



**Sovereignty, Legitimacy and Authority
in Twelver Shia Islam:**

Clerics and the State - Past and Present

**20-21 May 2021
Online Conference
University of Birmingham**



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CONFERENCE ONLINE FORMAT

The conference will use two online platforms. If you need any technical help, please contact via WhatsApp Rohan Jackson (+44 (0)7866425805) or Oliver Scharbrodt (+44 (0)7943347293).

The conference will use the following platforms:

- **Zoom** for the keynote lectures and the panel sessions (links are printed in the programme).
 - o Please update your Zoom software to the latest version (5.6.5).
 - o You will not be able to enter without a Zoom account, therefore please make sure to create an account prior to the conference day.
- **WonderMe** for networking and socialising in-between panels (links are printed in the programme)
 - o You can access this platform through any internet browsers and by using the links provided in the programme.

- There will be 5 different theme circles which you can join and chat with others interested in those topics. The themes are: clerical authority; law, society and the state; political actors; rituals and cultural production; transnationalism.
- It might be useful to familiarise yourselves with this platform prior to conference for smooth access. Please watch this introductory video for reference: <https://www.youtube.com/watch?v=7Nt67OmdyzY>

PAPERS AND PANELS

Your presentation should have a **max. length of 15 mins** to allow for sufficient time for questions and comments at the end of each panel. For those not familiar with Zoom: if you are using a PowerPoint presentation or want to include audio-visual material you can share your screen with other participants.

Please be advised that the proceedings will **NOT** be recorded. We would also like to ask participants not record presentations on their own devices either.

CONFERENCE SCHEDULE

Please note that all times are given in British Summer Time (BST) which is 1 hour ahead of GMT (GMT +1)

You might also want to consult this [website](#) which allows you to convert times in different time zones.



CONFERENCE PROGRAMME

20 May 2021 (all times in British Summer Time – BST(GMT+1))	
9:30-10:00	Welcome (Click here for the zoom link for the opening and Keynote 1)
10:00-11:00	<p>Keynote 1:</p> <p>Chair: Oliver Scharbrodt</p> <p>Andrew J. Newman <i>“Back to the Future”: Idealising Safavid Period Clergy-State Relations Between “East” and “West”</i></p>
11:00-12:30	<p>Panel 1: Shi’i Clerical Authority and Secular Power: Historical Perspectives</p> <p>Click here for panel 1 zoom link</p> <p>Chair: Christopher Pooya Razavian</p> <p>Alexander Khaleeli <i>Before the Safavids: Twelver Clerics and Political Legitimacy in Mongol Iran</i></p> <p>George Warner <i>The King’s Beloved - Liturgy and Power in the Writings of Raḡī al-Dīn ibn Ṭāwūs</i></p> <p>Zeina Taha <i>Shiite Ulama between Political Quietism, Activism, and Revolution: A Comparative Case-Study between Sayed Kashfi, Mirza Naeni, and Ayatollah Khomeini</i></p> <p>Mohammed Mesbahi and Mohammad Saghafi <i>Ayatollah Shariatmadari: An Assessment of His Views Regarding the Guardianship of the Jurists (velayat-e faqih)</i></p>
12:30-2:00	Networking Break (click here for Wonder.Me link)

2:00-3:30	<p>Panel 2: Shi'i Debates on Law, Pluralism and the State</p> <p>Click here for panel 2 zoom link</p> <p>Chair: Yousif Al-Hilli</p> <p>Seyfeddin Kara <i>The Influence of Exigencies of Time and Place on the Authority of Shi'i Clergy</i></p> <p>Jean-Michel Landry <i>Reconceptualizing the Shia Tradition through the Questions Animating It</i></p> <p>Bianka Speidl <i>The Islamic State according to Muhammad Husayn Fadlallah</i></p> <p>Ali Taher and Hashim Al Rikabi <i>Sistani's Civilian – political Authority in the Perspective and Practices of Shia Islamists of Post-2003 Iraq</i></p>
3:30-3:45	<p>Networking Break (click here for Wonder.Me link)</p>
3:45-5:00	<p>Panel 3: Shi'i Leaders, Rituals, Orators in State and Society</p> <p>Click here for panel 3 zoom link</p> <p>Chair: Stefan Williamson Fa</p> <p>Mohammad R. Kalantari - <i>Networked Clerics: Genealogy of Shi'i marja'iyya in Iran and Iraq – How They Become Leaders</i></p> <p>Ahmad Shekarchi <i>The Transformation of Shi'ite Narrative - A Comparative Study of Zīārat 'Āshūrā and "Holy Shrine Defenders" Mournful Songs</i></p> <p>Nabeel Jafri <i>Men That Mediate: Urdu Shi'i Orators in Contemporary Pakistan</i></p>
5:00-5:15	<p>Networking Break (click here for Wonder.Me link)</p>

5:15-6:45	<p>Panel 4: Contemporary Notions of Shi'i Religious Authority in Practice</p> <p>Click here for panel 4 zoom link</p> <p>Chair: Sajjad H. Rizvi</p> <p>Marsin Alshamary <i>The Politics of Preachers: Understanding Clerical Participation in the Iraqi State</i></p> <p>Cameron Zargar <i>The Marāji' as Distant Charismatic Leaders</i></p> <p>Sajjad H. Rizvi <i>The View from the Periphery: Marja'iya and Public Theology in Lebanon and Kuwait</i></p> <p>Simon Wolfgang Fuchs <i>Super Zakirs and Absent Ayatollahs: marji'-muqallid dynamics in Contemporary Pakistan</i></p>
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21 May 2021
(all times in British Summer Time – BST(GMT+1))

9:30-11:00	<p>Panel 5: Shi'i Debates on the Nature of State and Society</p> <p>Click here for panel 5 zoom link</p> <p>Chair: Muhammed Reza Tajri</p> <p>Christopher Pooya Razavian <i>Motahari's Conception of Sovereignty: Between vilayat-i faqih, the i'tibariyat, and Natural Rights</i></p> <p>Naser Ghobadzadeh <i>Theocratic Secularism: A Traditional Shi'i Rationale for Separation</i></p> <p>Lloyd Ridgeon <i>Aḥmad Qābil and a "Rational" Response to Clerical Sovereignty, Legitimacy and Authority</i></p> <p>Rainer Brunner <i>Ahmad al-Qabānji's Self-Criticism of Shi'ite Islam</i></p>
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11:00-11:15	Networking Break (click here for Wonder.Me link)
11:15-12:45	<p>Panel 6: Shi'i Clerics as Political Actors</p> <p>Click here for panel 6 zoom link</p> <p>Chair: Oula Kadhum</p> <p>Yousif al-Hilli <i>Methods of Communication: The Manner in which Ayatollah Sistani Speaks to the Government</i></p> <p>Magdalena Karolak <i>Clerical Authority in Times of Crisis: Mediatization of the Clerical Presence through Social Media in the Kingdom of Bahrain</i></p> <p>Inna Rudolf <i>The Ideological Complexity of Al-Hashd Al-Sha'bi in Iraq</i></p> <p>Noah Salomon <i>Between Revolution and Resistance: Shi'i Debates on Legitimate Authority in the Context of Lebanon's 2019 Uprising</i></p>
12:45-2:15	Networking Break (click here for Wonder.Me link)
2:15-3:15	<p>Keynote 2: Click here for the zoom link</p> <p>Chair: Fouad Gehad Marei</p> <p>Rula Jurdi Abisaab <i>The Red Cleric: Muḥammad Jawād Mughniyya's Anti-state Activism and Legal Reforms</i></p>

<p>3:15-4:45</p>	<p>Panel 7: The Relationship between Islamic Law and State Law in Iran</p> <p>Click here for panel 7 zoom link</p> <p>Chair: Lloyd Ridgeon</p> <p>Jairan Gahan <i>Codifying Moral(it)y: Prostitution on Trial in Tehran (1921-1925)</i></p> <p>Zahra Mahdavi Mazinani and Ali Akbar Tajmazinani <i>Conflicting Viewpoints of maraji' and State Courts about the Role of the Hardship Rule and its Implications for Family Policy in Iran</i></p> <p>Vahid Sohrabifar <i>Beyond the Dichotomy of the Religious-Secular: The Concept of maslihat in the Islamic Republic of Iran</i></p> <p>Mohammad Rasekh <i>Has Fiqh De-Secularized the State in Iran? Traditionalism, Modernism and Secularism under the Constitution of Islamic Republic of Iran</i></p>
<p>4:45-5:00</p>	<p>Networking Break (click here for Wonder.Me link)</p>
<p>5:00-6:30</p>	<p>Panel 8: Transnational Reach of Shi'i Clerical Authority</p> <p>Click here for panel 8 zoom link</p> <p>Chair: Nada Al-Hudaid</p> <p>Liyakat Takim <i>The Authority of the maraji': Shi'ism in the West</i></p> <p>Ali-Reza Bhojani and Morgan Clarke <i>Religious Authority from the Bottom-Up: Insights from a British Shi'i Community</i></p> <p>Minoo Mirshahvalad <i>The Crisis of Shi'a Religious Authority in Italy</i></p> <p>Muhammad R. Tajri <i>Authority and Authoritarianism: Perceptions of the marāji' and Performances of taqlīd amongst UK's University Student Communities</i></p>
<p>6:30-7:00</p>	<p>Conference Conclusion</p> <p>Click here for conclusion's zoom link</p>

CONFERENCE ABSTRACTS

KEYNOTE 1

Speaker: Andrew J. Newman, Personal Chair of Islamic Studies and Persian, University of Edinburgh

Title: *“Back to the Future”: Idealising Safavid Period Clergy-State Relations Between “East” and “West”*

Abstract:

Given that Twelver Shi`ism first found a ‘home’ in Safavid Iran, arguably a marker of the beginning of Iran’s ‘modern’ history, it is unsurprising that assessments of the period feature in later discussions of subsequent developments in Iranian and Twelver Shi`i history.

This paper first considers the manner in which the period, and its clergy-‘state’ relations, functioned in the discourse of Ali Shariati (d. 1977). Shariati privileged the period in his ‘Red Shi`ism’/‘Alavi Shi`ism v ‘Black Shi`ism’/‘Safavi Shi`ism’ paradigm. Under the Safavids, Shariati argued, the faith lost its originally activist/oppositional/revolutionary character and took on an accommodationist, passive and apolitical/quietist character. The faith was thence unable to take a leading, or any sort of, role in facing down the challenges facing Iran in later years and especially in his own time.

By contrast, most pre-1979 and post-1979 Western-language scholarship on both the Safavids and the faith postulates the opposite. Here, the argument is that the period witnessed Shi`i clerics forswearing traditional quietism for overt political involvement.

The paper explores the ‘agendas’ associated with each interpretation and addresses some issues of Safavid clergy-state relations not on offer in either. The apparent relevance of some aspects of the period’s legacy, including for the 1979 Revolution, is also noted.

PANEL 1: SHI`I CLERICAL AUTHORITY AND SECULAR POWER: HISTORICAL PERSPECTIVES

Speaker: Alexander Khaleeli, University of Exeter

Title: *Before the Safavids: Twelver Clerics and Political Legitimacy in Mongol Iran*

Abstract:

There exists a loose consensus that, prior to the establishment of the Safavid dynasty in 1501, there was a long-established tradition of Twelver clerical elites rejecting association with temporal rulers because they believed political authority could only be legitimately exercised by the divinely appointed Imam. In this light, Muḥaqqiq al-Karākī’s (d. 1534) relationship with the Safavids is presented as a rupture (Abisaab, 1994; Newman, 2013). How then to explain the emergence of Shī`i political movements in pre-Safavid Iran, such as the Sarbedārs of Sabzevār? Scholars have tended to focus on the mystical, messianic, or heterodox aspects of these movements, and assume that they lacked direct support from Twelver clerical elites (Arjomand, 1984; Dabashi, 2011).

This paper will argue that the aforementioned consensus relies too heavily on doctrinal texts, and that insufficient attention has been paid to the historical interaction of Twelver clerics with political leaders. It will address this lacuna by examining the works of Shī'ī Sabzevārī (fl. c.1358), a little-known Persian Twelver cleric from Sabzevār who was closely associated with the Sarbedārs and patronised by their leadership. In particular, it will interrogate what his writings can tell us about his views on the nature of political power and what he hoped to achieve through his enthusiastic support of the Sarbedār regime. In doing so, it will argue that the political outlook of Twelver clerics in Mongol Iran was fundamentally pragmatic, and that they cooperated with Shī'ī or Shī'ī-sympathetic rulers in the hope of being able to propagate the Twelver faith in their realm. In conclusion, through the examination of hitherto unknown sources, this research asks that we re-evaluate the widespread assumption that Twelver Shi'ism was politically quiescent before its adoption by the Safavids as an imperial creed and consider the extent to which doctrinal texts reflected scholarly practice.

Speaker: George Warner, Ruhr-Universität Bochum

Title: *The King's Beloved - Liturgy and Power in the Writings of Raḍī al-Dīn ibn Ṭāwūs*

Abstract:

The watershed moment for the emergence of Twelver scholars as charismatic authorities is commonly located in the Safavid conquests and the ensuing competition with Ṣūfīs over popular religious practice. Centuries earlier, however, Twelver literature is already distinguished by its peculiarly liturgical approach to worship. Calendars of supererogatory devotional practices of considerable length and complexity are produced by Twelver scholars from the middle of the 'Abbāsīd period. These intense ritual directions, lying outside the usual confines of *fiqh*, raise substantial questions regarding the authority of the scholars who sought to direct the practice of the faithful in this unusual way.

A unique figure in this regard is Raḍī al-Dīn ibn Ṭāwūs, who writes an unprecedented volume of liturgical literature. These works, moreover, contain idiosyncratic claims to their author's authority. Ibn Ṭāwūs is forthright about his inspired knowledge of God, and can be found justifying the codification of his own practice without textual precedent, even recounting the miraculous results of his prayers. He also intimates that he has encountered the Hidden Imām.

Ibn Ṭāwūs also has a complex relationship with political power, having served the caliphal court before witnessing the Mongol conquests and entering the service of the great khan, whose destruction of the 'Abbāsīds he declared long prophesied. These circumstances are referred to in his liturgical works, wherein he meanwhile prefers the language of political sovereignty to describe God – as king, as master and as sultan.

This paper will offer a preliminary account of the concepts of authority in ibn Ṭāwūs' liturgical writings. It will suggest that this writer, often written off as a naïve traditionalist, presents a complex model of religious authority and its relationship to political power, one which finds direct expression in his extraordinarily voluminous liturgical output, thus leaving a long shadow in Twelver thought and practice.

Speaker: Zeina Taha, Hawzat al-Sayyida al-Zahrā'

Title: *Shiite Ulama between Political Quietism, Activism, and Revolution: A Comparative Case-Study between Sayed Kashfi, Mirza Naeni, and Ayatollah Khomeini*

Abstract:

Shiite clerical political behaviour has been marked by its intriguing plurality, and this plurality has produced contradicting behaviour when facing the same circumstances. To understand this plurality, this research paper studied the three dominant political orientations among Shiite ulama towards tyrant temporal governments, namely: political quietism, activism, and revolution. The aim of the research is to outline the rationales behind these orientations and to determine a set of variables which influence Shiite ulama's political decision-making. In order to do so, three case studies were chosen: Sayed Ja'far Darabi Kashfi as a sample of political quietism, Mirza Mohammad Hussein Naeini as a sample of political activism, and Ayatollah Ruhollah Khomeini as a sample of revolution. In the paper a textual analysis is conducted on Kashfi's *Tuhfat al-Muluk*, Naeini's *Tanbih al-Umma wa-Tanzih al-Milla*, and Khomeini's *Islamic Government*. The findings outline that the ulama's political behaviour towards their contemporary tyrant temporal governments was primarily determined by the presence of a better achievable alternative. Other variables were traced, most notable are: the jurisprudential standing regarding the political guardianship of the jurispudent (*al-wilaya al-siyasiyya*), prioritization, the *faqih's* character, and the level of modernization achieved. Tracing the various alternatives presented by the ulama, their assessment of how achievable these alternatives were, and the situations in which they lived in was the focal point of analysis in the research. Also, all three figures had witnessed a level of transformation from pre-modernity to modernization within the country, accordingly, with the help of Samuel Huntington's modernization theory, the changing elements in modernizing societies and their influence on the rise of opposition groups in the country, as well as the influence of modernization on the political decision-making process of the clerical sector within Iran was analyzed.

Speakers: Mohammed Mesbahi, The Islamic College; Mohammad Saghafi, Azad University

Title: *Ayatollah Shariatmadari: An Assessment of His Views Regarding the Guardianship of the Jurists (velayat-e faqih)*

Abstract:

If the modern history of the *hawza 'ilmiyya* of Qum (the major religious centre encompassing Islamic Schools of theology) could be categorized in a number of defining periods, the period that began in 1961 following the death of the supreme Shi'i authority, Ayatollah Seyed Hossein Borujerdi, would be regarded as one the influential periods. Thereafter, a number of senior Shia scholars were recognised as a *marja' al-taqlid* (source of guidance or as a model to be imitated). One the most prominent figures to emerge has been Ayatollah Seyed Mohammad Kazem Shariatmadari (d. 1986) whose activity included the formation of *dar al-tabligh eslami* (an Islamic college of theology for propagation). His belief that religious scholars who possess the ability to interpret Islamic rulings and injunctions should engage in political issues, has led to an acceptance of the concept of *velayat-e faqih* (the guardianship of the jurist) during the time *ghaybah* (occultation of Imam Al-Mahdi). This paper will research the religious political and social contributions of Ayatollah Shariatmadari, and in particular by focusing on his views towards the limits of this legitimacy of the concept in the light of his

insistence on the sovereignty of the people. Moreover, this research will identify the evolution of his viewpoint through the successful revolution of 1979 and following the formation of the Islamic state in Iran.

PANEL 2: SHI'Ī DEBATES ON LAW, PLURALISM AND THE STATE

Speaker: Seyfeddin Kara, University of Toronto/University of Göttingen

Title: *The Influence of Exigencies of Time and Place on the Authority of Shi'i Clergy*

Abstract:

In general, the concept of authority is one of the most central components of law-making and its implementation. Authority is more crucial in the case of Shi'i legal theory as according to Shi'i theology, only the Imams have absolute authority over Shi'is, and during the absence of the Twelfth Imam, there is no explicit religious guideline as to what extent the authority of Imam may be practised by Shi'i scholars. The Shi'i scholars, since the occultation of the Twelfth Imam, have debated the extent their authority and have used various arguments to justify their opposing views. This debate has often been misunderstood as a purely theological/legal debate that has taken place among the rival Shi'i legal scholars. However, this paper argues that as opposed to the commonly held misconception, the main influence on Shi'i clergy's attitude towards the scope of the legal authority of the jurists has primarily been dictated by the exigencies of time and place where Shi'i communities lived and flourished. Expanding the scope of the religious authority has been a way for Shi'i clergy to respond to the needs of the Shi'i community. Through engaging classical and modern sources, within the context of the significant events that affected the Shi'i communities, the paper will attempt make a case for a new understanding of the development of Shi'i legal theory.

Speaker: Jean-Michel Landry, Carleton University

Title: *Reconceptualizing the Shia Tradition through the Questions Animating It*

Abstract:

The Twelver Shia tradition continues to develop and expand today through a hermeneutic mode of inquiry called *ijtihad*. The principles and methods subsumed under the term *ijtihad* enable properly trained clerics to derive from the tradition scriptural sources a set of ethical guidelines helping Muslims confront timely issues—e.g., minority politics, secular governance, investment in Bitcoins. In recent decades, anthropologists and historians have shown that this knowledge practice is often triggered by queries and concerns raised by the laity. Many Shia scholarly authority, indeed, mobilize *ijtihad* to address the doubts and dilemmas of ordinary Muslims.

This paper seeks to expand our understanding of Shia Islam and other religious traditions by conceptualizing *ijtihad* as a practice aimed not only at answering questions, but also at raising new ones. Drawing on ethnographic multi-year fieldwork conducted in traditional Lebanese Shi'i seminaries (*hawza*), I show how aspirant clerical authorities learn to raise, formulate and operationalize questions deemed promising within the knowledge economy of Shi'ism—i.e., questions that are informed by the rich Shi'i shari'a tradition, but also promise to enrich it. By approaching the Twelver Shi'ism through the set of questions (rather than the rules or

precepts) that animates it, I propose a rethinking of how religious traditions develop, and the role that questions as well as other forms of problematization play in this process.

Speaker: Bianka Speidl, Pázmány Péter Catholic University, Budapest

Title: *The Islamic State according to Muhammad Husayn Fadlallah*

Abstract:

Muhammad Husayn Fadlallah (1935 – 2010) attributed great importance to the state as the incarnation of law and order. Fadlallah was specific about two goals: the Islamisation of the society and, as a consequence, that of the governance. His *al-Islam wa-mantiq al-quwwa, al-Haraka al-Islamiyya: humum wa-qadaya* and *al-Ijtihad bayna 'asr al-madi wa-afaq al-mustaqbal* reveal that he envisioned the Islamic state as a religious-political frame in which the Shi'i leadership and authority, the use of force, justice, party politics, *wilayat al-fiqh* (as opposed to *wilayat al-faqih*) as well as the status of *marja'iyya* find new meaning.

The interconnectedness of Islamic law and righteous governance in Fadlallah's thought prompted him to proclaim the inevitability of an Islamic political system that vests the Islamic establishment with executive power. Renouncing this ambition – according to him – would mean the nullification of the shari'a. The proposed paper examines how, in Fadlallah's thought - as exposed in his aforementioned books -, Islam – a transformative power itself and a guarantee of justice – legitimises authority and the use of force – and necessitates the establishment of an Islamic state as an inevitable outcome. The paper also shows that Fadlallah's Islamic state is part of a multifaceted project of empowerment.

Speakers: Ali Taher, Baghdad University; Hashim Al Rikabi, Kufa University

Title: *Sistani's Civilian – political Authority in the Perspective and Practices of Shia Islamists of Post-2003 Iraq*

Abstract:

Iraqi Shia opposed political authority for centuries in Iraq, and they leaned towards disengaging from political participation. Such historical narrative could be subjected to scientific investigation, however, it is accepted by Shia and has been materialized in their rituals, such as commemorating the martyrdom Imam Husayn. However, this narrative has become controversial following the toppling of the dictatorship in 2003. The symbolic fall of the dictator statue in 9th of April was a turning point in Iraqi history in general and Shia in particular, as it triggered questions on the nature of post-2003 and Shia stand towards it.

This paper argues that Shia political groups, despite having different political understanding (Dawa Islamic Party, Islamic Supreme Council of Iraq, Sadrist Trend), all followed Grand Ayatollah Sayyid Ali al-Sistani model of the "Civilian State," whose elements he clarified gradually in the post-2003 system. Therefore, this paper seeks to explain Sistani's Civilian State model and how Islamist political parties balanced the contradiction between their political thoughts, cultural values, and histories on the one hand, and the prerequisite of building a new state on the other.

This paper will be based on discourse analysis to identify Sistani's Civilian State model by analyzing his Friday sermons and religious rulings. Also, it will conduct interviews with leaders of Shia Islamist parties, such as former Prime Minister and Secretary General of Dawa Islamic Party Nouri al-Maliki, Secretary General of ISCI Humam Hamoudi, and former President of Sadrist Political Bureau Dayaa al-Asady)

PANEL 3: SHI'Ī LEADERS, RITUALS, ORATORS IN STATE AND SOCIETY

Speaker: Mohammad R. Kalantari, Royal Holloway University of London

Title: *Networked Clerics: Genealogy of Shi'ī marja'īyya in Iran and Iraq – How They Become Leaders*

Abstract:

Shi'ī clerics are among the most influential political actors in the Middle East today. However, there is insufficient understanding of the network of interconnected relations that links them together and shapes their politics. To understand the politics of this important group of actors, this paper tries to map out the interconnected world of the Shi'ī clergy. The main argument of this paper is based on the conviction that to understand the politics of Shi'ī clerical elites in the contemporary Middle East requires an historical and sociological grasp of the internal dynamics of Shi'ī leadership, and how and why individual clerics emerge as Shi'ī marja'. Little is known about these internal dynamics. Nor have scholars developed a systematic understanding of how individuals within the clerical elite move up through the clerical hierarchy, what shapes the legacy they bring with them, and how this legacy influences their politics. Without this knowledge, it is difficult to fully understand where, when, and how new leaders will arise, and what impact they are likely to have on the politics of the societies in which they are based, and beyond. The aim is to reveal the extent to which the network of relations that produces individual clerics as leaders shape their politics, irrespective of the context in which they find themselves and their personal characteristics. To illuminate these dynamics, this paper uses network analysis to identify the genesis of high-ranking Shi'ī clerics in Iraq and Iran since the mid-nineteenth century, to map their interconnectivities, to apply systematic network measures to the network that this map reveals in order to determine the significance of each cleric in the community; and, finally, to visualise the clerical network of modern times which will provide a foundation for predicting who will become a Shi'ī marja' in the future.

Speaker: Ahmad Shekarchi, Shahid Beheshti University, Tehran

Title: *The Transformation of Shi'ite Narrative - A Comparative Study of Zīārat 'Āshūrā and "Holy Shrine Defenders" Mournful Songs*

Abstract:

The historical narrative of Shiism is composed of three main traumas: Saqifa, Fadak and Ashoura. After the Iranian revolution in 1978, and subsequently, the settlement of the Islamic Republic as the "first modern Shiite state", the narrative of Ashoura was employed very frequently and became one of the main components of Iranian Shiite collective consciousness. This article aims to elaborate the transformation of this narrative through

analyzing two different versions of it: the original and the modern narrative. I first analyze the text of Zīārat ‘Āshūrā as one the most sacred and frequent texts read by the Shi’a. Secondly, I use a sample of 150 pieces of the most recent mournful songs for martyrs of the war with ISIS in Iraq and Syria, named the Defenders of the Holy Shrine (*Modāfe‘ān-e Ḥaram*), to compare the transformed narrative with the themes extracted from the original text. The genealogical comparative analysis of these two narratives shows a pivotal transformation from “Aggrievedness” to “Generalized Vengeance” which could be attributed to the establishment of the first Shiite modern state and new conception of the Shi’a identity.

Speaker: Nabeel Jafri, University of Toronto

Title: *Men That Mediate: Urdu Shi’i Orators in Contemporary Pakistan*

Abstract:

On September 9th, 2019, one day before ‘āshūra, Shehenshah Naqvi, arguably Pakistan’s most recognizable Urdu Shi’a orator, took to the pulpit at the beginning of Karachi’s *markazī julūs* (central procession). Addressing the fifty thousand devotees present physically and the hundreds of thousands who tuned in to listen to a live broadcast on TV, radio, and social media, Naqvi also explicitly addressed the state and outlined a seven-point agenda that he wished for the state to consider— his requests ranged from the local and ambiguous emphasis on fostering Muslim harmony to the international but equally ambiguous brokering of peace in war-torn places such as Palestine, Yemen, and Kashmir. Taking the above ethnographic vignette as a synecdoche for an entire corpus of Shi’a oration in which the state becomes a matter of immediate, eternal, and utmost concern, I draw upon fieldwork conducted in Karachi in the summer of 2019 to show how contemporary Shi’a orators become mediators between the devotees and the state. Examples of such mediation include public theorizations of the ideal state, aspirations of institutional dominance, and regular appointments to government bodies such as the Council of Islamic Ideology. Mediation encapsulates the political entanglements of these orators and moves our understanding of these orators beyond mere culture brokers (Antoun 1989), Weberian inspired ideal-types of scholars, priest-magicians, and warriors (Gaffney 1994), religious performers integral to communal cohesion (Schubel 1993) or sermonizers on a “pulpit of tears” (Howarth 2005). Additionally, I build upon the recent work of Saif (2015) and Fuchs (2019) on rethinking religious authority in Pakistan. However, in contrast to the usual archives of theological treatises, polemical tracts, and periodicals, I turn to the ubiquitous, performative domain of oration to capture the hypervisibility that oration provides to the mediators. My work emerges from, and contributes back to, scholarship on publics, media and mediation, and linguistic anthropology.

PANEL 4: CONTEMPORARY NOTIONS OF SHI'Ī RELIGIOUS AUTHORITY IN PRACTICE

The aim of this panel is to look at a range of questions and perspectives on the nature of the authority of the Shi'ī religious establishment in particular as it is found at the 'centre' in Najaf and Qum. How does that authority play it in the wider world and in the life of the everyday believer both in the immediate society of the presence of the marja' as well as further afield? So we will consider not only the question from the centre and the periphery but also look at a number of contemporary contexts from the Arabophone to the Iranian to the rather important and neglected field of Shi'ī identity, authority and affiliations in South Asia.

Convenor: Sajjad H. Rizvi, University of Exeter

Speaker: Marsin Alshamary, MIT/Harvard University

Title: *The Politics of Preachers: Understanding Clerical Participation in the Iraqi State*

Abstract:

After 2003, the Iraqi Shi'a Religious Establishment (otherwise known as the *hawza*), enjoyed a historically unprecedented degree of freedom and much deeper ties to the state. Although historically the religious establishment has been wary of political involvement, particularly in opposition politics, the post-2003 era recalibrated these dynamics. Over the course of several years, the *hawza* acquired a reputation of political involvement amongst the Iraqi public and even amongst the political elite.

In this paper, I explore the degree to which this reputation is, in fact, deserved and how it is understood from the clerical perspective. I rely on a novel dataset of Najafi seminarians to present broad patterns of clerical involvement. Then, I rely on interviews conducted through fieldwork in Iraq to explain the motivations of these behaviours. I discuss clerical involvement in formal (elections, political parties, etc) and informal (protests) politics and argue that despite the dramatically shifting external environment, the incentives and constraints of elite clerics continue to be shaped by structural factors emanating from within the *hawza* that have not evolved significantly over time.

Speaker: Cameron Zargar, University of Exeter

Title: *The Marāji' as Distant Charismatic Leaders*

Abstract:

The most prominent Twelver Shi'ī jurists, the *marāji'*, possess transregional legal, financial, and spiritual authority. They provide legal opinions for tens of millions of followers and collect billions of dollars in religious taxes. However, they are not elected or appointed, and they operate outside the purview of the state. This has created confusion surrounding the source of their authority, which is often articulated in terms of Weber's model of charisma. But while previous scholars of Shi'ī Islam used Weber's theory to argue that the *marāji'* have genuine or revolutionary charisma, I will argue that they, in fact, more closely resemble distant charismatic leaders. They have little everyday interaction with their followers and thus do not shape practice by way of their specific fatwas. Rather, it is the larger religious culture produced by the *hawza* collectively to which believers turn for religious guidance.

In my fieldwork in Iran, I found that lay people are more likely to refer to close leaders – local religious scholars, teachers, and even family members – for religious guidance and to the *marāji* (distant leaders) in cases of identity crisis. Furthermore, followers associate idealized attributes with the *marāji* rather than observe their actual conduct. These trends support sociological research into the charisma of leaders in organizational structures. Managers of large organizations who have little interaction with their employees are believed to possess larger-than-life qualities, while close leaders are more likely to be considered human and fallible. Yet it is close leaders who are more likely to be obeyed in day-to-day affairs. And while followers of close leaders rely on specific information about them, followers of distant leaders instead impose upon them prototypes that are derived from their societies. As a result, I argue that the *marāji*'s authority is primarily rooted in their ability to provide followers with coherent identities and authenticity in action.

Speaker: Sajjad H. Rizvi, University of Exeter

Title: *The View from the Periphery: Marja'īya and Public Theology in Lebanon and Kuwait*

Abstract:

Does the *marja'īya* from Najaf project its authority uniformly in the wider Arab world? To what extent is religious authority seen in more pluralistic and 'liberal' contexts? What use do ordinary believers in the wider Arab Shi'i context have for *marja'īya*? Based on recent fieldwork, I examine attitudes and understandings of authority and the role of public theology as seen from the periphery – the view from the edge – based in two countries with significant Shi'i communities that are similar but also offer a useful contrast.

Lebanon is a democratic state (albeit with strong elements of crony capitalism, sectarian bargains and imperfect processes) in which the Shi'a are arguably the largest single community and politically dominant but in which the culture of the society and pluralistic nature of influences mean that the intersections of religious culture, politics and cultural practices are more complicated than at the heart of the conservative Shi'i space of Najaf. It is a context that has been extensively studied by Morgan Clarke, Lara Deeb, Max Weiss and others but not necessarily on the question of what sort of religious authority and guide to authentic living is desired by a range of stakeholders. Kuwait is a Gulf monarch in which the Shi'i minority play an important political and economic role – and further the role of Kuwait business interests in the financial support of the *marja'īya* in Najaf is well known. In its quasi-democratic and constitutionalist space – and the institution of the relatively open liberal space of the *dīwānīya* studied by Herb, Diwan and Mathiessen among others – the public discourse about religious authority and authenticity has a range of responses and positions from the most secular, liberal to the most conservative and politically radical. Intellectually, it is vibrant in similar ways to Lebanon with high levels of literacy and engagement with contemporary thought and perhaps one of the highest levels of social media penetration in the Arab world. However, as the communities are more politically vulnerable – despite the work of al-Habib and others on the long and critical presence of Shi'i communities in Kuwait – they may well be more dependent on the need for the patronage or support of authorities both local and political and transnational and religious to perpetuate their authenticity of living. I examine two central questions. What do believers want from religious authority? And if *marja'īya* is seen as too narrowly ritualistic and legalistic, what alternative forms of authority and public theology can one see emerging in the Arab Shi'i periphery?

Speaker: Simon Wolfgang Fuchs, Albert-Ludwigs-Universität Freiburg

Title: *Super Zakirs and Absent Ayatollahs: marji'-muqallid dynamics in Contemporary Pakistan*

Abstract:

Pakistan witnessed intense internal Shi'i debates and conflict over religious authority ever since the country came into being in 1947. Particular patterns of migration to the new state played a crucial role in this regard. The senior mujtahids of the Subcontinent, concentrated around the *hawza* of Lucknow, opted to stay on in India. This absence of high ranking 'ulama and religious institutions in Pakistan had significant repercussion for the following decades: popular preachers (*zakirs*), many of whom emphasized the esoteric potential of Shi'i Islam and denigrated the religious scholars, managed to dominate the public Shi'i sphere. As a consequence, the *maraji'* in Najaf and Qum, leading among them Muhsin al-Hakim (d. 1970), Abu'l-Qasim al-Khu'i (d. 1992) and Muhammad Kazim Shari'atmadari (d. 1986), paid particular attention to Pakistan. Their representatives (*wukalā'*) not only insisted on the necessity of following a living Source of Emulation, they also founded schools and attempted to reform "superstitious" Shi'i rituals and beliefs.

My paper will provide the necessary background and shed some light on these dynamics but zoom in on one contemporary Najaf-based *marji'* of South Asian descent, Bashir Husayn al-Najafi. After leaving Lahore to pursue higher religious education in the shrine cities of Iraq in 1965, he has never returned to Pakistan. My presentation will analyze al-Najafi's Urdu outreach since 2003, when Iraq once again became a destination that could rival Qum for Pakistan's Shi'a. I am interested in exploring to what extent al-Najafi intervenes in internal Shi'i debates in Pakistan, which political positions he takes, and how we can assess his educational activities in South Asia.

PANEL 5: SHI'I DEBATES ON THE NATURE OF STATE AND SOCIETY

Speaker: Christopher Pooya Razavian, University of Birmingham

Title: *Motahari's Conception of Sovereignty: Between Vilayat-i Faqih, the i'tibariyat, and Natural Rights*

Abstract:

In one of his final lecture series, Morteza Motahari (1919-1979), an influential figure of the Iranian revolution of 1979, discusses the political philosophy of the Islamic state. He argues that even though Iran was on the cusp of an Islamic revolution, the concept of the Islamic state is still indeterminate. He uses the lectures as an opportunity to bring his lifelong study of Islamic social philosophy to develop a coherent vision of an Islamic state. This paper argues that even though Motahari tries to develop a coherent political philosophy, he grounds the concept of sovereignty in three different foundations. He argues simultaneously that sovereignty is divine, mentally posited (*i'tibari*), and based on natural rights.

Motahari begins the lectures by arguing that the concept of the state (*hukumat*) is a mentally posited concept (*i'tibari*). The *i'tibariyat* are an epistemological category that Motahari

incorporates from his teacher, the philosopher and exegete Allamah Tabatabai (1903-1981). The *i'tibariyat* states that all perceptions about how humans "ought" to act are mentally posited, and they are posited in order to fulfil human needs. Second, Motahari incorporates the concept of *vilayat-i faqih* (the guardian jurist) as developed by his other teacher and the supreme leader of Iran Ayatollah Khomeini (1900-1989). Motahari argues that sovereignty (*haqq-i hakimiyat*) belongs to the *faqih*. The *faqih* is not chosen by the people (*intikhab*) but is divinely appointed (*nasb*). Third, he argues that the moral purpose of the state is to guarantee natural rights so that human capabilities can reach their perfection. This is based on his own novel argument for a capabilities-based approach to natural rights: every individual is born with a series of capabilities (*isti'dad-ha*) and each individual has a right (*haqq*) to bring these capabilities to their perfection (*kamal*). These rights are not mentally posited (*i'tibari*), but are real (*vaqi'i*) because they are derived from human nature. Ultimately, there is a tension in how Motahari understands the state to be mentally posited, but natural rights are mind-independent, while the position of the *vilayat-i faqih* is divinely appointed.

Speaker: Naser Ghobadzadeh, Australian Catholic University

Title: *Theocratic Secularism: A Traditional Shi'i Rationale for Separation*

Abstract:

This paper articulates a religious rationale for political secularism in the Iranian/Shi'i context. Ayatollah Khomeini's politico-religious thought and practices not only caused a marked disturbance in Iran's political process, it also constituted a clear breach of traditional Shi'i orthodoxy. Ayatollah Khomeini is widely depicted as the pioneering figure who politicised Shi'ism. Correspondingly, the terms "apolitical" and "quietist" are often used to characterise the political nature of traditional Shi'i orthodoxy. Calling into question the precision of these notions, this paper argues that the Shi'i ulama have always been political and have an extensive history of political engagement both openly and in more subtle or covert ways.

The paper suggests that Ayatollah Khomeini branched away from traditional Shi'ism not because he politicised Shi'ism, but because he conceptualised and implemented "governmental Shi'ism". Recognising the inadequacy of notions like "apolitical" and "quietist" in this context, this paper coins the notion of "theocratic secularism" to articulate a more nuanced understanding of the political disposition of traditional Shi'i orthodoxy. I draw upon a key theological component of Shi'ism, i.e. the divine and exclusive right of "the Hidden Imam" to politico-religious rulership, to stress that the ulama are strictly forbidden from seizing state power in the context of traditional Shi'i orthodoxy. This is why for centuries, Shi'i ulama never attempted to assume direct control of the state apparatus, despite having always exercised a bold presence in the socio-political sphere. Grounded in the reality of traditional Shi'i orthodoxy, this paper will propose utilising "theocratic secularism" as a normative and prescriptive framework for an indigenous political secularism, which is based upon the devotional commitment of the religious authorities to eschew state apparatus.

Speaker: Lloyd Ridgeon, University of Glasgow

Title: *Aḥmad Qābil and a “Rational” Response to Clerical Sovereignty, Legitimacy and Authority*

Abstract:

Since the Islamic Revolution of 1979 one of the most intellectually interesting developments has been the rise of the so-called “New Religious Thinkers” who have questioned a host of assumptions that have served as the bedrock of the Islamic Republic. One of these thinkers is Aḥmad Qābil (d. 2012) whose insistence on the application of reason to “religious” questions led him investigate ideas related to the *vilāyat-i faqīh*, the notion of *taqlīd*, and clerical authority. Qābil was not a prolific author, indeed, there are only ten books that have been uploaded on to his website. This is because the state refused to give him the required licence to publish, so fearful was it of his influence in society. As a distinguished student of Ayatollah Muntazerī, it is clear why certain sections of the Islamic Republic displayed reluctance to engage with him in theological and political dispute. His questioning of the legitimacy of the Islamic Republic and his firm attachment to reason caused him to issue a series of stinging rebukes against the style of leadership in the Islamic Republic, in particular, that of ‘Alī Khāmene’ī, which subsequently landed Qābil prison sentences on several occasions. In addition to the more political questions, Qābil’s bravery and instance on reasoning led him “unpopular” jurisprudential conclusions, such as his fatwa that wearing the *ḥijāb* was only desirable, and not mandatory. In his juristic writings, one may say that he takes *uṣūlī* Shī‘ism to its logical conclusion with its insistence in reason, opening jurisprudence beyond the traditional clerical classes.

This paper will address why and how Qābil challenged traditional notions of Shī‘ī sovereignty, legitimacy and sovereignty. It will focus specifically on his ideas about *vilāyat-i faqīh* and also about who may be the ideal *mujtahid*. Qābil’s writings have yet to receive adequate analysis from scholars, Western or Persian, and this paper will be one of the very first.

Speaker: Rainer Brunner, Centre National de la Recherche Scientifique, Paris

Title: *Ahmad al-Qabānjī’s Self–Criticism of Shi’ite Islam*

Abstract:

More than in Sunnite Islam, Shi‘ism has been characterized, throughout the 20th century, by a remarkable strain of self-criticism, i.e. by authors who attack central tenets of belief or traditional authorities from within Shi‘ism itself, and who claim to thereby reform their community. This paper focuses on two books by the Iraqi Shi‘ite scholar Aḥmad al-Qabānjī (b. 1958). The first book, *Tahdhīb aḥādīth al-shī‘a*, comes across, at first sight, as a conventional evaluation of Shi‘ite traditions of the Imams, by which Qabānjī claims to fulfil the legacy of his teacher Muḥammad Bāqir al-Ṣadr. Although he mainly applies traditional forms of *isnād* criticism when refuting *ḥadīths* from a number of important Shi‘ite compilations, it soon becomes clear, however, that Qabānjī aims at a more fundamental rejection of Shi‘ite identity markers, as his main focus is on traditions about the Imams’ superior knowledge and about the recommendations to visit their graves. In the second book, *Tashayyu‘ al-‘awāmm wa-tashayyu‘ al-khawāṣṣ*, Qabānjī goes even further. In the wake of Aḥmad Kasravī, he sets out not only to deconstruct sectarian discourse in particular, but to even provide a critique of religious thought in general. By explicitly referring to Western authors such as Sigmund Freud

and Ludwig Feuerbach, Qabānjī separates the historical figures of the Imams from the mental image Shi'ites have conceived of them throughout history. In analogy to Charles Darwin's theory of evolution, he pursues his theory according to which the superhuman elevation of the Imams served the need to counterbalance the threatening image that God paints of himself in the Qur'an, and to act as humanized half-Gods against this austere and revengeful God. Although Qabānjī appears as a conscious iconoclast, he ostentatiously dissociates himself from Wahhābism and stresses to act as a reformist thinker motivated by "true" Shi'ism.

PANEL 6: SHI'I CLERICS AS POLITICAL ACTORS

Speaker: Yousif al-Hilli, University of Birmingham

Title: *Methods of Communication: The Manner in which Ayatollah Sistani Speaks to the Government*

Abstract:

Following the fall of Saddam Hussain in 2003, Ayatollah Sistani (b. 1930) has had a significant impact on the political climate of Iraq and holds the greatest following as the supreme source of emulation within the Shia world. Sistani's political involvement has developed from strong interventions in the creation of a new political system post-2003 to a period of lesser involvement until the rise of ISIS and his crucial fatwa urging Iraqis to rise and defend the state. Hence since 2003, communication with government has been crucial in achieving the desired impact for Sistani. This paper seeks to establish how Sistani has communicated with government, as well as how often this process has occurred. In this regard religious and political mediators are key, and this paper incorporates interviews with mediators between Sistani and government, as well as the formal instances of communication notably through the Friday Prayers Sermons. Understanding this allows for a greater comprehension of Sistani's role as a Shia cleric as well as his impact on the state sovereignty of Iraq.

Speaker: Magdalena Karolak, Zayed University

Title: *Clerical Authority in Times of Crisis: Mediatization of the Clerical Presence through Social Media in the Kingdom of Bahrain*

Abstract:

The aim of this paper is to understand how social media are used by Shi'a clerics and their followers in times of confrontation with the authorities and the resulting crisis of the religious institutions. The Kingdom of Bahrain offers an example of such a situation. The Shi'a clerics are at the center of the opposition to the Bahraini government and through their religious as well as political stance have continued to rally followers to demand reforms. Indeed, in Bahrain, the religious has been always deeply intertwined with the political. For instance, Sheikh Ali Salman who led the political protests in 1990's, assumed the leadership of Al Wefaq, the largest political association in the kingdom (2001- 2017) and served as MP. Nonetheless, such firm attitudes have deepened the antagonism between the monarchy and the clerics. The crackdown of 2016-2017 led to heavy penalties among the clerical body such as lengthy incarcerations and loss of the Bahraini citizenship. In such circumstances where the physical presence is no longer possible, social media may act as means of mediated communication

between the followers and the clerics or their representatives. Using content analysis of selected social media of the Bahraini opposition groups, this research aims at analyzing this phenomenon of clerical leadership in times of crisis through mediated presence.

Speaker: Inna Rudolf, King's College London

Title: *The Ideological Complexity of Al-Hashd Al-Sha'bi in Iraq*

Abstract:

Following the historic fall Mosul on 13 June 2014, the representative of Grand Ayatollah Ali al-Sistani, Sheykh Abdul Mahdi al-Karbalai delivered the famous statement that came to be known as the *wajib al-kifai* fatwa. Driven by religious fervour, thousands of young warriors marched in response to Grand Ayatollah al-Sistani's fatwa for defensive jihad and came to constitute the so-called Popular Mobilisation (PMU), known in Arabic as al-Hashd al-Sha'abi – a state-sanctioned paramilitary umbrella. Despite the religious endorsement bestowed upon them, PMU are plagued with a wide variety of internal tensions and ideological divisions. For the sake of simplicity, prominent Hashdologists have routinely categorized PMU formations in terms of their respective loyalty to Sayyid Ali Hosseini Khamenei, Muqtada Al-Sadr, and Iraq's Grand Ayatollah Ali Al-Sistani. Nevertheless, statements by PMU-affiliated officials reveal further nuances and gradations that manifest themselves both within and between these roughly outlined clusters. Drawing on and contextualizing the insights gained during fieldwork, the author seeks to sensitize audiences to the challenge, and at times folly, of analyzing the paramilitary umbrella as one composed of three ideologically coherent currents. Personal testimonies by Iran-aligned factions' leaders reveal that their commitment to the resistance doctrine is not exclusively grounded in deep-seated religious beliefs or heartfelt adherence to the principle of *wilayat al-faqih* (the Guardianship of the Islamic Jurist). The lines are blurred and the allegiances to the transnational Shi'ite revolutionary axis – at least those that have been verbally professed – are prone to shift according to the target audience and the agendas pursued by the groups' forerunners. Acknowledging the transactional dealings between ruling elites and the plethora of armed auxiliaries, the presentation also seeks to show how, despite being generally considered devalued, the label "holy warrior" has nonetheless become a bargaining chip that unlocks access to agenda-setting powers and institutional leverage.

Speaker: Noah Salomon, Carleton College

Title: *Between Revolution and Resistance: Shi'i Debates on Legitimate Authority in the Context of Lebanon's 2019 Uprising*

Abstract:

In a short video circulating around Lebanese social media in December of 2019, Shaykh Kazim Yasin, a teacher of history at a Shi'i seminary (*hawza*) in the southern part of the country, offers a quite startling critique of a key political event in Shi'a history, that which is known as the "Revolution of the Repentants" (*thawrat al-tawabin*), the first uprising after Karbala. While many recall this revolution as an act of great piety, Shaykh Kazim sets it in a different light, critiquing its leader, Sulayman al-Khuza'i, for taking up arms without permission from higher authorities (*al-qiyada*). There is no mistaking the reason that Shaykh Kazim's video began to circulate at this particular moment when I encountered it: October of 2019 saw a remarkable outpouring of Lebanese onto the streets under the banner of

revolution, in which citizens participated across normal sectarian divides, including many Shi'a. Given the clerical leadership's rejection of the methods of the revolution, and only lukewarm and selective acceptance of its demands, a stark debate ensued over loyalty to the global *muqawama* (resistance) that leaders represented versus loyalty to the *thawra* (revolution) on the streets. More broadly, the debate touched on what the difference was between revolution as a theological category central within key trends in contemporary Shi'ism that weigh heavily in Lebanon, and revolution as a modern mode of radical democratic practice, in this case calling on Lebanese as citizens, explicitly free of sectarian color. My paper will offer a critical study of the debates that have ensued from this moment in Lebanon's history on the nature of legitimate authority in staging resistance. I will explore in particular how, in these debates, fidelity to the modern state is balanced against notions of social justice within the political thought of both Shi'i clerical leadership and its masses.

KEYNOTE 2

Speaker: Rula Jurdi Abisaab, McGill University

Title: *The Red Cleric: Muḥammad Jawād Mughniyya's Anti-state Activism and Legal Reforms*

Abstract:

The political thought and clerical career of Muḥammad Jawād Mughniyya (d.1979), as a mujtahid and the Chief of the Highest Appellate Court for the Twelver Shi'a in Beirut, became largely marginalized when he passed away in 1979, on the cusp of the Islamic Revolution in Iran. In this lecture, I bring Mughniyya to the center of debates about the Islamic State and the jurist's justice, while examining his engagement with Communism, his anti-state activism and adoption of leftist socio-economic goals, while rejecting historical materialism. I also examine what "modern reform" meant to him, noting his ambiguous and contradictory approach to legal reform, especially with respect to women's legal capabilities.

PANEL 7: THE RELATIONSHIP BETWEEN ISLAMIC LAW AND STATE LAW IN IRAN

Speaker: Jairan Gahan, University of Alberta

Title: *Codifying Moral(it)y: Prostitution on Trial in Tehran (1921-1925)*

Abstract:

In this presentation, I investigate the criminalization of prostitution in Iran in the 1920s to address broader questions about the shifting place of Shi'a Islam in relation to modern law in the aftermath of the Constitutional Revolution (1907-1914). I read five court cases on prostitution along and against public morality laws that were passed by the nascent second and third parliaments. The court cases belong to a four-year span, between 1921 and 1925, a period in which the legislative body of the state was reconstructing trial procedures and experimenting with codified law. The aim is to trace how Islamic morality and Islamic forms of moral community building were rearranged under the legal sovereignty of codified law and centralized trial procedures. Secularization is often described as a process through which religion is relegated to the realm of the private and governed under personal status law. In

Iran however, I demonstrate that the quasi-secular post-constitutional state, retained Islamic morality at the center of the governance of the public, while the structure of clerical authority went through major shifts.

In particular, un-Islamic acts of immorality were coded as public offences and trialled under a special *shar'i* court. Following the collapse of the dual *shar'i-urfi* court system, the "Special Criminal Court" was created, which had jurisdiction over crimes that had fixed punishments in *shari'a*, including *hadd*, *ta'zīr*, *qisās*, and *qatl*. The boundaries between this court and penal court were not clear-cut due to the ambiguity of the law around the definition of different types of crime. In the case of acts against morality, this ambiguity led to court debates about the role of Islam in governing citizens' moral behaviour. How did the judges decide which court was eligible to process cases of prostitution? How did they differ prostitution from the un-Islamic act of Zina, which has a fixed punishment in *shar'*? How did lawyers, interrogators, defendants, and plaintiffs navigate the trial system, according to their sense of morality as well as rights consciousness? In an attempt to tackle the above questions, and thinking through three different versions of temporary moral laws, this paper proposes that an Islamic secularism was established in Iran at the intersection of the politics of the nation-state and ethics of Sharia moral law.

Speakers: Zahra Mahdavi Mazinani, Imam Khomeini and Islamic Revolution Research Institute; Ali Akbar Tajmazinani, Allameh Tabatabai University

Title: *Conflicting Viewpoints of maraji' and State Courts about the Role of the Hardship Rule and its Implications for Family Policy in Iran*

Abstract:

A great deal of Islamic teachings revolves around Muslim duties with regard to the social welfare of various groups of their fellow citizens in the Islamic society. Religiously accountable persons (or *mukallafin*) have to pay various shari'a payments (*al-wujūhāt al-shar'iyya*) which include *khums*, *zakat*, expiation, *radd al-mazalim*, *nadhr*, *sadaqa*, endowments and most of these religious revenues should be spent on social welfare related purposes. Given the plurality of Shi'a religious authority across history and lack of a homogenous state-based mechanism for collecting and spending of these religious payments, the situation of 'welfare' function in comparison to other functions (e.g. financing the seminary and religious preaching) in their expenditure is a crucial issue to be addressed. Shi'a *maraji'* have declared various ways for collection and spending of these payments. While some of them like Ayatollah Sistani have approved direct spending by *mukallafin* based on their own discretion in countries with fragile states, some have asserted on the unique role of the *marja'* in this regard, while others see some central role for the Islamic state. The present paper aims to investigate these interactions and relationships among major Shi'a *maraji'* and the state by analyzing their formal fatwas in the past fifty years (before and after the Islamic Revolution and establishment of an Islamic State in Iran) and its implications for the financing of social policy.

Speaker: Vahid Sohrabifar, University of Religions and Denominations (URD), Qom-Iran

Title: *Beyond the Dichotomy of the Religious-Secular: The Concept of maslihat in the Islamic Republic of Iran*

Abstract:

The dichotomy of religious-secular has profound roots in the literature of religion and state. Nonetheless, the boundaries of the secular and the religious are not clear. Religion is subject to new interpretations and this makes the whole question very dynamic and changeable.

Iran's Islamic revolution in 1979 was a social movement that among many changes, offered a new system of government: "Islamic republic". The combination of Islamic and republic raises many questions, especially regarding the relationship between Islamic law and secular law. How one can run a country based on pre-modern Islamic law? Should he accept the new theories in the "secular law" e.g. democracy, separation of the powers, etc.?

Addressing this question, Khomeini, a religious authority and the leader of the Islamic revolution, offered a new idea. The concept of *maslihat* (public interest and social goodness) makes it possible to go beyond this dichotomy. This concept introduces a principle for discovering religious law. It presupposes that all the divine commands are based on benefit and goodness. Considering this presupposition, all the religious obligations are rooted in *maslihat*. One can discover religious law by realizing the actual benefit or real goodness. In other words, finding *maslihat* can function as finding a religious statement. In this regard, one can add "secular" benefits into a religious category and go beyond the above-mentioned dichotomy.

Based on his idea, the Islamic Republic of Iran established an advisory assembly called *majma' tashkhih maslihat* (Expediency Discernment Council). This council is in charge of solving any conflict that arises between public interests and traditional Islamic law. The main Islamic principle that allows empowering such a council is the concept of *maslihat*. In this way, whatever realized to be helpful for social interest can be taken into the process of legislation.

Speaker: Mohammad Rasekh, Shahid-Beheshti University

Title: *Has Fiqh De-Secularized the State in Iran? Traditionalism, Modernism and Secularism under the Constitution of Islamic Republic of Iran*

Abstract:

Upon the victory of Islamic revolution in Iran (1979), the Shī'ī jurisprudence (*fiqh*) found the upper hand in the design and implementation of the new Constitution of 1979 (as amended in 1989). It embodied itself in two major and basic principles of Guardianship of the Jurisconsult (GJ) (*vilāyat-i faqīh*) and compliance of laws with Islamic rules. That is, the institution of GJ was established which in its turn embodied a particular narration of the Shī'ī jurisprudential political theory, and Islamic rules were equated with jurisprudential (*fiqhī*) rulings. Accordingly, it has been claimed that the Iranian legal/political system turned from a secular complex to a de-secular one. The fact of the matter however is that the Iranian system was fiqh-ized. Thus, it makes more sense to say that the said system was coloured by *fiqh* (the Shī'ī one of course,). To grasp a better understanding of the nature of post-revolutionary Shī'ī system of Iran, it is better to embark on a study of the nature of *fiqh*. It the latter a non- or de-secular entity so much so that it turns the related

constitutional system into a non- or de-secular one? Before dealing with this question, we need to raise another question: what do we mean by secular? In this paper, on the basis of an analysis of the nature of religion and *fiqh*, we shall argue that the Iranian constitutional system has been traditionalized, rather than being de-secularized, and that the tradition is of a secular nature, rather than a de-secular one. An important theoretical implication would be that in order for the existing Iranian constitutional system to progress, its foundation, i.e. the Shi'ī *fiqh*, has to be modernized. The question is whether or not there is such a potentiality therein.

PANEL 8: TRANSNATIONAL REACH OF SHI'Ī CLERICAL AUTHORITY

Speaker: Liyakat Takim, McMaster University

Title: *The Authority of the maraji': Shi'ism in the West*

Abstract:

In recent times, there has been much discourse on the significance and function of the term jurisprudence of minorities (*fiqh al-aqalliyyat*). The term, which is also called diasporic jurisprudence, refers to the issuance of juristic ordinances by the clerics to accommodate the needs of Muslims residing in non-Muslim majorities, with special requirements that may not be appropriate for other communities. This paper argues that, due to the hierarchical nature of leadership inherent in Shi'ism, Shi'i jurists (*maraji'*) have responded to the needs of their communities that live as minorities in the West by recasting Islamic legal discourse on Muslim minorities and reconciling Islamic legal categories to the demands of the times. It will demonstrate this genre of jurisprudence addresses a wide range of topics that were either not traditionally discussed in Islamic juridical manuals or represent a revision of earlier formulations.

The paper demonstrates that most of the clerical rulings are casuistic in nature and do not represent a fully-fledged legal system. Many edicts have been either imported to the diaspora or relaxed when abiding by these injunctions have created difficulties (*haraj*) for the faithful believers. As will be discussed, Shi'i minority *fiqh* is restricted to the collection of fatawa (religious edicts) produced in the seminaries by jurists who do not fully comprehend the challenges experienced by their followers living in the diasporic milieu.

The paper will also examine the *maraji'*'s relationship with and their impact on their followers in North America. More specifically, it will discuss the role that the *maraji'*'s representatives and institutions play on their followers in the North America milieu and how the *maraji'* have shaped the socio-religious lives of their followers through the internet, social media and the *ziyarat* to the holy cities.

Speakers: Ali-Reza Bhojani, Markfield Institute of Higher Education/University of Oxford/Al-Mahdi Institute; Morgan Clarke, University of Oxford

Title: *Religious Authority from the Bottom-Up: Insights from a British Shi'i Community*

Abstract:

Islamic religious authority has been analysed almost exclusively within the Islamic studies and social scientific literature in the Weberian terms of legitimate power over people. The focus of this conference on the political roles of Shi'i clerics is symptomatic. In our research on 'ordinary', i.e. non-clerical specialist, Shi'i Muslim religious practice in the UK, we have indeed found clerical authority to be a crucial theme. However, that authority is neither political nor a matter of legitimate (coercive) power. Rather, it is the authority of an expert on religious matters – especially *fiqh*, in the context of our research, which centres on lay practices and discourses of sharia among the British Khoja Twelver Shi'a community.

Although this form of authority, that of the religious expert rather than leader, is a core part both of the jurists' own vision of their role and of its historical and contemporary reality, it is one that has been constantly neglected in academic studies in favour of an emphasis on questions of political authority. While recognising that the latter are the central focus of this conference, we argue that any study of authority in Shi'i Islam needs to attend to these other forms of authority, as a valuable corrective to the dominant discourse. The minority context of our UK-based study of course has a bearing on the way in which religious authority is perceived and consumed. But we would still maintain that the authority of the jurist as expert, rather than political leader, has a far more wide-reaching significance.

Speaker: Minoo Mirshahvalad, Universities of Turin and Florence

Title: *The Crisis of Shi'a Religious Authority in Italy*

Abstract:

In Italy, Shi'as appear only in the margin of the sociology of Islam. There is no study on the relation of Italy-based Shi'as with their religious authorities. This paper - which is based on an extensive sociological enquiry into the life of Twelvers in 13 Italian cities - aims to explore the new forms of relationship between *marj'iyyat* with their emulators who reside in this peninsula. The data is collected both through semi-structured interviews with representatives of the Shi'a communities in Italy and the analysis of the manuals created ad hoc by the *maraj'i* for Shi'as living in non-Islamic contexts. The institute of *marj'iyyat* is supposed to bring Shi'as into contact with their countries of origin and other Shi'as in Europe. Therefore, transnationalism is supposed to be an intrinsic aspect of Twelver Shi'ism. However, the present study shows that as a consequence of the strategies adopted by the Italian state towards Islam, and the intra-religious dynamics that have developed in diaspora, the *marj'iyyat* instead of creating transnational networks has become a local matter and the traditional authority has gone through crisis. In such a context, the birth of organizations such as the only one Italian Shi'a seminary named Madina-Tul-Ilm in Carpi or the Confederation of Shi'as (CISI) has not remedied this limit.

Speaker: Muhammad R. Tajri, Al-Mahdi Institute

Title: *Authority and Authoritarianism: Perceptions of the marāji' and Performances of taqlīd amongst UK's University Student Communities*

Abstract:

In setting a backdrop, this paper begins by using existing jurisprudential and anthropological literature in an attempt to define characteristics of a moral 'religious authority', vis-à-vis epistemological 'religious authoritarianism'. Through the lens of these notions, the paper then looks at the institution of *marji'iyya* and the practice of *taqlīd*, as normatively understood and conventionally performed within the Twelver Shī'ī context.

However, the crux of the research from which this paper stems, is a social-science study of UK's Shī'a Muslim university student organisations (ABSocs) and their constituent members. This project, therefore, does not seek to focus on the actors that are seen to be at the apex of religious authority in Shī'ism – the *marāji'*, but rather on a particular segment of the non-clerical laity who would invest them with that religious authority. So the aim of this paper is not to discover whether or not the Shī'a jurists assert an authoritarian approach, even though that will be briefly discussed in the introductory section looking at the practice of *taqlīd*. Rather, the aim is to explore the perceptions of the research participants in this regard, using qualitative data collection methods; examining whether or not they feel subjected to religious authoritarianism and how they respond in terms of regulating the jurisprudence of their everyday lives. The findings also have a bearing on questions about the continuance of a centralised religious authority structure and the prospective progression in devolution of authority and religious interpretive agency.