

# The Discourse of Democracy in Shi'i Islamic Jurisprudence: The Two Cases of Montazeri and Sistani

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**Abstract:**

An attempt is made to study two influential Shi'i Muslim thinkers of democratic rule and religious authority in the context of contemporary Iranian and Iraqi histories. It is argued that a new discourse and a practice of democratic governance is currently under reconstruction by two senior Shi'i clerics, Ayatollah Morteza Montazeri and Ayatollah Ali Sistani, who in both explicit and implicit language and body of practices advance a Shi'i normative theory of what authentic Islamic governance should be like in terms of an inclusive and pluralistic idea of political community. The term "democratic Usulism" refers to such democratic-minded clerical tradition that these two leading clerical figures both in theory and practice advocate in Iran and Iraq. The article is divided into three sections. The first part provides a brief historical and theoretical description of "democratic Usulism" as a distinct mode of Shi'i modernist thought that innovatively links sacred normativity with democratic form of politics. The following two sections give account of the role of (post-1989) Montazeri and (post-2003) Sistani. My focus here is to describe political-theology of two connected yet different democratic Usuli clerics who both in theory and practice attempt to revise Shi'i authority in terms of democratic norms and practices. In conclusion, the study considers the potential perils and promises of democratic Usuli thought, while emphasizing that the tradition should primarily be recognized as a critical response to authoritarian rule by rearticulating normative judgments about political community through a transcendental ideal of divine law manifested in popular sovereignty.

**Subject:** Shi'i Islam; democratic rule; pluralism; Islamic governance; political community; Shari'a; constitutionalism

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Two kinds of Wilayah can be understood. The first kind mentioned in various chapters of Fiqh of Shia discusses Wilayah over the dead and Wilayah over those who resemble dead, such as insane (سفيه), absentee (غائب), poor (فقير), etc. For example, verse 33 of Sura 17[9][10] refers to an inheritor of oppressed slain. This type of Wilayah can not be applied to a society because none of mentioned conditions hold for the majority of a society. Traditionally Shi'i jurists have tended to this interpretation, leaving secular power for Shi'i kings called "Sultans." They should defend the territory against the non-Shi'a. Ayatollah Sadeq Rouhani who denounced Ayatollah Montazeri, and the appointment of Montazeri by the Assembly of Experts to succeed Khomeini. Current debates on democracy in Iran are critical not only to Iran but also to developments across the Muslim world. For Iran is where Islamism succeeded in changing the tenor of politics, a trend that soon spread across the Muslim world. This position is also close to that advocated by Ayatollah Ali al-Sistani in Iraq, wherein the ulama represent and promote popular interest in advocating an Islamic order but do not claim an exclusive right to rule. This discourse (as was also the case with the lay Islamist intellectuals) has not been willing to acknowledge the inherent contradictions in the structure of the Islamic Republic, on the one hand, and the grafting of democracy to the Islamic state, on the other.