

Mohsen Kadivar, an Advocate of Postrevivalist Islam in Iran

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ABSTRACT *This article seeks to place Mohsen Kadivar in the context of broadly defined modern Iranian (Shi-ite Islamic) religious thinkers as a postrevivalist new-thinker of religion, and to illustrate this characterization through an examination of his advocacy of ‘spiritual and goal-oriented Islam’. Committed to what he terms the ‘way of the men of reason’ as he tries to ‘defend religiosity in the modern era’, Kadivar seeks to strike a balance between modern, secular, rational ways and the ‘principal message of Islam’. After distinguishing four types of modern religious thinkers in Iran, the article examines his 2002 article ‘From Historical Islam to Spiritual Islam’, in which Kadivar outlined an approach that he contends ‘would solve a great deal of difficulties befallen to contemporary Islamic thought’.*

I. Introduction

Among the so-called reform-seeking ‘religious intellectuals’ (*rawshanfekrān-e dini*) of postrevolutionary Iran, Mohsen Kadivar (1959–) stands out on several counts.¹ Coming from that generation of youngsters who participated in the 1979 Islamic Revolution as religiously leaning student activists, Kadivar was among those few who actually left the university campuses for Qom to be formally trained in its traditional Islamic seminary (*hawzeh-ye ‘elmiyyeh*).² After proceeding to the advanced (*khārej*) level in jurisprudential studies at the top of his class, he became—in 1997—one of the very few long-attending students of Ayatollah al-‘Ozma, Hossein-‘Ali Montazeri (1922–) to whom the elder cleric has handed out

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¹ For the ‘pro-Second of Khoradad’ reformist religious intellectuals, see Hamidreza Jalaeipour, ‘Religious Intellectuals and Political Action in the Reformist Movement’, in Negin Nabavi, ed., *Intellectual Trends in Twentieth-Century Iran: A Critical Survey* (Gainesville: University of Florida Press, 2003), pp. 136–146. For a good book-length analysis of the religious intellectual movement in Iran, see Abbas Kazemi, *Jame‘eh-shenasi-ye rawshanfekran-e dini dar Iran* (Tehran: Tarh-e Naw, 2004). Despite his fame, Mohsen Kadivar remains among the least studied contemporary Iranian intellectuals, especially outside Iran. To date, the only substantial study in English remains that of Farzin Vahdat, ‘Post-revolutionary Discourses of Mohammad Mojtahed Shabestari and Mohsen Kadivar: Reconciling the Terms of Mediated Subjectivity. Part II: Mohsen Kadivar’, *Critique*, 17 (Fall 2000), pp. 135–157.

² Kadivar was born on June 8, 1959, in the city of Fasa in Fars province and received his primary and secondary education in Shiraz, its provincial capital. From the fall of 1977 until the nation-wide university closures in the summer of 1980, he attended Shiraz University (former Pahlavi University) as an undergraduate student in the Faculty of Engineering; in 1981, he permanently left Shiraz for his seminary studies in Qom. For his biographic information, see ‘*Asr-e Ma*, 112 (January 13, 1999), pp. 9, 13; and Zahra Rudi (Kadivar), ed., *Baha-ye azadi: Defa‘iyyat-e Mohsen Kadivar dar Dadgah-e Vizheh-ye Ruhaniyyat* (Tehran: Nay, 1999), pp. 17–19.

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his written permission to practice *ejtehad* (*ejāzeh-ye ejtehad*). While still based in Qom, Hojjat al-Islam Kadivar was selected in 1991 as director of the Islamic thought department at Tehran's Center for Strategic Research, an institute then belonging to the Presidency and a nest of the former 'Imam's line' (*khatt-e Imām*) student activists such as Sa'id Hajjarian (1954–) and 'Abbas 'Abdi (1956–). During the 1990s, Kadivar even managed to teach—albeit relatively briefly—at the conservatively leaning Imam Sadeq University in Tehran. He was forced out, however, after he published, in the leftist *Salam* daily in August 1997, an article asserting that the people in the presidential election three months earlier overwhelmingly voted down 'the governmental religion (*din-e dawlati*), privileged-classism (*qeshrgeri*), violence, wisdom-bashing, despotism of opinion, and populist society'.³

The rest of his career, whose course during the eight-year tenure of reformist president Mohammad Khatami (1997–2005) paralleled those of several of his fellow activists/writers of his generation such as 'Emadeddin Baqi (1956–), Hashem Aghajeri (1957–) and Akbar Ganji (1959–) and of 'Abdollah Nuri (1949–), is relatively well known.⁴ He was summoned and arrested by the Special Court of Clergy (*Dadgah-e Vizheh-ye Ruhaniyyat*) in February 1999. Two months later, Kadivar was found guilty and sentenced to 18 months in prison for 'propagating against the sacred system of the Islamic Republic of Iran' and 'publishing untruths and disturbing public minds'. Although the specific charges that the authorities brought against him in the Special Court of Clergy related only to a lecture he gave in the Hosseinabad mosque in Esfahan in January and a three-part interview with the reformist *Khordad* daily in February in the same year.⁵ Yet the animosities that the conservative clerical establishment in Qom and Tehran harbored against Kadivar stemmed from the series of analytical writings that he published from 1994 onwards on the Shi-ite religious theories on government, including his hitherto-incomplete lengthy refutations of the semi-official state doctrine of the 'absolute rule of the appointed jurispudent' (*velāyat-e entešābi-ye moṭlaqeh-ye faqih*).⁶

While closely associated with some of the Imam's line, or the Islamic left, activists/intellectuals of his generation, Kadivar never formally joined any of their political groups or parties, such as the Islamic Revolution Mojahedin Organization

³ 'Ta'ammoli dar Payam-e Entekhab-e Dovvom-e Khordad-e 76', *Salam*, August 17, 1997, pp. 6, 10. The article is reprinted in Mohsen Kadivar, *Daghehdagheh-ha-ye hokumat-e dini* (Tehran: Nay, 2000), pp. 630–635. The chancellor of Imam Sadeq University was Ayatollah Mahdavi-Kani, then Secretary of *Jame'eh-ye Ruhaniyyat-e Mobarez-e Tehran* and the main overt backer of the losing candidate 'Ali-Akbar Nateq-Nuri.

⁴ See, for example, Elaine Sciolino, 'Cleric Uses Weapon of Religion Against Iran's Rulers', *The New York Times*, September 18, 2000; Guy Dinmore, 'Words of Hope in the "Hotel"', *The Financial Times*, August 25, 2001; and Robin Wright, 'Keeping Faith in Reform, and Islam, in Iran: As Secular Movement Crumbles, Defiant Cleric Spreads Blame With a Smile', *The Washington Post*, December 15, 2004; Carla Power, 'Muslim Democrat: A Modernist in Robes', *Newsweek*, Special Edition: Issues 2005 (December 2004–February 2005), p. 12.

⁵ The full texts of the lecture, entitled 'The *Shar'i* Prohibition against Terror' (*Hormat-e Shar'i-ye Teror*), and the interview regarding his views on the 20-year 'report card' of the Islamic Republic, as well as those of his indictment and sentence, are reprinted in *Baha-ye azadi*, pp. 31–35, 131–198. The Hosseinabad mosque was the long-term base of Ayatollah Jalal al-Din Taheri, then Friday Prayer Leader of Esfahan. *Khordad* daily was run by former Interior Minister 'Abdollah Nuri, also from Hosseinabad.

⁶ Mohsen Kadivar, 'Nazariyyeh-ha-ye dawlat dar feqh-e shi'eh (1)', *Fasl-nameh-ye Rahbord*, 4 (Fall 1994), pp. 1–41; *Nazariyyeh-ha-ye dawlat dar feqh-e shi'eh* (Tehran: Nay, 1998); and *Hokumat-e vela'i* (Tehran: Nay, 1999). Kadivar had planned to publish a series of monographs critically appraising all four aspects of the doctrine of the 'absolute rule of the appointed jurispudent', or *velāyat*, *entešāb*, *eṭlāq*, and *faqāhat*. The authorities, however, have so far refused to issue the required publication licenses for his books. In July 2004, the authorities

(*Sazman-e Mojahedin-e Enqelab-e Eslami*) and the Islamic Iran Participation Front (*Jebheh-ye Mosharekat-e Iran-e Eslami*).⁷ In fact, unlike many of his like-minded reformists and religious intellectuals, Kadivar has never served in any official position in the Islamic Republic. He even prides himself on the fact that he has never received salaries directly from the state that he now criticizes.⁸ More importantly, however, his carefully maintained independence from factional affiliations in the complicated web of political circles of postrevolutionary Iran reveals his primary self-identification as a religious scholar—and an innovative thinker—well-versed in the tradition of Shi-ite Islamic sciences. Before moving his residence from Qom to Tehran in 1997, due reportedly to some political pressure exerted on him inside the holy city, Kadivar taught for 14 years the principles of Islamic jurisprudence (*oṣul-e feqh*), logic, Islamic jurisprudence (*feqh*), Qur’anic interpretation and literature at several famed *madrasas* in Qom, including the Feiziyyeh. While exclusively educated in the seminaries inside Iran, he is also well versed in the jurisprudential tradition of Najaf, as his former teachers in Qom included Ayatollah al-‘Ozma Mirza Javad Tabrizi (1926–2006), himself a former top student of Ayatollah al-‘Ozma Abu al-Qasim al-Kho’i (1899–1992) in Najaf.

Despite his extensive seminary background, however, Kadivar following his move to Tehran has not been allowed to teach at *madrasas*, but only at universities such as Shahid Beheshti and Tarbiat Modarres.⁹ He nonetheless continues to wear his clerical garb in public, and has justified his various sociocultural and political activities, at least in part, on the religious obligation ‘enjoining the good and forbidding the evil’ (*amr beh ma’ruf va nafy az monkar*). In this connection, the 1999 arrest and the ensuing 17-month imprisonment not only failed to sway his scholarly conviction; they only brought to him the current fame and wider recognition. After his release from Evin prison in July 2000, Kadivar resumed teaching at Tarbiat Modarres University, begun serving as president of the newly founded Iranian Association for the Defense of Press Freedom (*Anjoman-e Defa’ az Azadi-ye Matbu’at*), and traveled abroad for conference presentations, workshop participation, and short-term academic appointments in the US, Japan, and the UK, among others.

The goal of this article is two-fold: (1) to place Mohsen Kadivar in the proper perspective, in the context of broadly defined modern Iranian (Shi-ite Islamic)

Footnote 6 continued

also suspended the monthly *Aftab* that had published Kadivar’s critique of *hokumat-e enteṣābi* in a series of nine articles between December 2000 and April 2002.

⁷ In terms of personal relationships, Kadivar is said to be particularly close to Hashem Aghajeri, a member of *Sazman-e Mojahedin-e Enqelab-e Eslami*, and ‘Alireza ‘Alavitabar (1960–), a reformist writer/activist also from Shiraz. Kadivar has also been close to Ata’ollah Mohajerani (1954–), a former fellow campus activist at Shiraz University during the Revolution and a founding member of the pro-Rafsanjani Executives of Construction (*Kargozaran-e Sazandegi*) group. Mohajerani married Kadivar’s younger sister, Jamileh, who went on to become a reformist deputy in the Sixth Parliament (2000–2004) from Tehran.

⁸ That is notable, considering that even Mohammad Mojtahed-Shabestari and Hasan Yusefi-Eshkevari (1950–), two of his fellow ‘new thinkers’, once served in the state as elected deputies in the first Parliament (1980–1984), and also that so many politically ambitious mid-ranking clerics *can* get various official assignments, especially during the month of *moharram* and the annual pilgrimages to Mecca. Kadivar did seek to run, however, for a seat in the third Leadership Experts Assembly (*Majles-e Khobregan-e Rahbari*) in its October 1998 election, but the Guardian Council did not approve his qualification despite his seminary credentials.

⁹ Under the current government of President Ahmadinejad (2005–), Kadivar was pressured into leaving his tenured position in the Department of Philosophy at Tarbiat Modarres University and requesting a reassignment in the Iranian Institute of Philosophy (the former Imperial Academy of Philosophy). See *E’temad-e Melli*, October 31, 2006, p. 13. Hammihan, June 19, 2007, p. 24, and <http://www.kadivar.com/>.

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religious thinkers (*din-andishān-e motajadded*), as a postrevivalist new-thinker of religion, and (2) to illustrate this characterization through an examination of his advocacy of ‘spiritual and goal-oriented Islam’ (*eslām-e ma‘navi va ghāyat-madār*) as an appropriate solution to the challenges that Islam as religion faces in the postrevolutionary Iranian context. Among the contemporary Iranian religious thinkers—often dubbed religious intellectuals—Kadivar has been compared, and grouped together, with ‘Abdolkarim Soroush (1945–) and Hojjat al-Islam Mohammad Mojtahed-Shabestari (1936–).¹⁰ Alternatively, Kadivar may be better compared and contrasted, on one hand, with some of those religious intellectuals of his own generation, such as Sa‘id Hajjarian. On the other hand, he may well be also compared with some of those traditionally schooled but innovative Shi-ite jurists of the past century, such as Akhund [Mulla Mohammad-Kazem] Khorasani (1839–1911), Mirza Mohammad-Hossein Gharavi-Na‘ini (1860–1936), ‘Allamah Mohammad-Hossein Tabataba‘i (1903–1981), Imam Ruhollah Musavi-Khomeini (1902–1989), and Ayatollah Muhammad-Baqir al-Sadr (1935–1980). Most importantly, however, without placing him in some of these proper contexts, it is not possible to fully appreciate the arguments that Kadivar has put forward—as well as their potential impact—on such issues as the incompatibility between *velāyat-e faqih* and democracy, and the compatibility between Islam, on the one hand, and modernity (secular) human rights, and democracy, on the other.¹¹

II. Kadivar as a Postrevivalist New-Thinker of Religion

Figure 1 below represents a heuristic illustration of the respective relationships between five distinguishable groups of modern religious thinkers in the (Shi-ite Islamic) Iranian context. In the pre-1979 period, both religious modernists (*naw-gerāyān-e dini*) and religious revivalists (*ehyā-gerāyān-e dini*) separated themselves socioculturally from traditionalists (*sonnat-gerāyān*) in that both consciously dealt—albeit differently—with modernity.¹² It was, however, secularists of various kinds that typically set off both religious modernists and revivalists organizing themselves on the sociopolitical level. As has been well documented, Mehdi Bazargan (1907–1995) and his fellow religious modernists began their formative activities during the period between 1941 and 1953 when the communist Tudeh party developed and became a powerful force.¹³ Ayatollah Ruhollah Musavi-Khomeini, a religious revivalist par excellence in the postrevolutionary political discourse of Iran, famously rebuked Mohammad Reza Shah and the ‘colonialists’ for what he termed the fabricated talk, or slogan,

¹⁰ For example, see Farzin Vahdat, ‘Post-revolutionary Discourses of Mohammad Mojtahed Shabestari and Mohsen Kadivar: Reconciling the Terms of Mediated Subjectivity’, *Critique*, 16 (Spring 2000), pp. 31–54, and 17 (Fall 2000), pp. 135–157; and Mahmoud Sadri, ‘Sacred Defense of Secularism: The Political Theologies of Soroush, Shabestari, and Kadivar’, *International Journal of Politics, Culture and Society*, 15(2) (Winter 2001), pp. 257–270.

¹¹ Many texts of his recent articles and speeches on these subjects are found on his website, <http://www.kadivar.com/>.

¹² Classifying individual thinkers into one of these categories may cause a dispute. For example, some consider Morteza Motahhari a modernist, while others regard him primarily as a revivalist. For a useful distinction among the orientations of these three groups, see Abbas Kazemi, *Jame‘eh-shenasi-ye rawshanfekran-e dini dar Iran*, pp. 7–8, 72–80, 117–119.

¹³ See H.E. Chehabi, *Iranian Politics and Religious Modernism: The Liberation Movement of Iran under the Shah and Khomeini* (Ithaca: Cornell University Press, 1990); and Forough Jahanbakhsh, *Islam, Democracy and Religious Modernism in Iran (1953–2000)* (Leiden: Brill, 2001).

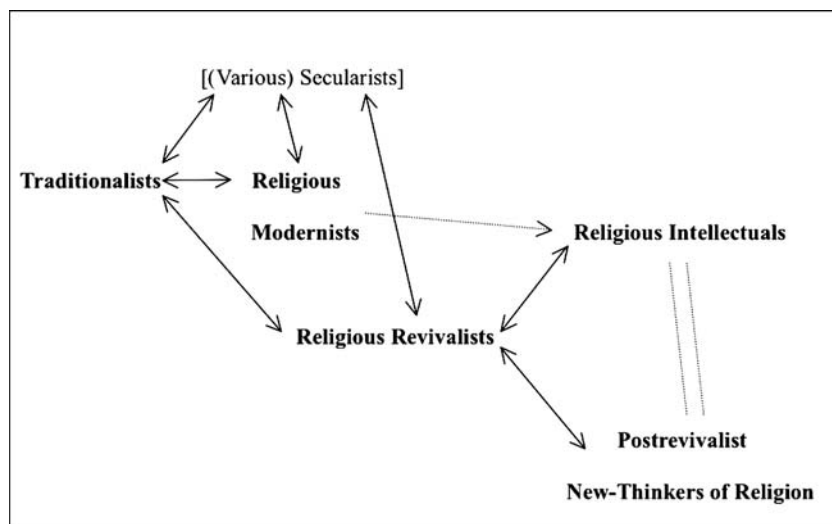


Figure 1. Intellectual Mapping of Modern Religious Thinkers in Iran

of ‘separating religion from politics’ (*jodā’i-ye din az siyāsāt*) and obliged his students to ‘propagate (true) Islam’.¹⁴

By contrast, in the postrevolutionary period, it is from the now dominant religious revivalist current that both religious intellectuals and ‘postrevivalist new-thinkers of religion’ (*naw-andishān-e dini-ye post-ehyāgerāneh*) have been struggling to set themselves apart. In this sense, both are postrevivalist—albeit in a different manner.¹⁵ The religious revivalism that became dominant in Iran in the wake of the 1979 Islamic Revolution shared several characteristics with other revivalist movements in the wider Islamic world, such as their claims to the inseparability of religion and politics and to (potential) solution to all problems, and their desire to remake the existing society into a religious one (*dini-kardan-e jāme’eh*). Yet, as the overarching leadership role that Ayatollah Khomeini came to assume following the Islamic Revolution and the official adoption of his doctrine of ‘the rule of jurisprudent’ (*velāyat-e faqih*) indicated, the postrevolutionary Iranian religious revivalism placed a unique emphasis on *feqh* and *faqih* both as the means to tackle, and the solution to, all problems.

For their turn, both religious intellectuals and new thinkers of religion—rather than remaking the society on the basis of religion—typically strive to renovate and reconstruct religion (*naw-sāzi va bāz-sāzi-ye din*) in response to certain newly found challenges and exigencies.¹⁶ In the postrevolutionary Iranian context of the expanded realm of religion to cover politics and governing, both religious intellectuals and new thinkers of religion often seek to cut down the realm of religion (*kuchek-sāzi-ye din*)—and, thus, the roles of *feqh* and *faqih*—and to focus, primarily, on its spiritual dimension.¹⁷ Admittedly, the boundaries between

¹⁴ See Imam Khomeini, *Velāyat-e faqih: Hokumat-e eslami* (Tehran: Mo’asseseh-ye Tanzim va Nashr-e Athar-e Imam Khomeini, 1994), pp. 15–16, 115–119; and also *Sahifeh-ye nur*, Vol. 21 (Tehran: Sazman-e Madarek-e Farhangi-ye Enqelab-e Eslami, 1990), p. 91.

¹⁵ Some of the religious intellectuals of this period, particularly those termed ideological religious intellectuals, however, may still retain a revivalist frame of reference.

¹⁶ See Kazemi, *Jame’eh-shenasi-ye rawshanfekran-e dini dar Iran*, pp. 79–80.

¹⁷ Kazemi, *ibid.*, pp. 8, 140–141.

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religious intellectuals and new thinkers of religion are sometimes murky. It is nevertheless useful to distinguish between the two, if only for heuristic purposes. Like religious modernists in the pre-1979 period, religious intellectuals of various strands tend not to come from the religious establishment. By contrast, coming typically from within the religious establishment or at least having formal seminary background in training, new thinkers of religion are, to some extent, comparable to the past innovative thinkers in Shi-ite jurisprudence. Owing also to their relative closeness to the religious establishment, new thinkers of religion may be more self-consciously postrevivalist than their peers among religious intellectuals.

Growing up in the ideologized era of the 1970s, Mohsen Kadivar as a young university student undoubtedly belonged to the broader religious revivalist current. However, after nearly two decades of seminary training and scholarly researches, writing and teaching, Kadivar had, by the late 1990s, joined those few clerics inside Iran who publicly lamented the perceived negative consequences of the clerical takeover of state power, including a shift toward outward religiosity, in lieu of enhanced spirituality, in society.¹⁸ Following his own hostile encounter with the Islamic state's clerical authority and a series of other similar incidents that marked the early years of Khatami's troubled presidency, Kadivar emerged, by mid-2001, as a full-fledged advocate of what he termed 'spiritual and goal-oriented Islam' (*eslām-e ma'navi va ghāyat-madār*). In a 2003 interview with the (now banned) monthly *Aftab* on the subject of human rights and religious intellectualism, Kadivar recounted his intellectual journey in the following way:

From around 1989, I embarked on focused researches in the field of political thought in Islam. This research program has not reached its mid-point yet; I have not even succeeded in publishing what I have already written up on this ground. It seems that the obstacles to discussion, dialogue and publishing in this field increase day by day, although I have not lost hope and I will continue my efforts. My first writing on human rights took shape from the angle of political thought in Islam. On the occasion of fiftieth anniversary of the adoption of the Universal Declaration of Human Rights, a conference was held in Tehran [in 1998]. I singled out the right to determine [one's] destiny (*haqq-e ta'in-e sarnevesht*) as [among] the pivotal political rights of the people in Islam, and made a necessary and corroborating case for it, while without going into critiquing the past thinkers' thought on the subject. The horrible murders of several alternative thinkers (*digar-andishān*) by some security agents in the fall of 1998 severely preoccupied my mind. 'Religion, Tolerance, and Violence', 'The Right to Life in Civil Society', 'The *Shar'i* Prohibition against Terror', were the titles of the three arguments I made in protest against the breach of human rights, and the last lecture got me in prison [in 1999]. The argument on the right to life and the prohibition against terror was a necessity from the beginning [of Islam], not [simply] a demand of some modern program. During [my] last year in prison, I was gradually led to the direction of human rights. All at once, I felt that all my studies on the critical discussion of violence became concentrated on human rights, on one hand, and on the field of religious thought, on the other. The terror attack on Dr [Sa'id] Hajjarian [in March 2000] by hired hands of the pressure group in the winter of 2000 added fuel to these studies. I conducted a complete round of reexamination and note-taking of Islamic jurisprudence (*feqh*) from the angle of human rights. I reflected long and hard on the viewpoints of the Islamic jurists (*foqahā va motasharre'ān*) on the rights of the

¹⁸ See, for example, his aforementioned February 1999 interview with daily *Khordad*, reprinted in *Baha-ye azadi*, pp. 137–158.

human being (*hoquq-e ensān*). I studied once again the religious texts, particularly the noble Qur'an, the narratives of the Prophet (PBUH) and the *hadiths* of the Imams (AS), from the angle of human rights. I read more and wrote less. [My] article 'Imam Sajjad and the Rights of the People' (April 2000) was a product in that period. I should mention one important point from the conclusions of that article: a right that a [practical] guide on rights (*resāleh-ye hoquq*) and some other religious sources talk about is in the sense of a divine obligation and an ethical duty of human being, and has a fundamental difference with [a right discussed] in the common idiom in human sciences and [in the field of] human rights. The issuance of an execution sentence for my new-thinker (*naw-andish*) friend Hasan Yusefi-Eshkevari on the offence of apostasy was the principal reason behind [my April 2001 paper] 'Freedom of Belief and Religion (*āzādi-ye 'aqideh va mazhab*) in Islam and the Human Rights Documents'.¹⁹ In that paper, in addition to criticizing the penalties of execution for an apostate in traditional Islam (*eslām-e sonnati*), I defended [the position of] absolute denial of earthly penalties for changing religion and belief (*taghyir-e din va 'aqideh*) on the basis of a new reading of Islam (*bar asās-e qarā'ati tāzeh az eslām*).

Finally, in the middle of 1380 [2001], I wrote an article [entitled] 'From Historical Islam to Spiritual Islam'. I consider that article a turning point in my own academic career (*zendegi-ye 'elmi-ye khod*). In that article, I presented a theory, or a model that I suppose would solve a great deal of difficulties that have befallen contemporary Islamic thought. The research program [that you asked about] was now put together. My works thereafter are all based on that research program. As an example, the discussion-provoking article 'The Problem of Slavery in Contemporary Islam' can be mentioned. [In that article, I demonstrated that] the prohibition of slavery in the present time may be established as per the primary ordinance—not the secondary or state ordinance—for the reason that slavery is unjust and unreasonable. I have [thus] recently started tackling the vast issue of Islam and human rights, and hope to succeed in completing it.²⁰

While undoubtedly being part of the broader current of postrevivalist religious intellectualism in postrevolutionary Iran, Kadivar is, nonetheless, best characterized as a new-thinker of religion. It is so not simply because he continues to wear a clerical robe and acts as a conscientious social critic of political power—a role that he considers the Iranian clerics best played historically.²¹ It is primarily the way he reasons and makes his case that renders him a new-thinker of religion. Despite his critique of the revivalist reinterpretation of the 'guardianship of the jurisprudent' (*velāyat-e faqih*) in favor of a clerical reign of the modern state, Kadivar continues to rely on *feqh*-based argumentation, as his own reference in the above interview to his 2003 article on the 'prohibition' of slavery in the present time indicated.²² The best illustration of his postrevivalist new-thinker status can be found, as he himself suggested in the above interview, in his advocacy of 'spiritual and goal-oriented Islam'.

¹⁹ Originally presented in a conference in Tehran, the paper was later published in *Aftab*, 23 (February–March 2003), pp. 54–63. For an English translation, see Mehran Kamrava, ed., *The New Voices of Islam: Rethinking Politics and Modernity—A Reader* (London: I.B. Tauris, 2006), pp. 119–142.

²⁰ 'Hoquq-e bashar va rawshanfekran-e dini: Goftogu ba Mohsen Kadivar', *Aftab*, 27 (June–July 2003), p. 54.

²¹ See 'Ruhaniyyat va qodrat: Goftogu ba Mohsen Kadivar,' *Jame'eh-ye Madani*, October 7, 2000, pp. 4–5.

²² Mohsen Kadivar, 'Mas'aleh-ye bardeh-dari dar eslam-e mo'aser', *Aftab*, 25 (April–May 2003), pp. 80–89.

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III. Kadivar as an Advocate of Spiritual Islam

Besides publishing his carefully researched and critically composed academic works in the fields of Islamic jurisprudence and philosophy, Kadivar has been actively lecturing and writing articles on some wider socio-religious issues that have been critically relevant to contemporary Iranian society, including a balance between the spiritual message and social mission of Islam, and freedom, tolerance and religious pluralism under the religious state. Such activities may well have been long expected from Kadivar as a former student activist-turned-‘*ālim*’ in postrevolutionary Iran. It was, however, not until in the mid-1990s when his professional activities began extending beyond the *hawzavi* circles in Qom that his views on such matters began finding their ways to a wider audience through certain newspapers and weeklies.²³ As noted above, his outspokenness—in particular, his sociopolitical critiques of authoritarian modus operandi within the Islamic Republic’s religio-political establishment—intensified following the May 1997 election of Mohammad Khatami, a development that incurred him arrest and imprisonment in February 1999.

Even in this context, Kadivar’s article ‘From Historical Islam to Spiritual Islam’, in which he first advocated what he termed ‘spiritual and goal-oriented Islam’, represented a departure from his previous published works. For, unlike in his previous works, Kadivar went on to present an unequivocal alternative after critiquing two existing approaches in Islamic jurisprudence for dealing with the problem at hand. The article was originally delivered as a speech to the annual national convention of the pro-reformist Islamic Associations of University Students (*Daftar-e Tahkim-e Vahdat*) in the summer of 2001, and was published in the following year in a book entitled ‘Tradition and Secularism’—an anthology of works from four famed religious intellectuals of postrevolutionary Iran.²⁴

In the article, Kadivar initially problematized modernity by contending that relations between religiosity (*din-dāri*) and modernity came into conflict as some of the religious accounts (*gozāreh-ha-ye dini*) became incompatible with the achievements and products of modernity, while the latter became the ‘way of the men of reason’ (*sireh-ye ‘oqalā*).²⁵ While dismissing both the traditionalist and the secularist (or laïcist) reactions to the perceived problem, Kadivar then contended that, in the Shi-ite-Iranian context, religious thinkers had found such incompatibilities primarily in the area of Islamic law (*shari‘at*), or the jurisprudence covering non-devotional, inter-relational ordinances (*feqh-e mo‘āmalāt*), and much less in the areas of creed and faith (*e‘teqād va imān*), ethics (*akhlāq*), and manners (*manesh*). Then Kadivar went on to contend that three important proposed solutions, or approaches, exist *vis-à-vis* the conflicts between the ‘practical ordinances of Islam and the proprieties of the modern world’.²⁶

²³ See, for example, Kadivar, *Daghehdagheh-ha-ye hokumat-e dini*, pp. 188–195, 419–434, and 585; *Monazereh-ye Doktor ‘Abdol-Karim Sorush va Hojjatol-Eslam Mohsen Kadivar darbareh-ye pluralizm-e dini* (Tehran: Salam, 1999).

²⁴ Mohsen Kadivar, ‘Az eslam-e tarikhi beh eslam-e ma‘navi’, in Mo‘asseseh-ye Ma‘refat va Pazhuhesh, ed., *Sonnat va sekularizm: Goftar-ha-i az ‘Abdol-Karim Sorush, Mohammad Mojtahed Shabestari, Mostafa Malekian, Mohsen Kadivar* (Tehran: Serat, 2002), pp. 405–431.

²⁵ *sireh-ye ‘oqalā*—*sirat al-‘uqala*’ in Arabic—is a technical term in *oṣul al-fiqh* denoting ‘the understanding or the conduct prevalent among the most knowledgeable of all mankind at a certain age’. While both are set against *vahy* (revelation) and subject to change, *sireh-ye ‘oqalā* is different from ‘*orf*’ (custom) in that it is a type of human knowledge or conduct not specific to one place.

²⁶ *Sonnat va sekularizm*, pp. 407–408.

The first approach, which had been the most common among the Shi-ite-Iranian ‘*ulamā*’ in the last century, divided the ‘Islamic ordinances’ (*aḥkām-e eslāmi*) into the ‘fixed’ (*thābet*) and the ‘changeable’ (*motaghayyer*). The former denoted the permanent and unannulable precepts that made up the text of *shari‘ah*, while the latter represented time-bound precepts that addressed certain interests and that, although ‘obligatory to implement’, may come to lapse. The proponents of this approach sought to cope with the modern-day exigencies by making the above distinctions and allowing the latter type of *shar‘i* ordinances to be established or rescinded according to public interests (*maṣlaḥat-e ‘omumi*). Kadivar examined three different formulations of this approach, namely, ones by ‘Allamah Mohammad-Hossein Tabataba’i, Mirza Mohammad-Hossein Gharavi-Na’ini, and Ayatollah Muhammad Baqir al-Sadr, and found that each formulation left certain similar questions unresolved.²⁷

The most serious difficulty that Kadivar found with these three formulations was not so much over the fact that all three delegated the responsibility of enacting those ordinances they considered ‘changeable’ to either the ‘Islamic ruler’ (*vāli-ye eslāmi*)—namely, the ruling jurist (*vali-ye faqih*)—or the elected parliament. Rather he was troubled by how each of these three proponents demarcated the ‘fixed’ ordinances. All three jurists considered *all* the ordinances that are contained in the Qur’an and *sunnah* ‘fixed’. That is, they considered all the revelation that God sent down to mankind through Prophet Muhammad, as well as those ordinances laid down by the Prophet himself, both unchangeable and unrescindable. Kadivar repeatedly asked whether all the *shar‘i* ordinances that *ketāb* and *sunnah* contain, in fact, represented such ordinances, and whether some of those precepts ‘laid down’ by the Prophet, and also of those ‘reported’ by the infallible Imams, are also dividable into fixed and changeable ordinances. In the end, Kadivar found these formulations of the ‘fixed and unchangeable’ approach wanting. For, although each sought to deal with modern-day exigencies and found ways to accommodate public interests, none of these formulations, in his view, solved the aforementioned incompatibility problem.²⁸

Kadivar then considered the second approach, namely, the *feqh-e ḥokumati* (or *feqh al-maṣlaḥah*) approach advocated by Ayatollah Khomeini in his late years.²⁹ Kadivar contended that what Ayatollah Khomeini put forward was, in fact, a doctrine of the ‘absolute mandate of the jurist over Islamic jurisprudence’ (*velāyat-e moṭlaqeh-ye faqih bar feqh*). That is, the underlying drive for this approach was a need for an ‘effective *ejtehād*’ (*ejtehād-e kār-āmad*) in lieu of the common, ineffective *ejtehād*. And, for that reason, the doctrine assigned the ruling jurist ‘vast authority’ so that he may ‘secure the interests

²⁷ Ibid., pp. 408–420.

²⁸ Ibid., p. 420.

²⁹ In response to a claim by then President Khamene’i that the Islamic Government could lay down an obligatory provision only within the framework of the accepted ordinances of Islam, Ayatollah Khomeini famously declared on 6 January 1988 as follows: ‘The state (*ḥokumat*), which constitutes a part of Prophet Mohammad’s *velāyat-e moṭlaqeh*, is one of the primary ordinances of Islam and has precedence over all the secondary ordinances, and even prayer, fasting and pilgrimage. . . . The state is empowered to unilaterally revoke any *shar‘i* agreement that it has concluded with the people when that agreement is contrary to the best interests (*maṣāleh*) of the country and Islam. It can prevent any matter—be it devotional or non-devotional—when it contravenes the best interests of Islam for the duration that it is so’. See Imam Khomeini, *Sahifeh-ye nur*, Vol. 20, pp. 170–171.

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of the people and expand justice'.³⁰ Kadivar contended that Ayatollah Khomeini's innovative doctrine did solve the 'incompatibility' problem' found between the *shar'ī* ordinances and modernity by allowing the ruling jurist to annul any *shar'ī* ordinance—be it 'fixed' or 'changeable'—that is deemed inconsistent with the exigencies of the time and place, or not securing the best interest of the political system, for as long as it remains so.

Kadivar, however, found several fundamental problems with this approach as well. First, he questioned the suitability of allowing the fate of the entire *shar'ī* ordinances—and, for that matter, the religion of Islam—to depend on the 'personal' understanding on the part of the ruling jurist of the 'conditions of the time and place'. Second, he questioned how religiousness could come out of the ruling jurist's pursuit of the 'exigencies of the time and place, the best interests of the system, or the interests of the people'—a pursuit that is essentially 'matters for the men of reason' (*omur-e 'oqalā'i*) and is, by necessity, conducted outside the 'text of religion' (*matn-e din*). Third, Kadivar contended that, given the enormous importance that this approach attached to the state (*ḥokumat*) and political power, the ordinances would soon start following the interests of the latter. Then the end result of this approach would be a 'governmental religion' (*din-e dawlati*), an outcome that would destroy the domain of 'religious faith, spirituality and passion' (*imān-e dini, ma'naviyyat va vajdān-e mazhabi*). Fourth, it is untenable, he contended, that religion, and Islamic jurisprudence in particular, can be expected to solve all the social, political, economic, cultural and military problems for all human societies; religion simply cannot take on an expectation as huge as upkeeping the world and managing society.³¹ In other words, in the view of Kadivar, the innovative approach of *feqh al-maṣlaḥah*, while it did offer a way out for the incompatibility problem, had created another set of potentially more serious problems—the religiousness of Islam is set to be destroyed as *feqh* became too entangled with the state and political power and entertained the expectation that it could solve all problems.³²

For its turn, the third approach, called the 'spiritual and goal-oriented Islam' approach and the one that Kadivar advocated, promised to solve both problems simultaneously. For the incompatibility problem, it promised to reclassify some of those hitherto considered 'fixed' ordinances that indisputably failed to meet two criteria of reason and justice as non-permanent ordinances. Kadivar argued that the principal part of the religion of Islam comprises the matters of creed and faith, the ethical values, the ordinances in devotional jurisprudence, and some of the principles in inter-relational jurisprudence (*feqh-e mo'āmalāt*), and that all these are perpetual. For their part, the bulk of the non-devotional ordinances were the products of the exigencies at the time and place of their issuance. All of them were clearly considered 'wise, just and reasonable' then, although God had not issued them. Kadivar contended that the inter-relational ordinances were 'signed on' (*emzā'i*) in the sense that Islam endorsed many of the conventional ordinances

³⁰ *Sonnat va sekularizm*, pp. 423–424. The doctrine is apparently open to various interpretations. One interesting reading by Sa'īd Hajjarian was that it was—or was destined to be—a victory of the secularizing logic of the modern state over both Shi'ite jurisprudence and the *faqīh*-headed Islamic state. See his *Az shahed-e qodsi ta shahed-e bazari: 'Orfi-shodan-e din dar sepehr-e siyasat* (Tehran: Tarh-e Naw, 2001), pp. 425–426.

³¹ *Sonnat va sekularizm*, pp. 25–426.

³² This line of critique is in good contrast to his more noticed critical arguments of the doctrine of *velāyat*-based statecraft. See his *Hokumat-e vela'i* (Tehran: Nay, 1999).

(*aḥkām-e 'orf*) in pre-Islamic Arabia and elsewhere so as to achieve justice and fulfill this-worldly interests of human societies.

Problems of incompatibility have resulted because the matters in the social domain and in the conventions of human societies have undeniably and intensely been changing and many of those issues that had been considered 'just, reasonable and appropriate' are today considered 'unjust, inappropriate and in contravention of the "way of the men of reason" (*sireh-ye oqalā*)'. Kadivar then argued that since 'justice is the standard of religion' (*'edālat meqyās-e din ast*), not vice versa, and that 'being reasonable' (*'oqalā'i budan*) is the standard in human societies and in inter-relational jurisprudence, the following conditions may be set: jurisprudential ordinances are valid and authoritative (*dārā-ye e'tebār va ḥojjatiyyeh*) as long as they are a requirement (*moqtadā*) of justice and do not contravene the 'way of the men of reason'. He further asserted that an indisputable contravention with the way of the men of reason or the criteria of justice, or a confirmation of being a cause of more evil than benefit (*ithbāt-e bishtar budan-e mofāsed az moṣāleḥ*), will be an indicator (*kāshef*) that an ordinance is time-bound (*movaqqat*) and not perpetual (*ghayr-e dā'emi*). Kadivar noted that his contention was not that all the ordinances in the non-devotional jurisprudence potentially lack validity, but that heed [ought to be taken] of a serious possibility [that a commonly considered 'fixed' ordinance may turn out to have been time-bound].³³

As for the problems that Kadivar attributed to *feqh-e ḥokumati*, the third approach promised to address them by (1) limiting the issuer of *shar'i* ordinances to God and the Prophet and (2) confining the scope of 'religious ordinances' to those 'just, reasonable, fixed' ordinances that exist in *ketāb* and *sunnah*, on the one hand, and (3) replacing those *shar'i* ordinances found to have lapsed with democratically enacted 'reasonable laws' (*qavānin-e 'oqalā'i*), and (4) stop requiring new legislations to be related to religion or *shari'ah*, on the other. Interestingly, each of these proposed steps is the clear opposite of the very steps Ayatollah Khomeini took in declaring his *feqh-e ḥokumati* doctrine, making Kadivar not only the advocate of 'spiritual and goal-oriented' Islam, but also of postrevivalist Islam. Kadivar contended that the point of these steps was to (1) keep the 'religiousness of religion' in tact and not place it in the shadow, (2) make the 'realm of religion' (*qalamru-ye din*) smaller than in the two previous approaches, even while allowing the depth in the remaining realm to increase, and (3) strengthen the ability of religion to meet the expectation in the modern era by removing out of the 'realm of religion' many of those elements that are incompatible with the proprieties of modernity.³⁴

Although, as articulated in the 2002 article, Kadivar's 'spiritual and goal-oriented Islam' approach still remained on the level of the enunciation of an outline and the justifications of some of its elements, some of its innovative—and, thus, controversial—elements were already highly notable. One of the most controversial aspects of Kadivar's proposed approach clearly was his call for reassessing and reclassifying some of those *shar'i* ordinances contained in *ketāb* and *sunnah* and hitherto considered 'fixed' as the 'changeable'. Kadivar defended his approach by arguing that *shar'i* ordinances are a 'path' (*ṭariq*) for attaining the 'lofty goals of religion' (*ghāyat-e mota'āli-ye din*) and that what are desired in

³³ Ibid., pp. 426–429.

³⁴ Ibid., pp. 426, 428–429.

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itself are the goals, not the ordinances. He further contended that while the path that God and the Prophet have showed is the 'religious path', the route to reach the same goals through other paths is not 'blocked' and that humans have no other route before them than the 'secular path' relying on the 'way of the men of reason' and justice to understand the revelation.³⁵

Similarly, another aspect that is likely to face opposition was his assertion that the 'secular knowledge' (*'orf*) of lay religious scholars (*din-shenāsān*) and *ulamā'*, and not only of the jurists (*faqihān*), are to determine whether a *shar'ī* ordinance meets the two criteria of justice and the 'way of the men of reason'.³⁶ While his argument that the secular knowledge of *ulamā'* and specialists of various fields of human sciences would serve as the best method to detect the 'way of the men of reason' is cogent, a strong opposition from the jurists is very well expected. While the doctrinal supremacy of the jurists on the debate on the Islamic state had been challenged before in postrevolutionary Iran (most notably, by 'Abdolkarim Soroush in the mid-1990s), Kadivar's contention on this matter, coming from someone who is a *mojtahed* himself, appeared to constitute a potentially far more serious discursive challenge to Iran's multi-centered clerical establishment.

IV. Conclusion

This article sought to place Mohsen Kadivar in the context of broadly defined modern Iranian (Shi-ite Islamic) religious thinkers as a postrevivalist new-thinker of religion, and to illustrate this characterization through an examination of his advocacy of 'spiritual and goal-oriented Islam'. It was my contention that without placing him in these appropriate contexts, it is not possible to fully appreciate various arguments that Kadivar has put forward both as an academic scholar on Islamic jurisprudence and philosophy, and as a new-thinker of religion.

That Kadivar is best characterized as a postrevivalist new-thinker of religion in the context of postrevolutionary Iran implies that he combines elements from the modernist, revivalist and post-revivalist tendencies. In the 2002 article 'From Historical Islam to Spiritual Islam,' Kadivar did not define what he meant by the 'lofty goals of religion'. Elsewhere, he asserted that the lofty goal of Islam in its most total sense is 'human dignity' (*karāmat-e ensāni*), which may also be understood as 'the nearness to God' or 'ultimate happiness'.³⁷ Together with his argument for making the realm of religion smaller, the latter paraphrases may suggest that Kadivar is a modernist in favor of making Islamic faith a totally private matter. However, he is clearly opposed to the so-called 'privatization' of Islam à la French *laïcité* model, or in his own words, a 'total submission to modernity and depositing religion with the most private corners of life'.³⁸

Similarly, despite his original problematic of finding a way to make Islam compatible with modernity, Kadivar has contended that he is not the kind of modernist who seeks to selectively remove from Islam those elements that do not fit

³⁵ Ibid., pp. 430–431.

³⁶ Ibid., p. 430.

³⁷ Mohsen Kadivar, 'Goftogu-ye enteqadi ba moderniteh,' daily *Iran*, April 11, 2005, p. 10. This was a slightly abridged version of a paper he presented at a conference at the Université Libre de Bruxelles in October 2004. The unabridged Persian version of the paper, entitled 'Osul-e sazegari-ye eslam va moderniteh', is available at: <http://www.kadivar.com/>

³⁸ *Sonmat va sekularizm*, pp. 405–406.

with modernity so as to produce something that might be called ‘modern Islam’.³⁹ Yet his evident commitment to the ‘way of the men of reason’ (*sireh-ye ‘oqalā*) that the above examination demonstrated indicates that Kadivar genuinely strives hard to strike a balance between the modern, secular, rational ways and what he terms the ‘principal message of Islam’ in his larger goal of ‘defending religiosity in the modern era’.⁴⁰

On his position *vis-à-vis* the secularist (laïcist) and the revivalist tendencies, his following remarks are revealing:

I am in favor of separating the institution of religion from government. I do not, however, believe in separating religion from politics (*man beh jodā’i-ye nahād-e dīn az dawlat qā’elam, ammā beh jodā’i-ye dīn az siyāsāt mo’taqed nistam*).⁴¹

These indicate that although he is much critical of the consequences of Ayatollah Khomeini’s revivalist drive centered around preserving the Islamic state, Kadivar is still part of the larger trend of post-1941 religious revivalisms that produced both religious modernists like Mehdi Bazargan and religious revivalists like Ayatollah Khomeini. In addition, Kadivar’s unique characteristics include the way he strives to speak in the tradition of innovative Islamic jurists from the time of the Iranian Constitutional Movement, and to make innovative contributions of his own to that tradition. That he built his own approach of ‘spiritual and goal-oriented Islam’ partially on the earlier efforts by Mirza Na’ini and Ayatollah Muhammad-Baqir al-Sadr was an interesting indication of that characteristic. Kadivar’s well-rooted position in the tradition of the larger trend of Iranian religious revivalism (à la Morteza Motahhari and Mahmud Taleqani) is also seen from his frequent lectures and speeches at places such as Hosseiniyyeh-ye Ershad and Kanun-e Tawhid in Tehran. Particularly interesting is his most recent activities at Hosseiniyyeh-ye Ershad. Since March 2005, Kadivar has been delivering a series of biweekly lectures—55 lectures to date—on the theme of ‘The Qur’an and the Contemporary Human Being’ (*Qur’ān va Ensān-e Mo’āser*), clearly demonstrating that the activities of new-thinker of religion, Mohsen Kadivar, is continuing.⁴²

³⁹ Kadivar, ‘Goftogu-ye enteqadi ba moderniteh’, p. 10.

⁴⁰ *Sonnat va sekularizm*, p. 431; see also Kadivar, *Daghehdagheh-ha-ye hokumat-e dini*, p. 189.

⁴¹ Remarks from his address to an event of the Islamic Iran Participation Front party, as reported by daily *Sharq*, November 18, 2003, p. 4. See also Kadivar, ‘Mafhum-e jame’eh-ye madani va jame’eh-ye taht-e hakemiyat-e qanun’, in Mo’asseseh-ye Nashr va Tahqiq-e Zekr, ed., *Nesbat-e dīn va jame’eh-ye madani* (Tehran: Zekr, 1999), pp. 251–252.

⁴² The texts of some of these lectures are available at: <http://www.kadivar.com/>