 out of 640 students and found: 32.7 per cent were high-ranking officials, 16.8 per cent were businessmen, 13.3 per cent were professionals, 11.7 per cent were landlords, 7.1 per cent had professions not requiring higher education such as builders, wholesalers, shopkeepers, 5.7 per cent were clerics, 4.1 per cent were politicians and 3.6 per cent served in the armed forces. Out of the 176 students asked 18 gave two occupations and one gave three. Nearly all of the students were those who were sent out under the 1928 law. The 5 per cent marked as 'other' represent those who did not answer the survey. 98

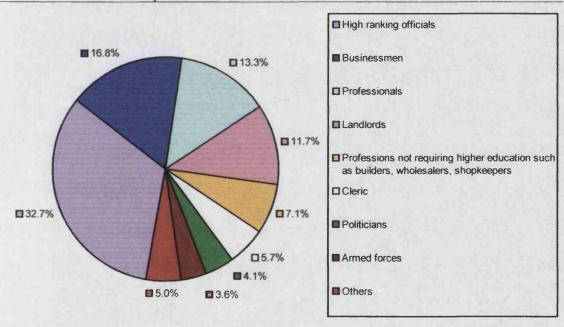


Chart 4. Shows father's occupation of 176 out of 640 students.

The survey concluded that most students were from upper-class backgrounds. The results of the survey seem to support Taqīzādeh's claim that the project served to

⁹⁷ Taqīzādeh (1928).

⁹⁸ The survey of the Institute for Social Research, University of Tehrān, 1974. Moradī-Neǧād and Šarīatī (1353 SH/1974), p. 20.

preserve the supremacy of the upper classes rather than to provide new opportunities for social mobility.

Much was also said about the need to include students from the provinces in the groups sent abroad. It was hoped that the gaps between the centre and periphery would be minimized and this would help to close social gaps. Removing the differences between the centre and periphery was viewed as the hallmark of a modern society that would contribute to the country's modernization. According to the survey of the Institute for Social Research at Tehran University, out of the 176 students 59.1 per cent were born in Tehran, 21 per cent in the eight next largest cities, 18.2 per cent were born elsewhere and 1.7 per cent were born abroad.⁹⁹ Out of the 640, students only a few dozen came from small cities. More significantly, many candidates from the provinces did not return home and resided in the Capital where they had better career opportunities. Not only did the project fail in bridging social gaps but also it actually removed the very few local high school graduates from the provinces. 100 Out of the 176 graduates, 69.4 per cent obtained Ph.D. or M.D. degrees. 101 Not surprisingly, there was not a single woman among the students sent abroad under the 1928 programme. Also there were no women in any institution of higher education at the time. A proposal by Nīyaa'ī Nūrī in 1929 to allow women to benefit from the new law was rejected by the Maĵles. In 1933, there were some fifty Iranian women at European high schools and universities but most of them were not Muslim. 102

Tehran University was established in 1935 with great expectations for the overall progression and development of education. Tehran University, like other modern institutions in developing countries, was created from above rather than being an outcome of the socio-historic process. It was believed that by imitating Western educational structures, their technical progress could be reproduced in Iran. Iranian educationalists were optimistic that the foundation of the university would by itself further Iran's efforts towards the achievements of the West. The fact that the emergence of Western universities, as all other institutions, was not the cause of progress but rather to a large

⁹⁹ Ibid., p. 18.

¹⁰⁰ Źabīh (1966), p. 64.

¹⁰¹ The survey of the Institute for Social Research, University of Tehrān, 1974. Moradī-Neǧād and Šarīatī (1353 SH/1974), p. 17.

¹⁰² Țabātabā'ī (1933).

degree the consequence of the social conditions of their growth¹⁰³ was completely ignored. In the words of Flexner, 'A university like all other human institutions is an expansion of the age as well as an influence operating upon both the present and future.' 104

The issue of the university's academic achievement was a central theme in the public debate. The government proclaimed to be in favour of the autonomy of the university. However, in practice, it did much to ensure that the administrative staff of the university would yield to its demands. This reflected the contradictory attempt of the government to initiate Western academic patterns, while on the other hand, keeping intact the *modus operandi* of the regime. Although the law granted the university independence, there was still room left for ministerial interference. The power to engage and promote academic staff, to admit students, and to elect the president and deans were the prerogative of the university. However, the language of the law notwithstanding, the nature of the regime dictated considerable limitations. In fact, throughout the reign of Režā Šāh, the university did not have any formal independence granted to it by the law.

A decision of significant importance was the incorporation of theology in the university. This was an attempt to bureaucratize the body of the 'Olamā and bring it under state control, a concept hitherto altogether alien to Shi'i Islam, although common in Sunni countries. The 'Olamā considered the faculty of theology as yet another threat to Islam and their positions. The power of the religious establishment was then extremely limited and they were not in a position to fundamentally challenge the Šāh's autocratic rule as had been the case with the previous Šāhs. The Prime Minister and the Minister of Education fiercely rejected their indictment that the university would jeopardize Islamic principles. In the Maîles debate both emphasized that the government's policy was to integrate Western science with the values of Islam, and not to harm them. Tehran University was created by a political decision at a time when the Iranian educational system was not yet ready for it. The major problem with the university was 'blind' imitation of Western theories and methods without any attempt to adapt them to the needs of the country. In reference to this Banani wrote: 'Such intellectual short-sightedness, coupled with the attendant vices

¹⁰³ Ben-David & Zloczower (1962), pp. 45-84.

¹⁰⁴ Flexner (1930), p. 3.

of exclusiveness, jealousy, social and personal rivalries, and political ambitions, prevented the university from attaining a high academic standing.¹⁰⁵

Reżā Šāh viewed the educational system in terms of a twofold process: a means of supplying the framework for his modernization policies and equally as an instrument of state propaganda and means of support for the regime and its policies. The educational system was singled out by foreign observers as one of Reżā Šāh's failures. The American Overseas Consultants Incorporated reported the following in 1949 regarding the Iranian education system:

'The principal point of the weakness in the educational structure of Iran is its educational philosophy. The existing school system has been relatively successful in accomplishing the apparent aims of its founders three quarters of a century ago, which were to produce a distinguished intellectual elite and to establish an instrument by which the thoughts and actions of the common people might be efficiently manipulated. The existing system is anachronistic and unsatisfactory because of a changed social philosophy rather than because of technical failure of the schools. The nation's education system has failed to meet the needs of modern Iran. The educational philosophy and the technical details of the school system are largely a copy of the traditional French system, characterized by extreme centralization and administration. Authoritarian methodology, theoretical rather than practical studies, stereotyped and overloaded curricula, and a policy of eliminating rather than salvaging students who do not meet the arbitrary and rather artificial standards of academic excellence. 106

Arthur Milspaugh, the American financial advisor, made a very similar observation: 'We shall approach the educational part of the plan [of the reconstruction of Iran] with the knowledge that the Persians need fundamental and many-sided rehabilitation... what the situation calls for primarily is not formal schooling. The prime need is for emotional adjustment and moral regeneration. The country requires a thorough physical and spiritual cleansing.' From this observation, one may infer that people's thoughts and actions were not efficiently manipulated, and the ideologies of the Reżā Šāh regime had failed to penetrate into mass consciousness, particularly so among ethnic minorities and nomadic tribes. Furthermore, despite various attempts to weaken the institutional basis of hierocracatic domination, religion still remained the cohesive element

¹⁰⁵ Banani (1961), p. 100.

¹⁰⁶ Overseas Consultants, Inc. report on the Seven Year development Plan for the Plan Organization of the Imperial Government of Iran, pp. 20, 82-84.

¹⁰⁷ Millspaugh (1946), p. 249.

in society. Religious sentiment surpassed all other loyalties. Although the 'Olamā had lost their traditional hold over education, their power base was not substantially diminished. Their hold over the devoted Shi'i population remained intact.

This was not simply a policy failure but also had to do with the still limited scope of education, which prevented new ideas from reaching the masses. Where there existed scope for education, the influence of the 'Olama, which was much stronger than any government policy, prevented and limited it. Unlike Ataturk, Reżā Šāh's reforms did not destroy the old institutions and values but rather built new ones alongside the old. In Turkey, such unrelenting policies worked, as the hold of Sunni 'Olamā over the general public was not of the nature of the hold of the Shi'i 'Olama in Iran. The Sah realized this as he realized the potential dangers of attempting to totally uproot religious and traditional values. Reżā Šāh's educational policy did achieve some of its long-term plans: the infrastructure for a national school system was put into place, the traditional elementary schools were almost eliminated, and the concept of the new education, the vision of earlier intellectuals, was finally implemented. Furthermore 'Olama control of education was ended and the government put forward explicit educational policies and proposed practical ways of implementing them. It is interesting to note that during this period, characterized by the rapid replacement of the traditional school system of Maktab and madreseh and the implementation of modern educational institutions, the Howzeh 'Elmīyeh Qom was established and began to flourish. The Howzeh 'Elmīyeh is a conglomerate of educational institutions in which learned teachers teach Islamic sciences. The school was established just at the time of Reżā Šāh's consolidation of power. It is somewhat ironic that the Reżā Šāh period, often characterized by educational secularization, should coincide with the establishment of one of the most important Shi'i theological schools. The importance of centres of religious learning, particularly the Howzeh 'Elmīyeh Qom, did not diminish even when the ruling elite began to monopolize educational institutions. The establishment of Howzeh 'Elmīyeh Qom was vital for the continuation of the hierocratic challenge to the state. It is for this reason that the Howzeh 'Elmīyeh Qom is of particular importance and merits a separate and thorough study. We shall go on to consider the Howzeh 'Elmīyeh Qom in Chapter Six.

Chapter Four: Judicial Reform and its Consequences for the 'Olamā

Introduction

The adaptation of a Western style legal system had far-reaching effects on the fabric of Iranian society. This was inevitable, as the 'transplanting' of social institutions from one society to a totally different one would bring with it inherent value systems. The new system of codified and accessible laws specified not only the obligations of the individual as a believer in the case of Šarī'ah law but also the rights of the individual. The legal reforms of Režā Šāh were the result of an ongoing process from the time of the Constitutional Revolution. The Constitutional period was a time of great liberal aspirations and attempts to apply the principles of democracy to Iran. One of the main aims of the Constitutionalists was the establishment of an independent judiciary and legal system, a system which would specify the rights of the individual as a citizen and would ensure equality for all before the law.

This marked a major change from the concept of the individual within $\check{S}ar\bar{\iota}'ah$ law. In the $\check{S}ar\bar{\iota}'ah$, the basis of the rights of an individual are the 'obligations and duties of a believer'. These 'rights' are confined within the realm of 'permissible' and 'non-permissible' actions. The laws concerning 'rights' are derived from 'permissible' actions and the laws concerning punishment are derived from 'non-permissible' actions. According to the $\check{S}ar\bar{\iota}'ah$ individuals are subject to the law of God. As discussed earlier the 'Olamā had come to present themselves as not only the representatives but also the legitimate executors of these laws, and thus as the 'guardian' of the believers. The people were not only 'servants of God', 'Abdollāh, and subject to His laws but were also subjects to the 'Olamā's interpretation of the laws of God. Thus, there was a fundamental break from the notion of the individual as a believer in the $\check{S}ar\bar{\iota}'ah$ law and the individual as a citizen in the new legal system.

Weber maintained that in Islam there is an absence of rational law, and this leads him to distinguish arbitrary laws from legal judgments that are derived logically from general and formal rules of law. The term 'arbitrary law' appears in Weber's comparative sociology with reference to the $\check{S}ar\bar{\imath}'ah$. The $\check{S}ar\bar{\imath}'ah$ is an 'extra legal system' as it is based on transcendence and divine revelation. For Weber, the main weakness of the $\check{S}ar\bar{\imath}'ah$ lies in its 'transcendental' and a-historic nature, one that is outside society, and that the believer cannot but implement. Weber considered the $\check{S}ar\bar{\imath}'ah$ as unstable and inflexible. ' $Q\bar{a}z\bar{\imath}$ justice was unstable; sacred justice was inherently inflexible and could not

be readily extended systematically to meet new cases and situations.' Thus in Islam one of the missing components necessary for capitalist development was a systematic and formal legislation and 'rational' legal system.

It should be noted that the Šarī'ah functions within 'social relations and interpretative articulations.' The Šarī'ah should in fact be open to reinterpretation within determinate socio-historic conditions. The Šarī'ah is based upon divine revelation, but its laws are not divinely ascribed but humanly constructed and therefore open to reconstruction in accordance with the needs of the time. Ideally the Šarī'ah should be open and accessible to the Muslim community as a whole. However, the 'Olama had come to assume an autonomous institutional monopoly of legitimate interpretation of Shi'i doctrine and had succeeded in establishing a monopolistic control over the religious lives of the population. The Šarī'ah should be immanent in different levels of activity in Muslim society under the form of 'contractualism'. Contractualism, according to Hodgson, is characteristic of Šarī'ah and of Islamic society in general.³ It may be argued that Islam was an attempt at creating an egalitarian community of the faithful in opposition to the tribal and town centred hierarchies of seventh-century Arabia. 'This egalitarianism, an insistence that all men are on the same level before God, is a fundamental presupposition running through Šarī'ah discourse and is conventionally considered a hallmark of Islam itself." However, Šar' law had become inaccessible to the uneducated masses as it was highly complex, unsystematic and in a foreign language [Arabic]. People were ignorant of their rights and had to depend upon the 'Olama. As long as the 'Olama controlled education and the law, they continued their domination by incapacitating the people through their capricious rulings.⁵

During the reign of Reżā Šāh, the Constitutional provisions proclaiming Shi'i Islam as the official state religion and designation of the Šāh as the defender of the faith were never altered. In practice, however, the power of the 'Olamā was greatly undermined. The 'Olamā, who had shared anti-Western nationalist aspirations with other Iranians, now became increasingly suspicious of this new form of nationalism with its

¹ Turner (1992), p. 48.

² Messick (1993).

³ Hodgon (1974).

⁴ Messick (1993), p. 154.

⁵ Akhavi (1980).

increased tendencies toward secularism.⁶ Secularization expressed itself in a number of different ways. One of its most significant manifestations was the confiscation of clerical *vaqf* or religious endowments, with consequential loss of wealth, power and independence by the clergy. These endowments were transferred to the Ministry of Education, and the few clergy retained in the administration of *vaqf* became state functionaries.⁷

Similar in effect, in terms of the reduction of the power of the 'Olamā, was the reform of the judicial system along the lines of Western legal system. Secular or customary law, 'Orf, had long existed in Iran but as subordinate to Islamic law, Šarī'ah. During the Režā Šāh period the balance was reversed and the competence of religious law attenuated. Režā Šāh was not contemptuous or hostile to religion as such; he was only indifferent and opposed to it when religious leaders blocked his modernization plans and were in a position to compromise the whole movement unless curtailed in power. Režā Šāh's main point of attack against the religious classes was in the sphere of the law. Attacking them here deprived them of their chief social function and principal source of legitimate revenue. The Molla's powers were not completely tangible, yet it permeated the fibre of Iranian society. Their function as interpreters of the law meant that they had to validate the most vital acts of men: marriage, divorce, testimonies, deeds of trust and possession, transfer of property, and commercial contracts. 10

In Iran prior to the Rezā Šāh period there existed two systems of law, 'Orf or customary law and Šarī'ah or religious law. The Šarī'ah, a system of canon law, had jurisdiction in matters of personal status, and 'Orf, a customary law of a more secular order, was supposed to operate in cases involving the state. Owing to the instability of the state in the nineteenth century, however, the Šarī'ah had acquired nearly all legal authority and 'Orf law had ceased to develop. This left judicial authority almost entirely tied to religious authorities and made the isolation and defeat of their power extremely difficult. 12

The opponents of the 'Olama had first to build up an alternative system of law

⁶ Young (1966), p. 137.

⁷ Ibid., pp. 45-55.

⁸ Ibid., p. 55.

⁹ Avery (1965), p. 284.

¹⁰ Ibid., p. 286.

¹¹ Šāyegān (1316 SH/1937), Ĵa'farī Langarūdī (no date), Avery (1965), & Banani (1961).

¹² Avery (1965), p. 286.

before progressing towards disestablishing the religious body. 'This is what Reżā Šāh proceeded to do while it was intended that secular education and nationalist propaganda in which pre-Islamic Iran was the model, would weaken the people's religious loyalty to the institution they had been bound to resort to for their law. To weaken and destroy this religious emotion would have taken far longer than the new order [Reżā Šāh's regime] was given.' Reżā Šāh accelerated the political, social and institutional growth that had been slowly mounting for more than half a century since the Constitutional Revolution of 1906. The impact of the West on Iran before the Reżā Šāh period was more in terms of an ideological influence. During Reżā Šāh's reign, Western ideologies were subject to national modification while wholehearted efforts were made to Westernize the face of Iran. The basis of Reżā Šāh's power was derived from two sources: an aroused spirit of nationalism, and central state control. Also equally as important was the favourable international situation in the building of Reżā Šāh's Iran.

The legal reforms introduced during the Reżā Šāh period were motivated by two factors: firstly, nationalistic considerations to abolish the system of capitulation; secondly, an attempt to create a central and state-controlled legal system. The consequential outcome of both was the fundamental reduction of the power of the 'Olamā. It is often argued that judicial reforms were not carried out with the intention of reducing the power of the 'Olamā.¹⁵ The outcome of these reforms, however, was a decline in 'Olamā power and influence over the legal sphere. Thus it may be said that although the intention of reform was not secularization, secularization was the inevitable result. As discussed in the introduction and Chapter Two, political authority of the 'Olamā is one of the subjects of polemics in clerical circles. It is a topic heavily debated and as yet no final conclusion has been reached. The difference of opinion between those 'Olamā who favoured political involvement and those who preferred abstinence has been dealt with in detail in the Introduction and Chapter Two, and does not merit a repeat of the argument. It is sufficient to say that there is general consensus among the 'Olamā that the administration of justice is unequivocally their exclusive privilege as learned men of religious law. ¹⁶

¹³ Ibid., p. 286.

¹⁴ Banani (1961), pp. 31-32.

¹⁵ Ĵa'farī Langarūdī, Interview, (5.1.1997), Ībrāhīmzādeh, Interview, (3.1.1997), Nāzeh, Interview, (14.12.1996).

¹⁶ Ibid., pp. 55-108. This is also confirmed by Šāyegān (1316 SH/1937), and Şadr [Şadrol Ašrāf] (1364 SH/1983).

In the Sunni world, as in the case of Egypt and the Ottoman Empire, the 'Olamā reacted far less to the modernization attempts of their governments than their Iranian Shi'i counterparts for the following reasons: 1) The Sunni 'Olamā had less economic independence and strength than the Iranian 'Olamā and nineteenth-century centralizing governments like those of the Ottoman Empire, Egypt and Tunisia were able to whittle away much of what remained. 2) The leaders of non-Iranian 'Olamā lived in capital cities where their governments could pressure and control them whereas Iran's 'Olamā leadership resided in Shi'i shrine cities in Iraq uncontrolled by Iran's government. 3) The ideological basis for the 'Olamā's political claims, developed in the seventeenth and even more so in the eighteenth century, was now widely believed in Iran. This ideological basis enabled the 'Olamā to fully participate in the Constitutional movement, as 'legitimate' rivals to the 'tyrannical' rule of the Šāh in the nineteenth century as inheritors of the charisma of the Īmām. Finally the concept of *Taqlīd* ensured a wide network of control for the 'Olamā, even in the remotest parts of the country, the local *Mollā*, being the link between the people and their *Marĵa' Taqlīd*.

Also centralization as suggested by the cases of Egypt and the Ottoman Empire was a necessary prelude to modernization. Iran was difficult to centralize due to its distance from world economic centres, the strength of its nomadic tribes and its geographical vastness. 'Qajar Iran remained largely decentralized, which encouraged continued power and ideological hegemony of the 'Olamā. In the absence of government strength or armed force the 'Olamā could help block attempts at educational, legal, and economic Westernization.' It was not until the centralizing government of Režā Šāh that 'Olamā's power was seriously challenged and their influence reduced.

The doctrinal basis for the position of the 'Olamā is a fundamental factor, which cannot be overlooked. Socio-political factors alone cannot fully elucidate the extent of the 'Olamā's political influence in the nineteenth and twentieth centuries. In fact without the prior development towards a doctrinal premise that gave the 'Olamā political and moral claims against the government, it is hard to comprehend the 'Olamā's numerous political successes. Whether or not the idea that the *Moĵtahed* partakes in the charisma of the Īmāms had prior doctrinal justification, and whether or not the idea that temporal governments lack legitimacy had a long history, many of the 'Olamā and their lay

followers came to believe in both, in the nineteenth and twentieth centuries, when temporal rulers were increasingly compared to the Ummayyed killers of the martyred Īmām Ĥoseīn. ¹⁸

'Even those who did not speak or think of government illegitimacy or of the Moîtahed partaking in the Twelfth Imām's charisma tended to have more confidence in the 'Olamā than in the temporal government. This does not mean that there were no significant anti-'Olamā or anti-clerical feelings. In part, the 'Olamā's anti-despotic claims were believed because oppression by the secular rulers was known while what the 'Olamā would do was unknown.' It is also interesting to note the way in which Shi'i doctrine was used to justify the 'Olamā's position. The political situation of the Imām's Occultation which originally helped the Shi'a to enter into doubtful (even Sunni) governments, had evolved to the point that a formerly Shi'i government not guided and controlled by the 'Olamā was considered immoral as was service in it.

With reforms in the legal sphere, Režā Šāh took institutional secularization to its logical conclusions: namely, the removal of the vestiges of the Šarī'ah and the 'Olamā. Although the Šarī'ah was severely restricted, it still retained considerable normative prestige and influence. The religious code was the legal basis of family life and therefore exerted its influence in most aspects of everyday life. The intention of reform was to make Iranian legal practices consistent with those of every 'developing', 'civilized' nation. In practice, many of the old attitudes and customs continued, especially in the rural and geographically isolated areas. The impact of these changes was nevertheless profound: it represented a frontal attack on the remaining institutions of the religious order.

In this chapter, the following points will be considered: 1) The traditional legal system and the early reforms attempted prior to the Constitutional Revolution. 2) Legal reform during the Constitutional period, the importance of this period for subsequent reforms and the significance of the 'Olamā's increased involvement in politics. 3) Legal reforms introduced by Režā Šāh, the motivations behind these reforms, and the

¹⁷ Keddie (1981), p. 26.

¹⁸ Algar (1969), p. 26. Imām Ĥoseīn is the third Imām of the Shi'i. He was the grandson of the prophet, who was massacred, along with his family at the hands of the Ummayyed caliph Yazid. He is a central figure in Shi'i sm, representing justice, devotion, bravery and martyrdom. The anniversary of his martyrdom is commemorated every year, and plays an important and pivotal role in Shi'i ideology. It represents the triumph of truth over falsehood and is the basis for the revolutionary tendencies of Shi'i sm.

Early Judicial Reform and 'Olamā Opposition Prior to the Constitutional Revolution

In Iran, ever since the advent of Islam, the judicial system consisted of two branches, the 'Orf or customary law, administered by the civil authorities, and the Šar' or religious law, administered by the 'Olamā. The 'Orf law dealt with criminal cases, including offences against the state. The Šar' law dealt with cases of a personal or commercial nature. Although the two branches were theoretically separate, their jurisdiction often overlapped. Orf law was based on precedent and customs, and varied greatly from one city to another. A Ĥakīm or governor in the cities and a Kadkodā or village head in the villages administered the 'Orf system. There was no written code, which left an offender at the mercy of the ruling official. The 'Orf system, however, was not completely lacking in safeguards against the abuse of justice. Each province including Tehran had a Dīvān-e adliyyeh or Office of Justice, which was in effect a court of equity. These Dīvāns were supervised by the Governor General in the provinces and by the sovereign in the capital. The court in Tehran was theoretically the highest court of appeal. It was uncommon for the Šāh to officiate there; instead, a deputy Amīr-e Dīvān or chief of the office acted on his behalf.

Theoretically the right of appeal existed, in practice, however; it was difficult to appeal to a governor against a city magistrate or to the Šāh against the governor. This was one reason why most people preferred to refer their disputes to the Šar' courts. It was also not uncommon for the civil authorities themselves to designate difficult cases to the religious court.²⁴ Due to the inaccessibility and the complex nature of Šar' law, similar problems persisted in the religious courts. The fate of the applicant depended solely on the arbitrary rulings of the *Moĵtahed* who often issued contradictory sentences based on their own personal interest.²⁵ As discussed earlier, Šar' or Šarī'ah law was based on Shi'i Feqh. It derived its tenets from the Qorān, the Sonna, Īĵma, and the pronouncement of

¹⁹ Keddie (1981), p. 26.

²⁰ Benjamine (1887), pp. 439-40.

²¹ Nashat (1981), p. 42.

²² Ibid., p. 43.

²³ Benjamine (1887), pp. 439-440.

²⁴ Nashat (1981), p. 44.

²⁵ Šāyegān (1316 SH/1937).

the leading *Moĵtaheds* of each period. Over the years a vast body of elaborate regulations had accumulated concerning every conceivable aspect of daily life. Yet, despite this elaborate and explicit body of law, *Šar* 'tribunals were severely debilitated by their lack of executive power, as they were dependent on civil authorities to execute their decisions.²⁶

Šāyegān points out the ways in which Šar' law, as it stood, was not adequate in facing the demands of the time. 'During the fourteen centuries of its development, Fegh had become increasingly heterogeneous and complex to the extent that it was only comprehended by a handful of religious scholars, among whom even a fewer number had the suitability as specified by the Šarī'ah - namely honesty, and piety, combined with wisdom, and knowledge - to carry out the task. Since very few possessed all these qualities, the administration of justice had fallen into the hands of those who were neither pious nor wise, but used their privileged position for their own personal interest and gain, and had little regard for the welfare of the people.²⁷ Furthermore, the world had developed and advanced in such a way that Fegh was no longer adequate in dealing with the needs of the people. Without a doubt one can derive from Feqh, due to its inexhaustible and vast nature, a ruling for every situation. However the 'permissible' or 'non-permissible' ruling of a Faqīh does not meet the requirements of the modern world. The rights and obligations of an individual are not clearly and comprehensively set out.'28 The unsystematic and uncodified nature of Fegh made it more susceptible to misuse. The understanding of Feah had become the exclusive monopoly of a handful of individuals, which meant that people did not have an independent understanding of their own rights or any way of ensuring that what were said to be their rights were accurate. A dual system, controlled by two basically adverse and rival forces, the civil authority on the one hand, and the religious authority on the other, did not seem the most efficient instrument for rendering personal justice. This dual system contained the inherent possibility of conflict between the civil and religious classes within it.²⁹

During the reign of Nāṣerod-Dīn Šāh, an attempt to reorganize the judicial system was made. After the Šāh was persuaded that Šarī 'ah law as a code and of itself did not need improving upon, the fault being in inconsistency of execution and failure to meet

²⁶ Ibid.

²⁷ Ibid., p. 44.

²⁸ Avery (1965), p. 91.

²⁹ Ibid., p. 92

modern contingencies, he ordered that a committee should be formed to revise the code in the light of modern requirements and lay down contemporary rules for its execution and administration.³⁰ The Šāh was careful in legal matters to seek advisors from among those laymen who were familiar with the jargon of the 'Olamā and were also on good terms with them. Respectively, 'the Šāh's position was tolerated and sanctioned by the Shi'i religious institution, in such a way that a delicate balance of mutual goodwill and support had to be maintained.³¹

The Ministry of Justice was created in 1858 when Naserod-Din Sah, in an attempt to improve conditions, had divided the affairs of government among six ministries. This creation however remained theoretical and in name only. In 1853 an ordinance was issued proclaiming the superiority of the Dīvān-e 'Adlīyeh A'zam, the High Court of Justice, over all other Dīvāns. Nevertheless the trial of foreign subjects was relegated to the Ministry of Foreign Affairs and not to the Dīvān-e 'Adlīyeh A'zam. The Minister of Justice was to be no more than a supervisor of the high court. The creation of this ministry was typical of the reforms during Nāşerod-Dīn Šāh. The Šāh's private secretary, Amīnod-Dowleh, affirmed that the Šāh, whose knowledge of things Western was lacking, had tried with the help of others equally ignorant of the West to introduce Western-style institutions into the country.³² Mīrzā Ĥoseīn Kān was appointed Minister of Justice, pensions and religious endowments on 23 December 1870. During his ten months in office, he attempted to provide the country with independent tribunals and a unified code of law. He set new standards for law enforcement, and emphasized equality of all before the law. Also, he tried to enhance the authority of the central government by creating greater central control in the judicial process. ³³

A new weekly newspaper Vaqāye' 'Adlīyeh, Judiciary News, was founded by the Ministry of Justice to report on administrative reforms and new regulations decreed by the ministry. The most important announcement in the first issue of the newspaper concerned the division of the High Court of Justice into four specialized courts which consisted of:

1) A court of investigation to receive petitions, discriminate between right and wrong, and report in writing to the Minister of Justice. 2) A legislative court to draw up regulations

³⁰ Farmānfarmāyān (1341 SH/1962), pp. 19-20.

³¹ Nashat (1981), p. 43.

³² Ibid., p. 45.

³³ F.O. 60/351, W. T. Thompson To Granville, 15 October 1873.

equally applicable to every case and to all classes. 3) A criminal court to investigate cases of assault, identify the culprit and nature of the offence, and deal with the decision issued by the judge. 4) An execution court to carry out all decisions proceeding from the Ministry of Justice.³⁴

According to W. T. Thompson, the British minister in Tehran, Mīrzā Ĥoseīn Ķān intended to formulate laws pronouncing the equality of all Iranian citizens, Muslims as well as all other religious minorities.³⁵ It seems unlikely that this was the sole intended function of the legislative court. Its impact, apart from the favourable reaction it had on liberal European governments, would have been negligible since the proportion of religious minorities in Iran was very small.³⁶ Nashat argues that the intended function of this court, like the Ottoman predecessors upon which it was undoubtedly modelled, was much greater. It was intended to assure the right of the central government to legislate. Also, implicit in its creation was a closer control of the 'Olamā by the central government, since the former were active in running the Šarī 'ah courts.³⁷

Previously the government had indirectly through the 'Orf system participated in implementing the rulings of the Šar' courts, but did not have any jurisdiction over these courts. Under the new system, successfully implemented, the government would have been the active partner in the running of the judiciary. Although the creation of the new courts did not seem to have gone beyond the planning stage, the implied threat in Mīrzā Ĥoseīn Ķān's attempt which would have undermined 'Olamā power did not escape their attention. This might well have constituted the beginning of their apprehension of Mīrzā Ĥoseīn Ķān and his policies, which met with increasing hostility and opposition from this powerful group.³⁸

Mīrzā Ĥoseīn Ķān, like other reformers, was well aware of the extent of the 'Olamā's hold over public opinion and never opposed them openly. On certain occasions, in order to ensure the support of the 'Olamā, he even tried to win their friendship. Concerning the 'Olamā, there seemed to be a distinct difference between his private

³⁴ Houtum-Schindler places this number at 125,000 out of a total population of seven million. Encyclopedia Britannica, (10), S.V. 'Persia', 3: 619 & Šāyegān (1316 SH/1937), pp. 30-33.

³⁵ F.O. 60/351, 15 October 1873, W.T. Thompson to Granville.

³⁶ Algar (1969), p. 13.

³⁷ Šāyegān (1316 SH/1937), p. 29.

³⁸ Nashat (1981), p. 47.

opinion and his public one.³⁹ In a letter to an intimate friend, he expressed his real view of 'Olamā. From this, one can detect a distinct desire to reduce the power of the 'Olamā to the private sphere. He wrote, 'I believe that the *Mollās* should be entrusted with all matters that pertain to them such as leading the prayer, preaching, performing marriage and divorce ceremonies, answering religious questions, and the like, so long as that does not contradict the interests of the state.'

A significant bill concerning judicial reform, which evoked 'Olamā hostility, was the Code of the *Tanžīmāt-e Ĥasaneh* [the beneficent reorganization] promulgated in 1875. The code was essentially concerned with reform of taxation and conscription but also dealt with judicial reform. It created a five-member council that included a representative from the Ministry of Justice whose task was to 'supervise the affairs of the subjects. The role of the 'five-member council' was specified in the appendix to the code as follows: 'Whatever happens in the province be it a dispute, an argument of a Šar'ī [religious] or non-Šar'ī [non-religious] nature, or disagreement concerning property, it should be referred to the council of *Tanžīmāt*. The governor should bring forth to the council whomever the members should demand. The Judicial authority of the 'Orf courts was transferred to the Maĵles-Tanžīmāt, attempting to complete the process begun with the Act of 1872 which transferred to the sovereign the power to impose the death penalty. The Tanžīmāt code did not explicitly interfere with the function of the Šarī'ah courts: it did, however, try to exert indirect control over them. The code stated:

Whatever the verdict of the $\check{S}ar'$ court, the $Ma\hat{\jmath}les$ - $Tan\check{z}\bar{\imath}m\bar{a}t$ will issue the order for its execution to be carried out by the governor. If by any chance the defendant or plaintiff should produce another ruling after the $\check{S}ar'$ courts have passed a verdict, it would not be binding. However, if at the beginning of the litigation, each side should produce a ruling in his favour then the $Ma\hat{\jmath}les$ would refer them to a third court. If both sides should disagree over the jurisdiction of that court or there should be any difficulty in assigning a third court, then the case will be reviewed by the Ma $\hat{\jmath}les$.

The Šarī'ah courts never had the power of execution and in theory at least the

³⁹ This was characteristic of other reformist of the time such as Malkem Ķān, for example.

⁴⁰ Ibid., pp. 47-8.

⁴¹ Mīrzā Ĥoseīn Kān to Mostašārol Dowleh, (8 October 1865), Ādamīyat Collection, Tehrān.

⁴² Ketābčeh Tanžīmāt-e Ĥāsānīyeh Dowlat 'Alīyeh va Maĥrūseh-e Īrān, p. 9

⁴³ Ibid., p. 9.

Tamzīmāt Code did not deprive the 'Olamā of any of their prerogative. Nevertheless, the 'Olamā opposed the code, and recognized it as attempt to impose tighter central control over the judiciary in general and the Šar' courts in particular. Futhermore, Article 43 of the Code brought some of the vaqf properties [religious endowments] under the control of the Maĵles. This was of particular concern to the 'Olamā, as the vaqf properties were a principal source of the power and economic independence of the 'Olamā. Any attempt on the part of the government to loosen the 'Olamā's hold over these properties was bound to evoke their hostility.⁴⁵

The 'Olamā were supported in their opposition by the governors, who were equally resentful of the central government's curtailment of their power. The combined resistance of these two powerful groups proved disastrous. Consequently, the Šāh and Mīrzā Ĥoseīn Ķān abruptly abandoned the *Tanžīmāt* Code. During this period the secularization of the law was pursued with tact, since changes in the legal system were bound to affect the 'Olamā, who fiercely opposed any reform that might infringe upon their privileges. Also, the impact of the changes introduced in terms of reducing the power and hold of the 'Olamā over the administration of law was minimal. In terms of assessing the contribution of Mīrzā Ĥoseīn Ķān, it may be said that his attempts to codify the law objectively set an important precedent that found fulfilment in the Civil Code of 1911.

In Iran, from the advent of Islam until the Constitutional Revolution of 1905-6, the administration of legal matters was the exclusive monopoly of the 'Olamā. They exercised control over the religious, judicial and educational institutions, so much so that, by the nineteenth century, the consolidation of dualistic power structure of politics and hierocratic domination was complete. The exclusive hold of the 'Olamā over the legal sphere meant that not only the government but also the entire nation was dependent upon them as the 'administrators of justice'. Decentralized and ineffective Qajar administration encouraged the continual power and ideological hegemony of the 'Olamā. In the absence of government strength or armed forces the 'Olamā could effectively block attempts at not only legal but also educational and economic reform. Reforms during this period

⁴⁴ Ibid., p. 9.

⁴⁵ Ibid., p. 11.

⁴⁶ Nashat (1981), p. 53.

⁴⁷ Ibid., p. 55.

remained sporadic and conservative in nature. The power and prestige of the 'Olamā was never directly challenged.

Early Judicial Reform and 'Olamā Opposition During the Constitutional Period

The Constitutional period of 1905-1911 depicts a remarkable demonstration of the overlap of the boundaries of religion and politics in Iran. The 'Olama played a key role in the Constitutional movement. The 'Olama's involvement in a movement which almost all scholars⁴⁸ unanimously agree to have been an 'imported Western concept', namely Constitutionalism, is somewhat surprising. The Constitutional period saw the participation of 'Olama in political matters in an unprecedented way. The extent of political activism of the nineteenth century 'Olama stands in sharp contrast to the participation of the 'Olama in the Safavid state administrations as subordinates to secular officials.⁴⁹ The Safavid 'Olama were far more intent on elaborating doctrinal matters and their political involvement was not as 'opponents of the government' but rather as state administrators. In contrast, the nineteenth century 'Olama were far more politically active, and their 'activism' was in terms of a 'rival legitimate authority' against the 'tyranny of the government'. 50 During the nineteenth century, the 'Olama, having realized their social force, had managed to successfully argue their role as the Sarparast or Vaşī, guardian of the believers. In doing so they had come to partake, even if partially, in the Velāya of the Īmām. This formed the doctrinal basis for their claim to 'legitimate authority' or in Weberian terms part-taking in the charismatic authority of the Imam.

By the time of the Constitutional Revolution, the 'Olamā had come to resume an active political role, articulate grievances and lead the struggle against the Šāh. In 1905-6 Možaffarod-Dīn Šāh finally agreed to grant a Constitution. After the initial victory of the Constitutionalists the Šāh, with the help of Russian forces, defeated them. His triumph however was short-lived and in turn converted to defeat. In 1909 Možaffarod-Dīn Šāh departed from the throne in favour of the more docile Aĥmad Šāh. This allowed the Constitutionalists more room for manoeuvre. ⁵¹ The weak and ineffective rule of Aĥmad

⁴⁸ Šāyegān (1316 SH/1937), p. 32. Also see Akhavi (1980), Hairi (1977), Ādamīyat (1355 SH/1976), and Banani (1961).

⁴⁹ Algar (1969).

⁵⁰ Akhavi (1980), P, 25.

⁵¹ Şadr [Şadrol Ašrāf] (1364 SH/1983), pp. 174-5.

Šāh during 1909-1921 led to anarchic conditions in Iran. During this period the clergy were not unified in their response to the difficulties which faced Iran.

The division amongst the clerics over the support for the Constitutionalist movement rested on different perceptions of the concept of sovereignty. The promonarchist faction, led by the eminent Šeīķ Fażllollāh Nūrī objected to the idea that sovereignty ultimately reposed in the nation. His rationale rested on the grounds that sovereignty belongs to Allah alone and at his will was successively relinquished to the Prophet, the Īmāms, and finally to those learned enough to render judgment in matters of law, *Moĵtaheds*. There was no place in this arrangement for the masses to exercise their sovereignty. On the other side were Seyyed Moĥammad Ṭabāṭabā'ī, 'Abdollāh Behbahānī, and Ĥasan Modarres. They, in collaboration with secular reformists, succeeded in drafting Article 35 of the Supplementary Fundamental Law, which stated: 'Sovereignty is a trust confined by the people to the person of the King.'53

During the Constitutional Revolution, there developed two distinct approaches among the 'Olamā, the pro-Constitutionalists, Mašrouţeh Ķāhān⁵⁴, and anti-Constitutionalists, Mašroĥe Ķāhān⁵⁵. The most renowned and, some argue, influential pro-Constitutionalist among the 'Olamā is said to have been Šeīķ Moĥammad Ĥoseīn Nā'īnī. Nā'īnī was a first-rank Moĵtahed residing in Iraq. His book Tanbīĥol-Omma va Tanzīhol-Mella⁵⁶ echoes the views of most of the pro-Constitutionalists 'Olamā. Nā'īnī cooperated closely with other Mašrouţeh Ķāh 'Olamā in Najaf [Iraq] and often dictated or oversaw the telegraphs and declarations which were issued on behalf of the Mašrouţeh Ķāhān. He also represented the 'Olamā in meetings with the British in Iraq.⁵⁷

The trend of thought among the 'Olamā during the Constitutional period can be divided into the following two categories: 1) Conservative religious reformist such as Šeīķ Fażllollāh Nūrī, Šeīķ 'Abdol-Nabī Nūrī and many others. These groups at best demanded

⁵² Akhavi (1980), p. 26.

⁵³ Ibid., p. 26.

⁵⁴ Some of the better-known *Mašrouţeh Ķāh* 'Olamā were: Mollā Moĥammad Kāžem Ķorāsānī, Ĥāĵ Mīrzā Ĥoseīn Ķalīlī Tehranī, Šeīķ 'Abdollāh Māzandarānī, and Šeīķ Moĥammad Ĥoseīn Nā'īnī [in Iraq], Seyyed Moĥammad Ṣādeq Ṭabātabā'ī, and Seyyed 'Abdollāh Behbahānī [in Iran].

⁵⁵ The Mašroĥe Ķāhān 'Olamā included: seyyed Moĥammad Kāžem Yazdī [Iraq], and Šeīķ Fażllollāh Nūrī in [Iran], who supported Mašrouţeh-e-Mašroĥe, a parliamentary system based on and governed by the Šarī 'ah.

⁵⁶ Nā'īnī (1334 SH/1955).

⁵⁷ Mo'menī (1372 SH/1993), p. 257.

a house of justice, *Edālat Ķāneh*, and at their worst closely cooperated with the rulers who were entirely anti-Constitutional. In this camp there was also another group of those who were reluctant to openly and explicitly interfere in politics and state affairs except under urgent circumstances. The best example of this group of 'Olamā is Seyyed Moĥammad Kāžem Ṭabāṭabā'ī-Yazdī. 2) Religious compromisers such as Ķorāsānī, Māzandarānī, Behbahānī, Nā'īnī and with a more liberal attitude, Seyyed Moĥammad Ṭabāṭabā'ī. ⁵⁸

The first group advocated a type of reform which should occur within the framework of Islamic law, the defence of which was unquestionably their duty [within a framework where the leadership of the 'Olama as representatives of the Imam was fully acknowledged and accepted].⁵⁹ Since they did not find the Constitutional reforms in conformity with that line, they declared it heresy and saw it as their religious duty to support Mohammad 'Alī Šāh's anti-Constitutional regime and to identify themselves mainly with such groups as the royalist conservative merchants and so on.⁶⁰ The second type of 'Olama were those who rose against the tyrannical rule which existed in Iran. They supported the Constitutional movement. Due to their inability to read French or English, the 'Olama did not have access to the original writings of European liberals and had to rely on Arabic and Persian secondary sources. 'Continued and conscious efforts were made in Iran by modern liberal thinkers to keep the 'Olama unaware of the conflict between modern political institutions and Islam. The liberal modernizers needed the 'Olama's support because the 'Olama were the only influential element among the national bourgeoisie as well as the masses. On the other hand, they also wanted the 'Olama uninformed because otherwise they would not have enjoyed the 'Olama's support.761

Bāqer Mo'menī argues that the 'Olamā joined the ranks of the Constitutionalists for the following reasons: necessity, internal and personal relations, social pressure, the prospects of acquiring wealth, and the maintenance of social influence and prestige. He gives the following example. 'The semi-enlightened 'Olamā have shown their weakness and have realized that their time [of power, prestige and influence] has come to an end.

⁵⁸ Hairi (1977), p. 235.

⁵⁹ Reżvānī (1348 SH/1969), p. 235.

⁶⁰ Hairi (1977), p. 236.

⁶¹ Ibid., p. 237.

They have comprehended that the decline in their power is final and have stopped their pretense of amenity with the people.'62 In spite of their various motives for participation in the Constitutional Revolution, the Constitutionalist 'Olamā had become convinced that the existing tyrannical regime should be overthrown even at the cost of 'borrowing' certain concepts from the West. Some of them such as Ṭabāṭabā'ī, fully realized that Constitutionalism deprives the 'Olamā of their traditional privileges, such as the administration of justice. He is reported to have said to 'Amīnol-Dowleh that, 'By the establishment of the *Maĵles* and 'Edālatṣāne, house of justice, we 'Olamā would lose our prestige but we both are old; do establish a good name by establishing the Maĵles.'63 Also, an official British document shows that 'On the occasion of the discussion of the Courts of Justice, he [Ṭabāṭabā'ī] expressed some doubt, perhaps not without a touch of grim humour, as to whether there would be anything left for the Mollahs to do after the institution of these courts.'64 But in order to defeat the tyranny that was facing the country, Ṭabāṭabā'ī resolutely supported the establishment of a Constitutional regime.⁶⁵

Both groups of 'Olamā advocated their views in the name of Islam and as 'defenders of the faith'. The first group, however, rose against the new system of government because they saw it as being un-Islamic without making any attempt to reconcile it with Islam. The Constitutionalists on the other hand, attempted to reconcile the principles of Constitutionalism with the tenets of Islam, as they saw no pretext whatsoever to support the old regime. In their reconciliation they confined themselves only to religious justification. This was the main point of difference between the two types of 'Olamā involved in the Revolution. ⁶⁶

Ādamīyat points out that the 'Olamā were made familiar with the principles and concepts of Constitutionalism by the Western-educated intellectual reformists and those who had contact with Western thought. 'Constitutionalism or the sovereignty of the nation is one of the principal aspects of the Western civil society. The intellectuals and reformists who had come into contact with Western thought had become strong advocates of Constitutionalism. From then on a section of 'enlightened 'Olamā' had come

⁶² Mo'menī (1372 SH/1993), p. 321.

⁶³ Kasravī (1353 SH/1974), p. 76.

⁶⁴ FO 416/33, Memorandum Respecting Debate in the Persian National Assembly, Qulhak, July 12, 1907, Enclosure in Spring-Rice's Letter to Grey, Qulhak, July 16, 1907, No. 140 (147).

⁶⁵ Hairi (1977), p. 238.

⁶⁶ Ibid., p. 238.

to support Constitutionalism and to provide logical and doctrinal reasons for their support.' Ādamīyat quotes Seyyed Moĥammad Ṭabātabā'ī as having said: 'We had not seen Constitutionalism for ourselves but we had heard from those who had visited countries with a constitution that their constitution was the basis for security and the progress of their countries. Thus we developed a love and yearning to develop a constitution in our country.'68

Adamīyat maintains that although it may be argued that the tradition of rational philosophy which is the basis of *Iîtehād* in Shi'ism and Iranian mysticism were both contributing factors in proving the right intellectual atmosphere for the acceptance of Constitutional principles, the concept of Constitutionalism itself however, does not have any basis in the Šarī'ah nor was it invented by the 'Olamā. 'It would appear that the changes which occurred in Iran, like those in other 'static Islamic' countries, came about as a result of contact with the West.'69 Iran's intellectual heritage enabled the 'Olamā to accept these Western concepts and re-evaluate doctrinal teachings in accordance with the needs of the time. 70 The 'enlightened 'Olama' supported the Constitutional movement and provided Šarī'ah based justifications to validate their adherence to Constitutionalism. Their support gave an added impetus to the movement. The 'reactionary 'Olama', who were bound by traditional thought, viewed Constitutionalism as un-Islamic and contradictory to the Šarī'ah. The Šarī'ah was presented as being preordained and not subject to change. If the constitution were to be based on and determined by the Šarī'ah then it would have become the 'sovereignty of the Moîtahed', rather than the 'sovereignty of the people' which makes the concept of a constitution all together redundant.'72

Despite fierce opposition of the 'anti-Constitutionalist' 'Olamā, the Constitutionalist movement triumphed. Most Iranian scholars seem to agree in that while the British were pro-Constitution, the Russians were opposed to it. In 1324/1906 an order, *Farmān*, was given by Možaffarod-Dīn Šāh to establish a parliament, *Maĵles*, and in the same year the first session of the Iranian National Consultative Assembly, *Maĵles-e*

⁶⁷ Ibid., p. 225.

⁶⁸ Ādamīyat (1355 SH/1976), p. 226.

⁶⁹ Ibid., p. 225.

⁷⁰ Ibid., p. 225.

⁷¹ Ibid., p. 227.

⁷² Ibid., p. 228

⁷³ See for example Kasravī (1353 SH/1974), p. 291, & Davānī (1360 SH/1981), p. 136.

Šowrāy-e Mellī Īrān, took place and the Fundamental law was drafted and passed through the Maĵles.⁷⁴ As we shall see in the first two Articles of the Constitution, the power and influence of the 'Olamā remained intact. In actuality the 'pro-Constitutionalist' 'Olamā succeeded in ensuring that their privileges were maintained and their interests well represented within the Constitution. Their involvement proved more fruitful in safeguarding their interests, than the resisting opposition of the 'anti-Constitutionalist' 'Olamā.⁷⁵

In 1325/1907, the *Maĵles* passed the final additions to the Fundamental law, *Qanun-e Assasi*. According to the Second Fundamental, five members of the 'Olamā had the right to foresee and veto any bill before its presentation to the *Maĵles*. Prior to and even after the first *Maĵles*, all legal matters were carried out by the 'Olamā. Before the Constitutional Revolution, there were only four ministries which dealt with the affairs of the government. These consisted of the Ministry of Interior, the Foreign Ministry, the Ministry of War and the Ministry of Finance (treasury). The 'Olamā dealt with all judicial matters apart form matters pertaining to the interests of the state. In solving personal disputes, the 'Olamā charged one tenth of the money involved from the guilty party and one-twentieth from the victorious party for a speedy verdict. Otherwise there were great delays in issuing a verdict. At times the verdict was completely reversed depending on which side offered greater financial rewards.⁷⁷

For the purposes of clarifying the extent of the 'Olamā's judicial power, it will be helpful to consider a letter by Moĥammad Kāžem Ķorāsānī and Šeīķ 'Abdollāh Māzandarānī to the *Maîles*, regarding the Second Fundamental.⁷⁸ The letter reads:

'The honorable nominees of the the supervisory council [consisting of twenty members of the 'Olamā]⁷⁹... The responsibilities of the chosen five who will reside over and above, as well as becoming members of, the *Maĵles* in both an advisory and supervisory capacity⁸⁰ are to ensure that the laws passed and those which will come to pass, are in complete accordance with the entirety of the ordinances of the Šarī'ah. However, matters pertaining to finance and the

⁷⁴ Āštīyānī (1362 SH/1983), p. 854.

⁷⁵ Ibid., p. 258.

⁷⁶ Ibid., p. 133-4, & Kasravī (1353 SH/1974), p. 361.

⁷⁷ Mosaddeq (1365 SH/1986), pp. 27-8.

⁷⁸ The addition concerning the five member council of the 'Olama.

⁷⁹ The leading Moîtaheds presented the name of twenty 'Olamā to the Maîles. The Maîles then choose five people to form the five-member council.

⁸⁰ The supervisory council preserved the right to veto any clause or bill which they regard as against the interests of Islam and harmful for the Muslims.

treasury are excluded from this, such matters are the responsibility of the government. Judicial laws concerning murder, *Qisas*, the appropriate sentence and punishment to be inflicted, *Ĥodūd*, and whatever else is the within the range of the responsibilities of a jurisconsultant⁸¹ must be referred to a just *Moĵtahed*. The only role of the government in legal matters is to refer such cases to a *Moĵtahed* and act accordingly in implementing the exact dictum of the *Moĵtahed*.⁸² The ruling of the *Moĵtahed* is absolute and binding.⁸³

After the first *Maĵles* in accordance to the second Article of the Additions to the Fundamental Law 1325/1907, a five-member council from among the 'Olamā were selected as advisors to the *Maĵles*. The council strongly opposed the setting up of the Ministry of Justice and the majority of proposed judicial reforms. The 'Olamā viewed all judicial matters to be their sole monopoly and viewed the government as mere executors. In fact, the council interfered with and was an obstacle to any reform, which it viewed as a threat to the vested interest of the 'Olamā. The power and influence of the clergy is clearly reflected in the following Articles of the Constitution:

Article 1

The official religion of Iran is Islam of the true sect of Ĵa'farīyeh Iśnā Ašarīyeh [Twelver Shi'a]. The Šāh must profess and protect this faith.

Article 2

The Maĵles which has been formed with the blessings of the Īmām 'Aṣr [Īmām of the time, the Twelfth Īmām in Occultation] may God speed his appearance by the grace of His Majesty the Šāh, by the vigilance of the Islamic 'Olamā, may God increase their example, and by the Iranian nation, may at no time legitimate laws that are contradictory to the sacred laws of Islam.... [It is self-evident that it is the responsibility of the 'Olamā to determine and judge such contradictions. Therefore it is officially decreed that in each legislative session a council of no less than five men, comprised of Moĵtaheds and devout Foqahā, who are also aware of the needs of the time, be nominated by the 'Olamā.]⁸⁴ The Maĵles shall accept this board as full members. It is their duty to study all legislative proposals and if they find any that contradicts the sacred laws of Islam, they shall reject it. The decision of the council is binding and final. This provision of the constitution is

⁸¹ This is a vague statement, which is in fact an indefinite definition of power for the 'Olamā.

⁸² By this definition the government is only the executor of a verdict and does not have any control over the verdict or the procedures by which it was issued.

⁸³ Asnāde Ketābķāneh Maĵles Šūrāye Mellī Asnād. Maĵles va Rūĥānīyat, pp. 13-15, Document number 5. The letter was written in 1328/1910.

⁸⁴ This Provision for a Supervisory council, although never altered, was completely ignored by Reżā Šāh.

unalterable until the coming of the *Imām 'Aṣr*, may God speed His appearance.

Article 18

All sciences and crafts may be freely learned and taught except those that are forbidden by the Šarī'ah.

Article 20

All publications with the exception of heretical books and literature harmful to Islam can be freely circulated and censorship over them is forbidden. ⁸⁵

Furthermore, the autonomy and power of the 'Olamā can be elucidated by a close examination of articles 144-149, of the first Civil Code, promulgated in 1911. The extent of the power of the 'Olamā is clearly reflected in the following articles.

Article 144

Matters pertaining to the Šarī'ah are those delineated and prescribed by the laws of Islam.

Article 145

The state courts of law shall refer the following cases to the Šarī'ah courts of the Moĵtaheds:

- 1) When a dispute is caused by ignorance of the provisions of the $\dot{S}ar\bar{\iota}'ah$.
- 2) Matters pertaining to marriage and divorce.
- 3) In absentia sentences involving Šarī 'ah jurisdiction.
- 4) Cases involving the declaration of bankruptcy, the confiscation of property, of persons whom refuse to pay their debts and injunction of restriction.
- 5) When the solution of the dispute is possible only by recourse to witness and/or by oath.
- 6) When legal writs issued by the Šarī 'ah courts are ambiguous, vague, or contradictory.
- 7) When the dispute pertains the principles of vaqf, will, or guardianship.
- 8) When the appointment of the trustee of *Vaqf*, a Šarī'ah supervisor, or legal guardian is involved.

Article 146

When there is a dispute over whether a case falls under the Šarī'ah or the 'Orf, it may not

be referred to a state court of law without the agreement of a Moîtahed.

Article 147

If the courts of Sarī'ah insist that the dispute involves a case described in Article 4 of this law namely that the state law on the matter is non-existent, incomplete, or contradictory, the Ministry of Justice has no right to examine the case, even if both parties to the dispute agree to such examination. In such a case the dispute must be referred to the council of *Moĵtaheds*.

Article 148

In all Šarī'ah cases except those described in Article 145 of this law, the state courts may exercise jurisdiction if both parties agree to such jurisdiction. Otherwise they must be referred to Šarī'ah courts.

Article 149

The state courts may not hear appeals from the verdicts of *Šarī'ah* courts. Such appeals must be referred to the council of *Moĵtaheds*.⁸⁶

The control of the legal sphere had proved particularly lucrative for the 'Olamā. The money the 'Olamā received from fees charged on legal documents and contacts was one of their most significant sources of income. One area which was particularly lucrative, was the administration of government *Šar'ī* business, which in Tehran usually passed to one particular *Moĵtahed*. Furthermore, the 'Olamā paid literally no tax to the state as income from *Koms*, and *Zakāt* was not taxable. Many of the 'Olamā were major landowners but were exempt from paying land tax. In 1903, the Governor General of Mašhad told Hardinge, the British consul there: 'Non of the *Moĵtaheds* who were among the chief landowners in the country paid a twentieth of the revenue that could be justly demanded of them.' On the whole the 'Olamā were exempt from state persecution and the arbitrary levies of money exacted by high officials. It was not surprising that the 'Olamā were resolutely opposed to legal reform.

The foundations for reform in the sphere of the law were laid during the Constitutional period but were only fully actualized and operationalized by Rezā Šāh. As

⁸⁵ Qānūn-e Asāsī va Motammam-e Ān, pp. 27-9.

⁸⁶ Maĵmū'eh-e Qavānīn-e Mowżū'-e va Mowsavvabāt-e Maĵles, Second Session, 1906-11, pp. 467-68.

⁸⁷ Kermānī [Nāžemol Īslām] (1362 SH/1983), p. 20.

⁸⁸ FO 60/665, Hardinge to Lansdowne, No. 26, 3.3.1903.

mentioned earlier, each province including Tehran had a Dīvān-e 'Adlīyeh or office of justice, which was in effect a court of equity. In 1907 the Dīvān-e 'Adlīyeh of Tehran was reorganized into the following courts of law: 1) Court of First Instance, 2) Court of Movable and Immovable properties, 3) Criminal Court [which was further divided into two courts, one dealing with first-degree murder and the other with all other crimes against persons or property], and 4) Court of Appeal.

The reorganization of the 'Adlīyeh was not supplemented by a law regarding procedures of legal administration. The 'Adlīyeh had 'no code, no regulatory organization, and no established administration, and judges had no fixed income.'90 Theoretically, when a judge was allocated to a particular case a sum of money was specified. In practice, however, the old custom of receiving a certain percentage from both sides of a dispute was still prevalent.⁹¹ It is interesting to note that although judges were now part of the public sphere as employees of the government and no longer part of the private sphere as private individuals, nonetheless this custom still prevailed. ⁹²

In 1909, Şadrol Ašrāf became the First Deputy to the Chief Justice of the Criminal Court. He wrote in his memoirs that at the time there were no codes of procedure for conducting preliminary investigations or determining sentences. Conducting of investigation, which was the responsibility of the Prosecuting Attorney, was placed in the hand of the members of the Criminal Court. The passing of a verdict and the appropriate sentence rested on the individual opinion of a particular judge, which was often derived from the practices of 'Orf law. In the same year, Mošīrod Dowleh, the Minister of Justice, passed an injunction concerning criminal investigations, which was derived from European codes of investigation procedure and laws of determining sentences. This laid the groundwork for familiarizing the members of the Criminal Court with procedures based on written laws. On the procedure of the Criminal Court with procedures based on written laws.

The pace of legal reform was very slow and almost any attempt at legal reform faced 'Olamā opposition. 'The lack of progress in the court system stemmed from 'Olamā

⁸⁹ Kermānī [Nāžemol Īslām] (1362 SH/1983), p. 254.

⁹⁰ Matīn-Daftarī (1342 SH/1945), p. 8.

⁹¹ Şadr [Şadrol Ašrāf] (1364 SH/1983), pp. 174-5.

⁹² Ĵa'farī Langarūdī, Interview, (5.1.1997).

⁹³ The members of the Criminal Court consisted of Chief Justice, First Deputy, Second Deputy, three other member Judges and two secretaries, who sat in court.

⁹⁴ Şadr [Şadrol Ašrāf] (1364 SH/1983), pp. 174-5.

opposition. Both 'Constitutionalist' and 'anti-Constitutionalist' 'Olamā were opposed to legal reform. They did not recognize other judges or alternative legal systems as legitimate. The 'Olamā viewed only Šar' judges as competent authorities. Any other basis of law was seen as inappropriate and unsuitable. Mošīrod Dowleh, faced with 'Olamā opposition, was insistent on appointing only 'enlightened' 'Olamā to head the new courts of law, he wanted people who would be able to resist the threat of the 'reactionary' members of the 'Olamā.' ⁹⁶

One of the most vocal and outspoken 'Olamā and a member of the 'Supervisory Council of Five', 97 against legal reform was Ĥasan Moddares. Moddares was adamant to stop any bill through the *Maĵles* that may encroach upon the power and influence of the 'Olamā within the legal sphere. Seyyed Ĥasan Moddares was popular and influential amongst the people and is reported to have been decisive in bringing down unpopular cabinets. During the second *Maĵles* (1329/1911), Mošīrod Dowleh attempted to pass a legal reform bill [code of legal procedures] through the *Maĵles*. The bill was rejected, the strongest opponent to the bill being Moddares. Mošīrod Dowleh refused to return to the *Maĵles* until the bill was passed. Moddares opposed the bill on the grounds that only a *Moĵtahed* is entitled to sit in judgment. Mošīrod Dowleh was convinced that accepting this condition was a complete negation of the basis of legal reform and thus Ṣadrol Ašrāf was asked to act as a special envoy between Moddares and Mošīrod Dowleh in an attempt to arrange negotiation procedures. 98

Şadrol Ašrāf reports the following conversation between Moddares and Mošīrod Dowleh: 'Mošīrod Dowleh told Moddares "If you do not accept this bill [code of legal procedures], then the administration of justice will be restricted to and at the mercy of the 'Olamā who pass contradictory and arbitrary judgments [based on their own discretion rather than on a codified set of laws]. This will result in European governments imposing their laws upon us." Mošīrod Dowleh's utterance made Moddares rather agitated and distraught and he replied, "You Westernized people have become bewitched by the Europeans. Now you even propose to impose European laws upon us! My only duty [as a Muslim and a *Moĵtahed* and thus, *Sarparast*, guardian, of the believers] is to reject any

⁹⁵ Ibid., p. 175.

⁹⁶ Ibid., p. 175.

⁹⁷ The 'Olama who presided over the Maĵles.

⁹⁸ Ibid., pp. 174-7.

law that I believe to be contradictory to the tenets of the holy Šarī'ah." '99

Moddares was of the opinion that the 'Olamā should sit in judgment in all cases. He agreed to give his approval only on the condition that a further eight articles be added to the beginning of the proposed bill. The added articles ensured that the 'Olamā could maintain their power and influence in legal matters. Mošīrod Dowleh's aim was to restrict the 'Olamā's jurisdiction to specifically religious matters such as births, deaths, marriages and divorce. In particular, he endeavoured to limit the extent of the 'Olamā's interference in legal matters pertaining to the state, such as state concessions and monopolies. Initially Mošīrod Dowleh refused to agree to the eight articles suggested by Moddares. He viewed the acceptance of these articles as resulting in the reduction of the power of the 'Adlīyeh. 'The 'Adlīyeh would simply become the recipient of formal legal complaints which would then have to be referred to the 'Olamā. Consequently, the 'Adlīyeh would be devoid of any real executive power.' Eventually, after much negotiation, a compromise was reached. Mošīrod Dowleh agreed to the additional eight articles and Moddares decided to accept the bill. The bill for the reform of legal procedures was passed by the second Maĵles with the power of the 'Olamā still intact.'

Şadrol Ašrāf was appointed as a special envoy between Mošīrod Dowleh and the 'Olamā. The 'Olamā were requested to select and present a council of their most suitable members to the 'Adlīyeh. The 'Olamā could not reach a consensus on the selection of the council members and consequently no council was presented. 'Mošīrod Dowleh used the situation to his own advantage by referring only strictly Šarī 'ah cases to the 'Olamā. All other cases were dealt with by the 'Adlīyeh.' All attempts at legal reform were severely restrained by the 'Olamā whose primary requisite was to preserve their own dominance and supremacy.

Prior to presentation of 'the legal procedures bill' to the *Maĵles* a French Jurist Adolph Perni was employed as an advisor to assist in the preparation of the Penal Code. He completed his task by the end of 1911.¹⁰³ In January 1912 the first penal code ever promulgated in Iran was submitted to the *Maĵles* for approval. Consisting of 506 articles,

⁹⁹ Ibid., pp. 211-212.

¹⁰⁰ Ibid., p. 213.

¹⁰¹ Ibid., p. 213-4, & Šāyegān (1316 SH/1937), pp. 32-33.

¹⁰² Şadr [Şadrol Ašrāf] (1364 SH/1983), p. 214.

¹⁰³ Ibid., p. 213, & Banani (1961), p. 38.

this code was the first attempt to graft the Napoleonic Code upon the body of the Šarī'ah in Iran.¹⁰⁴ 'It was signed by three first-rank *Moĵtaheds*, who testified that it was acceptable by the standards of the *Šarī'ah* and its new features did not violate the precepts of Islam.' It is significant that three leading *Moĵtaheds* should not object to a French jurist preparing a code of law for Iran. However, what is even more notable is the implicit admission by the *Moĵtaheds* that the legal concepts of the West might be added to Islamic precepts.

Disintegration, anarchy, civil unrest, threat of foreign invasion, powerful clergy, and tribal unrest characterized the period 1905-1921. The Constitutionalists believed that all problems facing Iran could be solved through the establishment of a Constitutional government. It was a period of great aspiration and endeavour towards reform, which meet with fierce 'Olamā opposition every step of the way. The Constitutional period laid the groundwork for many of the reforms of Reżā Šāh. ¹⁰⁶ The task before Reżā Šāh was great: he not only had to provide internal security but also had to rid himself of all other rival power threats. Furthermore, Reżā Šāh ascended the throne in a country where a dual power structure of politics and hierocratic domination had already taken firm roots. His policy of centralization was the antithesis to this dual structure of authority. Reżā Šāh was thus faced with a rival power structure and made every effort to ensure its displacement. Consequently the 'Olamā were irreconcilably alienated from the Pahlavī State. The centralizing policies of Reżā Šāh devastated the clerical institution foundations of power and to some extent lessened their cultural influence.

Judicial Reform During the Reign of Reżā Šāh and its Consequence for the 'Olamā

Rezā Šāh's legal reforms must be placed within the overall process of reform motivated by a desire to modernize Iran as well as to consolidate his own position. His consolidation of power could not be completed without efforts to change the Qajar legacy of dual power structure of politics and hierocratic domination. In the legal sphere, his first objective was to abolish the system of capitulation. He realized that as long as Iran did not have a judicial system based along Western lines, the abolition of capitulation might

¹⁰⁴ Ibid., p. 38, & Avery (1965), p. 151.

¹⁰⁵ Oşūl-e Moĥākemāt-e Ĵazā'ī, p. 172.

¹⁰⁶ Menashri (1992).

attract adverse publicity in Europe; therefore he proceeded speedily with his plans to reform the legal system. The system of capitulation, justified by the plea that the subjects of foreign powers could not be exposed to the Iranian legal system, was a lingering memorial to former foreign influence and an affront to Iranian nationhood. Režā Šāh was anxious to abolish capitulation and therefore the speed with which he began legal reforms was not aimed solely at the 'Olamā but was rather the prelude to throwing off other nation's extra-territorial rights.¹⁰⁷

Režā Šāh's second objective was motivated by a desire to create a centralized, uniform and systematic legal system under the control of the central government, thereby consolidating his own position. The need for reform arose entirely out of the needs of the country at the time. 'If Iran was to be accepted as an independent nation state in the international arena it required an internationally recognized and accepted legal system. The old legal system was inadequate in meeting the current needs of the country. Iran's increased interaction with the world necessitated certain legal reforms, which were non-existent in the old system. An example of this is the total lack of provisions concerning commercial and international commercial law, in *Šar'* or 'Orf law.' 108

In 1924 and 1926, experimental commercial and penal codes were introduced. ¹⁰⁹ In 1927, the old Ministry of Justice was dissolved and in April of the same year new personnel, many of whom had received European education, took over the administration of the new Ministry of Justice from the former clerical officials. On this occasion Reżā Šāh reminded the new officials that a country was judged by the quality of its laws. In the same year, 'Alī Akbar Dāvar¹¹⁰ became the Minister of Justice and immediately proceeded

^{107 &#}x27;Āqelī (1369 SH/1990). Similar views are expressed by Ībrāhīmzādeh, Interview, (3.1. 1997), Šāyegān (1316 SH/1937), Banani (1961), & Avery (1965), p. 289.

¹⁰⁸ İbrāhīmzādeh, Interview, (3.1.1997).

¹⁰⁹ Matīn-Daftarī (1342 SH/1945), pp. 69-164.

¹¹⁰ Akbar Dāvar was born in 1885, the son of a third ranking Qajar courtier. His preliminary studies were with private tutors in Farsi, Arabic, mathematics, geography and history. He then attended one of only four schools in Tehrān ['Elmīyeh, Qājār and Ṭarbīyat], Dar ul-Fonun, and studied medicine. After four years of studying medicine he switched to humanities and graduated eight years later. During Moĥammad 'Alī Šāh's reign he joined the Democrat party and became an activist. At the age of 24 he entered the ministry of Justice and attained a high executive position. He also co-operated with Seyyed Žīyā'ol Dīn Ṭabātabā'ī in the publication of his newspaper Sharq. He then left Iran for Switzerland to further his studies. There he obtained a degree in political science and law and in 1921 he finished his doctorate. He stayed in Europe for the total of eleven years. During his years abroad he was active against the 1919 Agreement. In 1921 he returned to Iran. He had close ties with Režā Ķān and in 1922 with Režā Ķān's help he was nominated as a delegate from Varamin. During his deputyship he published a newspaper called 'mardeh āzādeh' [freeman], the first issue was published on the 28 January 1923. He

to dissolve the entire existing legal sector. On 14 February 1927, 'Alī Akbar Dāvar presented a bill to the *Maĵles* specifying his intended reforms. The bill was passed forthwith and Dāvar gained the backing of the *Maĵles* to move on with his legal reforms. He was given full authority to reform the existing legal system. Addressing the *Maĵles* deputies, Dāvar stated:

'Highly esteemed members of the National Assembly, I am sure that all honoured members will certify that public opinion, the opinion of the Maîles and the resolution of the government has always been in favour of reforming the legal system. If the Minister of Justice is not given executive powers by the Maîles, then no reform will be possible. The following needs instantaneous and prompt attention. Firstly, the Minister of Justice is to be allowed to set up special commissions composed of educated professionals and area specialists in order to draft the necessary reforms to the legal system and to ascertain their applicability in practice. Once this has been carried out the suggested reforms will be presented to the Maîles. The mentioned commissions are to be disolved four months after completion. However, if the commission does not suggest further reforms for the regeneration of and employment within the Ministry of Justice, no further reforms will be carried out. Secondly, the Minister of Justice is to be authorized to appoint persons whom he deems suitable regardless of whether they have held previous government posts or not. The abovementioned executive rights of the Minster of Justice are to be valid for the period of four months. 7111

On 25 April 1927, the new Ministry of Justice was established. The Šāh and his government officials assembled in the *Berelīyān* Palace. After the Šāh's introductory speech about the importance of the new ministry and the rule of law, the newly appointed judges were presented with their royal orders, *Farmān*. Dāvar also gave a speech concerning the new structure and administration of the new ministry and swore to Reżā Šāh that 'Iran would soon have a legal system equal to those of the progressive nations.' In specifying the administrative superiority of the new system, Dāvar mentioned the following in his speech:

'In the previous system a number of judges were required to preside over one court, which was somewhat inefficient. Now only one judge is

then set up the radical party. In the fifth Maĵles of 1924 he was re-elected from Lar. In the 1924 republican debate, Dāvar was in the anti republican camp. In 1926 Dāvar became the minister of trade and during this time he set up the commercial school. Ibid., p. 91. In 1927 Dāvar became the Minster of Justice, In 1933 he became the treasury minister. In 1937 following a severe verbal attack by Reżā Šāh and committed suicide by taking opium dissolved in alcohol. 'Āqelī (1369 SH/1990), pp. 15-16, 91 & 105-6.

^{111 &#}x27;Āqelī (1369 SH/1990), pp. 106-108.

¹¹² Ibid., pp. 141-2.

required to preside over a court. Previously the Supreme Court had only two administrative branches whereas now it has four. In the provinces, we have further subdivided the Provincial Court of Appeal into two 'mobile' Courts of Appeal and two 'fixed' Courts of Appeal. In Tehran a new court has been set up, known as the 'Negotiation Room'. This new addition ensures further efficiency in resolving disputes for, if the presiding judge is unable to resolve a dispute, then it is referred to the 'Negotiation Room' for further investigation. We have set up the Municipal Small Claims Court, consisting of eight administrative branches. The municipality of Tehran is divided into nine districts, each with their own Small Claims Court. The financial limit of these courts is set between 20 and 400 Tomans. In the previous system there was only one administrative office for all types of courts, whereas now each type of court has its own administrative office. Previously there was only one executive office which carried out sentences throughout the country; now each branch of the legal system, has its own executive office. In the previous system, only four provinces had their own Court of Appeal, Āźarbāyeĵān, Fārs, Ķorāsān, and Kerman, but now Hamadan and Esfehan also have their own courts of appeal. Previously there were ten provincial courts in the following provinces Rašt, Hamadān, Kermānšhāh, Arāk, Tabrīz, Mašhad, Šīrāz, K'ozestān, Kermān and Bārforūš; now there are thirty- five courts which cover most of the provinces. Furthermore, in the previous system the bureau for the registration of documents only existed in Rašt and Esfehān but now almost each province has its own bureau.'113

Concerning the distinguishing features of the new legal system Dāvar mentions the following:

'The new administrative structure of the Ministry of Justice is such that all its employees are honourable and virtuous and have some knowledge of the new sciences. The Ministry acts in accordance with the Civil law of Iran which recognizes governance and adjudication as solely within the jurisdiction of the central government. The execution and implementation of the laws which govern the country are the duty of the Ministry of Justice. Furthermore, the right to issue legal rulings has been removed from 'Olama [Šar'] outside of the Ministry of Justice to ensure the dominion of the Ministry within the legal sphere. Only those 'Olama who are official employees of the Ministry have the right to function within their specified duties. The Ministry of Justice has now a canonized code of law which serves as a guideline for judges. Judges can no longer base their ruling on Islamic jurisprudence [Feqh] but must act in accordance with the new statute. The setting up of criminal courts has helped in dealing with specifically criminal offences in accordance with the new penal code [instead of $\hat{H}od\bar{u}d$]. The compulsory documentation of land has been added to the statute in order to prevent unnecessary and fraudulent claims. This ensures that once a piece of land has been registered any other party cannot counter claim it. The setting up of a bureau for official document

¹¹³ Ibid., pp. 141-143.

and notary public's offices prevents unnecessary disputes which could be time-consuming and expensive for the courts. The law of 'passing of time' ensures that if land holdings have been within a particular family for the last forty years no previous documents claming ownership are valid.'

On 18 May 1927, Dāvar asked for a further extension of four months, which was passed by the *Maĵles* with the exception of Moĥammad Moṣaddeq who opposed the motion. In the same year a Supreme disciplinary court was set up to deal with judicial offences and Moĥsen Ṣadrol Ašrāf was appointed as its head. In 1928, Dāvar as the head of the commission within the Ministry of Justice, presented the *Maĵles* with the first volume of the civil code as well as a judicial reorganization bill establishing the hierarchy of courts. In May 1928, the government abolished capitulations. On 25 November 1928, on 30 April, and 3 November, 1929, and on 17 April and 3 November, 1930, the *Maĵles* passed bills empowering the Ministry of Justice to put into practice the newly proposed laws for a temporary trial period. The new laws were executed as soon as the Judiciary Committee of the *Maĵles* had approved them. Then, after any shortcomings that came to light in practice had been corrected, the Ministry of Justice was to submit the bill to the whole body of the *Maĵles* for permanent enactment. The same practice was continued throughout the eighth session of the *Maĵles*.

In 1928, Dāvar designed a special uniform dress code for judges, which coincided with the law of Uniform Dress. Only a few Šarī'ah judges were exempt from this law. The 'Olamā who were given judicial positions in Dāvar's new ministry were Seyyed 'Alī Behbahānī, Ĥabībollāh Āmozegār, Mostašārol-Molk, Movarreķod-Dowleh, 'Alī Qolī Hedāyat, Ĥaq Nevīs, and Davod Pīr Nīyā. 117 The following 'Olamā were required to derobe in accordance with the uniform dress code for judges: Mīrzā Režā Nā'īnī Ṭabātabā'ī, Moĥsen Ṣadrol-Ašrāf, Seyyed Moĥammad Fāṭemī Qomī, Seyyed Naṣrollāh Aķavī [Taqavī], Šeīķ Moĥammad 'Abdo, Moĥammad Režā Voĵdānī, Ĵamāl Aķavī, and Mīrzā Ṭāĥer Tonekābonī. In the same year the bill for the official registration of documents was passed by the Maĵles. This bill was first drafted in the 100-day cabinet of Seyyed Żīyā'o-Dīn Ṭabātabā'ī in 1921. However, it was not implemented until 1928. Dāvar, influenced by European law, made substantial changes to the bill. He used his jurisdiction to ensure

¹¹⁴ Ibid., pp. 141-144.

¹¹⁵ Ibid., pp. 168-69.

¹¹⁶ Ibid., pp. 168-80.

¹¹⁷ Ibid., pp. 184-85.

that the means for the implementation of the bill were provided and bureaus were set up all over the country for the official registration of documents. Dāvar, after passing the Official Registration of Documents law in order to win the support of the 'Olamā and lessen their opposition, allowed some of the more distinguished 'Olamā to set up notary public offices and bureaus for the registration of marriage and divorce.¹¹⁸

According to Avery, ¹¹⁹ 1928 was the year of the attack on the outworks of the religious legal fabric. After 1906, efforts had been made to introduce a new Civil Code and in 1910 an Attorney General had been appointed. In 1911 Mošīrod Dowleh's government established a new Ministry of Justice and a Civil Code was published, declared to be experimental and conceived with cautious regard for Article 2 of the Fundamental Law, whereby no legislation contrary to the Šarī'ah was to be enacted. A commercial Code had appeared in 1915, but by then lack of trained secular lawyers had already dictated a pause in these legal reforms. They were not resumed until 1928. The 1928 law concerning the registration of documents and property was a vital blow to the position of the clergy in the judiciary system. It took away the monopoly of the Šarī'ah courts over the registration of legal documents, marriage and divorce, which were the most important functions of the courts as well as by far the largest source of legitimate revenue for the *Moĵtaheds* and lower clergy. Many members of the 'Olamā were forced to abandon the robe and seek secular employment. In fact many members of the new courts were 'disrobed 'Olamā'. ¹²⁰

By 1929, Dāvar was able to introduce certain administrative changes and the following courts were set up: Commercial Court, Supreme Disciplinary Court, Criminal Court, and the bureau for the registration of documents. Also registration of land and

¹¹⁸ The 'Olamā who were allowed to set up notary public offices and bureaus for the registration of marriage and divorce were: Ĥāj Imām Ĵom'e Ķo'ī, Seyyed Moĥammad Behbahānī, Seyyed Moĥammad Režā Afjēī, Šeīķ Moĥammad Ĵavād Šarī'atzādeh, Šeīķ Hādī Malekābādī, Seyyed Moĥammad Bāqer Majīd Ĥowžī, Ĥāj Baĥrol 'Olūme Raštī, Šeīķ Bahā'addīn Nūrī, Seyyed Moĥammad Borūjerdi, Mīrzā Moĥammad Ĥoseīn Šoštarī. The following 'Olamā were given permission to set up such offices in Tehran: Šeīķ Abu'l Ghasem Towysekānī, Šeīķ Moĥammad Nūrī, Seyyed 'Alī Arāqī, Seyyed 'Alī Akbar Ayatollāhzādeh, Seyyed Şādeq Raštī Gīlānī, Šeīķ Ramažān 'Alī [Ķalīlī Arabī], Šeīķ Moĥammad Taqī Zanjānī, Seyyed Ismā'īl Enayat, Seyyed Hāšem 'Aṣṣār, Seyyed Moĥammad Bāqer Irvānī, Šeīķ 'Abdol Ĥoseīn Najmābādī, Šeīķ Ismā'īl Najmābādī, Šeīķ Ābū Ĵa'far Kermānī, Seyyed 'Alī Qomī, Šeīķ Moĥammad Režā Ṭāleqānī Reżvān, Šeīķ Moĥammad Amīn Ķ'o'ī, Šeīķ Moĥammad Taqī Tehranī, Seyyed 'Abdollāh Ṭāleqānī, Šeīķ Nūrod-Dīn Kermānšhāhī, Abu'l Ĥasan Šarīfol-'Olamā', Seyyed Maĥmūd Taqavī Lārījānī, Seyyed Ĵa'far Afjeī, Šeīķ Aĥmad Tafrešī, and Mūsā Ĵavān. 'Āqelī (1369 SH/1990), pp. 185-6.

¹¹⁹ Avery (1965).

¹²⁰ Sadr [Sadrol Ašrāf] (1364 SH/1983), p. 291.

property became law. In less than two years the foundations of the Ministry of Justice had been firmly established. Also in 1929 the Ministry of Justice followed the first volume of the Civil Code with two concluding volumes, but with the matter of capitulation out of the way the *Maĵles* finally proved more reluctant. Twice the bills were rejected. It was not until 26 January and 30 October 1935 that the *Maĵles* finally approved the second and third volumes of the Civil Code. Banani argues that in effect this code was the secularization of the Šarī 'ah, 'In parts dealing with general subjects [for example the first ten Articles], it was a verbatim translation of the civil code of France. But in matters of personal status it was a codification, simplification, and unification of the Šarī 'ah.' On 17 March 1932, the *Maĵles* enacted a law requiring that the registration of legal documents, of ownership and other transactions concerning property were to be carried out in secular state courts only. An experimental version of this law had been operative since 1929.

During his ministership Dāvar had managed to establish the School of Law with the cooperation of the Minister of Education Moĥammad Tadaáyon. The School of Law was assimilated with the existing School of Economic and Political Science and the new Supreme School of Law was founded. Students would graduate after four years with a certificate in legal and administrative sciences. The entry requirements were a good high-school diploma and the passing of the entrance examination. The graduates of the school were employed as Rank One judges in the capital and Rank Two judges in the provinces. Some of the school's top graduates were dispatched to Europe for further studies. Some of the reforms of Dāvar were as follows: specifying the jurisdiction of the Minister of Justice, the law of official registration of documents, the law of ranking of judges, the law of implementing sentences, the first draft of the civil code consisting of 955 articles, the law of court martial, the law of governmental tribunal court, drafting of the commercial and penal code, the setting up of Šarī'ah courts, the setting up of tribunal courts for disciplining members of the judiciary, establishing notary public offices and bureaus for the official registration of documents, marriage and divorce, and the

¹²¹ Matīn-Daftarī (1342 SH/1945), pp. 13-14.

¹²² Šāyegān (1316 SH/1937), pp. 36.

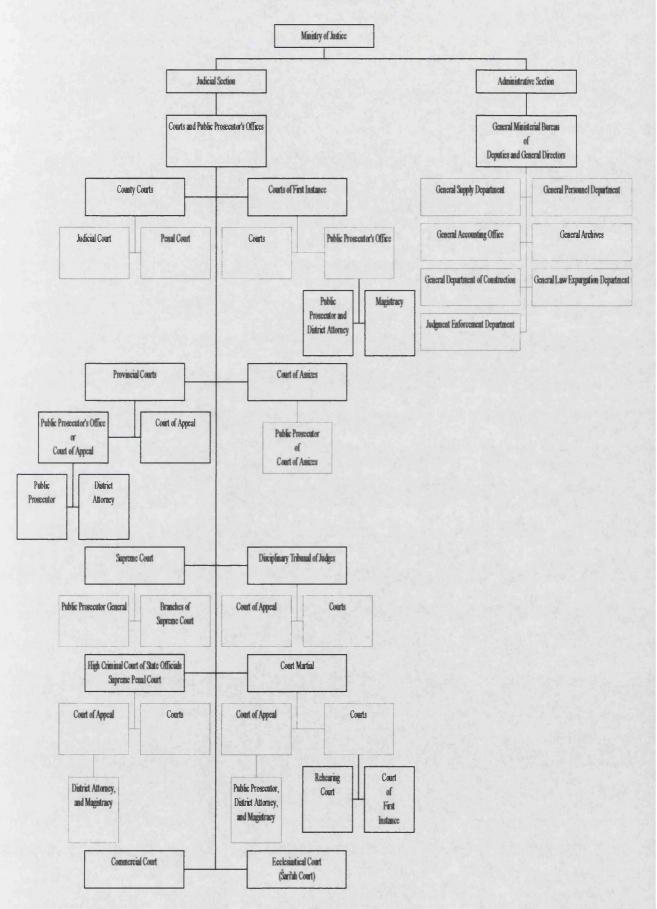
¹²³ Banani (1961), & Avery (1965), p. 71.

¹²⁴ Law of registration of documents, 1932, in the Maĵmū'eh-e Qavānīn-e Mowżū'-e va Mowşavvabāt-e Maĵles, Section 8, pp. 90-132.

¹²⁵ There was a total of eleven ranks in the judiciary.

abrogation of slavery. In total Dāvar presented the *Maĵles* with well over 120 bills, most of which were passed as law and implemented. In 1929 the basic internal structure of the Ministry of Justice was almost complete and has changed very little since. The chart on the next page illustrates the internal structure of the Ministry of Justice.

The Internal Structure of the Ministry of Justice



Dāvar was also behind the changes to Articles 81 and 82 of the Supplementary Section of the Fundamental Law, which maintained the independence of the judiciary. The new interpretation gave him power to change members of the judiciary. Article 81 stated that 'No member of the judiciary can be removed from his position temporarily or permanently without trial and proof of guilt, unless he resigns.' Article 82 stated that, 'The changing of the position of a member of the judiciary is not possible without his consent.' In 1931 a clarification clause was added to the above Articles. 'What is meant by Article 82 is that it is not possible to transfer a member of the judiciary without his consent from a legal post to an administrative post or to the Public Prosecution sector. However, it does not mean that a member of the judiciary cannot be moved from his post to a similar post of equal ranking. Those members of the judiciary who, according to the above, have been transferred to a new post and fail to comply are considered as committing sedition and will be prosecuted by the regulatory body and sentenced accordingly.' 126

It is worth mentioning here that Davar was the mastermind behind the transfer of the post of Commander-in-Chief of the armed forces from Ahmad Šāh to Reżā Kān. He was also behind the changing of three Articles of the Supplement to the Fundamental Law, which enabled the transfer of the monarchy from the Qajars to Reżā Kān Pahlavī. Davar played a crucial role in abolishing the Qajar monarchy and helping to establish the Pahalvi dynasty. In 1925, he was able to bring about this change through the Constituent Assembly, which was endowed with the power to amend and make changes to the Fundamental Law. 127 When presenting the proposed changes to the Maîles he made the following speech: 'Delegates of the National Assembly... for the welfare of the people of Iran I propose that the Qajar dynasty should be abolished and replaced by a provisional government under the leadership of Reżā Kān Pahlavī.' On 31 October 1925, the Maĵles passed the following Act: 'Maîles Šowrāye Mellī, in the name of the welfare of the nation, declares the end of the Qajar Monarchy and bestows the provisional government, within the bounds of the Constitution and laws of the land, to Reżā Ķān Pahlavī. The final reform of the government shall be decided by a constituent assembly which shall convene for the revision of Articles 36, 37, 38 and 40 of the Supplements to the Constitution.'128

^{126 &#}x27;Āqelī (1369 SH/1990), pp. 202-203.

¹²⁷ Makkī (1369 SH/1991), p. 488 & 'Āqelī (1369 SH/1990), pp. 86-88.

¹²⁸ Ibid., pp. 71-2.

In December 1925 the National Constituent Assembly met in Tehran and revised the following Articles: 36, 37 and 38 of the Supplementary Law. Article 36 was changed to the following: 'In the name of the people: The National Constituent Assembly herewith entrusts the Constitutional monarchy of Irān to His Royal Highness Režā Šāh Pahlavī, which shall remain in his male lineage generation after generation.' Article 37 stated: 'The throne shall pass to the eldest son of the Šāh who must be of complete Iranian descent. In case that there is no male heir, the Šāh himself shall choose his successor, who in turn shall be approved by the *Maĵles*. Whereupon the Šāh is endowed with a male heir, he will become Crown Prince. No member of the house of Qajars can ever become a pretender to the throne.' Article 38 was amended to: 'The crown Prince is not to assume the throne until he has reached the full age of twenty-one. In case the heir apparent is a minor, the *Maĵles* is to elect a regent provided that he is not of Qājār descent.' Furthermore, the Šāh, heir apparent and the regent must each take an oath on the Constitution before the *Maĵles* as specified by Article 39 of the Supplementary Law. On 15 December 1925, Režā Šāh returned to the National Constituent Assembly to sign the oath of office, which read:

'I take God almighty as my witness and swear on the Holy *Qorān* and all that is sacred before God, that I should dedicate all my strength to the independence of Īrān, the integrity of the realm and the rights of the people. I shall preserve the foundations of the Constitution and shall work for the country in full conformity with it. I shall propagate and protect the Ĵa'farī [Shi'a] faith. Standing in the presence of Allah, who watches over all my deeds and actions, I promise to strive for the happiness and glory of Īrān and Irānians. I shall have no other intention but the progress and well-being of Īrān, its people and the government. To this end I implore the assistance of Allah and the spiritual benevolence of the Prophet, the Īmāms and the teachers of Islam ['Olamā] in achieving my tasks.'

Then rising from the royal chair, he picked up the *Qorān* in both hands, raised it high above his head then kissed it twice and placed it upon the table. The Constituent Assembly consisted of 272 members and out of these 269 delegates voted in favour of the above change. Three abstained. Three abstained.

Until 1936 the nature of legal reforms was temporary and experimental; from then

¹²⁹ Makkī (1369 SH/1991), p. 586.

¹³⁰ Ibid., p. 14.

¹³¹ Ibid., p. 13.

The 'Olamā present in the Constituent Assembly were: Šeīķ Moĥammad Yazdī Nadūšand, Seyyed Abu'l Qāsem Kāšānī, Šeīķ Żīyā'o-Dīn Kīyānūrī, Mīrzā Šahāb Kermānī, Seyyed Moĥammad Tadaáyon,

on the reform of the judiciary system reached a turning point. Before Davar there were no regulatory laws or specified requirements for legal representation. Dāvar created a condition that whoever wanted to practise law had to have a certificate of approval from the Ministry of Justice. Only those who had three years' experience or a degree in law from Iran or abroad could become legal representatives upon passing an entrance exam. 132 Davar set up the Central Investigatory Council, consisting of members of the judiciary, ministers, and government employees. A Council delegate and a military official would be sent for inspection of the different administrative branches of the Ministry of Justice throughout the country. In this way the power of the central government as a regulatory body was established. It could be argued that the permanent Westernization of the judiciary system dates back to the law concerning the employment of judges enacted on 27 December 1936. The law set the following employment qualifications for judges, thus eliminating many members of the 'Olama from the judiciary: 1) [All judges must hold] a degree from Tehran university Faculty of Law or a foreign university, attesting to three years or more of legal studies. 2) Former judges of the Ministry of Justice who do not hold such a degree must pass special examinations in Iranian and foreign law in order to remain in the employment of the Ministry, and at any rate may not rise above the rank of six on a promotion scale of eleven ranks. 133

Avery points out that by 1936 Režā Šāh had met every form of opposition from the clergy and had emerged from the contest in absolute triumph. There was then no more prudence. As a result of the 1932 law concerning the negotiations of documents relating to property transaction and other matters, which was to be dealt with exclusively by state secular courts and lawyers, 'The *Mollas* had been sufficiently humbled for final steps to be taken. Many of them had already abandoned the turban and donned a Western style suit to become notaries in order to avoid destitution. New regulations of this kind made it impossible for many clerics to gain a living unless they too became secular. Accordingly, by the end of 1936, Iran was legally almost entirely emancipated from religion.'

Ayatollāh Šīrāzī, Šeīk Moĥammad 'Alī Tehranī, Mīrzā Hāšem Āštīyānī and Seyyed Moĥammad Behbahānī. Makkī (1369 SH/1991), p. 487.

^{132 &#}x27;Aqelī (1369 SH/1990), pp. 188-89.

¹³³ Maĵmū'eh-e Qavānīn-e Mowżū'-e va Mowşavvabāt-e Maĵles, Section 10, pp. 98-100.

¹³⁴ Avery (1965), p. 291.

¹³⁵ Ibid., p. 291.

According to Ebrāhīmzādeh, however, the law of employment of judges was not enacted in order to reduce the power and influence of the 'Olamā, although in practice it did. The law was more concerned with systematization and centralization of the judiciary, as well as bringing it under central government control. The law was necessitated by the need 'to establish a modern judiciary which required educated personnel. The two processes were inseparable.' Furthermore, Iran's civil code was based directly on one of the books of Shi'i Feqh and has very few foreign influences. In fact the code was drafted with the help of the 'Olamā. Laws without prior existence were based mostly on Belgian and French law; for example the codification of Penal Code was derived from Belgian and French law. As far as possible Dāvar tried not to contradict the Šarī'ah and in all the commissions which were set up members of the 'Olamā were present.'

'The intention behind the law of 1936 was not an attack on Islamic principles; rather it was an attempt to stop the interference of unqualified people in the guise of Islam. Without doubt one of the aims [of legal reform] was to reduce the level of interference of the 'so called 'Olamā', who had neither suitability nor competent authority to interfere in legal matters. The administration of the Ministry of Justice did take on a European form but in terms of content it remained true to the tenets of Islam. A number of qualified 'Olamā were requested to assist the Ministry and to safeguard Islamic ideals. In the specified period [1925-1941] not all the members of the Ministry of Justice were European-educated: some had received traditional theological education in Najaf and Qom. Such people as Moĥsen Şadrol-Ašrāf, Seyyed Kāžem 'Aṣṣār, Seyyed Fāṭemī Qomī and Moĥammad Sorūrey are to name but a few.' 138

The law of 1936 placed the authority of assessing the suitability of judges in the hands of the government. 'Centralized regulation meant that the judicial system was less prone to the misappropriation of justice by the arbitrary rulings of those who placed personal interests above the interests of the people.' The new reform did not jeopardize the position of the 'enlightened 'Olamā' who not only remained within the Ministry but also continued to be influential. However, some of the 'so-called 'Olamā' who were ignorant and misused their power and 'status of the robe' were made redundant.

Avery and Banani view the 1936 law as marking the permanent Westernization of

¹³⁶ Ībrāhīmzādeh, Interview, (3.1.1997).

^{137 &#}x27;Āqelī (1369 SH/1990), pp. 186-9.

¹³⁸ Alamūtī, Interview, (12.1.1997).

¹³⁹ Šāyegān (1316 SH/1937), p. 32.

¹⁴⁰ Ībrāhīmzādeh, Interview, (3.1.1997).

the judicial system. Ebrāhīmzādeh, Alamūtī and Shaygan point out three perspicacious but fundamental and significant points, which seemed to have been overlooked by both Avery and Banani. 1) A definitive distinction is made between 'enlightened', educated and qualified 'Olama and the 'so-called 'Olama' who were viewed as ignorant and abusive of their power and position. 2) Bringing in regulations reduced the power of the latter type of 'Olama and to some extent stopped the abuse of justice in the name of Islam. This however is in itself threatening to the 'Olama 'as an institution', in that it takes away their power of 'self-governance' and places it under the control of the central government. 3) The priority of the government in regulating the requirements and qualification of judges does not negate Islamic principles; rather it reduces the autonomy of the 'Olama in the legal sphere as a 'self-regulating' and 'self-governing' body. This threatened the balance between the dual power structure of politics and hierocratic domination. The political now exerted control over the regulatory rights of the hierocratic, in a sphere longestablished as within its jurisdiction and control, namely the legal sphere. Only if one accepts the position that the 'Olama are the 'guardians of the faith' and that the reduction of their power is synonymous and inseparable from Islam per se, can one argue that the law of 1936 negated Islamic principles.

The 1936 law did have secularizing effects in that it took away the autonomy of the 'Olamā in the legal sphere. However, it did not totally eliminate 'Olamā participation in the Ministry of Justice, nor can it be viewed as an attack upon the tenets of Islam. What was clear from the beginning of Reżā Šāh's reforms was that ultimately the autonomy of the 'Olamā in legal matters would be inevitably reduced in the course of establishing central government control. From 1937 to 1939 various laws regulating the practice of attorneys and legal experts were enacted. In 1939 a law concerning bankruptcy was promulgated. The final and permanent version of the Civil Code was being studied in the judiciary and legislative committees of the *Maĵles* throughout its eleventh session and on 16 September 1939, it was passed in 789 Articles by the entire body of the *Maĵles*. The Civil Code differed specifically from the long series of provisional codes enacted since 1911 in that it allowed greater jurisdiction to lower courts, it increased the powers of the state attorney and prosecutors, it provided for the first-time special

¹⁴¹ Matīn-Daftarī (1342 SH/1945), p. 16.

¹⁴² Maĵmū'eh-e Qavānīn-e Mowżū'-e va Mowşavvabāt-e Maĵles, 11th Session, 1937-39, pp. 94-257.

¹⁴³ Which has been dealt with earlier.

procedure for the trial of foreign nationals, and it introduced a scale of priorities designed to minimize hardship or loss due to court processes. The Civil Code also applied to commercial cases unless otherwise specified.¹⁴⁴ Also in 1940, 378 articles were added to the Civil Code, defining the rights of the state in matters of inheritance and the probating of wills.¹⁴⁵

For nearly ten years after the rise of Režā Šāh a process of attrition diminished the power of the 'Olamā. In 1922 the state courts were given partial appellate jurisdiction over the Šarī 'ah courts and this jurisdiction was further expanded in 1926. 146 One feature of the Šarī 'ah was its sanction to pronounce sentence on the strength of sworn witness alone. Large numbers of cases, when nothing but circumstantial evidence could be found, were decided by Šarī 'ah courts, by the simple administration of the Qorānic oath to a witness. This procedure was considered incompatible with Western codes and in 1929 the Maĵles enacted a law forbidding it. 147

On 30 November 1931, the *Maĵles* approved a law redefining the status and jurisdiction of the *Šarī'ah* courts as special courts. ¹⁴⁸ If we compare this to Article 144 of the code of 1911, ¹⁴⁹ we can see that it had defined the jurisdiction of the *Šarī'ah* courts as matters 'delineated and prescribed by the laws of Islam'. ¹⁵⁰ Whereas Article 2 of the new law stated that '*Šarī'ah* courts are formed to judge such cases as are defined within their jurisdiction by laws of the realm. No cases may be referred to a *Šarī'ah* court without authorization from state courts and the office of the Attorney General. ¹⁵¹

The area of jurisdiction of the Šarī ah courts was narrowed and defined in Article 7 of the law to include only disputes involving the principle of marriage and divorce, and the appointment of trustees and guardians. In the latter cases all actions of the Šarī ah courts were subject to the concurrence and supervision of the Attorney General. Article 8 of the law forbade the Šarī ah courts from pronouncing sentences. Their verdicts were to be sent to the state court that had referred the case to them to be pronounced by the court. In case of appeal by the defendant the state court could view the verdict of the

¹⁴⁴ Matīn-Daftarī (1342 SH/1945), p. 17.

¹⁴⁵ Maîmū'eh-e Qavānīn-e Mowžū'-e va Mowsavvabāt-e Maîles, 12th Session, 1939-41, pp. 3-62.

¹⁴⁶ Ibid., 4th Session, 1921-23, pp. 116-18, & Fifth Session, 1923-25, pp. 62-5.

¹⁴⁷ Ibid., 7th Session, 1929-31, pp. 86-88.

¹⁴⁸ Ibid., 8th Session, 1931-33, pp. 154-60.

¹⁴⁹ For the full text of Article 144 please refer to p. 183.

¹⁵⁰ Majmū'eh-e Qavānīn-e Mowżū'-e va Mowşavvabāt-e Majles, 2nd Session, 1906-11, pp. 4467.

Šarī'ah. The provisions of this law were made retroactive to 5 January 1929, in all cases pending before Šarī'ah courts [Article 17], thereby removing a large number of cases from those courts.¹⁵²

Both the Civil Code and the Penal Code reflected the influence of Western judiciary models. Banani gives the following example: Article 5 of the Civil Code of 1939 provides that, 'the court must pass judgment on each case in accordance with specific article of the code and not based on generalities,' which was designed to prevent the judiciary branch from interfering with other branches of government. He maintains that Article 5 of the Civil Code of 1939 was a direct copy of Article 5 of the French civil code and Article 127 of the French penal code. However, it should be stated that, although the Civil Code revealed many European influences, it also embodied many of the tenets of Šarī'ah law.

'Indeed the rules embodied in the Civil Code were the subject of traditions dating back to the advent of Islam.... The committee drafting the civil code was composed of leading Shi'i jurists as well as lawyers well versed in other systems of law. They adopted the rules most prevalent amongst Shi'i jurists and rendered them into Articles and sections. Parts of the code, e.g. rules dealing with obligation, were modelled after the French civil code, but even here the contents were those of the Shi'i law adopted into that format.' 154

The organization of the county courts [Bakš] was based on those of the French model. Similarly, the office and powers of the Attorney General were duplicated from the French model. Furthermore, the Attorney General's duties were defined in the French manner. Additional examples of the extent of imitation of the French system are to be found in the qualifications and ranks prescribed for attorneys of law and legal experts in the laws covering forcible expropriation and in the procedure laid down by law for defence, pronouncement of sentence and appeal. Like the civil and penal codes, the organization of the court system in Iran followed the French pattern.

'If the reorganization of the Ministry of Justice in 1936 removed the final vestiges of authority from the clergy in such a way as to make no provision for Šarī'ah courts, the

¹⁵¹ Ibid., 8th Session, 1931-33, p. 154.

¹⁵² Ibid., pp. 156-59.

¹⁵³ Banani (1961), p. 72.

¹⁵⁴ Taleghany (1995), p. xix.

¹⁵⁵ Matīn-Daftarī (1342 SH/1945), pp. 19, 23, 33-34, 161-62, 174.

¹⁵⁶ Ibid., pp. 194-244, 245-59, 296-301, 459-509.

Civil and Penal Codes of 1939 and 1940 finally left no room for Šarī'ah law at all.' The Penal Code of 1926 set the trend for the disregard of Šarī'ah provisions. Furthermore, the Penal Code of 1926 introduced a number of Western concepts into Iranian law for the first time. Banani gives the following examples: the Šarī'ah law was vague on the subject of insane criminals, article 38-41 of the Code exempted the insane from punishment. Article 222 of the same law defined instances of theft, not recognized as such by the Šarī'ah. Article 276 represented another Western innovation by defining instances of poor sanitation, cruelty to animals, and the use of obscene language, as well as traffic violation, as offences against the law. 158

So far we have looked at the motivation behind Reżā Šāh's legal reforms, the reforms introduced, and the consequence of these reforms in regards to the 'Olama's position in the legal system. One other factor remains to be considered: whether the administration of these reforms was an admission of the inadequacy of the Islamic legal system or a re-evaluation and re-codification of the tenets of Islamic jurisprudence to meet the needs of the time? The legal reforms of Reżā Šāh were a part of a greater attempt at developing a modern nation state. The creation of a modern legal institution was a necessary and fundamental part of this process. To ensure the supremacy of the state in the legal sphere, it had to be institutionalized, centralized, and brought under government regulation. The monopoly of such an institution could not be placed in the hands of a rival and potentially dangerous group with a large mass following - namely the 'Olama. The setting up of a government regulated legal system was a rudimentary prerequisite for the creation of a modern state, and to ensure its internal supremacy. Also, internationally Iran needed a codified set of laws to be able to enter into commercial and economic interaction with other nations on an equal footing. As mentioned earlier, the need to abolish the system of capitulation was the major driving force behind Reżā Šāh's legal reforms. The reforms were motivated by the need to be independent of foreign influences as well as to be recognized internationally as a modern state.

The removal of the administration of justice from the 'Olamā was a necessary outcome of the legal reforms. The reforms were not introduced as part of a premeditated and deliberate attempt aimed at diminishing 'Olamā power. The centralizing nature of the

¹⁵⁷ Banani (1961), p. 79.

¹⁵⁸ Ibid., pp. 79-80

state made it impossible for any other rival power to remain autonomous.¹⁵⁹ Furthermore, the 'indubitable' hold of the 'Olamā over the legal sphere meant that a great deal of injustice went unchallenged as there was no regulatory body, and the 'Olamā were not accountable to anybody but themselves. The 'Olamā viewed the rights of 'judgment' to be exclusively theirs. Any attempt to regulate or compel them to follow rules and regulations was presented as an attack on Islam, whereas in fact it was an attack on the personal interests of the 'Olamā.¹⁶⁰

'Their excuse was that Feqh was self-sufficient and that its existence negated the need for any other legal system. No other legal system was viewed as legitimate. Only Feqh could be termed 'law'. It was for this reason that the passing of any bill [dealing with legal reform] proved extremely difficult in the Majles. People who knew the weakness of character of the 'Olamā, as well as the changing needs of the time, were determined to remove the Sar law from the clasp of the 'Olamā. They attempted to make Sar law accessible and comprehensible to the mass of people. To remove the 'Olamā from the legal sphere was very hard to achieve. Historically they had exercised exclusive control over the lives and property of the people. This [legal reform] was a great point of contention between the reactionaries and the reformists.' 161

Islamic jurisprudence as it stood, highly complex, uncodified and inaccessible, was not fully functional in specifying civil or international rights. However, 'without a doubt, due to the expanse and vast nature of *Feqh* law, one could find within it the basis for any new law. In fact, a law could be found from *Feqh* to apply to any situation that may possibly arise. The needs of the time necessitated such a move.' Islamic jurisprudence provided a basis for the development of new laws to deal with the new needs of the society. This is not an illustration of 'an unspoken admission of the inadequacy of the social institutions of Islam for our time,' but rather an indication of the adaptability of these laws. For example, as we have seen in the case of the Civil Code, Islamic principles permeated the European format and persisted to be significant. The changes in the legal

¹⁵⁹ İbrāhīmzādeh, Interview, (3.1.1997).

¹⁶⁰ Šāyegān (1316 SH/1937), p. 32.

¹⁶¹ Ibid., pp. 31-2.

¹⁶² Ibid.

¹⁶³ Banani (1961), p. 68.

system were not so much an attack on Islam or an admission of the inadequacy of the $\check{S}ar\bar{\imath}'ah$, but rather the dwindling of the power of a traditionally very powerful group - namely the 'Olamā - through the institutional expansion of the central government.

Chapter Five: The Military History of the Pahlavī Dynasty: Military-Led Modernization and its Consequences for the 'Olamā

Introduction

The military history of the Pahlavī dynasty is integral to understanding not only the dynasty's origin, but also the origin of the modern Iranian State's evolution and role in its internal, regional and international setting. Rezā Ķān achieved political power through a military coup in 1921, and the army remained a key component throughout the Pahlavī period. The army played a significant role in the modernization policies of Rezā Šāh and was at the very heart of the centralized state that he sought to build. Rezā Šāh used the army as the driving force of his policies as a focus of nationalism and as an instrument of implementing cultural change and innovation. The Iranian military model was based on 'authoritarian-personal control' and revolved around the personality of Rezā Šāh. Hence the personal rise to power of Rezā Ķān was directly linked to the prominence and importance of the army throughout this period. In other words, Rezā Ķāns personal ascendancy within and through the army was directly linked to military domination within society at large.

The characteristics of military-led modernization, in the Middle East have received some academic attention⁴, although the military as an institution⁵ has received considerably little attention. This is particularly so in the case of Iran. The military in the Middle East is considered to be an important actual or potential source of change within these societies. In the late nineteenth and early twentieth centuries, a number of Middle Eastern rulers, in their efforts to emulate Western-style modernization and at the same time resist the military encroachment of Europe, attempted to form armies along European lines. Military reform led to consequent reforms in other areas of state and society; reform of education to supply trained soldiers and bureaucrats, of taxation to provide finances for the army, of administration to mobilize the resources of the state,⁶

¹ Lenczowski (1980), pp. 222-40.

² Cronin (1997), p. 222.

³ Janowitz (1964), pp. 10-11, classifies 'civil-military' models in the Middle East into five types: Authoritarian-personal control, authoritarian mass party, democratic-competitive and semi competitive systems, civil-military coalition, and military oligarchy. Iran seems to best-fit the 'authoritarian-personal control' model, which may help to explain the crisis that came about in the 1926 when Reżā Šāh was no longer directly involved with the command of the army.

⁴ See for example, Khuri (1967), pp. 9-27, Janowitz (1964), & (1965), & Johnson (1968).

⁵ Khuri provides the following set of classification of military institutions in the Middle East: (1) the nation-building model, (2) the struggle-for-independence model, (3) the peasants and minorities-dominated model, (4) the tribal based model. Khuri (1967).

⁶ Cronin (1997), p. 2.

and legislative reform to deal with conscription and other legal matters relating to the military. The needs of the army in many instances actually dictated the direction and form of other reform programmes.

The development of the military and the consequential 'militarism' of the Pahlavī regime had a considerable effect on socio-political development in Iran. The military began to permeate every level of society in an unprecedented way. During this period the army remained at the forefront of social change, as a focus of 'nationalism' and as an instrument of implementing cultural change and innovation. With the aid of the army Režā Šāh ascended the throne, achieved national unification, established central authority and created a 'pseudo'-sense of national pride as the defender of Iran against foreign forces. In fact as early as 1926, the victory of the military over civil and political life was almost complete. This development was to have significant consequences on the nature of the relationship between the state and society in Iran.

'Militarism' in other countries, particularly Germany and Japan, is seen as part of a process of transition from agrarian feudal structures and modes of political behaviour to industrial capitalist ones, or as an outgrowth of the crisis of monopoly capitalism. In the debate concerning militarism in the West, it was seen not just as a problem of military influence in politics and society but also in terms of a developmental model of modern society. The question was not merely when and under what conditions militarism could be seen to exist, but also when and under what circumstances it would disappear. The fundamental disagreement between liberal critics of militarism on the one hand and the Marxists on the other was that many liberals had associated militarism with pre-industrial regimes and believed that it would disappear while liberal capitalism was fully developed. The Marxists regarded all pre-socialist societies as militaristic, and militarism would disappear only after the advent of socialism. Neither Marx nor Engels had accorded the concept of militarism much importance in their interpretation of human history and were not very systematic about defining it.

⁷ Militarism as a social system, an organizational format, which as referred to in the works of Khuri and Obermeyer (1974), p. 79, as 'military ethnography'.

⁸ Cronin (1997), p. 222.

⁹ Most of the campaigns of the army during this period were internal, aimed at establishing the authority of the central government.

The question which needs to be addressed is the extent to which this analysis of 'militarism' can be applied to Iran in terms of a transition from a pre-industrial to a 'Westernized' pattern of social and political organization. There was considerable reluctance in the 1960's to use the term 'militarism' with reference to non-Western societies. American political scientists and sociologists in particular preferred to speak of civil-military relations. The tendency was very marked amongst non-Marxist social scientists. However this should not deter us from using the concept of militarism if we are talking about historically comparable phenomenon and it helps us to clarify this issue. The other issue of militarism in non-Western countries is the extent to which the military is a modernizing force. The attempt to establish modern institutions and organization has been most successful in the military field. The military organizations of these countries had been taken from the Western model, and thus to some scholars this represented political modernization and in many ways almost ideal types of industrial and secularized enterprise. 12

The role of the army in shaping the attitudes toward modernity in other spheres of life needs to be examined. According to Pye, the army was one of the most modernized of the alternative agencies in transitional societies. Armies in these societies were best equipped to initiate and channel social and political change. This was indeed a departure from the traditional Western critique of the military: the military as the enemy of liberal values. However Pye's concern with the military must be placed within the broader context of evolutionary theories of society. The question of whether or not the military was a vital pacemaker in the process of modernization is a controversial one. The advocates of this theory are deeply rooted in the evolutionary notions concerning the development of industrial capitalism and liberal parliamentarism, which had become deeply ingrained in Western political and economic thought. However, this self-image of the West cannot be understood without reference to an implicit or explicit concern for the future of the non-Western world.

Morris Janowitz¹³ views militarism in terms of the contribution made by the professional military to different patterns of domestic politics. Samuel Huntington took up

¹⁰ Martin & Stern (1984).

¹¹ Ibid.

¹² Pye (1968).

¹³ Janowitz (1964).

the opposite position in 1968.¹⁴ As pointed out by Finer, 'Huntington was as sensitive to the importance of social and organizational characteristics of the military as Janowitz was to those of the society.'15 These were the two main names around which the debate on civil-military relations in non-Western countries was focused and differed from the concept of militarism developed in the 1960s. Morris Janowitz's approach to modernization had important implications for his analysis of the role of the military in traditional societies. He was considerate of the importance of the role of religious values in peasant societies and new nations. Janowitz views the role of traditional religion as paramount in this kind of society and its sociological implications essential for understanding the structure of these societies. One such structural feature which is central to the organization of a peasant society rests on the linkage between vast masses of rural population and a small urban elite that manage societal institutions. He argues that there is a widespread notion that the military is technocratic in orientation and concerned with modernization. Such views ignore the fact that the military is also concerned with legitimate authority and with historical national traditions. Hence one must not overlook the impact of neo-traditionalism on the military. Janowitz concludes that the military operates at each level of political intervention, including the take over of political power, as incomplete agents of political change.

Huntington differs from Janowitz in the following way; Huntington argues that it is not enough to attempt to explain military intervention in politics primarily by reference to the internal structure of the military or the social background of the officers doing the intervening. For Huntington, the most important causes of military intervention in politics are not military but political and reflect not the social organization of the military establishment but the political and institutional structure of society. Huntington's approach is more of a social-structural approach to the question of militarism. He also operated within the broad framework of modernization theory. However, he does not see non-Western countries as developing towards a better state of affairs but rather towards political decay. To what extent could the military in Iran be said to have been an agent of social change or a conservative and reactionary force? The analyses of the role of the military are varied; some argue that the military has failed to contribute to economic and

¹⁴ Huntington (1968).

¹⁵ Finer (1977), p. 217.

¹⁶ Huntington (1968).

political change and has opposed modernization, ¹⁷ while others view the military as the vanguard of nationalism and social reform. ¹⁸

The importance of military intervention in politics lies in its relationship to development and development processes. This affects the extent to which the role of the military was in terms of internal repression or that of international guardianship. In Iran, military involvement in the political process was legitimized as a method of attaining social goals such as internal security and development oriented change. Gradual development programmes were rejected in favour of more focused and determined efforts that had greater promise for limited but immediate benefits. It was seen as the duty of the military to carry out an intensive programme of national advancement. Military-led development altered existing interclass relations and traditional patterns. One other argument is that the military is not a modernizing sector but rather a developmental one; in so far as the military is autonomous, its concerns are nation building, highway construction, national communication networks and so on rather than consumerism and modernization. Military-led development promotes forms of developmentalism that may move towards heavy industry and even agriculture rather than towards automobiles and television sets. 19

The history of the Pahlavī dynasty illustrates how the organizational format of the Iranian military arose out of the social conditions prevalent in Iran and the same time came to dominate and shape both political process and social change throughout this period. This particular institution became the modernizing force in political development, economic management, social stability, and national integration.²⁰ The military intervened, maintained, integrated and was at the forefront of the modernization policies of the state. The following study of the military will be from the perspective of the changes in the internal structure of Iran, the creation of a new elite, and its consequent value system. The

¹⁷ Nordlinger (1970), pp. 1131.

¹⁸ Halpern (1963).

¹⁹ Fidel (1975).

²⁰ The primary concerns of the analyst in this field are with such problems as: Is the military a modernizing force or is it retrogressive? Is the military a more efficient organization than civilian regimes? Is the military more interested in its own power rather than national development and modernization? Under what circumstances does the military tend to intervene in the political process and civilian regimes, and what are some of the means and consequences of military intervention? In this chapter most of these themes will be considered, however, the focal point is the analysis of the military as an institution.

effects of 'militarism' and centralization on the traditional elite, in particular the 'Olamā and the tribes, will be considered.

This chapter aims to interpret the role and function of the military against the background of Iran's political economy. The role of the military will be considered not from an internal perspective in terms of the relationship between the soldier and his organization but rather from an external aspect of civil-military relations. Iran's military development will be approached in terms of the strategy for development and legitimacy of discipline. The extent of the influence of the military upon society in terms of social and political institutions will be examined, with emphasis on the concept of institution building and legitimacy. Furthermore, the nation building functions of the military and the connection between nation building and compulsory military service will also be considered. Military service functioned as an essential contribution to political institutions. Military service has been linked at least symbolically to citizenship in modern states. Civilmilitary relations are political issues as they centre on the maintenance of balance between civil authority and military power. Hence, our aim is to study the general differences of the tension between the military and social forces normatively as well as empirically. The role of the military will be considered historically only in so far as it helps to clarify its role as an institution, and a set of social relations within the overall structure of society.

Prior to the Pahlavī period Iran did not possess a unified national army and experienced for the first time a 'military institution'. The formal distinction between military and civilian institutions, therefore, remained external to Iranian social relations. The boundary between military and civilian subcultures and military dominance of domestic policy was completely novel to Iranian society. This chapter aims to view the history of the creation of the military in terms of the process of 'institution building' and the consequent effects of the dominance of this institution on the 'traditional elite'. This will be done within the overall framework of this thesis, with particular reference to the process of modernization, and the reduction of the power of the 'Olamā. It is hoped that, by the analysis of the military, the interrelatedness of the reforms introduced in this period as a part of an overall effort of 'institution building' within the framework of state centralization will become clear.

In order to demonstrate the significance in the growth and the role of the army in the Pahalvi period, the first section will provide a brief account of the military history of the Qajar period. Section Two will deal with the attempts of Reżā Ķān, in the years 1921-1926, to construct a modern, unified, central, national army. A brief account of the role played by Britain and Russia in this period will also be given. Section Three will be concerned with the effects of implementing universal military conscription, the rise of consequent popular opposition, and the role played by the 'Olamā in this movement. Section Four will look at civil-military relations and the way in which Iranian society was 'militarized,' with particular reference to tribal disarmament.

The Army during the Qajar Period

Prior to the Pahlavī period, Iran did not have a central standing army. Ever since the Achaemenian times, the rulers had felt safer with separate units of armed forces which enabled them to play one group against another and hence prevent the concentration of power.²¹ In fact the idea of a single unified army was without precedent in Iranian history.²² Throughout the Qajar period, continuous efforts were made to create a standing army based on the European model with foreign help.²³ Military modernization seemed to be a constant preoccupation of the Qajars, not unlike their contemporaries in the Middle East. The key to European progress was considered to be a strong and centralized military. The reformists argued that if Iran were to progress and achieve national cohesion and independence, then its military must be modernized. European military superiority was both a threat to Iran as well as a desirable model to be emulated.

The Qajar rulers had considered the idea of creating a modern military as early as 1812 and again in 1827, after the two disastrous wars with Russia. The wars resulted in considerable loss of Iranian territory and demonstrated the superiority of European military strength. The first attempt to initiate some form of military reform was made by 'Abbās Mīrzā, the heir apparent to Faṭĥ 'Alī Šāh (1797-1835).²⁴ However, as with many other attempts at reform during this period, 'Abbās Mīrzā's measures were prevented by court intrigue from achieving much success.²⁵ During the reign of Nāṣerod-Dīn Šāh (1848-96), two further attempts were made to create a unified standing army based on European lines. The first was under Amīr-Kabīr (1848-51) with the aid of Austrian and

²¹ Banani (1961), p. 52.

²² Bahār [Mālekol Šo'arā] (1357 SH/1978).

²³ Cronin (1992), p. 4.

²⁴ Kāžemzādeh (1956), pp. 351-363.

²⁵ Lāčīnī (1326 SH/1947), pp. 16-22.

Italian officers. Amīr-Kabīr introduced the *Bunīčeh*²⁶ system of recruitment and set up the Dārol-Fonūn, the first institution of higher education in Iran which included military education in its curriculum. The second attempt at reform was under Mīrzā Ĥoseīn Ķān Mošīrod Dowleh, engaging the help of Austrian and Russian instructors.²⁷

The armed forces of Iran at the end of the Qajar period consisted of the provincial and tribal levies, the palace guards, the Central Brigade, the Cossack Brigade, the Gendarmerie, and the South Persian Rifles. A Ministry of War existed, but only in name. There was no effective centralization of power or chain of command. There were no training programmes, no order of battle, no table of arms and no uniforms among the tribal units.²⁸ The provincial and tribal levies served under their own tribal chiefs supplied their own horses, arms and equipment.²⁹ The tribal chiefs were subsidized by means of tax deduction to maintain a certain number of armed men at the disposal of the Government. The majority of these men were only mobilized for specific operations and usually served exclusively in their own districts.³⁰ This meant that these tribal levies were most effective in defending their own territory and less effective in other parts. Although they had little formal military training, they were very apt at handling arms, as they were accustomed to doing so from childhood.

The Palace Guards were a ceremonial regiment of full-time soldiers. In the earlier part of the nineteenth century they made up the core of the Qajar forces. The Palace Guards served as the Šāh's main weapon against rebellious princes. At the turn of the

²⁶ The Bunīčeh law had been passed by Mīrzā Taqī Ķān, Amīr-Kabīr, Prime Minister to Nāṣerod-Dīn Šāh, in 1842 AD, (1206H). This law assessed each district and province of Iran at so many 'Bunīčeh' units, and for each 'Bunīčeh' unit the Government was authorised to demand one soldier. The provinces were subdivided into districts, each of which was suppose to furnish one regiment. The precise method of calculating men available was to carry out a survey of the number of ploughs required to keep an area under cultivation, and to take one man per plough as available for military service. This law also laid down the standards required for a recruit and the quotas of infantry, cavalry, artillery that could be demanded under the Bunīčeh law from each province. Moṣaddeq (1365 SH/1986), pp. 30-31. 'The formal procedure of recruiting was as follows: as far as possible men were to be taken from districts in accordance with their assessment under the Bunīčeh law. If the army required fewer men than the assessment stipulated, recruits were to be chosen by lot, if more, the numbers might be made up by men of the same district, but in that case those who brought them forward have to stand security for them. The latter, or the elders and the headmen of the village would have to pay compensation if their nominees deserted any army equipment or weaponry was lost. Recruits had to be Muslim; Iranian subjects; between 18 and 30 years of age, medically fit and not opium takers.' Cronin (1992), p. 214.

²⁷ Nashat (1982).

²⁸ Banani (1961), p. 52.

²⁹ Tousi (1988), p. 217. Also cited in Cronin (1992), p. 10.

³⁰ Ibid.

century, they lost their favoured position to the Cossack Brigade.³¹ The Cossack Brigade, originally a parade ground cavalry unit of five hundred men, was created during the reign of Nāṣerod-Dīn Šāh (1848-96).³² The Cossack Brigade was organized by Russian officers and, despite its relatively small size, became one of the most effective military units during the Qajar period, and formed the nucleus of Reżā Šāh's new army. The Cossacks played a fateful and important role during the Constitutional Revolution of 1905-1911.³³ After the Russian Revolution of 1917, and the temporary collapse of Russian influence in Iran, the command of the Cossack brigade passed into Iranian hands. Reżā Šāh came into prominence through the ranks of the Cossacks and used it as a stepping stone in his rise to power.³⁴

The Gendarmerie was an internal security force created by the Constitutional government (1909-1911) after the deposition of Moĥammad 'Alī Šāh (1906-9) with the help of Swedish instructors and commanders. The formation of the Gendarmerie embodied the hopes and aspirations of Iranian reformists to build a strong central state, with the army at its core as the driving force of modernization. The Gendarmerie continued to be the focal point around which reformists hoped to modernize, centralize and reconstruct the Iranian State. 'For these elements the national territory of Iran, represented and embedded by the *Maĵles*, was rapidly becoming a primary focus of loyalty and source of identity, superseding older foci of family, tribe or sect.' This concept underlined the recognition and a move towards creating a central state backed with the ideology of nationalism.

The South Persian Rifles was a British-officered force, set up under the Sepahsalar Agreement of August 1916. This force was organized in the Southern province of Fars by the British officer Sir Percy Sykes. It served primarily as an instrument of British policy in Iran.³⁶ The role of the South Persian Rifles as an institution was marginal to Iranian

³¹ Banani (1961), p. 52.

^{32&#}x27;Nāṣerod-Dīn Šāh was the first Persian ruler to visit the West. During his second European trip in 1878, Nāṣerod-Dīn Šāh passed through Transcaucasia which teemed with Russians troops after the recently concluded war with Turkey. The Šāh was everywhere escorted by a detachment of Cossacks whose smart appearance, bright uniforms and fine horsemanship appealed to him to such an extent that he expressed to the Grand Duke Mikhail Nikolaevich, Viceroy of the Caucasus, his desire to institute a similar cavalry in his own country'. Kāžemzādeh (1956), pp. 351-363.

³³ Kāžemzādeh (1956), p. 351.

³⁴ Banani (1961), p. 53.

³⁵ Cronin (1992), p. 9.

³⁶ For a detailed discussion of the South Persian Rifles See, Safiri (1976).

efforts to construct a national army, and will not be discussed in depth. In 1919, after the agreement between Vosuqod-Dowleh and the British, it was proposed that the number of SPR was to be increased to 11, 000 men in total, but the Maîles did not ratify this.³⁷ The SPR consisted of 5,400 Iranian soldiers, 47 British officers, 190 Iranian Officers, 256 second ranking British and Indian officers. The total budget of the SPR was 3,500,000 Toman.³⁸ After the disintegration of the SPR in 1921, a third of the force [1,500] which in Esfehān joined Colonel Moĥammad Taqī Kān Pesyān in Mašhad, 39 which will be further discussed later. The Cossacks consisted of 7,856 Iranian soldiers commanded by 56 Russian officers, 66 second ranking Russian officers and 202 Iranian officers. The annual budget of the Cossacks was 1,915,000 Toman.⁴⁰ The Gendarmerie consisted of 8,400 men including Swedish officers, and its annual budget was 3,500,000 Tomans.⁴¹ The Central Brigade consisted of 2 foreign officers, one Swedish and one Polish, 126 Iranian officers, and 1,924 soldiers. The method of recruitment for the Central Brigade was based on the *Bunīčeh* system. Its annual budget was 900,000 Rials.⁴² A committee was set up by the British and the Iranians in order to negotiate the creation of a central unified army, which was to amalgamate all the existing military forces in Iran, with the estimated annual budget of 15,000,000 Toman. However this plan was not carried out at the time.⁴³

By the end of the Qajar rule, Iran faced financial bankruptcy and a disintegrating central authority. Most Reformists and participants in the Constitutional Revolution agreed that the way forward for Iran was the creation of a strong state, the prerequisite of which was military modernization. Military modernization was still, as it had been for most part of the previous century, a fundamental and pivotal part of the overall plan of reform. The major objective of the Reformists of the second *Maĵles* (1909-11) was that of 'state-building'. This period marked the political recognition of the concept of a central state and national loyalty, and attempts to carry out this theoretical concept and to ground it at a more concrete and practical level. In practice, however, it achieved little, as the institutional infrastructures needed were absent. An attempt at creating a central standing

³⁷ Ibid., p. 168.

³⁸ Bahār [Mālekol Šo'arā] (1357 SH/1978), pp. 47-8.

³⁹ Makkī (1369 SH/1991), p. 459.

⁴⁰ Bahār [Mālekol Šo'arā] (1357 SH/1978), p. 47.

⁴¹ Ibid

⁴² Qā'em Maqāmī (1355 SH/1966), pp. 160-1.

⁴³ Bahār [Mālekol Šo'arā] (1357 SH/1978), pp. 47-8.

army was one step towards institutional building required for the creation of an effective central state.

To conclude, it may be said that during the Qajar period the army did not undergo any successful modernization, but was subject to the same process of disintegration as other branches of the Qajar administration. Plans to create a unified standing national army failed due to deficiency of financial resources, lack of equipment and adequate training, absence of the social and political institutions required to establish and sustain the army, general weakness and ineffectiveness of the central government and domestic hostility. Attempts at reform were exasperated by domestic hostility and effectively destroyed by a coalition of forces opposed to modernization, including court factions, Qajar notables, the 'Olamā, tribal chieftains and European powers. The Qajar regular army was finally disbanded in 1921. This army, despite all its shortcomings and inefficiencies, had managed to linger on through the Constitutional Revolution, the First World War and the coup of Seyyed Zīyā' and Režā Ķān, which found its focus in the Cossack Brigade and the Government Gendarmerie.

The Construction of the Army and the Rise of Reżā Ķān to Power

The reasons for the survival of the Government Gendarmerie and the Cossack Brigade were that, as institutions, they made few demands on the wider structures of state and society. It was not necessary to raise new taxes for their maintenance as Russia and Britain largely financed them. Their imperial patrons also supported their survival in the face of domestic opposition. Also, both forces remained small and depended on voluntary recruitment, thus avoiding strains and discontentment resulting from imposed conscription. Finally, many of the officer corps of the Gendarmerie and to a lesser extent the Cossack Brigade had been privately educated abroad, as there were few Iranian military institutions of education.⁴⁴

The Cossack Brigade

The Cossack Brigade was established during the reign of Nāṣerod-Dīn Šāh who, after his second trip to Europe, was so impressed by the Russian Cossacks that he decided to set up a similar cavalry unit in Iran. In the 1880, the Cossack Brigade constituted the

⁴⁴ Cronin (1997), p. 8.

only regular cavalry in Iran. Since its establishment, the Cossack Brigade was considered by both the Russians and the Iranians as a tool by means of which Russian influence was maintained and expanded in Iran. The appointment of the Russian officers of the Brigade was carried out entirely by the Caucasian military authorities. The Šāh and the Iranian Government had no control whatsoever over the appointment of these officers. The Russian officers of the Cossack Brigade viewed the furtherance of Russian interests in Iran as being intrinsically linked to the defence and continuance of Qajar absolutism. The Šāh was dependent on the Brigade for the maintenance of internal security, order in the capital and defence of the monarchy. In 1896, after the assassination of Nāṣerod-Dīn Šāh, the Cossack brigade was responsible for safeguarding the dynasty and ensuring the succession of Muzaffarod-Dīn Šāh.

'Despite its royalist and pro-Russian character the Brigade remained passive during the revolutionary events of 1905-6. Its capacity to intervene had been considerably weakened by its financial difficulties; more importantly there appears to have been some sympathy within the ranks for the demand for a National Assembly. Undoubtedly the leading role played by the 'Olamā in the Constitutional movement deeply impressed the overwhelmingly Muslim Iranian personnel of the Brigade. At the end of 1905, the commandant, Colonel Chernozoubov, told Major Douglas, the British military attaché, that he was doubtful about the loyalty of his men and that any appeal to them by the members of the religious classes would probably carry more weight than orders from his officers. He also expressed the opinion that his men could refuse to fire on a mob accompanied by the *Mollās*.'⁴⁷

The growth of the Government Gendarmerie from 1912 gave a new impetus to the Russian pressure for the increase of the number of Cossack Brigade. The rivalry between these two forces represented to a certain extent the rivalry between Britain and Russia in Iran. By 1914, the Russian officers openly refused to acknowledge any allegiance to the Iranian government, stating that they were officers of the Tsar. Thus the sole function of the Brigade had become that of a Russian agency. All members of the Brigade enjoyed open Russian protection. The World War had made its impact on the Cossack Brigade as it had done on the Gendarmerie. In the pre-war years, the Brigade was financed from the revenue of Northern customs; from November 1914, however, it

⁴⁵ Kāžemzādeh (1956), pp. 351-63.

⁴⁶ Ibid.

⁴⁷ Cronin (1997), p. 59.

⁴⁸ Ibid., pp. 62-3.

became entirely Russian funded. The Russian government gave a monthly allowance of 4,850 roubles to the brigade, on the condition that it would eventually be refunded by the Iranian government.⁴⁹

During the inter-war period the Cossack Brigade did not play a significant political role unlike its rival the Gendarmerie. The major operations undertaken by the Cossack Division in 1920 was the campaign against the *Ĵangalīs*, led by of Mīrzā Kowčak Ķān⁵⁰ and their Bolshevik allies in Gillan.⁵¹ The campaign both brought Starroselky to the height of power and then, a little later, provided the British with the opportunity of getting rid of the Russian officers all together.'52 Irrespective of their role in the defeat Mīrzā Kowčak Kan, the British had come to conclude that the Cossacks were both too weak and too scattered to be able to play a stabilizing role in any effective way. On 5 August 1916 the British, Russian ministers and the Iranian government reached an agreement to create two forces, the expanded Cossack Division in the northern territories and the South Persian Rifles in the south. Tehran was to have an additional force. The Russian Revolution had a profound effect upon the Cossack Division. The new Bolshevik government refused to recognise the force in any way and recalled all Russian officers.⁵³ In early 1918 the Cossack Division embarked upon a new and active period as a result of two complementary developments: Britain's assumption of the financial and political sponsorship of the Division, and the seizure of command by a 'white' Russian officer, Colonel Starroselsky.54

Initially Britain had intended to provide financial support for the duration of the war, but the internal insecurity and fear of newly established Soviet power prolonged the support. It was in Britain's interest to have the Division under its sphere of influence, a force that had been the instrument of Russian interests in Iran since its establishment. The British continued their support until Curzon vetoed it in May 1920.⁵⁵ Norman, the new Minster in Iran, was anxious that the division should continue to receive British financial

⁴⁹ Townley to Grey, 28.12.1914, FO371/2077/87668.

⁵⁰ Mīrzā Kowčak Ķān [Younis] was born in 1298/1880, he was a talabeh [theological student] before his uprising. He set up the movement 'unity of Islam' with the aim of expelling all imperialist forces from Iran. During World War one he set up an autonomous government in Gīlān in Northern Iran. Most Iranian historians refer to him as a defender of freedom and a democrat. Mo'īn (1358 SH/1979), p. 1619.

⁵¹ Bahār [Mālekol Šo'arā] (1357 SH/1978), p. 167.

⁵² Cronin (1997), p. 7.

⁵³ Marling to FO, 23.1. 1918, FO371/3264/14692

⁵⁴ Cronin (1997), pp. 68.

support as he had extracted a pledge from Mošīrod Dowleh, the new Prime Minister, that he would dismiss Russian officers now no longer useful to British objectives as soon as his government was strong enough.⁵⁶ The Division thus enjoyed British financial support until the British took direct control in autumn 1920.⁵⁷

The British were by now the principal patrons of the Division. Many of the Tsarist officers resented the taking-over by the British of the Division traditionally regarded as theirs. The signing of the Anglo-Persian Agreement in August 1919 made this conflict more acute. The Agreement excluded Russia permanently from Iran and provided Britain with a sole monopoly and influence over the Iranian government. The Division was to become a part of a new uniformed force under the command of the British. The Division would in effect disappear and with it the hope that Russia would one day reassert its influence in Iran. Both Russian and Iranian officers were opposed to the Agreement as it took away from the Iranian government the traditional possibility of playing off the Russians against the British to further its own interests.⁵⁸ These were the historical circumstances which brought the Gendarmerie and the Cossack Division together.

The Government Gendarmerie

The second Maĵles (1909-11) established the Government Gendarmerie. Its formation marked the principal attempt by the Constitutional government to set up a modern standing army, answerable to Iranian authorities. The Constitutionalists recognized the need for a unified, centralized, and efficient military force, in establishing and implementing the authority of the central government throughout Iran. The central role of the army as the driving force for other reforms was fully realized. A modern standing army under the control of the government would not only provide the necessary stability to carry out reform, but would also form the first step towards the materialization of the nationalist ideal of a unified national territory and its defence. The political upheavals of the Constitutional period brought into focus the difficulties resulting from the central government's lack of reliable armed forces. The Cossack Brigade had proved themselves anti-Constitutionalists by their role in the overthrow of the Maĵles in 1908.

⁵⁵ Curzon to Norman, 9.11.1920, FO371/4914/C10901/267/34.

⁵⁶ Norman to FO, April 1920, FO371/4927/C7570/7570/34.

⁵⁷ FO371/4914/C10901/267/34.

⁵⁸ The former rivalry between Britain and Russia was a major element in Iran's preservation of its formal independence.

The Constitutional government, once established in 1908, found itself without effective and reliable military force. In 1910 a Democrat-supported government was formed under Mūstowfiol-Mamālek and the construction of the Government Gendarmerie began. The Democrats had publicly announced the objectives behind such a force as providing internal security, effecting financial reform, centralizing the power of the government and expelling foreign forces.⁵⁹ The establishment of the Government Gendarmerie was embedded in a general programme of reform.

The initial setting-up of the Government Gendarmerie was partly in response to British pressure, and in its early years the force enjoyed British support. Initially the Russian authorities were not hostile towards the force. The later success of the Gendarmerie in the North of Iran in particular provoked Russian suspicions. The Gendarmerie was established after Iranian authorities had consulted Britain and Russia and obtained their consent. At the time no limit had been set on the number or the territorial range of the force. The Iranian government had hoped the Gendarmes would be allowed to carry out their duties throughout Iran. The Russians, however, had designs on increasing the number of the Cossack Brigade and allowing them exclusive control of the northern territories while the Gendarmes would have control of the southern and neutral zones. Thus contributing to the likelihood of the country's ultimate partition.

By the late 1920s the Gendarmerie had become a considerable political force in Iran, so much so that by 1921 certain elements within the force were involved with the plans of the 1921 coup, headed by Seyyed \dot{Z}_{1} \bar{y}_{2} \bar{y}_{3} \bar{y}_{3} \bar{y}_{4} \bar{y}_{5} ⁵⁹ For further detail on the history and formation of the Government Gendarmerie see: Qā'em Maqāmī (1355 SH/1966), Cronin (1997), & Cronin (1992).

⁶⁰ Norman to Curzon, 7.12.1920, FO371/4915/C13222/267/34.

⁶¹ Norman to Curzon, 26.11.1920, FO371/4915/C13222/267/34.

and the Cossack Division after the dismissal of the Russian officers and the unofficial attachment of Smyth to the Cossack Division at Qazvīn.⁶²

The co-operation of the Gendarmerie and the Cossacks may seem somewhat surprising given the history of rivalry between the two forces; however during 1919-20 they agreed on joint action. This may be explained by their common opposition to the proposals of the Anglo-Persian Military Commission and the Anglo-Persian Agreement, the terms of which the British were most eager to have ratified by the Maîles and honoured by the Iranian government.⁶³ Opposition to British control provided a common sympathy between the forces and was perhaps the first step towards successful collaboration in the execution of the coup of 1921. However, it must be pointed out that the coup's success was also very much dependent on the British support it receive. The British support of the coup aided, if not entirely determined, the success of the coup. The pre-coup government of Sepahdar did in fact make an attempt to use the Gendarmerie to defend the government. When the Cossacks were camped at Karaî, a short distance from Tehran, Sepahdar suggested to Gleerup that he should lead his men out in an effort to prevent the Cossacks from entering the Capital. The British, who were in favour of the coup, and were able to rely on their protégé Gleerup to secure the neutrality of the force, obstructed this proposal.⁶⁴

The Coup d'Etat of 1921 and the Creation of the Pahlavī Dynasty

Towards the end of the Qajar period Iran faced internal disorder, *Ĥarĵo Marĵ*, in every corner. The threat of full-scale civil war and disintegration was imminent. There was no internal security and bandits ran wild. Political parties and political opportunists were at war with each other. This was further complicated by the distinctive ethnic and

⁶² Norman to Curzon, 25.1.1921, FO371/6400/E1188/2/34. 'British officer (Lieutenant-Colonel Smyth) who has for the past two months or so been unofficially and almost secretly working among the Cossacks, with the result that their efficiency has been greatly increased.'

⁶³ The British agreement to finance a military force in Iran was in the hope that in return the Iranians Maĵles would ratify the Anglo-Persian Agreement. For example, at the end of 1919, Voṣūqod-Dowleh, then Prime Minister, implored Sir Percy Cox to keep financing the Cossacks, for stoppage in payment would seriously prejudice the position of the cabinet and the satisfactory establishment of the Anglo-Persian Agreement. The main concern of the British cabinet in 1920 in regard to the continuation of financial support for the reorganization of Iranian forces seems to be the following: 'the Mejliss must be summoned, the elections completed, and the Anglo-Persian Agreement submitted to it and pronounced upon before the end of this year'. Extracts from the minutes of the cabinet meeting held on November 3rd [cabinet 59] Minute (4), 4.11.1920, FO371/4914/c10912.

geographical make up of Iran. The lack of stable central government combined with the ethnic and geographical component, internal upheavals and the power-play between the British and the Russians had resulted in total disorder and chaos in Iran. In 1334/1915 the 'committee for retribution', *Komīteh MoĴāzāt*, had begun a reign of terror in Tehran, which lasted until 1338/1919.⁶⁵ They were fiercely anti-British and any Iranians suspected of being 'anglophile' or having such tendencies were killed. On Voṣūqod-Dowleh's orders, the committee members were identified and arrested.⁶⁶ In almost every part of Iran there were rebellions and uprising against the central government.⁶⁷ In short, 'Iran was faced with the threat of decentralization and disintegration.' ⁶⁸

Concerning the general political situation in Iran towards the end of Aĥmad Šāh's reign, 'Abdollāh Bahrāmī the chief of the security forces of Āźarbāyejān, writes the following:

'Īrān was in total disarray. In the centre [Tehrān] the prevalent atmosphere was tense, the affairs of the country were lacerated and disorganized. In the provinces there were numerous disturbances and rebellions. The treasury was empty. There was no central unified army in the real sense of the word. Ahmad Šāh was lured by the temptations of Europe and wanted to taste the pleasures of Paris once every couple of days. Toward the end of his reign all efforts were concentrated on acquiring as much money as he possibly could in order to escape Iran. Numerous cabinets rose and fell for no apparent reason within a short space of time. People anticipated a great occurrence. However, the exact nature of it was unknown to them. The affairs of the country and the conditions prevailing resembled the last days of Šāh Soltān Ĥoseīn Şafavī [before his downfall]. The people had lost their confidence in the government and the politicians. The intellectuals and the politicians on the other hand attempted to obtain as much personal gain from the prevalent chaotic conditions as possible. They used every opportunity to further themselves. ... Some of the Democrats and the 'old' freedom-seekers attempted to put an end to this turmoil and

⁶⁴ Norman to Curzon, 1.3. 1921, FO371/6403/E4926/2/34.

⁶⁵ The members of the committee were, Abu'l Fāżlzāde, Monšizāde, Meškāt, Emādol Kotāb, Mīrzā 'Alī Akbar Ķān Ardaqī, Rašidol Soltān, Karīm Davātgar, Ehsānol-llah Ķān, Ĥoseīn Lāleh, Seyyed Morteżā Akbar Ķān and a few others.

⁶⁶ Bahār [Mālekol Šo'arā] (1357 SH/1978), p. 32.

⁶⁷ In close approximitity of the capital in Kāšān there were: Nayyeb Ĥoseīn Kāšī and his son Māšāllāh Ķān Sardār Kāšī. In Āźarbāyejān: Ķīyābānī. In Mazandarn and Gillan: Amīr Mo'ayyed Kūhī and Mīrzā Kowčak Ķān. In Ķorāsān: Moĥammad Taqī Pesyān [Colonel Moĥammad Taqī Ķān]. In Reżā'īyeh and Kordestān: Sīmītqū and 'Obeīdollāh [Šeīķ 'Abdollāh] Kord. In Ķ'ozestān: Šeīķ Ķaz'al and the Baķtīyārīs. In Eşfehān: Rajab 'Alī, Ĵa'far Qolī Rāhzan, Reżā Ĵozānī and Seyyed Yūsef. In Lorestān: the Lors [Ķorramābād and Pošteh Kūh]. In Šīrāz: the Qašqāáī's, and in Māzandarān: the Bolsheviks. Makkī (1369 SH/1991), p. 94

⁶⁸ Ibid.

save the country from this whirlwind. Unfortunately the doors of hope were closed on all sides and their attempts resulted in failure. '69

At the end of October 1920, the Šāh appointed Qāsem Ķān Valī Sardār Homāyūn, 'an ineffective political figure',⁷⁰ as the commander of the Cossacks.⁷¹ General Ironside appointed Colonel Smyth⁷² to administer the finances of the Cossacks during the process of reorganisation of the force. The command of the Cossacks was to be transferred from Russian to Iranian hands. This was the process whereby the Cossacks came to be under the 'so-called' command of Sardār Homāyūn and the 'actual', though informal, control of the British under Smyth.⁷³

General Starroselsky was formally dismissed at the end of October 1920.⁷⁴ He was told that all Russian officers were to be removed from the Cossack Brigade and sent to Baghdad as soon as they could be shifted there.⁷⁵ Ironside played a decisive role in the dismissal of the Russian officers from the Cossack Division. General Ironside had arrived in Īrān to take over command of the North Persia force from Champain, who in early 1920 had managed to evacuate Anzalī from the threat of Soviet Naval forces. Ironside's aim of bringing the Cossacks under British control had been somewhat aided by the fact that the majority of the force was involved with the Gīlān campaign and were thus concentrated within easy reach of the North Persia force.⁷⁶ However, certain Cossack units remained outside Ironside's control, namely the Tabrīz and Tehran units.

⁶⁹ Bahrāmī (1363 SH/1984), pp. 641-2.

⁷⁰ Cronin (1997), p. 82.

General Ironside writes the following concerning Sardār Humayun in his diaries: 'It was obvious that he [Sardār Humayun] could neither command them [the Cossacks] nor administer them'. Ironside (1972), p. 149.

^{71 13.11.1920,} FO 248/1285/71 and Ibid., p. 148.

⁷² Lieutenant-Colonel Henry Smyth was one the senior officers who had been sent out to raise the new Iranian Army under Sir Percy Cox. Ibid., p. 147.

⁷³ The British were very well aware of the fact that many Iranians would regard the direct and formal employment of British officers, as equivalent to a complete surrender to British domination. This was the best solution to ensuring British control of the force. See Norman to Curzon 1921, FO371/6400/E1188/2/34.

^{74 25.10.1920,} FO371/4914/C9573/267/34. The dismissal of General Starroselsky was greatly urged by the British and strongly favoured by General Ironside. Ironside (1972), p. 117. 75 Ibid., p. 145.

⁷⁶ Concerning the above, he writes: 'Luckily my opportunity for carrying out my two main objects arrived quickly. The Persian Cossacks collapsed in front of the Bolsheviks and I was able to dispose of the Russian officer en bloc. We certainly had luck but the opportunity was a fleeting one. I was then able to take a small operation against the Bolsheviks with practically every unit of my force and to carry it out with complete success. I thus rehabilitated the force completely and showed them what a contemptible opponent the Bolshevik was, and I made any future scandalous withdrawal an impossibility'. Ibid., p. 118.

The dismissal of the Russian officers and the placement of the Cossacks under 'informal' British control were part of the greater plan of Norman and Ironside. Their main objective was to implement the Anglo-Persian Agreement over and above the *Maĵles*, in an unofficial manner. Sardār Homāyūn had been appointed by the Šāh as commander of the Cossacks to ensure the Division's loyalty to the Šāh.⁷⁷ Sardār Homāyūn, however, was unable to assert his authority in Qazvīn and departed from the camp. This left Ironside and Smyth free to 'select a deputy'.⁷⁸ Reżā Ķān was to be this deputy.⁷⁹ Ironside, by sending Sardār Homāyūn on leave, put Reżā Ķān in effective command of the Division.

Reżā Ķān had become a figure of considerable significance among the Cossacks by early 1918 when he had demonstrated an aptitude for intrigue by his involvement in the plot against Colonel Clergi. Both his political ambitions and his panache for coup-making were in evidence in the spring of 1920 when the British were preoccupied with the problem of turning the Division into a proposed uniform force. At the time, Reżā Ķān made an offer to Dickson to betray his Russian officers, perhaps hoping to emulate Starroselsky's triumph over Clergi. By mid-1920, Reżā Ķān was in control of the Cossacks in Qazvīn, and when a military man was sought by Seyyed Žīyā', he had to look no further than Reżā Ķān, whose past record made him the most suitable man for the job.⁸⁰

The coup of February 1921 was the outcome of three sets of interrelated dynamics within Iran at the time: the role of the British, that of Seyyed Żīyā', and that of the Cossack officers. The dynamics of Anglo-Soviet rivalry had led to a general acceptance in Iran that British power and infiltration were too great to surpass. This perhaps may begin to explain the conjunction of Seyyed Żīyā' and Reżā Ķān. Iranians executed the coup of 1921; however the success of the coup remains doubtful if it had not been backed by the British. General Ironside writes in his diaries: 'I fancy that everyone thinks that I

⁷⁷ Ibid., p. 148.

⁷⁸ Ironside acknowledges that the man who commanded the Cossacks would be in virtual control of the capital. Ibid., p. 148.

⁷⁹ Ironside's son writes the following concerning the selection of Režā Ķān as deputy: 'The story of choosing Režā Ķān to command them [the Cossacks] is known to many and although he [General Ironside] could not know at the time that this man would one day become the king of Persia, he clearly paved the way for him.' Ibid., p. 117.

⁸⁰ Bahrāmī (1363 SH/1984).

engineered the coup d'etat. I suppose I did strictly speaking.'⁸¹ The British played a crucial role in 'setting the stage' for the coup by facilitating and bringing together Reżā Ķān and Seyyed Żīyā'.

'Ironside and Smyth had revived the Cossack Division and placed Riza Khan in command. Smyth had brought Keyhan and Sayah to Qazvin thus facilitating contact between Riza Khan and Seyyed Ziya and ensuring the cooperation of the other important Iranian military formation, the Gendarmerie, while Seyyed Ziya had a long-standing friendship with the British. Ironside was well aware of and clearly approved of the preparations which Riza Khan and other officers at Qazvin were making for a coup. He was seriously worried about the consequences of Norperforces' withdrawal and believed that only a strong military dictatorship could save Iran.' 82

A deputation of four ⁸³ was sent to meet with Reżā Ķān ⁸⁴ near Mehrābād, about four miles outside Tehran, to persuade him not to enter the capital. Reżā Ķān stated that, '... the Cossacks, who had had experience of the Bolsheviks and knew what to expect from them if they advanced further into Iran, were tired of successive governments who failed to take any steps for the organization of a force to oppose invasion, which might follow the withdrawal of British troops. They were therefore resolved to come to Tehran and establish a strong government who would remedy this state of affairs.' Reżā Ķān added that they were loyal to the king and had no hostile intentions towards him. He also expressed goodwill toward Great Britain and said that no foreigners had any reason to fear the presence of his men at Tehran. ⁸⁵ The Cossacks entered Tehran shortly after midnight on 20 February 1921, and captured it without resistance or bloodshed.

The Construction of a New National Army and the Establishment of Military Supremacy 1921-1926

The Socio-Historic Roots of 'Militarism'

On 25 February 1921 Seyyed Żīyā' was appointed Prime Minister, and on the same day he made a full and confidential report of his policies to Norman, the British minister in Tehran. He had had a long-standing affinity with the British and thus

⁸¹ Ironside (1972), p. 117.

⁸² Cronin (1997), p. 86.

⁸³ They were Haig, Huddleson, Adibol Saltane, the Prime Minister's assistant, and Mu'īnol Molk, the Šāh's private secretary.

⁸⁴ Also with the other leaders of the movement, Seyyed Zīyā', Captain Sáyāh and Major Keyhān.

⁸⁵ Norman to Curzon, 1.3.1921, FO371/6403/E4926/2/34.

anticipated a central role for Britain in the shaping of Iran's future. In fact he had been involved in the British plan of 'implementing the 1919 Agreement without appearing to do so' for some time. Seyyed Zīyā' proposed a programme of reform which called for administrative reorganisation, agrarian reform and the setting up of a modern, unified army. For help with the implementation of his reforms, he looked to the Gendamerie. The Gendamerie was the only force capable of providing resistance to Reżā Ķān's Cossacks.

The cooperation of the Gendarmerie and the Cossacks was, however, short-lived; old hostilities resurfaced and gained strength as the personal rivalry between Reżā Ķān and Seyyed Zīyā' increased. The political power of Reżā Ķān was partly derived from his control of the Cossacks, as well as his 'manoeuvring tactics' and his aptitude for intrigue. The consolidation and expansion of the Cossacks was linked directly to Reżā Šāh's political ambitions and a desire to eliminate all opponents. During the first half of May 1921, Reżā Ķān put forward his plan of creating a unified, centralized, national army, based on European lines and free of foreign control. The Cossacks were to be the core of this new army. On 14 May the Gendarmerie was placed under the control of Reżā Ķān, and was transferred from the Ministry of Interior to the Ministry of War. Furthermore, orders were given to merge the three officer schools - the Cossack Division cadet school, the Gendarmeire Officers' School and the military college - into a single military school.⁸⁸

Towards the end of May, Reżā Ķān in alliance with the Šāh and other discontented elements, managed to force Seyyed Žīyā' both out of office and out of the country. After the fall of Seyyed Žīyā', the position of the Gendarmerie declined sharply. The Cossacks were given institutionalized preference over the Gendarmes. This was due to the fact that much of Reżā Ķān's personal success was bound to the success and supremacy of the Cossacks. In fact, Reżā Kahn's position depended on Cossack support, and consequently, he had to give the Cossacks institutionalized preference over the Gendarmes in the new army he proposed to build. This artificial preference for the Cossacks was carried into the structure of the new army and marks the origins of the Cossack ascendancy. The fate of the Gendarmerie was sealed when Reżā Ķān alleged that

⁸⁶ Norman to Curzon, 7.12.1920, FO371/4915/C13222/267/34. It is interesting to note that Seyyed Żīyā's post-coup programme is in fact very similar to the one which he worked out with the British Minister the previous December.

⁸⁷ Norman to Curzon, 25.2.1921, FO371/6401/E2605/2/34.

'the Gendarmerie was a badly trained and practically useless force and proposed to abolish it by absorption into the Cossack Division, and thus forming one Iranian army.'89

During 1921-1926, Reżā Ķān set about reducing the power and independence of the *Maĵles*, curbing the activities of political parties, censoring the press, reducing the influence of the 'Olamā, ⁹⁰ controling the tribes, and abolishing the Qajars. To carry out all this he depended on the army, and the military came to dominate domestic policy and social relations in a way that were all novel to Iranian society. Reżā Ķān had made his intention concerning the future status of the military quite clear in his post-coup manifesto in which he had stated that he intended to bring about '...a government which would respect the army as the supreme means of the prosperity of the country. We are soldiers, and we are prepared to sacrifice our lives. We have no desire but the strength and greatness of the army for the protection of our sovereign and our sacred country. ⁹¹

The establishment of a new army took place in December 1921 when the Gendarmerie and the Cossack Division were formally unified and a commission was set up to discuss the future structure of the army. On 5 January, orders were issued for the reorganization of the army, along the following lines; Iran was divided into five areas for the purposes of military administration, the new army was to be organized into five divisions with general headquarters in Tehran. All foreign military terms were abolished and replaced with Persian ones. The army was to be commanded by Reżā Ķān and the army GHQ at Tehran was to be under his direct control. His plan was to gradually bring the whole of Iran under the direct control of the army. In 1923 it seemed most likely that he would succeed. The army was better and more efficient than any Iran had possessed for many years 'and probably since the days of Nadir Šāh.'92 The whole fabric of the

⁸⁸ Cronin (1997), pp. 91-2.

^{89 25.8.1921,} FO371/6435/E11692/2004/34.

⁹⁰ In the army, both among the ex-Cossacks and the ex-Gendarmes, there existed a shared dislike of religious orthodoxy and the influence of the 'Olamā. The military in general were anti-clerical, as were many Iranian reformists. The army was also at the forefront of promoting social reform, such as clothing reforms, which further irritated the 'Olamā. However, it is interesting to note that both Seyyed Żīyā' (a reformist) and Režā Ķān make references to Islam and the 'Olamā in their post-coup manifestoes. Režā Ķān states: 'A government which would not use the capital of Islam as the centre of evils'. Similarly Seyyed Żīyā's declaration reads: 'For, after the grace of God and the support of the leaders of Islam, I rely on the victorious assistance of our excellent sovereign and the purity of my intentions'. 1921, FO371/6403/E4926/2/34.

⁹¹ Ibid.

⁹² Qā'em Magāmī (1355 SH/1966).

army, however, was centred on Reżā Ķān and had his personality been removed, it would have probably collapsed.

Given the historical background of the army it is not surprising that Režā Ķān did in fact face opposition from certain elements within the army and that his support was not always united and unanimous. Categorically, the opposition faced by Režā Ķān may be divided into three: firstly, opposition activities which had their roots in the long rivalry between the Cossacks and the Gendarmeire, which had not been resolved but forced into an artificial and superimposed merger; secondly, discontent which arose as a result of Režā Ķān's proposal for a Republic to replace the Qajar dynasty; finally, the military mutinies of 1926, which had both an ideological as well as a material basis. However, pointing these out must not detract from the fact that on the whole the bulk of the army, particularly the ex-Cossacks, remained loyal to Režā Ķān throughout this period. In fact the army played a key role in the survival of Režā Ķān's regime. Never before had the army occupied the dominant position throughout Iran which it had achieved in the early 1920s.⁹³

The direct intervention of the army in the political life of Iran began with the coup d'etat of 1921. This trend continued in the years 1921-26, during which Reżā Ķān established his political power and claimed the throne. In fact, the manipulation of political process by the army came to characterise Reżā Šāh's entire rule. In the period 1921-26, Reżā Ķān repeatedly harassed and intimidated the *Maĵles* and controlled elections by the threat of armed force. Intervention in the process of cabinet making, since the start of the World War had been the exclusive preserve of the British and Russian legation, and then of the British legation alone. The coup of 1921, however, marked the intervention of the military in this process.⁹⁴

Also by the early 1920s Reżā Ķān had come to dominate the cabinet and turn it into an instrument of his own service and promoted the military at the expense of the civil authorities. Reżā Ķān, by combining the offices of the Minister of War and de facto Commander-in-Chief of the army made himself the highest authority in the army and reduced the military's accountability to civil power. His position within the cabinet meant that he could put forward the interests of the army over and above the claims of other

⁹³ Ibid.

⁹⁴ Safiri (1976), p. 293.

ministers. Although the other ministers were displeased and angered by this situation, they were afraid to take action as Reżā Ķān had complete control over the armed forces and was in a position to arrest the entire cabinet. Reżā Kahn had a poor opinion of the other members of the cabinet and regarded the *Maĵles* with the greatest contempt, and 'which he intended to close immediately when he finds that it is of no real assistance to him.'

During the latter part of 1921, Reżā Ķān had come to resemble increasingly a military dictator controlling the cabinet, interfering directly in political and civil life to an extent that the Šāh was quite fearful of him. Reżā Ķān was well aware of the fact, and his personal quest for power was based on controlling the army and serving the interests of the army. In fact during this period, amongst the general population, the army was viewed as Reżā Ķān's personal instrument. The control of Reżā Ķān over state affairs had become so strong that by 1922 no Prime Minister could take any decision without his consent. During the next year Reżā Ķān continued to dictate the interests of the military in the programme of the Prime Ministers. Towards the end of 1923, after Qavām's departure abroad, Reżā Ķān took the opportunity to assume the premiership. In doing so, Reżā Ķān unified the civil and military authorities, which had significant consequence for the future of civil government in Iran, although the cabinets of the Reżā Šāh period remained mainly civilian in character, especially after Reżā Šāh's withdrawal from ministerial roles and his coronation. 96

On 31 October 1925 the *Maĵles* voted in favour of the abolition of the Qajar Dynasty and the establishment of a provisional government with Reżā Ķān as its head. The population at large met the disposition of Aĥmad Šāh with indifference. On 12 December, the constituent assembly decided to replace the Qajar Dynasty with the Pahlavī Dynasty on a hereditary basis. 'Reżā Ķān's success in using the military to pack the assembly was illustrated by the unanimity of the vote. ⁹⁷ Reżā Ķān, as the Šāh, came to occupy the highest civil office in the country. The removal of the tension between Reżā Ķān as the commander of the army and Aĥmad Šāh greatly improved the morale of the army. Also the fact that a military man had come to assume the throne raised military selfesteem, and in turn the army was greatly rewarded for this achievement. The army

^{95 25. 8.1921,} FO371/6435/E11692/2004/34.

⁹⁶ Cronin (1997), pp. 184-7.

⁹⁷ Of the 260 deputies, only three abstained from the decision to bestow the throne on the Pahlavī family.

regarded itself as the first consideration of the new Šāh as both the instrument of consolidation of power of Režā Ķān as Šāh as well as a maintainer of this position. 98

During the reign of Reżā Šāh, the army came to dominate the civil authorities throughout Iran in an unprecedented way. Military officers were appointed to replace regional semi-autonomous rulers and tribal chieftains. For example, in 1925 Nāṣer Ķān of the Qašqāáī tribe was dismissed from the ilkhanship of the tribe and a military governorship created.

'The declaration of martial law and the establishment of military regional governments in place of civilian governor-generals was a frequent occurrence in both the capital and the provinces. This enabled military authorities to tighten their control over all aspects of civilian life, especially political dissent. The two periods of military governments in the capital, 1921-22 and 1924-6, were crucial to Rezā Ķān's rise to supreme power."

In these years there was constant friction between civil and military authorities, resulting in administrative disorder. Even when a provincial civil-government was officially in existence, the local military authorities tended to appropriate its authority and assume many of its functions, leaving it stripped of administrative power. Thus, both in the capital as well as the provinces, real power lay with military authorities, the civil governors being no more than official figureheads. For the first time in Iran, the military as institution had come to be preeminent in society, and authority concentrated in the hands of individuals who were from outside the traditional elite and largely lacking in education. This was widely remarked upon and frequently resented. The military's domination of provincial civil authorities was greatly aided and assisted by the central government. Both civil and military authorities sought to gain the support of Tehran against the other. Reżā Ķān's loyalty, however, lay strictly with the military. Another factor contributing to the successful domination of civil authority by the military was the absence of clearly demarcated spheres of authority, civil government and the ability of the military to exert constant pressure against civil authorities, attempting to reduce its power and prestige and replacing it by military authority.

There was, throughout these years, a general decline in the importance of the governor-general vis-à-vis the military command. Furthermore the governor-generals at

⁹⁸ Annual Report on the Persian Army 1925, Fraser to Loraine, 31.12.1925. FO371/11491/E760/326/34. 99 Cronin (1997), p. 201.

¹⁰⁰ Fraser to Muspratt, 1.6.1924, FO371/10145/E5427/455/34.

the same time as they were losing their power struggle with the provincial divisional commanders, were finding that their authority was also being whittled away by the increasing modernization and centralization of government. Formerly the control of all departments - revenue, judicial, etc. - was vested in them. Now not only the army, the Amnīyeh, and (sometimes) the police been taken out of their hands, but for example the collection of revenue was the responsibility of the Finance Department under Millspaugh and justice was administrated by the 'Adliveh courts. 101 The general tendency of the military to dominate the civil authorities worsened considerably after Reżā Ķān ascended the throne. 'By the end of 1925, what remained of civil authorities was totally dependent upon military authorities. By the summer of 1926, the civil administration was paralysed.'102 In the period under review, certain aspects of Reżā Šāh's policies - such as his policies of centralization and the strengthening of the state - were popularly supported, as was his appeal to patriotism and nationalism. However, there existed considerable resentment towards the growing power of the military at the expense of civil authorities, Reżā Šāh's dictatorial methods and his arrogant disregard for the Constitutional governments and its principles. 103

The role of the army in restoring law and order and establishing central government control after the anarchical conditions which presided was greatly appreciated particularly by the merchants whose livelihood was dependent on the security of trade routes. Other members of the traditional elite, however, found the growth of the power and authority of the army particularly threatening to their own position, groups such as tribal chiefs, feudal lords, and provincial rulers. These groups found it increasingly difficult to preserve their traditional autonomy, including their armed strength. The 'Olamā were faced with the pronounced anti-clerical tendencies of army officers and were particularly opposed to the modernizing reforms of Reżā Šāh which they viewed as directly undermining their influence and the authority of Islam.

The centralizing and reduction of the influence of foreign powers in Iran by Reżā Šāh particularly appealed to Iranian nationalists and modernizers, and had ensured their support of both the army and Reżā Šāh's policies of centralization and national independence. From a nationalist perspective, it was vital for the central government vis-

¹⁰¹ Mosaddeg (1365 SH/1986).

¹⁰² Nicolson to Chamberlain, 17.7.1926, FO371/1148/E4553/195/34.

à-vis the army to establish its authority throughout the country as well as force foreign states to recognize its sovereignty. The strength of the army enabled Iran to reassert its territorial claims and establish Iran as a regional power. This was the basis for the nationalists' support of the army, and its growing strength. The independence of Iran was seen as being integrally dependent on the power and strength of its armed forces. The growth in the power and strength of the army had led to military domination of civil life. Every sphere of civil life had increasingly come to be dominated by the military. The military had become the focal point for Reżā Ķān's particular brand of nationalism as well as a pioneer of social reform. The military personnel led the way in the clothing reforms, the abolition of titles, linguistic reforms and basic town planning.

Military personnel were ordered to give up their titles and adopt a family name for themselves, which was hitherto unprecedented in Iran. Reżā Ķān himself gave up his title of Sardār-e Sepāh and took up the family name of Pahlavī, an ancient Iranian name. In terms of the clothing reforms that were introduced by Reżā Šāh, the military personnel were the first to adopt the wearing of the peaked cap, which later came to be known as *Kolāh* Pahlavī, and in early 1925 some young men followed suit in Tehran. This aroused the hostility of the 'Olamā who viewed the cap as un-Islamic as it covered the forehead and prevented it from touching the ground during prayer.¹⁰⁴

The initial reforms and steps towards the creation of a unified army under Reżā Kān seemed to have been a point of national pride to many Iranians, and the army itself was very proud of its role in helping to pacify and unify Iran. However, this popular enthusiasm for the army decreased as the financial demands of the army increased, and also as the army extended its influence over all aspects of civil and political life of the country beyond acceptable limits. Over time the army came to be despised and popularly conceived as being unscrupulous and corrupt. The shortcomings of the army were directly blamed on the person of Reżā Šāh. It was popularly felt that, the Qajar dynasty, although it had its faults of weakness and corruption, also had its traditions. The new regime, 'while making no appeal to the innate conservatism of the Persian people' was as weak,

¹⁰³ Ibid.

¹⁰⁴ A point needs to be clarified concerning the traditional symbolism of headdress in Iran. Traditionally the type of headdress worn signified the social position and background of a person. The indiscriminate introduction of the cap, as well as being offensive to the clerics may well also have been offensive to the higher strata of society.

¹⁰⁵ IS no. 7, 18.6.1921, FO371/6435/E9263/2004/34

corrupt and oppressive as its predecessor. It had been expected that Reżā Šāh would justify his usurpation by providing internal and external security as well as the blessings of justice and economic progress. These hopes have proved ellusive.¹⁰⁶

The worsening of the army's relations with the civil population seems to have been directly related to the deterioration of the internal conditions of the army. As the British Military Attaché Fraser observed in 1924 there were indications 'perhaps still a trifle shadowy' - that the people were beginning to show their resentment of their domination by the military. This resentment was to harden and deepen dramatically, becoming particularly dangerous as it contributed considerably towards the unpopularity both of the regime and of Rezā Ķān personally. In August 1924, for example, Fraser remarked that it was reported from all sources that 'Riza Khan was now regarded almost with hatred in the country, owing chiefly to the abuse of senior generals.' Furthermore, he fully reciprocated the civilian population's distrust, claiming that it was only in the army that he found any spirit of cooperation, thus discounting the civilian sector altogether. To the sector altogether.

During 1925, the army's tendency toward abuse of power and corruption increased and further aggravated the provincial dislike and distrust of central government. In 1926, the army's relationship with the civilian elements reached its lowest point in this period. The resentment of the whole country against the oppression of the military leaders and their interference in civil affairs was increasing and now came to be more freely voiced. In many quarters Rezā Šāh was blamed and the situation was regarded with pessimism. Loraine echoed the public view of the army in 1926 as being merely 'a vehicle of extortion and injustice.' ¹¹⁰ According to Howarth, the British Consul in Korāsān,

'No-one, except the few who benefited, desired the continued existence of the present regime; the poorer classes openly referred to the $\S\bar{a}h$ as a $\hat{H}amm\bar{a}l$ [porter], while the view was widely expressed that, as a capable soldier, he had been well suited to the post of war minister, but was out of place as $\S\bar{a}h$, while the old $\S\bar{a}h$ had been a man of family and suited his position.'

¹⁰⁶ Nicolson to Chamberlain, 17.7.1926. FO371/1148/E4553/195/34.

¹⁰⁷ Fraser to General Muspratt, 1.6,1924. FO371/10145/E5427/455/34.

¹⁰⁸ Fraser to WO, 1.8. 1924, FO371/10146/E7152/455/34.

¹⁰⁹ Ovey to FO, 1.5.1924, FO371/10124/E5496/26/34.

¹¹⁰ Loraine to Chamberlain, 15.6.1926, FO371/11491/E4063/326/34.

Haworth also stated that conditions were now such that both the civilians and the army could readily be convinced that Reżā Šāh had proved a failure and that the only alternative was to follow the example of Turkey and have a republic, however much this might be repugnant to them. On the other hand there were still those who, rather than see a republic, would prefer Aĥmad Šāh back again.¹¹¹ Discontent in Mashad reached its peak in the summer of 1926 and the 'Olamā were particularly vocal in their opposition against the Šāh.

An example of military oppression of the civil population can be demonstrated by the maltreatment suffered by the civilian population of Korāsān at the hands of the Eastern Division under Brigadier Davallū. The account of Davallū's downfall in Korāsān illustrates two aspects of the crisis in civil-military relations reached by mid-1926. Firstly, the contempt demonstrated by the Šāh and his senior officers for the susceptibilities of the religious establishment further alienated a still- powerful sector already resentful and fearful of the regime's encroachments on its functions and privileges, and caused offence in wide civilian circles. Secondly, the oppressive behaviour of the military authorities reflected upon the Šāh personally, resulting in the growing unpopularity of his dynasty and the sporadic emergence of both republican and pro-Qajar sentiments. 112 Historically, there existed among the ex-Cossack officers in the army a tradition of contempt for religious personnel, which continued to affect the conduct of many senior officers in the national army. The other elements within the army, particularly ex-Gendarme officers, shared the dislike of Islamic orthodoxy and the influence of the 'Olama frequently found among Iranian reformers. The 'Olama were viewed as obstacles to Iran's reform and progress. These two perspectives combined to produce a widespread tendency among army officers to treat religious institutions and the 'Olama with disregard and arrogance. An example of this deliberate and outspoken resentment can be seen in the remarks of ex-Gendarme Lieutenant-Colonel Prince Mahmūd at his court of inquiry, which were typical. Iran, he declared would never be a good country till all the Mollās had been killed and every Moîtahed hanged. 113

The Šīrāz military were apparently strongly anti-clerical, taking every opportunity to try and weaken the influence and position of the 'Olamā. During religious sermons,

¹¹¹ Haworth (Mashad) to Loraine, 22.5.1926, FO371/11491/E4063/326/34.

¹¹² Cronin (1997), p. 217.

armed soldiers were frequently present in case derogatory remarks were made about the government. Also, the military did not hesitate to imprison religious figures and cause widespread resentment by interfering in or prohibiting religious processions. For the first time in Iranian history, the military violated the traditional right of sanctuary, bast, forcibly removing deserters from mosques and shrines. These sorts of disrespectful and arrogant behaviour seriously offended the religious sensibilities of the population and increased the fear and resentment of the 'Olamā. The 'Olamā were generally opposed to the secularizing and modernizing policies of Režā Šāh. The army was the driving force behind these policies. This, combined with the general disregard and deliberate contempt of the army towards the religious establishment, further irritated the 'Olamā. Režā Šāh was anxious, for political reasons, not to openly antagonize the 'Olamā. However, due to the tactless way in which minor social reform was carried out, the 'Olamā had come to distrust and resent the regime. This fear accumulated and found popular expression in 1927 over the introduction of compulsory military conscription. The anti-conscription movement and the role of the 'Olamā shall be discussed in detail later on.

The military character of Režā Šāh's regime was clear from its outset. In fact by 1926 military ascendancy over all aspects of civil and political life was already implemented. The military authorities had managed to establish themselves as the controlling power in the land. In the period 1921-26, the distinguishing features of the Pahlavī military and its despotic dictatorship had already taken shape. 'Militarism' came to characterize the entire Pahlavī rule. This was to have significant consequences for the relationship between state and society in Iran. Tehran, as the central seat of power came to exercise greater control over the affairs of the provinces. The degree of actual and effective centralization is, however, debatable particularly in regards to the reduction of the power of the traditional elite. The authority of the state over sources of power had undoubtedly increased, as compared to the weak lack of central administration of the Qajar period. The army played a central and crucial role in this process. A centralized and unified army under the direct and sole command of the Iranian government was a novel introduction into Iranian society. The army became the instrument by which the influence of central government was implemented throughout the country.

¹¹³ Mashad Is No., 19. 13.5.1924, FO371/10130/E5915/117/34.

Režā Šāh's military based regime changed the fabric of Iranian society, disempowering many traditional elite groups and facilitating the rise of a new elite component consisting of the upper ranks of the officer corps. Despite the newly-found political and financial supremacy of this new elite, they were unable to command legitimacy as had the previous ruling class. There existed great awareness amongst the population at large of the plebeian origins of Režā Šāh and his new elite and that they were unfit for the highest offices. Thus the rule of the military was perceived as both illegitimate and oppressive. Režā Šāh's policy of prioritizing the needs of the army contributed to the creation of a privileged class which often abused their power and position. The distasteful and arrogant violation of individual and property rights of the rest of the population by army officers was condoned and contributed greatly to their unpopularity among the general public. 114 It must also be pointed out that although the newly-created elite harboured much resentment and contempt for the traditional elite and were determined upon change, once in power, they tended to become assimilated into the old socio-economic order.

In the 1920s the project for the construction of a centralized and strong army had the support of the secular nationalists, intellectuals and reformers alike. The new army was viewed by these groups as being central to building a new Iran, free from foreign influence and along modern lines. The expansion of the power of central government, the settlement and disarmament of tribes and the end to regionalism had long been viewed as a prerequisite for progress. The secular nationalists and advocators of reform soon became disillusioned with Reżā Śāh's regime, as its arbitrary and dictatorial character increased. In fact by the 1930s, opposition ideologies, mainly various forms of communism and certain strands of fascism, had taken root among younger elements. In the 1920s and 1930s as a result of the introduction of compulsory conscription laws, the army underwent a massive expansion, drawing on the vast human resources now available. By 1941 it amounted to 18 divisions, totalling 127,000 men. Not only did it develop numerically and financially, but it also developed more sophisticated modes of organization and better training facilities, and imported larger quantities of up-to-date military hardware, while conscription itself had a profound effect on society in general. The effects of and the popular resistance to conscription will be discussed in detail later.

^{114 3.6.1926,} FO371/11491/E3397/34.

In this period the military authorities clearly demonstrated their disregard for Constitutional and legal procedures, with their heavy handedness and intimidation of all civil institutions, arbitrariness and insistence on being the sole source of ideological and political activity and intolerance of alternative ideological influences. Institutions such as the *Maĵles* and civilian government continued to exist, however, their role after 1926 was purely ornamental. All limits and obstacles to military power were removed. Throughout Reżā Šāh's reign, the army continued to be preoccupied with ensuring the survival of the regime, as it had been from its outset. Although the Šāh's unrelenting control of the army continued in the 1930s, the army officers became increasingly frustrated with Reżā Šāh's domination over the army exercised by his favourites. The army had helped to place Reżā Ķān on the throne and continued to be the principal institution of the Pahlavī State. The character of Reżā Šāh had to some extent blurred the distinction between Šāh and state, and the army remained faithful to the person of the Šāh, rather than to the nationalist aspiration preached by the army itself.

The Implementation of Universal Military Conscription; the Rise of Popular Opposition and Clerical Leadership

The introduction of universal compulsory military conscription was viewed by many nationalists and reformers as capable of eradicating ethnic and linguistic differences and achieving the social and political objectives of secular nationalism. The extent to which conscription succeeded in cutting across existing communal, tribal, regional, sectarian, ethnic and linguistic differences and creating 'modern Iranians' is somewhat ambiguous and uncertain. Prior to the Pahlavī period, the various communities that existed were on the whole geographically isolated, economically self-sufficient, autonomous and predominantly self-governing. During the Pahlavī period, geographical isolation was somewhat lessened through the construction of roads and railways and improved communication. Military governors replaced many provincial governors and this reduced the power and autonomy of provinces and brought them under the control of the central government. The tribes were settled and disarmed. The power and influence of the 'Olamā were reduced. A large number of landowners had their lands confiscated, mostly in the north of Iran, and Režā Šāh became the largest landowner in Iran. Many of the

¹¹⁵ Dūlatābadī (1371 SH/1992).

¹¹⁶ Intelligence Summary, 18.4.1925, FO371/10842/E2783/82/34.

industrialization, transport and communication schemes of this period were undertaken to a large extent with military requirements in mind.¹¹⁸

It was hoped that compulsory military conscription would provide every family in the country with an interest in defending their nation and result in the triumph of nationalism over religious and communal identities. Universal military conscription contributed to the urbanization of the rural and tribal population, the rise of literacy and to some extent the breakdown of communal and tribal ties and provisional isolation. Although all in all there is little doubt that the 'militarism' of the Pahlavī dynasty and the implementation of conscription contributed considerably to the amalgamation of society, however communal ties and loyalties continued to exist irrespective of the centralization achievements of Režā Šāh. The regime's determination to impose conscription met with bitter resistance. The population in general looked upon conscription as an evil to be avoided at all costs. Conscription remained highly unpopular amongst the general public and in particular amid the 'Olamā.

The desirability of the introduction of conscription was advocated with reference to its legitimacy in terms of Islamic law. Its underlying ideological implication, however, was the hope of replacing religious loyalties with the ideals of nationalism. The opposition to universal military conscription was a part of the greater struggle between the 'Olamā and the regime.¹¹⁹ Attempts were made in order not to antagonize the 'Olamā, such as a concession whereby total exemption was granted to all religious students from military service in the Conscription Bill of 1925. However by 1931 the power and influence of the 'Olamā was curbed to such a degree that even the minor concessions which they enjoyed were removed from them. On 22 September 1931 the Conscription Bill was revised and passed by the *Maĵles* as a single bill.¹²⁰ Article 19 of the revised bill stated that religious students were now to be exempt only until they had completed their study. Thus clerics could be called upon for military service. Under the new Bill religious students were

¹¹⁷ Bahār [Mālekol Šo'arā] (1357 SH/1978).

¹¹⁸ Ĵavān (1329 SH/1950), p. 134.

¹¹⁹ The three state policies which had aroused 'Olama opposition in 1927 were:

¹⁾ The reorganization of the judicial system.

²⁾ The Conscription Law.

³⁾ The anti-clerical tendencies of the Īrān-e Nū party. 7.11.1927, FO371/12293/E4735/520/34.

¹²⁰ Persian Conscription Bill, 4.11.1931, FO371/15359/5619/5619/34. Article 16 of the 1925 Bill had granted religious students complete exemption.

classified in the same category as all other students and were deprived of their previous privileges.

Those who were exempt under the new bill were religious judges who had been permitted to function as a *Moĵtahed* or to issue *Fātvās* by a state-recognized ecclesiastical authority, the superior ecclesiastics of the Parsee, Jewish and Christian religion and professors of science and theology. The official recognition of non-Muslim minorities represented a complete break with the past, and to a certain extent symbolizes the triumph of nationalist ideals over religious orthodoxy. The amendments of 1931 further demonstrated the expansion of the power of the central government at the expense of the religious institution. Even those 'Olamā who were declared exempt from military service were subject to state approval and regulation. The 'Olamā had hitherto been a self-regulating body, which had contributed greatly to their power and independence from the state. Under the 1931 Conscription Bill, a recruiting committee was set up to examine documents on which individuals based their claim to be exempt, and verify their authenticity in accordance to Article 20 of this law, thus making the 'Olamā subject to state regulation.¹²¹

The military conscription law was brought in the winter of 1926. Its application was limited to the provinces of Tehran, Qazvīn and Hamadān. In 1927 the law was applied to all provinces in the country¹²² and resulted in the manifestation of popular opposition headed by the 'Olamā. There were anti-conscription demonstrations, bazaars were closed and riots broke out in most parts of the country.¹²³ The implementation of universal military conscription was the principal grievance expressed during the series of clerical agitation in Qom, Eşfehān and Šīrāz in 1927 and was a major contributing factor in producing the tribal revolts in Fārs in 1929. In Šīrāz the closure of bazaars lasted one month, and clerical support of the movement had given it considerable strength.¹²⁴ The anniversary of the death of Fāṭemeh,¹²⁵ usually but little observed, was fully observed by processions and pious recitations. Four days before, carpeted pulpits were placed in the bazaars all over the town and sermons given. This, together with processions to the cemetery led by younger clerics, were outward signs of the invocation of divine aid for the

¹²¹ Ibid.

¹²² Annual report 1927, FO371/13069/E2897/2897/34.

¹²³ Eşfehān, Šīrāz, Gīllān, Tabrīz, Tehrān, Kordestān and Qom.

¹²⁴ Clive to Chamberlain, 19.11.1927, FO371/12293/E5208/520/34.

popular cause.¹²⁶ Local newspapers had pointed out the news of this disturbance, typified in the minds of the peasantry by the closure of the bazaars. The news of the closures soon spread all over the province, carried by the tribespeople visiting Šīrāz. Its duration had conveyed an impression of the powerlessness of the central government, and the power and influence of the 'Olamā.¹²⁷

In Eşfehān the Bazaars remained closed throughout the month of November. After several postponements, all liable for conscription were ordered to present themselves on 27 November. Of those called for, 550 were exempted, about 300 presented themselves, and about 500 failed to answer the summons. In Gīlān the bazaars were closed. Four people were reported dead due to anti-conscription riots, martial law was proclaimed, all letters and telegrams were censored and armoured cars were dispatched from Tehran to overawe the population. Similar occurrences were also reported in Kermānšhāh, Qazvīn, Tabrīz and Tehran. One particular point voiced by all, thoughout, was the fear of exposing their youths to the power of immoral officers. It was argued that if the age limit were 25, it might have been less objectionable. The popular distrust of the conscription law, backed by the 'Olamā, gave the movement force and direction and provided a platform for the 'Olamā to express their other grievances against the government. In the words of Clive:

'The Persian masses are illiterate and inaccurate, and even if the rigorous press censorship were removed, they would probably be incapable of expressing their views, but the opposition of the *Mollās* is stubborn and it does not appear that they will easily give way where their existence is at stake.' 132

The following appear to have been the main reasons which had driven the 'Olamā into the anti-conscription movement: the dislike of the Ministry of Justice; the way in which Teīmūrtāš, the Minister of Court, conducted the court; the manner in which the Šāh and his Minister of Court interfered in every little matter; and finally the dislike of Īrān-e Nū Party and its anti-clerical programme. The 'Olamā demanded that the Constitution be

¹²⁵ The daughter of the Prophet.

¹²⁶ Clive to Chamberlain, 19.11.1927, FO371/12293/E5208/520/34.

¹²⁷ Chick to Clive, Šīrāz, 1.12.1927, FO371/13056/E40/40/34.

¹²⁸ Intelligence Summary 10.12.1927. FO371/13055/E38/38/34.

¹²⁹ Ibid.

¹³⁰ Clive to Chamberlain, 7.11.1927, FO371/12293/E4735/520/34.

¹³¹ Clive to Chamberlain, 21.11.1927, FO371/12293/E4979/520/34.

¹³² Clive to Chamberlain, 7.11.1927, FO371/12293/E4735/520/34.

respected, and that the Šāh rule as a Constitutional monarch, leaving the business of the state to a fully-responsible cabinet. They demanded also that the elections be free, the elected be chosen from the people and not nominees of the Šāh and the army, and, most important of all, they wanted the written law of the Constitution to be carried out to the full. This was the most important point for them, as in accordance with the written law of the Constitution, five first-rank 'Olamā can preside over parliament and possess the right to veto any law which they consider not to be in the interests of Islam.¹³³

The five high-ranking 'Olamā were drawn by lot from a batch nominated by the High Clerical Council of Najjaf. They had not sat in parliament since the second *Maĵles*; they were said to have stated that all laws passed during their absence from the last four parliaments had no legal value, with particular reference to laws passed by the Fifth and the Sixth *Maĵles*. Their objective was the Act which was passed in the early winter of 1925, 134 by which the Qajar dynasty was annulled. They held that it had been beyond the power of the Constitutive Assembly to do this; the only thing that the Assembly could have done was to give its authority to a special Assembly, freely elected from the people for the objective of modifying the Fundamental Law. The issues raised brought under question the whole legitimacy of the Pahlavī rule and illustrated that the 'Olamā had other political grievances than simply opposition to the Conscription Law. The way in which they came to assume leadership of the popular manifestation of discontent over conscription suggests that in reality the 'Olamā had lost little of their power over the masses. 135

The government, faced with the outbreak of popular agitation, realized that its policy of ignoring the clerical movement could no longer be maintained. On 10 December 1927, the Šāh sent the Premier and the Minister of Court to Qom to meet with the hig-ranking clerics of Qom and the clerical delegation of Šīrāz, Eşfehān and Tehran who had congregated there. Their mission was to get the leader of the Qom 'Olamā, Ĥāĵ-Āqā Nūrollāh, to come to Tehran and to get the remainder to disperse. There were rumours that the British were behind the clerical opposition in Qom in order to make

¹³³ Clive to Chamberlain, 19.11. 1927, FO371/12293/E5207/520/34, (No. 567).

¹³⁴ Please refer to the Chapter Six for a full discussion of the above.

¹³⁵ Ibid

¹³⁶ Clive to Chamberlain, 2.1.1928, FO371/13056/E40/40/34.

¹³⁷ Intelligence Summary, 10.12.1927, FO371/13055/E38/38/34.

difficulties for the central government.¹³⁸ Teīmūrtāš's mission had met with little success. The 'Olamā of Eşfehān had declined to see him and had referred him to the head of the 'Olamā of Qom, Šeīķ 'Abdol-Karīm Ĥā'erī. The latter is reported to have said that the 'Olamā had no particular grievances with the Šāh; what they complained of was his entourage.¹³⁹ This is also conveyed in the telegram sent to the Šāh by Ĥāĵ-Āqā Nūrollāh.

The telegram reads:

'After expressing our compliments and praying for the prosperity of your Majesty, we thank your Majesty for the favour of sending to us the Prime Minister and the Minister of Court in order that they might convey to us the Royal favour. Prayers be to God that owing to the gentle character of these two messengers the matter has been arranged and the desires of the people and their spiritual leaders complied with. We hope that under the shadow of the Twelfth Imam all stated conditions will be put into execution, in consequence of which the whole people, and especially the 'Olama, will pray for your majesty. In conclusion, we hope that by the acts of the only Saviour of Iran [your Majesty], Islam and the Muslims will enjoy happiness.'

Signed: Šeīķ Nūrollāh Naĵafī Fešārakī, Ĥāĵ-Šeīķ Kamālloddīn and Seyyed-Al-'Arāqeīn.¹⁴⁰

The Šāh sent the following reply to the above 'Olamā:

'To their Honours Šeīķ Nūrollāh Naĵafī, Fešārakī, Ĥāĵ Šeīķ Kamālloddīn, Seyyed-Al-'Arāqeīn. May their graces endure forever. Your Honours' telegram has been received. We are glad to know that the head of the government and the Minister of Court have succeeded in announcing and conveying to your Honours our ideas. As it has been made known to your Honours, we never had any intention other than to safeguard the greatness and the glory of Islam and to preserve all respect and honour due to the spiritual leaders. We always were, and, indeed, will ever be, eager to see that our respect for the spiritual leaders and our devotion to Islam shall never suffer hindrance. We hope likewise that the 'Olamā on their part will welcome this expression of our intention and belief, for from it springs the prosperity of the country and the greatness of our religion. We hope,

¹³⁸ Annual report 1927, FO371/13069/E2897/2897/34.

¹³⁹ Clive to Chamberlain, 21.11.1927, FO371/12293/E4979/520/34. It was reported that the Šāh was prepared to come to terms with the 'Olamā in regards to the Conscription Law in the following lines:

^{&#}x27;The law will not be rigorously applied for a number of years. On the other hand, the recruits who are called up will be exempted on payment of a sum to be fixed. The actual recruits for the army will continue to be taken from the villages and the sums received in payment for exemption from service will be used to encourage volunteers to join the ranks.,

¹⁴⁰ Clive to Chamberlain, 23.1.1928, FO371/13056/E375/40/34.

moreover, that sincerity towards Īrān will ever increase for that will be a cause to us of satisfaction and joy.' 141

Following the negotiations in Qom between the Prime Minister and the 'Olamā, two clerical delegates were sent to Tehran and returned on the 18 December taking back with them the government's signature to the acceptance of five conditions which the clerical body had put forward. The conditions accepted by the government were as follows: (i) A revision of Conscription Law to be made by the next term of the *Maĵles*. (ii) Five *Moĵtaheds* of first degree shall take their seats in parliament as provided by the Constitutional Law. (iii) Ecclesiastical supervisors for the provisional press to see that nothing anti-Islamic is printed. (iv) A strict veto on practices which are forbidden by Islam, such as drinking of alcoholic beverages and gambling, &c. (v) Reintroduction of numerous small religious courts for dealing with matters of personal status, the administration of oaths, &c., which the new regulation of the Ministry of Justice had centralized in the Central Court of Justice. 142

The clerical body at Qom received their delegates with disappointment, as it was anticipated that the delegates would stay in Tehran to see the execution of at least some of the conditions. The postponement of the modification of the Conscription Law until next term of the *Maĵles* was received with satisfaction. Opinion was fairly general that these five conditions saved the faces of both sides. Although the government had given way on paper, it did not amount to very much in reality with the exception of condition (i) and recruiting continued as before. From the 'Olamā's own material point of view condition (v) was important as it enabled a large number of minor ecclesiasts to gain a living. On 26 December Ĥāĵ Āqā Nūrollāh passed away. This event deprived the 'Olamā of their leader and the clerical movement of a large amount of its influence on the people and made truce a more possible outcome. ¹⁴³ Ĥāĵ Āqā Nūrollāh death's most certainly contributed to the dispersal of the agitators who had joined with him in Qom. ¹⁴⁴

In the year under review the 'Olamā became more prominent than they had been for some years past. 'Had they possessed a recognized leader among the *Moîtaheds* residing permanently in Iran, a figure they would have been willing to recognize as their

¹⁴¹ Ibid.

¹⁴² Clive to Chamberlain, 23.1.1928, FO371/13056/E375/40/34.

¹⁴³ Ibid.

¹⁴⁴ Annual Report 1928, FO371/13069/E2897/2897/34.

superior and who in turn could have made his authority over them felt and his orders obeyed, the 'Olamā might well have yielded more authority than the Šāh.' However, there were continuous squabbles among the 'Olamā, no-one amongst them was recognised as a leader, each one thought himself above the other, and dissension was rife. 'The 'Olamā still had enormous power over the masses, but their inability to accord their differences deprived them of actualizing the potential power which they possessed.' 146

The 'Olamā had been discontented for some years, perhaps not for any particular reason, but simply because they saw that they were quite incapable of upholding their former prestige and felt that their power was diminishing. It was the consequential outcome of the modernizing trends which had gradually made itself felt all over Iran. They were seeking the means to regain some authority when the popular dissatisfaction with conscription began to show itself. They eagerly put themselves at the head of the anti-conscription movement and some sort of unity among them was established, when the people of Eşfehān persuaded the aged Moĵtahed, Ĥāĵ-Āqā Nūrollāh, to betake himself to the shrine at Qom, and start an agitation from there against compulsory military service.¹⁴⁷

Šeīķ 'Abdol-Karīm had settled in Qom some years previously. ¹⁴⁸ It was hoped that he might be persuaded to take active part in the agitation. He, however, refused to be drawn into politics, and with the exception of the two fairly influential clerics of Eṣfehān, those who came to join Ĥāĵ-Āqā Nūrollāh in Qom from different parts of Iran were small clerics of no importance or influence. The government paid scant attention to the 'Olamā, but endeavoured to persuade the shopkeepers to resume their business. They failed, however, to achieve their objective, because the movement was in reality a popular movement of discontent. The government made a few promises on paper 'hardly worth the paper on which it was written' and which were never honoured. The government, in order to enable the poorer clerics to regain their homes distributed a small amount of money and which was sufficient to break down the opposition. ¹⁵⁰

The role of the 'Olamā in the anti-conscription movement was in fact the last public manifestation of their power and influence until the end of Reżā Šāh's rule. The

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ To be discussed fully in Chapter Six.

¹⁴⁹ Annual Report 1928, FO371/13069/E2897/2897/34.

revised Conscription Law of 1931 removed from them the last vestiges of privilege, and placed them at the mercy of the authority of the state. However, the 'Olamā remained generally opposed to the regime until the very end.¹⁵¹ Both the actions of the Šāh and his army officers often offended the susceptibilites of the people from the point of view of religion,¹⁵² although the Šāh was said to have been benevolently disposed towards religious principles, but not towards its grosser manifestations.¹⁵³

Tribal Settlement and the Establishment of the Authority of the Central Government

The historical role of tribes from the point of view of previous rulers had been to act as frontier guards against outside assailants. It was for this reason that the principle of tribal armament had heretofore been admitted and the different tribes had been allowed to acquire semi-autonomous privileges, the extent of which had fluctuated in inverse ratio to the power of the central government. This practice had prevailed to such a degree that certain Šāh's in the past had transplanted warlike tribesmen from one end of Iran to the other to settle an undefined frontier. The system had the advantage of reducing the expenditure of a regular force to a very low figure. Historically the tribes had always played an important military role and continued to constitute the most significant fighting element in Režā Ķān's army in the years 1921-1926.

The tribes were utilised for military purposes in three ways: firstly, individual recruits from various tribes were incorporated into the army, particularly the cavalry arm on a permanent basis; secondly, the tribal leaders were allowed to maintain armed bodies of *Savārs* to guarantee order in their own districts, and were paid subsidies by the central government; thirdly, irregular levies were raised for particular campaigns and then abandoned. Although Režā Ķān was very committed to disarming the tribes and establishing central government control, he was forced in a contradictory direction of having to rely on tribal elements for the conduct of his internal campaigns and for defending Iran's borders. The army proper was still too weak to carry out these tasks

¹⁵⁰ Ibid.

¹⁵¹ Clive to Henderson, 26.6.1931, FO371/15341/3611/145/34.

¹⁵² Demi-official letter from General J. I. Ennis, Intelligence officer, Baluchestan Intelligence Bureau, 23.10.1931, FO371/15358/E4843/4843/34.

¹⁵³ Malet to Simon, 14.7.1934, FO371/16941/E4225/47/34.

¹⁵⁴ Cronin (1992), p. 217.

unaided.¹⁵⁵ Tribal men were considered to be the best fighting material in Iran.¹⁵⁶ Thus, when Reżā Ķān began to construct the new army, he wished as far as possible to recruit the cavalry from tribes.

From as early as 1921, Rezā Kān had attempted to disarm the tribes and to bring them under the authority of the central government. This process of centralization was hoped to have been completed by the autumn of 1924, if not earlier. 157 Rezā Šāh's tribal policy had its roots in the Constitutional period and the political programmes of the educated, reform-minded elite of Iran. Since the latter half of the nineteenth century the 'disruptive effects of tribal life' had become one of the main topics of social reform. The recommended policy for the question of the tribe in almost all the political programmes of the parties of the Constitutional period was sedentarization. The only viable solution for the reformist was tribal settlement and abandonment of the nomadic way of life. The increased political meddling of foreign powers in the internal affairs of Iran, characteristic of this period, exasperated prevailing tribal disorder. The autonomous tendencies of tribes took on an unprecedented magnitude. At the turn of the century, the tribal population was estimated to form one-third to one-quarter of the total population of Iran. The tribal policies of the Reżā Šāh period can be divided into two phases. The first phase, during the 1920s, had a military and political nature, aimed at asserting the supremacy of the central government, while the second phase in the 1930s had a social and economic aspect in terms of tribal integration and settlement.

The following tables will help to demonstrate the strength of the tribes as compared to the army. Table 1 demonstrates tribal strength; Tables 2 shows the strength of Iranian forces including tribal recruits and Table 3 demonstrates the total strength of the Iranian regular army in 1923. (Please refer to the next page).

¹⁵⁵ Please see tables on p. 249.

¹⁵⁶ Annual Report on the Persian Army, 1922.

¹⁵⁷ Loraine to Curzon, 6.10.1923, FO371/9025/E10602/77/34.

Name of Tribe	No. of fighting men	Estimated rifle strength	Estimated strength tribe can keep in the field.	
Baķtīyārī	30, 000	15, 000	6, 000	
Lors	30, 000	15, 000	5, 000	
Lors of Pošte-Kūh	30, 000	15, 000	8, 000	
Kohkīlūyeh including Boyer Ahmadī)	15, 000	10, 000	6, 000	
Arabs (acknowledging Šeīķ of Moĥammereh)	57, 000	40, 000	30, 000	
Qašqāáī (including Kaškūlī)	30, 000	15, 000	5, 000	
Ķāmeš	14, 000	10, 000	4, 000	

Table 2. Demonstrates the strength of the Iranian forces including tribal recruits on 1/10/1923.

Name and Address of the Owner,			
Infantry	22, 000		
Cavalry	8, 300		
Guns	94		
Machine guns	185		

Table 3. Demonstrates the total strength of the Iranian regular army on 1/10/1923.

Estimated strength of regular Army	Infantry	Cavalry	Guns	Machine Guns
Tehrăn	4,000	500	112	30
Southern Division	2, 700	1, 500	115	13
Western Division	3, 800	1, 00	88	14
Total ¹⁵⁸	10, 500	3, 00	35	57

In 1921, after the effective defeat of the *Ĵangalī*s and the withdrawal of the Soviet forces from the north, a series of tribal uprisings threatened the internal security of Iran. The first to be reckoned with was the rebellion of the Kurdish tribes of the north-west under the leadership of Esmā'īl Āqā Sīmītqū Šīšak, known as Sīmkū, from the tribe of Īl-e Šīšak Kord. After capturing the fort of Čehrīq in the vicinity of Salmās, which he made his base, he joined forces with the son of Šeīķ 'Obeīdollāh Kord and thus increased his forces. They took over Salmās and Orūmīyeh and for a short period of time they even extended

^{158 8,000} infantry, 1,500 cavalry, 30 guns, and 40 machine guns were the maximum force available for dealing with any tribe or groups of tribes at any one time. Military Attaché, M. Saunders, 3.10.1923, FO371/9025/E10602/77/34.

their rule to Māhābād in the south. During this period, several attempts were made to defeat or negotiate with Sīmkū but nothing came of these efforts. It was not until August 1922, following a heavy concentration of troops in Āźarbāyeĵān, that the central government forces recaptured the fort of Čehrīq and defeated Sīmkū. A large quantity of ammunition fell into government hands. Celebrations occurred throughout Tehran and many telegraphs were sent from the provinces to Sardār Sepāh congratulating him on this victory.¹⁵⁹

The next rebellion that had to be dealt with was that of the tribes of Lorestān. The Lors can be divided into: the Lors of Pošteh Kūh and Borūĵerd who were based in Hoseīnabad, the place of residence of Valī of Pošteh Kūh; the Lors of Čāhār Lang who lived in the area between Arāk and Eşfehān but were considered as a part of the Baktīyārī tribe; the Lors of Haft Lang who also resided within Baktīyārī territories, and the tribes of Kohkīlūyeh and Behbahān who were a part of the Haft Lang tribe. The Lors resided in Korramābād, Pošteh Kūh, Borūjerd, parts of Arāk, parts of Eşfehān, parts of Hamadān, Īlām and K'ozestān, thus forming a semi-circle. In 1922 fighting broke out between the Lors and the central government forces. In this conflict the main concern of the central government was that the road connecting K'ozestan to the central parts was virtually severed. In 1922, the newly-stabilized army of the West attempted to suppress the Lors, but the government had more engaging military considerations, such as the operation against Sīmkū for example, and hence the army was not able to take hold of Borūjerd. Politically the question of the Lors was not as pressing as that of the Kurds, which had acquired a regional dimension. In mid-December 1923, under the command of General Amīr Ahmadī and with additional troops sent from Tehran, the first round of a long and difficult series of military campaigns to pacify Lorestan was ended. The fighting went on for seven years. It was not until 1928 that the Lors were completely defeated and plans for their forced settlement were put into action, setting the more rebellious families further away from their native territories. 160

Also in 1922, the tribes of Šāhsavan, who were scattered around Ardabīl, Meškīn Šahr and Qazvīn, in the Province of Āźarbāyeĵān, conducted a number of raids under the leadership of 'Abdollāh Kān Amīr Tahmāsebī, but were finally defeated by central forces

¹⁵⁹ Bahār [Mālekol Šo'arā] (1357 SH/1978), pp. 163, 265-6.

and the entire tribe was disarmed. However, their settlement was not completely carried out until 1932.¹⁶¹ There was inherent contradiction between Režā Šāh's centralizing policies and the traditional semi-autonomy of the tribes. The army's attempts at disarming the tribes were bound to meet with resistance and result in military conflict. The distinguishing features of these campaigns were cruel brutality and unnecessary provocation of the tribal population. Another important aspect in tribal disarmament was to provide weaponry for the regular army.¹⁶² In fact in the early 1920s, the civilian population of Iran, particularly the tribal component, was an important source of weapons for the army. Režā Ķān stated that part of his motive to launch an operation against the Šāhsavans was to disarm them and to provide his own troops with rifles.

At the end of June 1922 each tribe was ordered to provide a certain number of cavalrymen, and towards the end of the year in a move of symbolic importance, Režā Ķān requested and obtained small detachments of *Savārs* from various tribes including the Qašqāá ī, Sanjābī, Kalhor, Qarah Pāpāq and Yamūt, to form a personal escort for him at his Headquarters. The way in which the new recruitment of tribes differed from the traditional tribal levies was that the new recruits were merged into larger units of mixed composition and were not necessarily led by men from their own tribe. However, two exceptions to this were the Kurdish and Armenian squadrons of the cavalry Brigade of the Central Division. Both these units were organized along ethnic lines. There seems to have been far less reluctance among the tribes than the settled population to enlist for military service. In a way this was to be expected given the historic military role of the tribes and their way of life. Indeed, it seems that the military authorities deliberately recruited among defeated tribes as a way of defusing their discontent at disarmament and subjection to the central Government. Control of the central Government.

In 1924, Šeīķ Ķaz'al¹⁶⁵ together with other tribal Arab forces namely the committee Sa'dat who were known for their Anglophile tendencies, the leaders of the Baķtīyārī tribes, and the Lur tribe of Pošteh Kūh, under the leadership of Valī Pošteh Kūh, revolted against the central government. Šeīķ Ķaz'al belonged to the tribe of Banī

¹⁶¹ Ibid., p. 273.

¹⁶² Please refer to the tables on p. 249.

¹⁶³ British Military Attaché, 5.1.1922, FO371/9021/E2461/71/34.

¹⁶⁴ Cronin (1992), p. 219.

¹⁶⁵ Šeīķ Jāber Ķaz'al from the tribe of Bani Ka'ab, captured by Reżā Šāh and exiled to Tehrān died at the age 75 in Tehrān, in 1355 SH/1936. Mo'īn (1358 SH/1979), p. 478.

ka'ab. Šeīk Kaz'al had offered his support to the British during World War I and had received many medals of honour from the British government. Šeīk Ķaz'al also had a close relationship with Ahmad Šāh. The Qajar Šāhs granted tax exemptions to notables and grandees for services rendered to the crown, which were also hereditary. During the appointment of Arthur C. Millspaugh, the American financial advisor, these tax exemptions were cancelled. 166 The cancellation particularly affected Šeīk Kaz'al who personally owned half of the province of K ozestan. Some Baktīyarī tribal leaders were also identified by name and a tax was levied on them. Many telegraphs were passed between Kaz'al and Sardar Sepah. Kaz'al in his last telegraph to Sardar Sepah wrote, 'I, Kaz'al, do not acknowledge you or Millspaugh.' Kaz'al had managed to gather 20,000 armed tribal Arabs and six Baktīyārī Kāns¹⁶⁷ accompanied by a number of Baktīyārī tribesmen in his camp in Nāṣerī, K'ozestān. Kaz'al had already reached an agreement with Valī Pošteh Kūh and Şowlatod-Dowleh, the Leader of the Qašqāáī tribe. However, Sowlatod-Dowleh had decided not to help Kaz'al in the end and pulled out of the agreement. At the time 18 'Olama issued a statement condemning the Separatist actions of Kaz'al. In 1924 Sardar Sepah set off towards K'ozestan and sent an armed battalion to Behbahān and Rāmhormoz, passing through Baktīyārī-controlled areas. The military forces based in Fars and Esfehan also joined them. In this way Sardar Sepah had Kaz'al completely encircled and was in an advantageous position for capturing K ozestān. Consequently Kaz'al surrendered himself without a fight. Towards the end of 1924 Sardār Sepāh returned to Tehran. He was met with great enthusiasm and there were many celebrations in the capital. 168

During Kaz'al's rebellion, the British, who for a long time had relied on him and other tribal leaders in the region for the maintenance of the security of the K'ozestān oil fields, now had to make a decision whether to continue this traditional arrangement for the safeguard of their regional interests or to come to a new understanding with the central government in this regard. Furthermore, some of Reżā Šāh's opponents in Tehran were considering backing Kaz'al against him. Although the victory over Kaz'al was

¹⁶⁶ The only taxes in Iran at the time of his arrival were on agricultural produce, crops and livestock. Shopkeepers, craftsmen and artisans paid a nominal sum to the state through their guilds. Millsapugh introduced a host of taxes, such as taxes on the issue and execution of commercial documents, on unrented idle real estate, on sales and on inheritance. He also cancelled all tax exemption formerly granted by Qajar Šāh's going back almost 70 years.

¹⁶⁷ Morteză Qolī Kān, Sardār Hešmat, Sardār Zafar, Amīr Mojahead, Šohābol Salţane, Sālār Eqbāl.

achieved through military means, the political process in resolving the crisis was also an important factor. The British authorities had decided not to back Kaz'al and had advised him to accept Tehran's terms. Another important factor which contributed to the success of the central forces over tribal rebellions was the revenue obtained through taxation. If it were not for Millspaugh's reforms Reżā Kān would not have been able to continue to finance his campaign to pacify the tribes. Also, the taxes levied on the tribal leaders were a great strain on them and substantially weakened them. Millspaugh's system of taxation was instrumental in making Iran a solvent nation.

In the spring of 1924, the Turkomans, who had been left to their own devices after the collapse of Russian rule in 1917, proclaimed an open revolt which threatened the main roads connecting Tehran to Korāsān. Almost immediately after the return of Reżā Kān from Kozestān, a military operation against the Turkomans was under way. The Turkomans were finally defeated in the autumn of 1925. In 1928, General Ĵahānbānī in Balūčestān defeated Dūst Moĥammad Kān. This military operation can be considered as the last of its kind. During this period the main aim of the central government was to establish its authority over the various parts of the country. This goal was achieved through military operations and in part through less violent means.

'Reżā Šāh was determined to establish and implement the authority and power of the central government, which may be said to be the natural progression of his regime. Centralization demanded disarmament. The foundations to form a bourgeois regime and to put an end to feudalism were laid during this time. Gradually, after nine or ten years of Pahlavī rule, the entirety of Iran was wiped clean of Ķāns, Īlķāns and armed tribes. Centralization and security were established throughout the country. However, the tragic stories of atrocities and the inhumane and unnecessary behaviour to achieve this end are the unfortunate characteristics of the Pahlavī rule.' 169

The Qašqāáī revolt of 1928-9 is the best example of the discontentment of tribes with the new policies of the state. If one examines the demands of the Qašqāáī, it becomes evident that their concerns were far greater than just disarmament. Their traditions and way of life had been forcibly changed and replaced a with system which did not work. The demands of the Qašqāáī tribe were: 1) The return of their tribal chieftain Şowlatod-Dowleh who had been held prisoner in Tehran. 2) Exemption from conscription. 3) Non-

¹⁶⁸ Makkī (1369 SH/1991), pp. 153-302.

¹⁶⁹ Bahār [Mālekol Šo'arā] (1357 SH/1978), p. 273.

insistence on the Pahlavī hat (the right to wear traditional tribal attire) 4) Return of arms. The demands of the Kurdish tribes and the Baķtīyārīes were almost identical to those of the Qašqāáī.¹⁷⁰

Many tribal leaders were arrested and imprisoned in a deliberate policy of breaking the power of the tribes. In 1934 Baktīyārī chieftains were put on trial accused of treason and convicted to death or life sentences. The tribe was supposed to have settled down to modern urban life; the registration department had stated that about 50 per cent of the tribe had received civil registration documents. The government had gradually assumed control of the judicial, fiscal and other administrative activities of the tribe. The descendants of tribal leaders were growing up accustomed to subservience to the central government. However there were still many Kāns left, and although the government had achieved its objective of breaking the power of the tribes, it did not succeed in replacing the tribal social structure. The tribal chieftains may not have had the autonomy which they once possessed, but they still enjoyed the allegiance of the tribe and commanded respect.

In the period 1921-26, the army's main role seems to have been the establishment of the power of the central government throughout the country. The army provided Reżā Ķān with a power base whereby he could suppress alternative sources of authority and attempt to bring them under central government control. The role of the army in this period seems to be almost entirely an internal instrument of central government control. Reżā Ķān used the army to control tribal leaders and local rulers. Several attempts were made to disarm the tribes, pacify the civilian population and to maintain and establish internal security. If one examines the campaigns undertaken by the army during this period, it becomes evident that the army's primary role was the establishment of central authority.¹⁷² 1926 was a very difficult year for the newly established Pahlavī dynasty.

^{170 28.7.1926,} FO371/11502/E4812/4323/34, 28.5.1928, FO371/13781/E2670/95/

^{34/}E289434/95/34/E3351/95/34/E3515/95/34/E3589/95/34.

¹⁷¹ Knatchbull Hugessen to Simon, 5.1.1935, FO371/18990/E7530/40/34.

¹⁷² The main internal campaigns of this period were:

^{1920:} Operation against revolt of Kīyābānī in Āźarbāyejān

^{1921:} Operation against Kowčak Ķān in Gīlān, and Amīr Mo'ayyed Kūhī in Māzandarān.

^{1922:} Operations against Sīmītqū in Āźarbāyejān; suppression of Lāhūtī Ķān's rebellion at Tabrīz; operation against the Šāhsavans in the Ardabīl area; operation against Seyyed Ĵalāl in Gīlān.

^{1923:} Operations against the Šāhsavans in Āźarbāyeĵān: operations in Lorestān.

^{1924:} Operations in the Balūčestān Sarĥad; in Lorestān; against the Šeīķ of Moĥammareh; against the Turkmans.

There were two revolts in Āźarbāyejān and Ķorāsān by some dissatisfied members of the army as well as a series of revolts in the Western parts of Iran by the Kurdish population, which posed serious threats for the newly-established order. The role of the army as the protector of Iran from external aggression remained at best a theoretical one, although even theoretically the army, as it stood, was incapable of waging wars against foreign armies. The Allies forcible entry into Iran in August 1941 showed that the Iranian army was totally incapable of sustaining full-scale modern warfare. This trend of using the army as the instrument of internal security and suppression of rival forces continued throughout the reign of Režā Šāh.

Tribal organization was broken through disarmament, arrest and imprisonment of tribal chieftains and forced settlement. The military regime which replaced it was inefficient and ineffective. After central government victory over the tribes and their subjection to central control, a series of measures were introduced which transformed the tribal way of life. These measure included direct taxation, compulsory military service, enforcement of uniform dress code, and the forced settlement and relocation of migrating tribes. In 1932 a new office was created in the Ministry of Interior to carry out plans for sedentrisation of tribes. The task of forced settlement, until now carried out by the army, was now entrusted to civilian authorities. Between 1933 and 1937, the programme of forced sedentrisation was carried out in Lorestān, Fārs, Āźarbāyejān and Ķorāsān. In a short period of time tribal life was transformed by coercive and violent methods. The British Consul in Sīstān remarked in early 1926 that their Russian and Cossack background might have made Skobelev's policy of 'massacre and embrace' the system of tribal management most familiar to Režā Šāh and his military advisors.

The main objective of Reżā Šāh was to secure and make permanent a centralized, unified Iran. To obtain this end it was necessary to disarm and settle the tribes, send military expeditions into the provinces and bring rebels under the authority of the central government. In undertaking this, a carefully worked out plan was followed. Those tribes

^{1925:} Operations against the Arabs of Ķozestān; against the Turkmans; in the Sarĥad; in Lorestān; against the Valī of Pošteh Kūh; in southern Kordestān.

^{1926:} Operations in Lorestān; Kordestān; Suppression of mutinies in the north-western and eastern divisions.

^{1928:} Operation against Düst Mohammad Kan in Balüčestan.

^{1928-9:} Operation against Qašqāáī revolt.

¹⁷³ Consul, Sīstān, to Loraine, 7.2.1926, FO371/11483/E1870/87/34.

nearest to Tehran were the first to be brought under the authority of the central government. The further away the threat of rebellion, the later it was subdued by the government. After the submission of Lorestān, the next step was taken with Balūčestān. Previously there had been no connection between Balūčī chieftains and the central government. The disarmament and settlement expeditions of Režā Šāh made the province an integral part of Iran. Two years later, the Qašqāáī and Baktīyārīes were subdued. In the winter of 1930, 'the final, act in the drama of centralizing Persia took place,' when the Beddehān and Kohkīlūyeh tribes submitted to the central government. According to Ala, the Persian legation in London, 'One of the greatest services rendered to Persia by His Majesty Režā Šāh Pahalvi has been to break the power of the tribes and put an end to feudalism.' By 1931 all this was accomplished. However, minor tribal uprisings continued to occur until the 1940s.

In an interview in 1931, the Minister of Court, Teīmūrtāš stated that Režā Šāhs' main aim was to create a unified Iran under a national power. To achieve this end, a carefully worked out programme was constructed. The first part of the programme was the pacification of tribes, the arrest of provincial rebels and the extending of the power of the central government to all parts of the country. 'The second part of His Majesty's programme consists in the recognition of the legitimate rights and interest of all foreign powers subject to the recognition of our legitimate rights and interests by foreign powers. The third part of His Majesty's programme may be summed up as "independent Persia". Our aim is to follow a separate and independent form of existence.' The extent to which theses aims were successful or fully implemented is debatable. What is certain, however, is that the role of the military was crucial, and formed the basis and drive of the whole programme.

Finally it must be pointed out that Reżā Šāh's main source of political support and initial popularity rested on his ability to create and organize a modern army and establish internal security. The success of military operations and the pacification of the tribes were important components in the political popularity of Reżā Šāh, in an era when war provided the opportunity for states to assert their supremacy over society and legitimize their monopoly of the means of coercion. This enabled Reżā Šāh to assert his

¹⁷⁴ Interview between Ennis and Timurtache, 23.10.1931, FO371/15358/E4843/4843/34.

¹⁷⁵ Knatchbull Hugessen to Simon, 5.1.1935, FO371/18990/ E380/ E380/34/E7530/40/34.

legitimacy as the sole agent that could preserve the unity of the country. Thus his tribal campaigns were an essential and indispensable component in his state building endeavours.

Chapter Six: The Establishment of Ĥowzeh 'Elmīyeh Qom: Continuation of the Hierocratic Challenge or its Pacification?

Introduction

'There are two classes of kings: kings of the world and kings of religion.'
Najem ud-Din Ražī

The Howzeh 'Elmīyeh is a conglomerate of educational institutions in which learned teachers teach Islamic sciences. The school was established in 1923 just at the time of Reżā Šāh's consolidation of power under the leadership of Šeīķ 'Abdol-Karīm Ĥā'erī (1863-1936). Šeīķ 'Abdol-Karīm Ĥā'erī strengthened and revived the educational structure in Qom and Qom emerged as the city of religious learning and political activism. It is interesting that the Reżā Šāh period, often characterized by secularization, should coincide with the establishment of one of the most important Shi'i theological schools. Reżā Šāh aspired to limit autonomous ecclesiastic charisma and make it subordinate to secular power. However, he was unable to eliminate completely the social and doctrinal power of the 'Olama as by this time the 'Olama had a well-established foundation. 'A fully developed ecclesiastical hierarchy, with an established body of dogmas and particularly well-organized system cannot be uprooted at all.' The importance of centres of religious learning, particularly the Howzeh 'Elmīyeh Qom, did not diminish even when the ruling elite began to monopolize legal and educational institutions. The establishment of Howzeh 'Elmīyeh Qom was vital for the continuation of the hierocratic challenge to the state. This chapter will examine the role of Howzeh 'Elmīyeh Qom in the continuation of the hierocratic challenge to the state as well as in terms of the pacification of this challenge by the state through the control of the Howzeh. This will be done vis-à-vis a historical study of the establishment, the reasons for establishment, the structure of the revived schools, the curricula, and the teachers of the Howzeh 'Elmīyeh. Furthermore, we will attempt to examine the relationship between the Howzeh 'Elmīyeh as the official representative of Shi'i hierocracy and centre of orthodoxy and the state through a number of empirical studies pertaining to this relationship. We will consider the following events to highlight our arguments concerning the nature of the relationship between the state and Shi'i hierocracy: the 'Olama's attempts against the Republican Movement; the incident between Reżā Šāh and Šeīk Moĥammad Bāfqī; the implementation of the Uniform Dress Code and the opposition from the 'Olama; and finally the introduction of Compulsory Unveiling and the responses from the Howzeh 'Elmīyeh.

It will be helpful to recapitulate our main arguments in setting the theoretical framework of this chapter. In historic religious systems such as Islam, history is a fundamental category. History is linear and fraught with transcendent meaning in the working out of the divine purpose. Historic religious systems have an important function in terms of attempting to develop religious ideologies of social change. The development and institutionalization of the perception of the basic tension between the transcendental and the mundane were closely linked to the emergence of a new social elite in Iran, namely the Shi'i 'Olama. This process of institutionalization turned the new scholar class into relatively autonomous partners in the major ruling coalitions. In Shi'i Islam the institutionalization of clerical authority was directly related to the belief in the return of the Mahdī by means of the doctrine of occultation of the twelfth Imam.² The importance of this argument from the point of view of later developments is that the doctrine of occultation made the activation of the utopian potential of transcendence a recurrent possibility while it made clerical authority a reality. The institutionalization of the norm of the juristic authority of the 'Olama enhanced by the evolution of the juristic norm of authority throughout the nineteenth century resulted in the independence of the hierocaracy from the state.

The establishment of Shi'ism thus transformed the societal structure of domination in Iran, as can be seen from the distinctive pattern of development of Shi'i 'Olamā from the time of the Greater Occultation until the period under study. After the Greater Occultation until the establishment of the Safavid dynasty the Shi'i 'Olamā were a distinct social group but did not constitute a recognized institution, a hierocracy. The Safavid period marks the transition of the 'Olamā from a distinct social group to a hierocracy. The eventual consolidation of the Shi'i 'Olamā as a 'church' occurred in the nineteenth century. In Chapter Two, it was effectively argued that the Weberian term 'church' can loosely but accurately be applied to the 'Olamā during the Qājār period. Church systems are more affected by the institutional separation of religion and polity (church-state separation) and the denial of the religious identity of the polity (non-recognition of a state religion or religious character of the state). In church religiopolitical systems there are powerful ties between ecclesiastical and political structures, and church-state separation

¹ Weber (1968), p. 1175.

² Arjomand (1993), p. 59.

constitutes a fundamental break with tradition. Reżā Šāh ascended the throne in a country where the ties between ecclesiastical and political structures had already taken firm roots. His policy of centralization was the antithesis to this dual power structure of authority. Reżā Šāh was thus faced with a rival power structure and made every effort to ensure its displacement. Consequently the 'Olamā were irreconcilably alienated and 'disembedded' from the Pahlavī State.

Reżā Šāh 'was neither antagonistic nor unbeholden to the Shi'i 'Olamā for his accession to the throne. However, he simply saw no conflict between modernization and the precepts of Islam.'3 The 'Olama, on the other hand viewed the modernization policies of Reżā Šāh as contradictory to the tenets of Islam and a direct attack on their power and prestige. The 'Olama were unwilling to accept these policies of Reża Šāh but were often forced to compromise. 'The history of all churches demonstrates that even the most powerful hierocracy is continuously forced to compromise with the economic and political realities'.4 These policies of Reżā Šāh were directed at curbing the political power and level of interference of the 'Olama in matters of government rather than an attack on their spiritual and religious role. This may help to explain partly his close relationship with Šeīk 'Abdol-Karīm Ĥā'erī and his tolerance of the Ĥowzeh 'Elmīyeh Oom. Šeīk 'Abdol-Karīm's abstinence from any political involvement, his insistence on the scholarly, religious and spiritual role of the 'Olama combined with his lofty social standing and high moral integrity made him the ideal ally for Reżā Šāh against the politically-oriented 'Olamā. It can be said that Reżā Šāh was not anti Islam per se, but rather anti 'powersharing'. He is often quoted as saying 'In this country, there can be only one king, and that is me!'5

The regime's reform of previously 'Olamā-controlled institutions was carried out mainly for its own political purposes. However, these bourgeois reforms did not fundamentally change the fabric of Iranian society or the structure of social relations. For all this change Iran remained an Islamic state, secular in part but nevertheless preserving the one vital link that connects state and society to God: the Šarī'ah. The Šarī'ah maintained its theoretical and social primacy. Although the Šarī'ah was changed in a drastic manner and the sources from which legal principles can be drawn were expanded

³ Amuzegar (1991), p. 121.

⁴ Weber (1968), p. 1174.

⁵ Ĥā'erī Yazdī, Unpublished Memoirs, p. 47.

beyond its boundaries, this did not repudiate the theoretical or social ascendancy of the Šarī'ah. Scholars have generally considered the secularization of Islamic law to have been almost completed during the Reżā Šāh period and point to the changes in the personal status codes as the final destruction of the Šarī'ah. Yet the crucial theoretical link between the state and sacred law remained in tact. Although reform removed education and law from the jurisdiction of the 'Olamā to that of the state, however, the 'Olamā still enjoyed the sole monopoly over interpretation of the Šarī'ah and continued to argue that Šarī principles must govern the 'Ommah. Governmental policies and ideological pronouncements can not be equated with 'actual' socioeconomic and political changes. The economic and administrative changes only partly altered the life and organization of Iranian society. The traditional family, the traditional value system and behavior patterns, and religious community remained almost intact.

During the Reżā Šāh period the modernization of the state did entail drastic decline of the institutional prerogatives and social power of the hierocracy. However, it did not diminish the legitimacy of the exclusive hierocratic authority of the 'Olama, which assured the continued financial independence of the hierocracy from the state. The institutionalization of the autonomy of the Shi'i hierocracy during the late eighteenth and nineteenth centuries assured its survival despite inexorable pressure from the state in the twentieth century. The Shi'i hierocracy not only survived but withstood the challenges of the Pahlavī state and triumphed with virtually exclusive control over religious learning and over authoritative interpretation of Shi'i Islam. The loss of judicial and educational functions and the loss of control of religious endowments and land ownership seriously undermined the hierocarcy. But these developments also had another important consequence: the differentiation and separation of religious and political powers became complete. Irrespective of the erosion of clerical control over education, the major defeat of the hierocracy in the legal sphere and the establishment of centralized supervision over religious endowments, the Ĥowzeh 'Elmīyeh maintained the independence of religious institutions of learning from the state. This independence was sustained by the one source of income that was inevitably immune from state encroachment: the voluntary payment of religious taxes to the 'Olama as 'vicegerents of the Hidden Imam'. The other aspect of the traditional role of the 'Olama which survived and was in fact strengthened was their role as 'the refuge from the oppression of tyrants and governmental officials'. This was one of the reasons for the continued influence, importance, and popularity of the 'Olamā. Although many of their public and political functions were removed from them this did not reduce the importance of the *Marĵa' Taqlīd* or the 'Olamā-ye Ma'navī⁶ or the extent of their power and influence over the lives of many Iranians.

The revival of the Howzeh 'Elmīyeh Qom as the centre of Shi'i studies meant that the Iranian government could exercise greater control over the school, as it was within the geographical boundaries of Iran and under the jurisdiction of the government. Moreover, the Howzeh 'Elmīyeh Qom came to represent the centre of orthodoxy, if the Howzeh did not protest against the policies of the government it meant that Shi'i orthodoxy had no objections. This, however, did not stop individual clerics from voicing their opinions or leading local uprisings. These individual cases remained usually at a local level as isolated incidents and did not take on the form of national protest. The importance of Šeīk 'Abdol-Karīm Ĥā'erī's general stance of non-political involvement and his role as the founder of the school and a first-rank Moîtahed in pacifying potential mass movements cannot be overstated. It may be argued that Reżā Šāh endeavoured to revert Iran to 'Caesaropapism' but Qom achieved the status of an alternative political centre and a potential challenge to the state. Reżā Šāh strove to legitimize the basis of his rule by partaking in the charisma of the great kings of Persia and its pre-Islamic past. However, during his coronation there were numerous members of the 'Olama present, which indicates that the forces of hierocracy were still influential in the endowment of legitimacy. Furthermore, Reżā Šāh did not alter the Fundamental Law, which defines the Šāh as 'defender of the faith', nor did he change the amendment whereby five members of the 'Olama presided over the Maîles in a supervisory role.

Finally, the reduction of power and the disengagement of the 'Olamā from the Pahlavī regime contributed to their solidarity as a tightly knit status group in control of autonomous religious institutions, particularly the Ĥowzeh 'Elmīyeh Qom, and aided their survival and success. The Pahlavī regime's attempts at the separation of religion from politics or the disengagement of religion from political society did not mean, however,

⁶ Dūlatābadī makes an important distinction between 'worldly 'Olamā', Donyavī, and 'spiritual 'Olamā', Ma'navī or Ahle Manā. He describes the 'worldly 'Olamā', as 'those whose quest for worldly domination, Rīyāsat Ma'-ābī, outweighs their religious aspects, who intermingle with state functionaries, hold religious court and gain large fortunes. He describes the 'spiritual 'Olamā', as 'those who have no relations with state functionaries, who do not interfere in the administration of the law and avoid worldly luxuries.' Dūlatābadī (1371 SH/1992), pp. 50-54 & 134.

that religion became necessarily privatized or that it no longer played a public role. It only meant that the public locus of religion was no longer the state or political society, but rather civil society. In the traditional religio-political system, political participation was limited to a small number of individuals, whereas religious participation was on a mass scale, irrespective of periodical outbreaks of anti-clericalism. The anti-clerical policies of the Pahlavī regime, the newly found locus of religion, and mass participation in religion enabled the Shi'i hierocracy to politicize the sacred symbols of religion, and find in these sacred symbols the bases of social support. In this sense religion contributed to the process of mass politicization by providing sacred symbols that acquired political significance. The Shi'i hierocracy found in these sacred symbols an important key to mass support and mobilization, a key that their secular rivals in the struggle for power had denied themselves.

What Do the 'Olamā Say About Themselves?

As an introduction to our discussion of the role and position of the 'Olamā within Iranian society towards the end of the Qajar period and during the Pahlavī period, it may be helpful to present some of the accounts of the 'Olamā concerning themselves. The following three accounts by Ĥojjatol-Īslām Moĥammad Rażī, Ĥojjatol-Islam 'Alī Davānī, and Ayatollāh Ṭāleqānī will be considered:

Ĥoĵĵatol-Islam Moĥammad Rażī

'During the reign of the previous Šāh [Reżā Šāh], which coincided with the time of Seik 'Abdol-Karim Ha'eri, the faithful followers of the Household of the Prophet [the 'Olama] were downtrodden, oppressed and deemed worthless. In the Islamic country of Iran, Jews, Christians, and Zoroastrians were honoured and respected but the 'Olama, men of God, men of knowledge, Tollāb, and all turban wearers were disdained, dishonoured and disrespected. That infidel [Reżā Šāh] had managed to penetrate his poison and apostatic propaganda into the common psyche of the people. This was to such an extent that the very people who used to kiss the hand of their 'Olama and take the water with which they [the 'Olama] performed their ablautions as blessed and for a cure, turned against them and cursed and scorned them. This hatred was such that people would rather deal with atheists and infidels than with the 'Olama. People would not enter into commercial or social interaction with the 'Olama There was not even one bus or taxi driver who would deal if not in an Islamic manner, but at least humanly with the leaders of society, the men of knowledge, the men of Islam, the courageous soldiers of the

Twelfth Imam, and the propagators of the Qoran ['Olama]. The sentence 'do not let an $\bar{A}k\bar{u}nd$ ' get into your car for you will get a puncture', was the utterance of every driver, his apprentice, every merchant, and $B\bar{a}z\bar{a}r\bar{\imath}$. It is still not forgotten by the people! If out of 25 passengers on a bus, 24 were Bahai, Jewish, Christian, Zoroastrian and Materialist and one was a member of the 'Olama, Seyyed 9 or non-Seyyed, $\hat{H}o\hat{\jmath}\hat{\jmath}atol$ -Islam or Ayatollāh and if the bus had an accident or a puncture the other passengers would immediately say that this calamity is brought upon us by the curse 10 of this $\bar{A}k\bar{u}nd$!'

Ĥoĵĵatol-Islam 'Alī Davānī

'[During the Reżā Šāh period] People neglected the 'Olamā and had a negative and disapproving attitude towards them. To prove my point I shall quote a section from Ĥāĵ Āqā Rūĥollāh Mūṣtafavī's [Ķomeynī] the leader of the Islamic Republic's book. 12 "The 'Olamā, from the advent of Reżā Ķān's reign realized that his rule was against the interests of the country, and did everything in their power both overtly and covertly, to reveal to the people the evil conduct of Reżā Šāh. However, they [Reżā Šāh and his government] had managed to reduce the status of the 'Olamā among the general public to such an extent that even public transport drivers refused to allow members of the 'Olamā to board their vehicles. Whenever misfortune befell the vehicle it would always be blamed on the Akūnd! I [Ķomeynī] was a witness to this myself. One day I was on a bus and it ran out of petrol, the driver turned around to face me and while pointing at me told the other passengers: 'it is because of the cursed presence of this Akūnd that we have ran out of petrol!'..." '13

Ayatollāh Ţāleqānī

[In regard to people's indifference towards religion, Ṭāleqānī gives the following explanation.] 'Europe was drenched in darkness under the yoke of the church. Europe was illuminated by the Dawn of the East and the enlightening rays of light of the principles of freedom... From there on it began to progress. However, in the East charlatans and thieves put on the robes of religion. They contaminated the civil, legal and political principles of Islam and enslaved the people. It was after this that the regression of the Islamic world began... The degeneration of Islam continued until a hundred years ago. It was during the Tobacco incidence of 1306/1889 that the late Ayatollāh Šīrāzī's Ĥokm awakened the people.' [In relation to the demise of the position and prestige of the 'Olamā in Iranian society Ṭāleqānī provides the following analysis] 'Some lightheaded people, returning from

⁷ Colloquial term for cleric. Please see glossary.

⁸ The commercial class and the bazaar were the traditional stronghold of the 'Olama.

⁹ Descendant from the Prophet.

¹⁰ It was commonly believed that allowing an Āķūnd onto a public vehicle will bring bad luck for the rest of the passengers.

¹¹ Rażī (1334 SH/1954), pp. 51-2.

¹² Ķomeynī (1987), as quoted by Davānī (1360 SH/1981), p. 177-8.

¹³ Ibid., p. 9, as quoted by Davānī (1360 SH/1981), p. 177.

Europe, who had become completely alienated from their own culture spread their immoral views amongst the people and published their thoughts in newspapers which had no principles. Britain began a deliberate policy of causing contention and discord amongst the 'Olamā in order to lessen their influence amongst society at large. General hysteria did not allow for great 'Olamā and the leaders of the movement [Constitutional] to sit together and fully discuss their views...'

Yaĥyā Dūlatābadī, although from a diametrically opposed premise, arrives at a similar conclusion as the three above clerics concerning the demise of the position of the 'Olamā. Dūlatābadī confirms that the influence of the Shi'i 'Olamā, which had lasted for more than half a century and had reached its zenith at the time of Ĥāĵ Mīrzā Ĥasan Šīrāzī, went into a steady but rapid decline.

'In Iran with the reduction of the influence of the counterfeit 'Olama, Rowhānī Nemāyān¹⁵ in political affairs, their significance and importance had greatly declined. Even the fate of Ahmad Šāh himself, who was a strong supporter of the 'Olama, remained uncertain. If one imagines that there is still a place for the 'Olama among the people, one is greatly mistaken. Due to the irreligious behavior of these Rowhānī Nemāyān, those around them, their families and relatives, there is no respect left among the masses for the men of the cloth. The period of their influence has expired. This is due to the spread of a new culture, modern schools, increased contact with the outside world, the increase of educated people returning from abroad, better links with the rest of Iran, an increase in the number of intellectuals, and freethinkers. The doors of new knowledge have been opened up to the people and they are no longer fooled by the Rowhānī Nemāyān. People do not have any true sympathy for the 'Olamā and have realized their pretence, materialistic aspirations and this 'worldliness'. Those who are good amongst them have suffered due to the bad behaviour of the rest. The end of the 'Olama is almost certain.'16

Šeīķ 'Abdol-Karīm Ĥā'erī and the Ĥowzeh 'Elmīyeh-e Qom

'Ĥāĵ Šeīķ 'Abdol-Karīm Ĥā'erī Yazdī, the son of Moĥammad Ĵa'far was born in 1863¹⁷ in Mehreh Jerd in Yazd. He had his elementary schooling in Ardakān, one of the towns of the province of Yazd. At the age of 18 he set off for Karabla. He studied for two years in Karbalā with Fāzel Ardakānī (d.1884). He then went to Samereh [Iraq] and studied there for a further 13 years. His general, Ṣaṭĥ, teachers were Āqā Mīrzā Ībrāhīm

¹⁴ Nā'īnī (1334 SH/1955), pp. 74-5.

¹⁵ Dūlatābadī (1371 SH/1992), pp. 50-54 & 134.

¹⁶ Ibid., pp. 289-92.

¹⁷ Bāmdād (1348 SH/1969) confirms the above additional information but disagrees on the date of birth of Šeīk 'Abdol-Karīm Ĥā'erī, which he places at 1859.

Maĥallātī, and Šeīk Fażllollāh Nūrī. His studied Fegh and Oşūl with Seyyed Moĥammad Fešārakī and Mīrzā Moĥammad Taqī Šīrāzī. He continued his outer limits of excellence, Kārej Ālīyeh, 19 with Mīrzā Ĥasan Šīrāzī. After Mīrzā Ĥasan Šīrāzī's death in 1894, Šeīk 'Abdol-Karīm Ĥā'erī continued his studies with Sevyed Moĥammad Fešārakī, Seyyed Īsmā'īl Şadr, Ĥāĵ Mīrzā Ĥoseīn Nūrī, in Najjaf [Iraq]. During his stay in Najjaf he attended the study circle of Seyyed Mohammad Fešārakī and Āgā Āķūnd. Šeīķ 'Abdol-Karīm Hā'erī resided in Najjaf until the death of Seyyed Mohammad Fešārakī in 1898. In 1898, on the invitation of the notables and the 'Olama of Arak, Šeik 'Abdol-Karīm Ĥa'erī returned to Iran and for a while resided in Sultanabad [Arāk] and busied himself with administration of religious affairs. At the beginning of Reżā Šāh's reign he immigrated to Qom and established the theological school there at great financial cost. As a result of Šeīķ 'Abdol-Karīm Ĥā'erī's residence in Qom the city became the centre of clerical activity and power. He revitalized Qom as a centre of learning, which earned him the respect of both the government and the people. Šeīķ 'Abdol-Karīm Ĥā'erī was an Oşūlī Moîtahed but he abstained from any political involvement. In 1936 at the age of 79 he passed away. His father and grandfather were not clerics and he is said to be descended from the royal family of Āl-e Možafar.'20

Moĥammad Taqī Bāfqī, Šeīķ Moĥammad Reżā Šarīʻatmadār Sāvūjī, and other 'Olamā of Qom had insisted that Šeīķ 'Abdol-Karīm Ĥā'erī Yazdī should reside in Qom and establish the Ĥowzeh 'Elmīyeh. At first Šeīķ 'Abdol-Karīm Ĥā'erī Yazdī was apprehensive due to the following reasons: firstly, there was a serious lack of finances; secondly, most theological students were concentrated in Iraq around the various, already well-established centres there; thirdly, he was unsure as to the response of Reżā Šāh to such an initiative and disliked any direct involvement in political and temporal matters. However, the 'Olamā of Qom managed to persuade him to stay and establish the Ĥowzeh 'Elmīyeh. The merchants and the *Bāzār* were encouraged to assist financially towards the establishment of the school. The *Bāzār* was most cooperative as Šeīķ 'Abdol-Karīm Ĥā'erī was greatly esteemed and honoured among the community. As a result of the insistence of the 'Olamā, great popular demand, the cooperation of the *Bāzār* and

¹⁸ In Iraq which was the center of Shi'i theological learning.

¹⁹ The highest qualification in theology.

²⁰ Ĥā'erī Yazdī, Unpublished Memoirs & Memoirs of Morteżā Ĥā'erī Yazdī, the eldest son of Šeík 'Abdol-Karīm Ĥā'erī Yazdī, pp. 6-8, 12, 25, 27-28.

merchants, and Reżā Šāh's respect for the wishes of Šeīķ 'Abdol-Karīm Ĥā'erī, he finally accepted.²¹

The concord of Ĥowzeh 'Elmīyeh Qom with the military regime of Režā Šāh was an important and influential factor in maintaining peace and defusing any attempts by the religious opponents of the government to start mass movements. During the first years of Režā Šāh's reign Īrān faced internal disorder and the future seemed precarious. The establishment of Ĥowzeh 'Elmīyeh Qom was of great importance, particularly as it coincided with a period most often characterized by its secularization tendencies. The role of Šeīķ 'Abdol-Karīm Ĥā'erī was significant as the founder of the Ĥowzeh and a representative of the Shi'i hierocracy. Moreover, it is argued that the Ĥowzeh 'Elmīyeh Qom played a vital role in preventing the spread of communist ideology throughout society.²² For this reason the newly-established theological school in the centre of the country was of significance to both foreign and domestic policies of the state.

Šeīķ 'Abdol-Karīm Ĥā'erī is described by one of his students, Moĥammad Ražī as 'the only flag-bearer of Islam who counteracted the enemy's most brutal attacks against Islam with patience and forbearance and through his equanimity brought the enemy [Režā Šāh] to his knees.'²³ Based on the memoirs of Šeīķ 'Abdol-Karīm Ĥā'erī, however, it does not seem that he himself regarded Režā Šāh as the enemy. There is nothing explicit or implicit which implies this. Concerning the relationship between religion and politics he writes:

'The worlds of piety [religion] and that of politics operate through very different mechanisms. They are separate but interrelated spheres. Harmony must preside over both for the prosperity of the nation. For this to be made possible Irān needs to become strong, united and free of external [foreign] intervention. Threats of Materialism [communism], civil unrest, and banditry must be completely removed. True men of God must be distinguished from the impostors.' [In terms of his perception of his own role as a leading cleric he says the following] 'We must emulate the role model of our Infallible Guides and Masters [the Imāms] as teachers of religious sciences dedicated to the furtherance of wisdom and illumination. It is hoped that through the will of God and the efforts of this most humble servant [Šeīķ 'Abdol-Karīm Ĥā'erī] of the Imām of the Time [12th Imām],

²¹ Ĥā'erī Yazdī, Unpublished Memoirs & Memoirs of Morteżā Ĥā'erī Yazid, pp. 6-8, 12, 25, 27-28. Also Rażī gives similar reasons for the stay of Šeīķ 'Abdol-Karīm Ĥā'erī Yazdī in Qom. Ražī (1334 SH/1954), pp. 21-2.

²² Ibid., pp. 289.

²³ Ibid., pp. 59-60.

Qom shall be revived as the centre of Shi'i learning in the homeland of the lovers of the Household of the Prophet [Īrān].²⁴

The Internal Structure of the Ĥowzeh 'Elmīyeh Qom

The Ĥowzeh consisted of a conglomerate of educational institutions, many of which existed prior to Šeīķ 'Abdol-Karīm Ĥā'erī's arrival in Qom. However, most of the schools were not in use and often derelict. Apart from the structural decay of many of the buildings there was actually very little teaching in Qom, which meant that Iranian theological students had to go abroad - mainly to Iraq - in order to further their advanced theological studies. Under Šeīķ 'Abdol-Karīm Ĥā'erī's leadership, Qom became the seat of Shi'i learning and was revived as a centre of Islamic sciences. The Feyzīyeh School became the focal point of the Ĥowzeh. Prior to its establishment only those students with pecuniary assistance or family connection could attain the ranks of *Īĵtehād*, due to the distance and the financial means needed to go to Iraq. The Ĥowzeh 'Elmīyeh provided opportunities for students from less privileged backgrounds to complete their advanced studies, and this somewhat altered the social background of *Moĵtaheds*.

List of the Schools which were Revived by Šeīķ 'Abdol-Karīm Ĥā'erī

- 1) Madreseh Feyzīyeh consisted of 300 $Toll\bar{a}b^{25}$. This school was revived and a second floor was added to the school by Šeīķ 'Abdol-Karīm Ĥā'erī, which consists of a 100 rooms.²⁶
- 2) Dār Al-Šafā, previously a hospital, was rebuilt as a dormitory for the $Toll\bar{a}b$. The building housed 120 students.
- 3) Madreseh Ķān, situated on the opposite side of the shrine of Ĥażrat Ma'şūmeh and consisted of thirty *Tollāb*.²⁷
- 4) Madreseh Ĥāĵ Mollā Şādeq.
- 5) Madreseh Seyyed Şādeq Rowhānī-Qomī.²⁸
- 6) Madreseh Rażavī situated in the Bāzār of Qom.
- 7) Madreseh Ĵānī-Ķānī.
- 8) Šeīķ 'Abdol-Karīm Ĥā'erī encouraged and promoted the building of two new hospitals: Bīmārestān Fāṭmī and Bīmārestān Sahmīyeh. He is also responsible for the building of the

²⁴ Ĥā'erī Yazdī, Unpublished Memoirs, pp. 50 & 61-4.

²⁵ This school was first established by Fath 'Alī Šāh.

²⁶ Ĥā'erī Yazdī, Unpublished Memoirs, pp. 50-3 and Rażī (1334 SH/1954), p. 72.

²⁷ Ibid., p. 75.

²⁸ Ibid., p. 76.

library of the Madreseh Feyżīyeh, ²⁹ and the cemetery, Qabrestān-e Nū outside of the compounds of the Shrine. ³⁰

The Curriculum at the Ĥowzeh 'Elmīyeh Qom Under the Leadership of Šeīķ 'Abdol-Karīm Ĥā'erī

- 1) Introductory Studies, which consisted of the completion of the following fourteen books: Ketāb Al-Amśaleh, Ketāb Šarīah Al-Amśaleh, Ketāb Sarf-e Mīr, Ketāb Al-Tasrīf, Ketāb 'Avāmel Gorānī, Ketāb Šarĥol Al-'Avāmel, Ketāb Šarĥol Al-Tasrīf, Ketāb 'Avāmel-e Mollā Moĥsen, Ketāb 'Avāmel-e Manžomeh, Ketāb Al-Hedāyeh, Ketāb Ādāb Al- Mote'allemīn, Ketāb Sīyāq-e Moškeleh, Ketāb Al-Kobrā Fel Manţeq and Ketāb Šarĥ-e Al-An-Mozāĵ. These 14 books are known as Jameh ul-Moqdamat or Introductory Texts, and are still studied by the new theological students as a part of their preparatory studies.
- 2) Intermediary studies, which consisted of the completion of the following six books: Makāseb, Kefāyeh, Lommeh, Šarĥol-Lommeh, Derāyeh and Rejāl. These six books were studied after the completion of the 14 preliminary books.
- 3) Advanced studies, which consisted of the following subjects Feqh, Oşūl, Ĥekmat³¹ and Ķāreĵ Makāseb.³² Šeīķ 'Abdol-Karīm Ĥā'erī taught Feqh in the mosque of the Shrine 'Masĵed Bālā Sār' in the morning and Oṣūl in Feyzīyeh in the afternoon.

The Teachers who Taught at the Newly Revived Ĥowzeh 'Elmīyeh Qom

Before the arrival of Šeīķ 'Abdol-Karīm Ĥā'erī in Qom a few of the residing 'Olamā of Qom had a limited number of private classes. The most eminent and well-known of these 'Olamā were: Šeīķ Abu'l Qāsem Kabīr (d.1353/1934), Mīrzā Moĥammad Feyż (d.1370/1950), and Šeīķ Moĥammad Taqī Bāfqī (d.1365/1945) who had come to Qom in 1337/1918. All three 'Olamā taught *Feqh* and *Oṣūl*. They played an efficacious role in persuading Šeīķ 'Abdol-Karīm Ĥā'erī to remain in Qom.

The other 'Olama who taught at the Ĥowzeh after its re-establishment and revival were:

- 1) Seyyed Īsmā'īl Şadr known as Şadr Al-Dīn (d.1373/1953). He had come to Qom in 1349/1930 from Naĵaf and taught *Feqh* and *Oşūl* and was one of the three executors named in Šeīķ 'Abdol-Karīm Ĥā'erī 's will.³³
- 2) Seyyed Moĥammad Taqī Ķ onsārī (d.1371/1951). He had come to Qom in 1337/1909 from Naĵaf. He was a student of Šeīk 'Abdol-Karīm Ĥā'erī and taught Feqh and Oṣūl.

²⁹ Ibid., p. 74.

³⁰ Ibid., pp. 61-2.

³¹ Ĥekmat is usually translated as philosophy/mysticism.

³² Ĥā'erī Yazdī, Unpublished Memoirs, pp. 53-55.

³³ The other two people were Seyyed Moĥammad Ĥojjat and Moĥammad Ĥoseīn Yazdī. Ĥā'erī Yazdī, Unpublished Memoirs, p. 128, additional information by Morteżā Ĥā'erī, the eldest son of Šeīķ 'Abdol-Karīm Ĥā'erī.

- 3) Seyyed Moĥammad Ĥoĵĵat (d.1372/1952). He had come to Qom in 1349/1930 from Naĵaf and taught Intermediary sciences, Şaţĥ, advanced rational Feqh and Oşūl Estedlālī.
- 4) Šeīķ Moĥammad 'Alī Ĥā'erī-Qomī (d.1358/1939). He had come to Qom in 1349/1930 from Naĵaf and taught Feqh and Oṣūl.
- 5) Mīrzā Moĥammad Kabīr (d. -). He had come to Qom in 1338/1919. He was severely hostile to philosophy and *Ĥekmat*, and taught *Feqh* and *Oşūl*.
- 6) Šeīķ Abu'l Qāsem Mollā Karīm (d.1352/1933). He taught *Feqh* and *Oşūl* both before and after Šeīķ 'Abdol-Karīm Ĥā'erī.
- 7) Mīrzā Ĵavād Malekī (d.1343/1924). He had come to Qom in 1329/1911 from Naĵaf and taught Feqh and Oşūl.
- 8) Ĥāĵ Mīrzā Şādeq Tabrīzī (d.1351/1932). He had come to Iran in 1312/1894 from Naĵaf and taught privately.
- 9) Ĥāj Šeīķ Mehdī Ĥakamī Qomī (d.1360/1941). He was close friend and contemporary of Šeīķ 'Abdol-Karīm Ĥā'erī. He came to Qom in 1322/1904 from Naĵaf and taught privately.
- 10) Mīrzā 'Alī Akbar Yazdī (d.1344/1925), who taught Philosophy, and Mysticism.
- 11) Moĥammad 'Alī Šāhābādī (d.1369/1949). He had come to Qom in 1347/1928 and taught *Ĥekmat* and philosophy.
- 12) Seyyed Faķr Al-Dīn Qomī (d.1363/1944), the grandson of Mīrzā Abu'l Qāsem Qomī, the author of Qavānīn, one of the most important and frequently referred books in Feqh and Oṣūl. He taught Feqh and Oṣūl privately. He had performed the ceremonial prayers for Šeīķ 'Abdol-Karīm Ĥā'erī³⁴ funeral.

Political Figures Who Visited Šeīķ 'Abdol-Karīm Ĥā'erī in Qom

- 1) Aĥmad Šāh Qajar officially visited Qom three times, I) In 1921 to congratulate Šeīķ 'Abdol-Karīm Ĥā'erī on the establishment of the Ĥowzeh. II) In 1922 to visit the exiled 'Olamā of Najjaf Nā'īnī and Eşfehānī. III) In 1923 to say goodbye before leaving to Europe.
- 2) Režā Šāh Pahlavī visited Šeīķ 'Abdol-Karīm Ĥā'erī in Qom as Šāh, as Prime Minister and during his post as Minister of War. In 1921 he visited Qom concerning the debate over republicanism, and to visit the exiled 'Olamā of Najjaf. In 1923, during his premiership, he came to say farewell to the 'Olamā before their departure to Iraq. In this meeting he reached a compromise with the 'Olamā in not declaring a republic in Iran. In 1924 in his declaration addressed to all Iranians he confirmed this:

³⁴ Ĥā'erī Yazdī, Unpublished Memoirs and Razī (1334 SH/1954), Vol. 1, pp. 58-69 & pp. 24-26.

'Compatriots! Experience has demonstrated that a government must not oppose public opinion. It is for this reason that the present government has never shown any desire to oppose such opinion. From the first day my personal aim has been to protect the grandeur of Islam, the independence of Iran and the best interests of the nation. Whoever opposes such aims shall be considered an enemy of the country and will be punished severely. The present ideology that is republicanism has created confusion in the country. I myself and all the armed forces of Iran are ready to protect and preserve the glory of Islam. This I consider to be my most important duty. I have always wanted to see the progress and promulgation of Islam and have the highest respect for the honour and prestige of the 'Olama. At the same time when I had the honour to pay my homage to the Innocent Fateme at Qom, I also had the privilege of exchanging ideas with the Proofs of Islam, Hojjajol-Īslām, [Nā'īnī and Esfehānī] and we came to the conclusion that it would be better for the welfare of the country if all efforts to promote a republican form of government were halted. From now on our efforts shall be directed towards reform, strengthening the fundamentals of religion and maintaining the independence of the country. I, therefore, recommend to all patriots to decline from their demands for a republic and to cooperate with me in order for us to reach our higher goals.

Signed: Prime Minster and Commander in chief Reżā.³⁵

After his coronation, Reżā Šāh visited Šeīķ 'Abdol-Karīm Ĥā'erī, both officially and unofficially, on numerous occasions. For example, in 1927 Reżā Šāh visited Qom concerning the disturbances caused by Šeīķ Moĥammad Bāfqī.³⁶

- 3) In 1927 Teīmūrtāš, the Minister of Court, visited Qom in order to hold negotiations with Ĥāĵ Āqā Nūrollāh Eşfehānī over the anti-conscription riots,³⁷ as was discussed previously in the Chapter Five, and will be briefly considered again.
- 4) Moĥsen Şadrol-Ašrāf, the Minister of Justice, went to Qom for a personal visit with Šeīķ 'Abdol-Karīm Ĥā'erī. He wrote the following concerning the meeting:

'I went to visit Hāj Āqā Šeīķ 'Abdol-Karīm in Qom. He was a great man of substance. He accepted me in the inner chamber of the private quarters of his house. I remember that he was so disturbed about the political situation that tears flooded down his face like the falling rain. Then he said, "The British have grabbed hold of the Muslims and Islam by the throat, and they will not let go until they have strangled us!" '38

³⁵ Makkī (1369 SH/1991), pp. 354, 52-1.

³⁶ To be discussed in detail later.

³⁷ Makkī (1369 SH/1991), pp. 402-510.

³⁸ Şadr [Şadrol Ašrāf] (1364 SH/1983), p. 293.

5) Mehdī Farroķ the Minister of Education, visited Šeīķ 'Abdol-Karīm concerning the use of religious endowments for educational purposes. In 1930, Seyyed Mehdī Farroķ, Mo'tasamol Saltaneh, on Reżā Šāh's command, visited Šeīķ 'Abdol-Karīm Ĥā'erī, to discuss what must be done with revenue obtained from religious endowments which did not have specified purposes of expenditure. Farroķ wrote:

'His Majesty declared to me that a law must be passed concerning religious endowments, Awqāf, so that the revenue obtained could be used for establishing modern schools and teacher-training colleges. His Majesty then asked my opinion on the subject. I replied, "At present there is no need for such a law as many of the religious endowments do not have a specified purpose of expenditure, Majhul ul-Masraf, thus we can use this revenue for the purpose of establishing modern schools. However, the revenue obtained from the endowments which have specified purposes of expenditure must be used in the way specified by the donor". His Majesty paused for a moment and then replied, "Farrok! Nūrouz³⁹ is near. You must go to Qom for a pilgrimage and at the same time pay your respects to his Excellency Haj Aqa Ha'eri [Šeik 'Abdol-Karīm] and see whether you can come up with a solution and inform me of the result as soon as possible." I went to see his Excellency Šeīk 'Abdol-Karīm Ĥā'erī, Marĵa' Taglīd, and asked his opinion on the endowment issue. He agreed that the revenue from endowments which do not have stated purpose of expenditure could be used for establishing modern schools. However, those which have a purpose specified by the donor must be used in the way specified, as within the Sarī'ah the wishes of the deceased must be honoured and carried out to the full. I returned to Tehran and reported back to his Majesty and his Majesty accepted and agreed.' 40

6) Seyyed Naşrollāh Taqavī and Seyyed Moĥammad Fāţemī who were both members of the Supreme Judiciary, went to Qom on a personal visit. Šeīķ 'Abdol-Karīm Ĥā'erī sent a message to the Šāh via Seyyed Naşrollāh Taqavī and Seyyed Moĥammad Fāţemī concerning the change in the law of Age of Consent. Rezā Šāh had raised the legal Age of Consent from 9 to 18 for girls from 16 to 18 for boys. Šeīķ 'Abdol-Karīm Ĥā'erī describes this incidence in the following way:

'Ĥāĵ Seyyed Naşrollāh Taqavī and Seyyed Moĥammad Fāţemī, both honoured and high-ranking members of the Ministry of Justice, came to visit me. I sent a message with them for His Majesty [Reżā Šāh] concerning the Age of Consent. I put it to his Majesty that in Islam it is permissible to marry before the age of 18 on the condition that it is accompanied by a medical verdict certifying that the person in question has

³⁹ Iranian New Year.

⁴⁰ Farrok [Mo'taşamol-Salţaneh] (1347 SH/1968), pp. 255-6.

reached full adult development. It was my intention that this should be put in as an extra clause to the legal Age of Consent...'41

Šeīķ 'Abdol-Karīm's suggestion was accepted by Reżā Šāh and his government.

The Exile of the 'Olamā of Iraq

After the First World War [1914-1918], the most renowned and, some argue, influential pro-Constitutionalist among the 'Olamā Šeīķ Moĥammad Ĥoseīn Nā'īnī, a first-rank *Moĵtahed* residing in Iraq, protested against Iraq being placed under British protection. On 17 August 1923 Nā'īnī, accompanied by a number of other high-ranking clerics including Seyyed Abul Ĥasan Eṣfehānī and a few others, was forced to leave Najjaf [Iraq] and go to Iran. The party of exiled 'Olamā stayed the total of eight months in Qom. On 22 April 1924, having accepted the condition not to interfere in the political affairs of Iraq, Nā'īnī and the other 'Olamā returned to Iraq. During his stay in Iran, Nā'īnī had a meeting and close encounters with Reżā Ķān and forged a strong and lasting friendship with him. This led to Nā'īnī's declaration of *Takfīr*⁴² against all those who opposed Reżā Ķān. Nā'īnī was also one of the strongest advocates of Reżā Kahn's claim to the throne. This friendship was to last until Nā'īnī's death in 1936.⁴³

In 1923 Mīrzā Ĥoseīn Nā'īnī and Seyyed Abu'l Ĥasan Eşfehānī, both first-rank Shi'i clerics, and Seyyed 'Alī Šahrestānī, 'Abdol Ĥoseīn Ĥojjat, Moĥammad Ĥoseīn Ĝaravī Eşfehānī, Šeīķ Mehdī Ķālesī, were exiled from Iraq. When the news of their exile reached Aĥmad Šāh he sent his courtiers to the border cities of Ķosrow and Qaşr-e Šīrīn to welcome them into Iran. They were escorted to Qom. A day after their arrival, Aĥmad Šāh and some of his ministers went to visit the exiled 'Olamā. During the eight months of their stay in Qom, Šeīķ 'Abdol-Karīm Ĥā'erī had stopped teaching his classes in their honour and had asked them to take over. These 'Olamā began to teach at the Ĥowzeh during the eight months of their stay. However, Šeīķ 'Abdol-Karīm Ĥā'erī abstained from any involvement in their political affairs. The 'Olamā finally returned to Iraq on the condition that they would not interfere in political matters once back in Iraq. Mālek Fassal sent a special envoy to Iran requesting the return of the 'Olamā to Iraq.

⁴¹ Ĥā'erī Yazdī, Unpublished Memoirs, p. 31.

⁴² Charge of disbelief.

⁴³ Mo'menī (1372 SH/1993), p. 257.

'On their arrival in Baqdād they were met by government officials, and the situation was resolved. Sardār Sepāh sent one of his foremost officers, Sardār Raf 'at, to accompany the 'Olamā back to Iraq. It may have appeared as though he had sent his envoy out of respect for the 'Olamā, however, in reality it was due to his love of religion. Upon his return Sardār Raf 'at brought back a sword in honour of Ĥażrat 'Abbās⁴⁴ from the government of Iraq and the keeper of the shrine of Karbalā. A general invitation was sent out by Sardār Sepāh and in front of thousands of people he ceremoniously placed the sword around his waist... '46

The 'Olama's Attempts Against the Republican Movement

In 1923 Aĥmad Šāh appointed Režā Ķān Prime Minister. The composition of Režā Ķān's cabinet was rather mediocre: four of the ministers were selected purely in settlement of political debts. All four⁴⁷ were members of the socialist faction in parliament who had provided crucial support for Režā Ķān in building up the armed forces and attempts to establish internal security. The single most crucial event during the first six months of Režā Ķān's Premiership was the attempt to abolish the Qajar dynasty and establish a republic with himself as the president. In 1924 a newspaper in Constantinople printed an article favouring the establishment of a republic in Iran. In Iran a Tehran journalist attempt to ascertain Režā Ķān's view of the article but he was non-committal.⁴⁸ Režā Ķān was quoted as saying: 'The progress of a country depends less on their form of government than on the moral of the people. Take Greece and Great Britain both are monarchies, one is decadent and decayed and the other great vibrant and prosperous.'⁴⁹ Režā Ķān's principal advisors, however, encouraged the idea of a republic.

⁴⁴ The brother of Ĥoseīn Ībn 'Alī, the third Īmām and commander of Īmām Ĥoseīn's army in Karbalā. The government of Iraq and the custodian of the shrine of Karbalā where 'Abbās is buried sent the sword in honour of 'Abbās. 'Abbās's spiritual powers of healing and performing miracles are widely believed in the Shi'i world. The sword symbolized that Sardār Sepāh had the support and blessings of 'Abbās.

⁴⁵ Karbalā is where the battle between the Ummayyad Caliph Yazid and Ĥoseīn Ībn 'Alī the third Shi'i Īmām took place. It is the place of 'Abbās's martyrdom and burial.

⁴⁶ Dūlatābadī (1371 SH/1992), pp. 289-94. Concerning the exiled 'Olamā of Iraq, Bahār [Mālekol Šo'arā] (1357 SH/1978), pp. 352-60, provides more or less the same report as Dūlatābadī. Ĥoseīn Makkī, however, has the following additional information; 'In 1340 SH/1921, Nāṣerol Tolū'ī, the deputy custodian of the shrine of 'Abbās, sent a sword for Sardār Sepāh. There was also a gift of clothes specially sent on behalf of the shrine of 'Abbās. When the sword and the clothes reached Tehrān, Sardār Sepāh, in a special military ceremony, put on the clothes and the sword. The following day a group of the 'Olamā, 'ayān, tojjār, and mardome 'ām, gathered in Sardār Sepāh's house to offer him their congratulations.' Makkī (1369 SH/1991), p. 97.

⁴⁷ They were Solieman Mīrzā Eskandarī, Abbol Ĥasan Pīrnīa, 'Amamol Molk Ardalān and Qāsem Sure Esrāfil.

⁴⁸ FO371/10145, Ovey to MacDonald, 1 April 1924.

⁴⁹ FO 371/10144, col. e. t. R. Wickham to Victor Mallet, 25 February 1924.

During the early stages of his Premiership, Reżā Ķān had preferred to stay out of the debate publicly and to make it appear that the idea of a republic was mass-inspired and that he was forced to accept public opinion. After the establishment of a republic in Turkey and the abolition of the caliphate, the complete separation of religion and state was viewed as a threat to clerical power by the Shi'i hierocracy who, until now, had remained quietly disapproving of a republic. However, after the events in Turkey, republicanism became equated with secularism and their disapproval turned to overt hostility. Reżā Ķān knew that he had lost the fight for a republic and consequently, on 1 April 1924, he issued the following declaration:

'The government of any country must not oppose public opinion, which is divided... In Qom I exchanged opinions [with the 'Olamā] and reached the conclusion that the idea of a republic should be dropped...'51

It must be pointed out that the other contributing factor to Reżā Šāh's decision was the fear that the establishment of a republic would bring an even greater risk of disorder among the tribes, 'who at least accorded the monarchy some prestige [and who] would refuse to acknowledge the sovereignty of a president.' It was feared that the tribes would take advantage of the situation and begin separatist movements which would threaten the unity of Iran. As has been pointed out, Reżā Ķān was initially an advocate of a republic while the 'Olamā were, on the whole, staunch monarchists. This was particularly so after the abolition of the Caliphate in Turkey as a republic became synonymous with secularism. The following three events during the end of the reign of Aĥmad Šāh involved the 'Olamā and Reżā Ķān and had a lasting effect, and to some extent came to shape the future relations between the 'Olamā and Reżā Šāh's regime:

In 1923, during the Fifth *Maĵles*, the parliamentary 'Olamā, known as the *Hey'at* '*Elmīyeh*, were headed by Seyyed Ĥasan Moddares⁵³ Eşfehānī. 'In this group both liberal

⁵⁰ FO 371/10145, Ovey to MacDonald, 1 April 1924.

⁵¹ FO 416/74, Ovey to McDonald, 7 April 1924.

⁵² FO 616/68, Norman to Curzon, 1 March 1921.

⁵³ During the early stages of the 1921 coup d'etat, Seyyed Ĥasan Moddares, the leader of the parliamentary 'Olamā, had contemplated staging a coup himself. Sālāre Jang, one the sons of Lady Ozmā in Varāmīn, had gathered some ammunition and a few armed men around himself. They were suppose to have been joined by tribes' people from Eşfehān. Their aim was to capture Tehrān through a coup de tat and seize control. Bahār writes, 'Moddares, told me [Bahār] later on, that during that time, Režā Ķān came to see me [Moddares] and said "I had a meeting with Voṣūq Al-Dowleh, but he did not take much notice of me. I am prepared to work with you and finish this mess, as I am scared, that that if we do not act quickly, Iran might fall to the Bolsheviks."' Moddares's attempts had remained on the whole

and reactionary thinkers could be found. This group was "supposedly" anti Sardār Sepāh. However, the real enemies of Sardār Sepāh were the independent members of Parliament who did not belong to any group or association." Moddares knew that if the issue of establishing a republic were put to a vote, the pro-republic majority would prevail. The only alternative was to delay the parliamentary procedure as long as possible and try to shift public opinion outside parliament. Hence Moddares began his delaying tactics, such as charges of fraud and voting irregularities in election of newly-elected deputies. In retaliation, Tadaáyon questioned the validity of the election of deputies who were close to Moddares. The certificate verifying Moddares's election had also come under suspicion.

Moddares had failed to persuade Sardār Sepāh to convince his supporters to vote positively in favour of the validity of his certificate of verification. Tadaáyon had ordered a walk-out by his supporters. Moddares then argued that the newly-convened *Maĵles* had no mandate from the electorate to amend the Constitution and establish a republic. The debate became even more heated. Consequently, on 17 March, Ĥoseīn Bahrāmī, Eĥyāol-Salţane, one of Sardār Sepāh's supporters, slapped Moddares, 'the force of which knocked Moddares's turban off his head.'55 This incident caused further splits within the pro-republican ranks. This meant that Reżā Ķān's desire to have the issue resolved before the New Year [21 March] was now quite impossible. The news of the assault of Modarres soon spread across the capital and a large mob assembled outside the *Maĵles* expressing anti-republican sentiment. Rezā Ķān had miscalculated the innate conservatism of the people and the power of the 'Olamā over public opinion.

Modarres and the other anti-republican 'Olamā adopted the policy of shifting public opinion outside parliament in order to prevent parliamentary procedure. In 1923 the Republican Committee was set up to promote the aims of republicanism. The committee had planned a programme for the closure of the bazaars of Tehran followed by a demonstration in support of a republic. The anti-republicans had attempted to prevent the closure of the bazaars and a verbal confrontation had broken out between the two factions. Major Moĥammad Ķān Dargāhī had ordered the doors of all the mosques which open onto the bazaar to be closed. Šeīķ Moĥammad Ķālesīzādeh and Šeīķ Ĥoseīn

unfruitful, and Režā Ķān's role in the 1921 coup d'etat has been extensively covered elsewhere, and does not concern us here. Bahār [Mālekol Šo'arā] (1357 SH/1978), p. 61.

⁵⁴ Dūlatābadī (1371 SH/1992), pp. 311-2.

⁵⁵ Ibid., pp. 311-5.

Lankarānī and their supporters had set off for $Masjed \check{Sah}$ as they had done on previous occasion but found the doors closed. They did not attempt to enter, fearing arrest. In order to attract attention and gather a crowd the two clerics proceeded to place their cloaks on the floor in the middle of the bazaar and ordered one of their supporters to recite the call to prayer. Within a few minutes a large group of people had gathered to perform the congregational prayers. The crowd is estimated to have been over 8,000.

Aĥmad Šāh and the Crown Prince had supposedly paid large sums of money to the 'Olamā to distribute among the people to ensure a large enough crowd at the anti-republican demonstrations. After the completion of the prayer Šeīķ Ķālesīzādeh mounted a stool and delivered a highly emotive speech against the idea of a republic, the *Maĵles* and Seyyed Moĥammad Tadaáyon. Šeīķ Ķālesīzādeh asked the people to demonstrate their hatred of republicanism by marching to the *Maĵles*. All the various elements that had gathered signed a petition and each group elected a representative to take their grievances to the *Maĵles*. Šeīķ Ķālesīzādeh, Šeīķ 'Abdol Ĥoseīn Ķarrāzī, and Šeīķ Ĥoseīn Lankarānī led the demonstrators to the *Maĵles*.

The 'Olamā were the leaders of the demonstration. Each member of the 'Olamā entered the *Maĵles* compound mounted on a mule surrounded by their followers. After the demonstrator's arrival, Ķālesīzādeh entered while the *Maĵles* was in the middle of a formal session. Some of the deputies, including Tadaáyon, left their seats in protest at this interruption and a physical fight broke out between some of the deputies and Ķālesīzādeh. It was decided that the demonstrators should nominate a number of representatives and send them back in four days time to discuss their demands with the deputies. The demonstrators thus managed to prevent the *Maĵles* from pursuing normal procedure in formally voting on the question of a republic as had been intended. The idea of a republic was thus nipped in the bud. 59

Four days later on the day that the *Maĵles* was scheduled to vote demonstrators gathered around the *Maĵles* once again. The deputies in favour of a republic sent for Reżā Ķān. He arrived, accompanied by Brigadier General Morteżā Ķān Yazdānpanāh, Brigadier General Ķodāyār Ķān, Major Moĥammad Dargāhī, and a number of soldiers

⁵⁶ Ibid., pp. 311-3 and Davānī (1360 SH/1981), pp. 2, 138-9 & 143-4.

⁵⁷ Dūlatābadī (1371 SH/1992), pp. 358-9.

⁵⁸ Ibid.

who he had placed around the *Maĵles* compound. The crowds were chanting 'Death to Republicanism'. Šeīķ Mehdī Solţān was preaching on the steps to the entrance to the *Maĵles*. Reżā Ķān, on arrival, knocked the Šeīķ down with his staff and ordered his removal. Someone then threw a stone from the crowd, which hit Reżā Ķān on the head. He then ordered the dispersion of the people. Fighting broke out between the soldiers and demonstrators. 'Many were injured, but there were no fatal casualties, apart from Ĥāĵ Āqā Ĵamāl Eṣfehānī's mule!' For this reason, the liberals refer to this incident as the 'the movement of the mule.'

This incident and the actions of Reżā Kān angered the deputy leader of the Maîles, Mo'tamenol-Molk. He asked Reżā Kān to explain what right he had to open fire on the people and added angrily, 'Ensuring the security of the Maîles is my responsibility, not yours!' Sardār Sepāh replied, 'I am the head of the government and ensuring the security of Iran is my responsibility!' The deputy leader responded, 'I will show you now who is in charge!' He then returned to the Maîles and ordered the session to commence and voting to proceed.⁶² The other deputies asked Mošīrod Dowleh to try and calm the situation down. In an attempt to defuse the situation, Mošīrod Dowleh then asked Reżā Kān and Mo'tamenol-Molk to accompany him to the private chambers of the deputy leader. The deputy leader demanded that Reżā Kān should apologize to the 'Olamā and the other representatives. Reżā Kān accepted this condition and apologized to the deputies and the 'Olama adding, 'Now that you do not agree [to a republic], I shall decline from the idea on the condition that the deputies should work out another solution as I cannot work with Aĥmad Šāh any longer....⁶³ The meeting had lasted for about four hours, and it was agreed that Reżā Ķān should refrain from his idea of establishing a republic and altering the Fundamental Law. In return, the deputies of the Maîles should not support Ahmad Šāh.64 This was Režā Šāh's first defeat in the political arena by the 'Olamā. He had learnt the bitter lesson that if the 'Olama united against an issue which they felt was harmful to their interests, they could carry the masses with them. Their power was overwhelming.

⁵⁹ Makkī (1369 SH/1991), pp. 484-89.

⁶⁰ Ibid., pp. 513-4.

⁶¹ Dūlatābadī (1371 SH/1992), p. 360.

⁶² Makkī (1369 SH/1991), pp. 513-4.

⁶³ Ibid., p. 514.

⁶⁴ Dūlatābadī (1371 SH/1992), pp. 360-1.

This experience was to have profound effect on Reżā Šāh's later decisions to curb the power of the clergy.

Seyyed Moĥammad, *Imām Ĵom'eh* of Tehran, known as Seyyed Moĥammad Īmāmzādeh, played a vital role in the following incident. Firstly, a short preliminary biographical explanation concerning Seyyed Moĥammad will be provided. Seyyed Moĥammad Īmām Ĵom'eh, the son of Seyyed Zeīnol 'Abedīn Īmām Ĵom'eh, finished his theological training in Najjaf [Iraq]. He was a student of Mollā Moĥammad Kāžem Ķorāsānī. Like his teacher, Seyyed Moĥammad was a pro-consitiutionalist. Towards the end of 1908, he came to Tehran. In 1908, after the bombardment of the *Maĵles* he joined the ranks of the pro-Consitiutionalists and began to participate actively in politics. He joined the merchants' protests against Moĥammad 'Alī Šāh in support of the Consitiutionalists and accompanied the merchants who had sought refugee, *Bast*, in the Ottoman embassy in Tehran. In 1909, after the capture of Tehran by the pro-Consitiutionalists, he was appointed the *Imām Ĵom'eh* of Tehran, replacing his brother Mīrzā Abu'l Qāsem Īmām Ĵom'e who was a supporter of Moĥammad 'Alī Šāh. Until 1947 he maintained his position as the *Imām Ĵom'eh* of Tehran.

The incident which involved the *Imām Ĵom'eh* of Tehran seems to have been triggered by the high cost and poor quality of bread. Protesters had assembled in front of the central mosque in Tehran, requesting that the *Imām Ĵom'eh* should lead their protest to the *Maĵles*. However, Moĥammad *Imām Ĵom'eh* had been directly but covertly involved in this plot from its outset. He led the march, accompanied by 'other Prayer leaders, *Pīš Namāz*, and *Rowhānī Nemāyān*, from the *Masĵed Šāh* to the *Maĵles*. They [the 'Olamā] will provide the right conditions for their plot at any cost.'66 The police were unable to prevent the advance of the demonstrators as they had been ordered to hold their fire. The news reached the *Maĵles*, which was just about to begin a session. The session soon became a private one and a vote was taken to summon the members of the cabinet. Within minutes, Režā Kān and the rest of the ministers appeared in the *Maĵles*. Režā Kān

⁶⁵ He became a member of the revolutionary court, set up after the victory of the pro-Constitutionalists, which consisted of ten members: Šeīķ Ībrāhīm Zanjānī, Moĥammad the Editor of Nejāt news paper, Ĵa'far Qolī Ķān Baķtīyārī, Naşrollāh Ķān Ķalatbarī, Ĵa'far Qolī Ķān Estānbollī, Abdol-Ĥoseīn Ķān Şaybānī, Abdol-Hamīd Ķān Yamīn Nežām, Moĥammad 'Alī Ķān Mojahead, and Aĥmad 'Alī Ķān Mojahead. The Revolutionary court sentenced a number of people, including Šeīķ Fażllollāh Nūrī, to death. Šeīķ Fażllollāh was hanged in Tehrān in 1327 SH/1909. Bāmdād (1348 SH/1969), pp. 104-218. 66 Ibid., p. 330.

ordered a number of his soldiers to aid the police in preventing the advance of the demonstrators. Before the arrival of the demonstrators the soldiers had completely surrounded the building, forming a security belt. On arrival Reżā Ķān had refused to allow normal procedure to take place, stressing the danger, the number of the demonstrators, and the fact that some of them were carrying hidden arms. He had informed the deputies that the crowd was intent on taking over the *Maŷles*, closing the bazaars, and finally toppling the government. Reżā Ķān had declared that there was no time for further discussion and that the mob would reach the *Maŷles* within the next few minutes and a speedy decision must be taken.

'I [Reżā Ķān] have provided a number of men in order to stop them and prevent them from entering the *Maĵles*. I just want to ask for a vote if the mob should attack and get into a confrontation with the soldiers. Should the soldiers use force or not?' A vote was taken and it was agreed that the demonstrators should be given a choice to go to the adjacent mosque, *Masĵed Sepāh*, and then send their representative to the *Maĵles*. If the demonstrators failed to accept this condition and tried to enter the *Maĵles* by force, the soldiers were permitted to open fire on them. Reżā Ķān then summoned the commander of the central division and ordered him to disperse the crowd adding, 'If they do not comply, then open fire on them.'

The crowd did not accept the condition and tried to enter the *Maĵles* by force. After a few minutes, the soldiers began to open fire. As soon as there were shots fired 'Režā Ķān left the *Maĵles* speedily and gave a secret order to one of his officers and returned. Later, it became clear that the command was to shoot in the air and not at the people and if forced to shoot, then to aim at the feet.' The mob resisted the shooting for a while and some of the demonstrators fired back. After a few failed attempts to enter the *Maĵles* and a number of wounded people, the crowd dispersed. Finally, 'the *Rowĥānī Nemāyān* realized that the firing of the soldiers was with the consent of the *Maĵles*, and realized that their attempt at toppling Sardār Sepāh had failed.'

⁶⁷ Ibid., p. 330.

⁶⁸ Ibid., pp. 331-2.

⁶⁹ Ibid., pp. 331-2.

⁷⁰ Ibid., pp. 332-5.

The Šāh and the Mollā

Šeīķ Moĥammad Taqī Bāfqī was one of the 'Olamā of Qom who had assisted Šeīķ 'Abdol-Karīm Ĥā'erī in the establishment of the Ĥowzeh 'Elmīyeh. On the New Year's Day of 1927, the Queen and her two daughters, Šams and Ašraf Pahlavī, had taken residence in one of the rooms in the upper landing of the 'Hall of Mirrors' of the Shrine of the Innocent Fāṭeme in Qom. 71 It was customary for people from all over Iran to spend New Year's Day at the Shrine in Qom. The ladies were awaiting the countdown to New Year. Šeīķ Moĥammad Bāfqī had thought it inappropriate and infelicitous for the Queen and her daughters to be in the 'Hall of Mirrors.' His discontent led him to incite the people to take action over this incident. News of this affair reached Reżā Šāh. The Šāh set off from Tehran in order to resolve the situation. Bāfqī was severely humiliated, arrested, and later exiled.

There are many different versions of this incident. We will consider three versions.

1) The version of Moĥammad Rażī, a member of the 'Olamā. 2) A newspaper article. 3)

An eye-witness account by the Towlīyat of Qom. It is interesting to see the extent to which these accounts vary. Concerning this incident Moĥammad Ražī writes the following:

'For the New Year, the ladies of the Royal Court, with uncovered faces and hair, had come to the balcony of the 'Hall of Mirrors'. This incident had occurred before the declaration of official unveiling. The religious inhabitants of Qom were outraged by this and had informed Hai Aga [Moĥammad] Bāfqī. Ĥāĵ Āqā Bāfqī was greatly disturbed by the news and sent an immediate message to the ladies of the Court stating: 'If you are Muslims why have you come like this [unveiled]? If you are not Muslims then what are you doing here?" The loud cries of evil doers, corrupt elements, infidels, and satanic people who for a long time were upset with Bāfqī's 'negation of evil and the encouragement of the good' found an opportune moment and told the ladies of the Court that 'this $\bar{A}k\bar{u}nd$ is manipulating the people against you'. The ladies informed the Šāh. The following day the Šāh came to Qom and ordered Teīmūrtāš to bring Bāfqī to him. Teīmūrtāš indecently dragged Ĥāĵ Āqā Bāfqī to the Šāh. Reżā Šāh knocked him down with his boot and severely injured him. The Šāh then ordered Bāfqī to be arrested and sent to Tehran together with Seyyed Abdol-Rasoul Tehrani and a couple of other 'Olama. From there they were exiled to Share Ray. In 1945 Seïk Moĥammad Taqī Bāfqī passed away. His body was taken back to Qom and buried there.'⁷²

⁷¹ Which are not open to the public.

⁷² Rażī (1334 SH/1954), pp. 35-6.

The newspaper *Qīyām Šarq*, published in Iran after September 1941⁷³ reports the following based on an eye-witness account:

'A few hours after dark the sound of an armoured car was heard pulling up by the *Ĥarām* [shrine]. The Šāh seemed furious. He got out of the car holding his staff. He marched toward the shrine, followed by a few officers and some soldiers. Upon entering the 'Hall of Mirrors' the accompanying officers and soldiers began to arrest all the people wearing turbans. The attendant of the Shrine, Kīlīd-dār, who had come to the 'Hall of Mirrors' to welcome the Sah found himself surrounded by the military. He cried out "I am the attendant of the shrine! Please have mercy upon me!" The Šāh, who was fully aware of all that had happened, gave orders to his men to leave the attendant well alone and said: "Bring that Seyyed and that Akund to me!" Field Marshal [Aĥmad] Amīraĥmadī and some other officers began to search. They found the Šeīk [Bāfqī] in Masjed Bālā Sār and dragged him to the Šāh who was in the courtyard of the shrine. The Šāh was now completely outraged, he cried out "Šeīķ!" and used all the 'personal' swear words associated with him. 4 Šeīk Moĥammad Taqī [Bāfqī] was thrown down on his face and the Šāh publicly flogged him with his staff. The Šeīk screamed out "Oh Imam of the Time [12th Imam] save me!"... After his anger had subsided Reżā Šāh let the Šeīk go. He then ordered his men to "Bring that so and so Seyyed to me!" The officers who had given up their search for the Seyyed uttered in sheer terror that, "The Seyyed has disappeared!" The Šāh yelled out "Where is the head of the security forces of Oom?" The head of security who was present, saluted the Šāh and replied, "Your Majesty, plain-clothed police were watching the Seyyed but from the time of Your Majesty's arrival attentions have become scattered and the Seyyed has managed to get away. I am afraid he has disappeared." The Šāh struck the head of the security forces so fiercely that all his teeth fell out and blood gushed forth from his mouth. He ordered the Seik [Bāfqī], the head of the police force and a few others to be arrested and sent to Tehran. It could not have been conceived that the Šāh would behave so disrespectfully towards a member of the 'Olama in the holy city of Qom, in particular, the beating of Šeīk Moĥammad Taqī [Bāfqī]. 75 The actions of Reżā Šāh left a negative and lasting impact on the people. This action of the Šāh had such an impact upon the common people that it could have easily escalated into a rebellion. However, the late Šeīk 'Abdol-Karīm Ĥā'erī, who was a wise Marĵa' [Taqlīd] prevented further agitation and bloodshed. He saved the honour of the 'Olama of Qom by issuing a religious ordinance, *Ĥokm*. ⁷⁶ This *Ĥokm* was like water poured over fire

⁷³ Šahrīvar 1320 SH.

⁷⁴ Reżā Šāh was well known for his use of obscene language when angered.

⁷⁵ Moĥammad Taqī Bāfqī was the treasurer of Šeīķ 'Abdol-Karīm Ĥā'erī. He was in charge of distributing the monthly salary of the theological students and the 'Olamā. Bāfqī also performed the congregational prayers in the absence of Šeīķ 'Abdol-Karīm Ĥā'erī. However, according to Ražī and the Memoirs of Šeīķ 'Abdol-Karīm Ĥā'erī, Seyyed Şadrod-Dīn Şadr, and at times Seyyed Moĥammad Ĥoĵjat Kookehkamarei, performed the congregational prayers in the absence of Šeīķ 'Abdol-Karīm Ĥā'erī. 76 Šeīķ 'Abdol-Karīm Ĥā'erī is reported to have said: 'Do not even mention Šeīķ Moĥammad Taqī Bāfqī's, name in front of me! Ražī (1334 SH/1954), p. 46.

and prevented further uprising protest and rebellion. Šeīķ Moĥammad Bāfqī was imprisoned in Tehran and after a meeting between the Šāh and Šeīķ 'Abdol-Karīm Ĥā'erī Bāfqī was released from prison and transferred to Shahr-eh Rey and placed under house arrest.'

According to Abu'l Fāżl Towlīyat [Mesbāĥol-Towlīyeh] the custodian of the Shrine of the Inoccent Fāţeme and an eye- witness, 78 the reason behind the occurrence is as follows:

'The Royal Ladies and their ladies-in-waiting had come to the Purified Shrine of Her Holiness, $\hat{H}a\dot{z}rat$, ⁷⁹ the Innocent Fāţeme in Qom for the New Year of 1306 SH/1927. For their stay, the room in the upper balcony of the 'Hall of Mirrors' had been allocated and prepared so that the Royal party may pass the first few hours of the New Year in the blessed and holy surroundings of the shrine. A few moments before the start of the New Year, the Royal ladies had replaced their black Čādors with white ones [in the room]. The room had windows, which opened out, into the greater courtyard of the shrine, Şaĥneh Atābakī, and another set of windows which faced the Shrine itself. The ladies must have been seen by some of the people in the courtyard as they changed their Čādors. News of this reached Šeīk Moĥammad Taqī Bāfqī. This was the root of the disturbances. The actual number of protesters was not very many.'⁸⁰

Šeīķ 'Abdol-Karīm Ĥā'erī, concerning the reason why he had abstained from direct involvement in the Bāfqī affair, provides the following explanation:

'Foreigners, Aĵnabī-hā, want nothing more than dissension and discord between the government and the 'Olamā. Iran's internal instability is advantageous to them. We must not fall into such traps. Members of the 'Olamā must not concern themselves with affairs that are beneath their honour and prestige. Our role is to be the Servants of our Infallible Masters [the Imāms] and we must emulate their example at all times.'⁸¹

Uniform Dress Code and the Opposition From the 'Olamā

In 1928, during the 14th session, a Bill was presented to the *Maĵles* concerning the introduction of a Uniform Dress Code throughout Iran and requesting a speedy

⁷⁷ Qīyām Šarq, Makkī (1369 SH/1991), pp. 272-88, gives more or less the same account as above. Solyeman Behboudi, the head of the private offices of the Šāh, writes the following in his Memories: 'The ladies of the court were standing amongst the people in the shrine. The Čādor of Princess Šams, who was not of age [still a child and therefore not required to wear Ĥejāb] slipped off her head and fell on the floor, and the preacher made an incident out of this.' According to Behboudi, this was an excuse for the 'Olamā to cause a disturbance and a scene amongst the people. Mīrza Şāleh (1372 SH/1993), pp. 332-3.

⁷⁸ As cited in Šeīķ 'Abdol-Karīm Ĥā'erī, Unpublished Memoirs, p. 45.

⁷⁹ A respectful from of address.

⁸⁰ The rest of the incident is not too different from the other versions.

⁸¹ Ĥā'erī Yazdī, Unpublished Memoirs, pp. 60-1.

approval. The Bill was discussed immediately and after two sessions it was passed as the following:

Article One:

All Iranian nationals who do not have a particular uniform [such as the military and the police force] are required by law to wear uniform [Western-style] clothing [consisting of] a Pahalvi hat, a coat and waist-coat made out of Iranian cloth.

Article Two:

The following groups are exempt [from the above law]:

Those 'Olamā who have a certificate, *Eĵāzeh*, from an established *Marĵa*' *Taqlīd* [officially recognized by the government] and those who are involved in matters of religion.

Those who are responsible for the conduct of religious affairs in villages, small towns and the provinces, conditional on the fulfilment of all government requirements.

Sunni 'Olamā, *Moftīs*, who have permission, *Ejāzeh*, from two [recognized] *Moftīs* to issue *Fātvās*.

Prayer leaders, $P\bar{\imath}$ Namāz, who have a specific mosque, recognized by the people and at least one Mar $\hat{\jmath}$ a' Taq $\hat{\imath}$ d.

Theological students, *Tollāb*, who have permission from two recognized *Moĵtaheds* to give religious sermons and talks, *Mo 'ezeh*.

Theological students, $Toll\bar{a}b$, of Feqh and $O\bar{s}ul$, who have fulfilled government requirements and have an approved certificate.

Theological teachers of Feqh, $O_S\bar{u}l$, and $\hat{H}ekmate$ $El\bar{a}h\bar{\imath}$ [mysticism/philosophy].

Clerics of other faiths.

Article Three:

Those who do not obey this law, [if they are town dwellers], will be fined between 1 and 5 Toman, or 1 to 7 days' imprisonment. [If they are villagers], they will face 1 to 7 days' imprisonment, pending on the decision of the local court. The local councils, Šahrdārī, will use the revenue obtained from these fines to purchase clothing for the less fortunate and those who can not afford to buy clothes for themselves.

Article Four:

This law will be in effect in the towns and their suburbs from the beginning of 1929. In the villages the law will be put in effect from 1930 and no later than the specified date. The government is responsible for the law and its implementation.⁸²

⁸² Law of Uniformity of Dress (1929), FO 371/13784/E1018/10434 & (1929), FO371/13781/E353/95/34.

This law was passed by the *Maĵles* in 1928 and was supposed to have been fully implemented throughout Iran by 1930. However, it was not fully implemented until the winter of 1934 under Prime Minister Forūĝī who put particular pressure on the 'Olamā. Forūĝī added an additional clause to the above articles. Under this new addition, only those 'Olamā who had a certificate of competence from two *Marĵa' Taqlīd* were entitled to wear clerical robes and turbans. The certificates were to be taken to the Ministry of Culture and Education where their authenticity was to be ascertained. If the Ministry did not approve of the certificate or found it fraudulent, the person in question would be derobed. ⁸³ This law led to a number of protests and disturbances which will be discussed below.

In Šīrāz, Tabrīz and Mašhad, people protested against the introduction of the Uniform Dress Code and the compulsory wearing of the Pahlavī hat. In 1934 the Minister of Culture, 'Alī Asqar Ĥekmat, attended a local celebration in Šīrāz where large number of people from various classes were present. The ceremonial talks were preceded by a show during which a number of young women took off their veils and began to dance. Large sections of the audience left in protest. The following day news of this incident spread all over the town and a large number of people come out in protest. The demonstrators congregated in Masjed Vakīl.84 Seyyed Ĥesāmod-Dīn Fālī, who was a respected and influential member of the 'Olamā of Šīrāz, severely criticized the girls' conduct, condemning it as Satanic and un-Islamic. The bazaars were closed down in protest and the news of the disturbances in Šīrāz reached Tehran. The order for the arrest of Seyyed Ĥesāmod-Dīn was given and he was later arrested and imprisoned. The news of his arrest reached Howzeh 'Elmīyeh Šīrāz, Howzeh 'Elmīyeh Mašhad, and Howzeh 'Elmīyeh Tabrīz. In Tabrīz two Marĵa' Taqlīds, Seyyed Abu'l Ĥasan Angaĵī and Mīrzā Şādeq Āqā Tabrīzī, protested against the Uniform Dress Code, the introduction of the Pahlavī hat, and the arrest of Seyyed Ĥesāmod-Dīn Fālī. Orders were given for their arrest and they were both exiled to Semnan.⁸⁵ After these incidents, the two small Ĥowzeh 'Elmīyehs of Šīrāz and Tabrīz were closed down.

⁸³ Makkī (1369 SH/1991), p. 251, and Vāĥed (1366 SH/1987), pp. 37-8.

⁸⁴ The mosque of Karīm Kān Zand in Šīrāz.

⁸⁵ Makkī (1369 SH/1991), p. 252. In other accounts it is said that they were exiled to Kordestān and then from there to Qom. Rażī (1334 SH/1954), pp. 37-8, & Davānī (1360 SH/1981), p. 156.

The 'Olama of Oom and Mashad were disgruntled by the outcome of events. They viewed the Uniform Dress Code as a direct attack on themselves and on Islam. There were murmurs of discontent from the 'Olama throughout the country; however, Šeik 'Abdol-Karīm Ĥā'erī Yazdī remained silent over this issue and did not voice any opinions. 'Šeīk 'Abdol-Karīm Ĥā'erī was a man of discernment and he closed the doors on to himself and kept silent over this. Because of the power of the government and the close proximity of Qom to Tehran the murmurs soon died down.'86 However, in Mašhad the 'Olamā, in particular Ĥoseīn Ṭabātabā'ī Qomī, 87 were especially opposed to this law and demanded its nullification. Qomī had sent a telegraph to the Šāh stating his objections but had not received a reply. Qomī came to Šahr-e Rey⁸⁸ in order to have an audience with the Šāh and discuss his grievances. On arrival, Qomī was placed under house-arrest. The police were given secret orders to make sure that Qomī had no visitors. Once the secret order had leaked people stayed away fearing arrest. Qomī then wrote a letter to the court asking for an audience with the Sāh but did not receive a reply. He spent a few days alone and without purpose and realized that the Šāh would not respond to him. He then requested permission to go to Iraq. However, the protests in Mašhad did not die down.⁸⁹

The government placed great pressure on the 'Olamā to accept the Uniform Dress Code. The *Moĵtaheds* were exempt from this law, which resulted in a flood of forged *Īĵtehād* papers from Iraq into Iran. In Mašhad Šeīķ Bohlūle, during a sermon in the *Masĵed Goharšād*, ⁹⁰ incited people against the wearing of the Pahlavī hat, Uniform Dress Code and the unveiling of women. The order for Bohlūle's arrest was issued by the central government but the gathered crowd had intervened and prevented his arrest. The enforcement of law and order within the premises of the shrine of Īmām Reżā⁹¹ was the

⁸⁶ Şadr [Şadrol Ašrāf] (1364 SH/1983), pp. 302-3.

⁸⁷ He was born 1282/1865 in Qom, his teachers were; Šeīķ Fażllollāh Nūrī, Mīrzā Ĥasan Āštīyānī, Mīrzā Ĥasan Šīrāzī, Āķūnd Mollā Moĥammad Ķorāsānī, Seyyed Moĥammad Kāžemī Yazdī. In 1331 SH/1912 he went to Mašhad and began to teach there. In 1314 SH/1935, when unveiling was made compulsory, he came to Tehrān in protest and stayed for a while in Šahr-e Rey, under house arrest. Then, he immigrated to Iraq with the permission of the government. In 1362 SH/ 1943 he returned to Iran, to Mašhad. In 1365 SH/ 1945, after the death of Seyyed Abu'l Ĥasan Eşfehānī, he became the Marĵa' 'Ām, for a short while. In 1946 he passed away in Najjaf. Bāmdād (1348 SH/1969), p. 91. Šeīķ 'Abdol-Karīm Ĥā'erī writes the following concerning Qomī; 'The late Ĥāĵ Āqā Ĥoseīn Qomī Ṭabātabā'ī was an honest and pious man, and strictly followed all the tenets of the Šarī'ah ...' Unpublished Memoirs, pp. 134-5.

⁸⁸ In close approximity to Tehran and where the Shrine of 'Abdol 'Ažīm is located.

⁸⁹ Şadr [Şadrol Ašrāf] (1364 SH/1983), pp. 303-5.

⁹⁰ Six months after the episode of Masjed Goharšād, compulsory unveiling was introduced, which will be discussed later.

⁹¹ The 8th Shi'i Imam.

duty of the *Nāyeb ul-Touleyyeh* of Mašhad, a layman entrusted by the Šāh with the custody and administration of the large revenues of the shrine at Mašhad, the provincial capital of Ķorāsān. In the afternoon of 10 July, ⁹² Moĥammad Valī Asadī, *Nāyebol-Towlīyeh* of the time, had arrested and imprisoned Šeīķ Bohlūle in the guardhouse of the shrine. However, the crowd had forced their way into the guardhouse and insisted that Šeīķ Bohlūle should deliver a sermon. Meanwhile the police, *sharehbani*, had completely encircled *Masĵed Goharšād*, situated next to the shrine, preventing the entrance of people in or out of the mosque. 'The crowd rushed forward towards the government forces and they began to open fire.'

After a while the security forces stopped firing, as they were unable to prevent the crowd from forcing their way into the mosque. As news reached the surrounding villages, people began to pour into Mašhad armed with sticks and batons. There were a number of 'Olama in the crowd. According to police and military reports Asadī was accused of starting the protest and having direct involvement in the affair. There are various accounts as to the exact role of Asadī in the Masjed Goharšād episode. Some believe that Asadī had encouraged the protest and that the coming of the villagers to Mašhad was a result of Asadī's manipulation. Others believe the opposite to be true, in that Asadī had no hand in that matter whatsoever. According to Sadrol-Ašrāf, Asadī⁹⁴ was aware that the Šāh intended to use force to suppress the protesters. Thus he had taken the 'Olama who had been in the Masjed on the pretence of negotiation to the ceremonial rooms and kept them there until the disturbances died down.95 On 12 July96 1935, acting on orders of the central government, the military forces encircled the mosque, placing machine guns on top of the surrounding buildings and began to open fire onto the crowd. The shooting is said to have lasted for about an hour. The military forces then entered the mosque and 'all those who were alive ran away, the injured and those killed were dumped in ditches which were dug on the outskirts of the city and marshal law was declared. There is no accurate account of the exact number killed." The Ĥowzeh 'Elmīyeh of Tehran, Mašhad, Eşfehān,

^{92 19} Tīr 1314 SH.

⁹³ Şadr [Şadrol Ašrāf] (1364 SH/1983), pp. 325-6.

⁹⁴ It should be noted that Moĥammad Valī Asadī was arrested on the grounds of involvement in the uprisings and was convicted in a court of law and hanged.

⁹⁵ Ibid.

^{96 21} Tīr 1314 SH.

⁹⁷ Şadr [Şadrol Ašrāf] (1364 SH/1983), p. 327.

Tabrīz, and other places were closed down soon after the *Masjed Goharšād* incidence. The only Ĥowzeh 'Elmīyeh which was not closed down was Ĥowzeh 'Elmīyeh Qom.⁹⁸

As mentioned previously, in 1928 the Maîles passed the Law of Uniform Dress, which included the 'Olama. Some uneducated 'Olama, in order to become exempt from this law, managed to obtain forged certificates of *lîtehād* and teaching certificates from first-rank Moĵtaheds in Iraq. The government, therefore, was rather particular about implementing this law in Qom, now the centre of Islamic learning in Iran. The 'Olama and inhabitants of Qom had hoped to receive preferential treatment on the grounds of Šeīk 'Abdol-Karīm Ĥā'erī's close relationship with the Šāh. However, this was not the case. The law of Uniform Dress, the derobing of the 'Olama and the permission for wearing a turban were to be fully implemented in Qom. The 'Olama viewed this as a direct insult upon their autonomy and rights as an institution to regulate themselves. It was felt that Šeik 'Abdol-Karīm Ĥā'erī, as the most important clerical figure in Iran, should oppose this law and its implementation. There was mounting pressure from both the 'Olama and the general public on Šeīk 'Abdol-Karīm Ĥā'erī to send a telegraph to the Šāh. Šeīk 'Abdol-Karīm Ĥā'erī was rather apprehensive about doing so as he felt that protesting would be of no use and would result in even more severe measures. The theological centres of Tabrīz, Šīrāz and Esfehān were closed down soon after the Masjed Goharšād episode and Šeīk 'Abdol-Karīm feared the same fate for the Howzeh 'Elmīyeh Qom. Furthermore, he intensely disliked involvement in political matters. However, due to increasing pressure on 2 June 193599 he was forced to send the following telegraph to the Šāh:

'To His Imperial Majesty,

After sincere and heart-felt prayers... Your Majesty is well aware that to this day, I, your most humble servant, have not involved my self in any affairs of the government. However, I hear now that there have been attempts in carrying out actions which are in direct contradiction with the Ja'farī [Twelver Shi'ism] school of thought and against the laws of Islam. I cannot contain myself any longer. This has caused great concern for me and the generality of Muslims. It is important that your Majesty should put an end to this affair.

Your most humble servant,

⁹⁸ The only Ĥowzeh 'Elmīyeh, who put up a pacifist resistance was Ĥowzeh 'Elmīyeh Qom under the leadership of Ĥāĵ Āqā Šeīķ 'Abdol-Karīm Ĥā'erī. Rażī (1334 SH/1954), p. 114. 99 11 Tīr 1314 SH.

'Abdol-Karīm Ĥā'erī.'100

On 3 June 1935¹⁰¹ the following telegram from the Prime Minister Moĥammad 'Alī Forūĝī was sent to Šeīķ 'Abdol-Karīm Ĥā'erī:

'To His Excellency Ĥāĵ Āqā Šeīķ 'Abdol-Karīm,

The telegraph of Your Excellency was delivered to His Reverent Imperial Majesty, the King of Kings. May all of our lives be sacrificed for him. It was declared in your telegraph that the present conditions are against the holy Šarī'ah and the Ĵa'farī faith. This really surprised and angered the Protector of Love and Affection [Rezā Šāh] in the light of what you already know of him [the fact that Reżā Šāh is not only religious but also a Moghled of Šeīk 'Abdol-Karīm]. His Majesty has ordered the arrest of all those who make such accusations. If the opinion of Your Excellency is based on the nonsense, lies and scandalous rumors, it is surprising that you have been persuaded without further investigations. You have committed an act, which is not worthy of your Excellency's position. It is surprising, given your accuracy of judgment that Your Excellency should think that the Uniform Dress Code is in any way against the holy Šarī'ah. I, your most humble servant who is sincerely devoted to you believe that you should not lose the path which you have chosen and which has met with His Imperial Majesty's favour. Please consider carefully all that is said to you by the common and illiterate people. Please do not act in such a way that the exquisite efforts of His Imperial Majesty for the progress of the government and the people, which is the only vehicle for the advancement of the Superior Truth [of the Ĵa'farī faith], are represented as being against religion. This will result in his Majesty's anger and disapproval. To end, I will say most humbly once again that those who poison the mind of the general public with lies, forgeries, and deception will be punished.

Your most humble Moqalled,

Moĥammad 'Alī Forūĝī.'102

As Your Majesty is aware, I, your most humble servant, have always wanted the progress and eminence of your government, and have considered it the most important of aims. At present, with this in mind, I say the following: the present conditions are against the laws of the holy Šarī'ah, and the Ĵa'farī faith [Twelver Shi'i sm]. This has caused concern for me and the generality of Muslims. Of course, Your Majesty is the supporter and protector of the honour of Islam, and thus it is important that your Majesty puts a stop to this affair. Not only the general population of Iran, but also the entire Muslim world, will be ever thankful for your grace. I hope that your Majesty will put a stop to the worries of this feeble servant and the generality of all Shi'i.

Your most humble servant

The actual text of the telegraph is not included in the Memoirs of Šeīķ 'Abdol-Karīm Ĥā'erī. However, concerning the authenticity of the actual text of the telegraph, according to Mehdī Ĥā'erī Yazdī, Šeīķ 'Abdol-Karīm Ĥā'erī's second son Rażī's version is more accurate.

101 12 Tīr 1314 SH.

¹⁰⁰ Ražī (1334 SH/1954), pp. 146-7. Moĥammad Taqī Falsafī has a slightly varying telegraph in his Memoirs;

^{&#}x27;To his Imperial Majesty the king of kings, May God grant him eternal Rule,

After sincere and heart-felt prayers,

^{&#}x27;Abdol-Karīm Ĥā'erī.' 11 Tīr 1314 SH/2 June 1935.

Falsafi (1376 SH/ 1997), pp. 82-4.

Falsafi writes the following in his memoirs concerning the Law of Uniform Dress:

'It was ordered, even in Qom that the law of Uniform Dress, the derobing of the 'Olama and the certificate for wearing a turban to be implemented. The late Moĥammad Tagī Ešrāgī told me that at the time the people of Qom went to Šeīk 'Abdol-Karīm Ĥā'erī and requested that he should send a telegraph to the Šāh and ask him to order an exemption for the people of Qom. Ĥāĵ Šeīķ told him, "My telegraph will be of no use; Reżā Šāh will not listen and it will not have any effect." As a result of repeated pleas on the part of the people and the refusal of Haj Šeik, some people in Qom accused him of being in favour of the Uniform Dress Code. The Tollab and some of the teachers of the Howzeh 'Elmīyeh Qom were distraught that Haî Šeīk did not telegraph the Šāh. I told him that the conditions are such that you have to either telegraph the Šāh or prepare to be accused of being in favour of his actions. Haî Seik said, "In my opinion, sending a telegraph for this purpose is like throwing oneself into a well. I know that it will be harmful and not helpful." I said although you know this, however, it is absolutely necessary that you send a telegraph. The late Haî Seik played with his beard, as was his habit when thinking, and after a few moments he said, "All right, fetch me some paper and a pen." Haj Seik then dictated a telegraph to me and I wrote it and he signed it. The Šāh failed to honour this great Marĵa' Taqlīd with a personal reply.'103

In the Memoirs of Šeīķ 'Abdol-Karīm Ĥā'erī, none of the above is mentioned. However, he does mention the increasing pressure placed upon him from the people to send a telegraph to the Šāh and his concerns and reservations. He writes:

'The tide of modernism, once started cannot be stopped. Its forces bring both good and evil. Some of its evils are more harmful and harder to bear than others [referring to Compulsory Unveiling]. I personally think that the law concerning the issue of *Eĵāzeh* [certificate of competence] and its approval and recognition by the Ministry of Education is a positive step. It will help to distinguish between real 'Olamā who have competence and knowledge and those who want to take advantage of the cloak. It will put a stop to those who are incompetent and unworthy of the cloak. However, I am obliged to take up the people's grievances with the Šāh. I fear that all this may not amount to much and have adverse and severe consequences. The Šāh is a determined man. We have witnessed the consequences of such impulsive actions, which led to the closures of centres of learning in other parts of the country [the Ĥowzeh 'Elmīyeh of Tabrīz, Šīrāz, Mašhad and Eṣfehān] and brought more harm to Islam and the Muslims than good. We should learn from such lessons.'104

¹⁰² Ĥā'erī Yazdī, Unpublished Memoirs, as attachment. Also Falsafī (1376 SH/ 1997), pp. 82-4.

¹⁰³ Please see Falsafi (1376 SH/ 1997), pp. 81-4.

¹⁰⁴ Ĥā'erī Yazdī, Unpublished Memoirs, p. 181.

Compulsory Unveiling

Compulsory unveiling was not passed as law but became standard government procedure, as it would probably not have been passed through the Maĵles. In autumn 1934 an official pronouncement had prepared the public for unveiled women teachers in schools. The Šāh had declared that all female government employees must attend work unveiled and in Western dress.

'The Šāh summoned the members of government and declared that we have to become Westernized in custom and appearance, and in the first instance all traditional hats must be changed to the "chapeau". In two days' time, when the First Session of the new *Maĵles* begins, everyone must attend wearing a chapeau and must take off their hats on arrival in doors in accordance with Western custom. We also need to start unveiling our women. It will be difficult for the common people to start unveiling their women; ministers, their wives, secretaries, and all female government employees must initiate this trend. One night a week you and your wives [unveiled] must gather in the Īrān club.'

In 1935 Režā Šāh took the initiative in appearing in public with the Queen and his two daughters unveiled. On Thursday, 14 January 1935, the Šāh and his family attended the inauguration ceremony of the newly-founded female teacher training college. 'Alī Asqar Ĥekmat, Minister of Education, describes the background to this incident as follows:

'I went to see His Majesty and he told me, "As I had told you before I want you to organize a meeting in which ladies will be present. I want to rid this country of this wretched custom of covering. I was not completely decided upon this; however, as the result of the incidences in Korāsān [Masjed Goharšād] I am now determined to carry this out. I want you to see to this immediately." During the governmental session of ministers, His Majesty added: "It has been suggested to me by the Minster of Education that I should make a public appearance with my family. I can see that none of you will volunteer to do this [appear in public with their wives unveiled] so I, an old man, have to do it! When will you arrange for such an occasion?" It was decided that the Šāh and his family should make a public appearance at the opening of the teacher-training college and present the graduates with their diplomas. The members of the government, the teaching staff and employees of the college should also attend with their wives [unveiled]. On 14 January 1935 the Sah together with Her Majesty the Queen, and Princess Sams and Asraf attended the ceremony. The ladies were dressed elegantly but modestly. All the female teachers, employees, new graduates, students and the other women stood unveiled in matching

¹⁰⁵ Traditionally in Iran it was considered rude to take off one's headdress in public.

¹⁰⁶ Şadr [Şadrol Ašrāf] (1364 SH/1983), pp. 302-5 & 326-7.

outfits. His Majesty faced the women and said, "Today is no different for me than any other day; however, it seems that it is an auspicious day. The reason for this is that today Irān has entered the international society of civilized countries." 107

In May 1935 the women's Cultural Centre was established and Princess Šams became its patron. The Centre came under severe criticism by the 'Olamā for hosting a parade of schoolgirls in gymslips. On 28 June, the Prime Minster gave an historic tea party at a prominent club in the capital and members of the cabinet and high officials were bidden to arrive accompanied by their wives. Reżā Šāh viewed compulsory unveiling as Iran's passage to the civilized world. This policy, however, met with a lot of resistance in traditional Iranian society, particularly in the provinces. The police were ordered to remove the Čādor from women who appeared in public veiled. I had witnessed on a number of occasions the forceful removal of the Čādor from the heads of women by the police, which was the most appalling sight. The 'Olamā were not the only group who opposed the policy of compulsory unveiling. Many members of the government, notables and dignitaries as well as the general people were against this policy and the brutal way in which it was carried out. However, 'no one dared to oppose this policy openly.' The severe implementation of this policy forced many women not to leave their homes and many girls to be kept back from attending school.

Mokberol Salţaneh Hedāyat, who had served six years as Prime Minister under Reżā Šāh, expressed his views on Compulsory Unveiling in his Memoirs. He writes:

'Foreign hats destroyed our national identity, compulsory unveiling threatened the modesty of our women. The police were ordered to pull the *Čādor* from the head of any woman who dares to appear in public veiled. I heard of many women who did not leave the house for this reason. Many disgraceful opportunists took their wives to dancing halls and left them at the mercy of louts. Women, like freed birds from a cage, went completely overboard with their newfound freedom, baring as much flesh as they possibly could. If it had been the custom in Paris or Berlin to go out completely naked our women would have followed suit!' 111

¹⁰⁷ Quoted form the memoirs of 'Alī Asqar Ĥekmat by Makkī (1369 SH/1991), pp. 258-9.

¹⁰⁸ Tolū'ī (1372 SH/1993), pp. 322-5.

¹⁰⁹ Ibid., p. 323.

¹¹⁰ Ibid., p. 324.

¹¹¹ Hedāyat [Moķberol Salţaneh] (1344 SH/1966), pp. 405-8. Similar views are also expressed by Farroķ [Mo'taşamol-Salţaneh] (1347 SH/1968), pp. 331-3.

It seems somewhat surprising that Šeīķ 'Abdol-Karīm Ĥā'erī remained silent over the issue of Compulsory Unveiling. His silence, however, must not be taken to mean that he was in favour of such a policy. He simply felt that these policies could not be prevented and any attempt to do so would have adverse and serious consequences for the 'Olamā. Concerning unveiling, $B\bar{\imath}h\hat{e}j\bar{a}b\bar{\imath}$, he writes:

'To forcefully change a people's way of life and age-old customs is truly mournful. I am deeply saddened by this late policy of compulsory unveiling, which is not only against the holy tenets of the Šarī'ah but is an outrageous oppression against the people of Īrān. I am so disturbed and burdened by this that I cannot even attend my classes or lead the prayers. It is for this reason that I asked Seyyed Şadrod-Dīn to take my place in leading the congregational prayers. I was ordered in a half-awakened state not to neglect my duty in performing the congregational prayers. Şadrod-Dīn replied that he was unable to accept as he performs the prayers in Masĵed Īmām and also gives sermons there. He suggested that Āqā Ĥojjat [Seyyed Moĥammad Ĥojjat] take his place, as he is a pious, wise and educated man. I accepted. Throughout Ramażān of this year [1315 sh/1936] Ĥojjat has led the prayers. I do not have the strength to face much more of this evil.'113 Two months later, Šeīķ 'Abdol-Karīm Ĥā'erī passed away.

In summing up the effects of the Uniform Dress Code and Compulsory Unveiling on Qom and the Ĥowzeh 'Elmīyeh Qom, Ražī explains:

'During these years and all its evil occurrences, the evil effects of the Uniform Dress Code and Compulsory Unveiling have had the worst effect on Ĥowzeh 'Elmīyeh Qom and Ĥāĵ Āqā Šeīķ 'Abdol-Karīm Ĥā'erī. The implementation of the Uniform Dress Code has had a devastating effect on the theological students. A large number of the students of the Ĥowzeh 'Elmīyeh Qom, who had gathered there for worldly purposes of finding an occupation, have now distanced themselves from the Ĥowzeh. They have become state employees by taking an exam and obtaining a certificate. They have deserted the ranks of religion and the Qorān. Ĥāĵ Āqā Ĥā'erī, given the encumbrance of his endeavour in establishing the Ĥowzeh, the depth of intellectual capacity and social understanding, knew the 'dictator Solţān' [Reżā Šāh] would not yield to the forces of reason and truth. Ĥāĵ Āqā Ĥā'erī knew that Reżā Šāh's claim to complete adherence and obedience and his declaration of being a *Moqalled* of Šeīķ 'Abdol-Karīm Ĥā'erī was nothing but venality and pretense. Ĥāĵ Āqā Ĥā'erī knew that inwardly Reżā

¹¹² Šeīķ 'Abdol-Karīm Ĥā'erī used to lead the prayers in the mosque of the Shrine in Qom known as Masĵed Bālā Sar.

¹¹³ Ĥā'erī Yazdī, Unpublished Memoirs, p. 191.

^{114 &#}x27;My late father had nominated three executors for his will, Āqā Şadr [ol-Dīn] and Āqā Ĥojjat [Seyyed Moĥammad], the third is not mentioned.' Addition to the Memoirs of Ĥā'erī Yazdī by Morteżā Ĥā'erī Yazdī, p. 87.

Šāh was really an enemy and superficially declared his friendship. Thus Hāĵ Āgā Ĥā'erī used this pretence of friendship to his advantage and resumed the method of precaution and silence [concerning the law of Uniform Dress]. Ayatollāh Ĥā'erī had witnessed the exile of the 'Olamā [of Iraq] and waited, he had witnessed the martyrdom of Haj Aqa Nurollah and waited, he had witnessed the exile of Hojjatol-Islam Bafqī and waited, he had witnessed all the insults to his children [Tollāb and 'Olamā] and waited. Now he has to witness the tearing off the robes of Islam from the bodies of Muslims [derobing of the 'Olama and pulling off the veils of modesty and innocence [Cador] from the heads of our virtuous women [unveiling]. They want to uproot Islam in one go, to destroy the Qoran by the orders of their 'sea pirate' masters [the British] and to totally obliterate the proofs of Islam, Hojjatol-Islām. Šeik 'Abdol-Karīm Ĥā'erī realized that the time for patience, forbearance and silence had come to pass and thus he sent a fierce and powerful telegraph to Reżā Šāh. The century in which Šeik 'Abdol-Karīm Ĥā'erī lived was one of the most important Islamic centuries. For whoever other than Šeīk 'Abdol-Karīm Ĥā'erī in Qom and Āqā Seyyed Hasan Esfehānī in Najjaf were the leaders of the 'Olamā and Islam, the blows to Islam and the Qorān would have been far more severe.'116

Hierocratic Challenge or its Pacification? Concluding Remarks

It maybe concluded that the 'Olamā had emerged and functioned as a hierocratic organization. Weber defines a hierocratic organization as an organization which enforces 'its order through psychic coercion by distributing or denying religious benefits (hierocratic coercion). The establishment of the Ĥowzeh 'Elmīyeh Qom helped to reinforce the role of the 'Olamā as a hierocratic organization and it may be argued that the collective body of the 'Olamā functioned as a 'church'. In Weberian terms 'a compulsory hierocratic organization will be called a "church" insofar as its administrative staff claim a monopoly of the legitimate use of hierocratic coercion.' In formulating the concept of a hierocratic organization, it is not possible to use the character of the religious benefits it offers, whether worldly or otherworldly, material or spiritual, as the decisive criterion. What is important is rather the fact that its control over these values can form the basis of a system of spiritual domination over human beings. 'What is most characteristic of a "church", even in the common usage of the term, is the fact it is a rational, compulsory association with continuous operation and that it claims a monopolistic authority. It is

¹¹⁵ He actually died of natural causes according to other sources such as Makkī (1369 SH/1991), pp. 408-9.

¹¹⁶ Rażī (1334 SH/1954), pp. 46-7, 50-1.

¹¹⁷ Weber (1968), p. 54.

normal for a church to strive for complete control on a territorial basis and to attempt to set up the corresponding territorial or parochial organization.' The establishment of the Ĥowzeh 'Elmīyeh Qom within Iran helped to further the territorial and spiritual claims of the 'Olamā, as Iran represented the homeland of Shi'ism and the Ĥowzeh 'Elmīyeh was its commanding centre and symbolic base. 'So far as this takes place, the means by which this claim to monopoly is upheld will vary from case to case.'

While the establishment of the Ĥowzeh 'Elmīyeh Qom helped to reinforce the role of the 'Olama as a hierocratic organization, Reża Šāh's policies in other spheres ensured the demise of 'Olama power in the education, the legal and the political domain. Hence reducing their jurisdiction and only allowing them monopoly over religious affairs as defined by the state. Religious jurisdiction excluded control over affairs previously defined as within the rightful dominion of the 'Olama, such as education and the legal system. The Howzeh 'Elmīyeh Qom had the potential of becoming a centre for resistance and organized defiance, as it did become in later years, but during the Reżā Šāh period it became the means by which the Šāh could exert discipline and control over the religious establishment. 'The history of all churches demonstrates that even the most powerful hierocracy is continuously forced to compromise with the economic and political realities'. 120 Reżā Šāh attempted to rule along caesaropapist lines; however, the Ĥowzeh 'Elmīyeh Qom, once established became the means by which the 'Olamā came to function as a 'church', ensuring the survival of the dual structure of religious (hierocratic) and political (temporal) power, re-emerging in later years as a legitimate challenger. This was a gradual development which did not make itself fully felt until the reign of Mohammad Reżā Šāh.

The anti-clerical policies of the Pahlavī regime, the newly found locus of religion, and mass participation in religion enabled the Shi'i hierocracy to politicize the sacred symbols of religion, and find in these sacred symbols the bases of social support. In this sense religion contributed to the process of mass politicization by providing sacred symbols that acquired political significance. The Shi'i hierocracy found in these sacred symbols an important key to mass support and mobilization, a key that their secular rivals in the struggle for power had denied themselves. The power of sacred symbols to inspire

¹¹⁸ Ibid., p. 56.

¹¹⁹ Ibid.

¹²⁰ Weber (1968), p. 1174.

mass movement and mobilization, through out Iranian history, particularly during the 1979 Revolution, serves as the best testimony to the continuing social power and influence of the 'Olamā.

Conclusion

Many modernizing leaders within the Middle East such as Reżā Šāh and Attaturk sought to fully implement and imitate the Western model of modernization/secularization. This shows the extent and the far-reaching impact of this kind of thinking as a discourse of dominance within a global context. Reżā Šāh modelled himself on Attaturk and his reforms, and the Turkish elite consciously copied the model of secularization and modernization that was presented by Western society. The only alternative model in the first half of the twentieth century was the model of communist development in Russia, but the adaptation of this model was ruled out by the historical geographical threat which Russia presented for Iran. Also British and Russian rivalry in the internal political scene ensured that this model of development was ruled out. There were many elements among Iranian intellectuals who favoured the communist path but they were suppressed. Western vocabularies of motive were adopted in the Middle East because the new elite had been trained in a European tradition, so secularization in Iran was essentially mimetic. The only reason that such models seem to fit Iranian social development at all is because of political imitation of the West and not some intrinsic global value of these theories. However there is a crucial difference between Western and Iranian secularization in that the latter was imposed by political decree rather than emerging necessarily and automatically from economic change.

Throughout his reign Režā Šāh introduced and accomplished many unprecedented policies in Iran, which were achieved at the cost of sacrificing the aims and aspirations of the Constitutional Revolution and fundamentally changing the fabric of Iranian society. However despite the many new institutional innovations, social relations remained very much the same, as economic change occurred at a slower pace than in other areas such as the legal and educational systems. The ongoing debate for Iranian scholars has been whether the achievements of Režā Šāh justified the cost at which these new measures were accomplished, in other words, whether the means justified the end. Whatever the response, it cannot be denied that the Režā Šāh period was the corner stone for what may be termed 'modern' Iran. The 'modernism' of the Režā Šāh period was more far-reaching, profound, and consequential than the measures implemented or even envisaged during the 1960s and 1970s. The period witnessed the most concentrated effort to limit and regulate the power of the 'Olamā, and it may have succeeded further had it not been for the Allies'

invasion and occupation of the country in 1941. The foundations of present-day government structure were laid during the Reżā Šāh period.

The Pahlavī era marked the establishment of a highly differentiated political and social structure. Under Reżā Šāh, Iran became a transitional society, socially and economically as well as politically. Reżā Šāh embarked upon the construction of a comparatively modern state and inaugurated a course of rapid modernization. This process was achieved by reinforcing national unification and by establishing a modern armed force. During 1921-1941, most of the basic institutions needed for the elementary needs of society were established. It has been suggested that Reżā Śāh's twenty-year reign 'was a prolonged revolution, particularly in the light of the dramatic changes that he implemented in Iranian political society.' Although considerable quantitative changes did occur in the bureaucracy and the economic powers of the state increased during the Rezā Šāh period, the basic format of political institution stayed intact. The political system was still composed of an absolutist monarch but with the difference that the Pahlavī monarchy was supported by strong military and bureaucratic institutions. Reżā Šāh attempted to modernize the country's industrial infrastructure and its culture, but his reforms did not extend to the political realm, and the basic political structure remained unaltered. However, the political structure of the Pahlavī regime had a fundamental difference from that of the Qajars, namely the reduction of the influence and power of the 'Olama in the political system. The bureaucracy, the military and the royal court functioned as the primary pillars of the Pahlavī dynasty.

During the reign of Režā Šāh, the institutional separation of religious and political power became virtually complete; however, the internal structure of Iranian society was far slower to change and the influence of the 'Olamā over the masses stayed almost intact. Režā Šāh coveted to limit autonomous ecclesiastic charisma, and make it subordinate to secular power. However, this policy was part of a greater one of reducing all other alternative sources of power, such as the autonomy of Tribal chieftains, for example, and was not specifically directed at the 'Olamā. Centralization was achieved by modernization from above and by institution-building. Režā Šāh sought to implement the power of the central government through establishing a professional standing army, uniform judiciary, the rule of law, uniform secular education, and curbing the power of 'Olamā, tribal

chieftains, major landowners and all other alternative sources of power. These bourgeois reforms did not fundamentally change the fabric of Iranian society or the structure of social relations. Throughout this period, as the power of the central government increased, the political power and influence of the 'Olamā decreased.

It was under Reżā Šāh that secularization became an official government policy and made a profound impact on society. In Iran, the aim of secularization was not to eliminate Islam but to limit its social function as only one source of national cultural and social integration. According to this view, it was necessary to differentiate the social order, releasing Islam from its encasement within the political, legal and education sectors. Furthermore, within the secularization thesis, the secularization of law and education were fundamental requirements of their rationalization that prepared the way for the process of capitalism. The secular control of religious education was not primarily an attempt to eliminate Islam, but rather to sever religion and religious education from traditional values and institutions. The end result was a set of parallel educational institutions, one religious and one secular, mutually antagonistic and revealing the profound intra-elite conflict between the military, the civilian secular elite and the religious hierarchy. With reforms in the legal sphere, Rezā Šāh took institutional secularization to its logical conclusions, namely the removal of the vestiges of power of the Šarī'ah and the 'Olamā. Although the Šarī'ah was severely restricted it still retained considerable normative prestige and influence.

The religious code was the legal basis of family life and therefore exerted its influence in the most influential aspect of everyday life. The impact of Reżā Šāh's reforms was nevertheless profound: they represented a frontal attack on the remaining institutions of the religious order. Reżā Šāh was, however, not content with imitating the West in terms of institutional changes. The mimetic quality of Iranian secularization had to be carried out in detail at a personal level in terms of dress and habit. The modernization of dress was one aspect of the attempt to achieve modernization in detail. It was crucial to this process to change and modernize the appearance of Iranian women with the antiveiling policies of the government. The robe and the turban were restricted to certified 'Olamā and a Western style suit and hat was compulsory for all other civilian classes. It was for this reason that the hat law was passed.

¹ Lenczowski (1980), p. 88.

The assumption that secularism is the consequential result of modernization is theoretically problematic when placed within a historic perspective. Although there is no institutionalized priesthood in Islam, the 'Olama played a crucial and decisive role in the political realm. This informally structured institution acted in such a formalized and collective manner that it may be argued that they constituted a church in the Weberian sense of the word. Shi'i Islam has undoubtedly played a formative role in shaping Iranian culture; Iran's pre-Islamic culture, however, is also of equal importance. The language, mythology, and historic identity of Iran have all to some extent preserved their pre-Islamic past. The interplay of these two forces - Shi'i Islam and the pre-Islamic heritage - has made Iran's reaction to the West extremely complex and also different from that of the rest of the Middle East. Religion has had a notable effect on political behaviour and has significantly transformed Iran's polity. Religion and politics often compete to establish the legitimacy of their authority in a hegemonic way. Thus, to this extent, rivalry between them for the loyalty of the subjects is inevitable. In the words of Max Weber: 'The antagonism of political and magical charisma is primeval.'2 The structural elaboration of religious thought and the development of the 'Olama have been consequential for the development of the political system during the Reżā Šāh period.

In Shi'i Islam there existed a separation of power of the state and authority of the Imām from the death of the Prophet onwards. The Shi'a lived as members of the Islamic community, but with allegiance to the Imām and not to the state. The only legitimate authority was the religious authority of the Imām, the Imām of the time until the Greater Occultation of the Twelfth Imām. The Shi'a believe that the rightful temporal rule of the Imāms was denied to them through the system of caliphate. The only time that the Shi'i ideal was recognized was during the short caliphate of 'Alī (656-d. 661). Thus from the death of the Prophet onwards there existed a separation of temporal and spiritual rule for the Shi'i minority. Twelver Shi'ism developed a distinct doctrine and system of jurisprudence under the leadership of the Fifth Imām, Moĥammadol-Bāqer (d. 733) and the Sixth Imām, Ĵa'farol-Ṣādeq (d. 765). By the ninth century, the Shi'i community was already well established both socially and doctrinally. A vast body of theological and legal literature existed - quoting from the Fifth and the Sixth Imāms, and, to a lesser extent, from Mūsāal-Kāžem - compiled in books and collections by Shi'i scholars, which made

² Weber (1968), p. 1173.

the Shi'i community self-sufficient except in odd cases where a new question arose or reports conflicted or opinions regarding interpretation differed. The Shi'a had managed to avoid the politicization of religion through the doctrine of Imamate until the Greater Occultation. Paradoxically, the Occultation, after many centuries and different circumstances, became the basis for the assertion of the power of the 'Olamā and the politicization of religion. Socio-political circumstances were of great importance in this turn around. From the Greater Occultation (329/940) until the establishment of the Safavid dynasty, in the sixteenth century, the Shi'i 'Olamā were a distinct social group but did not constitute a recognized institution. The Safavid period marks the transition of the 'Olamā from a distinct social group to a hierocracy.

The period of infallible rulers came to an end with the Greater Occultation of the Twelfth Imam who remains alive but hidden, because the universe could not survive without a representative of God on earth, or without him as proof $(\hat{H}o\hat{j}a)$ of God. For the Shi'a, from the time of the Greater Occultation, there existed no direct link to legitimate authority. In time, the 'Olama came to partake of the authority and, to some extent, the charisma of the Imam as his representative, although, according to Shi'i doctrine, after the death of the last agent no-one could claim any privileged position in relation to the Imam. Temporal/political power was devoid of any religious authority preceding the advent of the Hidden Imam. Until such time, all states would be devoid of religious authority. No claims could be made on such authority; only the consensus $(\bar{l}jma)$ of the body of the 'Olama was a guarantee that the community was not acting against the wishes of the Imam. The idea of rulership gradually came to hold an important place amongst the 'Olama. Historically, the 'Olama had come to take on the role of leaders and advisors on religious matters. This privileged role had come to be viewed as synonymous with Islam per se. In Muslim societies, therefore, any change in the traditional lifestyle and the removal of any sphere of activity from clerical influence came under the heading of 'secularization'. Consequently, in practical terms this often meant restricting the power and influence of the 'Olama.

The Safavid period (1501-1722) marked the establishment of the first Shi'i state. For the first time in history the Shi'a were no longer a minority group living among the Sunni majority. In this period, the 'Olamā enjoyed a great deal of influence in the state. Many of the 'Olamā cooperated closely with the Safavid rulers. The interaction and

involvement of the 'Olamā with the Safavid state and the misconceptions regarding the history of Sunni Islam (as discussed earlier) have led many to argue that one cannot talk about a separation of the temporal and spiritual realms within Islamic countries, although it may be argued that historically within the Islamic Empire, due to the all-encompassing nature of Islam and the close association of the 'Olamā and the state, such distinctions are hard to trace. However, from this proposition one can not draw the conclusion that due to the Islamic 'essence' such a separation of the temporal and spiritual is not possible or could not or did not exist.

The basis for the development of the Shi'i 'Olamā as a distinct institution can be said to have occurred during the Safavid period. Safavid rule may best be explained as a 'caesaropapist' rule. Safavid rulers excised supreme authority by virtue of their descendance from the Seventh Shi'i Īmām, Mūsā Ībn Ĵa'far (Al-Kāžem, d. 799). The Safavids 'imported' a number of Shi'i 'Olamā, mainly from Lebanon. These 'Olamā were, on the whole, state functionaries, treated as a branch of the political administration. Throughout Safavid rule, high-ranking clerical position was transformed into 'hereditary family property expropriable as a source of income', power and prestige.

In the subsequent one-and-a-half centuries, the 'Olamā succeeded in establishing monopolistic control over the religious life of the population, monopolizing the authoritative interpretation of doctrine, creating an autonomous administrative apparatus, a tax system and legal forms for the protection of ecclesiastical land-owning. The financial independence of the 'Olamā was a simultaneous development, by means of the authorization of religious taxes as representatives for and on behalf of the Īmām. The concept of the collection of the Īmām's share as a part of the religious taxes of *Koms* was introduced, now collectable by the 'Olamā on 'behalf' of the Īmām. With popularization of the concept of *Taqlīd*, the faithful paid their religious taxes to the *Marĵa Taqlīd*. Also during this period, the religious, judicial and educational institutions fell within the sphere of control of the 'Olamā. By the nineteenth century, Safavid 'Caesaropapism' was replaced by the consistent Twelver Shi'i dualism of politics and hierocratic domination, and consolidation of the Shi'i 'Olamā as a 'church' was complete.

It may be argued that during this period Shi'i hierocracy emerged as a 'church'. The extent of this development was such that, during the Qajar period, the only two legitimate institutions of domination were the state and the 'Olamā. The 'Olamā's power

was further strengthened by the inherent weakness of Qajar administration. Decentralized and ineffective Qajar administration encouraged the continued power and ideological hegemony of the 'Olamā. In the absence of government strength or armed force, the 'Olamā could effectively block attempts at educational, legal, and economic reform. Consequently, by the time Reżā Šāh ascended to the throne in the 1920s, the extent of 'Olamā power and influence was unprecedented. Reżā Šāh sought to limit autonomous ecclesiastic charisma, and make it subordinate to secular power.

The transition of the 'Olamā from a distinct social group to a hierocracy occurred in three distinct but interrelated cycles of development. The formative cycle is the period after the Greater Occultation in the tenth century, when the Shi'i 'Olamā were a distinct group but did not constitute a recognized institution, a hierocracy. The second cycle is the Safavid Period in the sixteenth century, which witnesses the transition of the 'Olamā from a privileged group to a hierocracy. The third cycle, during the Qajar period, marks the consolidation of exclusive religious authority resulting in the emergence of the 'Olamā as a 'church', so that by the 1920s, when Reżā Šāh ascended the throne, the 'Olamā had long-established institutional organization and considerable social power and prestige, particularly in the areas of education and the law.

From Režā Šāh's first entry onto the political scene, which can be said to be in 1299/1921, he dealt severely with his opponents and all those who stood in his way. The 'Olamā were not excluded from this although Režā Šāh 'was neither antagonistic nor unbeholden to the Shi'i 'Olamā for his accession to the throne. However, he simply saw no conflict between modernization and the precepts of Islam.' The 'Olamā, on the other hand, viewed the modernization policies of Režā Šāh as contradictory to the tenets of Islam and a direct attack on their power and prestige. The 'Olamā were unwilling to accept these policies of Režā Šāh but were often forced to compromise. The history of all churches demonstrates that even the most powerful hierocracy is continuously forced to compromise with the economic and political realities'. These policies of Režā Šāh were directed at curbing the political power and level of interference of the 'Olamā in matters of government rather than as an attack on their spiritual and religious role. It can be said that Režā Šāh was not anti-Islam per se, but rather anti 'power-sharing'. He is

³ Amuzegar (1991), p. 121.

⁴ Weber (1968), p. 1174.

often quoted as saying, 'In this country, there can only be one king and that is me!' Reżā Šāh was not able to eliminate completely the social and doctrinal power of the 'Olamā as by this time the 'Olamā had a well-established foundation. 'A fully-developed ecclesiastical hierarchy, with an established body of dogmas and particularly well organized system cannot be uprooted at all.'

⁵ Ĥā'erī Yazdī, Unpublished Memoirs, p. 47.

⁶ Weber (1968), p. 1175.

Appendix I

A Critique of Weber's Sociology of Islam

In Weberian terms, what is 'positively' present in Christianity is 'negatively' absent and lacking in Islam. Islam is posited as the complete negative of Christianity. It is a religion in which rationality does not and could not exist. Raymond Aron describes the method used by Weber in his comparative sociology as the method of 'absence', which is common to most neo-orientalists theories. The absence of rationalization underlies the emergence of social carriers of religious norms in Islam. In Christianity the social carrier was the 'internal journey man', whereas in Islam it was the warrior seeking to conquer the world. Furthermore, Weber maintained that in Islam 'only a few heterodox sects that possessed considerable influence at certain times, displayed a distinct intellectual character.'2 In contrast to Christianity, Islam is a sensual religion, one that had never known the quest for salvation. The spirit of mysticism was consequently neglected by the warrior in favour of wealth, power, and glory. Weber did acknowledge the existence of ascetic sects among Muslims, but he viewed these as periodically effective and fatalistic. Pre-determination, the concept that opened the gate to rationalization in Protestantism, had been transformed in Islam into fatalism that restricted human freedom and became an obstacle in the path of rationalization. The other obstacle in Islam, for Weber, was its dogmatism. God's presence had suffocated human freedom.

Rationalization, according to Weber, is the most crucial factor in any process of change. As Talcott Parsons³ points out, rationalization is the key concept by which cultures define their religious situation and through which sociology of religion must understand such cultural definitions of the situation. *In The Protestant Ethic and the Spirit of Capitalism*, Weber points out that capitalism has existed in various forms of societies - Babylon, ancient Egypt, China, India and medieval Europe. However, it is only in the modern West that capitalism has become associated with the rational organization of labour, routinized calculated administration and continuously - functioning enterprise. Within this analytical framework, Weber treats the development of the modern Western world as the vanguard of a most important general evolutionary trend. Weber never

¹ Aron (1998).

² Weber (1968), p. 512.

³ Weber (1993).

rejected the ideals of progress and evolution, though he clearly departed from evolutionism. He shared in the evolutionist conception of history as gradual progress towards 'rationalization', but rejected its belief in progress. For Weber, modernity contains in its folds a rationalization of all personal and public conduct that is synonymous with bureaucratization, which means nothing more than a pervasive institutionalization of the 'iron cage'. The 'iron cage', according to Weber, is the necessary condition of modernity and can only be resisted by resignation. In rejecting the evolutionist concept of progress, Weber managed to dismantle the connection between rationalization and emancipation that had long been entangled in the political discourse of modernity.

While in Europe feudalism had created the necessary conditions for capitalist development, oriental societies were controlled by social structures that were prone to stagnation and precluded social change. Islamic society, Weber maintained, is characterized by patrimonial domination, which makes political, economic and legal relations unstable and arbitrary, or, in Weber's terminology, 'irrational'. The social structures necessary for the emergence of capitalism are incompatible with 'oriental despotism'. This is why, for Weber, Islam 'stands in extreme opposition to any puritan economic ethic and thoroughly corresponds with feudal conception of status.' It follows that Islamic institutions were incompatible with capitalism because they had been dominated by a long history of patrimonial political structures of domination, which resulted in instability of the mode of production. Within these societies there was no class struggle, no private property, no free cities and no abstract legal structure.

For Weber, Islam consists of a purely hedonistic spirit, especially towards women, luxuries and property. In the Qorān, one perceives no tension between moral consciousness and the imperfection of the world. It follows that no ascetic ethic of world-mastery could emerge in Islam.⁵ Indeed the role played by wealth in Islam 'is dramatically opposed to the role wealth played in the puritan religion.' Therefore no ethics of world mastery could emerge in Islam, and since asceticism was absent in Islam, this explains the absence of rational institutional development in Islamic societies. His analysis of Islamic ethic seems to stand independent of his analysis of the socio-economic structures of Islamic society. At the centre of Weber's view of Islamic society is a contrast between the

⁴ Ibid., p. 236.

⁵ Turner (1974), p. 12.

rational and systematic character of occidental society and the unstable political and economic conditions of the orient. Weber focused on the political, military and economic nature of Islamic society as a patrimonial form of domination. In this way he treated the role of values as secondary and dependent on Islamic social conditions.

Islam, for Weber, was distinct from Judaism and Christianity by virtue of its deficiency in the field of metaphysical rationality. Islam's deviation from Judaeo-Christian monotheism occurred as early as the Prophetic era. Therefore it becomes impossible in Weberian terms to separate Islam's historical deficit from its philological foundations. In Islam, the development of an internal metaphysics had been precluded by the emergence of a 'military aristocracy', while the popular Dervish faith proved utterly lacking in any tendencies towards rationalism. In this respect, the scope Islam allowed for intellectual activity is narrower than that provided by Christianity. Islam, because of its feudal character and anti-rationalism, never possessed the ethical or epistemological conditions that paved the way for modern capitalism.

Weber called the process of metaphysical systematization and intellectualization of religious doctrine, the 'rationalization of religion'. Intellectualization suppresses belief in magic and disenchants the world's processes, which in turn lose their magical significance. They simply 'are' and 'happen' but no longer signify anything. Consequently, a demand grows for the world and the total pattern of life to be subject to an order that is significant and meaningful. For Weber, the role of the Prophet (especially the ethical prophet) is of crucial importance in the shift toward metaphysical rationalization. The rationalization of religion in Weber's reading is equal to the rise of an intellectualization of theology; he clearly stated in the *Protestant Ethic* that the full development of a systematic theology must be credited to Christianity under the influence of Hellenism. It must be pointed out that Islamic theology was also greatly influenced by Hellenic thought, which will be discussed later.

Weber demonstrated a classical orientalist approach in constructing an ontological dualism between an oriental world where despotism and social stagnation reign, and an occidental world which is the homeland of dynamism and democracy. This image of a political stagnation of the orient was not found only in Weber, but also in the works of

⁶ Weber (1993), p. 263.

Marx and Hegel. In fact it is a consistent and re-emerging concept in Western political thought. For Hegel for example, Western political conditions - in its early form in the Greek period and later in Christianity - had encouraged the emergence and development of subjectivity or self-consciousness and reflexivity. In oriental societies, however, the political conditions prevented the growth of individuality and freedom. This dualistic paradigm can be traced back to the Greeks. In the context of the Hellenic-Persian wars, the term 'despotism' was used to describe the political condition of Persia and indeed 'Asiatic societies' as a whole. In Aristotelian terms, Asiatic people, whom he referred to as barbarians, desired despotism by their very political condition, as 'barbarians and slaves by nature (as) one and the same. The Aristotelian conception of 'Asiatic despotism' was not surpassed but rather reinvented and revoked by Western political thought. Weber like those before him, (Montesquieu, Mill, Hegel and de Tocqueville)⁸ divided the world into dynamic and progressive West distinct from a stagnant and despotic East. Weber's analysis of the east is in keeping with the general orientalist tradition that is interested in other societies only in so far as highlighting the absence of institutions from other cultural systems in order to assert the peculiarity and indeed superiority of the modern West.

Weber stressed the peculiarity of the West, referring to its mature rationality, as incorporated in bureaucracy, that it largely owes to its Hellenic tradition. In the Weberian context, the advance of the West in modern times is not a mere product of its various achievements in the present but has its roots in the past. The over-emphasis of the importance of the Hellenic tradition is a myth that haunted not only Weber's work but also other Western political discourse since the Renaissance. Even if one accepts the theory of the maturity of Hellenic rationality, one could not render this intellectual achievement into a homogenous cultural identity called Hellenism, for Hellenism itself is the product of a long history of acculturation. It is indeed impossible to think of Hellenic philosophy without reflecting on its borrowing from and affinity with ancient Egypt, India and China. Furthermore, Perso-Islamic culture was the mediator of the Hellenic tradition to modern Europe. The particular rationality of Greek thought lies in its postulation of 'logos' in opposition to 'mythos'. However, the very logos of Hellenic philosophy is heavily influenced and dominated by Greek mythology. Thus, 'logos' was operative only

⁷ Aristotle (1962).

⁸ Aron (1998).

in so far as it was a 'systematic construction' of 'mythos' in terms of Greek mythology. The peculiarity of Western culture, the bedrock of Max Weber's theories, lies essentially in two factors:

1) The epistemological sophistication of the West, achieved through its highly systematized thought as well as its possession of rational concepts. These derive their roots from Hellenic philosophy that had achieved maturity in the doctrine of Aristotle, and which had later on become incorporated into Christian theology. Weber acknowledged that although other religions too have their own theologians and dogmas they did however not develop such a systematic theology as Western Christianity. Christianity incorporated Greek thought into itself and adopted it to suit the purpose of its dogma. The rational structures of law and administration of Western social structures and institutions. The West saw the accomplishment of the process of rationalization and its incorporation into bureaucracy, where the most fundamental function of everyday life 'came to be in the hands of technically - commercially - and above all legally - trained government officials. For Weber, the process of bureaucratization was the hallmark of rationalization and was unprecedented in all other cultures. It appears that, for Weber, the process by which modern civilization had evolved was virtually identical with the development of calculating bureaucratic organizations. 10 Only in the occident had there been a clear affinity between rational religious ethic and economic rationality. Christianity shaped Western mind and history in the form of intellectual theology and the emergence of free cities. "... these notions fully developed nowhere else in the world, but within Mediterranean culture, particularly in Hellenistic and definitely in Roman law. What is more, the specific qualities of Christianity as an ethical religion of salvation and as personal piety, found their real nature in the urban environment.'11 Christian theology represents an intellectual rationalization of the religious certainty found in salvation; as such it is science-grounded in the specifically unscientific presupposition that a particular supernatural revelation is an event, which has been decisive in ensuring salvation.

2) Hellenic thought, which Weber viewed, as the foundation of Christian rationality, also played a crucial and formative role in Islamic thought. Certain schools of thought in Islam, such as the Asharite, the Mutazilite and many of the great Muslim

⁹ Weber (1976), p. 16.

¹⁰ Keane (1984), p. 31.

philosophers, falasefeh, such as Fārābī, Ībn Sīnā [Avecena], Ībn Baya, Ībn Rušd [Averoes] and others, were greatly influence by the Hellenic heritage. In fact, some Islamic modernists view the 'over-intellectualization' of the Islamic doctrine as the major problem in Islam. Islamic thought, they contend, had exhausted a great deal of its energy in the abstract metaphysical domain, as a result of the influence of the Hellenic heritage which is incompatible with the realistic nature of Islam. Classical speculation was incompatible with the spirit of the Qoran that had directed human thought to Anafos [the self] and Alfā [the world]. According to the Qorān, inner experience is but one source of knowledge, and there are two other sources - nature and history. The criticism of the 'falasfeh' and their Hellenic heritage is not a modern debate. The revolt of renovation, Tajdīd, against classical scholasticism, started with Ĝazālī¹², who heavily criticized the premise of Greek metaphysics, and was fully elaborated by Ibn Tamīya and Ibn Kaldun, the pioneers of reform in the history of Islam. Weberian analysis of Islam seems somewhat limited in its over-emphasis on the role of the Hellenic tradition. It seems simplistic to attach so much importance to an intellectual tradition and to make it a yardstick for understanding the complex and heterogeneous system of belief.

Weber's definition of power is neo-Kantian. Power is obeyed only when men find legitimate reasons for its obedience. Charisma and its legitimization are two important concepts in Weber's analysis of power. Weber viewed charisma as the principal catalyst of movement and change in traditional society. Another factor that determines the evolution of religious ethics is what he terms the 'social carrier of religion', that is 'the laity, whom the Prophets and priests seek to influence in an ethical way.' The transformation of the religious message by the social carriers heralds a process of institutionalization of the spontaneous charismatic force of the Prophet. It becomes objectified in the community of believers created by the Prophet's lay disciples. This process Weber called the 'routinization of religion'. Weber stressed the importance of success as a condition necessary for the maintenance of charismatic authority. Weber seemed to imply that disciples apply utilitarian or materialistic standards to charisma while the charismatic leader himself wants to establish his authority based on a call to duty.

¹¹ Weber (1968), p. 472.

¹² Al-Ghazali (1985).

¹³ Ibid., p. 439.

In Weber's interpretation, Moĥammad's position as a charismatic leader/Prophet followed inevitably and solely from his military and political supremacy. Having recognized Islam as a Prophetic mission, Weber goes on to give a basically economic determinist explanation for its success. According to Weber, the deviation of Islam from a Prophetic ethical religion to a warrior religion was to a great extent due to its early move from Mecca - the commercial urban city - to Medina that was overwhelmed by Bedouin Arab warrior values. As such 'the warrior nobles and indeed feudal powers have generally not become the carriers of rational religious ethics'. For Weber, Islam was simply a warrior religion of a particular social class and its success rested on military conquest. It was in Islam that religious premise became connected with war and material interests. The motive underlying religious commands was not conversion but war. Considering this analysis, Weber asserted that Muslims had neglected the concept of salvation.

Islam, according to Weber, is not a religion of salvation, since it lacks the necessary conditions of 'self-salvation' including the concept of sin. Islam appears different from other Prophetic religions, particularly Christianity and Judaism, in the relationship it constructs between its ethical system and worldly life. Its ethic is feudalorientated, even in its mystical form, towards 'world conquest' and not towards 'world renunciation' as is the case in Christianity. Islam had completely deviated from any methodical control of life by the advent of cults, saints and magic. In the Weberian perspective, Islam is seen as being in utter opposition to ascetic Protestantism, having eliminated the presence of magic and the supernatural quest for salvation. Islam is classified in the general category of other worldly religions of the orient. Islam, as a religion of warriors produced an ethic that was incompatible with the spirit of Capitalism. Thus, Weber ends up connecting the two geographical sides of the East (Far East and Near East) under the typology of an oriental sociology of religion. Although Weber had recognized certain common elements between the great monotheistic religions, he was led though his analysis to a distinction between Judaeo-Christianity and Islam. Islam remained for him a very peculiar case.

In Weber's view, Islam before the migration of the Prophet to Medina was a pure monotheistic doctrine which might have resulted in this worldly asceticism but Islam was

¹⁴ Weber (1968), p. 472.

¹⁵ Whereas Christianity is a religion of salvation.

diverted from this 'transformative' ethic, to employ Eisenstadt's phase, by two social forces:

1) The Bedouin warriors whom Weber claimed transformed Islam into a sensual religion of accommodation and conformity. Warrior religion is not concerned with inner salvation and transformed Islam into a 'national Arab warrior religion'. Adherence to the external form of religion and the rituals and institutions of the community became more important than personal conversion. 'In Islam, religion makes obligatory the violent propagation of the true prophecy which consciously eschews universal conversion and enjoins the subjection of unbelievers under the dominion of a ruling order dedicated to the religious war as one of the basic postulates of its faith without recognizing the salvation of the subjected. For this is obviously no universalistic salvation religion. The practice of coercion poses no problem as God is pleased by the forcible dominion of the faithful over the infidels who are tolerated once they have been subjected.' 16

2) The Sufi brotherhoods who by rejecting the luxuries of Islamic worldliness created an emotional otherworldly religion for the masses. Weber maintains that in Islam the very impressive power of the priesthood was limited by the challenges of Sufi speculation. The warrior groups turned the religious quest for salvation into a territorial adventure while Islamic asceticism became transformed into a military caste. The Sufi brotherhoods introduced magical orgiastic elements into Islam, which watered down its monotheism. ¹⁷ In Islam both the warrior and the Oriental trader regarded the use of luxury and personal adornment as an indication of social status. Puritan ethical motives encouraged capitalist investment, whereas in the Islamic world capital was tied up in personal commodities. Sufism for Weber was a mass religion that satisfied the emotional needs of Islam's conquered subjects. The result was that Islam contained within it an ethic of physical pleasure and an ethic of worldly rejection. Neither the warrior nor the Sufi could produce a set of motives that would fit the needs of rational Capitalism.

A tribal warrior society took over Mohammad's message and refashioned his doctrine to meet their life conditions. It was the needs of the warrior as a status group that determined the Islamic world view. In considering the Arab warrior as the social carrier of Islam, Weber relinquished his own empirical stance of regarding religion as

¹⁶ Weber (1968), p. 594.

¹⁷ Turner (1992).

determining the structure of the Islamic state. Here it would be interesting to provide a summary of Islamic history from a Shi'i perspective, as it seems to be very similar to the Weberian position. The Shi'a maintain that after the death of the Prophet, Islam was diverted from its true path that would have ensured its correct implementation. With the usurpation of the political leadership by Ābū Bakr, Islamic rule was deprived of its esoteric and spiritual dimension and turned into a purely temporal rule. This deviation led to the re-emergence of the old Bedouin and tribal values. As a result Islam was turned into a warrior religion based around conquest and booty. Furthermore, there was an emphasis on the external observations of faith at the expense of inner commitment and personal salvation. The de-sacralization of Islam by the dominance of Sunism left a spiritual void that came to be filled by Sufism at the popular level. Only within Shi'ism was the true essence of Islamic gnosis preserved, safeguarded and elaborated by the lives and the teaching of the Īmāms.

Weber contended that in the occident clans and tribes did not survive the city. The guild and the voluntary religious associations were both substitutes for the tribal organization. The occidental city was pre-conditioned for the emergence of middle class piety; Christianity played a fundamental part in the development of the associations that make up city life. Christianity helped to break tribalism in Europe. It was only in Christian Europe that cities became 'urban communities'. The legal and political autonomy of the cities was fundamentally connected with their military independence. By contrast, oriental cities were characterized by bureaucratic centralization of trade and warfare. The autonomous occidental city, while being stimulated by Christianity, flourished because it was not set within a rigid patrimonial order. In Islam, it was the combination of warrior religiosity with patrimonialism that limited the growth of autonomous cities.

In Europe, it was in the autonomous cities that urban piety, legal autonomy, occupational associations and political investment developed, and Christianity was the social cement that bound and aided this process. Islamic cities never became 'urban communities'. They did not produce a rich life of independent burgher associations and continual intervention of patrimonial control produced a patrimonial monopoly. Islamic cities were aggregates of sub-communities rather than socially-unified communities. Other scholars have viewed the Mediaeval Islamic society as made up of garrison cities in which

Sunni orthodoxy is controlled by the 'Olamā and surrounded by tribalism in which the more heterodox faith of Sufism was triumphant.¹⁸

Weber ascribed a key role in his analysis of the transition of traditional Islam to military recruitment and finance. Weber treated Islamic patrimonialism as an extreme case of political uncertainty and arbitrariness. Occidental feudalism was based on personal fealty to a lord but this relationship was stereotyped in terms of strict regulations of rights and duties. Islamic feudalism was prebendal and impersonal - that is, Islamic feudalism was characterized by benefice rather than fief. Due to the political and economic uncertainty that this brought, the methodical bourgeois style could not develop. The despotism and stagnation of the East may be accounted for by the absence of particular institutions and beliefs.¹⁹

The identification of Islam with the warrior ethic is understandable given the history of the spread of Islam. However, Weber's equation of the Arab warrior ethic with Islam as a religious system demonstrates both a reductionist and simplistic approach to Islam. His reading of Islam seems to have been largely derived from German classical Orientalism and more particularly from his friend Becker.²⁰ Islam is the only great religion on which a special and detailed study is not found in Weber's comparative sociology. His remarks about Islam are therefore less informed than they are about other religions. Furthermore his typology has never been modified to take account of the specific features and various branches of Islam.²¹

The warrior vocabulary of militaristic motives was not the sole motivational language of Islam, although it became the dominant one. Islam contained numerous vocabularies of motive that were both distinctive and conflictual with the warrior vocabulary of militaristic motives. The side that often emphasized by most Western scholars on Islam²² is the commercial vocabulary of motives. Turner,²³ for example, argues that early Islam was a triumph of Meccan merchants and financiers over tribal anarchy. Much of the Qorān contains the language of commerce. Islamic leadership came from the merchant elite of Mecca. Islam contained the morality both of tribal desert

¹⁸ For more details see Gellener (1981).

¹⁹ Turner (1974), pp. 272-273.

²⁰ Hourani (1980), p. 60.

²¹ For more details see Hourani (1980).

²² For example see Watt (1968).

dwellers and of merchants. Turner argues that the counterpart of Weber's one-sided emphasis is Islam as a faith of tradesmen and merchants who were doing well. In fact, Islam with its stern morality and emphasis on law and order and on individual responsibility was well suited to the same sorts of needs as was Calvinism in a smaller area. During the Umayyad period and the first two centuries of Abbasid rule there was a growth of Islamic commercialism, and trade became a very important aspect of the Islamic Empire.

Furthermore, even if one accepts the Weberian typology of the sultanate state as the most arbitrary type of rule, it would still be historically inaccurate to equate the long and complicated political history of Islam exclusively with the sultanate state that was a rather late historical development. Weber's definition of the sultanate state is confined to the Mamluk and Ottoman models of power. Weber shows that with prebendal feudalism and patrimonial bureaucracy the characteristics of the Abbasid, Mamluk and Ottoman dynasties, the prerequisites of rational capitalism could not emerge. The military and economic conditions of Islamic societies were inappropriate for the development of capitalism. To this extent, Weber's study of Islam is historically limited and inaccurate. It demonstrates a deep misunderstanding of the spiritual, doctrinal and ethical principles of Islam.

There are two factual problems with Weber's analysis: firstly, he over-emphasized the role of the warrior group as the social carriers of Islam. In doing so, he rejected the notion of salvation in Islam and equates Arab tribalism with the message of Islam. Secondly, he ignored Qorānic and other Muslim accounts of early Islam. One can criticize Weber for not applying his own methodological principles to his understanding of Islam. In respect to the study of Islam, he in effect ignores some basic principles of his own verstehende sociology. Weber's explanation of early Islam treats the religious content as an epiphenomenon superimposed on secular conquest.

For Weber, Islam had all the characteristics of a distinctively feudal spirit: the unquestioned acceptance of slavery and polygamy, the subjection of women, the essentially ritualistic character of religious obligations, and finally the simplicity of religious requirements and the even greater simplicity of modest ethical requirements.

²³ Turner (1974).

Therefore Weber concluded that Islamic societies had neither the necessary social and economic conditions nor the sufficient conditions of those worldly motivations that he regarded as crucial for rational capitalism.²⁴ Weber's sociology of early Islam is closer to a moral critique and personal dislike and reflects all the ideological prejudices of the eighteenth and nineteenth centuries. Weber's treatment of Western asceticism and Eastern mysticism seems to be viewed as a part of the simplistic nineteenth-century view of the 'spiritual' East and the 'material' West. Weber's view of the capitalist ethic and secularization came to fit the Middle East not because of any intrinsic relationship between industrial society and secular ethics, but because these worldviews were imported by Muslim intellectuals who had accepted a Western interpretation of history.

It may be concluded that Islam was a potential test-case for Weber's thesis on religion and capitalism. In his study of Islam, one can criticize Weber for not applying his own methodological beliefs and for ignoring some basic principles of his own verstehende sociology. Weber's own observations of Islam refer almost exclusively to the traditional Arab location of Islamic culture. Although Weber does not provide a set of issues by which one can study Islam, the framework is empirically open-ended. It is only to this extent that Weberian concepts have been meaningfully applied throughout this thesis.

²⁴ Ibid.

Appendix II

Two Accounts of the Government of Reżā Ķān and the Reign of Reżā Šāh, by Two Key Political Figures

It would be interesting to consider two accounts of the government of Reżā Ķān and the reign of Reżā Šāh, its advantage, disadvantages and consequences for Iran, by two renowned and highly important political figures of the time, Moĥammad Moṣaddeq and Yaĥyā Dūlatābadī. The views of Moĥammad Moṣaddeq deal with the government of Reżā Ķān while Yaĥyā Dūlatābadī 's views deal with the reign of Reżā Šāh. The following is a part of the speech delivered by Moĥammad Moṣaddeq during the Fifth Session of the *Maĵles* in 1304/1925. During this particular session, the abolition of the Qajar dynasty and the crowing of Reżā Šāh were the topics of discussion. Moĥammad Moṣaddeq criticizes Reżā Ķān's government, and opposes the proposal of Reżā Ķān to be crowned king on the following grounds:

[Concerning Reżā Ķān Pahlavī] 'I respect and believe in him... However, what I have to say is not of a personal nature but rather it is based on what I consider to in the best interest of Iran. Reżā Ķān has without a doubt rendered some valuable services to the country, which cannot be denied. The previous conditions of the country are well known to us all. There was no security or protection; if one wanted to travel or if one was a landowner, and owned a village, one had to employ a number of gunmen in order to protect one's property. We all know that since Reżā Ķān has taken control of the government, he has restored safety and security to the country. For the protection of myself, my family, my property, I am in favour of having someone like him in charge of this country. I, like the rest of the population, require security and protection. The revision of the Fundamental Law will have both internal and external repercussions. Its effect and consequences on domestic politics and on international relations must be considered carefully. [In terms of its internal effect] No-one can deny that the Qajar Dynasty is despotic and in need of change. However, today's candidate [for the throne] is the Prime Minster!!!... Let us suppose that the Prime Minster becomes King, can one in the twentieth century claim that in a Constitutional country the king is also the government? If we accept that there should be a change in the Fundamental Law, can the honourable gentlemen of the Maîles who are all educated and wise, truly say that the king of a Constitutional country should have absolute power and be in full control, irrespective

of the Constitution? Are we not then repeating the Qajar pattern and going backwards? If we say that he is King, Prime Minster and absolute ruler, is it not the same as declaring a dictatorship? We say that the Qajars are reactionary and despotic; if the Prime Minster becomes King, are we not regressing to the exact same situation? Today, after twenty years, and much bloodshed, our country wants to regress and become the same as Zanzibar! I doubt that even in Zanzibar the King is also the government. If we assume that he will become King and not be politically responsible, we are then betraying the country, because Reżā Ķān as Prime Minster is effective and can bring about much needed change. In a Constitutional country, it is the Prime Minister who is important and not the King. The only function of the King is to appoint the Prime Minister, contingent upon the vote of confidence of the Maîles, and nothing else! If we presuppose that the Prime Minster becomes King and proceeds to directly interfere in the running of the country, he will act in exactly the same way as he does now, only then he will be King, Prime Minister and Commander-in-Chief of the Armed Forces! If you behead me and cut my body up into a thousand pieces, and if Seyyed Yaghub¹ insults me a thousand times, I will not accept this [Reżā Šāh as king]! I will not accept this as it is in direct contradiction to the interests of the country...²

Yaĥyā Dūlatābadī, a member of parliament and influential political figure, in his Memoirs written in Belgium in 1317/1938, describes the reign of Reżā Šāh in the following manner:

'After Reżā Šāh ascended the throne, civil government was replaced by a military one; the *Maĵles* was nothing more than the mere apparatus for furthering his domestic and foreign policies. To give his policies a lawful appearance, some twenty members of the *Maĵles* whose redundancy would have had adverse consequences were kept in order to pass any policy that the Šāh proposed, in particular in relation to taxation and government expenditure. During this time, not one of the proposed taxation policies and government expenditure which was presented to the *Maĵles* were rejected. The members of the *Maĵles* were, on the whole, appointed and not elected, and reappeared like obedient soldiers in every session. What is of significance to consider is whether it was in the best interests of the country to keep up this semblance of Constitutional law or would it have been better

¹ A Member of Parliament and supporter of Reżā Kān's claim to the throne.

² Makkī (1369 SH/1991), pp. 424-450.

to completely do away with this pretence and openly acknowledge the absolutist nature of Reżā Šāh's rule? Concerning this question there are two varying views; we shall consider both. Firstly, there are those who believe that the existence of the *Maĵles* albeit counterfeit, was beneficial to the country for the following reasons:

Governments and politicians did not fall out of the habit of having to deal with the Maîles, real or fraudulent. Foreign governments had recognized the government of Iran as Constitutional; even if some of these governments realized that the Maĵles was spurious, it was better than doing away with the Majles and Constitution altogether. Furthermore, if these governments realized that the military as an institution was over and above all other institutions in Iran, they would have thought it a necessity of the time, in other words, as a deterrent against the spread of communism, as is the case in Turkey, Germany and Italy. Even the facade of a Maîles enabled beneficial laws pertaining to economic, judicial and municipal affairs to be passed, which were necessary requirements for the country. Moreover, the Maîles was fundamental in amending and reforming previous legislation. Over-all progress, in particular in the sphere of international relations, combined with the increased level of education of the younger generation would eventually bring about an end to despotism. If this occurs, it will be easier to breathe life into the corpse of the Constitution rather than bring about an altogether nationalist government which may result in revolution and bloodshed, in particular given the brutal record of the military. If a revolution occurs, the concentration of military power, which at present is made possible by the person of Reżā Šāh, will be destroyed. Senior officer will fight senior officer for supremacy, which will be most detrimental for the well-being of the country, and may end in civil disarray.

We must not forget that the present military government [of Reżā Šāh] has destroyed the power of the *Rowhānī Nemāyān*, who consider themselves more entitled to people's lives, property, and honour than themselves. The government by its various policies, such as unveiling, has brought women into society and has managed to silence the *Rowhānī Nemāyān*. The *Maĵles* serves as a viable deterrent and an effective defence against these *Rowhānī Nemāyān*. Two-thirds of the blame for the underdevelopment of Iran are on the shoulders of these charlatans and one third is on the shoulders of ineffective and feeble governments. The ineffectiveness of the government reflects the general ignorance of the people as the government is representative of a peoples worth.

One of the articles of the Fundamentals Law is that the *Maĵles* cannot be dissolved. The protection of this article, even at the level of appearance, is better than its negation.

Secondly, there are those who believe that no *Maĵles* is preferable to a fraudulent one for the following reasons: If the government were recognized as authoritarian and despotic, people would rise up in protest and overthrow or change the government. The 'appearance' of a *Maĵles* pacifies people into non-action. If the *Maĵles* did not ratify some of the concessions given to foreigners, these concessions would not have achieved legal status both internally and internationally. Furthermore internally the concessions could be opposed on the ground of their illegality. If such measures were passed through the *Maĵles* there would be no room left for opposition, as it would be considered legally permissible. This is deleterious to the interest of the country, in particular in relation to the extension of concessions to foreign nationals and governments. Dūlatābadī then goes on to say:

'During the short period of Constitutional rule we did not show the necessary competence for such a system. We did not effectively use our freedom to establish a true nationalist and patriotic government. Freedom seekers attacked one another, thieves and charlatans put on the robes of constituionlism and made the space too small for the real patriots. It is better to use the present level of security and maintain the present situation, while at the same time we should endeavour to achieve cultural progress so that we can actualize the potential capabilities of our young into positive and constructive forces for our society. In particular, we must strive to extend the education of women in order to nurture educated mothers for our future children. Now that women have freed themselves from the Čādor we must actualize their potential which for so long has lain dormant. The needs of our time require these changes and change is inevitable.³³

Reforms of Rezā Šāh

1921:

The setting up of the Ministry of War by Sardār Sepāh.⁴

1923:

The law for registration of documents, deeds and property was passed and in the same year the Bureau for the registration of documents, deeds and property was established. In

³ Dūlatābadī (1371 SH/1992), pp. 417-21.

⁴ Mo'în (1358 SH/1979), p. 434.

1309/1930, a number of amendments were made to this law and the Bureau for the registration of documents, deeds, and property was placed under the control of the Ministry of Justice.⁵

1924:

The passing of the Law for the holding of a national census. The actual nation census was conducted in 1939.⁶

The setting up of notary public offices and the Bureau of Municipal Register of births and deaths was established, which was responsible for the emission of birth and death certificates, administrative registration and statistics. In 1916, the law for the registration of births and deaths was passed and was implemented in Tehran.⁷

1925:

The introduction of compulsory military conscription.8

The passing of the law of identity and status and the introduction of surnames in Iran for the first time.

The formation of the Department of Public Education [Edāreh Āmūzeše 'Omūmī].

1926-1937:

The gradual reorganization of the Ministry of Interior, in control of the Gendarmerie, police force, civil defence, registration of statistics, the Bureau of Municipal Register of births & deaths, Bureau of Provincial Planning and Development, and non military-institutions.¹⁰

1926-1941:

The Ministry of Education and Culture consisted of various bodies, and was responsible for the establishment of modern schools, teacher-training colleges, universities and other

5 Ibid., p. 412.

⁶ Ibid., p. 435.

⁷ Ibid., p. 57-8.

⁸ Dūlatābadī (1371 SH/1992), p. 318-9.

⁹ Ghani (1998), p. ix.

¹⁰ Mo'īn (1358 SH/1979), p. 2209.

specialist colleges as well as their administration staffing and curriculum. The Ministry was also responsible for dispatching Iranian students abroad for further studies.¹¹

In 1928, all foreign schools were compelled by a decree to use the official syllabus up to the forth grade and Persian was to be the only language of instruction. Also, all school textbooks for all regions were standardized.

1926:

The setting up of the Ministry of Justice, headed by Davar. 12

The abrogation of capitalization.¹³

The setting-up of Sepāh Bank from taxes paid by officers on their pensions. In turn the officers had shares in the bank.

The setting up of Kargošaī Bank [Bank of 'relieving by way of loaning'], set up to give people credit on their 'moveable property'.

1926-1938:

The start of the construction of a railway line connecting the north, Bandar Šāh, a port on the Caspian Sea to the south, Bandar Šāh Pour port on the Persian Gulf, passing through Tehran. This line was financed by taxation on sugar and built by German engineers.¹⁴

1927:

The introduction of regulation for shipping and ports.¹⁵

The construction of the port of Bandar Šāh in the Caspian Sea. 16

The setting-up of Bānke Mellī, the National Bank of Īrān, which was later divided into the Central Bank [Bānke Markazī] and the National Bank [Bānke Mellī] of Īrān.

1927- 1934:

The reconstruction and widening of existing roads and building new roads in Tehran.

¹¹ Ibid., pp. 10354-5.

¹² Ibid, pp. 493-4, 21 October 1927, FO 371/12293/E4735/52c/34, 26 April 1927, FO 371/12293/E1943/526/34, 20 May 1927, and FO 371/12293/E2523/526/34.

¹³ Ibid., pp. 493-4, 21 March 1927 FO 371/12293/E1393/526/34.

¹⁴ Ibid., p. 580.

¹⁵ Ibid., pp. 281-2.

¹⁶ Ibid., pp. 273.

1928:

The passing of the law for dispatching students abroad for further studies, financed by the government.¹⁷

The passing of the law of Uniform Dress.¹⁸

The establishment of the Higher Teacher Training College and the Military Academy. 19

The abrogation of the sale of slaves.²⁰

Establishing state monopoly of tobacco.²¹

The establishment of the College of Agriculture.²²

The setting up of the Ministry of Commerce.²³

The abrogation of all previous import and excise treaties with the Soviet Union.²⁴

1929:

The commencement of the national smallpox vaccination campaign.²⁵

The introduction of the law preventing the growth of poppy seeds for making opium.²⁶

The setting-up of the Tehran Fire brigade.²⁷

1930:

Iran's inclusion in international inter-parliamentary gatherings. 28

The setting-up of the Town Planning Committee.

The setting-up of the Institute of Commerce and Trade.²⁹

The introduction of income tax.³⁰

¹⁷ Makkī (1369 SH/1991), pp.72-3.

¹⁸ Ibid., pp. 71-2, 1929, FO 371/13784/E1018/10434, and 1929, FO 371/13781/E353/95/34.

¹⁹ Mo'īn (1358 SH/1979), p. 505

²⁰ Makkī (1369 SH/1991), p. 80.

²¹ Ibid., p. 801

²² Mo'īn (1358 SH/1979), p. 2209.

²³ Ibid, p. 2208.

²⁴ Makkī (1369 SH/1991), p. 529.

²⁵ Mo'īn (1358 SH/1979), p. 31.

²⁶ Makkī (1369 SH/1991), p. 130.

²⁷ Mo'īn (1358 SH/1979), pp. 938-9.

²⁸ Makkī (1369 SH/1991), p. 201.

²⁹ Mo'īn (1358 SH/1979), p. 155.

The setting-up of the Ministry of Roads and planning for the building of roads across Iran, shipping, railways and civil aviation.³¹

1931:

The setting up of the institute for the training of statisticians.³²

The establishment of the Karaî sugar-cube factory.³³

The passing of the law for the fixture of an annual budget.³⁴

The right to issue currency was transferred from Bank-e Šāhī to the National Bank of Iran and in 1936 the National Bank moved to its new premises designed and built by German architects.³⁵

1932:

The introduction of the metric system.³⁶

The issue of bank notes by the National Bank of Iran.³⁷

The abrogation of the D'Arcy Oil Treaty.³⁸

1933:

The following industries were set up: cement, sugar, cloth and thread.³⁹

1933-1935:

The establishment of the University of War. 40

³⁰ Makkī (1369 SH/1991), pp. 81-2.

³¹ Mo'īn (1358 SH/1979), p. 579.

³² Ibid., p. 28.

³³ Makkī (1369 SH/1991), p. 419.

³⁴ Ibid., p. 145.

³⁵ Mo'īn (1358 SH/1979), p. 240.

³⁶ Ibid., p. 183.

³⁷ Makkī (1369 SH/1991), p. 510.

³⁸ In 1901, a British national William Knox D'Arcy obtained a concession for the exploration, production and sale of oil and other mineral deposits which in a few years proved to be more profitable than anything any foreign power had hitherto been granted. In 1908 oil was struck and it became clear that the British political and military presence would become permanent. Ibid., p. 275, and, Ghani (1998), p.7.

³⁹ Makkī (1369 SH/1991), pp. 184-171.

⁴⁰ Mo'īn (1358 SH/1979), p. 504.

1934:

Completion of providing electricity to Tehran.⁴¹

The establishment of Tehran University comprising of the following faculties:

Literature, Medicine, Law, Pharmacy, Veterinarian science, Agriculture, Divinity, Fine Arts. 42

The establishement of the Centre for Physical Education and Excellence.⁴³

The setting-up of the organization for Scout Training.⁴⁴

The establishment of the Department of Autopsy and Vivisection in the Faculty of Medicine of Tehran University. This was strongly opposed by the 'Olamā on the grounds of disrespect to the dead. A Muslim is required to be buried as soon as possible, unless the deceased has willed otherwise.⁴⁵

The exhibition of home-produced goods.⁴⁶

The construction of the Ferdowsī Memorial Building and the 1000-year anniversary celebrations of Ferdowsī.

The abrogation of the law of inter-tribal election of a tribal member of parliament.⁴⁷

1935:

State monopoly of leather and wool.⁴⁸

Replacement of the lunar [Hejjrī-Qamarī] calendar by the Solar [Šamsī] calendar in all official documents.⁴⁹

The establishment of barter exchange of export and import relations between Iran and Germany.⁵⁰

⁴¹ Ibid., p. 256.

⁴² Ibid, p. 560, Makkī (1369 SH/1991), p. 199.

⁴³ Ibid., p. 384, and Tolū'ī (1372 SH/1993), pp. 136-7.

⁴⁴ Mo'īn (1358 SH/1979), p. 368.

⁴⁵ Makkī (1369 SH/1991), pp. 200-1.

⁴⁶ Ibid., p. 196.

⁴⁷ Prior to this each tribe would elect a representative to the *Maĵles*. Reżā Šāh did away with this law as he viewed it as an extra concession to the tribes. He argued that the tribal population of Iran is an integral part of the larger population, should not have any extra privileges, and should participate in the election of members of parliament in the same manner as the rest of the people of Iran. Ibid., p. 160.

⁴⁸ Ibid., p. 222.

⁴⁹ Ibid., p. 285.

The introduction of Compulsory Unveiling.⁵¹

The setting-up of the regulatory body for the control of ports. In 1927, Bandar Pahlavī, which was built by the Russians, came under Iranian control.

The abrogation of hereditary titles.⁵²

The introduction of synchronized timing.⁵³

The establishment of the centre for the Study of Iranian culture, heritage and language, Farhangestān Īrān. 54

The Setting-up of Šerkat Bīmeh Īrān [Insurance].55

1936:

The abrogation of all prior import duties and concessions.⁵⁶

The setting-up of the Pasteur Institute, compromising a vaccination clinic for humans and animals, a research institute, malaria clinic, and disease prevention.⁵⁷

The establishment of the Museum of Anthropology.⁵⁸

1937:

The completion of piped water throughout Tehran.⁵⁹

The setting-up of the regulatory body for the administration of sale, imports, and exports of tobacco. ⁶⁰

The division of the country into districts and provinces.

The setting-up of the Ministry of Industry and Mines.⁶¹

⁵⁰ Ibid., p. 222.

⁵¹ Ibid., pp. 263-3.

⁵² Ibid., pp. 203-4.

⁵³ Ibid., p. 205.

⁵⁴ Mo'īn (1358 SH/1979), p. 1356.

⁵⁵ Ibid., pp. 313-4.

⁵⁶ Ibid. p. 222.

⁵⁷ Ibid., p. 324.

⁵⁸ Ibid., p. 2045.

⁵⁹ Ibid., pp. 938-9.

⁶⁰ Ibid., p. 521.

⁶¹ Ibid., p. 1036.

1938:

The setting-up of the Bank Rahnī [for mortgages].62

The setting-up of the institute for the development of thought.⁶³

1939:

The building of the premises for the manufacture of steel; the building was completed but the apparatus which were bought from Germany never reached Iran due to the outbreak of World War II.⁶⁴

1940:

The setting up of Tehran Radio.65

The establishment of the institute for the protection of mothers and infants, compromising hospitals, baby clinics, and 24-hour mobile midwives.⁶⁶

The setting-up of the regulatory body for commercials and radio.⁶⁷

There are many more changes, which have not been mentioned.

⁶² Ibid., p. 239, and Makkī (1369 SH/1991), p. 412.

⁶³ Makkī (1369 SH/1991), pp. 412-3.

⁶⁴ Ibid., p. 52.

⁶⁵ Mo'īn (1358 SH/1979), p. 570.

⁶⁶ Ibid., p. 465.

⁶⁷ Ibid., p. 182.

Glossary

Āķūnd:

Colloquial Persian term for a cleric. Can be used in a derogatory manner.

Faqīh:

A jurisprudent.

Fātvā:

A legal ruling; an expression of opinion by one of the 'Olama, on a point of religious law or on a legal case.

Feqh:

Jurisprudence.

Ĝeybat:

The Occultation of the Twelfth Imam.

Ĝeybat-e Kobrā':

The 'Greater Occultation', the period marked by the absence of human intermediaries between the Imam and the faithful, beginning with the death of the last Vakīl/Nā'eb (Agent) in 940, and still continuing.

Ĝeybat-e Şoĝrā:

The 'Lesser Occultaion' the period of the four Vakīls/Nā'ebs.

Ĥadīś:

The traditions concerning the sayings and deeds of the Prophet; for the Shi'a, also those relating to the Imāms.

Īĵma:

For the Shi'a the consensus of opinion of the 'Olama, both the living and the dead.

Īĵtehād:

Independent exertion in deciding matters relating to religious law; or the competence and ability to exert oneself.

'Elm:

Knowledge; more particularly that of the religious law and its sources.

Īmām:

For Twelver Shi'a, one of the religious laws of twelve divinely-appointed guides of the community.

Īmām Ĵom'eh:

One designated by the monarch to lead congregational prayer and pronounce the Friday sermon in each major city.

Iśnā Ašarī:

'Twelver', a believer in the cycle of Twelve Imam which culminated in the Occultation of the last in the series.

Kadķodā:

A village headman.

Kāfer:

Infidel. [Plural Koffār]

Mahdī:

For the Twelver Shi'a, the Twelfth Imam, reappearing at the end of the Greater Occultation to establish the true faith throughout the world and inaugurate a brief reign of justice before the coming of the apocalypse.

Maîles:

The Iranian parliament.

Marĵa'-e Taqlīd:

A *Moĵtahed* whose practices and pronouncements furnish a binding example for those unable to exert independent judgment in matters relating to the religious low.

Moĵtahed:

One who may act according to his own judgment in matters relating to religious law; one who practises *lĵtehād*.

Mollā:

A lesser member of the religious classes, synonymous with $\bar{A}k\bar{u}nd$.

Mogalled:

One who is unable to exercise independent judgment in matters relating to religious law and is obliged to follow an exemplary model, one who practises $Taql\bar{\iota}d$.

Qāżī:

A judge.

Šarī'ah:

Islamic jurisprudence.

Šeīkol-Īslām:

The dignitary presiding over Šar' [Šarī'ah] courts in each major city.

Sonna [or Sonnat in Persian]:

The exemplary practice of the Prophet; and, for Twelver Shi'a, that of the Imams.

Takfīr:

Charge of disbelief.

Taqlīd:

The process of following the practices and pronouncements of a scholar more learned than oneself in matters relating to the religious law, with faith in his correctness and without independent investigation of his reasons.

Ţollāb:

Students of religious sciences. [Singular: *Țalabeh*.] Its literal meaning is 'Seeker of knowledge.'

'Olamā:

Those learned in the religious law (plural of 'Alem, derived from the root 'Elm or knowledge).

Oşūl:

Principles of jurisprudence.

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