



Nuclear Fatwa

Religion and Politics in Iran's Proliferation Strategy

Michael Eisenstadt and Mehdi Khalaji

Policy Focus #115 | September 2011

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Published in 2011 in the United States of America by The Washington Institute for Near East Policy,
1828 L Street NW, Suite 1050, Washington, DC 20036.

Design by Daniel Kohan, Sensical Design and Communication

Front cover: Iran's Supreme Leader Ayatollah Ali Khamenei delivering a speech on November 8, 2006, where he stated that his country would continue to acquire nuclear technology and challenge "Western fabrications." (AP Photo/ISNA, Morteza Farajabadi)

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About the Authors

Michael Eisenstadt is director of the Military and Security Studies Program at The Washington Institute. A specialist in Persian Gulf and Arab-Israeli security affairs, he has published widely on irregular and conventional warfare and nuclear weapons proliferation in the Middle East. His recent publications include *The Strategic Culture of the Islamic Republic of Iran: Operational and Policy Implications* (Marine Corps University, 2011), *Iran's Influence in Iraq: Countering Tebran's Whole-of-Government Approach* with Michael Knights and Ahmed Ali (Washington Institute, 2011), "Should I Stay or Should I Go? What the United States Can Leave Behind in Iraq" (*Foreign Affairs*, 2010), and *The Missing Lever: Information Activities against Iran* (Washington Institute, 2010).

Mehdi Khalaji is a senior fellow at the Washington Institute for Near East Policy, focusing on the politics of Iran and Shiite groups in the Middle East. Prior to his work at the Institute, he was a political analyst on Iranian affairs for BBC Persian, and later became a broadcaster for the Prague-based Radio Farda, the Persian-language service of Radio Free Europe/Radio Liberty. A scholar of Islam, Mr. Khalaji trained in Shiite theology and jurisprudence for fourteen years in the seminaries of Qom; he later studied Shiite theology and exegesis in Paris at L'Ecole Pratique des Hautes Etudes. Author of *The New Order of the Clerical Establishment in Iran* (2010, in Farsi), he is currently working on a political biography of Ayatollah Ali Khamenei.



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Preface

THE POLITICAL DOCTRINES and religious ideologies of the Islamic Republic of Iran play a major role in shaping the country's approach to many issues, including its nuclear program. The two essays in this publication show how these factors are likely to inform Iranian nuclear decisionmaking.

Michael Eisenstadt's essay examines the regime's doctrine of expediency, which has guided Iranian decisionmaking since the mid-to-late 1980s. He highlights the growing tension between this doctrine, which has generally led the Islamic Republic to act in a circumspect manner while pursuing an anti-status quo foreign policy, and the increasingly influential but less flexible doctrines of resistance (embraced by a new generation of hardline Iranian politicians) and politicized messianic Shia Islam (embraced by President Mahmoud Ahmadinezhad and some of his supporters) as applied to Iranian behavior and nuclear decisionmaking.

Mehdi Khalaji's essay looks at Ayatollah Ali Khamenei's fatwa proscribing the development, stockpiling, and use of nuclear weapons, against the background of traditional Islamic attitudes toward weapons of mass destruction and Shiite attitudes toward dissimulation

and deception, and considers how these factors have been dealt with by the Expediency Council, which is responsible for advising the Supreme Leader on matters of national policy and resolving legislative issues. The author demonstrates how decisions in the Islamic Republic on these and other matters are grounded not in Islamic law but rather in the regime's doctrine of expediency, as interpreted by the Supreme Leader.

Both essays conclude that if the Islamic Republic's leaders believe that developing, stockpiling, or using nuclear weapons is in its interests, then religious considerations will not constrain these actions. Past proclamations about the matter, like all fatwas issued by Shiite clerics, can be revised under new circumstances.

And while the Islamic Republic has repeatedly put the interests of the regime ahead of religious principles, the growing role played by the doctrines of resistance and politicized messianic Shia Islam may well increase the propensity of decisionmakers to act in an assertive manner. Such assertiveness holds the attendant potential for miscalculation and overreach, thereby complicating efforts by the United States and its partners to deter and contain a nuclear Iran.

—Patrick Clawson

DIRECTOR OF RESEARCH
THE WASHINGTON INSTITUTE

Executive Summary

BECAUSE IT IS A THEOCRACY, understanding the role of religion in politics in the Islamic Republic is fundamental to any attempt to assess the implications of Iran's nuclear program. Most assessments, however, overlook this factor. Any effort to craft an effective policy toward Iran's nuclear program must examine the religious values, beliefs, and doctrines that inform and shape politics in the Islamic Republic, and that are likely to decisively influence Iran's nuclear decisionmaking.

Islam and Nuclear Weapons

Despite significant circumstantial evidence that Iran is pursuing the means to produce nuclear weapons, skeptics point to Tehran's claims that the Islamic Republic does not seek the bomb because Islam bans weapons of mass destruction (WMD).

During the Iran-Iraq War, Iraq made frequent battlefield use of chemical weapons. Iran did not respond in kind because it lacked the ability at the time to do so, and because Ayatollah Ruhollah Khomeini apparently considered chemical weapons to be prohibited by Islam. Khomeini reportedly reversed his stance toward the end of the war amid fears that Iraq was preparing to use chemical weapons against Iranian cities. Iran is believed to have eventually developed a limited chemical-warfare capability for deterrence purposes, although there is no evidence that it actually used chemical agents or munitions during the war.

In October 2003, Supreme Leader Ali Khamenei issued an oral fatwa forbidding the production and use of WMD in any form. Since then, Khamenei and other officials have repeatedly asserted that Iran is not seeking to acquire the bomb because Islam bans WMD—although Khamenei's more recent statements have been ambiguous with regard to the development and stockpiling of nuclear weapons.

Khamenei's nuclear fatwa is consistent with a corpus of rulings in Islamic tradition that prohibit weapons that are indiscriminate in their effects and therefore

likely to kill women, children, and the elderly. Nevertheless, a significant countervailing tradition permits the use of any means to cow and intimidate nonbelievers or to prevail over them in warfare.

Moreover, fatwas are issued in response to specific circumstances and can be altered in response to changing conditions. Ayatollah Khomeini modified his position on a number of issues during his lifetime—for instance, on taxes, military conscription, women's suffrage, and monarchy as a form of government. Thus nothing would prevent Khamenei from modifying or supplanting his nuclear fatwa should circumstances dictate a change in policy.

Shiite tradition permits deception and dissimulation in matters of life and death, and when such tactics serve the interests of the Islamic *umma* (community). Such considerations have almost certainly shaped Iran's nuclear diplomacy, though it should be kept in mind that nearly every proliferator has also engaged in deception to conceal its nuclear activities.

Decisionmaking in the Islamic Republic

Before he died, Ayatollah Khomeini affirmed the Islamic Republic's authority to destroy a mosque or suspend the observance of the Five Pillars of Islam if such measures were rendered necessary by the "expediency" or "interests" of the regime. Thus, Khomeini formalized the supremacy of *raison d'état* over the tenets of Islam as the core principle guiding domestic and foreign policy decisionmaking in Iran. The regime's principle of expediency elevates the survival of the Islamic Republic to a supreme religious value, since only by this means can revolutionary Islam triumph. It then becomes a justification for the often extreme means used by the regime to stay in power.

The Expediency Council was created in 1988 to mediate between the parliament (*Majlis*) and Guardian Council regarding legislation and constitutional issues, and to advise the Supreme Leader on matters

pertaining to discernment of regime expediency. The council's authorities are outlined in Iran's 1989 constitution, which stipulates that if parliament passes a law that the Guardian Council deems un-Islamic or unconstitutional, the Expediency Council will advise the Supreme Leader as to whether the law is in the interest of the regime. Legislation, therefore, is not necessarily grounded in Islamic law, but rather in regime expediency—as defined by the Supreme Leader, who may intervene in the functioning of the system as he sees fit in order to secure this objective.

Thus, the Supreme Leader also has the final say on nuclear decisionmaking. He is not constrained by his previous fatwas, which he can alter or reverse, or the opinions of other *mujtahids* (Islamic jurists). And if he believes that expediency calls for the acquisition, deployment, or use of nuclear weapons, religious principles would not prevent the Islamic Republic from doing so. Iranian decisionmaking, therefore, bears to an extraordinary extent the imprint of one man's personality and politics—unaffected by the will of other men, the decisions of other institutions, or even the moral scruples of religion.

Is Iran Deterrable?

Because Shiite religious doctrine exalts the suffering and martyrdom of the faithful, Iran is sometimes portrayed as an irrational state with a high pain threshold, driven by the absolute imperatives of religion rather than by the pragmatic concerns of statecraft.

This perception, however, is anachronistic at best. In the context of Tehran's relatively activist, anti-status quo foreign policy, Iranian decisionmakers have generally sought to minimize risk by shunning direct confrontation and acting through proxies (such as Lebanese Hizballah) or indirect means in order to preserve deniability. Such behavior reflects an ability to engage in rational calculation and accurately assess power relationships.

Tehran's cautious behavior during past crises is the best proof that post-Khomeini Iran has generally sought to avoid direct involvement in potentially costly conflicts. Thus, in the 1991 Shiite uprising in Iraq, the 1998 Taliban capture of Mazar-e-Sharif in Afghanistan

(which resulted in the slaughter of thousands of Shiite Afghan Hazaras and the murder of eight Iranian diplomats and a journalist), the 2006 war between Israel and Hizballah, and the 2011 crackdown on Shiite protestors in Bahrain, Iran left beleaguered Shiite communities to their fates rather than enter into potentially costly foreign adventures. Since the late 1980s, the principle of expediency has generally been interpreted to ensure that the Islamic Republic's anti-status quo agenda was implemented with relative circumspection—although there have been notable exceptions, such as the 1996 Khobar Towers bombing.

It is not clear how Iran's growing nuclear potential might alter Iranian decisionmaking, though former president Akbar Hashemi Rafsanjani's 2001 musings about the catastrophic consequences for Israel of a single nuclear explosion provide reason for concern. And the Islamic Republic's efforts in recent years to inculcate a culture of resistance, along with the strengthening of political Mahdism in Iranian politics, raise additional concerns that a new generation of hardliners may be more inclined to risktaking, and less inclined to prudence and caution, than their predecessors.

The New Hardliners and the Resistance Doctrine

In recent years, the Supreme Leader has encouraged the emergence of a new generation of largely non-clerical, ideologically hardline politicians and military officials who yearn for a return to the values of the 1979 Islamic Revolution and who embrace the regime's doctrine of resistance. Some, including President Mahmoud Ahmadinezhad, subscribe to a version of Shia Islam that assigns central importance to hastening the reappearance of the hidden Twelfth Imam. The promotion of such leaders has been expedited by the purge of reformists as well as pragmatic conservative politicians and officials in the wake of the contested June 2009 election.

Iran's new hardliners tend to be more insular in outlook than their predecessors—at least some of the revolution's founding generation lived and studied abroad before the revolution. Moreover, their defiant, confrontational style has already aggravated tensions

with the United States and the international community. Yet much remains to be learned about this group's worldview. Many of these hardliners have roots in, or ties to, the Islamic Revolutionary Guard Corps, which controls Iran's ballistic missiles and oversees its WMD programs. Regardless of President Ahmadinezhad's political fortunes, these hardliners will likely play a key role in Iranian nuclear decisionmaking.

Loyal to the Supreme Leader, the new generation of hardliners is not accountable to any of Iran's elected institutions. Moreover, it has a narrow but committed base of support in Iranian society and takes an unwavering approach to the regime's opponents at home and abroad. For this reason, Iran's current leadership may feel less constrained by domestic and international opinion in charting a foreign policy course. Moreover, under certain circumstances, some of these leaders might welcome a *limited* conflict with the United States—to bolster flagging domestic support for the regime and revive the values of the revolution. Such attitudes might increase the regime's tolerance for foreign risk-taking and complicate efforts to establish a stable deterrent relationship with a nuclear Iran.

Finally, these hardliners are committed to implementing the Islamic Republic's activist credo of fighting injustice and oppression abroad. They have taken heart from the apparent success of the resistance doctrine in Lebanon (with the withdrawal of Israeli forces in 2000) and in Gaza (with the rise of Hamas), as well as the slow but steady progress of Iran's nuclear and missile programs. They believe that Iran is a rising power, the United States is a power in decline, and that Israel's days are numbered. The Shiite vision of the triumph of the downtrodden and long-suffering community of believers seems to be unfolding before their very eyes.

Believing that God and history are on their side, might Iran's current leaders be tempted to hasten the process of American "decline" by providing nuclear technology or weapons to states, or nonstate actors, that likewise seek to undermine and constrain U.S. power? The ambitions of Iran's leaders and the history of nuclear proliferation provide reason for concern; nearly every nuclear proliferator has shared its nuclear know-how and helped other states obtain the bomb.

Apocalyptic Thinking and Nuclear Weapons

Since the 2005 election of President Mahmoud Ahmadinezhad, much speculation has surrounded the question of whether he or some of his political allies adhere to an apocalyptic version of Shia Islam that could someday prompt Iran to unleash a nuclear strike against Israel or the United States in order to hasten the reappearance of the Mahdi and usher in the Shiite messianic era. While some students of Shia Islam consider such concerns overblown, others take them quite seriously.

Twelver Shia Islam has given rise to three broad approaches to the role of human agency in the reappearance of the Mahdi:

- The traditional, conservative *quietist* approach calls for the faithful to patiently await the reappearance of the Mahdi while engaging in prayer and acts of piety.
- The revolutionary *activist* approach calls on believers to create an Islamic government in order to combat religious corruption and injustice, and to fight on behalf of the downtrodden in Iran, Palestine, and elsewhere.
- The violent *apocalyptic* approach, which is followed by small, marginal splinter groups in Iran and elsewhere, embraces the use of nihilistic violence.

President Ahmadinezhad's religious worldview falls broadly within the activist tradition, though his politicization of the cult of the Mahdi and some of his more extravagant claims place him on its fringes. His belief in the Mahdi's impending arrival may account for his single-minded commitment to hardline policies, to fighting for the downtrodden, and to promoting the Palestinian cause. This mindset carries with it, however, the potential for miscalculation or overreach born of the belief that the impending reappearance of the Mahdi relieves decisionmakers of responsibility for ill-conceived or reckless policies, since the Mahdi will set things right when he reappears.

The possibility that an apocalyptic cult could someday emerge within the military or IRGC and gain control over a nuclear device or weapon, which it might then use to advance its agenda, is probably exceedingly slim. But given the ambiance of messianic expectation in some circles in Iran, the possibility cannot be dismissed out of hand, either. While such groups seem more preoccupied with eliminating the enemies of Islam than with their own martyrdom, there is a danger that such a group might act against these enemies without due consideration of the consequences for Iran.

Conclusions

From the Islamic Republic's inception, its decision-making has been shaped by tension between the traditional tenets of Shia Islam and the pragmatic concerns of statecraft. Since the late 1980s, the latter orientation, as expressed by the doctrine of expediency, has

dominated. As a result, the regime's ambitious, anti-status quo agenda was implemented in a way that minimized risk and emphasized prudence and caution. In recent years, however, the perceived successes of the resistance doctrine in Lebanon and Gaza, the strengthening of political Mahdism in Iranian politics since Ahmadinezhad's 2005 election, and the failure of the international community to halt Iran's nuclear program have produced a more assertive regime that may be more inclined to take risks. The dangers associated with such an outcome are likely to be compounded by the narrowing of the regime's political base as a result of the purges that followed the June 2009 elections, the insularity of the regime's current hardline leadership and its lack of responsiveness to domestic and international opinion, and a history of indulging radicals who engage in rogue actions—factors that are apt to complicate efforts by the United States and its allies to deter and contain a nuclear Iran.

1 | Religious Ideologies, Political Doctrines, and Iran's Nuclear Decisionmaking

Michael Eisenstadt

BECAUSE THE ISLAMIC REPUBLIC of Iran is a theocracy, religion plays a central role in its politics. Understanding this is fundamental to assessing Iranian intentions, anticipating future Iranian moves, and formulating an effective policy for dealing with Iran's nuclear program. Most analyses, however, pay insufficient attention to the role of religion in Iranian decisionmaking.

Thus, while several recent U.S. intelligence assessments state that Tehran's nuclear decisionmaking is guided by a "cost-benefit approach,"¹ they fail to address the values and beliefs that inform this calculus. Likewise, a review of several recent works on Iran's nuclear program reveals that they generally avoided touching on the role of religion, emphasizing instead a variety of other domestic and external considerations.²

These analyses overlook the very factor that is most important to understanding contemporary Iranian politics. Any attempt to assess the implications of Iran's nuclear program must examine the religious values, beliefs, and doctrines that inform and shape politics in the Islamic Republic, and that are likely to decisively influence Iranian nuclear decisionmaking.

Shiite Islam: Constraint or Justification?

There is broad consensus among proliferation analysts that Iran is pursuing the capabilities needed to produce nuclear weapons. Nonetheless, skeptics point to official Iranian claims that the Islamic Republic does not seek the bomb because Islam bans weapons of mass destruction (WMD).³ According to some Shiite religious authorities, Islam proscribes WMD because such weapons are indiscriminate in their effects and are likely to kill women, children, and the elderly.⁴ The implication is that because the Islamic Republic is a theocracy, its formal religious claims should be taken seriously.⁵

During the Iran-Iraq War, Iraq made frequent battlefield use of chemical weapons (CW). Iran is believed to have not responded in kind because it lacked the ability at the time to do so, and because Ayatollah Ruhollah Khomeini reportedly considered CW to be proscribed by Islam. Khomeini is said to have reversed his stance toward the end of the war amid fears that Iraq was preparing to use CW against Iranian cities.⁶ While Iran is believed to have developed, by the end of the war, a limited CW capability for deterrence purposes, there is no evidence that it actually used chemical agents or munitions.⁷ Iran did fire more than 450 highly inaccurate rockets and missiles against Iraqi cities during the war, killing and wounding more than a thousand civilians, though for whatever reason, these weapons were apparently not covered by a religious ban.

More than a decade later, following revelations in August 2002 that Iran was building a clandestine centrifuge enrichment facility at Natanz, Supreme Leader Ali Khamenei reportedly issued a fatwa in October 2003 forbidding the "production" and "use" of WMD "in any form."⁸ Since then, Khamenei and various government spokesmen have asserted repeatedly that Iran is not seeking to acquire the bomb because Islam proscribes nuclear weapons and other WMD.⁹ Thus, in an August 2005 letter to the International Atomic Energy Agency (IAEA), Iran apparently referred to the Khamenei fatwa in stating that "the production, stockpiling, and use of nuclear weapons are forbidden under Islam and that the Islamic Republic of Iran shall never acquire these weapons."¹⁰ Subsequently, in a speech to the Tehran International Conference on Disarmament and Non-Proliferation, Khamenei acknowledged the "perils of producing and stockpiling...nuclear weapons," though he seemed to imply that only "the use of these weapons [was] illegal and *haram* [forbidden under Islamic law]."¹¹ Khamenei's nuclear fatwa raises the question of whether the tenets of Islam prevent the Islamic Republic from acquiring the bomb, thereby

rendering moot the entire discussion about Iran's nuclear program.

The context surrounding the original, rather expansive, nuclear fatwa and subsequent formulations that only prohibit the *use* of nuclear weapons demonstrates an important point: fatwas arise in response to specific circumstances and can be amended or reversed as circumstances change. Khamenei's original fatwa was probably issued to deflect international pressure following the revelations regarding the Natanz centrifuge enrichment plant, and in response to concerns that after invading Iraq, the United States might invade Iran. Fatwas are not immutable, and no religious principle would prevent Khamenei from modifying or supplanting his initial fatwa if circumstances were to change.¹²

It is worth noting that another leading cleric, Ayatollah Muhammad Taqi Mesbah-Yazdi, who at various times has advised and mentored President Mahmoud Ahmadinezhad, has claimed that Iran has a right to "special weapons" that other countries currently possess—a circumlocution regarded by many as a reference to nuclear weapons.¹³ Mesbah-Yazdi's opinion, however, does not carry the same weight as Khamenei's; the Supreme Leader's legal opinions serve as the only valid source of government policy in the Islamic Republic. Still, his stance underscores the diversity of opinion on this matter among pro-regime *mujtahids* (Islamic jurists).

Paradoxically, policy decisions in Iran are grounded first and foremost on the principle of *raison d'état* and only secondarily on the tenets of Shia Islam. Ayatollah Khomeini set down this principle in a series of letters in December 1987 and January 1988 to then president Khamenei and the Council of Guardians. In these, he affirmed the Islamic Republic's authority to destroy a mosque or suspend the observance of the Five Pillars of Islam (the profession of faith, prayer, fasting, almsgiving, and the Hajj) if the expediency/interest of the regime (*maslahat*) so required.¹⁴

In setting this precedent, Khomeini formalized the supremacy of *raison d'état* over the tenets of Islam as the core principle guiding domestic and foreign policymaking in the Islamic Republic. This principle is

routinely invoked to justify decisions at the highest level of the government, as well as the actions of the regime's foot soldiers.¹⁵

Thus, for those who embrace the regime's ideology, the survival of the Islamic Republic is the ultimate religious value. In this way, the extreme means often employed by the regime can be justified by a sacred end—the preservation of the Islamic Republic—since only the regime's survival can ensure the spread of revolutionary Islam. By this logic, then, religious prohibitions would not prevent the Islamic Republic from acquiring or even using nuclear weapons if the regime's leadership believed that these actions served its vital interests. Mehdi Khalaji's chapter discusses this idea in greater detail.

Is Iran Deterrable?

Because Shi'ite religious doctrine exalts the suffering and martyrdom of the faithful, Iran is sometimes portrayed as an irrational state with a high pain threshold, driven by the absolute imperatives of religion rather than by the pragmatic concerns of statecraft. Iranian officials have frequently sought to cultivate this image of Iran as a fanatical foe whose soldiers seek martyrdom and whose society is willing and able to absorb heavy punishment in order to strengthen its deterrence. Thus, according to Iran's former army chief of staff Maj. Gen. Ali Shahbazi:

[Though] the United States or some country incited by it may be able to begin a military conflict . . . it will not be strong enough to end it. This is because only Muslims believe that "whether we kill or are killed, we are the victors." Others do not think this way.¹⁶

In the heady, optimistic early days of the 1979 Islamic Revolution, Iranian society did indeed have a relatively high threshold for pain. During the first years of its war with Iraq, Tehran was willing to endure hardships, make great sacrifices, and incur heavy losses in support of the war effort—eschewing the opportunity for a ceasefire in 1982 to pursue the overthrow of the Baath regime in Baghdad and the export of the revolution throughout the rest of the region. But as the war dragged on, popular support waned. The population had become demoralized

and wearied by years of inconclusive fighting, making the enlistment of volunteers for the front increasingly difficult. Furthermore, many clerics had concluded that the war was unwinnable.¹⁷ Ayatollah Khomeini's decision in 1988 to accept a ceasefire with Iraq, and to thereby renege on his previous vow to wage "war, war until victory," demonstrated that after nearly a decade of revolution and war, Tehran had become increasingly sensitive to costs. This was no longer, as Khomeini was fond of saying, "a nation of martyrs."

Khomeini was probably the only figure with the charisma and moral authority to inspire the Iranian people to sustain the level of sacrifice required to continue the war for eight years. The double blow embodied by the unsuccessful conclusion of the war in August 1988 and the death of Khomeini in June 1989 marked the end of the decade of revolutionary radicalism in Iranian politics. Iran was no longer willing to absorb casualties and bear costs, and it had become much more risk averse; in this regard, it had become a much more "normal" state.

Thus, the perception of Iran as an irrational state that is bent on martyrdom is anachronistic at best. While actively pursuing anti-status quo foreign policy objectives, its leaders have generally sought to minimize risk by shunning direct confrontation and acting through proxies (such as Lebanese Hizballah) or by means of stealth (such as Iranian small boat and mine operations against Gulf shipping during the Iran-Iraq War), in order to preserve deniability and create ambiguity regarding its involvement in hostile acts. Such behavior reflects an ability to engage in rational calculation and to accurately assess power relationships.

Moreover, despite the frequent resort to religious imagery in speeches and interviews, Iranian officials tend to employ the language of deterrence as spoken and understood in the United States. Thus, shortly after the first test launch of the Shahab-3 missile in July 1998, Defense Minister Ali Shamkhani explained that in order to bolster Iran's deterrent capability:

We have prepared ourselves to absorb the first strike so that it inflicts the least damage on us. We have, however, prepared a second strike which can decisively

avenge the first one, while preventing a third strike against us.¹⁸

Tehran's cautious behavior during past crises is the best proof that post-Khomeini Iran has generally sought to avoid direct involvement in potentially costly conflicts. Thus, during the 1991 Shiite uprising in Iraq, the 1998 Taliban capture of Mazar-e-Sharif in Afghanistan (which resulted in not only the slaughter of thousands of Shiite Afghan Hazaras but also the murder of eight Iranian diplomats and a journalist), the 2006 war between Israel and Hizballah, and the 2011 crackdown on Shiite protestors in Bahrain, Iran abandoned beleaguered Shiite communities to their fates rather than entering into potentially costly foreign adventures.

Likewise, in November 2003, the regime temporarily suspended uranium enrichment when it believed that failure to do so might prompt a U.S. invasion, and in 2010 it reneged on a public commitment to send a naval aid flotilla to Gaza when Israel apparently warned that such an action would be treated as an act of war. In all these cases, the Islamic Republic showed its sensitivity to risks and costs, even though, in several of these episodes, a "war party" had called for intervention.¹⁹ These examples show that since the late 1980s, the regime's principle of expediency has generally been interpreted in such a way as to permit the implementation of the Islamic Republic's anti-status quo agenda in a relatively cautious, circumspect manner.

Tehran, however, has not always acted with prudence, and it has sometimes miscalculated or overreached. Thus, in 1982, following the withdrawal of Iraqi forces from Iran, Tehran rejected a ceasefire, resulting in six more years of bloodletting. Then, in 1996, it sponsored the bombing of the Khobar Towers housing complex in Saudi Arabia (killing nineteen U.S. airmen) and avoided being targeted for retaliation only due to U.S. restraint. And its bungling of the contested June 2009 elections reinvigorated a moribund domestic reform movement.

It is not clear how the acquisition of nuclear weapons might alter the logic underpinning Iranian decisionmaking. It would seem that the doctrine of expediency would constrain reckless acts that could prompt nuclear retaliation against the Islamic Republic. After

all, Iran's leadership and the regime's brand of revolutionary Islam will not survive if the Islamic Republic does not survive. However, former president Akbar Hashemi Rafsanjani, who now heads the Expediency Council, stated in a December 2001 speech:

If one day the Islamic world is also equipped with weapons like those that Israel possesses now, then the imperialists' strategy will reach a standstill because the use of even one nuclear bomb inside Israel will destroy everything. However, it will only harm the Islamic world. It is not irrational to contemplate such an eventuality.²⁰

Whether Rafsanjani was engaging in idle talk or expressing a reasoned opinion is unclear. Either way, the fact that a pragmatic conservative politician responsible for advising the Supreme Leader on the regime's expediency can make such a statement raises questions about the regime's sobriety when it comes to nuclear weapons and Israel.²¹ Moreover, the Islamic Republic's efforts in recent years to inculcate a culture of resistance (*moqavemat*) that pushes boundaries and does not yield on matters of principle, along with an upsurge in Mahdist (messianic) devotion in some regime circles, raises additional concerns that Iranian decisionmakers might be more willing to accept risk, and less inclined to act with prudence and caution, than in the past.

The Resistance Doctrine

In response to the emergence of the reform movement in the 1990s, the Supreme Leader encouraged the emergence of a new generation of ideologically hardline politicians and military officials, who long for a return to the values of the revolution and embrace the regime's doctrine of resistance. Many of these individuals are veterans of the Iran-Iraq War who have ties to the Basij militia or the Revolutionary Guards. Some (such as President Ahmadinezhad) apparently also subscribe to a version of Shia Islam that assigns central importance to hastening the reappearance of the hidden Twelfth Imam by fighting heresy (the Bahai faith), injustice (Israel), and global arrogance (the United States).²²

The rise to prominence of this new generation of largely nonclerical hardliners has been expedited by

the purge of both reformist and pragmatic conservative politicians and officials in the wake of the contested June 2009 election. President Ahmadinezhad is the most prominent of these hardliners, though recent tensions with the Supreme Leader have raised questions about his political future. Other key members of this group include Defense Minister Ahmad Vahidi, IRGC commander Muhammad Jafari, Minister of Intelligence Heydar Moslehi, Minister of Interior Mostafa Najjar, Prosecutor-General Gholam Hossein Mohseni Ejei, former IRGC-Qods Force commander Qasem Soleimani, IRGC intelligence chief Hojjat al-Eslam Hossein Taeb, and IRGC-Navy chief Ali Fadavi.

This group tends to be less well informed and more suspicious of the outside world than even their predecessors. (At least some of the revolution's founding generation lived and studied abroad prior to the revolution.) *Newsweek* correspondent Maziar Bahari, who was detained by IRGC intelligence for nearly four months after the June 2009 election, was afforded a unique, close-up look at this new generation of hardliners. According to Bahari:

[Their] rampaging paranoias have suffused the regime. There remain players within the system who can make rational decisions about Iran's international interests; if there weren't, I would still be in jail. But the Guards are exacerbating the Islamic Republic's worst instincts, its insecurity and deep suspiciousness. As world powers try to engage Tehran to mitigate the threat of its nuclear program, it's critical that they understand this mindset and the role the IRGC now plays within the Iranian system.²³

The doctrine of resistance embraced by this new generation is rooted in the belief that conflicts with the regime's enemies are a zero-sum game, that compromise is a sign of weakness, and that adherence to the revolutionary principles of the Islamic Republic is a sign of moral commitment. Efforts to indoctrinate the military and security forces and the general population with the culture of resistance are rooted in a desire to create a society that is energized and strengthened, not demoralized and weakened, by protracted conflict. The resistance doctrine as practiced by the Islamic Republic (as well as by Hizballah, Hamas, and Syria) is founded on the assumption that one achieves victory

by demoralizing one's enemies—through terrorizing enemy civilians, bleeding enemy armies, and denying them battlefield victories.²⁴

The defiant, confrontational style of this new generation of hardliners has already heightened tensions with the United States and the international community. Understanding the mindset of this group is critical because the IRGC controls Iran's ballistic missiles, oversees its nuclear program, and serves as the regime's main point of contact for Hizballah and other foreign militant groups, and it will likely play a key role in Iranian nuclear decisionmaking.

Loyal only to the Supreme Leader, these hardliners are not accountable to any of Iran's elected institutions. Moreover, they have a relatively narrow but very committed domestic political constituency, and take an unforgiving approach to the regime's political opponents at home and its enemies abroad. Thus, they are less responsive to domestic and international opinion than were their predecessors, since they believe that broad segments of Iran's population have abandoned the ideology of the revolution and, by embracing foreign (i.e., Western) values and ways of thinking, have betrayed their religion and nation. For this reason, they may feel less constrained by public opinion in arguing their foreign policy preferences.

Furthermore, while some of Iran's leaders may well be content to continue down the country's current path—pursuing a slow-motion clandestine nuclear breakout, stoking Arab-Israeli tensions in Gaza or Lebanon, and building ties to anti-status quo forces in the Middle East and beyond—others might want Iran to pursue an overt nuclear breakout²⁵ and might welcome, under certain circumstances, a *limited* conflict with the United States in order to bolster flagging domestic support for the regime (by spurring a nationalist backlash and a rally-round-the-flag effect) and to revive the values of the revolution. This mindset may well increase the regime's tolerance for risktaking behavior and complicate efforts to establish a stable deterrent relationship with Iran.

This risk is compounded by the Islamic Republic's history of rewarding rogues who have sought to force the hand of the regime in order to promote a more

radical agenda. Thus, the "Muslim Students Following the Line of the Imam" seized the U.S. embassy in Tehran in November 1979 without Ayatollah Khomeini's approval in order to undermine efforts by the provisional government to reestablish normal relations with the United States. (Khomeini provided his blessing after the fact.) Many of the young hostage-takers went on to become prominent officials in the Islamic Republic.²⁶ Likewise, the commander of an IRGC-Navy unit that, in March 2007, detained fifteen Royal Navy sailors and marines in disputed waters in the Shatt al-Arab without Tehran's authorization, was lauded and decorated when the episode ended with the humbling of the United Kingdom.²⁷

While Supreme Leader Khamenei retains ultimate decisionmaking authority, President Ahmadinezhad has succeeded in setting the tone of Iran's policies in numerous domains—particularly that of foreign policy. Here, the worldviews of the two leaders appear to converge—notwithstanding significant differences between the two in other areas.²⁸ Even if Ahmadinezhad leaves the political scene as a result of tensions with Khamenei, the narrowing of the regime's political base following the 2009 post-election crackdown and purge suggests that the views of his successor are not likely to diverge much from those of Ahmadinezhad himself—though the new president is certain to be someone who will be more deferential to the Supreme Leader (at least initially).

Both Khamenei and Ahmadinezhad are committed to implementing the Islamic Republic's activist credo of fighting injustice and oppression in the foreign policy arena, and they have taken heart from the apparent success of the resistance doctrine in Lebanon (with the withdrawal of Israeli forces in 2000) and in Gaza (with the rise of Hamas in 2006), as well as the slow but steady progress of Iran's nuclear and missile programs. They believe that Israel's growing isolation is the manifestation of a long-term historical process that will lead to the demise of the Jewish state, while the crumbling of the international order that has underpinned U.S. power since World War II is a sign that the United States is an empire at "the end of its road."²⁹ In response, they have expressed their commitment to

the founding of a new, more just, international order that is more conducive to Iranian interests. To this end, they have called for reform of the United Nations and the creation of a new international economic order.³⁰ The Shiite vision of the triumph of the downtrodden and long-suffering community of believers seems to be unfolding before their very eyes.

Believing that God and history are on their side, and seeing themselves as the primary agents in this divine plan, might Iran's leaders be tempted to hasten this process of American "decline" by providing nuclear technology or weapons to states—or even nonstate actors—who share their goal of altering the international balance of power and curbing U.S. influence? The history of nuclear proliferation and the ambitions of Iran's leaders provide reason for concern: nearly every nuclear proliferator has helped other states obtain the bomb or has otherwise shared its nuclear know-how, while Iran's leadership has promised to share their "peaceful" nuclear technology with other Muslim and like-minded states.³¹

The Shiite Apocalypse

The upsurge in messianic devotion in Iran—most prominently manifested by President Ahmadinezhad's frequent resort to messianic discourse—has caused some to ask whether Iran's leaders might someday be tempted to launch a nuclear attack against Israel or the United States in order to hasten the reappearance of the Mahdi and usher in the Shiite messianic era. While some students of Shia Islam dismiss such concerns, others take them quite seriously.³² At the very least, this issue adds yet another layer of uncertainty and complexity to the analysis of the implications of a nuclear Iran.

Twelver Shia Islam has given rise to three broad approaches to the role of human agency in the reappearance of the Mahdi: quietist, activist, and apocalyptic:³³

- The traditional, conservative *quietist* approach calls for the faithful to patiently await the reappearance of the Mahdi while engaging in prayer and acts of piety in the hope of bringing about his return. Messianic speculation and excessive devotion to the cult of the Mahdi, however, are frowned upon—if not vigorously condemned.

- The revolutionary *activist* approach is an innovation in Shia Islam conceived by Ayatollah Khomeini and embraced by his spiritual heirs in the Islamic Republic. It calls on believers to create an Islamic government in order to establish a just Islamic order, combat religious corruption and injustice, and fight on behalf of the downtrodden in Iran, Palestine, and elsewhere. Revolutionary activism is seen as both a religious obligation and a means of hastening the reappearance of the Mahdi.
- The violent *apocalyptic* approach has from time to time been embraced by small, extremist splinter groups in Iran (and elsewhere) that have employed nihilistic violence to hasten the Mahdi's reappearance.³⁴

This upsurge in messianic devotion dates to the late 1990s, several years before Ahmadinezhad's rise to the presidency in 2005. The quiet promotion of the cult of the Mahdi by conservative Iranian officials (likely with the support of the Supreme Leader) began in response to the decline in public support for the ideology of the revolution and the election of reformist politician Muhammad Khatami in the 1997 presidential ballot. It was seen as a way to provide Iranians with a source of solace and comfort in their struggle to deal with the everyday challenges of life in the Islamic Republic.³⁵

Ahmadinezhad, however, has politicized the cult of the Mahdi and attempted to use it to advance his own agenda. Though his religious worldview falls broadly within the activist tradition, some of his more extravagant claims regarding his personal relationship with the Mahdi and the latter's impending reappearance place him on the fringes of this tradition and have made him the target of harsh criticism by the clergy. In part, this pushback reflects a power struggle between Ahmadinezhad and the clerical establishment: if Ahmadinezhad is in touch with the Mahdi, the Islamic Republic does not need to rely on clerics (including the Supreme Leader) to ascertain God's will.³⁶

Ahmadinezhad's belief in the Mahdi's impending return may account for his unyielding support for the downtrodden and for his hardline policy positions,

as it requires the faithful “to be hard” and “to stand strong” for their beliefs.³⁷ Some of his critics claim that his messianic leanings are causing the president to pursue ill-advised or reckless policies, since, after all, the Mahdi will soon come to set things right.³⁸

Lacking formal religious training, President Ahmadinezhad and some of his supporters (most of whom are not clerics) may not be constrained by Shiite tradition when it comes to beliefs about the Mahdi and the circumstances surrounding his return.³⁹ Indeed, Ahmadinezhad's claims that he is in touch with the Hidden Imam, and that his return is imminent, smack of blasphemy for traditional Shiites, who have ridiculed him for having reportedly ordered the Tehran city council, while he was mayor, to plan a secret route for the Mahdi's return.⁴⁰ Such claims are not merely a manifestation of the president's idiosyncratic personality, but reflect the tendency of messianic movements to break radically from the traditions from whence they spring.⁴¹

Indeed, the undercurrent of messianic expectation in Iran since the late 1990s and in Iraq since the 2003 U.S. invasion has given rise, on several occasions, to violent apocalyptic sects.⁴² Some twenty violent doomsday cults reportedly emerged in Iran during Khatami's presidency but were quashed by the Islamic Republic's security forces.⁴³ One of these, an extremist group called the Mahdaviat, was linked to a January 1999 car bombing that badly wounded Tehran judiciary chief Hojjatoleslam Ali Razini, as well as a plot to assassinate Khatami and former president Rafsanjani, and planned attacks on the country's Sunni minority. The group, which consisted of about thirty people, succeeded in obtaining arms that had been pilfered from Basij armories and apparently believed they could hasten the reappearance of the Mahdi by attacking senior officials whom they believed stood in the way of his return and by sowing sectarian discord.⁴⁴

Furthermore, because many hardliners view Israel and the United States as the embodiment of spiritual corruption and evil,⁴⁵ and because some apocalyptic Shiite traditions speak of a conflict between the Islamic *umma* and the Jews as part of the final struggle between good and evil, the possibility that religious zealots

might push for a war with Israel or the United States as a means of fulfilling prophecy cannot be ruled out.⁴⁶

At present, the politicized messianic current associated with President Ahmadinezhad seems to be a relatively marginal phenomenon among the regime's supporters, while the more extreme, violent variants constitute a miniscule, fringe phenomenon. Thus the possibility that an apocalyptic cult could someday emerge within the military or IRGC and gain control over a nuclear device or weapon, which it might then use to advance its agenda, is probably exceedingly slim. But given the ambiance of messianic expectation in some circles in Iran, the possibility cannot be dismissed out of hand, either. While such groups seem preoccupied more with the elimination of their spiritual enemies than with their own martyrdom, the danger exists that such a group might seek to eliminate Islam's enemies without due consideration of the consequences for Iran.

Conclusion: Anticipating Nuclear “Black Swans”

From its inception, decisionmaking in the Islamic Republic has been influenced by the tension between the absolute imperatives of religion and the pragmatic concerns of statecraft. Since the late 1980s, the latter orientation, as expressed by the regime's expediency doctrine, has dominated. This has ensured the primacy of *raison d'état* over religion, and the implementation of the regime's ambitious, anti-status quo agenda in a way that minimized risk.

In recent years, however, the perceived successes of the resistance doctrine in Lebanon and Gaza, the strengthening of the Mahdist current in Iranian politics, and the failure of the international community to halt Iran's nuclear program have emboldened Tehran to pursue a more assertive foreign policy. Yet the operational imperatives that flow from the doctrine of resistance (to relentlessly push boundaries and never yield on matters of principle) and the ideology of political Mahdism (to stand fast and fight the enemies of the Islamic Republic in anticipation of the messianic era) coexist uneasily with the pragmatism and flexibility embodied in the regime's doctrine of expediency.

These trends, unless curbed, could increase Tehran's propensity for risk taking. This could take the form of a decision to:

- pursue a clandestine or overt nuclear breakout;
- ramp up support for terrorism or coercive diplomacy under the shadow of its nuclear umbrella;
- openly brandish its newly acquired nuclear capability; or
- share nuclear technology and know-how with friendly countries or nonstate actors.

The ultimate implications of Iran's emergence as a nuclear power will therefore depend, to a significant extent, on the relative strength of these contending orientations among key regime decisionmakers, in particular the Supreme Leader, and the relative influence of clerical and nonclerical elements in the government.

The upsurge in messianic devotion in Iran in recent years is a particular cause for concern. Though the version of political Mahdism espoused by President Ahmadinezhad seems to be a relatively marginal phenomenon that has garnered significant attention due largely to the president's efforts to promote it, it is not clear how broad and deep popular support for this ideology may run. And because messianic cults and movements act in accordance with an internal logic that is often not rooted in tradition, it is impossible to say where this messianic impulse will ultimately lead. Analysts and policymakers would, therefore, be

prudent not to dismiss the significance of this phenomenon—particularly in the context of the possible emergence of a nuclear Iran.

These concerns are compounded by a number of additional "risk factors" that include Iran's unsettled domestic situation, the rise of the new generation of hardline politicians, and the regime's history of indulging radicals who engage in rogue actions. These are likely to influence Iranian nuclear decisionmaking in ways that are impossible to foresee.

In sum, the increased salience of the resistance doctrine and of Mahdist ideology in the Islamic Republic could complicate U.S. efforts to prevent an Iranian nuclear breakout and deter a nuclear Iran. Over time, the cumulative impact of these, and other, risk factors might be to increase the potential for a deterrence failure that could have devastating consequences for the region. As demonstrated by the events of the past decade, low-probability, high-impact events ("black swans,") occur fairly often in politics, as they do in the natural world; these include the events of 9/11, the complications flowing from the 2003 U.S. invasion of Iraq, the Arab Spring of 2011, and the March 2011 earthquake, tsunami, and reactor meltdown in Japan.⁴⁷ For this reason, little credence should be given to facile claims regarding the relevance of Cold War models of deterrence to a nuclear Iran. Such claims are rarely grounded in an in-depth understanding of the religious ideologies and political doctrines that shape politics and drive decisionmaking in the Islamic Republic, and which make the possibility of a nuclear Iran such an unsettling prospect for so many people in the Middle East.⁴⁸

Notes

1. James R. Clapper, *Worldwide Threat Assessment of the U.S. Intelligence Community*, Senate Armed Services Committee (March 10, 2011), <http://armed-services.senate.gov/statemnt/2011/03%20March/Clapper%2003-10-11.pdf>; National Intelligence Council, *Iran: Nuclear Intentions and Capabilities*, National Intelligence Estimate produced by the Office of the Director of National Intelligence (November 2007), p. 7, http://www.dni.gov/press_releases/20071203_release.pdf.
2. These considerations include domestic politics, the regional threat environment, the circumstances surrounding an Iranian nuclear breakout, the perceived effectiveness of Israeli and U.S. missile defenses, the vulnerability of a future Iranian nuclear stockpile to a disarming first strike, and the number of nuclear weapons states in the Middle East that Iran will have to deter. See, for instance, James M. Lindsay and Ray Takeyh, "After Iran Gets the Bomb: Containment and Its Complications," *Foreign Affairs* (March/April 2010), pp. 33–49; Eric S. Edelman, Andrew F. Krepinevich, and Evan Braden Montgomery, "The Dangers of a Nuclear Iran: The Limits of Containment," *Foreign Affairs* (January/February 2011), pp. 66–81; and Lynn E. Davis, Jeffrey Martini, Alireza Nader, Dalia Dassa Kaye, James T. Quinnlivan, and Paul Steinberg, *Iran's Nuclear Future: Critical U.S. Policy Choices* (Washington, DC: RAND Corporation, 2011).
3. See, for instance, Fareed Zakaria, "They May Not Want the Bomb," *Newsweek*, May 23, 2009, <http://www.newsweek.com/2009/05/22/they-may-not-want-the-bomb.html>. For a somewhat more nuanced version of this argument, see Juan Cole, "Does Iran Really Want the Bomb?" *Salon*, October 7, 2009, http://www.salon.com/news/opinion/feature/2009/10/07/iran_nuclear.
4. See the essay by Mehdi Khalaji in this volume.
5. Those who take the regime's claims at face value also seem to discount the possibility of deception in Tehran's public statements about its nuclear program. Nearly every proliferator, however, has engaged in deception, and one need not refer to the Islamic doctrine of *taqiyya* (religiously sanctioned dissimulation) to account for this possibility. Politicians and diplomats of all political persuasions lie or shade the truth; after all, it was the seventeenth-century English diplomat Henry Wotton who said that an ambassador is an honest man sent abroad to lie for his country.
6. John Hart, Roger Roffey, and Jean Pascal Zanders, eds., *Iran's Disarmament and Arms Control Policies for Biological and Chemical Weapons, and Biological Capabilities*, Swedish Defence Research Agency (December 2003), pp. 20–22; Gregory Giles, "The Islamic Republic of Iran and Nuclear, Biological, and Chemical Weapons," in *Planning the Unthinkable: How New Powers Will Use Nuclear, Biological, and Chemical Weapons*, ed. Peter R. Lavoy, Scott D. Sagan, and James J. Wirtz (Ithaca, NY: Cornell University Press, 2000), pp. 81, 91–93; Dilip Hiro, *The Longest War: The Iran-Iraq Military Conflict* (New York: Routledge, 1991), pp. 201–202.
7. According to Iran's official declaration to the Conference of the States Parties of the Chemical Weapons Convention (CWC) in November 1998 regarding Iran's CW program: "Faced [during the Iran-Iraq War] with continued and expanding use of chemical weapons against our soldiers and civilians alike, and persistent muteness and inaction on the part of the United Nations Security Council, Iran was left with no alternative but to seek an effective means of deterrence in the hope that it could halt, or at least limit the barrage of these barbarous weapons on its people. This particularly became an absolute necessity when threats were made of chemical bombardment of the cities in the final stages of the conflict, and some indeed were carried out against civilian centers as reported by the United Nations investigating missions. In this context, the decision was made that, on a strictly limited scale capabilities should be developed to challenge the imminent threat particularly against the civilian populated [*sic*] centers. We declared, at the time, that Iran had chemical weapons capability, while maintaining the policy not to resort to these weapons and rely on diplomacy as the sole mechanism to stop their use by its adversary. The war ended soon after. Following the establishment of cease fire, the decision to develop chemical weapons capabilities was reversed and the process was terminated. It was reiterated consequently that Iran would not seek or produce chemical weapons and would accelerate its efforts to ensure early conclusion of a comprehensive and total ban under the CWC. This has continued to be my government's policy ever since." Statement by Ambassador Muhammad R. Alborzi, director-general of the Ministry of Foreign Affairs to the Conference of the States Parties of the Chemical Weapons Convention, November 19, 1998, <http://www.un.int/iran/statements/firstcommittee/session53/5.html>. It is interesting to note that Iran's declaration makes no mention of a fatwa proscribing CW. See also Jean Pascal Zanders, *Allegations of Iranian CW Use in the 1980–88 Gulf War: A Critical Analysis from Open Sources*, presentation at the Monterey Institute for International Studies, CNS WDC Office, Washington, DC, March 7, 2001.
8. Robert Collier, "Nuclear Weapons Unholy, Iran Says: Islam Forbids Use, Clerics Proclaim," *San Francisco Chronicle*, October 31, 2003, http://articles.sfgate.com/2003-10-31/news/17515120_1_nuclear-program-nuclear-weapons-supreme-leader. For other statements by Khamenei on the topic of nuclear weapons, see Bill Samii, "Dr. Strangelove in Iran," *Iran Report*, Radio Free Europe/Radio Liberty, November 23, 2004, <http://www.rferl.org/content/article/1342709.html>.
9. See, for instance, Foreign Minister Kamal Kharazmi, "Despite U.S. Charges, Iran Is Not Building a Nuclear Weapon; Iran Respects Both a Fatwa against the Bomb and IAEA Restrictions," *New Perspectives Quarterly Global Viewpoint*, January 27, 2004, http://www.digitalnpq.org/global_services/global%20viewpoint/01-27-05kharrazi.html; UN Representative

- Amb. Muhammad Javad Zarif, "Iran: U.S. Nuclear Fears Overblown," *Los Angeles Times*, November 5, 2004, <http://articles.latimes.com/2004/nov/05/opinion/oe-zarif5>; Agence France-Presse, "Fatwa Restrains Iran More on Nuclear Weapons than Treaty: Negotiator," April 12, 2005, <http://www.spacewar.com/2005/050412130710.kizyij2s.html>. See also Nazila Fathi, "Chief Cleric Says Iran Doesn't Seek Nuclear Arms," *New York Times*, June 4, 2008, <http://www.nytimes.com/2008/06/04/world/middleeast/04iran.html>.
10. For the text of the letter, see <http://www.fas.org/nuke/guide/iran/nuke/mehr080905.html>.
 11. Ayatollah Ali Khamenei, "Message to the Tehran International Nuclear Disarmament Conference: 'Nuclear Energy for All, Nuclear Weapons for None,'" April 17, 2010, <http://www.iranembassy.org.za/nuclear.html>. It is hard to avoid the conclusion that Khamenei was making a conscious distinction in this speech between producing and stockpiling nuclear weapons, which he described merely as a peril and a threat, and using them, which he described as illegal or haram.
 12. See the essay by Mehdi Khalaji in this volume.
 13. Associated Press, "Top Cleric: Iran Has Right to 'Special Weapons,'" June 14, 2010, <http://www.cbsnews.com/stories/2010/06/14/world/main6581622.shtml>.
 14. Asghar Schirazi, *The Constitution of Iran: Politics and the State in the Islamic Republic* (New York: I. B. Taurus, 1997), pp. 233–246; David Menashri, *Revolution at a Crossroads: Iran's Domestic Politics and Regional Ambitions* (Washington, DC: Washington Institute for Near East Policy, 1997), p. 8.
 15. Thus, when jailed Iranian activist Abdollah Momeni asked his interrogators why they used brutal methods such as torture to extract confessions, they responded that "according to the founder of the Islamic Republic the preservation of the regime is the foremost obligation." From "Letter of Prominent Prisoner of Conscience, Abdollah Momeni, to Ayatollah Khamenei," *International Campaign for Human Rights in Iran*, September 9, 2010, <http://www.iranhumanrights.org/2010/09/letter-momeni-khamenei/>. In July 1988, during the final weeks of the Iran-Iraq War, Ayatollah Khomeini reportedly issued a fatwa authorizing the execution of thousands of detainees from various opposition groups. For more on this tragic chapter, see Iran Human Rights Documentation Center, *Deadly Fatwa: Iran's 1988 Prison Massacre* (September 2009), <http://www.iranhrdc.org/english/publications/reports/3158-deadly-fatwa-iran-s-1988-prison-massacre.html>.
 16. "The Armed Might of Iran: Able to Manifest Itself in a Threatening Manner," *Ettela'at*, September 24, 1995, p. 3.
 17. Shaul Bakhash, *The Reign of the Ayatollahs: Iran and the Islamic Revolution* (New York: Basic Books, 1990), p. 273.
 18. Interview with Defense Minister Adm. Ali Shamkhani, Islamic Republic of Iran Broadcasting (IRIB)—Tehran, *Television Second Program*, July 30, 1998, Foreign Broadcast Information Service, Near East and South Asia (FBIS-NES-98-217), August 5, 1998.
 19. See, for instance, the account of the Iranian decision to not send a flotilla to Gaza by Mehdi Jedinia, "Tehran Finds Neat Way Out on Gaza Shipment," *Mianeh*, July 13, 2010, <http://mianeh.net/article/tehran-finds-neat-way-out-gaza-shipment>.
 20. Voice of the Islamic Republic of Iran, December 14, 2001, in BBC Worldwide Monitoring, December 15, 2001.
 21. Rafsanjani elaborated on his understanding of the concept of expediency and its relationship to Islam in a 2003 interview: "[W]e can solve whatever foreign problem is threatening us from the viewpoint of Islam....Our ideology is flexible. We can choose our expediency on the basis of Islam. Still, to put the country in jeopardy on the grounds that we are acting on an Islamic basis is not at all Islamic." Islamic Republic News Agency, April 12, 2003, quoted in Ayelet Savyon, Middle East Media Research Institute, *Inquiry & Analysis* no. 132 (April 15, 2003), <http://www.memritv.org/report/en/print850.htm>.
 22. A. Savyon and Y. Mansharof, "The Doctrine of Mahdism: The Ideological and Political Philosophy of Mahmoud Ahmadinejad and Ayatollah Mesbah-e Yazdi," MEMRI *Inquiry & Analysis* no. 357 (May 2007), http://www.memri.org/publicdocs/doctrine_of_mahdism.pdf.
 23. Maziar Bahari, "118 Days, 12 Hours, 54 Minutes," *Newsweek*, November 30, 2009, <http://www.newsweek.com/2009/11/21/118-days-12-hours-54-minutes.print.html>.
 24. Ehud Yaari, "The Muqawama Doctrine," *Jerusalem Report*, November 13, 2006.
 25. According to a recent AP wire service story based on an intelligence report from an unspecified country, President Ahmadinejad would like Iran to openly forge forward with the development of nuclear weapons, while Supreme Leader Khamenei, fearful of the international response, would prefer that Iran take a clandestine path to the bomb. George Jahn, "Iran Prez Said Pushing for Nukes," Associated Press, July 22, 2011.
 26. Mark Bowden, *Guests of the Ayatollah—The Iran Hostage Crisis: The First Battle in America's War with Militant Islam* (New York: Grove Press, 2006), pp. 8–15.
 27. David Crist, *Gulf of Conflict: A History of U.S.-Iranian Confrontation at Sea*, Policy Focus no. 95 (Washington, DC: Washington Institute for Near East Policy, June 2009), pp. 25–26, <http://www.washingtoninstitute.org/pubPDFs/PolicyFocus95.pdf>.

28. Ahmadinezhad has also tried to assemble a group of foreign policy advisors, an act interpreted by many as a bid to expand his influence and usurp many of the responsibilities of the Foreign Ministry. Golnaz Esfandiari, "Ahmadinejad's Special Envoys Become 'Advisors,'" Radio Free Europe/Radio Liberty, *Persian Letters*, September 16, 2010, http://www.rferl.org/content/Ahmadinejads_Special_Envoys_Become_Advisors/2159275.html.
29. Mahmoud Ahmadinezhad, speeches to the UN General Assembly, September 2008 and September 2009, respectively: <http://www.iran-un.org/statements/generalassbly/20080923155251.pdf> and http://www.iran-un.org/index.php?option=com_content&view=article&id=795:statement-of-the-president-ahmadinejad-ga-english&catid=41:general-assembly&Itemid=54.
30. David Ignatius, "Reading Iran by the Letter," *Washington Post*, September 20, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/09/18/AR2009091802144.html>.
31. Thomas C. Reed and Danny B. Stillman, *The Nuclear Express: A Political History of the Bomb and Its Proliferation* (Minneapolis: Zenith Press, 2009). For Iranian statements of intent to transfer nuclear technology to other Muslim states, see: "Ahmadinezhad Says Iran Ready to Transfer Nuclear Technology to Islamic States," Islamic Republic News Agency, September 15, 2005; Ali Akbar Dareini, "Iran Offers to Transfer Nuclear Technology to Its Neighbors," Associated Press Worldstream, December 16, 2006.
32. For the former perspective, see Zeev Maghen, "Occultation in Perpetuum: Shiite Messianism and the Policies of the Islamic Republic," *Middle East Journal* 62, no. 2 (Spring 2008), pp. 232–257; Timothy R. Furnish, *A Western View on Iran's WMD Goal: Nuclearizing the Eschaton, or Pre-Stocking the Mahdi's Arsenal?* Institute for Near East & Gulf Military Analysis, INEGMA Special Report no. 12, January 2011, http://www.inegma.com/reports/Special_Report12/Special%20Report%2012.pdf. For a less-sanguine perspective, see Bernard Lewis, "August 22: Does Iran Have Something in Store?" *Wall Street Journal*, August 8, 2006; and David Cook, "Messianism in the Shiite Crescent," *Current Trends in Islamist Ideology* 11 (April 2011), pp. 91–103, <http://currenttrends.org/research/detail/messianism-in-the-shiite-crescent>.
33. The term "apocalyptic" has a double meaning that can lead to confusion when discussing millennial and Mahdist movements in Islam. While the term may simply refer to the doctrine of the Mahdi (or messiah) and the messianic era presaged by his return, it may also refer to the violent cataclysmic events that some Shiite (as well as non-Muslim) traditions and some believers claim will be associated with the reappearance of the Mahdi. In this paper, the term is used in the latter sense. However, careless use of the term has clouded and confused the discussion about the potential implications of Iran's acquisition of nuclear weapons and given the false impression that all Shiites are of the violent apocalyptic variety.
34. This last approach should not be confused with the view of some believers that the Mahdi will reappear at a time of great turmoil and strife, and that these tribulations are a sign (and not a cause) of his imminent return, or with the more mainstream view that the Hidden Imam's reappearance will be followed first by a final violent struggle between the forces of good and evil and then by the establishment of a world government under his control. For more on Shiite apocalypticism, see Mehdi Khalaji, *Apocalyptic Politics: On the Rationality of Iranian Policy*, Policy Focus no. 79 (Washington, DC: Washington Institute for Near East Policy, January 2008), pp. 3–6, 14–18, <http://washingtoninstitute.org/pubPDFs/PolicyFocus79Final.pdf>. See also Cook, "Messianism in the Shiite Crescent"; Abbas Amanat, *Apocalyptic Islam and Iranian Shiism* (London: I. B. Tauris, 2009), pp. 41–70, 221–251; Jean-Pierre Filiu, "The Return of Political Mahdism," *Current Trends in Islamist Ideology* 8 (June 2009), pp. 26–38; Ali Alfoneh, "Ahmadinejad versus the Clergy," *American Enterprise Institute, AEI Middle East Outlook* no. 5 (August 2008), pp. 1–4, http://www.aei.org/docLib/20080820_No523414MEOg.pdf; Muhammad Ali Amir-Moezzi, "The Concept of Mahdi in Twelver Shiism," *Encyclopedia Iranica*, December 2007, <http://www.iranica.com/articles/islam-in-iran-vii-the-concept-of-mahdi-in-twelver-shiism>; and Jassim M. Hussain and Abdulaziz A. Sachedina, "Messianism and the Mahdi," in *Expectation of the Millennium: Shiism in History*, ed. Seyyed Hossein Nasr, Hamid Dabashi, and Seyyed Vali Reza Nasr (Albany: State University of New York Press, 1989), pp. 11, 43.
35. Amanat, *Apocalyptic Islam*, pp. 221–251.
36. Savyon and Mansharof, "The Doctrine of Mahdism"; Alfoneh, "Ahmadinejad versus the Clergy." See also Thomas Erdbrink, "Ahmadinejad Criticized for Saying Long-Ago Imam Mahdi Leads Iran," *Washington Post*, May 8, 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/05/07/AR2008050703587.html>; Nazila Fathi, "Iranian Clerics Tell the President to Leave the Theology to Them," *New York Times*, May 20, 2008, <http://www.nytimes.com/2008/05/20/world/middleeast/20mahdi.html>.
37. Amir Mohebian, political editor of the traditional conservative *Resalat* newspaper, as quoted in Scott Peterson, "Waiting for the Rapture in Iran," *Christian Science Monitor*, December 21, 2005, <http://www.csmonitor.com/2005/1221/p01s04-wome.html>.
38. Former prime minister and presidential candidate Mir Hossein Mousavi has expressed concern that Ahmadinezhad's messianic belief system was having a harmful impact on government policies. See Mir Hossein Mousavi's Facebook page, "Opposition Leader Mousavi Reveals Untold Facts of the Iran-Iraq War," July 27, 2010, <http://www.facebook.com/notes/mir-hossein-mousavi-myr-hsyn-mwswy/>

- nagfth-hayy-az-hsht-sal-dfa-mqds-dr-tazh-tryn-skhnan-myrrhsyn-mousavi-revealed-so/412365407605. For the possibility that Iranian miscalculation or overreach could lead to a clash with the United States or Israel, see David Crist and Michael Eisenstadt, "It's Time to Get Tough on Iran," *ForeignPolicy*, August 11, 2010, http://www.foreignpolicy.com/articles/2010/08/11/its_time_to_get_tough_on_iran.
39. Khalaji, *Apocalyptic Politics*, p. 17; Cook, "Messianism in the Shite Crescent," pp. 95, 97–98, 101–102. Such innovation may affect both rituals and beliefs; thus, for instance, in June 2008 a messianic cult reportedly appeared in Qom called the "Followers of the Thirteenth Imam" whose members pray facing Jamkaran, Iran (where some Shiites believe the Mahdi will reappear), rather than Mecca, the direction in which all other Muslims pray. See Alfoneh, "Ahmadinejad versus the Clergy," p. 2. This is not just a problem in Shia Islam: the Jewish messianic movement founded by the seventeenth-century false messiah Shabtai Tzvi eventually degenerated into a cult that turned fast days into feasts (one of the putative characteristics of the Jewish messianic era) and engaged in orgiastic rituals that violated Judaism's strict laws of sexual modesty.
 40. Peterson, "Waiting for the Rapture."
 41. A recent example of this phenomenon would include the messianic cult of Juhayman al-Utaybi, who led the violent 1979 seizure of the Grand Mosque in Mecca and who believed that his brother-in-law was the Mahdi. Yaroslav Trofimov, *The Siege of Mecca: The Forgotten Uprising in Islam's Holiest Shrine and the Birth of al-Qaeda* (New York: Anchor Books, 2008).
 42. Amanat, *Apocalyptic Islam*, pp. 225–227, 230, 239–246.
 43. Khalaji, *Apocalyptic Politics*, p. 17.
 44. Islamic Republic News Agency, "Mahdaviyat Group Behind Razini's Aborted Assassination Attempt," April 24, 2009; "Messianic Muslim Group to Go on Trial in Iran," CNN.com, November 23, 2000, <http://archives.cnn.com/2000/WORLD/meast/11/23/iran.trial.reut/>. Similar groups have appeared in Iraq, such as in January 2007 when hundreds of members of a Shiite messianic cult known as the "Soldiers of Heaven" battled Iraqi and U.S. troops. The Soldiers' apparent intent was to kill Shiite religious leaders in Najaf during the commemoration of Ashura, with the belief that by sowing chaos they could hasten the reappearance of the Mahdi. See Reider Visser, "When to Confront Mahdists: A Challenge for the U.S. Military," *CTC Sentinel* 1, no. 7 (June 2008), pp. 13–14, <http://www.ctc.usma.edu/sentinel/CTCSentinel-Vol1Iss7.pdf>. See also David Cook, "Iraq as the Focus for Apocalyptic Scenarios," *CTC Sentinel* 1, no. 11 (October 2008), pp. 20–22, <http://www.ctc.usma.edu/sentinel/CTCSentinel-Vol1Iss11.pdf>, and Filiu, "The Return of Political Mahdism," pp. 35–37.
 45. For Khamenei's view of the United States and Israel, see Karim Sadjadpour, *Reading Khamenei: The World View of Iran's Most Powerful Leader* (Washington, DC: Carnegie Endowment for International Peace, 2009), pp. 14–21. For a representative sampling of Ahmadinezhad's views of the United States and Israel, see his annual addresses to the UN General Assembly, archived at <http://www.iran-un.org/>. In particular, see his September 2008 speech at <http://www.president.ir/en/print.php?ArtID=12188>.
 46. While most Shiite hadith (statements or actions attributed to the prophet Muhammad) emphasize that the Mahdi will exact revenge against the Quraysh and Umayyad enemies of the Prophet's family (the latter being Imam Ali and his wife Fatima), and that these pre-messianic-era events will occur principally in the Arabian Peninsula (Mecca and Medina) and Iraq (Kufa), others emphasize that the Mahdi will, alternatively, capture or raze Jerusalem and that the Jews will be the main object of his wrath. Thus, according to one Shiite hadith, "When the Mahdi returns he will fight with Jews and kill all of them. Even if a Jew hides behind a rock, the rock speaks and says, O Muslim! A Jew is hidden behind me. Kill him!" See Khalaji, *Apocalyptic Politics*, p. 4. See also Hussein and Sachedina, "Messianism and the Mahdi," pp. 19–20, 25, 32–33, 36–40; I. K. Poonawala, "Apocalyptic," *Encyclopedia Iranica*, <http://www.iranica.com/articles/apocalyptic-that-which-has-been-revealed>; M. A. Amir-Moezzi, "Eschatology in Imami Shiism," *Encyclopedia Iranica*, <http://www.iranica.com/articles/eschatology-iii>; and Cook, "Iraq as the Focus," pp. 20–22. Sunni Muslims have a number of similar hadith concerning the war against the Jews at the End of Days and the "talking rock." See, for example, Article 7 of the Hamas covenant: http://avalon.law.yale.edu/20th_century/hamas.asp.
 47. Nassim Nicholas Taleb, *The Black Swan: The Impact of the Highly Improbable* (New York: Random House, 2010).
 48. See, for instance, the interview with Zbigniew Brzezinski on Aljazeera (English), "U.S. and Iran: Best of Enemies," *Empire*, March 31, 2010, <http://english.aljazeera.net/programmes/empire/2010/03/201033113196514403.html>. For the limitations of Cold War models of deterrence as applied to Iran, see Patrick Clawson and Michael Eisenstadt, eds., *Deterring the Ayatollahs: Complications in Applying Cold War Strategy to Iran*, Policy Focus no. 72 (Washington, DC: Washington Institute for Near East Policy, July 2007), <http://www.washingtoninstitute.org/pubPDFs/PolicyFocus72FinalWeb.pdf>.

2 | Shiite Jurisprudence, Political Expediency, and Nuclear Weapons

Mehdi Khalaji

*Islamic law exists to serve the interests of the Muslim community and of Islam. [Therefore,] to save Muslim lives and for the sake of Islam's survival it is obligatory to lie, it is obligatory to drink wine [if necessary].*¹

—Ayatollah Ruhollah Khomeini

FOR A NUMBER OF YEARS now, diplomats and officials of the Islamic Republic of Iran have stated that Islam forbids the production, stockpiling, and use of nuclear weapons, and that Supreme Leader Ali Khamenei has issued a fatwa, or religious ruling, to this effect. Such statements have led some commentators in the West to claim that this fatwa, which reflects the fundamental tenets of Islam, might well prevent Iran from acquiring the bomb.² Given the importance of this issue to the security and stability of the Middle East and to U.S. interests in the region, it is important that we subject this claim to critical scrutiny, inquire into the significance and nature of this fatwa, and understand to what extent Iran's decisionmakers are restrained by Islamic principles and laws.

Indeed, Iran's conduct during the Iran-Iraq War (1980–1988) provides reason to believe that Iranian nuclear decisionmaking is likely to be guided not just by religious principles, but by a more complex mix of considerations. During that war, Iraqi president Saddam Hussein repeatedly used his nation's air force and surface-to-surface missiles to attack Iranian cities. Although Iranian officials announced their opposition to targeting civilians, claiming the practice to be prohibited on religious grounds, the Islamic Republic did indeed retaliate in kind, killing many Iraqi civilians in numerous rocket and missile attacks. Moreover, in response to Iraqi chemical weapons attacks, Ayatollah Khomeini is reported to have eventually permitted the production and stockpiling of chemical weapons—though there is no evidence that Iran actually used them during the war.³

These strikes reached such a level that Akbar Hashemi Rafsanjani, then speaker of the Majlis (parliament) and commander-in-chief of the Iranian armed forces, recalled in his diary that Iraqi Sunni religious authorities met in Najaf (possibly at Baghdad's urging) with Grand Ayatollah Abu al-Qasem Khoi, then the most revered Shiite religious authority, asking him to urge Khomeini to cease the attacks on Iraqi cities. Khoi declined, apparently because “he knew that Khomeini would not listen to him”⁴—a strong indication that Khoi, who held to the Islamic proscription on killing noncombatants, did not believe Khomeini's decisionmaking was guided by Shiite religious law.

While contradictions between what politicians say and do are not unusual, the Iranian case is particularly important given the international community's concerns about the regime's nuclear intentions and the stakes involved in Iran's potential proliferation. This essay examines in greater detail the extent to which Islamic legal principles and other considerations are likely to influence Iranian nuclear decisionmaking.

Khamenei's Nuclear Fatwa

In 1988, as Iran's military and financial resources to prosecute the war with Iraq dwindled, Mohsen Rezaii, then commander-in-chief of the Islamic Revolutionary Guard Corps (IRGC), wrote a letter to Ayatollah Khomeini stating that Iran would need nuclear weapons if it were to continue fighting the war. Khomeini's response was disclosed in the memoirs of Ayatollah Hossein Ali Montazeri, Khomeini's elected successor, and more recently in a volume of Rafsanjani's diaries (referenced earlier). In these sources, Rezaii was quoted as saying,

There are no victories forthcoming in the next five years...If in the next five years we can raise 350 infantry brigades, acquire 2,500 tanks, 3,000 artillery pieces, and 300 warplanes, and can produce nuclear and laser weapons—which are among the necessities

of modern war—then, God willing, we can think of resuming offensive operations.⁵

As for Khomeini's response itself, first of all, he accepted both a ceasefire with Iraq and UN Security Council Resolution 598. But apparently this acquiescence did not arise from opposition to using an atomic bomb but rather from concerns regarding Iran's ability to produce or buy such a weapon. As it is, Khomeini apparently never issued a fatwa against nuclear weapons or other weapons of mass destruction (WMD).

Since the mid-1990s, Supreme Leader Khamenei has been denying accusations that Iran is trying to produce WMD.⁶ But over time, his emphasis has shifted from a denial of the practical utility of nuclear weapons to a focus on Islamic prohibitions against their use. Khamenei once stated, "We do not want an atomic bomb. We are even against having chemical weapons. Even when Iraq attacked us with chemical weapons, we did not produce chemical weapons. This is against our principles."⁷ He later clarified this point:

There is a difference between nuclear technology and a nuclear weapon...We do not have the motivation to pursue nuclear weapons. We have not and will not go after them. We do not need a nuclear bomb. If we defeated our enemy so far, it was not with nuclear bombs.⁸

Khamenei's statements on the religious prohibition against the production and use of WMD "in any form"⁹ were apparently first recorded in October 2003. More explicit language on the matter came on March 21, 2005, when the ayatollah said, "[Western governments] lie and say that we are concerned about making a bomb. They know that the production of an atomic bomb is not on our agenda. The Iranian people should know it...Using atomic weapons to destroy other nations is an American behavior...Islam does not allow us [to produce the atomic bomb]."¹⁰ Then, during separate speeches on June 4 and November 9, 2006, he once again spoke bluntly about the WMD issue:

[The West claims] that Iran is after a nuclear bomb. This is untrue and is a pure lie. We do not need nuclear bombs. We do not have any target against which we can use nuclear bombs. We believe that using nuclear

weapons is against Islamic rulings (*ahkam*). We have explicitly announced this. We believe that imposing on our people the cost of producing and stockpiling nuclear weapons is absurd. Production of such weapons and their preservation is very costly and we do not see it [as] right to impose these costs onto our people.¹¹

This is not right to use science in order to produce...nuclear weapons. [Because] when such a bomb is dropped somewhere, it would kill both guilty and innocent, armed individuals, young children, babies, and oppressed human beings. A science used for this end and a country in possession of such a weapon and its development would be led to this point which we do not approve [of]; we do not like such change.¹²

It is worth noting that although Khamenei states explicitly that the use of nuclear weapons is forbidden in Islam, his more recent statements regarding their production or stockpiling are ambiguous. For instance, in a June 4, 2009, speech he said:

The Iranian nation and its officials have repeatedly announced that we do not want nuclear weapons...We announced that using the bomb is forbidden in Islam. Preserving [nuclear weapons] is a grave danger and [a] trouble.¹³

And on February 19, 2010:

We do not believe in atomic weapons...We would not go after [them]. According to our religious convictions, our religious principles, using such weapons of mass destruction is forbidden, is *haram* [religiously forbidden]. This is [the] destruction of land and people, which the Quran forbids.¹⁴

Two months later, at the Tehran International Conference on Disarmament and Non-Proliferation, Khamenei concluded his speech by saying, "We believe that using such weapons is *haram*."¹⁵ He does not mention producing or stockpiling them.¹⁶ Perhaps, in the Supreme Leader's view, creating and storing such weapons will be sufficient to change the power equation in the region, thus obviating religiously objectionable *use* of the weapons.

Interestingly, no written texts exist for the Supreme Leader's fatwas, though Shiite juridical tradition grants equal weight to an oral and written legal opinions—a phenomenon to be discussed further in the next section.¹⁷

Are WMD Forbidden by Islam?

To understand how Iranian leaders view nuclear weapons, we must consider not only the status of WMD in traditional Islamic jurisprudence, but also the ways in which dissimulation, fatwas, and the doctrine of state interest (*maslaha*) play into decisionmaking in the Islamic Republic.

Most Shiite jurists believe that Islam forbids the use of WMD, but the debate is not yet resolved. For opponents of WMD use, the main legal argument is that they would kill civilians. But other jurists contend that any means can justify winning a war.

The prominent Shiite jurist Sayyed Ali Tabatabai (1748–1816)—who founded Karbala’s local police to protect the Shiite holy city against Sunnis—states in his seminal work:

It is permitted to fight by all means that guarantee victory, such as besieging fortresses, using siege catapults, setting fires [to people’s houses and properties], felling trees, flooding residences, or depriving [enemy civilians] of water and so on, whether it would be necessary or not, although some jurists believe that these measures are permissible only if victory in war depends on using them.

To buttress his argument, Tabatabai mentions actions committed by the Prophet Muhammad in his war against the people of Taef¹⁸ and the Bani Nazir tribe.¹⁹ Victory in war, Tabatabai continues, can justify even the killing of Muslim women, children, the elderly, prisoners, and businessmen, let alone non-Muslims. And in the wake of these killings, Islamic governments are obliged to pay neither expiation (*kaffarah*) nor blood money (*diyab*).²⁰

Civilians and Noncombatants

In Islamic jurisprudence, the distinction between civilians and combatants is unclear when it comes to nonbelievers and mature male Muslims. Fine distinctions do exist in Islamic law between Muslims and non-Muslims, and between non-Muslims who live in Islamic lands (*Dar al-Islam*) and pay taxes to the Islamic government and non-Muslims who live in the lands governed by nonbelievers (*Dar al-Kufr*), also known in Islamic jurisprudence as the domain of

war (*Dar al-Harb*).²¹ Given these parameters, it is difficult to define the notion of God’s enemy as *excluding* noncombatant nonbelievers when Islam allows Muslims to use any kind of weapon against the “enemies of God.”

Thus, according to a verse in the Quran—and one that constitutes part of the IRGC uniform logo—the forces of Islam would seem to have very wide latitude in dealing with nonbelievers: “And prepare against them whatever you are able of power and of steeds of war by which you may terrify the enemy of Allah and your enemy and others besides them whom you do not know [but] whom Allah knows. And whatever you spend in the cause of Allah will be fully repaid to you, and you will not be wronged.”²²

The debate over suicide bombings in Iran illuminates this point further. In an article in the official quarterly publication of the Assembly of Experts, *Hokoumat-e Eslami*, editor Sayyed Javad Varai argues that suicide bombings are not only allowed but in fact virtuous, according to Islamic principles. The possible death of innocents is explained away as follows:

First, sometimes all members of the enemy, including women and men, young and old, are involved in the invasion...hence the only way to deprive them of security is [through] *isteshbadi* [self-sacrifice] operations. Second, it is possible that the enemy’s women have been trained to fight along with their men, hence they are the enemy’s soldiers and killing them is considered as killing enemy forces, not innocent citizens [namely noncombatant civilians]...Third, when Islam’s fighters conduct such operations, the killing of others [civilians] seems to be inevitable... Fourth, even if [Islam’s fighters] kill innocent citizens, it would be a legitimate legal retaliation. Is it illegal to reciprocate the actions of an enemy who kills youth and teenagers, women and men, elders and sick people, and considers the killing of children and women as a part of his creed?²³

For many Shiite clerics, the blood of nonbelievers does not have the same legal status as the blood of Muslims. On November 20, 2005, Ayatollah Ahmad Jannati, who heads the powerful Guardian Council and is a close advisor to Khamenei, said, “Human beings, apart from Muslims, are animals who roam the earth and engage in corruption.”²⁴

Another area in which the line between civilian and military nonbelievers is blurred is that of defensive versus offensive jihad. While most Twelver Shiite jurists believe that confronting a foreign attack—or defensive jihad—is religiously justified, the matter of offensive jihad is trickier. Some jurists hold that neither Muslim governments nor jurists can declare offensive jihad against infidels in the absence of the Mahdi, the Shiite Twelfth Imam. But other jurists have argued that offensive jihad is permitted when backed by a strong Muslim ruler who has the capability to spread the faith.²⁵ Jurists such as the late Ayatollah Montazeri argue that even a ruling jurist, in the absence of the Imam, can declare offensive jihad against Jews, Christians, and Zoroastrians who do not live under an Islamic government.²⁶

Further examination reveals the concept of “civilian noncombatants” as alien to the Islamic juridical tradition. Jurists like Montazeri exempt only women and children from the sword of Muslim soldiers, and not civilians as a whole.²⁷ Islamic jurisprudence, likewise, does not define wartime targets as those individuals engaged in warlike activities, typically soldiers, leaving open the field of interpretation.²⁸

Dissimulation and Moral Relativism

Iranian nuclear decisionmaking may also be influenced by Shia Islam’s attitude toward dissimulation and moral relativism. Even though Islam is a religion of law, its tenets are not necessarily respected unconditionally or categorically—in a Kantian sense. As in other law-based religions, such as Judaism, a practical, commonsense approach guides the Muslim attitude toward law.²⁹ While Shiites believe that justice is an absolute good and injustice is an absolute evil, they have a very nuanced and ambiguous approach to defining good and bad, just and unjust. But in this ambiguity dwells a risk of lapsing into moral relativism. For instance, Muslim jurists do not believe that “honesty” is an absolute moral value.³⁰ Therefore, juridical texts cover the various permissible and impermissible types of lying.

A phrase by the classical Persian poet Saadi captures the prevailing view among Muslims: “A convenient lie is better than an evil-causing truth.”³¹ By this, he means that if telling the truth puts one’s life at risk, then truth

loses its virtue. The classical Muslim thinker Ghazali believed that lying was in itself not bad and only *haram* if it hurt someone. He explained speech as a means to an end. If a good end can be reached both by telling the truth and by telling a lie, then lying is impermissible. But if the end is a duty [*vajib*] and can be reached both by telling a lie and the truth, then lying is permissible. And if a duty cannot be fulfilled except by telling a lie, then lying is a duty.³²

In contemporary Iran, the pro-regime theologian Morteza Motahhari distinguishes between expedient or “altruistic” lies (*dorough-e maslahat amiz*), which aim to promote a greater good, and self-interested lies (*dorough-e manefat khiz*), which are motivated by personal gain or advantage. Expedient lies, he explains, are not bad—in fact, their moral value is truthlike.³³ Another juridical concept on which Motahhari elaborates is *towria*, or the use of double meaning that serves a purpose and avoids outright deception. As Motahhari tells it,

Enemy spies are pursuing an innocent person and are searching homes. They ask you about him. You are an honest person but if you tell the truth, that innocent person’s life will be at risk. When they ask you, “Have you seen him?” say “no,” but by “no” you do not mean that you have not seen him (you mean, for instance, that you did not see him last week, not today). This is *towria*.³⁴

Muhammad Taqi Mesbah-Yazdi, another pro-regime theologian, believes lying can be permitted not only to save one’s life, but also to save one’s money: “Lying that leads to protection of one’s money [assets] or another’s money is good and necessary.” When asked about how to respond to the imposition of an illegitimate tax, one of the Shiite imams recommended that the individual “lie and save that money.” The imam even advised Shiites to “take a false oath and not let unjust rulers take people’s money.”³⁵ All in all, most Shiite jurists believe lying is permissible or necessary in times of war; to reconcile individuals to each other; to preserve domestic peace between husband and wife or two Muslim individuals; by adults to children, in certain cases; and to terminally ill individuals about their condition.³⁶ In general, jurists

recognize the legitimacy of lying during wartime as a means of deceiving the enemy.

In Shia Islam, the interests of the Muslim *umma* stand above the interests of each Muslim individual. Hence, if Islamic law permits Muslims to lie for the sake of their own personal interests or welfare, then certainly Islamic governments can lie on behalf of the interests of the Muslim *umma*. Ayatollah Khomeini repeatedly used such logic in his statements.³⁷

Interrelation of *Taqiyya* and *Velayat*

The uniquely Shiite principle of *taqiyya* is also likely to have an important influence on Iranian nuclear decisionmaking. *Taqiyya* translates literally as caution, fear, or avoidance. But the term also denotes a uniquely Shiite principle—that of engaging in deception for the sake of self-protection—and is synonymous with *kitman* (concealment).³⁸ In practice, *taqiyya* dictates that if ever one's life or money is at risk, lying about one's faith or any other matter is permissible to avert harm.³⁹ The classical Shiite theologian Amin al-Islam Tabarsi said that *taqiyya* is permitted "in all cases if it is necessary."⁴⁰ Some jurists argue further that in safeguarding the interests of the Muslim community, *taqiyya* can be highly desirable.⁴¹ And as mentioned earlier, Ayatollah Khomeini himself stated publicly that rulers or subjects should lie or even drink wine (read: violate sharia) when required for the expediency of the Islamic government.⁴²

The principle of *taqiyya* is rooted in centuries of Shiite status as a persecuted minority under Sunni rule, during which Shiites had to dissemble in order to survive. Furthermore, the term applies profoundly to the Shiite distinction between esoteric and exoteric knowledge. According to this distinction, ordinary people (*avam*) need not have access to the entire truth, as compared with the elite (*khavas*), for whom the truth should be accessible. Even the transmitters of the hadith (sayings of the Prophet) do not share their knowledge with everyone. Certain hadith appear in texts for popular readers, while another set is presented for an elite audience.⁴³ In one widely known hadith, the Prophet says, "I swear to God

that if [his companion] Abouzar knew what is in the heart of [another companion] Salman, he would have killed him."⁴⁴

The virtue of ambiguity permeates Persian lifestyle, architecture,⁴⁵ and literature. And the principle plays out ironically in the ideology of two interesting branches of Sufism: the Qalandariyeh and the Malamatiyeh. In public, both Qalandaris and Malamatis conceal their affiliation with Sufism, deny the primacy of Islamic dogma, and openly disrespect sharia (Islamic law). They thus achieve an anonymity that, in their view, brings them closer to God and spares them the indignity of hypocrisy, viewed as the main source of religious corruption.⁴⁶ As opposed to religious hypocrites, who feign religiosity in public but violate their faith's tenets in private, the Qalandaris and Malamatis act irreverently in public but are true men of God in private and in their hearts.

Mystical Islam provides even more grounding for the use of *taqiyya*. In the mystical tradition, the truth is divine and transmitted to humans not as a result of their efforts but through divine grace. Therefore, those few elite who experience the truth or gain that knowledge are allowed to reveal the secrets of God to only a very small circle of the initiated. According to Islamic mysticism, prophets are believed to have used plain language that was easily understood by ordinary people but that, at the same time, concealed truths accessible only to the elite. The two sides to this divide are the *ulama* of the *zahir* (apparent), who know only the explicit meaning of the revealed word and who interpret exoteric Islam, and the *ulama* of the *batin* (hidden), who gain access to the hidden meanings that are a divine secret and who create esoteric Islam.⁴⁷

A *vali*, whose status is similar to that of a saint in the Christian tradition, is known esoterically as a "friend of God," one who has access to God and his truth.⁴⁸ In Shiite tradition, the *vali* may be understood in terms of the medieval concept of the philosopher, the bearer of truth. According to the twentieth-century political philosopher Leo Strauss, esoteric learning protected the medieval philosopher from paying the price associated with bearing "unpopular truths" beyond the cognitive reach of ordinary people. Esoteric writing, in turn, aims

to protect not only the philosopher but society itself from the danger inherent in philosophy: the truth.⁴⁹

Valaya, roughly “sainthood,” has legal and political as well as religious implications.⁵⁰ Whereas certain Shiite imams and prophets can achieve *vali* status, political rulers too can attain *valaya* through their authority to rule. Since Ayatollah Khomeini was a sufi and a jurist alike, he embodied both the esoteric and legal conceptions of *valaya*. According to his notion of *velayat-e faqih*—the doctrine granting the Supreme Leader his authority—the *faqih* (ruler) has authority equivalent to that of Muhammad and the twelve Infallible Imams of Shia Islam.

The dichotomy of *kashf* (discovery) versus *entekhab* (appointment) also helps elucidate the place of *valaya* on the Iranian political scene. On the one hand, certain regime hardliners such as former judiciary head Muhammad Yazdi and the cleric Muhammad Taqi Mesbah-Yazdi believe in *kashf*, or the divine appointment of a leader, according to which the Assembly of Experts serves only as a medium to reveal divine will, as in the selection of imams and prophets. Reformist clerics, on the other hand, subscribe to the notion that leaders are actually appointed by the Assembly of Experts, without divine guidance. For those who subscribe to *kashf*, the implications involve not only the spiritual status of the ruling jurist but also his ability to rely on his own judgment and knowledge to discern God’s will when making decisions, without the need for outside counsel.⁵¹ This model accords with the Straussian conception, whereby rulers should not share their knowledge with their subjects for the good of the subjects.⁵²

Role of Religious Rulings

In Islamic law, *ijtihad* refers to a personal juridical philosophy. In the classic books of *usul al-fiqh* (legal theory), a *mujtahid* (practitioner of *ijtihad*) is defined as someone who possesses an intellectual faculty that enables him to deduce God’s orders from the primary sources of Islam (namely, the Quran and hadith), rational reasoning, and the conditional consensus of early Islamic interpreters of the law.⁵³ A *mujtahid*—who may hold the title *faqih* or *mufti*—has the authority to issue a fatwa, or religious ruling.⁵⁴

Ijtihad is defined not as a credential attainable by methodical steps but rather as an intellectual faculty. This means that not just any aspirant can attain the status. Two means exist for reaching *ijtihad*: receipt of a certificate from one’s teacher—a well-established *mujtahid* himself—or publication of one’s writings, which will indicate clearly the sufficiency of one’s intellectual faculties. Once a student has attained *ijtihad*, he is forbidden from following another *mujtahid* and must perform his religious duties according to his own legal understanding. For those who are not scholars or who have not attained the status of *mujtahid*, the requirement, according to most jurists, is that they follow the most learned (*aalam*) *mujtahid*. Therefore, choosing a *mujtahid* as a source of emulation is not an arbitrary decision; one must be certain about the religious credentials of the *mujtahid* he follows. In addition to his intellectual ability, a *mujtahid* must be a living, adult, Twelver Shiite male of legitimate descent who is just and sane.

A *mujtahid* can issue not only a fatwa—a definitive opinion based on his deductions from the religious texts or empirical evidence—but also a more tentative ruling known as an *ebtiat* (literally, a caution). Though indefinite, an *ebtiat* is thought to estimate divine will. A follower is obliged to honor his *mujtahid*’s fatwas but not his *ebtiats* and can, in the latter case, turn to a *mujtahid* less learned than his own to seek an alternative opinion.

In Shiism, a *mujtahid* is regarded as fallible and, as a result, his rulings are not necessarily considered manifestations of the divine. This fallibility is reflected in the doctrine of *takhteah*. Yet, whereas a *mujtahid*’s opinion is considered *his opinion*, God’s will is beyond the reach of worshippers in the absence of the so-called Infallible Imam, and so they have no choice but to follow a *mujtahid*’s opinion. Even if a *mujtahid* fails to correctly understand the earthly expression of God’s divine order, he is held blameless.

In contrast to Shiite doctrine, most Sunnis believe a *mufti*—the Sunni equivalent of *mujtahid*—is infallible (*saeb*) and that God’s orders and expressions of will multiply in accordance with the number of his opinions. In other words, God has as many expressions of

will as there are *muftis*, with each opinion of each *mufti* a reflection.⁵⁵

Any discussion of *ijtihad* must note the fluidity of clerical rulings. A *mujtahid* can return to the text, discover new evidence, make new arguments, or be convinced by another's reasoning and ultimately change his views on a given matter. Therefore, a *mujtahid's* fatwa may differ not only from that of another *mujtahid* but also from his own previous rulings.

A worshipper can learn about a *mujtahid's* fatwa from any of four sources:

- The *mujtahid* himself
- Two just worshippers (i.e., two worshippers who have not been seen committing major sins)
- A person known to be reliable
- A *mujtahid's* book of legal opinions.

As such, even though Ayatollah Khamenei has produced no written record on the religious prohibitions pertaining to nuclear weapons, his verbal statements on the subject are considered his religious opinions, or fatwas, and therefore binding on believers.

The Dynamism of Fatwas

Changing a fatwa is a common practice among Shiite *mujtahids*. Ayatollah Khomeini, the founder of the Islamic Republic and one of the most widely followed *mujtahids* of his time, changed his fatwas on many issues. In his book *Kashf al-Asrar* ("The Revelation of the Secrets"), published in 1944, he defended the monarchy as a model of government, writing: "The clergy never opposed the principle of the Sultanate. It even supported monarchy most of the time."⁵⁶ But later, while in exile in Najaf and seeking to oppose the shah, he reversed course on his initial opinion, arguing that the sultanate (monarchy) "is against Islam; it violates the Islamic model for government and its rules."⁵⁷

While still a modest cleric and not yet a national leader, Khomeini stated that both the modern tax system in Iran—which included taxes beyond those sanctioned by Islam—and mandatory military service were against Islam (*Kashf al-Asrar*). But decades later, when he came to power, the ayatollah issued a fatwa instructing that all citizens obey all the government's

laws, adding that even "respecting driving rules and signs is a religious duty." In general, the 1979 Islamic Revolution presented Khomeini with a challenge rooted in the responsibilities of governance: in some measure, he now had to respect the modern state and its laws.

Another reversal by the former Supreme Leader involved women's rights. In 1963, he issued a fatwa in direct contradiction of Muhammad Reza Shah Pahlavi's granting of women's suffrage.⁵⁸ Yet following the revolution, he announced that women had the duty to vote and participate in all elections, and today the Islamic Republic allows women to run in parliamentary and city elections.

Examples abound of reversals by Khomeini. One notable instance involved the lucrative sturgeon trade, which was seen to be at risk. Prior to the revolution, not only Khomeini but *all* Shiite jurists considered the consumption of sturgeon *haram*; afterward, however, seeking to bolster the industry, Khomeini issued a fatwa declaring sturgeon *halal* (consumable). Other practices newly permitted after the revolution included autopsies, chess, women on television and in movies, hearing a woman's voice on radio, and listening to nonreligious music.

Shiite *mujtahids* have differing views on modern warfare, but most do not express these views publicly. On the subject of suicide bombing, the Lebanese cleric Sheikh Muhammad Hussein Fadlallah claimed in a 2007 interview that Khomeini believed in the legitimacy of the practice but had reservations about announcing this opinion publicly.⁵⁹ (Fadlallah himself conceded in the interview that he believed in the religious legitimacy of suicide bombing.) In public, both Khomeini and Khamenei have condemned suicide bombings and the killing of civilians. The concealment of such views by clerics may be done for social or political reasons.

A further example of concealment appears in the memoir of Rafsanjani, who mentions an Iranian eye surgeon who resided in the United States and remained a follower of Khomeini. The surgeon asked Khomeini, through Rafsanjani, if transplanting an eye from a non-Muslim to a Muslim was allowed. Khomeini said

yes, but that the surgeon was not to quote Khomeini on this ruling for fear of provoking some of the more conservative *mujtabids* who disagreed with him on this matter. In another case, Sadeq Tabatabai, brother-in-law of Khomeini's younger son, Ahmad, cites in his memoir an incident in which he asked Ayatollah Abu al-Qasem Khoi whether it was lawful for men to shave their beards. Khoi responded that no religious tenet banned the practice, so Tabatabai asked Khoi why he had written in his book of legal codes that shaving one's beard was not permitted. In reply, "[Khoi] smiled and did not say anything."⁶⁰

Temporary marriages between a Muslim man and a Christian or Jewish woman have also been the subject of implicit clerical approval. Ayatollah Hossein Boroujerdi, the foremost *marja* in Iran until his death in 1961, is known to have backed such a practice, yet he never issued a fatwa on the matter and indeed made efforts to conceal his viewpoint. One possible explanation is that at one time Muhammad Reza Shah wanted to marry a non-Muslim woman, and Ayatollah Boroujerdi did not want to legitimize such a union.⁶¹ Moreover, a former student of Boroujerdi's remembers once asking him why he changed his fatwas so frequently. "Every day I am a new man," Boroujerdi replied.⁶²

Regarding WMD, even if one disputes the Islamic legality of *using* WMD, one cannot ignore the Quran's justification for the production of such weapons to terrify an enemy. Ayatollah Mesbah-Yazdi likely used a similar justification to endorse the production of nuclear weapons. In his book *The Islamic Revolution: A Wave of Political Change in History*, he writes,

The most advanced weapons must be produced inside our country even if our enemies don't like it. There is no reason that [our enemies] have the right to produce a special type of weapon, while other countries are deprived of it.⁶³

Not all pro-government religious authorities agree on all issues. Issues related to women come in for particular dispute, such as whether women should cover their head, face, and hands, or appear on television. Pro-regime *mujtabids* also disagree on the lawfulness of music and whether playing chess, without betting, is permissible. When Khomeini ruled in favor of

chess playing, one *mujtabid* who had received his *ijtihad* certificate from Khomeini himself protested this ruling.⁶⁴ This protest elicited a sharp response from Khomeini, who argued that such legal principles would require worshippers to return to a premodern state of cave dwelling in the desert.

On the whole, the Iranian political leadership has trusted the political rulings of both Ayatollah Khomeini and Khamenei over those of other clerics. For one thing, according to the principle of *velayat-e faqih* the Supreme Leader's views trump those of all other jurists. For another, the Supreme Leader's rulings have tended to be more progressive than those of other *mujtabids*, largely because the ayatollah must reconcile religious principles with the social and political realities of governance in a modern state.⁶⁵ Other clerics are not similarly constrained and are often out of touch with such realities.

Iranian Political System as Autocracy

At a first glance, the Islamic Republic may appear to be a clerical government in which Shiite legal authority structures the legal system, and the legitimacy of the legal system stems from sharia (Islamic law). As such, it would seem that the religious opinions of Shiite clerics shape the legal and political direction of the state. Yet a closer examination reveals a more nuanced picture in both legal and political terms.

At least in theory, the Majlis (parliament) is the exclusive source of legislation in the Islamic Republic. It is true that laws produced by the Majlis must be vetted to ensure they do not conflict with either Islamic law or the Iranian constitution, but legislation itself need not be rooted in Islam. In addition, Majlis members must be ages thirty to seventy-five and hold the following basic qualifications: belief in Islam and the Islamic Republic, Iranian citizenship, faithfulness to the constitution and the principle of *velayat-e faqih*, possession of a master's degree, and lack of a criminal record. In the current Majlis, only 44 of the 285 members are clerics—with all 44 holding only a junior religious ranking. In fact, Majlis speaker Ali Larijani is a layman with no religious training. Before

his tenure in parliament, he headed state radio and television for ten years and was a deputy commander in the IRGC.

The Guardian Council—which consists of six senior Shiite jurists (all ayatollahs) appointed by the Supreme Leader and six lawyers nominated by the head of the judiciary and confirmed by the Majlis—is the body responsible for reviewing all laws for constitutionality and conformity with Islamic law. If a law is found to be insufficient in either of these areas, it is returned to the Majlis for modification and then subjected to a second review by the Guardian Council. If this second review still yields an objection, the legislation is passed to the Expediency Council, whose members are appointed by and advise the Supreme Leader. (Expediency Council members are not required to be clerics or experts in Islamic law, and the body lacks independent authority.) If the Expediency Council decides that the bill advances the interests of the country, even while contradicting Islamic law or the constitution, it can approve the bill and ask the president to do the same. Three important conclusions can be drawn from this process:

1. The legislature is not necessarily bound by Islamic law. If legislators believe a bill serves the interests of the regime, the bill can ultimately be passed with the help of the Expediency Council.
2. The clerical establishment, as the Shiite legal authority, has no systematic relationship with the legislature.⁶⁶ Only a small proportion of Majlis members are clerics, and members are not required to consult with the clerical establishment before passing a law. Even members of the Guardian Council are not appointed by the clerical establishment: half are appointed by the Supreme Leader and half by the judiciary and Majlis.
3. The Supreme Leader is the ultimate source of Islamic legitimacy for laws passed in the Majlis. A unique pillar in the legal system, the Supreme Leader also has sole authority to overrule

Islamic law to promote regime expediency through the Expediency Council.⁶⁷

Given this last conclusion, how can we characterize the Supreme Leader's relationship to the clerical establishment? In theory, the Assembly of Experts—which consists of high-ranking clerics supposedly elected by the public and vetted by the Guardian Council—appoints the Supreme Leader, supervises his activities and decisions, and dismisses him if he fails to fulfill his constitutional duties. But the Supreme Leader, both directly and through the Guardian Council, has great influence over the makeup of the Assembly of Experts, in effect appointing the assembly members himself.

According to Khomeini's doctrine of *velayat-e faqih*, all clerics and Shiite worshippers are subject to the orders of the Supreme Leader, who also serves as the ruling jurist, or "jurist of jurists," in the public sphere. This doctrine is premised on the view that the ruling jurist is the heir and divine beneficiary of the Prophet Muhammad and the representative of the infallible Hidden Imam. Thus, the Supreme Leader has authority (*velayat*) over all earthly matters, beyond even sharia and the country's constitution, granting him—at least in principle, though with practical limits—enormous powers over society in general and the juridical hierarchy in particular. Given the Supreme Leader's authority as a jurist, he holds ultimate clout over any other *mujtahid* in granting fatwas regarding nuclear policy—a public rather than personal issue.

Politics of the Extraordinary

Islamic law is considered by Islamists to be the only worthwhile lens through which to view worldly affairs and achieve spiritual salvation.⁶⁸ In turn, the implementation of sharia is the Islamists' principal goal. Yet when Ayatollah Khomeini came to power, he soon understood that sharia, as it existed, was not compatible with the requirements of modern social and political life. In a letter to his disciple, Muhammad Hassan Qadiri, Khomeini wrote, "The government cannot be run by existing jurisprudence."⁶⁹ As a result, Khomeini invoked the principle of *maslaha*—which literally means "well-being" but in the juridical sense signifies

public interest, government expediency, or, as it is known in political philosophy, *raison d'état*.

Long before the Islamic Revolution, Sunni rulers and jurists called upon *maslaha* to justify acts of “necessity.”⁷⁰ If a tenet of Islamic law was seen as hindering the expediency of an Islamic government or the public interest, the *mufti* could suspend the law as needed. Sunni jurists felt such suspensions were justified on the grounds that sharia is meant to safeguard the interests of the community and Islamic government.⁷¹ Often chafing at such rulings were the minority Shiites, who lacked political power and opposed the suspension of divine law to resolve worldly, political issues. In response, several Sunni jurists argued that the notion of *maslaha* in Islam differs from the Western concept of *raison d'état* or utilitarian principles such as those elaborated by Jeremy Bentham, John Stuart Mill, and others.

The first difference is grounded in a transcendental conception of legal morality, where *maslaha* and its antinomy, *mafsada* (literally, harm), cannot be restricted to this life alone but must take into account the hereafter as well. The second is that *maslaha* cannot be reduced to the material aspect of the world and certainly cannot be reduced to hedonism, but must be equally based on corporeal and spiritual human needs. Finally, the third assumption is that *maslaha* dictated by religion constitutes the foundation of worldly based *maslahas*, with the consequence that the former has precedence over and controls the latter.⁷²

The extent to which Ayatollah Khomeini shocked the Shiite establishment by adopting *maslaha* as he did cannot be understated. Indeed, this step was unprecedented in the history of Shiism. The effect of Khomeini's move was to aid the Iranian regime and allow the state to function in the modern world, as compared with the antiquated concept of government in Islamic jurisprudence. In line with some of Khomeini's disciples, like Ahmad Azari Qomi, who claimed that the interests of the regime precede all Islamic principles and that, if necessary, Islamic principles—including the unity of God—can be suspended,⁷³ Khomeini himself wrote that sharia is not binding for the jurist ruler, who has the right to ignore prayer and other

rituals (known as the Pillars of Islam) in favor of the regime's needs. Despite the groundshaking effects of Khomeini's stance, no other Iranian cleric dared oppose him openly.

Interestingly, the only figure to even speak publicly of Khomeini's interpretation was current Supreme Leader Ali Khamenei. In a Friday sermon in 1987, then president Khamenei addressed the proper role of an Islamic government in contract negotiations between business owners and employees. In response to Khomeini's claim that the government can force employers to accept certain terms, Khamenei clarified that this did not mean “any conditions” but rather only conditions acceptable under Islamic law.⁷⁴ Khomeini replied swiftly and bluntly to Khamenei's parsing, which reflected a mainstream opinion among Shiite jurists:

From your sermon during Friday prayers it seems that you do not believe that government is the absolute authority that God has given to the Prophet and is the most important order of God and precedes all other orders. You said in your sermon that I said that “the government has authority only within the framework of Islamic law.” This is the absolute opposite of what I said...The government can unilaterally abrogate any religious agreement made by it with the people if it believes that the agreement is against the interests of the country and Islam. The government can prevent any Islamic law—whether related to rituals or not—from being implemented if it sees its implementation as harmful to the interests of Islam.⁷⁵

During the Islamic Republic's first decade, Khomeini did not hesitate to violate the constitution at will. His orders to form the Supreme Council for the Cultural Revolution, the Special Clerical Court, and the Expediency Council (the last of which was created in February 1988)⁷⁶ were all unconstitutional. The Expediency Council in particular was formed because Khomeini knew he would need assistance in identifying and assessing each individual case in which *maslaha* might be applicable. When members of the Majlis protested that the Expediency Council was unconstitutional, Khomeini responded in a letter:

You are right. God willing, we are planning to arrange everything in a way that...is based on the constitution.

What happened in these years was related to the war. The expediency of the regime and Islam necessitated that the entangled knots get untied quickly in favor of the people and Islam.⁷⁷

In April 1989, following the conclusion of the Iran-Iraq War, Khomeini ordered that the constitution be revised, paving the way for the formal incorporation of *maslahah* into the Iranian political system. This revision vindicated the long-held claim by Khomeini that the initial constitution did not adequately recognize the authorities of the ruling jurist.⁷⁸ In one speech, Khomeini described the initial constitution as imperfect, and continued:

According to Islam, the clergy is entitled to much more [authority]. In order to prevent some [secular] intellectuals from opposing the constitution, [the constitutional assembly] yielded a bit...[but the ruling jurist's authority] is actually much greater.⁷⁹

A key change associated with the 1989 revision was the addition of “absolute” to the title of the ruling jurist: *velayat-e faqih* thus became *velayat-e motlaqeh-ye faqih*.

In addition to further empowering the ruling jurist, the amendment process led to a formal definition of the Expediency Council's roles,⁸⁰ which included the following: advising the ruling jurist; resolving disputes between the Majlis and the Guardian Council; approving bills ratified by the Guardian Council; and advising the ruling jurist on revisions or amendments to the constitution. In a much later interview with *Khabar* newspaper, Akbar Hashemi Rafsanjani also cited the authority of the Expediency Council to create laws.⁸¹

Of the forty-four current members of the Expediency Council, thirty-five—along with the council's head—are Supreme Leader appointees who serve five-year terms.⁸² Ex officio members consist of the president, Majlis speaker, judiciary head, and Guardian Council members. Under Khamenei, the Expediency Council has been subject to substantial structural changes that have rendered it a sophisticated bureaucracy.

However complex the Expediency Council has become, the Supreme Leader retains the right to intervene directly as needed, a right he has wielded on several important occasions. Thus, on August 6, 2000,

when the reformist Majlis decided to revise Iran's press law to permit greater freedom of speech, Khamenei sent a letter to the Majlis to be read by the speaker, Mehdi Karrubi, asking parliament to halt the amendment process because the revised text “is not legitimate and is against the interests of the country and Islam.”⁸³ Khomeini's intervention amounted to a *hokm-e hokoumati* (governmental decree), an order issued by the leader that supersedes all national and Islamic law. A recent example of a *hokm-e hokoumati* was Khamenei's April 19, 2011, letter to Intelligence Minister Heydar Moslehi, ordering that he remain in power despite his dismissal by President Ahmadinezhad (and even though the president has the right, under the constitution, to dismiss government ministers). Khamenei's move widened the rift between himself and Ahmadinezhad, and, in protest, Ahmadinezhad did not attend cabinet sessions for twelve days. More recently, Khamenei appointed Ayatollah Mahmoud Hashemi Shahroudi as head of the committee in charge of mediating a dispute between the president and parliament.⁸⁴ This was an obvious effort to weaken the Expediency Council and interfere in its affairs.

In sum, since the ruling jurist has absolute authority and exclusive control in defining regime expediency, he can suspend all Islamic and constitutional laws whenever he chooses to do so. This means that laws have no independent authority; they depend entirely on the Supreme Leader's validation. In such a system, politics never become normalized through the stable functioning of state institutions. Instead, every situation has the potential to be interpreted as extraordinary and manipulated to the liking of the Supreme Leader, possibly against the decisions of parliament, the president, and the judiciary. Thus what might be called the “politics of the extraordinary” concentrates enormous power in the hands of the ruling jurist and defines the essence of the Islamic Republic.

Conclusion

Supreme Leader Khamenei has stated that the production, stockpiling, and use of nuclear weapons are forbidden under Islam. But his recent language on the subject has become more equivocal, emphasizing

only the prohibition on their use and not on their production or stockpiling. And should the needs of the Islamic Republic or the Muslim *umma* change, requiring the use of nuclear weapons, the Supreme Leader could just as well alter his position in response. This means that, ultimately, the Islamic Republic is unconstrained—even by religious doctrine—as it moves toward the possible production and storing of nuclear weapons.

In principle, at least, the emergence of *maslaha* or *raison d'état* in the ideology of the Islamic Republic represented a step forward in recognizing the realities of running a modern state. The principle might have been channeled toward allowing the parliament and

president to establish a shared understanding of the “national interest” that could strengthen those institutions and foster nascent democratic processes. In practice, however, *maslaha* has become a means of freeing the political system from the hold of Islamic law, further undermining Iran’s democratic institutions and consolidating the Supreme Leader’s control over state politics, in effect laying the foundation for a clerical-military dictatorship in Iran. Iranian nuclear decision-making, therefore, bears the significant imprint of one man’s personality and politics—an imprint that may be unaffected by the will of other men, the decisions of other institutions, or, most ironically, the legal scruples or moral dictates of his own religion.

Notes

1. Ayatollah Ruhollah Khomeini, speech addressing Revolutionary Guard commanders and others, July 31, 1981. For the text of the speech, see Khomeini, *Sahifeh-ye Nour*, vol. 15 (Tehran: Entesharat-e vezarat-e farhang va ershad-e eslami, 1378), p. 107.
2. Fareed Zakaria, "They May Not Want the Bomb," *Newsweek*, May 23, 2009. The extended text reads as follows: "The regime wants to be a nuclear power but could well be happy with a peaceful civilian program (which could make the challenge it poses more complex). What's the evidence? Well, over the last five years, senior Iranian officials at every level have repeatedly asserted that they do not intend to build nuclear weapons. President Mahmoud Ahmadinejad has quoted the regime's founding father, Ayatollah Ruhollah Khomeini, who asserted that such weapons were 'un-Islamic.' The country's Supreme Leader, Ayatollah Ali Khamenei, issued a fatwa in 2004 describing the use of nuclear weapons as immoral. In a subsequent sermon, he declared that 'developing, producing or stockpiling nuclear weapons is forbidden under Islam.' Last year [2008] Khamenei reiterated all these points after meeting with the head of the International Atomic Energy Agency, Mohamed ElBaradei. Now, of course, they could all be lying. But it seems odd for a regime that derives its legitimacy from its fidelity to Islam to declare constantly that these weapons are un-Islamic if it intends to develop them. It would be far shrewder to stop reminding people of Khomeini's statements and stop issuing new fatwas against nukes."
3. See J. P. Perry Robinson, *Dual Technology and Perceptions of Iranian Chemical and Biological Weapons* (Harvard Sussex Program, July 26, 2005), <http://www.sussex.ac.uk/Units/spru/hsp/Papers/450.pdf>.
4. Akbar Hashemi Rafsanjani, *Omid va Delvapas Khaterat-e Sal-e 1364*, be ehtemam-e Sara Lahouti (Tehran: Daftar-e Nashr-e Maref-e Enghelab, 2008), p. 61.
5. This letter is published in Montazeri's memoirs: Hossein Ali Montazeri, *Memoire* (Paris: Entesharat-e Enghelab-e Eslami, 2001), p. 490. See also Akbar Hashemi Rafsanjani, *Karnameh va Khaterat-e Hashemi Rafsanjani, Sal-e 1367*, ed. Alireza Hashemi (Tehran: Daftar-e Nashr-e Maref-e Enghelab, 2011), pp. 578–581.
6. On April 19, 1995, Khamenei said, "Americans should not go here and there and say [nonsense such as] that 'Iran is trying to wage war' or 'explode a nuclear bomb'...They should know that Iran is not [a] war-monger. According to our principles we oppose war. Our principles entail that we convey the message of friendship, peace, love, security, and serenity." The transcript of this speech [in Persian] is available at <http://farsi.khamenei.ir/speech-content?id=2746&q=>. The next month, on May 3, he reiterated his warning to his critics: "They [the West] accuse us of making nuclear and chemical bombs. This is a lie. They know themselves that this is a lie. They do not know the truth and are unable to know it" (transcript available at <http://farsi.khamenei.ir/speech-content?id=2748&q=>).
7. Ali Khamenei, speech, March 21, 2003, <http://farsi.khamenei.ir/speech-content?id=3167&q=>.
8. Ali Khamenei, speech, March 23, 2004, <http://farsi.khamenei.ir/speech-content?id=3236&q=>. For his views on the importance of Iran's nuclear program, see <http://farsi.khamenei.ir/speech-content?id=3202>.
9. Robert Collier, "Nuclear Weapons Unholy, Iran Says: Islam Forbids Use, Clerics Proclaim," *San Francisco Chronicle*, October 31, 2003, <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2003/10/31/MNGHJ2NFRE1.DTL>.
10. Ali Khamenei, speech, March 21, 2005, <http://farsi.khamenei.ir/speech-content?id=3274&q=>.
11. Ali Khamenei, speech, June 4, 2006, <http://farsi.khamenei.ir/speech-content?id=3341&q=>.
12. Ali Khamenei, speech, November 9, 2006, <http://farsi.khamenei.ir/speech-content?id=3362&q=>.
13. Ali Khamenei, speech, June 4, 2009, <http://farsi.khamenei.ir/speech-content?id=7089&q=>.
14. Ali Khamenei, speech, February 19, 2010, <http://farsi.khamenei.ir/speech-content?id=8906&q=>.
15. Ali Khamenei, "Message," April 17, 2010, <http://farsi.khamenei.ir/message-content?id=9171>.
16. In a speech in reaction to the Arab Spring, Khamenei suggested that responsibility for NATO's no-fly zone and military action against Libya lay with Muammar Qadhafi's relinquishing of his country's nuclear program: "[T]hough Qadhafi was anti-Western in his first years, in recent years he has done lots of favors for Westerners. The West also saw how Qadhafi ended Libya's nuclear activities due to an empty threat. He shipped out [his nuclear components] and gave them to the West...[L]ook at our people's situation and compare [it] with [the Libyan] people's situation...[The West] sanctioned [Iran], made military threats, said we [will] attack you...but Iran's officials not only didn't back off but, despite the [enemy's desire], multiplied their nuclear capability every year." Transcript of the March 21, 2011, speech is available at <http://farsi.khamenei.ir/speech-content?id=11804>.
17. See Khamenei's fatwa "How to Acquire the Fatwas of a Jurist?" (available at <http://farsi.khamenei.ir/treatise-content?uid=1&tid=3>).
18. Muhammad's army used siege catapults against the people of Taef and then massacred men, women, and children alike,

- according to legal and historical sources. See Sheikh Muhammad ibn Hasan Tusi, *al-Mabsout fil Fiqh*, vol. 2 (Qom: al-Maktaba al-Murtazaviya, 1388), p. 11.
19. Bani Nazir (or Banu Nadir) was one of two main Jewish tribes in Medina that preceded the emergence of Islam. Following a negotiation over a blood-money payment being collected from the town's Muslim community and Jews' promise to contribute to the sum, Muhammad personally became convinced of Bani Nazir's enmity and suspected a conspiracy against him. He later annulled a peace treaty with the tribe and declared war on its people.
 20. Sayyed Ali Tabatabai, *Riaz al-Masael fi Tabqiq al-Abkam bi Dalael*, vol. 8 (Qom: Moassasat Aal al-Bait li Ihyae Attorath, 1999), pp. 69–70. The fifteenth-century Shiite jurist Allameh Helli concurred that if defeating the enemy requires attacking and killing women, children, and elders, then such steps must be taken. Helli considered such an opinion the consensus among his jurist peers. See Muhammad Hasan Najafi, *Javaber al-Kalam fi Sharh-e Sharae al-Eslam*, vol. 21 (Beirut: Dar Ihya al-Torath al-Arabi, 1992), p. 71; Sad al-Din abu al-Qasem ibn Barraji, *al-Mohazzab*, vol. 1 (Qom: Jameat al-Modarressin, 1986), p. 302; Fakhr al-Din abu Abdullah ibn Edris, *al-Saraer al-Havi li Tabrir al-Fatawi*, vol. 3 (Qom: Jameat al-Modarressin, 1369), p. 7.
 21. “*Dar al-Islam*,” “*Dar al-Kofr*,” and “*Dar al-Harb*” are three significant legal terms in Islamic jurisprudence that have fundamental implications for how an Islamic government treats individuals. This is one of the main obstacles to recognizing the notion of “citizen” in an Islamic legal system.
 22. Quran (8:60). See also A. J. Arberry, *The Koran Interpreted* (New York: Touchstone, 1955), p. 204.
 23. Sayyed Javad Varai, “Mabani-ye Fiqhi-ye Amalyat-e Shahdat Talabaneh,” *Hokumat-e Eslami*, no. 27 (Spring 2003).
 24. The Zoroastrian representative in Iran's Majlis officially protested against the ayatollah's statements. For his statement (in Persian) see <http://www.ettelaat.net/05-11/news.asp?id=10447>.
 25. For a critical study on jurists' view about offensive jihad, see Nematollah Salehi Najaf Abadi, *Jihad dar Islam* (Tehran: Nashr-e Nei, 2007), pp. 15–109.
 26. Hossein Ali Montazeri, *Resaleh-ye Tozih al-Masael* (Tehran: Entesharat-e Sarai, 2002), p. 343.
 27. *Ibid.*, p. 344.
 28. For an examination of the distinction between civilians and combatants in historical context, see Helen M. Kinsella, *The Image before the Weapon: A Critical History of the Distinction between Combatant and Civilian* (Ithaca, NY: Cornell University Press, 2011); Anicee Van Engeland, *Civilian or Combatant: A Challenge for the 21st Century* (Oxford: Oxford University Press, 2011); Michael Walzer, *Just and Unjust War: A Moral Argument with Historical Illustrations*, 3rd ed. (New York: Basic Books, 2000).
 29. Interestingly, Judaism also rejects the understanding of truth telling as a universal moral absolute. In the words of one contemporary Jewish writer, “[U]nlike Saint Augustine and Kant, the Hebrew Bible and the Talmud present a more nuanced view of truth-telling. Both emphasize that while telling the truth is very important, there are instances in which lying is permitted and, on occasion, even mandated. In other words, while truth-telling is an important but not absolute value, in at least six circumstances, Jewish law permits or even obligates us to lie, exaggerate or otherwise mislead another.” These six circumstances are: (1) to prevent future harm; (2) to right a past wrong done when dealing with a dishonest or deceptive person or government; (3) when the effect of telling the truth will cause unnecessary hurt; (4) to create peace or an otherwise good outcome; (5) because a question invades one's privacy; and (6) when exaggerating to make a point and the exaggeration is understood. As quoted and paraphrased from Rabbi Joseph Telushkin, *A Code of Jewish Ethics: Volume 1: You Shall Be Holy* (New York: Bell Tower, 2006), pp. 423–424.
 30. Morteza Motahhari, *Falsafeh-ye Akhlaq* (Tehran: Entesharat-e Sadra, 2003), p. 78.
 31. Saadi Shirazi, *Golestan*, ed. Gholam Hossein Youssefi (Tehran: Entesharat-e Kharazmi, 1368), p. 58.
 32. Abu Hamid Ghazali, *Ihya al-Ulum Addin*, vol. 3 (Cairo: no publisher, 1358), p. 146.
 33. Motahhari, *Falsafeh*, p. 79.
 34. *Ibid.*, p. 82.
 35. Muhammad Taqi Mesbah-Yazdi, *Dorous-e Falsafeh-ye Akhlaq* (Tehran: Entesharat-e Etefat, 1997), pp. 89–90.
 36. For a more extensive discussion about lying in Shiite jurisprudence, see Ruhollah Khomeini, *al-Makasib al-Moharrama*, vol. 2 (Qom: Moassesseh-ye Ismailian, 1968); Morteza Ansari, *al-Makasib al-Moharrama* (Qom: no publisher/date); Muhammad Mohsen Faiz Kashani, *al-Mohajjat al-Baiza fi Tahzib al-Ihya*, vol. 5 (Qom: Manshourat Jemaat Almodarresin, 1986); Muhammad Reza Mahdavi Kani, *Noqte-haye Aqaz dar Akhlaq-e Amali* (Tehran: Entesharat-e Daftar-e Nashr-e Farhang-e Eslami, 2009).
 37. Khomeini speech, July 31, 1981.
 38. For more on *taqiyya*, esoteric knowledge, and jihad in non-Twelve Shiism, see Yaron Friedman, *The Nusayri-Alawis: An Introduction to the Religion, History and Identity of the Leading Minority in Syria* (Boston: Brill, 2010), pp. 142–152.

39. See L. Clarke, "The Rise and Decline of *Taqiyya* in Twelver Shiism," in *Reason and Inspiration in Islam: Theology, Philosophy and Mysticism in Muslim Thought*, ed. Todd Lawson (London: I. B. Tauris, 2005), pp. 46–63.
40. Abu Ali Tabarsi, *Majma al-Bayan fi Tafsir al-Quran*, vol. 1 (Beirut: Dar Ihya Attorath al-Arabi, 1995), p. 430.
41. Ansari, *al-Makasib*, p. 320.
42. Khomeini speech, July 31, 1981.
43. For instance, in his mystically inflected treatise *Kalamat-e Maknoub*, intended for a select audience, Mohsen Faiz Kashani cites hadith that he would not cite in his large, popular collection: Kayvan Samii, *Zendegani-ye Sardar Kaboli*, vol. 1 (Tehran: Ketabforoushi-ye Zavar, 1984), p. 133.
44. Muhammad Baqr Majlisi, *Bihar al-Anwar*, vol. 2 (Tehran: al-Maktaba al-Islamiya, 1995), p. 183.
45. In traditional Iranian residential architecture, "exterior" (*birouni*) is set in contrast to "interior" (*andaroomi*). The interior refers to the private quarters of the house designed for immediate family members. Guests and strangers are not allowed to even see the interior, let alone enter it. The "exterior" is designed as an area where the house owner receives his guests, or where guests stay for few nights.
46. On Malamatiyeh, see Sadra Sviri, "Hakim Tirmidhi and the Malamati Movement in Early Sufism," in *The Heritage of Sufism* vol. 1, ed. L. Lewisohn (Oxford: Oneworld Publications, 1999), http://goldensufi.org/a_ss_malamati.html. For a recent study on Qalandariyeh, see Muhammad Reza Shafii Kadkani, *Qalandariyeh dar Tarikh, Degardisi-ha-ye yek Ideology* (Tehran: Sokhan, 1986).
47. Tajodin Hossein Kharazmi, *Sharh Fosous al-Hekam* (Qom: Tahqiq Hasan Hasanzadeh Amoli, Boustan-e Kitab, 2008), pp. 1024–1054. See also Christian Jambet, *Le Cache et l'Apparent* (Paris: L'Herne, 2003); Henri Corbin, *Histoire de la philosophie islamique* (Paris: Gallimard, 1986), pp. 66–69.
48. Corbin, *Histoire*, p. 76.
49. Leo Strauss, *Persecution and the Art of Writing* (Chicago: University of Chicago Press, 1980), pp. 22–36.
50. Muhammad Ali Amir-Moezi and Christian Jambet, *Qu'est-ce que le Shiisme?* (Paris: Fayard, 2004), pp. 33, 197.
51. Does the ruling jurist's legitimacy stem from the people's will or reflect God's will? This question has been at the center of a two-decade-long debate over *velayat-e faqih*—whether it refers to an ordinary, elected jurist or one selected, inspired, and protected by God. In this discussion, selection by God would obviously mean inspiration and protection by God as well, including protection against being second-guessed by the Assembly of Experts. See Abdullah Javadi Amoli, *Velayat-e Faqih* (Qom: Asra, 1999); Abdullah Javadi Amoli, *Piramoun-e Wabi va Rabbari* (Qom: Azahra, 2001); Muhammad Taqi Mesbah-Yazdi, *Islam: Siasat va Hokoumat*, 4 vols. (Tehran: Amir Kabir, 1999); Mostafa Kawakebian, "Nazariyeh-ye Mashrouiyat-e elahi-ye velayat-e faqih," <http://www.rasekhoon.net/article/Show-30409.aspx>.
52. On the concept of *velayat-e faqih*, see Ahmad Kazemi Mousavi, *Ulamaye Shia va Qodrat-e Siasi* (Bethesda, MD: IBEX Publishers, 2004), pp. 125–150; Said Hajarian, *Az Shahid-e Qodsi ta Shahid-e Bazari* (Tehran: Tarhe no, 2001), pp. 92–122.
53. See Muhammad Kazem Khorasani, *Kefayet al-Usul* (Qom: Moassassa Aal al-Bayt le Ihya Atorath, 1998), pp. 463–464.
54. Wael B. Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005), pp. 62, 88.
55. *Ibid.*, p. 469.
56. Ruhollah Khomeini, *Kashf al-Asrar* (no publisher, 1944), pp. 186–187.
57. Javadi Amoli, *Velayat-e Faqih*, p. 13.
58. Rouhollah Khomeini, *Sahifeh-ye Noor*, vol. 1, p. 78.
59. Muhammad Hussein Fadlallah, interview by Mona Sokriya in *An Sanawat wa Mawaqef wa Shakhsiiyyat* (Beirut: Dar Annahar, 2007), p. 170.
60. Sadeq Tabatabai, *Memoire*, vol. 1 (Tehran : Entesharat-e Orooj, 1387), p. 134.
61. Interview with Muhammad Taqi Falsafi, in *Tarikh-e Shafabi-e Enqeleb-e Eslami, Paydayesh and Tabavvolat-e Howzeh-ye Elmiiyeh-ye Qom*, ed. Gholam Reza Karbaschi (Qom: Bonyad-e Tarikh-e Enqelab-e Eslami, 1374), pp. 183–185.
62. Interview with Ahmad Ali Ahmadi, *ibid.*, p.160.
63. Associated Press, "Top Cleric: Iran Has Right to 'Special Weapons,'" June 14, 2010, <http://www.cbsnews.com/stories/2010/06/14/world/main6581622.shtml>.
64. Hajarian, *Az Shahid-e Qodsi*, p. 112.
65. Abbas Amanat, *Apocalyptic Islam and Iranian Shiism* (London: I. B. Tauris, 2009).
66. Iran's first constitution, adopted in 1906, ensured that the parliament's laws did not conflict with Islamic law; at least five *mujtahids* were required to supervise the passage of bills before parliament. Shiite *ulama*, or religious authorities, would

- have to recommend twenty *mujtabids* to parliament and, in turn, five would be selected in a lottery. It is possible that the 1906 constitution drew a more direct connection between the legislature and the clerical establishment than does the Islamic Republic's current constitution. See Asghar Schirazi, *The Constitution of Iran: Politics and the State in the Islamic Republic* (New York: I. B. Tauris, 1997).
67. Ayatollah Abdullah Javadi Amoli, a pro-regime cleric, cites three functions of the ruling jurist: to issue fatwas that are mandatory for all his followers but not for other *mujtabids* and their followers; to judge in legal disputes, in which the parties involved and everyone else is required to comply with his decision; and to govern the Islamic *umma* and issue governmental decrees (*hokm-e hokoumati*). On this last count, for example, if the ruling jurist says relations with Israel or the United States should be severed, such a decree is mandatory not only for the jurist's religious followers but for all other *mujtabids* and their followers as well. See Ayatollah Javadi Amoli, "Violation of Ruling Jurist's Verdict Is Illegal Even by Other Mujtahids" (in Persian), May 4, 2011, Fars News Agency, <http://www.farsnews.com/newstext.php?nn=9002141352>.
 68. In the Shiite tradition, most Islamic legal codes regarding the public sphere, such as performing Friday prayer, receiving punishment for "immoral" sexual activities, or paying religious taxes (*qisas*), are believed to be suspended until the return of the Mahdi—the Infallible Imam of Twelver Shiism who will create a global government and eliminate all injustice and oppression. Khomeini's theory of the guardianship of the jurist (*velayat-e faqih*) asserts that even though the Twelfth Imam has not yet returned, the Shiite community has a duty to follow sharia, and this duty requires a government. An ideal government, the thinking goes, is best ruled by an expert in Islamic law, who understands the contents of sharia and how to implement it.
 69. Khomeini, *Sabifeh-ye Nour*, vol. 21, p. 149.
 70. In Arabic, the term for "necessity" is *darura*, as derived from the root *darar*, meaning "harm" or "damage." *Darar* therefore denotes dire hardship. In a loose legal context, *darura* represents both the state of necessity and its cause (*sabab*), which justifies altering a legal injunction to avoid imminent harm. On these issues, see Izzi Dien, *Islamic Law: From Historical Foundations to Contemporary Practice* (Edinburgh: Edinburgh University Press, 2004), p. 82.
 71. Shiite jurists hold that the divine order can be explained only by a divine text (*nass*) or doctrines and concepts derived from such a text. Since *maslaha* is not based on a divine text but on rational speculation, it cannot be relied on for understanding the order of God. See Muhammad Reza Mozafar, *Usul al-Fiqh*, vols. 3–4 (Qom: Moassasat Annashr al-Islami, 2009), pp. 207–208. For a brilliant account of the Sunni attempt to reconcile sharia with the requirements of the modern state, see Wael Hallaq, *Sharia: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), pp. 443–499.
 72. Hallaq, *Sharia: Theory*, p. 511.
 73. According to remarks in the July 10, 1989, edition of *Resalat* newspaper.
 74. According to remarks in the December 17, 1987, edition of *Jomhourī-ye Eslami* newspaper.
 75. Khomeini, *Sabifeh-ye Nour*, vol. 20, p. 170.
 76. Khomeini appointed six jurist members of the Guardian Council to the Expediency Council. The council included Khamenei (president), Akbar Hashemi Rafsanjani (Majlis speaker), Abdul Karim Moussavi Ardebili (judiciary chief), Mohammad Reza Tavassoli (head of the Supreme Leader's office), Muhammad Mousavi Khoini-ha, and Mir Hossein Mousavi (prime minister). In his letter, Khomeini stated that "the expediency of the regime is one of the important matters whose neglect may lead to the defeat of beloved Islam."
 77. Khomeini, *Sabifeh-ye Nour*, vol. 21, p. 56.
 78. *Ibid.*, vol. 11, p. 133.
 79. *Ibid.*, vol. 6, p. 519.
 80. For the political consequences of Khomeini's invocation of *maslaha*, see Hajarian, *Az Shahid-e Qodsi*. For the contents of the debate regarding the Expediency Council, see the transcript from the Council for the Revision of the Constitution: http://hoghhoogh.online.fr/rubrique.php3?id_rubrique=97. More information on the history of the Expediency Council is available in the following sources:
 - Muhammad Sadeq Shariati, *Barasi-ye Fiqhi va Hoqouqi-e Majma-ye Tashkhis-e Maslahat-e Nizam* (Qom: Boustane Ketab, 2001);
 - Muhammad Javad-e Arasta, *Majma-ye Tashkhis-e Maslahat-e Nizam az Didgah-ye Fiqhi va Hoqouqi* (Tehran: Kanoun-e Andisheh-ye Javan, 2009);
 - Sayyed Hossein Hashemi, *Majma-ye Tashkhis-e Maslahat-e Nizam, Tablil-e Mabani-ye Fiqhi va Hoqouqi* (Qom: Markaz-e Motaleat va Pajouhesh-ha-ye Farhangi, 2006);
 - Muhammad Baqr Faqih, *Barasi-ye Tablil-e Vazae-fe Majma-ye Tashkhis-e Maslahat-e Nizam* (Tehran: Payam-e Yousef, 2002);
 - Ali Ahmadi, *Majma-ye Tashkhis-e Maslahat-e Nizam; Barasi-ye Siasi-Hoqouqi* (Tehran: Markaz-e Asnad-e Enqelab-e Eslami, 2004);

- Seif Allah Sarami, *Abkam-e Hokoumati va Maslahat* (Tehran: Markaz-e Tahqiqat-e Strategic-e Majma-ye Tashkhis-e Maslahat-e Nizam, Nashr-e Abir, 2000).

For Rafsanjani's views on the Expediency Council, see:

- Abbas Bashiri, *Pishineh va Karnameh-ye Majma-ye Tashkhis-e Maslahat-e Nizam; Goft-o-Gou ba Hashemi Rafsanjani* (Tehran: Sadaf, 2002);
- Masoud Safiri, *Haqiqat-ha va Maslahat-ha, Goft-o-Gou ba Hashemi Rafsanjani* (Tehran: Nahsr-e Nai, 2008).

In addition, several Tehran publishing houses have produced collections of approved regulations by the Expediency Council. For a history of the "House of *Maslaha*" in Iran, see Feraidoun Adamiyat and Homa Nateq, *Afkar-e Ejtemai va Siasi va Eqtesadi dar Asare Montasber Nashodeh Doran-e Qajar* (Germany: Entesharat-e Navid, 1989), pp. 189–220.

81. Akbar Hashemi Rafsanjani, interview, March 22, 2011, <http://www.khabaronline.ir/news-137563.aspx>.
82. The existing term will expire February 27, 2012.
83. The text of Khamenei's letter is available at <http://farsi.khamenei.ir/message-content?id=3019>.
84. See Khamenei's appointment letter: <http://farsi.khamenei.ir/message-content?id=16782>.

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