

Critics Within: Islamic Scholars' Protests Against the Islamic State in Iran*

Charles Kurzman[†]

Islamic scholarship, in Iran and elsewhere, has a long tradition of debate and critique. This tradition has come to pose a challenge to the constitutional order of the Islamic Republic of Iran, as a number of seminary-trained scholars have applied their critical methods to basic issues of state legitimacy, in particular the state's right to insist on interpretive closure. The regime has responded with force, convening special clergy courts to silence and imprison scholars, in violation of seminary norms of scholarly debate. These conspicuous acts of discipline seem to have backfired, as each escalating punishment has generated new critics within.

KEY WORDS: Iran; Islam; Islamic critics; opposition; intellectuals; epistemology.

Seminary intellectuals are now among the greatest threats to the Islamic Republic of Iran. Every few months for the past several years, the regime has prosecuted dissident seminarians in the Special Clergy Court for espousing a view that has been dominant for two centuries among Iranian Shi'is: the view that properly trained seminary intellectuals have a right to debate and contest interpretations of Islamic law. The constitutional order of the Islamic Republic of Iran, founded in 1979, establishes limits on this right, granting the nation's jurist-ruler (*vali-ye faqih*) the countermanding right of interpretive closure—that is, the right to end debate on a subject. In recent years, the state has attempted to use this right of interpretive closure to silence the growing numbers of seminarians who are at odds with the regime

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[†]Correspondence should be addressed to: Charles Kurzman, Department of Sociology, University of North Carolina at Chapel Hill, Chapel Hill, NC 27599-3210. E-mail: kurzman@unc.edu.

on issues such as democracy and gender. Some dissident Islamic scholars responded with critiques of interpretive closure, and in so doing have become among the strongest and most well-known critics of the Islamic state in Iran.

SEMINARY NORMS OF DEBATE

The norms of authority and interpretive originality strain against one another in the seminaries of Shi'i Islam, the predominant form of Islam in Iran. Authority is institutionalized through *marja'īyat*, by which a leading religious scholar is held to be a model for his (never her) followers. This scholar, called *marja'*, is simultaneously a "source of imitation" for his followers, a collector of tithes, an administrator of seminaries and other philanthropic enterprises, and a seminary instructor—a combination of scholarly and administrative authority that can be used to silence critics within the seminary community. The peak of *marja'īyat* authority, prior to the founding of the Islamic Republic in 1979, was achieved in the 1950s by *Āyatollah* Hossein Borujerdi, whose scholarly eminence was so outstanding that he was recognized as the sole *marja'* of his era. *Imām*—then known as *Āyatollah*—Ruhollah Khomeini held political and theological opinions at variance with Borujerdi. Khomeini, far more critical of the Iranian monarchy than Borujerdi, believed that religious scholars should be more politically engaged than Borujerdi deemed appropriate. Borujerdi, as *marja'*, had the authority to keep Khomeini from writing and teaching his heterodox opinions, and actually placed Khomeini under virtual house arrest. "There was no coming and going in the *Imām's* house," a supporter recalled. "His relations with everyone were cut off."¹ After Borujerdi's death in the early 1960s, there was some discussion among Islamic reformers about the drawbacks of centralized religious authority.² But Khomeini drew the opposite conclusion from his experience of Borujerdi's authority, arguing that centralized authority is useful and justified, if in the right hands.

The head of state of the Islamic Republic of Iran, the jurist-ruler, is in essence a *marja'* whose scholarly and administrative authority was extended from the seminary to the state. According to Khomeini's proposal for an Islamic state, expounded in exile in 1970, the jurist-ruler "will possess the same authority as the Most Noble Messenger (upon whom be peace and blessings) in the administration of society, and it will be the duty of all people to obey him."³ This analogy to the Prophet Muhammad was not written into the Constitution of the Islamic Republic of Iran, but the constitution nonetheless claims for the jurist-ruler unspecified powers with regard to "leadership of the affairs and guidance of the people," plus certain specific administrative responsibilities.⁴ In practice, during Khomeini's tenure in this

office, from 1979 until his death in 1989, the jurist-ruler's proclamation on any subject was generally acknowledged to be the final word of debate.⁵ Indeed, Khomeini's followers considered his judgment so authoritative that even his unofficial statements, including passing remarks recalled by his family and associates, were compiled in several volumes after his death so that the devout might seek guidance from his words⁶—a practice that harkens back to the millennium-old compilations of statements and deeds (*hadīth*) of the Prophet Muhammad and (in Shi'i Islam) his divinely-guided descendants, the 12 *imāms*.

The second norm of interpretive originality has coexisted with the norm of *marja'īyat* authority in Shi'i seminaries since late 18th century, when Usuli scholars won out over their Akhbari rivals. Usulis held that Shi'is must not rely on the ancients for their religious guidance, but must seek out contemporary authorities—a position that generated both *marja'īyat* authority and a model of interpretive change, as each generation of seminarians was encouraged to establish distinct interpretations.⁷ When he was doing fieldwork in Qom in the mid-1970s, anthropologist Michael Fischer noted that “all teaching is on a dialectic principle of argument and counterargument in which students are encouraged to participate insofar as they have the preparation to do so.” In advanced classes, “One calls upon these standard sources [basic works taught in earlier classes] as well as all other sources one can command: the opinions of various scholars, the etymology of technical terms, the context of Qur'anic and *hadith* injunctions, the validity of the sources, and one's own ingenuity.”⁸ Roy Mottahedeh's account of the life of a religious scholar in the seminaries of Qom and Najaf includes many such instances. “We'll come to that point tomorrow,” the instructor would say when a student's critique stumped him.⁹ In a conversation in Tehran in 1999, three advanced seminary students from Qom confirmed for me that debate such as this remains the ideal in seminary settings, though some instructors are more open to criticism than others. Indeed, as in Western academic settings, the rewards of promotion and respect are in principle granted to young scholars who are especially creative and original. These students are encouraged to continue their studies, receive teaching positions and administrative duties, and earn their license (*ijāza*) to engage in interpretation (*ijtihād*). No doubt there are limits to the arguments that may be presented and the extent that authorities may be critiqued, but the seminary system is designed to cultivate—among advanced practitioners, at least—the same culture of critical discourse sometimes associated with Western universities.¹⁰

The openness of debate is reflected, for example, in periodicals such as *Seminary Circle* (*Hawzeh*) and *Critique and Perspective* (*Naqd va Nazar*), published at the seminaries of Qom. Since the late 1980s, *Seminary Circle* has published articles critical of seminary practices, for example, their emphasis

on obscure issues of ritual purity, failure to address modern problems, and atrophying of *ijtihād*.¹¹ *Critique and Perspective*, founded in 1994, has published discussions of religious pluralism; articles on or by Soren Kierkegaard, John Rawls, and other Western philosophers; and a paper by Nasr Hamid Abu Zayd, the Egyptian scholar who had recently been declared an apostate by the Egyptian Supreme Court, at the behest of Islamists who objected to his approach to Qur'anic studies.¹² In addition, *Critique and Perspective* published a debate and responses on "The Role of Time and Place in the Process of *ijtihād*," introducing potentially relativistic themes from studies in the sociology of religion.¹³

The openness of seminary discourse has also been reflected in a scholarly debate in 1997 over the position of the jurist-ruler. Ata'ollah Mohajerani, the reformist minister of culture and Islamic guidance, contrasted the openness and courtesy of the seminary milieu with the bitter acrimony of newspaper politics:

Dr. Mehdi Ha'iri Yazdi, the son of the late *Shaykh* 'Abdolkarim Ha'eri, the founding member of the Qom Theology School, has written a book about criticism of *velāyat-e faqih*. One can approach this book and this view in two ways. One approach is a journalistic approach, with slandering and accusations from the top to the bottom of editorials. The other approach is the one that has been adopted by the publication of the Islamic governing body of the secretariat of the school, in charge of which is *Āyatollah* Amini. That is to say that Mr. Mehdi Ha'eri writes an article [in this periodical] and *Āyatollah* Javadi-Amoli replies. The publication itself is the publication of the Secretariat of the Experts, that is, the Assembly of Experts, which is the most important foundation for protecting the cause of *velāyat-e faqih*. This publication, too, refers to both sides with praise, and the publication announces that this is a method that we have used with experts. . . .¹⁴

Mohajerani was later forced to resign by hard-liners in parliament who were less sympathetic to open debate.

The two seminary norms, authority and originality, are in conflict over the question of closure: Does scholarly authority include the right to end a debate? Do qualified scholars have the right to continue debate? Even Khomeini, with his extensive popularity—the Constitution self-referentially notes that it received "a majority of 98.2% of those who had the right to vote"¹⁵—never fully achieved scholarly obedience. The most famous case in point involved *Āyatollah* Kazem Shari'atmadari, who was widely considered to be Khomeini's senior in terms of religious scholarship. Shari'atmadari consented only grudgingly to Khomeini's revolutionary movement against the monarchy, stating openly that he preferred a constitutional monarchy, as stipulated in Iran's 1906 constitution, to an Islamic republic.¹⁶ After the monarchy fell, Shari'atmadari lent his support to a political movement based in Azerbaijan, his home province, which challenged the ascendancy of Khomeini's followers in the new republic. In response, Khomeini's seminary

allies set out to discredit Shari'atmadari, including as part of their campaign the publication of a book entitled *Shari'atmadari in the Court of History*, which recounted what it called a lifetime of collaboration with the monarchy.¹⁷ Soon thereafter, Khomeini in essence defrocked Shari'atmadari and had him held under house arrest until his death in 1985. Other clerical critics of the regime, including some who had been active in organizing the revolution, were silenced in various ways or retired from political life.¹⁸

Khomeini's hand-picked successor, *Āyatollah* 'Ali Khamene'i, lacking his predecessor's prestige, has had greater difficulties in attempting to squelch seminary debate. His scholarly standing was insufficient to assume the role of *marja'*, a constitutional qualification for the jurist-ruler, so parliament revised the constitution in the month after Khomeini's death, removing this stipulation so that Khamene'i could legally serve as jurist-ruler.¹⁹ A decade later, scholarly debate was proving to be such a threat to the regime that an intelligence officer warned a foreign reporter to "stop interviewing clerics in Qom."²⁰ Rather than appeal to the "Court of History" to silence this debate, Khamene'i relied instead on a new institution, the Special Clergy Court, which Khomeini had established in 1987 to deal with crimes by religious scholars.²¹ Almost all of the figures to be discussed in the next section were brought before this court and found guilty.

THE CRITICS' CASE AGAINST CLOSURE

The five high-profile cases reviewed in this paper share a common strand: Each of these religious scholars ran afoul of the authorities on some substantive political issue, was pressured to shut up in deference to the ruling interpretation, and subsequently adopted a more radical position rejecting the jurist-ruler's right to insist on interpretive closure.

These scholars' positions were not originally subversive of the political order, but were intended rather to strengthen it by elaborating what they considered proper Islamic reforms. These reforms—allowing the contest of political parties, in Montazeri's work, for example, or granting further rights to Iranian women, in Sa'idzadeh's work—would save the Islamic Republic from becoming sterile, unpopular, and ineffective. The Islamic reasoning for these positions involved the same sacred sources and scholarly forms of exegesis as other scholars used in proposing policies that Khomeini and Khamene'i had endorsed. In keeping with seminary discourse, their conclusions took the form, "Islam says . . .," where the ellipsis refers to an act that they argued was either required or allowed. This form of reasoning corresponds to the tropes I have called the "liberal *shari'a*" and the "silent *shari'a*": the former argues that *shari'a* (revealed law) requires Muslims to

adopt liberal positions; the latter argues that *sharī'a* allows Muslims to devise their own solutions to certain sorts of issues on which revelation is silent.²²

Facing silencing by closure, these scholars shifted to a different form of reasoning, one far more radical in its implications. They may have chosen to emphasize the continuity of their thought, but their new form of argumentation rejects the form, “Islam says. . .,” in favor of the form, “X says that Islam says. . .,” where X is a fallible human being whose understanding of Islam may be contested by other fallible human beings. This form corresponds to what I have called the “interpreted *sharī'a*,” which holds that interpretation of divine revelation is a human project and thus eternally plural.²³ In Iran, this form of argumentation has been associated for a decade with the work of philosopher ‘Abdolkarim Soroush, who also came to this position after confrontations with closure—being fired from his university position, refused air-time on radio and television, and roughed up by paramilitary units. Soroush says he “recognized religious knowledge as human and treated it as a humanly gained wisdom. The implication of this thesis is that the disciplines of the *Hawzeh* [seminaries] are as prone to criticism and skepticism (by the experts, of course) as are the rest of the sciences.”²⁴ Soroush is not among these “experts,” however, despite his tremendous erudition and familiarity with seminary scholarship, because he lacks an advanced seminary degree. Perhaps for this reason, or because he is a political “hot potato,” the scholars considered here do not, to my knowledge, cite Soroush favorably, though there are reports that Soroush’s work is quite popular among seminarians.²⁵

FALL 1997: HOSSEIN-‘ALI MONTAZERI

For a decade, *Āyatollah* Hossein-‘Ali Montazeri was Khomeini’s hand-picked successor as jurist-ruler. A long-time follower of Khomeini, he was one of the initial proponents of including the position in the constitution.²⁶ In the mid-1980s, however, he began to disagree with his mentor, Khomeini—specifically over the execution of a relative of Montazeri’s, and more generally over the direction in which the Islamic Republic was being taken. In private letters that became public several years later, Montazeri complained to Khomeini that the security police were “far worse” than under the monarchy.²⁷ “The time has passed,” Montazeri said, “when we can declare people infidel, when we can excommunicate them or when we can level various accusations at them because they declare some truths. One cannot turn back the clock. The revolution released certain forces from bondage.”²⁸ Montazeri’s scholarly work continued to support the position of *valī-e faqīh*, but urged that the office be subject to popular election and limited to general direction rather than detailed supervision of the government.²⁹ Months

before his death in 1989, Khomeini asked for Montazeri's resignation as successor, and replaced him with Khamene'i. Under Khamene'i's leadership, Montazeri continued his public complaints, leading to a brief arrest in 1993. In November 1997, after the presidential elections that brought a new set of faces into the government on a reform platform, Montazeri gave a lecture in Qom that urged the jurist-ruler and his allies to leave the reformists alone:

If two or three people sit and make all the decisions for the country, it will not progress in the contemporary world. "Republic" means "government of the people." Of course I should mention: In the same way that people must have political parties, they must have organizations, at the time of elections they should be awake, they should choose people intelligently, insightfully, and independently. Along with all this the "rulership of the jurist" is also mentioned in our Constitution. But its meaning is not jurist-ruler as jack of all trades—that would make the "republic" meaningless. The jurist-ruler, with the conditions and responsibilities that are specified for him in the Constitution, his main responsibility—what is most important—is to supervise the affairs of society so that the policies of society do not deviate from the standards of Islam and truth. "Jurist" refers to this.

In the communist government of the Soviet Union, when they wanted to run the government on the basis of Marxism and Communism, they put in power a party ideologue who could implement the political, cultural, and economic plans for the country on the basis of the doctrines of Communism. Well, this is only natural. However, while we want our country to be run on the basis of Islam and religious law, it is also a republic. All people must participate, there must be political parties, there must be organizations. . . .

They [the jurist-ruler and his allies] have no right to set aside someone who is competent. Someone who is competent from a religious perspective, and also knowledgeable in political, cultural, and economic matters, who is not sycophantic, who is independent—who is like the late Modarres, who single-handedly stood up to the entire government of Reza Khan. . . .

You [Khamene'i] are not of the rank and stature of a *marja'*. . . . The Shi'i *marja'iyat* was an independent spiritual authority. Do not try to break the independence of the *marja'iyat* and turn the seminary circles into government employees. That is harmful to the future of Islam and Shi'ism. Whatever your supporters may claim, you give no evidence of filling the scholarly position of *Imām* [Khomeini], may God have mercy upon him. Do not allow the sanctity and spirituality of the seminary to become mixed up with the political work of [government] agencies.³⁰

In addition to challenging Khamene'i's credentials and accusing him of a hostile takeover of the seminaries, Montazeri managed in the course of a brief speech to liken the jurist-ruler to a Communist dictator and to Reza Khan, founder of the Pahlavi dynasty that the Islamic Republic overthrew. The basis of the comparison was the jurist-ruler's involvement in the governance of the country, abrogating the contributions of popular and scholarly leaders. The phrase, "They have no right to set aside someone who is competent," refers primarily to newly elected parliamentary representatives whom the jurist-ruler and his allies wished to remove from office—but we may guess that the reference is also to Montazeri himself, who was set aside by Khomeini.

Supporters of Khamene'i ransacked Montazeri's seminary the following week. Khamene'i threatened to have him executed for treason, but settled for house arrest.³¹ The following year, three of Montazeri's followers, middle-ranking religious scholars (*hojjāt al-Islām*) Hadi Hashemi, Mohammad Hasan Movahedi-Savoji and Esma'il Zamani, were also arrested in a move to stifle support for Montazeri's critiques.³²

SUMMER 1998: MOHSEN SA'IDZADEH

Hojjat al-Islām Mohen Sa'idzadeh was arrested in late June 1998, a month after writing a newspaper article comparing proposed legislation, barring male doctors from treating female patients, with Taliban policies in Afghanistan.³³ Several weeks earlier, he had written a magazine article criticizing a new press law that made it a crime to publish material "producing conflict between women and men through the defense of [women's] rights outside of religious and civil law." A law that sought to criminalize "conflict," Sa'idzadeh wrote, would in effect criminalize all religious debate on women's rights: "Since debate by definition involves conflict, who can prove that [people defending women's rights] are observing Islamic and legal limits?" Moreover, the law's reference to arguments "outside of religious and civil law" was completely ambiguous, Sa'idzadeh argued: "What exactly are the religious and legal limits that the designers of the law have in mind?"³⁴ Sa'idzadeh's defense of the rights of women, dating back to articles published in the early 1990s,³⁵ had led him to question the enforcement of limits in Islamic debate.

Sa'idzadeh appears to have come to this conclusion by 1995, when concluded that there was a crucial principle in Islam of "separation between givens and interpretations," according to which a "distinction must be made between data and their interpretations. In other words . . . : religion is distinct from its interpretations."³⁶ In an interview with anthropologist Ziba Mir-Hosseini, Sa'idzadeh argued that his analysis of gender relations in Islam reflected the true religion, while other religious scholars—centuries of them—had engaged only in "interpretation." Under persistent questioning, he admitted that his own work also involved interpretation.³⁷ The crucial issue, he then argued, was the permissibility of different interpretations in debate:

There's a need for expert knowledge; thus Islam needs qualified interpreters, the Jurists, and the *'ulamā'* [religious scholars]. But the question is whether this knowledge should be in the hands of one group or not. I say that the door of research is open to all, and their findings can be followed provided they are based on correct methods. In other words, knowledge of religious texts isn't confined to one group.³⁸

Mir-Hosseini glosses the reference to “one group” as “clerics.” If this is correct, Sa‘idzadeh was saying that he wished to allow non-clerics to engage in jurisprudential debates. From the context, however, it seems equally likely that Sa‘idzadeh intended the term “one group” to refer to one *segment* of the clerics, his theological opponents, who sought to monopolize debate. Elsewhere in the interview, Sa‘idzadeh noted that he was forced to practice *taqīyeh*—the separation of beliefs from actions—because, despite his clerical standing and his use of standard seminary modes of argumentation, it was dangerous for him to express his opinions. “I do *taqīyeh* because I’m afraid of consequences. For instance, I think that men and women can shake hands, but in Iran you’d never see me shaking hands with any women.”³⁹ Fear did not stop Sa‘idzadeh from objecting in print to his opponents’ monopolization of theological debate, however, for which objections he was jailed.

SPRING 1999: MOHSEN KADIVAR

During the revolution of 1978-1979, *Hojjat al-Islām* Mohsen Kadivar was an 18-year-old seminary student whose “heart beat for the revolution.”⁴⁰ Twenty years later, as a mid-level cleric and reformist newspaper publisher, Kadivar was somewhat disappointed with the revolution’s accomplishments. In an interview with the newspaper *Khordād (The Sun)*, Kadivar assessed the revolution’s first two decades and found it significantly lacking in the realm of freedom, especially freedom to criticize the government:⁴¹

In the seminaries, we don’t have absolute obedience at all in our social relations. So when we see that some of the official spokesmen mention absolute obedience and such like as religious values, this can only be understood as a continuation of authoritarian relations and thinking among the leadership of the country.⁴²

Kadivar’s comparison of the Islamic Republic with the monarchy—a comment no doubt intended to shock, like Montazeri’s more pointed comments along the same lines—followed from the comparison of seminary norms with political practice in the Islamic Republic. In the seminary, Kadivar could write a book about Shi‘i political thought that discussed Khomeini’s theory of *velāyat-e faqīh* and implicitly criticized it by concluding: “Our political thought is based on the simple point that ‘Different theories on a point are possible’ and ‘Any theory may be wrong.’”⁴³ Such a challenge, was permitted in seminary debate, phrased in academic terms, but not in the newspapers, phrased as political provocation.

The week after the interview was published, Kadivar was summoned before the Special Clergy Court. His long defense statement, published as a book within weeks of its delivery, challenged the indictment head-on.

Kadivar began his defense by calling the Special Clergy Court unconstitutional, since the jurist-ruler had no right to establish a court outside of the constitutionally established legal system.⁴⁴ He then turned to answer, in painstaking detail, the charge of “propaganda activity against the regime of the Islamic Republic.” He denied that his studied opinion constituted “propaganda,” and he denied that his calls for reform of the regime could be called “against” it:

If among the believers and supporters of the Islamic Revolution and the Islamic Republic there may be found two or more analyses or readings of the regime of the Islamic Republic, which differ from one another in many principles of governing society, the scientific critique of the adherents of one reading against the other reading cannot be counted as propaganda activity against the order of the Islamic Republic, because 1) scientific and scholarly critique is not propaganda activity, 2) this activity is against a specific analysis and reading of the regime of the Islamic Republic, and not against the regime of the Islamic Republic, and 3) this scientific and analytical critique seeks to reform the deviationist retractions and mistaken analyses of the regime of the Islamic Republic, and the critic himself is actively attentive to the constitution of the Islamic Republic of Iran. . . . Must all religious scholars think just like the authorities of the Special Clergy Court? Is having different perspectives with the esteemed prosecutor unbecoming to a religious scholar?⁴⁵

Kadivar was found guilty and sentenced to 18 months in prison, but was unrepentant upon his release: “I stand by what I said then—word for word”⁴⁶

FALL 1999: ‘ABDOLLAH NURI

Perhaps the most popular religious scholar to argue against interpretive closure is *Āyatollah* ‘Abdollah Nuri, who was convicted in November 1999 of allowing his newspaper to report the opinions of liberal oppositionists. Nuri was a key strategist in Khatami’s presidential campaign and was appointed minister of the interior in 1997; he was impeached by parliament the following year, but Khatami immediately appointed him as a vice-president. At the same time, he ran an outspokenly reformist newspaper. His defense statement—most of which he was not allowed to present to the court—was published as a book within weeks of his conviction, and the initial press run of 10,000 copies was sold in a single day.⁴⁷ The book is entitled *The Hemlock of Reform*, and constitutes an extended indictment of the Iranian regime, on theological, philosophical, and constitutional grounds, which the text summarizes in 17 points:

1. No fallible human can claim to be the only one in possession of the truth.
2. Religious knowledge is relative, and various and diverse readings of religion are entirely possible.
3. Piety, without reluctance and compulsion, will bring to pass the sublime realization of the essence of religion, that is, faith and religious experience.

4. There is no red line limiting the debate of perspectives and political problems, except that which is expressly specified and designated by the Constitution. No official is immune to criticism and questioning.
5. Iran belongs to all Iranians, and securing citizens' fundamental rights is their divine and legal right. Dialogue among all social forces is imperative and necessary.
6. Within the framework of religious law, [civil] law, and morality, diverse ways of life are imaginable and possible. Nobody can or should, in the name of religious law, impose his way of life on others and consider it definitive.
7. Cultural rights are among the fundamental rights of citizens. Cultured persons have a variety of views and tastes. A univocal monopoly of culture is neither possible nor desirable.
8. Cultural circles are completely independent of politics. Cultured persons and their viewpoints cannot be opposed on the basis of political affiliations and tastes.
9. The legal order of society and the relations between citizens and government are based on the people's right to rule.
10. The establishment of security and stability in society is not possible or practical without the recognition of the rights of the opposition.
11. No single group should consider the country as its own. Efforts should be made to convert even radical oppositionists into legal oppositionists.
12. The standards and criteria for debates over society and politics are the security and interests of the nation, not the security and interests of any particular group.
13. Abrogation of freedom is the sign of a government's weakness, not its strength.
14. The increase and deepening of respectful emotional ties among citizens, and the spread of solidarity and familiarity between the government and the people, are requisites for the stability and survival of society and government.
15. A spirit of freshness, joy, and liveliness is the secret to the health, survival, and flourishing of society.
16. Flattery and sycophancy will lead to the deterioration of humanitarian values and the destruction of the foundations of the regime. In view of this, propagation and reverence of such things as "critique and protest," which tend to promote the legitimacy and strength of the political regime, are of urgent necessity. Based on this premise, it is the government's duty to banish the sycophants and praise the critics, not vice versa.
17. Detente with all the states and nations of the world, based on national interests and the civilizational dialogue, is essential in all fields.⁴⁸

Nuri was convicted and sentenced to five years in prison, plus additional years' banishment from journalistic and political activity. Several senior religious scholars expressed displeasure with the verdict: *Āyatollah* 'Abdolkarim Musavi-Ardabili called Nuri's father to express his sympathy, and *Āyatollah* Jalaluddin Taheri—Khamene'i's representative and the official Friday prayer leader in Isfahan—told Nuri supporters he felt the sentence was "unjust."⁴⁹

FALL 2000: HASAN YUSEFI-ESHKEVARI

The severity of sentences in each of the above cases escalated from house arrest for Montazeri to six months in prison for Sa'idzadeh, 18 months for Kadivar, and five years for Nuri. The latest scholar to undergo a high-profile trial in the Special Clergy Court, *Hojjat al-Islām* Hasan

Yusefi-Eshkevari, was apparently sentenced to death. The sentence has not been announced publicly as of this writing (May 2001), pending the outcome of appeals.⁵⁰ But even the Special Clergy Court's prosecutor-general, Gholam-Hossein Mohseni-Ezhe'i, held a press conference to criticize the ruling.⁵¹

Eshkevari was convicted not just of insulting the regime and its leader, as the others had been, but also of apostasy and war against Islam. Yet the statements for which Eshkevari was convicted seem hardly more critical than those of other scholars tried in the Special Clergy Court. Eshkevari's indictment referred specifically to lectures he gave in April 2000 in Berlin, Germany, at a conference on current trends in Iran. The conference was regarded by many in Iran, even many reformists, as scandalous, because it brought together the opposition in exile and the opposition inside Iran, exposing the latter to accusations of collusion with foreign enemies. It was doubly scandalous for the appearance of leftist protestors, especially a woman who bared her breasts in protest against Iranian laws requiring women to wear *hejāb* (modest garb). These protestors and many of the oppositionists in exile criticized Eshkevari and others for working with the Iranian regime, rather than trying to overthrow it. At the same time, conservatives in Iran accused them of trying to overthrow the regime.

Eshkevari's first speech at the conference called for the democratization of Iran, and suggested that this transition was imminent: "The historical lifetime of the supporters of despotism has reached an end in Iran."⁵² His second speech at the conference spelled out the Islamic basis for his position, and included this attack on interpretive closure:

Ijtihād in the sense of novel thinking and the reconstruction of religious thought, in its bases and branches, [may be called] the motor of the deepening and grounding of Islamic thought and culture. *Ijtihād* also makes possible the critique of tradition, as well as the critique of modernity and the reformists, and it makes feasible the independent design of an Islamic renaissance and the carrying forward of reforms. Without *ijtihad*, no piety is possible in the contemporary era, and there is no use or utility in science and technology and the products of human experience. Of course, *ijtihad* does not mean only jurisprudential *ijtihad*. . . . For example, under present circumstances, the laws of retribution and some of the rights of women need to undergo a fundamental review through *ijtihad*. Of course, this sort of *ijtihad* depends first of all on the reconstruction of the bases and methods of traditional religion and education.⁵³

This was not a novel argument for Eshkevari. In 1999, for example, he told a newspaper reporter:

So far as the theoretical discussion is concerned, no limitations should exist about religion. Especially since in the principles of religion, emulation is unlawful and forbidden, and the principles of religion should be linked with exegesis. In the principles of religion, no one emulates another [scholar]. And it is not acceptable that some specialist individuals should exist, so that the people could follow them. In addition,

those who claim that only religious specialists have permission to express their opinion in the field of religion, do not permit them to publish a treatise or discuss this matter themselves. . . .

Not all Muslims and Islamic authorities have the same idea about the concepts of Islam. Monotheism, resurrection, and prophecy are the foundation of Islam. But there are doubts about which interpretation is considered contrary to the concepts. *Āyatollah* [Mohammad Taqi] Mesbah-Yazdi [a leading conservative] has a particular interpretation of religion, and so does the Press Court, so that when a teacher propounds a religious question, they decide to imprison him. Therefore, there should be liberty at least in interpretation.⁵⁴

Eshkevari's arrest warrant was issued two weeks after the Berlin conference, and one day after a Tehran newspaper attacked him as a "pseudo-clerical" proponent of "American-style Islam," in contrast to "the true, pure Muhammadan Islam, whose greatest savior was *Imām* Khomeini":

Don't the seminaries and clerics have a responsibility to stand up to the insults of a bunch of pseudo-clerical shysters and nobodies? To maintain a sound and healthy body, one must cut out and amputate infected and putrefied organs. The disgrace of a pseudo-clergyman [Yusefi-Eshkevari] at the Berlin conference was so shameful that it pained every noble heart. No clergyman, regardless of his personal inclination or political preference, would consider such a person worthy to wear these sacred robes.⁵⁵

But various senior seminarians resented the state's efforts at amputation, especially after Eshkevari's conviction. *Āyatollah* Mohammad Sadeghi-Tehrani defended Eshkevari in a radio interview, saying that Eshkevari's judgments, even if they differed from the jurist-ruler's, were part of the "scientific" enterprise of religious scholarship, and could not be considered apostasy.⁵⁶ *Āyatollah* 'Ali-Akbar Mohtashami, an opponent of Eshkevari's views,⁵⁷ wrote that the charges of apostasy and *muhārib*—one who engages in war against Islam—should not be applied to scholarly disagreements: "The '*ulamā* [religious scholars] believe that *muhārib* is someone who has resorted to arms and is going to destroy the Muslims, not someone who expresses a different view. Yusefi-Eshkevari might have made mistakes in his political and cultural stances, but he is a Muslim."⁵⁸ *Hojjat al-Islām* Mehdi Karrubi, then-speaker of the Iranian parliament, called the verdict "unacceptable": "Although I do not agree with his views on *hejāb* [modest garb], I consider him a Muslim [and not an apostate]."⁵⁹ *Āyatollah* Mohammad 'Ali Gerami told a group of students that he and several other senior scholars had expressed their view that "this was not a case of apostasy and corruption."⁶⁰

There may be a material as well as a normative aspect to these scholars' support for critics of the jurist-ruler: according to a recent press report, Khamene'i sent a representative to the Qom seminaries, proposing to channel religious tithes through the jurist-ruler's office, taking these funds out of the hands of other senior seminarians who have traditionally collected and

distributed this money. All but one of the seminarians reportedly rejected the proposal.⁶¹

RESISTING RELATIVISM

Conservatives have branded the critics as relativists. A group of conservative seminary scholars in Qom issued an open letter to Nuri's seminary supporters, accusing them of consorting with people who argued that "right and wrong are relative" and that "even the *Imāms* and the prophets were not absolute."⁶² *Āyatollah* Mesbah-Yazdi argued, "The culture of tolerance and indulgence means the disarming of society of its defense mechanism."⁶³ The *Kayhān (Globe)* newspaper—a mouthpiece for the far-right in Iran—drew the epistemological conclusion in an editorial several weeks after Nuri's conviction, entitled "Truth is Unknowable, Do Not Seek It!":

... [Nuri] writes: "The main message of that article is that truth is not evident, and each of us must accept the possibility of slipping, and making mistakes." This argument reminds us more than anything of the translated [that is, inauthentic] and foreign concept of "religious pluralism." In this concept, a famous story is used, where an elephant is placed in front of some blind men, and each offers a definition of the elephant based on his incomplete senses. Not only was none of their definitions complete, but at the end the collected definition of the blind people did not arrive at the true meaning of the elephant. Therefore, saying that the truth is not evident, or our understanding can slip, starts out a path whose tools and results are the relativity of religious righteousness, multiplicity [of views], and thus perturbation and doubt about the beliefs and definite fundamentals of Islam. By accepting that the truth is not evident, not only does this promise of Mr. Nuri's come into doubt and question, but his previous thoughts come into question as well, and therefore his whole life, and the question of whether or not he holds rational and reasonable thoughts become questionable.⁶⁴

This accusation of relativism is familiar to any observer of the sociology of knowledge in the West, with which Nuri and other critics' arguments share a considerable likeness. If knowledge is fallible, then so is the contention that knowledge is fallible. If knowledge is socially constructed, then on what grounds are we to accept the argument that knowledge is socially constructed, or any other argument? The epistemology of critique would seem to call itself into question. The sociology of knowledge has devised several responses to this dilemma: one position holds that knowledge, though fallible, is ever-progressing, in ways that we can measure; a second position holds that knowledge, though fallible, can be justified by necessity; a third approach is to embrace relativism, admit one's own fallibility, and reduce "knowledge" to "belief."⁶⁵

The Iranian clerical critics have not, to my knowledge, faced up to this epistemological challenge. Montazeri, for example, seems confident that he

has access to higher truths than the religious scholars who disagree with him. "Although some senior officials believe that the *valī-e-faqih* [jurist-ruler] is appointed by the infallible *Imāms*, I have disputed this theory in detail," he wrote in a faxed interview while under house arrest. "It is certain that the legitimacy of this post is acquired by popular election."⁶⁶ This certainty is an indication of position #1, suggesting that he supports the traditional seminary hierarchy of religious interpretation and does not feel the need to justify this hierarchy. Sa'idzadeh, forced to address the issue in his interview with Mir-Hosseini, stumbled between position #3 and position #1: "I too am interpreting," he said, but "I believe my understanding is valid; I'm a realist; they're in the wrong."⁶⁷ I have not seen Nuri or Yusefi-Eshkevari's positions on this subject. I have seen, however, an extensive discussion of relativism by Mohsen Kadivar.

Kadivar's position emerged in a debate, published in three installments in a Tehran newspaper, with the philosopher 'Abdolkarim Soroush.⁶⁸ Kadivar began the debate by spelling out three possible responses to the evident fact of religious plurality in the world:

First interpretation: Some religious believers consider only their own way the exclusive way for human guidance. They do not consider other ways proper or as the ideal. Second interpretation: Some others, even though they consider their own way to be the way to reach the ideal, do not reject all other religions and paths. They establish a relationship between other religions and their own and somehow are "inclusive" in their own religious beliefs in regards to other religions and sects, in the sense that every religion, sect, or doctrine has some truth, is not absolutely false, and is rewarding in proportion to how much truth it has, but complete truth is only found in one religion. Third interpretation: One group regards this "actual plurality" as "true plurality" and have tried somehow to speak of different and authentic experiences of religion, and even in numerous sacred affairs to speak of direct paths and not a direct path, numerous truths and not a single truth. This interpretation constitutes religious pluralism.

As he made clear later in the debate, Kadivar favored the second interpretation—a mixture of what I've called position #1 and position #2. Faiths other than one's own—and, through an analogy he makes later in the discussion, divergent religious interpretations within one's own faith tradition—are to be tolerated as the product of God's having sent different prophets to different peoples (position #2), but are to be rejected as incomplete because some prophecies are more final than others (position #1).

Soroush denied that his position corresponded to Kadivar's characterization of religious pluralism: "actually, we are not trying to provide the criteria of truth and falsehood. We are not engaged in a theological discussion." Soroush argued that he merely took believers of various faiths at their word, "because we are not subject to divine inspiration, and we do not want to rely on internal evidence and experiences in this connection. Hence, if

someone has a reason [for his faith], and his reason is acceptable, we accept what he says.” (Unlike this translation by the Foreign Broadcast Information Service, the Persian original did not use gendered pronouns.)

Kadivar questioned this blanket acceptance of faith claims: “should we believe that every religion or every claim (even though likely false) which has given reason as its claim is on the same level as the reasons of other religions (even though those religions are right)?” He continued by rejecting Soroush’s attempt to remove his inquiry from the field of theology:

Religious pluralism is incompatible with faith and certainty. Saying that the issue of pluralism is not related to the issue of truth and falsehood does not solve any problem, because, on the basis of religious pluralism, we cannot consider one religion to be true and another false. The impossibility of separating truth from falsehood is the logical requirement of religious pluralism. The implied basis of religious pluralism is absolute relativity in the area of knowledge.

We need a criterion to distinguish correct religious interpretations from incorrect ones, Kadivar argued, or we will lose our certainty and our faith. Fortunately, divine revelation has given such criteria:

My question is, why are you negligent of “divine wisdom”? Does not “divine wisdom” . . . offer general directives in regards to correcting human understanding of the supreme and the sacred, which is called religion? This is the claim of divine religions, that God has provided us with such general guidance through His prophets.

Soroush politely suggested that Kadivar’s understanding of “divine wisdom” was just as vulnerable as the understanding of people in other religions. If Kadivar wished to argue that others were misled by the circumstances of their birth, or by the inability of their intellect, to comprehend and accept the true religion, then such challenges could be made against him too: “no matter what opinion we give about plurality, it will come back to us, because we ourselves are facing plurality. We cannot separate ourselves from others.” Soroush, having the last word in the debate, concluded by challenging Kadivar to spell out the criterion of “divine wisdom” that would settle all disputes and show clearly which religious interpretations were more correct than others: “Moreover, I am still waiting to see what your criterion is that will eliminate plurality and all the differences.”

This final challenge is analogous to Paul Feyerabend’s challenge to Imre Lakatos in their debates in the philosophy of science: what possible criteria can be spelled out that haven’t been violated in one or another classic piece of scholarship, including your own?⁶⁹ Lakatos’s response was to hypothesize plausible criteria and test them with historical research on the actual practice of productive scientists.

The clerical critics in Iran, by contrast, seem to resist the relativist implications of their position by stressing their conformity to the tacit standards

of seminary scholarship. Rather than make these standards explicit, they use them as a shield, in two ways. First, at the theoretical level, the shield serves as a boundary of expert knowledge preventing outsiders such as Soroush from challenging their arguments. Second, at the political level, the shield may be intended to protect them from the Special Clergy Court, by emphasizing their affiliation with an undifferentiated community of religious scholars. Both aspects bring us back to the seminary norms with which this article began. On one hand, seminary norms privilege the authority of experts, and on the other, seminary norms privilege the right of experts to disagree. Clerical critics in Iran, forced by the country's clerical rulers into a potentially radical opposition to interpretive closure, are trying to criticize the authority of the jurist-ruler without undermining their own authority as experts.

In Iran, unlike most countries, epistemological debates have political implications. Because the Islamic Republic stakes its legitimacy on the scholarly authority of its jurist-ruler, the regime takes such debates quite seriously. Through the Special Clergy Court, the regime has tried to clamp down on relativism, calling it self-defeating. The dissident seminarians, too, have distanced themselves from relativism, calling themselves legitimate religious authorities. It is unclear how the dissidents will reconcile the two seminary norms of open debate and scholarly authority, or what political ramifications might follow from such a reconciliation. It is already clear, though, that the dissidents are creating an unprecedentedly rich documentary record of Islamic critique of the Islamic state.

ENDNOTES

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14. Vision of the Islamic Republic of Iran, Network 2, August 20, 1997, translated by the British Broadcast Corporation (BBC) Worldwide Monitoring. On-line publications such as this are cited here without page references.
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17. Hamid Ruhani (Ziyarati), *Shari'at-Madari dar Dadgah-e Tarikh (Shari'at-Madari in the Court of History)* (Qom, Iran: Daftar-e Entesharat-e Eslami, 1982).
18. Ziba Mir-Hosseini, *Islam and Gender: The Religious Debate in Contemporary Iran*. Princeton, NJ: Princeton University Press, 1999), p. 144; Dariush Zahedi, *The Iranian Revolution Then and Now* (Boulder, CO: Westview Press, 2000), pp. 80–81.
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20. *The Washington Post*, March 4, 2001, p. B4.
21. Schirazi, *The Constitution of Iran*, *op. cit.*, p. 154.
22. Charles Kurzman, "Liberal Islam in its Islamic Context," in Charles Kurzman, editor, *Liberal Islam: A Sourcebook* (New York: Oxford University Press, 1998), pp. 14–16. I use the term "liberal," with extensive caveats, to refer to the broad tradition of thought that includes a concern with democracy, rights, equality, and progress. The authors discussed in the present paper might be categorized as "liberal" in this sense, though they probably would not adopt the identity themselves. I will not insist on the term.
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26. Schirazi, *The Constitution of Iran*, *op. cit.*, pp. 37–38.
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36. Mir-Hosseini, *Islam and Gender*, *op. cit.*, p. 256.
37. Mir-Hosseini, *Islam and Gender*, *op. cit.*, p. 253.
38. Mir-Hosseini, *Islam and Gender*, *op. cit.*, pp. 257–258.
39. Mir-Hosseini, *Islam and Gender*, *op. cit.*, p. 267.
40. Mohsen Kadivar, *Bahā-ye Āzādī: Defā'iyat-e Mohsen Kadivar dar Dādghāh-e Vīzheh-ye Rūhānīyat (The Price of Freedom: Mohsen Kadivar's Defense Statement in the Special Clergy Court)*, edited by Zahra Rudi, third printing (Tehran, Iran: Nashr-e Ney, 1999), p. 148.
41. Kadivar, *Bahā-ye Āzādī*, *op. cit.*, p. 155.
42. Kadivar, *Bahā-ye Āzādī*, *op. cit.*, p. 158.
43. Mohsen Kadivar, *Nazarīyeh'hā-ye Dowlat dar Feqh-e Shī'a (Theories of the State in Shi'i Jurisprudence)*, fourth printing (Tehran, Iran: Nashr-e Ney, 1998), p. 33.
44. Kadivar, *Bahā-ye Āzādī*, *op. cit.*, pp. 49–57.
45. Kadivar, *Bahā-ye Āzādī*, *op. cit.*, pp. 101, 104.
46. *New York Times*, September 18, 2000, p. 3.
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