The Shia-Sunni Clash and the Divergent Conceptions of State in the Middle East

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The American invasion of Afghanistan and Iraq, the rise in Lebanon of Hezbollah's influence, and Iran's growing ambition in playing a more central role in the region, have alerted many in the academic, the media, and the political sectors into contemplating about the various effects that the rise of Iranian influence may have on the region. With Vali Nasr's *The Shia Crescent: How Conflicts Within Islam will Shape the Future* in mind, this paper concentrates on three important factors: first, it aims at establishing the way in which the Shia branch of Islam differs from the majoritarian Sunni position with respect to the ideals of state and government. Second, it demonstrates how these divergent views have affected the struggle for change or the maintenance of the status quo, and the role played by the clergy in such enterprises. Third, the paper concentrates on Khomeini's notion of the velayat-e faqih (Guardianship of jurisprudent) as an ultimate attempt to reconcile the discrepancies and the contradictions between the Shia ideals and reality, and the way it was received by the Shia community and ulama in the region.

The historical background

The Prophet Mohammad, in addition to his functions as judge and temporal leader, also had a third function; he was also the religious and spiritual guide of the community.[1] This function did not, according to the orthodox jurists, pass to his successor but was inherited by the community as a whole. In other words, the leader of the community had no authority to give new interpretations to religious matters. All Muslims were expected to submit to the will of the leader unless the leader's authority contravened the Sharia, in which case, individuals were released from their obedience to the ruler.

> Early Islam made the individual's allegiance dependent on the doctrinal legitimacy of the ruler…Later jurists were to demand absolute obedience to the caliph as a religious obligation defined in terms of the Sharia and justified by the Quranic obligation "Obey God, obey the Prophet and those in authority among you"; and this obligation the community came to recognize as essential for the maintenance of authority and the prevention of anarchy and disorder.[2]

According to Lambton, although the Kharijis constituted the first major threat to the unity of the early Islamic community and succeeded in setting up independent imamates, it was the Shia who formed the most important, indeed the only important, schism in Islam.[3] The original political basis of Shiism was reinforced from two major sources. First, it was based on a mystical speculation that from the creation of Adam onwards, a divine light had passed into the substance of one chosen descendent in each generation and was present in Ali and each of the imams among his descendents. By

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[1] A. E. Souaiaia, 2007. "Reasoned and Inspired Beliefs: A Study of Islamic Theology", *The Muslim World* 97 (1): 1-19.

[2] Ann K.S. Lambton, *State and Government in Medieval Islam* (New York: Oxford University Press, 1981), 20.

[3] Ibid., 219

virtue of this divine light, it was believed that secret knowledge (*hikmat*) was granted to the imam and immunity from sin conferred upon him. Man could only acquire knowledge of divine mysteries by being joined to this light through the imams, who, in succession to the prophet, acted as intermediaries between man and God in the search for divine knowledge. Secondly, the political basis of the Shia was reinforced by the doctrine that justice (*adl*) was an inherent quality of God and that good and evil were rational absolutes. Although the difference between Sunni and Shia had originally turned on the question of political legitimacy, it came later to rest basically on religious doctrine and concerned the assumption of human perfection in the imam and his claim to absolute rule[4]. Also, the Shia, like the Sunnis, sought to establish their particular point of view by a re-interpretation of history of the community, especially of events during the lifetime of the prophet, including the incident in 10/632 at Ghadir Khumm, where the Prophet is alleged to have chosen Ali as his successor.[5] So what had begun as a predominantly political dispute between two major factions with regards to the Prophet's succession, eventually became the greatest religious schism in Islamic history.[6]

The Imamiyya recognize twelve imams descended from Ali and Fatima and are hence also called *Ithna Ashariyya*, or "Twelvers."[7] The twelfth imam, the Imam of the Age (*imam al-zaman*), or the Hidden Imam, was born in 869-870 and disappeared in 873, shortly after the death of his father, Hassan al-Askari, the eleventh imam. With his death the period of the "greater concealment" began and still continues. According to Lambton:

> Whereas the Sunnis were concerned to hold together church and state and sough to reconcile religious theory and historical precedent, the Shia as an "opposition" movement were broadly speaking, at liberty to reject historical precedent. They therefore enjoyed a greater freedom of intellectual speculation and it was not infrequently through the medium of Shiism, though not primarily through jurists, that new ideas and new interpretations were introduced to Islam. During the Umayyad period a large number of Shia or pro-Shia sects or parties flourished in different parts of the empire, but especially in southern Iraq. When the Abbasids came to power and rejected their heterodox origins, seeking a basis in unity and authority in orthodoxy, the hopes of the Shia were frustrated. While their support for the most part was transferred to the Fatimid lines of imams, Shiism, in its various forms, continued to be a general umbrella for movements of religious and political dissent which intermittently threatened the stability of the Abbasid caliphate.[8]

For the Shia, there emerged a theory of spiritual lordship as opposed to an earthly caliphate. Whereas the Sunnis consider the imam to be the head of the community, charged with the execution of the ordinances of the Sharia in time and place, and subject

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[4] Ibid., 220-221.

[5] See Asma Afsaruddin, 1999. "In Praise of the Caliphs: Re-Creating History from the Manaqib Literature", *International Journal of Middle East Studies* 31: 329-350.

[6] A. E. Souaiaia, 2007. "Reasoned and Inspired Beliefs: A Study of Islamic Theology", *The Muslim World* 97 (1): 1-19.

[7] There are also other sects within Shia Islam such as the Ismailiyya who believe in seven imamas.

[8] Ann K.S. Lambton, *State and Government in Medieval Islam* (New York: Oxford University Press, 1981), 223.

to election by consensus or designation by a council or by the previous imam, the Shia hold that the imam is a necessity imposed by God and that he cannot therefore be subject to election or designation by a group of persons. They believe that the imamate is founded on the permanent need of mankind for a divinely guided infallible leader and an authoritative teacher in religion. The perpetual existence of the imamate is thus incumbent upon God and universal. The world can thus never be devoid of an imam.[9]

Justice and imamate: implications

The constitutive dogma of Shiism is belief in the imamate as the foundation of faith. The five principles (*usul*) of Imami belief are belief in the unity of God (*tawhid*), prophethood (*nubuwwa*), the imamate, the day of insurrection (*mi'ad*), and justice (*adl*). The centrality of the notions of imamate and justice in Shia beliefs sets them apart from the majoritarian, and has provided the followers of Shiism with the ideological and religious tools that have been at the core of their political relationships with political authorities.

Politically, what does the conception of imamate and justice entail for the Shia? How does the 12th imam's concealment affect the legitimacy of the religious and political spheres? Simply put, since 873 (Mahdi's concealment) political authority is held by the Shia to be usurped, whether it is exercised by the Shia or the Sunni. This is because for the Shia, a just government would not be re-established until *imama* and *velaya*[10] were united in one person. In reality however, the situation proved much more complex and the Shia's attitudes toward the state have varied over time.

With regards to the notions of just or unjust government, whereas Sunni jurists, in the interests of stability, demanded obedience to an unjust government in possession of military force, the Imami jurists had, for rather different reasons, refused to permit rebellion against an unjust government so long as the imam was absent. They thereby imposed upon the Imamiyya acquiescence in and obedience to unjust government. The result of both the Sunni and Imami theory was political quitesim. But whereas the Sunni *ulama*, so far as they accepted office under an unjust government, deliberately sought to give validity to its exercise of power in order that the government of Islam might continue, the Imami *fuqaha*, by their recourse to *taqiyya* (concealment of their faith), were able to cooperate for specific purposes with the holders of power while refusing to accept any responsibility of the existence of an unjust government.[11]

The Shia political quietism which led to a long history of an ambiguous relationship with secular authority has its origin during the imamate of Jafar al-Sadiq, the sixth Shia imam. He had grown up under the wings of his grandfather, the fourth Shia imam, Zayn al-Abedin, who had withdrawn from politics. Yet, there was also a very practical reason for al-Sadiq's adoption of political quietism. This was caused by the collapse of the Alid's (followers of Ali) claims to imamate during the ascendancy of the Abbasids. This critical situation required a fresh interpretation and elucidation of the whole concept of the imamate. It was at this point that Imam Jafar al-Sadiq broke with

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[9] Ibid., 229.

[10] Velaya means guardianship.

[11] Ann K.S. Lambton, *State and Government in Medieval Islam* (New York: Oxford University Press, 1981), 263.

the previously held beliefs and put forth the idea of dividing the imamate from caliphate into two separate institutions until such time as God would make an imam victorious.[12]

According to Jafri, al-Sadiq's further elaboration on the theory of imamate had a significant effect in terms of solving some of the major problems faced by Shia theologians:

> This was done by applying Jafar's theory of the Imamate to the actions of the Imams of the House who came before him, for example, Ali's acceptance of the first three caliphs, the abdication of Hassan, the inactive attitude of Husayn and the quiescent policies of Zayn al-Abedin and Muhammad al-Baqir. All these questions were solved in accordance with Jafar's explanation that it is not necessary for a rightful Imam to combine the temporal power in his person or even claim the political authority—the caliphate—if the circumstances did not allow him to do so.[13]

Yet, with the rise of the Safavids as territorial sovereigns in 1501 and the mass conversion (coerced or otherwise) of Iranians into Shiism, the fate of the religious and political institutions became increasingly intertwined.[14] The Shia ulama were increasingly inclined to accepting public office, and as such they relied upon the machinery of the state for the enforcement of their decrees. Nevertheless, the mujtahids enjoyed in their own right great prestige and some degree of independence, which increased in the late 17th century. Iran in the early 16th century was predominantly Sunni and the Safavids' plan of Iran's conversion into Shiism required the bringing in of Shiite ulama from Iraq and Jabal Amil (today's southern Lebanon). Al-Karaki, a distinguished Shiite cleric from Jabal Amil was exceptionally instrumental in the eventual consolidation of Shiism and the Safavid dynasty in Iran. He claimed that the mujtahid was the deputy of the hidden Imam as far as the giving of judicial decisions was concerned, and his writings show examples of decisions that were in harmony with the interests of the dynasty. Muslims, he argued, could collect the canonical land tax (kharaj) for the ruler, and accept their share of it, even in the absence of the Imam; they should perform the Friday prayer even if the Imam is not present to lead it. Such teachings went in the direction of accepting the rule of the Safavids and conferring a kind of legitimacy upon it, and in his turn, Shah Tahmasb recognized al-Karaki as the Imam's deputy and the seal of the mujtahids, with responsibility for maintaining the Sharia.[15] According to Nikki R. Keddie, for some centuries both Shias and Sunnis in the central Muslim lands had a doctrine of obedience to existing rulers. It was only after Iran became Shia in 1501

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[12] Syed Husain Mohammad Jafri, *The Origins and Early Development of Shia Islam* (New York: Oxford University Press, 1979). See also Said Amir Arjomand, *The Shadow of God and the Hidden Imam: Religion, Political Order, and Societal Change in Shiite Iran from the Beginning to 1890* (Chicago: University of Chicago Press, 1984), p.35.

[13] Ibid., 282-283.

[14] See Shahrough Akhavi, 1983. "The Ideology and Praxis of Shiism in the Iranian Revolution", *Comparative Studies in Society and History* 25 (2): 195-221.

[15] See Albert Hourani, "From Jabal Amil to Persia", in H.E. Chehabi, ed., Distant Relations: Iran and Lebanon in the Last 500 Years (New York: I.B. Tauris Publishers, 2006), 51-61. See also Rula Jurdi Abisaab, History and Self-Image: The Amili Ulama in Syria and Iran", in H.E. Chehabi, ed., Distant Relations: Iran and Lebanon in the Last 500 Years (New York: I.B. Tauris Publishers, 2006), 62-95.

that a more centralized, independent clergy arose and was given doctrinal power that Shia clerical resistance began.[16]

Shia and Sunni political mobilization and the role of the ulama

Analyzing the fall of the Pahlavi Dynasty in Iran through the establishment of the Islamic Republic, Sivan notes that it was relatively easy for Shia clerics to justify the revolt against the shah's regime since a state that is not ruled by the descendents of Ali is automatically illegitimate. Although Shia clerics have, in various historical periods, accommodated various ruling governments, their motivation is thought to have been based on the wish to prevent anarchy or defending the country against foreign invaders. Even so, the accommodation was generally pragmatic, and the state remained essentially illegitimate in their eyes.[17]

For the Sunnis, on the other hand, the situation is quite different. This is because Sunni traditions view an existing Muslim regime as legitimate so long as the ruler does not publicly reject Islam. As far as many Sunni theorists are concerned, even a bad Muslim ruler, one who tramples upon some major and minor Islamic principles, is preferable to chaos. The believers therefore have no recognized right to rebel. This political tradition is so deep rooted and strong that radicals like Sayyid Qutb[18] had to look to the few 14th century theological texts by Ibn Taymiyya who held that even if a ruler or a regime follows Muslim rituals, failure to strictly uphold Islamic laws qualifies it as unbelieving and thus legitimizes its violent overthrow.[19] Yet, the qualification of a regime or ruler as unbelieving is fraught with controversy and there is no consensus among the ulama and scholars with regards to it. The difficulty thus lays in defining and elaborating the specific conditions under which rebellion could be justified in the framework of Sunni political theory.[20]

Bernard Lewis notes that Ayatollah Khomeini had been quoted as defining the distinction between Sunnis and Shia in this way—that the Sunnis have on the whole been quietist, teaching and practicing submission to authority however evil and however oppressive, while the Shia have represented the principle of resistance and opposition, of seeking the overthrow of illegitimate or tyrannical rule. This, according to Lewis, "is an oversimplification because we find both quietism and activism in both branches. There is, however, an important element of truth in the Ayatollah's dictum. It may be an oversimplification; it is not a falsehood."[21] This is how Lewis makes the distinction between the Shia and Sunni Islam: Instead of regarding one of them as the embodiment of the quietist tradition and the other the embodiment of radical tradition, I would suggest a revision of that statement, and put it this way: Sunnism is associated with status quo;

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[16] Nikki R. Keddie, 1994. "The Revolt of Islam, 1700 to 1993: Comparative Considerations and Relations to Imperialism", *Comparative Studies in Society and History* 36 (3): 463-487.

[17] Emmanuel Sivan, 1989. "Sunni Radicalism in the Middle East and the Iranian Revolution", *International Journal of Middle East Studies* 21 (1): 1-30.

[18] For an extensive look at Qutb's oppositional doctrine, see William E. Shepard, 2003. "Sayyid Qutb's Doctrine of Jahiliyya", *International Journal of Middle East Studies* 35: 521-545.

[19] Quintan Wictorowicz, 2000. "The Salafi Movement in Jordan" *International Journal of Middle East Studies* 32 (2): 219-240.

[20] Emmanuel Sivan, "Sunni Radicalism in the Middle East and the Iranian Revolution", 9.

[21] Bernard Lewis, "The Shia in Islamic History", in Martin Kramer ed., *Shiism, Resistance, and Revolution* (Boulder: Westview Press, 1987), 21-30.

Shiism with a rejection of the status quo, often though not necessarily accompanied by a determination to change it:

> From the Sunni point of view what is, is right, in a very important sense. After the death of the Prophet, in Sunni belief, God's guidance passed to the Muslim community as a whole. The whole notion of Sunna, of consensus, expresses this belief that the Sunni community and the Islamic polity which rule over it represent the working out of God's purpose for mankind. There is therefore a sense that the acceptance of existing facts is a religious obligation because to deny them would be claim that the whole Islamic community is, so to speak, living in sin, which would be an unacceptable position from Sunni point of view. For the Shia this is not so. For the Shia, virtually all Islamic government since the murder of Ali has been illegitimate or at best provisional. There is no legitimacy in the existing order. On the contrary, there is a deep sense that history has taken a wrong turning. Sometimes the response to this is passive acquiescence—separation and withdrawal rather than involvement; at other times, the Shia embark on great projects and action, the purpose of which is to restore history to the right path.[22]

Also, the Shia clergy have historically enjoyed a relative economic independence not shared by their Sunni counterparts, mainly through donations. This independence has enabled the Shia clergy, at various historical junctures, a degree of audaciousness towards the state and government. On the other hand, the Sunni ulama have generally been instilled with a feeling of subservience toward the state. This, according to Sivan, results from an ideology that posits the prevention of anarchy as an important goal:

> It is no wonder, then, that radicalism did not spring from their midst and that Sunni radicals tend to loathe the whole ulama stratum. This being the case, there was no ideological or practical reason to let the ulama lead the revolutionary movement or to set aside a respectable role for them in the state of the future. {Few exceptions notwithstanding} the few ulama appearing in the leadership roles in the Sunni revolutionary organizations have usually been rubber stamps who lent religious approval to decisions of the revolutionary vanguard....The absence of ulama from the ranks of Sunni radicals partially explains the decentralized structure of the movement, just as the ulama's presence at various levels helps to explain the centralization and hierarchy of the Shia movement.[23]

Whereas the Shia clerical establishment had for a very long time a very ambiguous relationship with various central governments, among the Sunni, the state is the main instrument of the organization in religion. According to Fouad Khuri, the Sunni feel religiously 'lost' once they lose centralized power. Throughout their religious history, they have never been able to develop an alternative to the state as the main

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[22] Ibid., 30.
[23] Emmanuel Sivan, "Sunni Radicalism in the Middle East and the Iranian Revolution", 9-10.

formulator of general religious orientation.[24] This has meant that in Egypt, for example, the ulama of al-Azhar, the center of Sunni theological learning, have historically been generally supportive of the state. "The Shaykh al-Azhar owes his post to the government. The Ministry of Religious Endowments and al-Azhar Affairs is another government body that exercises authority in the religious field. Within the ministry is the Supreme Council on Religious Affairs, on which sit, inter alia, the Shaykh al-Azhar, the Minister of Religious Endowments and al-Azhar Affairs, and the Mufti of Egypt, who is the country's chief Islamic jurist."[25] Since Egypt's shattering defeat in the 1967 war, the country's political leadership has increasingly turned to religion as a source of legitimization. President Sadat took this a step further, labeling himself the "believer-President", ended his speeches with verses of the Quran, and even got some of the scholars of Al-Azhar to issue a fatwa that sanctioned the Egyptian-Israeli peace initiative.[26]

Another major impediment to organized Sunni mobilization against the state is found in the importance that is attached within the Sunni community to the notion of consensus:

> The image of society in unity, a society in consensus, has led the Sunni Muslims especially to develop a negative attitude towards any form of collective action that may imply conflict, deviation or even political competition and opposition. The 99% of voters who elect presidents in many Arab countries are simply a reflection of the should-be-in-consensus society. The practice of refusing to subject ruling emirs in the tribally controlled Gulf states to popular appraisal (on the grounds that their mode of rule is an expression of consensus) is a corollary of the same principle….The mode of recruitment to political parties in the Arab world illustrates the point further. Whereas the Sunni tend to support parties oriented towards pan-Arab, pan-Islamic unity, the non-Sunni champion the cause of parties rooted in conflict models.[27]

Sunni scholars and ulama were faced with a very different dilemma from that of the Shiites. They generally accept the notion that after the Prophet's death, rule should be bestowed upon the most learned, just, pious, and capable leader of the community. In reality, however, power was appropriated by the strongest man. Sunni Muslim jurists were thus pushed into rationalizing and accepting the new realities by insisting on the notion that the continued existence of the Islamic community depended on the acceptance of these actions, as long as the chiefs upheld the basic pillars of Islam. This very sentiment was echoed by Egypt's grand Mufti Shaykh Jadd al-Haqq Ali Jadd al-Haqq in a religious edict (fatwa) he had made in response to an open letter written by the perpetrators of Sadat's assassination. In defense of Egypt's rulers, he maintains that a person who genuinely believes in Islam but can be objectively shown to have violated

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[24] Fouad I. Khuri, *Imams and Emirs: State, Religion and Sects in Islam* (London: Saqi Books, 1990), 99.

[25] Shahrough Akhavi, 1992. "The Clergy's Concepts of Rule in Egypt and Iran", ANNALS, AAPSS, 524: 92-102.

[26] Nazih N. M. Ayubi, 1980. "The Political Revival of Islam: The Case of Egypt" *International Journal of Middle East Studies* 12 (4):481-499.

[27] Ibid., 103-104.

even a core religious tenet has done no more than commit a sin. While sinning is reprehensible, it does not cause the believer to have renounced his belief in Islam.[28] The Mufti further notes: according to several sayings attributed to the Prophet, no insurrection against a Muslim ruler is allowed, even if the only religious prescription that such a ruler upholds is prayer. When the Muslims differ with their ruler, they must counsel him and peacefully try to bring him to their way of thinking.[29]

Saudi Arabia is another case in point. It constitutes the best example of how the ulama have historically contributed to the legitimacy of the monarchy. The ulama-umara alliance in Saudi Arabia dates back to 1744 when Mohammad ibn Abd al-Wahhab (the founder of Wahhabism) and Mohammad ibn Saud (the founder of the Saudi monarchy) came together to found the Kingdom of Saudi Arabia. "In a number of concrete ways 20th century Saudi history has shown the mutual dependence of the political elite and the ulama. Usually three to four seats in the Saudi cabinet are reserved for members of the family of sheikh" (descendents of Mohammad ibn Abd al-Wahhab).[30] The ulama's role is of great importance to the political authorities. For example, when King Saud was deposed in favor of his brother Faisal in 1964, the ulama authorized this decision, perhaps playing an important part in preventing the possibilities of conflict within the country.[31] Although the political and religious alliance in Saudi Arabia has had the effect of dampening widespread opposition to the establishment, hostility toward the authorities is nonetheless manifested periodically, and with ever greater strength. The strong alliance between the ulama and umara has contributed to the emergence of opposition forces that are particularly concerned about the ulama's de facto support for the decisions and actions of the country's political authorities.

While blame for the country's ills and widespread corruption is levied against both the political and religious leaders, the ulama are singled out as those responsible for bolstering corrupt rulers.[32] According to Aharon Layish, the theocratic character of the Saudi state makes the government rely on the ulama to provide religious legitimation to their policies by finding support for them in religious-legal sources and to preserve internal stability and the legitimacy of the regime in the eyes of Saudi society. The royal house, alert to the importance of the ulama, does its best to integrate them into the ruling elite.[33] Yet as Layish has noted, the Wahhabi doctrine has been weakened precisely because of the incorporation of the ulama in the state apparatus and legitimizing role of a regime that some may argue as giving turned its backs to the puritan values of Wahhabism.[34]

This trend that has gained greater popular support in the past two decades is not only limited to Saudi Arabia but is clearly visible in most Sunni countries. One can argue

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[28] Shahrough Akhavi, 1992. "The Clergy's Concepts of Rule in Egypt and Iran", ANNALS, AAPSS, 524: 92-102.

[29] *Ibid*., 96.

[30] William Ochsenwald, 1981. "Saudi Arabia and the Islamic Revival", *International Journal of Middle East Studies* 13 (3):271-286.

[31] *Ibid*., 274.

[32] Joseph A. Kechichian, 1986. "The Role of the Ulama in the Politics of an Islamic State: The Case of Saudi Arabia", *International Journal of Middle East Studies* 18 (1): 53-71.

[33] Aharon Layish, 1987. "Saudi Arabian Legal Reform as a Mechanism to Moderate Wahhabi Doctrine", *Journal of the American Oriental Society* 107 (2): 279-292.

[34] *Ibid*., 292.

that the surge in what is called Islamic neofundamentalism[35] can partly be attributed to the real or perceived cooptation of the Sunni religious establishment by various states and regimes in the Muslim world. Following the writings of such Islamic intellectuals as Hassan al-Banna, Maududi, Sayyid Qutb, Hassan Hanafi, etc. there has gradually emerged various Islamic movements that seek to overthrow the corrupt governments in the Middle East and restore their puritan and fundamentalist vision of a genuine Islamic society. Although a careful analysis of what Ayubi labels as neofundamentalism in the Muslim world cannot be undertaken in this paper, the important element that should be noted is that although great many mainstream ulama have traditionally supported various so-called Islamic regimes and governments, Sunni opposition to the status quo has gained momentum through other, be they more diffuse and more grassroots, sociopolitical organizations. These individuals have come to the conclusion that redefining what is required of the community of believers necessitates redefining the requirements for interpreting Scriptures. It suggests that the monopoly over received interpretations must be broken.[36] In so doing, the current Islamic neofundamentalism has bypassed the ulama in order to interpret the Scriptures and get its message across. And as the recent events in the Middle East can testify, they have had some noteworthy success in doing so.

Velayat-e faqih
      Khomeini's conception of the velayat-e faqih has deep historical roots that can be traced to a much earlier period. The judicial roots of the notion of velayat-e faqih are most immediately in the writings of a 19th century Shia jurist, Mulla Ahmad Naraqi, with deeper traces in the earlier notions of political and juridical authority in the Safavid period. Mulla Qasim, a contemporary of Abbas II (1642-1666), went as far as arguing that the Safavid shahs were illegitimate rulers and ought to be replaced by mujtahids.[37] Another of Qasim's contemporaries noted:

> How is it possible for these impious kings, wine-bibbers, and lustful men, to be vicegerents of God and to have communication with heaven in order to receive the necessary light to lead the faithful? How can they, who often can hardly read, resolve cases of conscience and doubts concerning the faith as ought the vicegerents of God? Our kings are impious and unjust, their rules is a tyranny to which God has subjected us as punishment after having withdrawn from the world the lawful successor of His prophet. The supreme throne of the world belongs only to a mujtahid, a man possessed of sanctity and knowledge above the common rule of men. It is true that since the mujtahid is holy and by consequence a man of peace, there must be a king to

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[35] Nazih N. M. Ayubi uses neofundamentalism in describing the newly emerging, more militant Islamic groupings that espouse violent means of overthrowing what they deem as corrupt Islamic governments. See N. N. M Ayubi, 1980. "The Political Revival of Islam: The Case of Egypt", *International Journal of Middle East Studies* 12: 481-499.

[36] Ellis Goldberg, 1991. "Smashing Idols and the State: The Protestant Ethic and Egyptian Sunni Radicalism", *Comparative Studies in Society and History* 33 (1): 3-35.

[37] Andrew J. Newman, "The Nature of the Akhbari/Usuli Dispute in Late Safawid Iran, Part 2: The Conflict Reassessed", 261. Also see Lambton, *State and Government in Medieval Islam*.

wield the sword to exercise justice, but this he must do only as the minister and subordinate of the former.[38]

The role of the ulama, and more specifically, of the mujtahids, has been a controversial issue within the Shia clerical establishment. At the center of the debate is what is referred to as the Akhbari/Usuli dispute, involving disagreement over points of jurisprudential philosophy.[39] For the Usulis, also called rationalists, who were dominant in the Safavid era, ulama's independent reasoning (*ijtihad*) is at the heart of Shi'a jurisprudence. Ijtihad is then based on four major sources of evidence: the Quran, the sunna, consensus, and the evidence of reason. The more conservative Akhbari tradition, however, overwhelmingly rejects the latter two (consensus and evidence of reason) and accept only the Quran and sunna.[40] Perhaps this was in reaction to the increasing power of the ulama that the Akhbari school of jurisprudence grew up in the late 16th and early 17th centuries, attempting to reassert the primacy of the infallible guidance of the imams over the interpretive role of the ulama. Yet, it is also plausible that the downfall of the Safavids and the hostility with which the Afghan invaders and Nader Shah treated the Shia might also be a reason for the political quietism that is characteristic of the Akhbari tradition. Astarabadi, one of the founders of this school, vehemently opposed the rationalists and forbade both ijtihad and the emulation of the mujtahids. Yet by late 18th century, the Usuli challenge to Akhbari school gained momentum first in Iraq and then in Iran. This was given much impetus by the active role played by Aqa Mohammad Baqer Behbehani, a respected Shia clergy based in Najaf. According to Juan Cole, the triumph of the Usuli school and the emergence of the institution of the supreme source for emulation are as important in the history of modern Shiism as the victory for papal power of Vatican I was for modern Roman Catholicism. Under the Qajar dynasty, the ulama recovered much of the influence they had lost under Nader Shah and the ideology and institutions of Usuli Shiism provided a framework for an activist body of ulama with a clearly defined leadership.[41] The Qajars could not claim, as had done the Safavids, descent from the imams nor did they claim to rule in succession or on behalf of the imams. The way was open for a clearer demarcation between the religious and the political institution. The Shah, for his part could not dispense with the ulama. Aside form the performance of certain public functions, the ulama received much support form the people who regarded the mujtahids collectively as the deputy of the imam. Empowered with the possibility for independent judgment and the issuing of authoritative judgments (fatwas), the clergy became a corporate stratum whose leaders—the mujtahids—could expect imitation by the masses in practical and legal matters. The most distinguished of

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[38] Ann K.S. Lambton, *State and Government in Medieval Islam*, (New York: Oxford University Press, 1981).

[39] Andrew J. Newman, "The Nature of the Akhbari/Usuli Dispute in Late Safawid Iran, Part 2: The Conflict Reassessed", *Bulletin of the School of Oriental and African Studies*, 1992, 55 (2): 250-261.

[40] For an extensive look at the Akhbari critique, see Andrew J. Newman, "The Nature of the Akhbari/Usuli Dispute in Late Safawid Iran, Part 1: Abdallah al-Samahiji's Munyat al-Mumarisin", *Bulletin of the School of Oriental and African Studies*, 1992, 55 (1): 22-51.

[41] Juan R. Cole, "Imami Jurisprudence and the Role of the Ulama: Morteza Ansari on Emulating the Supreme Exemplar", in Nikki R. Keddie, ed. *Religion and Politics in Iran: Shiism from Quietism to Revolution* (New Haven: Yale University Press 1983), 33-46.

the mujtahids was gradually able to exercise significant political influence, be it informally.[42] As noted by Said Amir Arjomand,

> The Usuli movement assured the independence of religious authority from the political authority of the ruler and, consequently, the autonomy and autocephaly of the Shia hierocracy. Furthermore, it assured a large measure of financial autonomy for the hierocracy through the authorization of the collection of religious taxes on behalf of the Hidden Imam.[43]

Based on the Usuli doctrine, the Shia ulama hold that velayat (guardianship) may be exercised by jurisprudents over three areas of community life. First is guardianship over the persons and property of those who might otherwise be victimized (orphans, widows and persons of restricted capacity). Second is guardianship over the property and activities upon which the religious life of the community depends. This includes the administration of pious charitable endowments and organizations, mosques, madrassas and shrines. Third is guardianship over the welfare of the Muslim community, including the responsibility of serving as a social force aimed at fulfilling the Quranic injunction to "command the good and forbid the reprehensible." The role of the Shia ulama in Iran during the Tobacco Protests 1891-1892 falls in this third category. With respect to these three components of velayat, there is virtually a unanimous agreement among the Shia authorities. Yet, no such unanimity exists with regards to the fourth domain, claimed by some Shia ulama, that jurisprudents enjoy a velayat empowering them to exercise direct political authority—to conduct the day-to-day operations of the government—particularly in times of danger or impeding chaos, on behalf of the Twelfth Imam.[44]

Khomeini's velayat-e faqih was a revolutionary response to a crisis that he perceived as threatening the very existence of Islam. His conception of velayat-e faqih is certainly a radical departure from even the limits of what was deemed acceptable among the Usulis. For instance, he claimed that a jurisprudent has the same authority as that of the Prophet and the Imams, except that his authority does not extent to other jurisprudents. While careful to distinguish the ontological status of the faqih from that of the Imams, he is emphatic in asserting that that the faqih enjoys the political powers of the Imam.[45] As Ayatollah Rabbani Amlashi had noted, "obedience to velayat-e faqih is an incumbent duty…like the daily prayer and fasting, and disobeying it is like disobeying the Islamic sacred law."[46] Khomeini also placed the highest importance in the survival and consolidation of the Islamic Republic. In 1988, he issued a fatwa that would stun many by stating that "the state, which has the full delegated authority of the Prophet takes

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[42] Shahrough Akhavi, 1983. "The Ideology and Praxis of Shiism in the Iranian Revolution", *Comparative Studies in Society and History* 25 (2): 195-221.

[43] Said Amir Arjomand, *The Turban for the Crown: The Islamic Revolution in Iran* (New York: Oxford University Press, 1988), 14.

[44] Gregory Rose, "Velayat-e Faqih and the Recovery of Islamic Identity in the Thoughts of Ayatollah Khomeini", in Nikki R. Keddie, ed. *Religion and Politics in Iran: Shiism from Quietism to Revolution* (New Haven: Yale University Press 1983). 166-188.

[45] Ibid., 177.

[46] Said Amir Arjomand, *The Turban for the Crown* (New York: Oxford University Press, 1988), 182.

precedence over other Islamic regulations, even prayer and pilgrimage."[47] By pronouncing these words, Khomeini was setting a precedence that equated the fate of the Islamic government squarely in the pursuit of reason of state. In defending the state's power to impose sanctions on those refusing to obey the laws, Khomeini wrote that the state could even abrogate one of the five pillars of Islam if it saw that this was necessary for the safeguarding of the 1979 revolution. In his reasoning, the Iranian state and the revolution that had spawned it were tantamount to Islam itself.[48]

However, Khomeini's concept of velayat-e faqih was not unanimously supported by all Shia ulama.[49] For example, Muhammad Jawad Mughniyya (1904-1979), a Lebanese scholar, while praising Khomeini for his revolutionary action, contested his contention that the Imam's authority passed to the clergy in their absence, on the grounds that, unlike the Imams, ulama are normal human beings and therefore not infallible. It follows that if they made mistakes as rulers, this would harm religion.[50] However, in post-1982 Lebanon, those groups in the Bekaa who were under Iranian patronage and leadership espoused this political conception, and after 1985, this became Hezbollah's official party line. Sayyid Muhammad Hussain Fadlallah, Hezbollah's spiritual guide, also accepted it. Yet the demographic situation in Lebanon is quite different from that of Iran. In the former, the Shia only constitute a plurality of the population, with the Druze, Christian, and Sunni population not feeling any sympathy toward the formation of a Shia theocracy. Thus, in 1990, and after the formation of Lebanon's Second Republic, Hezbollah declared that while theocratic rule remains its theoretical ideal, the implementation of this ideal would not be possible in the near future.[51] It is also important to note that although much has been said about Hezbollah being an Iranian proxy, in reality, Hezbollah's existence and growth has much more to do with the Lebanese political reality than the influence of Iran. This is even more so after the end of the Lebanese civil war in 1990, when the party developed a political and economic agency of its own that reflected its place in Lebanon.[52]

In Iraq as well, the reaction to velayat-e faqih has not been uniform. Because of the severe persecution of the Shia population and ulama in Iraq, many Iraqi opposition groups had found refuge in neighboring countries, with a very considerable presence in Iran. For example, since the mass deportations of Shia from Iraq that began under the

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[47] Iran Times (Washington DC) 1988, quoted in Shahrough Akhavi, The Clergy's Concepts of Rule in Egypt and Iran", *ANNALS, AAPSS*, 524, 1992.

[48] Shahrough Akhavi, 1992. "The Clergy's Concepts of Rule in Egypt and Iran", *ANNALS, AAPSS*, 524, p.101..

[49] Inside Iran, a few dared challenge Khomini on this issue. Ayatollah Shariatmadari opposed Khomeini's velayat-e faqih but was pressured to keep silent. Others such as Ayatollah Salihi thought that the process of the people's acknowledgment of the supreme faqih should be the main element in confirming and validating his authority. See Ahmad Kazemi Moussavi, 1992. "A New Interpretation of the Theory of Velayat-I Faqih", *Middle Eastern Studies* 28 (1): 101-107.

[50] Fouad Ajami, The Vanished Imam: Musa al-Sadr and the Shia of Lebanon (Ithaca: Cornell University Press, 1986), p.197.

[51] H. E Chehabi, and Hassan I. Mneimneh, "Five Centuries of Lebenese-Iranian Encounters", in Chehabi, ed., *Distant Relations: Iran and Lebanon in the Last 500 Years*, 2006.

[52] Roschanack Shaery-Eisenlohr, 2004. "Iran, the Vatican of Shiism?", *Middle East Report* No.233, pp.40-43.

Ba'th regime in 1972, Iran has granted refuge to more than 700,000 Iraqi Shias.[53] Among the major religious players in Iraq, we find Ayatollah Muhammad Sadiq al-Sadr, Ayatollah Muhammad Baqir al-Hakim and the Grand Ayatollah al-Sistani. Sadiq al-Sadr was assassinated by Ba'thist agents in 1999 and al-Hakim, assassinated in a terrorist attack in 2003. Both these individuals subscribed to Khomeini's conception of velayat-e faqih, considering the jurist as the sole legitimate authority.[54] Al-Sistani, however, remains silent on such issues, possibly quite deliberately.[55] His privileged and respected position as the Grand Ayatollah and the precarious political situation in Iraq may be the reason why Sistani prefers a power brokering role rather than to get directly involved in the country's day-to-day political issues. Also, support for the democratic process in Iraq automatically favors the Shia position since the latter comprise 55% to 60% of the Iraqi population. The present Iraqi Constitution states that Islam is the source of legislation and that no law can contradict the fixed principles of Islam. The Constitution also establishes a Supreme Court made up of half by judges who specialize in secular law and the other half by experts in Sharia. The Sharia experts are in turn nominated by the highest Muslim religious leadership.[56] It is still too soon to judge the characteristics of the Iraqi system as secular, theocratic or mixed. Yet, as the recent events in Iraq have demonstrated, the Shia ulama undoubtedly play a very important role in the political process.

In Saudi Arabia, the Shias constitute the largest Arab Shia population in the Persian Gulf region after Iraq. However, they are the least integrated of all Sunni dominated countries. "They are highly disadvantaged in the sense that they are the only Shias to suffer not only from de facto, but even from de jure discrimination within the country, and are almost entirely denied public expression of their religious traditions."[57] While the relationship between the Saudi Shias and the Sunni majority has been historically characterized by violence and conflict, the greatest confrontation, not surprisingly, took place after the success of the Islamic revolution in Iran.[58] In both 1979 and 1980, demonstrations and a series of strikes pitted the Shia opposition with the Saudi security forces, and needless to say, the opposition was crushed by military might and the Saudi promises of improvement in the Shias socioeconomic conditions. The clergy have played an important role in the Shias' struggle for rights. Despite the radicalism of the Shia position with regards to the Saudi state following the Iranian revolution, by the late 1980s and the beginning of the 1990s, the situation changed. The leading Shia clerical figure within the Kingdom, Sheykh Hassan al-Saffar, notwithstanding his radical views in his early years, gradually moved toward a more moderate stance vis-à-vis the Saudi state. According to Fuller and Francke, "al-Saffar's liberal vision reflects the only workable long-term political strategy for the Saudi Shias, who can never aspire to the

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[53] Graham E. Fuller and Rend Rahim Francke, The Arab Shia: The Forgotten Muslims (New York: St. Martin's Press, 1999), p.109.

[54] See Robert Gleave, 2007. "Conceptions of Authority in Iraqi Shiism: Baqir al-Hakim, Hairi and Sistani on Ijtihad, Taqlid and Marjaiyya", *Theory, Culture and Society* 24 (2): 59-78.

[55] Mohammad Ayoub, 2005. "Deciphering Islam's Multiple Voices", *Middle East Policy* 12 (3), 80.

[56] Sayyid Iyad Jamaleddine, 2006. "The Iraqi Constitution is Theocracy in Disguise", New Perspectives Quarterly 23 (3): 46-48.

[57] Graham E. Fuller and Rend Rahim Francke, The Arab Shia: The Forgotten Muslims (New York: St. Martin's Press, 1999), p.179.

[58] See Madawi al-Rasheed, 1998. "The Shia of Saudi Arabia: A Minority in Search of Cultural Authenticity", *British Journal of Middle Eastern Studies* 25 (1): 121-138.

establishment of a Shia Islamic state, and who must therefore come to terms with the state in which they live—even while preserving their community's minoritarian culture."[59] This sentiment is also echoed by al-Rasheed who argues that since the 1990s, the struggle of the Shias for equal status among the Sunni majority draws attention to the attempts of Shia intellectuals to write their own regional history, deconstructing official representations, and providing an alternative historical narrative which anchor their community in Saudi history and society.[60]

Bahrain is another country in the Persian Gulf region where the Shia-Sunni struggles have increased. The population of Bahrain is 70% Shia but the ruling elite and the government are Sunni. The history of Bahrain since its independence in 1971 has been dominated by political unrest between the opposition, mostly Shia, and the royal family. The Islamic revolution in Iran, just as it had in Saudi Arabia, gave the Bahraini Shias a renewed sense of confidence.[61] Large segments of the Shia population saw in the emergence of a new revolutionary power in Iran a force that would lend weight to expression of Shia grievances in Bahrain. This quickly led to the formation of radical Shia groups. Yet, the Bahraini Shias have also been very active in less sectarian oppositional movements. First, there is a broad demand for liberalization and democratization that is supported by the entire Shia population and by Sunni liberals. Second, there is a movement by the Shia to secure their own just place in the Bahraini political, economic, and social order. Tragically, it is by default that the Shias have become the chief force behind the democratization campaign, because the state has successfully driven a wedge between the Shias and the bulk of the Sunnis. Support for liberalization and democratization among the Sunnis has thus been marginalized.[62] The tendency among many of Bahraini Shia clergy to voice their opposition in more liberal and less sectarian language may also be due to the fact that whereas in most Shia corners of the region the Usuli tradition gained the upper hand, Bahraini clergy adopted and maintained the Akhbari tradition.

Conclusion

This paper, as stated earlier, had three main objectives. It began with a look at the historical roots of the Shia-Sunni bifurcation that had its origin in the immediate aftermath of the Prophet's death. As demonstrated, what began as a political dispute with regards to the Prophet's succession, over the centuries, was transformed into the most important theological schism in the history of Islam. This schism, despite its mainly religious connotations, also resulted in a divergent view of what an Islamic state and government should be about. The Shia notions of justice and imamate as core religious beliefs have led to an ambiguous and changing relationship between the faithful and the

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[59] Graham E. Fuller and Rend Rahim Francke, The Arab Shia: The Forgotten Muslims (New York: St. Martin's Press, 1999), p.193.

[60] See Madawi al-Rasheed, 1998. "The Shia of Saudi Arabia: A Minority in Search of Cultural Authenticity", *British Journal of Middle Eastern Studies* 25 (1): 121.

[61] Gawdat Bahgat, 1999. "Peace in the Persian Gulf: The Shiis Dimension", *Peace and Change* 24 (1):76-90.

[62] Graham E. Fuller and Rend Rahim Francke, The Arab Shia: The Forgotten Muslims (New York: St. Martin's Press, 1999), p.127.

ruling governments and secular authorities. The relationship has varied between political quietism on the one had, and the seizure of political authority by the ulama on the other.

Secondly, this paper tried to establish the ideational factors that have played an important role in shaping the way Shia and Sunni ulama view the role of opposition to the status quo. An important element in the consolidation of the Shia hierocracy is the dominance of the interpretive tradition and its emphasis on ijtihad or independent reasoning. This has afforded Shiism a degree of dynamism and pluralism of ideas and interpretations that is not paralleled in Sunnism. The goal in the paper has not been to portray an essentialist and immutable picture of Shia and Sunni religious and political movements but to put forth the religious and ideational factors that have over time shaped these large groupings' response to political authorities. Lastly, attention was focused on Khomeini's conception of the velayat-e faqih, its reception, and Iran's role and influence in some of the region's countries. As was demonstrated, Khomeini's revolutionary ideas and messages, although inspiring to many dispossessed and marginalized Shias, did not have the same effect across the board. This is mainly because as important as ideational factors may be, their effects are always mediated by local socioeconomic and political realities. It is plausible to assert, as does Gawdat Bahgat, that Shiism has provided some of the most powerful themes of revolutionary protest in the Islamic world.[63] Yet, even a completely uniform set of ideological beliefs will have varying effects on political mobilization and struggle, determined, mostly by contextual factors.[64]

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[63] Gawdat Bahgat, 1999. "Peace in the Persian Gulf: The Shiis Dimension", *Peace and Change* 24 (1):77.
[64] It is in no way my intention to argue that Shia beliefs are in any way uniform.