

State Sovereignty and Citizen Agency: The Nationalist-Islamic Discourse of Shaykh Muhammad Mahdi Shams al-Din

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State Sovereignty and Citizen Agency: The Nationalist-Islamic Discourse of Shaykh Muhammad Mahdi Shams al-Din

by Dina Jadallah

Shaykh Muhammad Mahdi Shams al-Din (1936-2001)¹ is an important, but under-studied, Lebanese scholar and theologian. His discourse on questions of sovereignty and agency² offers an alternative vision of modernity³ that is part of an evolving struggle by intellectual, political, and social forces in the Lebanese political system. That system is one of structured political sectarianism, otherwise known as consociational democracy.⁴ The consociational model in Lebanon divides all positions in the state based on a demographically-outdated formula purporting to be proportionally representative of the demographically multi-cultural society (*mujtama' mutanawwi'*). The formula is an instrument to distribute power, fixing roles (and positions) for the various demographic communal groups.⁵

This paper asks how political and ideational challenge – in the sense of empowering a disempowered group – occurs within the context of a putatively democratic state that employs constitutional and political structures designed to maintain a sectarian and unequal status quo. In other words, how can a marginalized group obtain social and political effectiveness by being able to act independently and make its own free choices (agency) within a dominant political system of democratic exclusion? In addition, the geo-political reality of diminished state-level sovereignty, both vis-à-vis regional and international powers and domestically, in state institutions, functions, and relations, begs the question of how conditions of structured exclusion affect the state's ability to act autonomously and in the interests of the majority of its citizens?

Using the discourse of Shaykh Muhammad Mahdi Shams al-Din, in this paper, I examine the intellectual, political, and personal spaces for the contestation of sovereignty. Sovereignty at the state level depends (even in dictatorships) on not just public behavioral compliance, but also on some degree of ideational consent. Citizenship that possesses agency, in the sense of having an effective voice and a sense of ownership in the nation-state, fortifies state level sovereignty. This type of sovereignty is embedded in society: state legitimacy and authority are a function of the scope to which constituents in society are convinced that they have a vested interest in extant and predominant socio-economic and political arrangements. This conviction of and adherence to the prevalent system is known in Gramscian terms as hegemony. It is analogous but not congruent with a (Rousseau-ian) social contract that reflects popular will.

Even within a hegemonic system, however, there remains room – politically, in civil society, and so forth - for the agency of excluded groups as well as competition within the system, ideationally and politically.

Lebanon's sectarian-based system complicates both sovereignty and agency. Sovereignty is always a contested concept that is also, in application, continuously re-negotiated and re-defined, not only at the state level vis-à-vis other states, but also in the overlapping relationships connecting state and society. Affecting the debate (and material struggle) in Lebanon, are connections between domestic actors with external powers. Prime examples include relationships with Israel and with Syria. For instance, the Syrian presence in Lebanon that occurred in the wake of the Ta'if Agreement (1989) was due to an invitation by some in the political establishment who were searching for a way to end the civil war.⁶ Lebanon's external sovereignty was also violated by Israeli occupations and wars as well as by the creation of domestic stand-ins, such as the South Lebanon Army. External contestation of Lebanese territorial sovereignty continues, especially by Israel, which since its unconditional formal withdrawal in 2000, has subjected Lebanon to almost daily territorial transgressions and other violations.⁷

Within the body politic, sovereignty's internal dimension is a measure of the manifestation of citizen agency, or a person's capacity for effective action vis-a-vis the self, social group(s), the state, and a myriad of other networked affiliations. Depending on the need for activation, agency may express particular or complex aspects of people's identities. These choices depend on and affect a person's relationships with the state (and state sovereignty). In Gramscian terms, the fields of contestation between person and state, between community and institutions, and between private and the public actions are facets of how sovereignty and agency relate to each other in terms of definitions of identity, goals, strategies for action, values, and norms.

The sectarian-based consociational democratic system affected the domestic sovereignty of Lebanon. As such, religious discourse and practice is a fruitful place to examine questions of sovereignty and agency. Consociationalism imposed a sectarian (religious) identity for the negotiation, practice, and contestation of power. As such, it violates the unity principle in the state. It privileges the expression of the confessional component of complex identities at the micro-level. At the macro-level, it imparts a confessional gloss to what is, essentially and fundamentally, politics. Socially, politically, and organizationally, it empowers extant (feudal) power positions. The model makes sectarian identification integral to the search for and achievement of citizenship. By forcing confessional corporatization, the model structures the scope for effective actions by citizens in society and politics. A destabilizing (occasionally paralyzing) repercussion is that, by limiting the representation of complex, dispersed, and varied micro expressions of difference, confessionalism limits the state's own

ability to act effectively (sovereignty) because its underlying structures are necessarily internally divided and fixed in these divisions. Intra-communally as well, the political leadership most likely to prevail is the one that plays within the confines of the confessional system. Both of these effects negatively impact the agency of the individual citizen. Ussama Makdisi suggests a possible solution, stating that overcoming sectarianism requires an alternative vision of modernity.⁸ Shaykh Shams al-Din's is one such alternative (theological) vision.

As in other countries, structural imperatives help shape the formulation of societal responses to and interactions with the Lebanese state. Scholars such as R. Shaery-Eisenlohr assign a high likelihood that predominant political parameters are adopted by all members of communal groups. The two principal arguments in her book are, (1) that for the Lebanese Shi'a, religion is an integral part of their imagination of the national narrative and that their national self-conceptions are dominated by visions of morality, Shi'i themes, and symbolism and (2) that the Shi'a's appeals to transnational solidarities, for example post-Islamic Revolution Iran, are rooted in their own nationalist agendas.⁹ In other words, she argued that local imperatives predominate over supra-national ties. While Shaery-Eisenlohr's thesis is valid for a significant segment among Lebanese Shi'a, these structural conditions are not totalizing in their effects. Some Shi'a opted out of the sectarian formula as the basis of their nationalist narration. A contemporary example includes many Shi'a communists and leftists who were active in the resistance against Israel following the 1967 War, and remain so until today.¹⁰

Nevertheless, the manifestations of religio-nationalist responses that Shaery-Eisenlohr discussed are important because they challenge theories positing that modernity necessarily entails secularism because nationalism is assumed to replace religion.¹¹ In contrast, Shi'i theological and corporate accounts of sovereignty, even when oppositional, are affirmative of their nationalism. As will be presented below, in Shams al-Din's thought, the existence of secularism does not preclude religiosity. That type of oppositional imagination(s) seeks to reconstitute the state so that sovereignty emphasizes the historically-evolving, interactive, reflective, commonality-seeking, and Justice-focused will of the masses – where religions may constitute terrains of common ground.

Shams al-Din represents one version of the religious imagination. His work sought contexts for identity construction that extend beyond the rigid confines of the Lebanese state system. His scholarship and activism exploited the gaps (of non-representation, diminished and prescribed frameworks for citizenship (*muwāṭana*),¹² oppression, exploitation, non-accountability, and so forth) in the project of the dominant sectarian state. By expanding the state's narrow territorial (and cultural) confines and by filling in the voids of Lebanese sovereignty, his vision aimed at enhancing national sovereignty via inclusion and agency of the individual in society.

I argue that Shams al-Din's discourse added to the intellectual debate and made political contributions, intended to (1) enhance the political effectivity of a marginalized constituency and (2) fashion consent by reforming, not overthrowing, the status quo. I further argue that Shams al-Din succeeded to a notable extent in accomplishing these ideational and political goals by emphasizing a post-sectarian accommodative vision. The essence of this vision emphasized the role of the resistance struggle (*al-muqāwama*) for truth, justice, and inclusiveness as integral to the achievement of *muwāṭana* or citizenship (ownership / voice in the nation-state) as well as nationalist sovereignty, both of which he contextualized historically and politically within open and constructive relationships with their broader Arab, Islamic, and Human milieus.

In this article, I argue that Shams al-Din's idealistic but politically-engaged vision drew on the Sunni concept of (consultation) *shūra* and traditional Shi'i texts by Imam 'Ali ibn Abi Talib, especially '*Ahd al-Ashtar* and '*Nahj al-Balāgha*. While none of these can be classified as democratic in the modern procedural sense, he emphasized genealogical / historical antecedent attributes in these texts. These include, (1) insistence on public opinion as fundamental to informing just rule, (2) a formula of engaging all societal constituencies, and (3) stipulations of the rights and duties of all existing socio-economic sectors within the political body. Highly aware of Sunni thought, Shams al-Din framed just rule as an aspirational struggle and as a post-sectarian framework for political and societal organization based on *taqrīb* (searching for commonalities, propinquity) that stretches beyond borders. I contend that just rule is an aspirational struggle and goal, much like theoretically-idealized participatory forms of democracy. In this way, Shams al-Din tied a segmented 'special' (Shi'i) interest to a redefined 'general' (national, Arab-Islamic, and human) interest.

Theoretical Framework

Shams al-Din's scholarship and political activities are most productive when examined as part and parcel of an ideational and organizational struggle conducted within the context of Lebanese political system and civil society.¹³

According to Antonio Gramsci, civil society overlaps, but is not congruent with, the socio-economic bases of the state.¹⁴ It is the field where consent and submission to political power are developed and sustained. However, Gramsci's view of civil society's relationship with the state is not consistent. In describing Italy during the Interwar period, Gramsci defined the state as "political society + civil society," as the balance between political society and civil society, and "in concrete reality, civil society and State are one and the same."¹⁵ This conceptual latitude lifts civil society above Marxist economic determinism, giving it an ideological dimension. Gramscian interpretations of civil society are tied to the

historical context of its emergence and to the correlation of powers that influence the social / national body. One interpretation sees civil society as a mediating agent between special (selfish bourgeois ruling) interest and general social interests. Alternatively, civil society is also a place where values are formed in the struggle for ideological hegemony (leadership, rule) among competing social classes. The ability of ruling power and state mechanisms to limit their competitors, implicitly by the use of violence, acts as a limit on this struggle. Nevertheless, people are capable of altering their conditions, potentially producing either transformist or reformist / revolutionary change. This is especially enhanced if the ruling bourgeois class cannot assimilate new elements.

Using Gramsci's approach to analyze civil society in Lebanon, one can view the theory as providing analytical insight or, alternatively, as setting reservations against civil society (because its organizations may not be autonomous). The debate about the roles of civil society ranges between seeing civil society as a separate social space that monitors and balances the domains of state, family, and market, on the one hand, and viewing the state as creating its own civil society, on the other. In the latter case, organizations that emerge merely represent alternative faces of ruling power.

Shams al-Din engaged the debate about the role of civil society in Lebanon by centering the question of civic engagement within a wide frame that is aligned with the prevailing nationalist progress and independence narrative. His challenge harked back to historical and socio-cultural principles and also offered competing interpretations and perceptions of political (and international relations) knowledge. His inclusive conceptualization of the general and national interests built upon Lebanon's experiences and ideational accumulations, including the struggle for independence from imperialist powers as well as the struggle against Israel. Both moral objections and negative territorial and political repercussions influenced his definitions of what constituted the general interest.

Sham al-Din's contributions to the competing debates for ideological dominance, from a Gramscian perspective, fall into the "war of positions" political struggle. In that struggle, civil society has a voluntary dimension, being driven by ideational beliefs. His activism, along with that of other scholars, such as Musa al-Sadr, Baqir al-Sadr, and Hussein Fadlallah created organizational spaces for grassroots mobilization around ideological positions. Shams al-Din advocated dialogue, debate, and political means of change in addition to popular mobilization (*al-ta'bi'a al-'amma*), consciousness-raising (*taw'iyat al-'Umma*), and organizational work. Notably, he was consistently keen to cite both Sunni *fiqh*, such as that of Rashid Rida, as well as Shi'i *fiqh* (and Christian tenets as well) in order to present jurisprudentially-supported arguments that synthesize positions, offering commonalities that would help unite ideational values and

political strategies of various communities. An important aim of his was to avoid internal divisions, *fitna*, in the face of external dangers.¹⁶

The resonance and import of Shams al-Din's discursive contributions to the issues of sovereignty and agency were dependent on the nature of his activism, which maneuvered within pre-existing structures that both limited conceivable thought and illuminated potentially effective routes for political action. Moreover, they were limited by the extent to which the religio-civil organizations that he helped found could (1) set goals via inclusion, (2) surpass particularistic interests, and (3) focus issues around collective needs while building upon historical preferences.

Shams al-Din: General Historical Juncture and Ideational Vision

Hegemony was not static in Lebanon's consociational political sectarian system. Shams al-Din played a reformist role, with a project that targeted the Islamic and Arab world beyond Lebanon. His vision accommodated changing historical contexts and the evolving dialogue among people who constantly reassess the effects their conditions and their strategies. Two realities that exist(ed) when Shams al-Din was working in Lebanon are Israeli occupation and a political formula for 'democratic', but asymmetrical, political distribution of positions and power. The former affects formal state sovereignty, while the latter affects the quality of citizen ownership in the nation-state.

Specifically, Shams al-Din's assessment of the present political system in Lebanon and of its effects on the state, sovereignty, and citizen agency were directly related to the source of legitimacy in rule. He drew a distinction between a secular (*'ilmāniyya*) state versus a state without religion. According to him, secularism derives its legitimacy and authority from *de facto power (shar'iyyat al-sulṭa)* and laws (*shar'iyyat al-qānūn*).¹⁷ He added that, in Lebanon, pure secularism would mean the cancellation of religious institutions, both Christian and Muslim. That option would entail destroying Lebanon since it is presently a secular system that accommodates religion, for example in personal status laws. Even though theoretically that system may produce leaders who, once in power, do not rule from the perspective of sectarianism, the reality is that the sectarian system produces leaders who derive legitimacy from their sect. For Shams al-Din, that result is a disfigurement of a religious state. Given the historical juncture, he asserted that he was not proposing an Islamic state, but was not opposed to it either. In the final analysis, his vision is for a state that derived its legitimacy and authority from an ideological, spiritual, communally-reflective, historically-responsive, and aspirational, unifying goal.

Farah Musa's¹⁸ interview-based biography gives an overview of how Shams al-Din had faulted the sectarian system's propensity to cause sedition or

problems among people (*fitna*) in addition to causing poverty and the maldistribution of privileges, responsibilities, and obligations. Furthermore, sectarianism prevented the possibility of real citizenship because it consecrated inequality into the organizational structure of society. This confessional system stands in sharp contrast to government by pluralist majority democratic rule that incorporates the principle of *al-shūra*, where citizenship is based on egalitarian as opposed to sectarian bases.¹⁹ According to Shams al-Din, the confessional formula limits the emergence of popular (majority) will. Especially in the past, but still true today, this functioned to the distinct disadvantage of the Shi'a. He added that, politically, the Shi'a were assigned a "ghost persona" (*shakhṣiyyah shabahiyyah*), represented but politically-ineffective and assigned a non-leadership role that could not alter, via legal / constitutional / and political structures pre-existing dominant arrangements nor have an equal ability to alter the future trajectory of the state.²⁰ As such, the internal constituents of state sovereignty were unequally-represented. Structured political inequality and representation then diminished the ideational and effective power of the modern and democratic state narrative that would (ought to) legitimize rule (in the political, not religious sense).

Before the rise of the resistance in the South and in the Biqa' of Lebanon, the Shi'a were a captive audience for the feudal (comprador bourgeoisie) class of Mandate-designated and consociationally-confessionally-structured leaders. Perceptions of the Shi'i community ranged, from exploitation, to marginalization, to objects of charity. After the resistance, however, a new (unifying) goal of liberation (personal, communal, political and territorial) emerged and became the ideational force underlying critical challenges – religious ones in the case of Shams al-Din – to the prevailing system. It was in response to this reality, and also in an attempt to stem the attraction of leftist and secular political organization for many Shi'a that al-Sayyid Musa al-Ṣadr and Shams al-Din decided to establish the Supreme Islamic Shi'i Council (*al-Majlis al-Shī'ī al-A'lā*). According to Shams al-Din, *al-Majlis* combines all political inclinations and is a necessary organization to collect, connect, and interact, across political (and social) positions. It is also intended to deal with realities, to formulate goals that serve all, specifically, liberation from Israeli occupation and creating a just state in Lebanon with the goal of majority rule. Furthermore, its intent was to become a spiritual counterbalance to political (non-popularly-based) representation while changing the feelings of marginality that had grown among the Shi'a which leftist and secular parties had been unable to erase for the community.²¹

Shams al-Din's response was, along with other Shi'i scholars, part of the reformist theological movement that was engaging with political and social developments.²² Addressing modern political realities, *al-Majlis al-Islāmī al-Shī'ī al-A'lā* was the first religio-corporate organization to demand the abolition of

political sectarianism in Lebanon. That goal was and is based on a fundamental vision: that non-sectarianism is a means to enhance citizen agency – sovereign ownership in the state – which, in turn, would liberate / empower national state sovereignty.

Shams al-Din's political project was always engaged with and responsive to substantive (secular, modern) realities.²³ His book, *Nizām al-Hukm wa al-Idārah fī al-Islām* is the first Arab Shi'i text on the subject of modern Islamic government. He was well-read on and engaged with Sunni jurisprudential discourse. His critique of Sunni scholars like Muḥammad 'Abduh and Muḥammad Iqbal, centered on their misplaced focus on educating Muslims in the fundamentals of religion (with modern interpretations) while insufficiently addressing the modern realities of political and cultural domination of Western hegemony. According to Shams al-Din, such lack of engagement, allowed oxymorons in the discourse of 'Abduh. For instance, the concept of *al-mustabidd al-'ādil*, permits disregard for the will of the people and concentrates rule in the person of the ruler. Shams al-Din's reformist jurisprudential reasoning (*ijtihād fiqhī*) described the above concept and paradigm of 'Abdu as "stagnant" because the deductive (*istinbāṭ*) paradigm (of 'Abduh) was disconnected from substantive realities which are ever-changing.²⁴

Shams al-Din's own discourse evolved over time. A prominent example is the shift in his stance from the 1980s to the time of his death in 2000 over the issue of Lebanon's sectarian system. Whereas he had initially advocated the abolition of the confessional system in favor of majoritarian pluralist democracy,²⁵ by the time of his death (and after the 1991 Ta'if Agreement), he had come to accept it. In fact, he argued that the sectarian system formed the basis – which can be built upon – for the continued coexistence of the various groups in Lebanese society and for the continuation of Lebanon as a state. In the public will (*waṣāya*) that he issued in the last two weeks of his life, he even went so far as to find potential benefit from the example of the Lebanese system to the Arab and Islamic world. He reasoned that the existing historical juncture in Lebanon and the Arabo-Islamic world necessitate current arrangements. He concluded, "after much cogitation," that cancelling confessionalism in Lebanon would be a big "adventure" because it would threaten vested interests, which may then seek outside support, resulting in foreign interventions within the Lebanese political space.²⁶ This concession raises questions about Shams al-Din's conviction as to the universal and timeless applicability of the confessional system, especially because he simultaneously advocated the reform of confessionalism (without going into much detail about the specifics).

Shams al-Din's discourse was responsive to its particular historical and political milieus even as it advocated evolution towards an Islamic "ideal," enmeshed in its society and emergent from the historical process. This ideal

would serve as a prescriptive and aspirational goal. The reasoning that Shams al-Din used to justify this position iterated that the Quran itself established the formula for gradual *tashrī'* (legislation) due to the realities that the political society and the state at the time were in the process of formation. In *Fī al-Ijtimā' al-Siyāsī al-Islāmī*, he concluded that Islamic government and society are not a part of *sharī'a*; rather, they are products of Islamic history in both its theoretical and practical dimensions. The only caveats that he added were that the form of political organization should not contradict Islam's creed for society and that the overarching goal of preserving Islam should be maintained. There was, according to him, an ideational basis for the Islamic state which posits that the Muslim *umma* is in a state of continuous formation and growth. As such, it was not a hierarchically political state of *sulṭa* (executive power) and command.²⁷

Shams al-Din accepted the democratic project as a qualitative jump towards freedom. That political format would make feasible what he called a "secular believing, non-religious state" (*iqāmat dawla 'ilmāniyya mu'mina bilā dīn*) which allows freedom of religion, including its corporatized expression.²⁸ The resultant state would be a "mixed", i.e. have an Islamic precedent in the category of the House of Treaties (*dār al-ta'āhud*). Shams al-Din based his justification on the recognition that politics must be based on social realities. In *Fī Al-Ijtimā' al-Islāmī al-Siyāsī*, Shams al-Din discusses the civil (*al-madaniyya*) aspects of the state, and again, finds historical Islamic analogues to justify such civil-political arrangements. He argues that after the *hijra* of the Prophet to Medina, there were relations of citizenship (*muwāṭana*) with the Jews who constituted a part of society. The society that was established at that time was based on the principle of partnership in responsibilities (*al-mushāraka fī al-mas'ouliyyāt*).²⁹

Thus, Shams al-Din's vision of the mixed state was an aspirational and ongoing practice that has parallels in ideals of continuous participatory democracy, where democracy is more than a political system for governance and participation. The appeal and effectiveness of this type of mixed state depend on the ability to represent more voices in society. Analogously to his conceptualization of the ideal political state, Shams al-Din's discussion of *jihād* for personal and societal justice also emphasized dialogue, interactivity, and historically-relevant awareness. That vision paralleled the evolutionary, reflective, and aspirational aspects of participatory democracy. Therefore, the ongoing (principled ideational) struggle at the levels of the evolution of both citizen and the state was at the center of Shams al-Din's discourse.

Because Shams al-Din's scholarship was consciously embedded within the historical socio-political context, his discourse contained nationalist and sometimes supra-nationalist dimensions. His argumentation was frequently intended to appeal to as wide an audience (not exclusively Shi'i) as possible. In

that respect, it echoed articulations by Muḥammad Baqir al-Ṣadr in Iraq, who also insisted that the Shi‘a *qua* Shi‘a are part and parcel of their (national) societies. In Lebanon, Shams al-Din worked alongside Imam Musa al-Ṣadr from 1969 until his mysterious disappearance in Libya, establishing not only *Al-Majlis al-Shī‘ī al-A‘lā*, but also numerous social and cultural centers, such as Al-Ma‘had al-Fanni al-Islāmi, Ma‘had al-Shahīd al-Awwal li al-Dirāsāt al-Islāmiyya, Madrasat al-Ḍuhā, Ma‘had al-Ghadīr, and al-Jām‘iyya al-Khayriyya al-Thaqāfiyya. In terms of authorization, these scholars provided theological reasons that affected a distinction between two types of religious leadership: the first is universal leadership of the most learned jurist (*al-marja‘iyya al-fiqhiyya*); and the second is political leadership by the local person who is most qualified to lead his community (*al-marja‘iyya al-siyāsiyya*).³⁰ Since the Lebanese system encouraged the development of sectarian-based institutions so as to articulate confessional needs and aspirations at the state level, there was competition among the institutions and personalities over who would potentially play this leadership role. Specifically, during the early 1990s, there were Shi‘i political parties including Amal (led by Speaker of Parliament by Nabih Berri), Hizbullah, the Supreme Islamic Shi‘i Council (first led by Musa al-Ṣadr and then by Shams al-Din), as well as other prominent and politically active jurists like Ayatollah Muḥammad Hussein Fadlallah.

In the following sections, I present the specific argumentation in Shams al-Din’s discourse on sovereignty and agency. I demonstrate his clear engagement with present realities and his adherence to a project of struggle towards an aspirational ideal. His vision, I argue, presents a potential alternative path for modern Lebanon that, because of its central focus on liberatory Justice and inclusiveness in a nationalist and supra-nationalist context, stands a chance of overcoming the (mal-)effects of political and social sectarianism while strengthening sovereignty, internally and externally.

Sovereignty

In the context of the nation-state, while the essence of religion may have remained the same, its social function changed. Secular or otherwise, religion became part of national ideologies. In Lebanon, and if one may over-generalize about the sectarian groups which are in no way monolithic, the Shi‘i community’s attempts to politicize and corporatize their identity in order to effect changes to the hegemonic power balances and structures of the state were, and sometimes still are, perceived as threats to the Libanism (hyper-nationalism) of some Maronites or to the more recent, some of the Sunni-oligarchy’s definition and orientation of Lebanon. While the sectarian system encourages individual assimilation into the structures of the dominant state-defined form of sovereignty,

it discourages alternative politico-cultural mobilization and to a somewhat lesser extent, ideation.

In the context of the above constraints, most of Shams al-Din's discourse stressed that the real struggle is not between individuals of different sects and religions. Rather, it is between individuals and a sectarian system, which is an inherently unjust form of state-society. He did not believe that one can reform such a system because fundamentally, it produces non-sovereignty of the state. According to Shams al-Din, the sectarian consociational system created a superficial democracy that made Lebanon into a subservient agent of other nations. He further rejected the premise that sect is the only possible paradigmatic option for Lebanon. He argued that divisions based on sect, among others, are in truth aimed at (political dominance) *al-tasalluṭ al-siyāsī* of the few at the expense of everyone else.³¹

This particular theological response espoused pluralist ideals of citizenship in a non-sectarian state, but simultaneously modified the predominant assumption that secularism is *the* prescription for progress. Resistant and/or counter-hegemonic perspectives³² with the greatest potential, however, challenge prevailing arrangements by redefining problems (targets for struggle) and themes or concepts around which mobilization may occur. The ideational challenge centralizes general interests and develops inclusive and cohesive the identitarian goals, norms and strategies. People are more likely to willingly adopt the new vision if it incorporates and builds from existing social, ideational, and historical realities.

Shams al-Din's discourse drew upon the greater Arabo-Islamic context. For instance, in discussing Palestine, he inserted it into its bigger whole, the Islamic *umma*, adding that no one has the right or ability to change its inherent identity into anything but a Palestinian one. It's identity as Islamic and holy exists beyond human time, and hence, cannot be negotiated or given away.³³ Similarly, in defining the nature of the struggle against Israel, Shams al-Din referred to it as a "usurping entity that must be extirpated" and that it was a state from an Islamic or pan-Arab perspective. Rather, it is an occupying *umma*. Therefore, resistance is most effective from outside the framework of international political equations that could counter-act realist balance of power assumptions; traditional military structures are not effective since it is "not a normal state, but a base"; and popular war, relying on 'our own authentic means', is the preferable course of action. Furthermore, he advocated an aggressive and proactive creed (*'aqīda hujūmiyya*), as opposed to a defensive stance. He added that those methods were responsible for getting rid of colonialism in the region.³⁴

On Lebanon, Shams al-Din stated that his reformulation of the question of legitimate political authority was necessitated by the particularity of the modern historical juncture of Lebanon and the Arab world, which were in crisis (of

sovereignty). In *Nizām al-Ḥukm wa al-Idāra fī al-Islām* Shams al-Din argued that this state of crisis engendered an ideational counterpart, forcing the issue of how to activate Islamic thought (*azmat taf'īl al-fīkr al-Islām ī*). He insisted that the Quran emphasized the necessity of self- and collective criticism (*naqd dhātī wa jamā'ī*) and that historically, this occurred in the discourse with the polytheists. In fact, the Quran commanded believers not to follow (blindly) the fathers (he cited Surat al-Baqara, 170:2). The risk of lack of criticism is that it causes hubris, so that those who possess power (*sulta*) believe that God authorized them to command and forbid. These people then expect obedience. (It is for this reason, that Shams al-Din analogously rejected the concept of *wilāyat al-faqīh* (Guardianship of the Islamic Jurists). For society, hubris of this kind, when extended by power-holders, inhibits creativity for fear of being accused of apostacy (*takfīr*). The resulting self-censorship is then a product of an alliance between political and clerical authorities. Moreover, he insisted that criticism is a required religious duty (*farīda dīniyya wājiba*) and that Islamic movements do not possess infallibility nor an infinite right to rule (*wilāya*). He added that there still remain issues that need (internal, from within the Islamic jurisprudential *ijtihād* tradition) development in accordance with the necessities of the historical juncture. Two examples include the position of women and addressing concerns about the project for a religious state among Sunnis and Shi'a.³⁵

Importantly, Shams al-Din tied the lack of self-criticism at the ideational level to political practice. He argued that the absence of *shūra* contributes to the lack of criticism. Significantly also, he anthropologically connected the present lack of political consultative procedures to institutions that emerged at the time of the Caliphate and the Imamate. While the Caliphate fortified itself behind the institution of the 'inadmissibility of reply / response' (*'adam jawāz al-radd*), the Imamate used the principle of infallibility (*'isma*). Both concepts sought to preserve prevailing systems of rule. He continued that unitarian tendencies (*al-naz'a al-tawhīdiyya*) that do not rely on the principle of voluntary and free compatibility or agreement (*tawāfuq*) repress differences and plurality (*al-tanawu'āt*) under the slogans of unity and unification. Furthermore, in the Sunna and in the Quran there is a *shar'ī* basis for the right to difference (*al-ikhtilāf*) – which is natural and cannot be negated. According to him, these realities divert away from searching for Truth, Justice, and other ideals, while politically, they prevent compromise and the search for agreement (*wifāq*). Organizationally, in order to escape, he recommended opening a space for comparative studies so that judgment and synthesis come from within the debate as opposed to being imposed by outside standards.³⁶

The internally-driven debate concerning the above reconceptualization of the fundamentals of legitimate political authority that Shams al-Din advocated built upon traditional Shi'i theology. While Shi'i theology initially posited that

legitimate political authority of the Infallible Imams fell into abeyance after the disappearance of *al-Mahdi* in the 9th century, since then, authority in religion and sacred law (*al-sharī'a*) were transferred to Shi'a jurists.³⁷ Specifically, in the Shi'i tradition, theologically and theoretically, the specifics of the concept of sovereignty are naturally derived from a basis in the Qur'an and the Sunna, as does the Sunni tradition. However, according to Shams al-Din, there are major differences that emerged from the conflict over the succession following the death of the Prophet. Belief in *naṣṣ* (that the Prophet designated 'Ali as his successor), historically evolved in the Twelver Shi'i tradition to indicate that there always exists an ultimate Divine power that exercises rule and serves as a guide to the people. Textually, too, the Shi'i tradition developed important guidelines that are based on Imam and Fourth Caliph, 'Ali' Ibn Abi-Talib's Covenant to his governor to Egypt, Malik ibn Harith al-Ashtar (*'Ahd al-Ashtar*),³⁸ which was intended to function as a constitution for just rule.³⁹

Shaykh Shams al-Din's book on *'Ahd al-Ashtar*⁴⁰ emphasized that public opinion serves as a monitor on the ruler – effectively restraining (a form of citizen agency through oversight and accountability) the power of the ruler. In addition, he linked the guidelines regarding accountability and injustice set down in the *'Ahd* to draw lessons for contemporary concerns over *al-mahṣūbiyyat* (when the ruler is in the service of interests other than that of the majority will of the people).⁴¹ Specifically in *al-'Ahd*, the interests of *al-'āmmah* (the public) cannot be sacrificed for the benefit of a few, *al-khāṣṣah*. Shams al-Din highlighted this theme as especially relevant in Lebanon because the confessionalism of the democratic system consecrates *maḥṣūbiyya*. Furthermore, he added that it is relevant in all countries where sovereignty is diminished and penetrated by external powers.

Even with the assumption and belief that God is vigilant in punishing oppressors, Shams al-Din suggested a more immediate theologically-authorized prescriptive solution. He argued that a pro-active and revolutionary strategy to respond to the non-sovereignty of majority popular will (which he viewed as in line with God's *sharī'ah*) already existed in Islam. He posited that passivity and submission to injustice are *not* Islam: "Islam makes the simplest of Muslim obligations, the obligation to command the good and prohibit the evil; and it makes the best kind of jihad (for God and with God) "to say all the Truth to an unjust ruler.""⁴² According to him, a constitution embodying just rule would necessarily exist in a revolutionary political environment. This was, in fact, the historical context for *al-'Ahd*. Imam 'Ali recognized the fallen legitimacy and authority of the previous rulers. Consequently, 'Ali advised that the new (revolutionary and just) ruler ought not retain individuals from the previous regime, for they are hated by the people. Nevertheless, in the revolutionary period, Shams al-Din argued that change is not to be undertaken simply for the

sake of change. Some methods and laws may be good and those ought to be retained. The new organizational structure of governance and society must likewise retain good and competent people from the previous period. Otherwise, the revolution cannot be completed for lack of qualified individuals. Likewise, reforms must be undertaken with the advice of experts and with a planned methodology.⁴³ This revolutionary spirit must consecrate justice (*al-'adl*) which is the key to achieving both social stability and progress (*taqaddum*). This concept of justice is embodied in the stipulation of 'to each his due without excess either in punishment or reward'. This furthers mutual trust (*thiqah mutabādalāh*) between ruler and ruled.⁴⁴

Thus, Shams al-Din's vision of non-submission to rule that diverges away from the platform of the general interest and away from the civilizational project as a way of life would come from within the larger ideational project of liberatory justice. The mechanism by which this vision is accomplished involves the centralization of political and normative dialogue and agreement through competent and complimentary roles and through participatory practices. Neither (just and stable) sovereignty nor agency can be achieved without the above.

Sovereignty from the Ground Up: Shams al-Din's Religious Reasoning for an Alternative Vision of Agency

Undoubtedly, the historical process has generated multiple theological voices, authorities, perspectives, and nodes of intellectual production as part of general societal re-articulations of authority, justice, rule, and agency. Faced with Israeli occupation and state neglect, Shams al-Din and other Shi'i theologians pursued strategies aimed at liberation of their land along with political liberation in terms of overcoming the Shi'i community's historically marginalized political status within the Lebanese state system. The aim was effectivity, the ability to transform what they perceived as the diminished and oppressive nature of state sovereignty.

Shams al-Din was aware that corporate mobilization of marginalized groups – class, ethnicity, race, gender, and so forth – had the potential to be counter-hegemonic when it transgresses the confines of the dominant framework.⁴⁵ Yet he also pursued other resistances that were affirmative. Those latter worked to reform the system from within, for example, by interjecting clerical debate into political discourse. One such area that remains an ongoing debate is the issue of women in society. Very briefly (due to space limitations) Shams al-Din used verse 71 from *Sūrat al-Tawba* ("And the believers, men and women, are protecting friends one of another; they enjoin the right and forbid the wrong, and they establish worship and they pay the poor-due, and they obey Allah

and His messenger...”) as indicating their equality in political duties and rights in public life. Furthermore, because women also can command the good and prohibit the bad, since they perform *ṣalat* and *zakat*, they are equal in worship and in economic obligations. Their equality (in rights and responsibilities) derives from their submission to God and from obeying His and the Prophet’s commands. Shams al-Din further cited verse 12 in *Sūrat al-Mumtaḥana*: “Oh Prophet! If believing women come unto thee, taking oath of allegiance unto thee that they will ascribe nothing as partner unto Allah, ..., nor disobey thee in what is right, then accept their allegiance and ask Allah to forgive them. Lo! Allah is Forgiving, Merciful.” This verse, according to Shams al-Din, where women give allegiance, is a material expression of their political standing that is significantly *not* a precondition for their Islam, to the head of government and of the *umma*, and where the Prophet accepted their allegiance and indicated that their political position is like men. (However, women are recused from Jihad.)

In addressing the best political course for another marginalized group, the Shi‘i community, Shams al-Din’s discourse was similarly searching for common ground. The Shi‘a, especially when engaging in public displays and exercises of power and /or piety, have been accused of being anti-sovereign state, or against the dominant Libanism of the Maronites. Partly in response, but mainly out of a conviction that is evident from the corpus of his writings, Shams al-Din urged the Shi‘a in his *Waṣāya* (2001) to reduce the intensity of their religious displays and to not “invent” ritual markers that distinguish and prevent them from integrating within their respective national societies.⁴⁶

The discourses of Shams al-Din, Hussein Faḍlallah, Musa al-Ṣadr, and others are specifically addressed to the marginalized regardless of sect or religion, even as they utilize Shi‘i iconography, symbolism, and historical-cultural heritage.⁴⁷ In distinct contrast to traditional Libanism, their discourses are contextualized within the larger Arab and Islamic milieu (sometimes extending beyond those to global society).

Many observers’ over-concentration on Shi‘i symbols detracts from the appeal and interconnection of the larger project of resistance (to oppression, subjugation, deprivation, and military attacks by Israel) that resonates with many segments in Lebanese (and the larger Arabo-Islamic) society. An example from Shams al-Din’s discourse reveals his awareness of this symbolic literal stumbling block, and his desire to transcend it. Shams al-Din’s speech delivered to commemorate ‘*Āshūrā*’ in 1981 stated that the meanings of ‘*Āshūrā*’ are multiple. Remembrance is not just for sadness or for non-contextualized knowledge (*al-thaqāfa al-mujarrada*). Rather, it is an opportunity for growth and for re-interpretations and new understandings. It is simultaneously a rejection of injustice, a preservation of human dignity, a guardian for civilization, and a security for the future. He concluded by saying that it is the problem of

humanity.⁴⁸ Thus, he built upon existing cultural platforms and used those as prescriptions, tying them with modern general interests and with politics. In another speech entitled, '*Āshura*' *Thawra Dā'ima wa Mutajaddida* delivered in 1983, Shams al-Din asserted that '*Ashoura*' is like Islam: it is a continuous historical revolution and is embodied in the stipulation (verse 104 in *Sūrat Al-Imrān*) to be a people who command the good and forbid the wrong.⁴⁹

In another venue, Shams al-Din also sought to connect Shi'i symbols of resistance and martyrdom to the following of Jesus.⁵⁰ He called on Christians to return to the positions of Jesus against prejudice, racism, and ethnocentricity, all of which exist in Zionism today. He explained that Jesus' life was dedicated to resisting the Israelites; Jesus resisted their claim to 'chosen-ness' and, instead, preached the equality of all of God's creation. In this sense, both Prophets, Jesus and Muḥammad, pursued the same dialogical openness to humanity. He further asserted that this attitude remained in Islamic *fiqh* and is evident in Islamo-Christian history of tolerance in the Islamic empire. The above example by Shams al-Din demonstrates that his larger vision was of an integrated and diverse society that would defend against forms of injustice such as occupation and non-sovereignty.

For mobilization, Shams al-Din emphasized the need to connect and interact (a source of strength) across all political inclinations so that resistance can occur *outside* the framework of (unbalanced and unjust, power-determined) international political equations. One example of this type of non-conventional resistance that he extolled was the use of rocks by Palestinians during the Intifada.⁵¹ He asserted that this strategy was necessitated by the nature of the Israeli state. In a lecture delivered at the School of Law on March 25, 1988, Shams al-Din stated that Israel is not a state from an Islamic or pan-Arab perspective.⁵² Rather, it is an occupying *umma* (ethnically-self-defined group). For Shams al-Din, it is a usurping entity that is more a military forward base of colonialism (reminiscent of the French in Algeria) in the modern era.⁵³ Hence, the need to resist in unusual, but authentic, ways. Another related type of organizational and practical resistance that Shams al-Din consistently advocated is the steadfast persistence of the people on their land in the face of Israeli aggression and attempts at usurpation.⁵⁴

Shams al-Din assigned higher priority to resistance against Israeli usurpation of Lebanese sovereignty than he did to Syria's presence on Lebanese soil. This tension in his perspective on sovereignty can be attributed to his greater nationalist project for Lebanon, *within* its greater Arab and Islamic milieu. When asked in an *Al-Jazeera* interview to comment on this issue, he responded that the timing for raising this topic (2000) was inopportune and that he adhered to the position of the Lebanese state, as expressed by its President, that Syrian presence is legitimate. He added that this timing was subject to regional conditions,

including those between Syria and Lebanon. According to him, it also fortified security and stability in both countries.⁵⁵ Any decisions to remove the Syrian presence must be taken jointly, within the Lebanese political sphere, so that it becomes part of a nationalist, unifying, discourse. Above all, it must not add to internal fissures, especially sectarian ones.⁵⁶ To that end, he advocated that the Lebanese Spiritual Summit, which combines all faiths and sects, be used in these discussions – as a supplement to the political process.⁵⁷

For Shams al-Din, therefore, resistance against external violations of Lebanese sovereignty ought to be chiefly directed at Israel. In fact, he stated that it was an imperative duty for people disaffected by Israel (and hegemonic powers). His discourse on this topic also relied on the symbolism from *Karbalā'*. His reasoning built on the essential meaning of martyrdom as a witnessing of and an adherence to a just cause that transcends the individual. Martyrdom unites the fate of the witness / martyr to the fate of humanity since its performance in life and in death serves to overcome the reification of the self. It, consequently, connects the self to the external struggle that is undertaken for the sake of the community (*tanqul al-insān min ḍamm al-dhāt*).⁵⁸

This reformulation of Shi'i symbolism can be considered as one of two different strategies intended to deal with the multi-confessional character of Lebanese political society. Shams al-Din promoted a strategy of *al-taqrīb* (the mitigation of inter-Muslim differences) and of *al-tawhīd* (the unification of Muslim believers in the *umma*) which propagates a critical, universalist understanding of religion. This strategy emphasizes common ground while playing down the distinctiveness of Shi'i-specific practices.⁵⁹ It promotes the universalist face of Shi'ism and Islam and even speaks of the unity of mankind.⁶⁰ Towards that end, Shams al-Din heavily advocated and participated in the Organization for Lebanese Christian-Islamic Dialogue (*Hay'at al-Ḥiwār al-Masīḥī al-Islāmi*) and established an organization for inter-Islamic dialogue (*Al-Amāna al-Āmma li al-Qimmah al-Rūḥiyyah al-Islāmiyyah*). He also endowed Al-Jami'ah al-Islamiyyah in Beirut on a non-sectarian basis. That institution's guideline is to become a force for change in society by nurturing and educating future generations on a Lebanese nationalist, Islamic, and public basis. Towards that end, it teaches secular and religious subjects. Within the religious field, its *Kulliyat al-Ijtihād wa al-'Ulūm al-Islāmīyyah* focuses on comparative *fiqh* among the different Islamic schools or doctrines (*mathāhib*) as well as comparative religions more generally, as part of the project for *taqrīb*. Shams al-Din reiterated in his *Waṣāya*, that his project was based on the fundamental goal of Islamic unity that would reunite the Prophetic *Sunna*.⁶¹

Counter-intuitively, by playing down differences while emphasizing similarities that cross classificatory systems, Shams al-Din's strategy aimed to enable alternate agency, but not entirely outside of the dominant hegemonic

narrative. Some of the institutions that he helped establish created opportunities for the expression of voices that may identify as religious, but resent being forced to self-represent within specific sectarian and confessional political structures. That structural groundwork in addition to his discourse, reflected an underlying conviction and liberation program that he was advocating. Namely, Shams al-Din posited an evolving complementarity between agency and sovereignty: sovereignty has an internal dimension while agency frequently relies on external overarching structures to assert itself. While various communities and individuals seek to mesh with their national society, the state ideally must also pursue, represent, and express policies and discourses that are as inclusive and / or responsive as possible so as to stabilize and strengthen its representational power and consequent authority.

Shams al-Din's discursive roadmap for a sovereignty-enhancement relied on a theological genealogy. At base, it built on the Qur'anic verse "God does not change a people until they change themselves" (*Sūrat 13, Al-Ra'd, Verse 11*) and was supplemented with Imam 'Ali's hadith: "Know the Truth and you will know its people" (*I'rif al-haqq, ta'rifu ahluhu*).⁶² The strategy needed to engage with existing historical and political conditions and needs, which were limited by structural outcomes of Lebanese sectarianism. Namely, that only sects *qua* sects, not individuals (as independent citizens), can make claims on political power.

Thus, it was not just the individual, but the nature of the state that needed to discursively evolve. Shams al-Din elaborated on the theological genealogy of Islamic political conceptualizations. In *Fī al-Ijtimā' al-Siyāsī al-Islāmī: Muḥawalat Ta'şīl Fiqhī wa Tārīkhī* (1992), Shams al-Din discussed the structure and creation of Islamic society and asked why the Islamic state emerged. He concluded that the need to legislate (*al-tashrī'*) necessitated(s) the state project, including its attendant processes of governance (*ḥukm*). In support of this argument, he cited historical and theological bases for *ḥukm*. For example, the ḥadith: "The one who dies without knowing the Imam of his time, dies in the ignorance of *al-jāhiliyyah*," expresses the basis for the need for governance in Islam.⁶³ The inclusion of *al-jāhiliyyah* in the ḥadith, refers to the all-inclusive nature of the Islamic political conceptual underpinning of a society that searches for a source of legitimate authority and legislative / jurisprudential production *in historical context*. In other words, Shams al-Din presents a historically-interactive source of political authority and a framework for *tashrī'*. This conceptualization transcends politics. It goes beyond complementarities, interests, political effectiveness, and interaction. Governance here is equally of doctrinal creed (*al-'aqīda*) and religious legislation (*al-sharī'a*). According to Shams al-Din, rational and substantive issues tie the socio-politics of society with individual spiritual depth, growth, and behaviors.⁶⁴ Therefore, Shams al-Din saw the state's main

function as one of enabling ideational order where each individual can achieve his or her own humanity within a community.

Along parallel lines, his conception of agency for the individual within the framework of an ideal, communal, and aspirational compatibility between sovereign rule and societal agency, relies on a religious genealogy. Shams al-Din builds on the Islamic conception of society as a society of sufficiency, equality, and social interdependence / complementarities (*mujtama' kifāya wa musāwāt wa takāful ijtīmā'i*).⁶⁵ Such characterization derives from the (social and financial) interdependencies underlying Islamic taxation, finances, and the economy. Thus, for him, conceiving society as a composite of necessary parts promotes unity and fosters a communitarian vision and an interdependence that would prevail over individually-based interests.

Furthermore, in *'Ahd al-Ashtar* (1984), Shams al-Din emphasized that the overarching aim of rule is to work on the side of God (*naṣrat Allāh*). This rule necessarily entails the institutionalization of truth and justice between people in rule (*iqāmat al-haqq wal-'adl bayna al-nās fī al-ḥukm*). Institutionalization effects the Will of God in society.⁶⁶ Institutionalizing the general interest (in truth and justice) is therefore related to agency and representation and to individual and group effectivity in society, in Shams al-Din's discourse. In this schema, the best protection for a ruler is good work and public opinion serves to monitor the ruler and his methods of rule.

Also relevant in terms of filling the gaps between the practice and project of governance / rule and that of lower-level societal agency, Shams al-Din interpreted *al-'Ahd* and the government that al-Ashtar set up in Egypt as a revolutionary government (*ḥukūma thawriyyah*). He based this interpretation on several factors. First, that the ruler cannot disregard the will of the people but must "stay true to the principles of the revolution" (i.e. institutionalizing truth and justice) which that will expresses.⁶⁷ Second, that accountability for the ruler(s) be sustained because passivity and submission are *not* of Islam. In fact, the simplest duties for a Muslim is to inveigh the good and prevent the bad; and the best *jihād* is to say the truth to an oppressor (*kulluhu ḥaqqun 'inda sulṭānin jā'ir*).⁶⁸ Third, corrupt remnants from the previous (non-revolutionary, unjust) regime are not to be retained for they are hated by the people.⁶⁹ Fourth, competent individuals and experts are to be employed to ensure the execution of the revolutionary changes.⁷⁰ Fifth, administratively, the division of work and responsibilities in government was novel.⁷¹ Finally, that care for the needy (regardless of faith) is a responsibility of government and a religious obligation.⁷² All of these were revolutionary and innovative principles for their time.

Shams al-Din emphasized these principles because they are part and parcel of his vision for the state, where renewal in the pursuit of Justice structures interactive and reflective relationships with accountability and responsibility. The

above is a contextually-evolved historical explanation derived from the Shi'i experience, but again, with relevance for the contemporary world. He emphasized that the revolutionary ethos is to be sustained. The focus on public opinion means that the ruler cannot obliterate the Will of the people (*saḥq al-'irāda al-sha'biyya*) as had happened at the time of the third Caliph, 'Uthman ibn 'Affan. Quoting Imam 'Ali, Shams al-Din asserted that "You can distinguish the good people from the tongues (i.e. words) of His believers."⁷³ In other words, agency is possible because the opinion of the people is the metric by which good governance is judged.

The rule side of the equation affirms that individual agency in the (free) pursuit of justice is part of an encompassing whole. The Islamic (and Shi'i) conceptualization of the nature of the ruler-ruled relationship is guided by the overarching vision of the ruler as the father who is not the corrupt oppressor (*al-tāghiya*). His rule is one of caring for the ruled: *al-ri'āya*. It is not oppression: *al-istibdād*. Therefore, rule is based on both justice and mercy, because while hierarchically the ruler is above the ruled, God stands above everybody.⁷⁴ Specifically, Shams al-Din used *al-sharī'a* to assert the comprehensiveness of Islam, arguing that Islam is "all and one" (*al-Islām kullun wa wāḥid*).⁷⁵ In support of this argument, he cited from *Sūrat al-Baqara* (verse 85 asks believers if they believe only some of the Book, but disbelieve other parts?) as well as *Sūrat al-Ṣaff* (verses 10-13) which ties the stipulation of *jihād* for God with money and persons.⁷⁶ He further added that the *sunna* shows that people asked the Prophet about thousands of things, public and private, thereby indicating their awareness of their nature as a political society that inherently needs an authority (state and government). According to Shams al-Din, the political society deduced the legitimacy of this government from the Islamic legislation and from the Prophet's rule and leadership.⁷⁷

A more Shi'i-specific example with implications that transcend limited sectarianism was also presented by Shams al-Din. He cited al-Sharif al-Raḍī quoting Imam 'Ali, who responded to the Khawarij claim of "No Rule except by God," (*la ḥukm illā li Allāh*) with: "A word of Truth whose intent is Falsehood. Yes, there is no rule except by God. But they are saying no command, even though believers need a moral commander, or an immoral one, for whom the believer works."⁷⁸ Islam teaches that One God unites Muslims and has a vision of human unity pursuing the mission of the Good. He quoted from *Sūrat al-Anbiyā'*, verses 105-8: "And verily We have written in the Scripture, after the Reminder: My righteous slaves will inherit the earth: Lo! there is a plain statement for folk who are devout. We sent thee not save as a mercy for the peoples. Say: It is only inspired in me that your God is One God. We ye then surrender (unto Him)?"⁷⁹

This approach contextualized political activity within and under an overarching purposive idea. It connected doctrinal content, culture, economic, and the universal role to the ultimate fate in the hereafter.

The Discourse of New Norms, Aspirational Goals, Strategies, and Structures: Institutional and Communal Relationships for Liberation and Resistance in Contemporary Lebanon

Shams al-Din was aware of the deficiencies of state sovereignty in Lebanon compared to the multiple attributes of the standard modern conception of the state. That model posits a nation with authoritative rule and the Weberian monopoly on the use of force to enforce laws in a fixed territorial space. Fundamentally, he challenged Western allegations and assumptions that dispute the authenticity of and the modular modern relevance of an Islamic state. He singled out Bernard Lewis as a representative of that genre which tends to argue that the Islam's lack of focus on territoriality voids the state concept. In response, Shams al-Din countered that Muslim jurists' conceptions were more inclusive and comprehensive, conceptualizing territory within the larger perspective of its relation to the Umma (*dār al-islām* and *dār al-ḥarb / al-ḥiyād / al-ta'āhud*) and its mission as well as from the perspective of economic laws dealing with public land (*al-kharāj* and *al-anfāl*). Traditional Muslim jurists looked at land from the perspective of its relation to the *umma* and its mission and in terms of economic laws to deal with public land. Thus, while the Islamic *umma* may lack geographic specificity, it is based on an ideational hegemonic project.⁸⁰

Thus, Shams al-Din transformed the lack of geographic specificity into an asset for contemporary global and Lebanese contexts. He argued that the Islamic *umma* is not based on ethnic, linguistic, or sociological bases connected to the land. Rather, it is based on a belief in Islam and adherence to its doctrine and rules. It can, therefore, expand and is not exclusive. *Dār al-Islām* exists wherever Muslims are found.⁸¹ Nevertheless, this does not preclude the territoriality of the modern state (as opposed to *umma*). The state needs geographic definition because government has to do with political authority and the production of laws and rules.⁸² In jurisprudence, however, the *umma* can be conceived as a state without physical limits, because its growth does not necessarily coincide with authoritative government control.⁸³

These communitarian and constantly-evolving ideational dimensions of the *umma* state are (Gramscian-hegemonic) distinguishing characteristics that set it apart from the hierarchical political state of *sulṭa* and command (i.e. institutionally- and territorially-fixed rule in the modern state).

In *Nizām al-Ḥukm wa al-Idāra fī al-Islām*, Shams al-Din explored Islam as a project for the state, rule, and order. Disputes over this issue, according to

him, caused the largest differences that separate Muslims. Therefore, he sought to research the historical and philosophical contexts in order to synthesize Sunni and Shi'i conceptions so as to make them relevant for the contemporary era and capable of overcoming the conditions of weakness, underdevelopment, imperialism, and subordination that oppress the peoples living within the Muslim *umma*. This project aimed at a true (social) revolution that changes conditions, social norms, and hierarchies in accordance with new ideologies and principles. The need for *tashrī'*, therefore, continues in this project.⁸⁴

Despite the contemporary gaps separating authoritative government from those living under its rule, Shams al-Din suggested that the doctrinal adherence of citizens to a larger Islamic political entity may constitute an alternative unified and comprehensive view of sovereignty. That larger conceptualization is, at once, individually authentic while superseding the territorial limits of the state. Perhaps anticipating charges of promoting an alternate sovereign nationalism, Shams al-Din insisted that an Islamic-based authentic identity is not confined within the state and does not mean enclosure and rejection of the Other. Rather, it seeks to preserve the identity of the larger mission from dissipation while remaining open to co-existence and co-operation with the other. On co-existence, he cited several verses. For instance, verse 125 in *Sūrat al-Naḥl*: "Call unto the way of thy Lord with wisdom and fair exhortation, and reason with them in the better way..."; verse 8 in *Sūrat al-Mumtaḥanah*: "Allah forbiddeth you not those who warred not against you on account of religion and have driven you not out from your homes, that ye should show them kindness and deal justly with them. Lo! Allah loveth the just dealers."; and verse 143 from *Sūrat al-Baqarah* in which the Islamic *umma* is described as "a middle people" (*ummat al-wasat*).⁸⁵

Given his arguments for the embeddedness of *al-sharī'a* within political society and historical context, as well as his belief that good government of *nuṣrat Allāh* transcends sect (and faith), Shams al-Din had a reformist position about the place for *sharī'a* in the Lebanese state. He believed that the democratic project is a qualitative jump towards freedom. He agreed that a secular state was possible provided that freedom of religion is allowed and capable of corporatized expression. He therefore called for the establishment of a secular, believing, non-religious state (*iqāmat dawla 'ilmāniyya mu'mina bilā dīn*). Again, for him, the local context and basing politics in social realities mattered: Lebanon should not be a Christian Maronite state nor an Islamic state; it is a mixed state based on the Islamic category of (house of treaties) *dār al-ta'āhud*.⁸⁶ In short, politics in the Lebanese state must be based on social realities. Since such a state as he described above allows spaces for Islamic political organizations. Meanwhile, Muslims can accept any form of organization that does not interdict the creed of Islam for society. What is important in these realities, according to him, is the ideational goal of the continuation of Islam in a united *umma*.⁸⁷

Despite the fact that Shams al-Din consistently insisted on substantive assurances to Christians⁸⁸ (at a time when the Muslim majority was in the Lebanese opposition); and despite his arguments for democracy in a secular state; there may be some points in his argument that may be unacceptable or insufficient to some secularists and non-Muslims. First, his insistence on the corporatized expression for religion in the “secular” state, e.g. *al-Majlis al-Shī‘i al-A‘lā, al-Amāna al-‘Āmma li al-Qimma al-Rūḥiyya al-Lubnāniyya*, and *al-Amāna al-‘Āmma li al-Qimma al-Rūḥiyya al-Islāmiyya*, is contrary to secular demands for freedom *from*, not of, religion in the state. Second, assurances to religious minorities within the framework of a democracy may not be enough. In fact, it is perceived by some as a tactical step which may be reversed if power is attained by corporatized religious entities.

The irony of religious figures and institutions calling for a secular state makes sense in a political consociational state that places certain groups at a disadvantage. A political system that consecrates sectarian and religious difference, at a time when society and state are in flux (as was the case in the Mandate period that created Lebanon), ensures mobilization along, and politicization of, these particularistic identities. Institutionalized political parameters influence the means available for mobilization. In the Lebanese context, these parameters were and remain confessional.

Shams al-Din’s discourse reflects how religious categories can be utilized to achieve socio-economic and political goals. The category of ‘the deprived of the earth’ (*al-maḥrūmīn fī al-ard*) figured prominently therein, acquiring relevance and became an ideational mechanism by which liberation (from within an authentic and internally-defined framework) would be pursued (agency) by the oppressed (Shi‘a and other). Substantively, the definitions of identity as well as its political, social, cultural, and economic aspirations and relationships, are based on Islamic and simultaneously Shi‘i exhortation to reject oppression and injustice. Those definitions, however, are part of a larger whole. Therefore, according to Shams al-Din, the Islamic principle of justice would be imperiled by the principle of absolute freedom (that characterizes, or at least claims to reside in, Western conceptualizations of sovereignty, for both the state and the individual). Absolute freedom, he pointed out, empowered the powerful and unjust in colonialism and neo-colonialism.⁸⁹

Shams al-Din did not see a contradiction between agency for all members of society and the achievement of an Islamic conceptualization of truth and justice through government. Instead, he outlined Islamic political society based in coexistence that was concomitantly pro-active, engaged with the world, and in accordance with human nature and God’s Word. That paradigm was possible, according to him, because the enjoyment of life and its bounty, and the optimism derived from belief in God, impact one’s relations with society. Furthermore, its

actualization and success would be driven by its ultimate purpose: to create a society with a mission and purpose that adhere to society's doctrinal and existential authenticity and that evolve within the historical, geographic, and political contexts.⁹⁰

It is perhaps unrealistic to expect agreement on a cohesive and unified mission for society that is simultaneously doctrinally- and existentially-authentic. However, Shams al-Din, like Musa al-Sadr, argued that it is practicable if the spiritual and existential qualities are rooted in extant and dynamic local circumstances and realities. Therefore, there is for Shams al-Din, and al-Sadr, an Islamic meaning and component as well as an Arab meaning and context to Lebanese nationalism. Either one of these categories, Arab or Islamic, would cover the different constituencies of the specific Lebanese community.

Moreover, the main mechanism for executing this difficult vision (especially because of its Islamic-based idealism) is his proposal for an institutional spiritual counterweight (discussed above) to facilitate dialogue and counteract the politicians. Shams al-Din assumed that politicians harbor more materialistic, and politically expedient interests than religious leaders. This assumption is debatable in the Lebanese context since many religious leaders have positions that closely adhere to political leadership. Nevertheless, Musa al-Sadr and Shams al-Din, through *al-Majlis al-Shī'ī al-Islāmī al-A'lā*, made a serious effort to initiate a dialogue that was unifying and inclusive while adhering to fundamental principles.⁹¹ It was a building block and access point for citizens towards the aspired-for state and government. In Shams al-Din's discourse, an individual's ability for self-realization as well as his or her ability to fulfill responsibilities that supersede oneself, depend on this vision of the state. In terms of Islamic genealogy, such individual potential to self-realize and to be effective is tied in Shams al-Din's thought to the concept of *al-hijra*. Going beyond the obvious interpretation based on the Prophet's and Muslim's move to Medina, he characterized *al-hijra* as an enthusiastic, all-encompassing adoption of responsibility (*iqtiḥām li al-mas'ūliyya*) that takes oneself outside of narrow self-interests (*al-khurūj min al-dhāt*). In order to effect *hijra*, one needs to overcome its inhibitors which are the desire for domination (*al-rahba fī al-tasalluṭ*) and being influenced by narrow interests (*al-isti'thār*). Such inhibitors capture the will so that decisions are not sovereign. In keeping with the revolutionary spirit, *al-hijra* in terms of existential transformation, is a continuous process of trying to overcome a disjointed self-hood (*al-dhāt*).⁹²

Thus, the right constitution of the self is central to the (revolutionary) possibility of achieving a just – and consequently, sovereign – society. Hence, Shams al-Din's emphasis on good conduct and moral character (*al-akhlāq*) as the structural elements that determine human relations with each other and underlie any societal organization, be it political, economic, social, and so forth. He

derived this conclusion from God's description of the Prophet as being of righteous and great character.⁹³ Thus, the fundamental relationship between ruler and ruled is based on principled values (*qiyam akhlāqiyya*), which precede the legal principles or the power principles (*al-qānūn*).⁹⁴ The relationship is based on an ideational core (a new hegemony) whose constituents include truth and justice and which must be performed in conduct. This relationship is activist and reformist for society as it transforms the self.

The normative and ideational guidelines of the state had enabling procedural mechanisms. Ideationally, Shams al-Din distinguished the Islamic state by its mission, which he characterized as eternal and civilizational. This can be deduced from Qur'anic verse 16 from *Sūrat al-Nahl*, that earth and sky were built with Truth. Thus, Truth is the fixed organization of Creation and governs all things.⁹⁵ Procedurally, while Truth is eternal, rule should be based on *shūra*. According to Shams al-Din, *shūra* constitutes the most important public, political, and constitutional principle for both Shi'a and Sunna.⁹⁶ Taken together, such a position by Shams al-Din implies that hegemonic, power, material, and institutional relations can be diverse and evolving, but the ideological mission is unified, eternal, and inclusive. Consequently, progress (*al-tatawwur*) and self-renewal in this ideological mission of Islam can only happen from the inside and via *ijtihād*, whose purpose it is to deduce and / or reveal underlying undying Truths and rules.⁹⁷

This stance is fundamentally at odds with the concept of *wilāyat al-faqīh* that is practiced in Iran after the Revolution of 1979. Shams al-Din's opposition to *wilāyat al-faqīh*, derived from his fundamental belief in *wilāyat al-umma 'alā nafsihā* (the *umma*'s rule over itself). The *shūra* principle is fundamentally at odds with (1) the concentration of rule within the person of one man⁹⁸ and (2) with the attribution of holiness to the political decisions of dominant power. To support his argument, Shams al-Din cited "He ordered *shūra* between them" (*wa amarahum al-shūra baynahum*) as an authoritative jurisprudential stipulation (*ḥukm shar'ī*) and not as a descriptive statement. It is also an organizational and substantive principle that essentially distributes authority in society. To emphasize *shūra*'s importance, Shams Al-Din presented the Battle of Uḥud in which Muslims were defeated. The Prophet had wanted to stay and defend the city, whereas the *shūra* of his companions advocated going out to fight. The Prophet abided by the *shūra* even though it contradicted his own opinion. According to Shams al-Din, this precedent is indicative of its centrality: in fact, may be deemed a politico-legal necessity for public issues – with the proviso that *shūra* does not contradict *al-sharī'a*.⁹⁹ Similarly, *shūra* was integrated in the "constitution" of *'Ahd al-Ashtar* for administering the (revolutionary) government in Egypt. In the *'Ahd*, Imam 'Ali conceived and advocated revolutionary methods for his time, introducing the concepts of division of work (specialization), accountability, the

independence of divisions, and the institution of *al-kātib* (employment and use of experts), among other things. All are to be supervised by the ruler, with whom ultimate responsibility resides, due to his possession of *sulṭa* (rule, a more secular form of power).¹⁰⁰ Thus, there is a hierarchy of responsibility (and accountability) that corresponds to a hierarchy of rule.

Therefore, religiously, there was no consensus over *wilāyat al-faqīh*. Many religious Shi‘i scholars, such as Muhammad Hussein Fadlallah (in Lebanon) and Abu al-Qassim al-Khu‘i (in Iran) characterized it as a jurisprudential *theory*, unrelated to creed or to nationalist identity. They objected to *wilāyat al-faqīh* on the grounds of rejecting the interference of religion in politics. Shams al-Din rejected the concept in favor of *wilāyat al-’Umma*. Both his and Fadlallah’s rejections coincided with the end of the Lebanese civil war and the Ta’if Agreement in the early 1990s. Ideationally, the rejection established distance from post-revolutionary Iran.

Ideationally, Shams al-Din used *al-’Ahd* to highlight that (exemplary) government (power and sovereign rule) relates to citizenship (agency). The people’s right to decide their own destiny, interests, and aspirations is implied in Imam ‘Ali’s advice to al-Ashtar to be straightforward with people and to explain government politics, rule, and administration to people, especially on controversial topics.¹⁰¹ Therefore, (exemplary) rule, for Shams al-Din, implies no exclusivity of decisional authority to the ruler. Politically, Shams al-Din had other reasons to oppose *wilāyat al-faqīh*. The meshing of the religious with the political combined with the power asymmetry between Iran – under *wilāyat al-faqīh* – and Shi‘i populations in other parts of the world, would constitute a fundamental challenge to Shams al-Din’s project of a decidedly Lebanese nationalist vision for a new political society that was embedded within its larger Arab and Islamic contexts.

Practically, given those political realities of trying to transform the dominant system and to reform it towards a new hegemonic vision, Shams al-Din’s project aimed to generate, sustain, and fortify a particular type of resistance (*muqāwama*). In Lebanon, resistance is bifurcated between external and internal. Shams al-Din envisioned an ideational framework whereby the two can become unified in a communally-resistant relationships. The ability of that resistance to unite despite diversity would be due to the focus on the general interest goals and guiding values of pursuing Truth and Justice. Truth and Justice would, in turn, enhance the sovereignty of the state and of the person’s self-actualization within his or her state and society.

Given the above frame, resistance occupied a substantial portion of Shams al-Din’s charitable and educational works as well as figured prominently in his intellectual output. The edited volume of his speeches and interviews on this subject, *Al-Muqāwama fī al-Khitāb al-Fiqhī al-Siyāsī*, presents not only his

discourse on the topic, but also his engagement with the socio-political and strategic contexts from which the necessity for resistance emerged.¹⁰²

In Shams al-Din's discourse, Palestine is central to resistance.¹⁰³ According to him, Israel serves Western anti-Islamic interests and is a form of neo-colonialism that prevents Arab unity and growth and represents an existential and religious threat.¹⁰⁴ Significantly, he emphasized Muslim-Christian shared goals and stressed the need to preserve unity in the face of Israeli aggression in order to restore Jerusalem to its Arab fold.¹⁰⁵

It is on the burning issue of resistance that the gaps between state-level sovereignty (or lack thereof) and the will of the people, citizen agency, are most glaring. Shams al-Din consistently attacked these gaps, arguing that they are intentional products of the (artificial) divisions that separate Arab states internally and from the larger Islamic whole. The gaps are exploited by the West and Israel. Several of his speeches emphasized that official Arab state positions on Israel do not reflect the opinion of Arabs or Muslims, who will not give up on Palestine and on destroying Israel.¹⁰⁶ In support of that assertion, he cited the Palestinian second Intifada, which showed that popular will diverged from political power, both locally and internationally. He said that the Intifada revealed the failure of the "lie" that "everyone was colluding in" about the "so-called peace process." He added that political pressures to "end the so-called cycle of violence" are a trap designed to weaken the Palestinian position, ensconcing the (proposed) renunciation of armed struggle at a point in time when they are weak. In contrast, the Intifada placed Israel in an uncomfortable position, where it was facing more popular, mobilized, and organized will. He continued that no effort should be made to get Israel, "and those behind Israel," a reference to the United States and Israel's Western allies, out of this position. He contrasted popular Arab and Islamic responses to Israel with state and political ones. He added that the fissures are exploited by the West to impose a new "international legitimacy" that would cancel the previous rights granted the Palestinians by international resolutions, and additional ones that they possess inherently and that no one can take away.¹⁰⁷

Moreover, for Shams al-Din, the type of agency that is embodied in the *muqāwama*, necessitated a comprehensive focus. In addition to resisting Israel, it must also resist impoverishment and the marginalization of some segments of society.¹⁰⁸ Such a conceptualization of agency / resistance acknowledged that oppression and injustice are not contingent and isolated entities, but interconnected and reinforcing loops. Consequently, *al-muqāwama* is an ethical and religious obligation that is not restricted to only some sects, but must be generalized, adopted by, and centralized in (all of) society. The resultant unity of spirit, attitude, and purposive action is the means to obtain true and effective sovereign independence.

Resistance is not just ideational. Shams al-Din asserted the legitimacy of armed resistance (*al-ʿunf al-musallah*) against Israel.¹⁰⁹ According to him, an armed response to resist usurpation and colonization is *not* political aggression: “Defensive *jihād* is legitimate and obligatory without reservations, according to the Book, the Sunna, Reason (*ʿaql*), and Consensus (*ijmāʿ*) among Muslims.” Thus, the jurisprudential underpinning exists in all sources of Islamic law (Sunni and Shiʿi). He further added al-Muḥaqqiq al-Ḥilli’s (Shiʿi) argumentation that this type of obligation to resist (*jihād*) persists even when there is no (apparent) Imam.¹¹⁰ Such a jurisprudentially inclusive argument is consistent with Shams al-Din’s (previously-mentioned) advocacy of greater Arabo-Islamic unity. Just as Arab unity does not involve the dissolution of the many constituent states, Muslim unity does not mean obliterating religious differences. It does, however, mean unification vis-à-vis their enemies, including for Truth and Justice. In other words, unity needs a purpose.¹¹¹ A contrasting sovereign relationship exists with non-aggressor states. Basing his argument on Imam ‘Ali’s *Ahd al-Ashtar* which emphasizes peace and non-aggression, cooperation on the basis of justice and complementarities, adherence to treaties and covenants, among other things, Shams al-Din argued that foreign politics must entail complete freedom for the mission of Islam and its independence.¹¹²

Conclusion

Shams al-Din’s discourse on the inter-relationship between Islam, sect, faith, nation, state, sovereignty, and agency was an important strand within Lebanese Shiʿi (theological) leadership. This was the case both discursively, through his writings and speeches, as well as practically, through the many educational and philanthropic institutions that he established and through *al-Majlis al-Islāmī al-Shīʿi al-Aʿlā*. His conceptualizations of sovereignty and agency were informed by Shiʿi theology, but notably extended beyond traditional (sectarian and topical) boundaries. The specificity of the Lebanese context as well as his theological knowledge (and flexibility) shaped the parameters of his vision. Moreover, the lived reality of Israeli invasions and threats, combined with the diminished and/or illusory sovereignty at the state level, necessitated an embedded and interactive theological, organizational, and political response. Ultimately, the discursive and intellectual, as well as the practical and societal responses of Shiʿi theological leadership reflected and tried to structure efforts at the societal level seeking effective action, i.e. agency, within the state and against external and internal forces that undermine popular will.

While pursuing effective authentic action in a sovereign state is an ongoing struggle, even within a democracy, in Lebanon, sectarian consociationalism complicated the effort. Shams al-Din’s organizational and

discursive (political) response was based on a conception of underlying moral beliefs that guarantee a stronger form of sovereignty, based in a popular and participatory politics within a “secular-believing” state. The struggle was imagined as removing a system that harms many within various social and religious groups. In this sense, the Shi‘i struggle, both within the Lebanese political system and against Israel, is conceptualized as supportive and constitutive of Lebanese sovereignty. His vision suggested avenues for altering the supports of (political following / subordination) *taba‘iyya*, and of (diminished sovereignty or non-sovereignty) *al-siyāda*. Furthermore, Shams al-Din insisted on the importance of placing Lebanon within the larger Arab and Islamic context, arguing that it would derive strength from a potentially realizable unity of purpose against efforts to undermine sovereignty, in Lebanon and elsewhere.

For him, this conceptual (confessional and societal) unity provides an authenticity that gives strength, protects, and does not dissolve (religious and national) differences. The unity is for the purposes of Truth and Justice and, simultaneously, a unification against common enemies. These guiding principles are historically-contextualized so that they remain as relevant at the level of the individual territorial state vis-à-vis its constituents, as they are at the extra-territorial, but spiritual, purposeful, and existential unity.

¹ Ayatullah and *marja‘* Shaykh Muḥammad Mahdi Shams al-Din was born in Najaf, Iraq. Intellectual influences on Shaykh Shams al-Din include his most prominent teachers: al-Shaykh Muḥsin al-Hakim (non-*fiqh*), al-Shaykh Abu al-Qasim al Khu‘i (*fiqh*), al-Shaykh ‘Abd al-Mun‘im al-Fartousi (*Balāgha*), al-Shaykh Muḥammad Taqīyy al-Irwani (*uṣul*), al-Shaykh Muḥammad Taqīyy al-Jawahiri, al-Shaykh al-Ansari, al-Shaykh ‘Ali al-Fani, among others. Shams al-Din spent 35 years in Iraq, studying, teaching *fiqh*, and working on establishing mosques, libraries (for example the public library in Diwaniyyah), and charitable organizations. He was in favor of reform (*tayyār al-tahdīth*), working to modernize the curriculum taught in the religious schools of Najaf. In 1968, Shams al-Din returned to Lebanon and worked closely with Shaykh Musa al-Ṣadr. Together, they established *al-Majlis al-Shi‘i al-Islāmīc al-A‘la* (The Supreme Islāmīc Shi‘i Council). That institution was intended to provide an alternate organized voice for the Shi‘a in Lebanon, to aid the struggle against Israel, and to counteract the appeal of the Leftist political parties that dominated the resistance at that time. Musa, Farah, *Ash-Shaykh Muḥammad Mahdi Shams al-Din Bayna Wahj al-Islām wa Jalīd al-Mathāhib: Dirāsāt Taḥlīl wa Muqāranah*, (1993: Dar al-Hadi, Beirut), 34 (ft. 1), 35 - 48.

² My definition of sovereignty (*al-siyāda*) is inspired from Shams al-Din’s writings on the subject, but combines elements from the standard definition that have relevance for the context of in which Shams al-Din was writing. In addition, my approach to sovereignty is informed by Antonio Gramsci’s (1971) concept of hegemony which articulated the capacity of the dominant state, and its beneficiaries, to structure the limits of resistance politically, economically, and ideologically.

Sovereignty is conceived as autonomous rule, with internal and external dimensions. Internal sovereignty refers to central state authority. It requires a source of authority, such as a king or a nation with effective power over the body politic. External sovereignty typically consists in recognition by other states, where a state has authority and the use of exclusive use of violence within a fixed territory. The relationships between state and society, between authority and people, between the will of the sovereign and the 'popular will', remain problematic. (Sieyes, 1789; Machiavelli, 1532; Hobbes, 1660; Rousseau, 1762; Spinoza, 1670; and Locke, 1689) This problematic, commonly referred to as the sovereignty paradox, expresses the fiction of the 'unified will' of the 'nation' that is politically and hierarchically subsumed by the claim of a 'social contract' (Grotius, Rousseau, Hobbes, Locke) to either a 'democratic representative government,' to the authority of the ruler figure, or to a political party. The opposite end of the axis would result in a domination over the body politic that frequently entails suppression of heterogeneity and structural challenges. (Sieyes; Rousseau; Carl Schmitt, 1927, 2007; and Giorgio Agamben, 2011) The sovereignty paradox can also be a 'democracy paradox' if equality endangers liberty, say in majoritarianism. (Samuel Huntington, 1975; Chantal Mouffe, 2009; Jacques Rancière, 2007; Agamben) Pluralist democratic theories try to resolve this conundrum by assuming that the state is a 'neutral' vessel that processes all corporatized claims (J. A. Schumpeter, 1942; Robert A. Dahl, 1961); or argue that the uncertainty (in free elections) synthesizes and / or alternates representation of variant positions over time. Typically, the structural (and normative) relationship is spelled out within the framework of a constitution. (Hannah Arendt, 1963, 2006) In Lebanon, the 'representative government' part of democracy was structured along confessional (socially-divisive) lines, privileging feudal leaders of confessional groups and freezing a political formula for government and representation regardless of demographic or other changes in the body politic. In addition, the neo-colonial origins and resultant domestic and international relationships and structural arrangements, have produced political systems with altered sovereignty. (Bacik, Gokhan, *Hybrid Sovereignty in the Arab Middle East: The Cases of Kuwait, Jordan, and Iraq*, (2007: Palgrave Macmillan, New York). In Arabic, sovereignty is generally described as *sulta* or *siyada*. It also extends to kingship (*mulk*), hegemony (*haymana*), control (*saytara*), and governance / rule (*hukm / taḥakkum*). Shams al-Din's concept of *sulta* is always *de facto* rule where there is no question of legitimacy. His concept of *siyada*, on the other hand, incorporates legitimacy. It combines elements of the above (democratic) aspiration to autonomous rule, with inclusive representation and inter-confessional as well as regional and Arab-Islāmic reflective dialogue, which he conceived as evolving over time, guided within the framework of seeking Justice and Truth. See Shams al-Din, Muhammad Mahdi, *Nizām al-Ḥukm wa al-Idāra fī al-Islām*, (1955, 1991: Al-Mu'assassa al-Jami'iyya li al-Dirāsāt wa al-Nashr, Beirut), 33 - 35, 39 - 44, 50, 186. Shams al-Din's insistence on *taqrīb*, or bringing the various confessions and religions closer, is tied to creating an alternative ideological hegemony in government and in daily life, and his activism sought to convince and produce consent to this new vision, within a non-sectarian pluralist democratic system.

Mustafa Emirbayer's and Ann Mische's (1998) conceptualization of agency can be productively applied in analyzing the discourse of Shams al-Din in Lebanon. The authors define human agency as "the temporally constructed engagement by actors of different structural environments – the temporal-relational contexts of action – which, through the interplay of habit, imagination, and judgment, both reproduces and transforms those structures in interactive response to the problems posed by changing historical situations." (970) This approach conceptualizes the self as a dialogical and relational structure. (974) Agency is dynamic, interacts with various structural contexts of action, and is purposive. (963) This definition allows actors to mediate and change their relationships with structural contexts that stand "over and against" themselves and enables them to transform themselves and these structures. (964) A human actor

can move between teleological and normative action, in the pursuit of pre-established ends. In this schema, goals and strategy develop in a dynamic interplay over time and within contexts that are simultaneously evolving. Therefore, assessments of goals and strategy are always subject to reevaluation and reconstruction by reflective intelligence. (967-8) A final advantage of this definition is that the placement of actors in multiple temporally evolving relational contexts allows for reflective consciousness. (969) Emirbayer, Mustafa, and Mische, Ann, "What is Agency?" *The American Journal of Sociology*, Vol. 103 (4), (January 1998: 962 - 1023).

³ Makdisi, Ussama, *The Culture of Sectarianism*, (2000: University of California Press, Berkeley).

⁴ The model of consociational democracy was developed most extensively by political scientist, Arend Lijphart. It is conceptualized as a form of government for deeply divided societies and is used as a means for power-sharing and managing conflict. In Lebanon, the consociational model is based upon confessional lines, which were chosen and designated as the chief social divisions (as opposed to, for example, class or ethnicity). Such formulas for government, when non-responsive to demographic changes, risk consecrating and reifying societal divisions and perpetuating inequalities. Lijphart, Arend, *Democracy in Plural Societies: A Comparative Exploration*, (1977: Yale University Press, New Haven, CT). For critiques of Lijphart, see Lustick, Ian, "Lijphart, Lakatos, and consociationalism," *World Politics*, (2010), Vol.50 (1: 88 – 117). See also, Horowitz, Donald, *Ethnic Groups in Conflict*, (1985: University of California Press, Berkeley, CA).

⁵ The Lebanese state was created in September 1920 as a 'refuge' for the Maronite community in an overwhelmingly Muslim Middle East. The Mandate recognized the Shi'a as a sect (*ta'ifa*) in January 1926. They did not become legal citizens of the new state until the colonial census of 1932. Due to the structural design and the ideological definition of the new polity, the Shi'a were viewed as marginal, extraneous, and / or inauthentic to the cultural and political "center" of Maronite-dominated Jabal Lubnān. A dialectical discourse emerged between the two Jabal(s) over the nature of citizens' relation to and conceptions of the sovereign state. In 1943, the National Pact set up the sectarian political system of consociational democracy. It also set up a system for mediation, between citizens and state, where sectarian feudal leaders 'spoke' for individuals. Furthermore, the National Pact based the distribution of public goods and positions on a proportional formula that used (already outdated) census of 1932. The formula remains operative despite demographic changes. Shaery-Eisenlohr, Roschanack, *Shi'ite Lebanon: Transnational Religion and the Making of National Identities*, (2008: Columbia University Press, New York), xi.

⁶ The first to "invite" the Syrians into Lebanon after independence from the French Mandate was former President Suleiman Franjeh in 1976 shortly after the Lebanese civil war, purportedly to protect Christians. Syria was forced out in 2005 by a coalition of domestic political forces.

⁷ These include the July war of 2006, violations of Lebanese airspace, as well as kidnapping of Lebanese villagers and fishermen. Since the ceasefire in 2006, Israel has violated Lebanese airspace more than 7817 times, forcing Lebanon, in 2009, to file a formal complaint with the United Nations protesting these transgressions which contradict UN Resolution 1701 (2006). NOW Lebanon, "UN Security Council discussed Resolution 1701 report, Salam Says," *Now Lebanon*, (March 29, 2011), <http://www.nowlebanon.com/NewsArchiveDetails.aspx?ID=255780>. Accessed August 7, 2013. Prior to the above, when Israel invaded Lebanon in 1982, Shams al-Din declared the obligation of *jihad* against Israel: <http://www.youtube.com/watch?v=I52mTvnNFcY>. Accessed August 7, 2013.

⁸ Makdisi, *The Culture of Sectarianism*, (2000: University of California Press, Berkeley), 174. For more on the Lebanese political system, the following are classical works: Cobban, Helena, *Death of a Country*, (1977: Weidenfeld and Nicholson, London); Deeb, Marius, *The Lebanese Civil War*, (1980: Praeger, New York); Gilmour, David, *Lebanon: The Fractured Country*, (1983: St. Martin's Press, New York); Hudson, Michael C., *The Precarious Republic*, (1968: Random House, New York); AbuKhalil, As'ad, "Druze, Sunni, and Shi'ite Political Leadership in Present-

Day Lebanon,” *Arab Studies Quarterly*, Vol. 7(4), (Fall 1985); Ajami, Fu’ad, *The Vanished Imam: Musal al-Sadr and the Shia of Lebanon*, (1986: Cornell University Press, Ithaca); Khalaf, Samir, *Lebanon’s Predicament*, (1987: Columbia University Press, New York).

⁹ Shaery-Eisenlohr emphasized the role of Iran in producing a variety of Lebanese Shi’i nationalisms. Other scholars, for example, Brunner and Ende (2001) argue, however, that before the outbreak of the civil war in 1975, it was Lebanon that served as an important training ground and logistical base for those aiming to overthrow the Shah in Iran. A review of the literature of major Shi’i theologians and activists reveals that the major parameters and themes of Shi’a conceptualizations of sovereignty precede the creation of the Islāmīc Republic. Brunner, Rainer and Ende, Werner (eds.) *The Twelver Shi’a in Modern Times: Religious Culture and Political History*, (2001: Brill, Netherlands), xi. Those were formed by necessity, *in situ*, when facing Israeli attacks and occupation as well as Shi’i marginalization in the political sphere.

¹⁰ For a discussion of activist Shi’ism prior to the religious imagining, see Norton, Augustus Richard, “Religious Resurgence and Political Mobilization of the Shi’a in Lebanon,” in Sahliyah, Emile F. (ed.), *Religious Resurgence and Politics in the Contemporary World*, (1990: State University of New York Press, Albany, NY), 229 - 42.

¹¹ Anderson, Benedict, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, (2006: Verso Press, London & NY); and Gellner, Ernest, *Nations and Nationalism: New Perspectives on the Past*, (2009: Cornell University Press, Ithaca, NY).

¹² Shams al-Din’s concept of *muwatana* is tied to the nation-state (*watan*). He argued that even though nationality and citizenship are modern Western concepts, it is necessary in the contemporary state to determine rights and obligations as part of the political organization of the state. Shams al-Din, *Fī al-Ijtimā’ al-Siyāsī al-Islāmī: al-Mujtama’ al-Siyāsī al-Islāmī – Muḥawalat Ta’šīl Fiqhī wa Tarīkhī*, (1992: Al-Mu’assassa al-Dawliyya li al-Dirāsāt wa al-Nashr, Beirut), 138 and footnote 138.

¹³ Multiple definitions of civil society exist. Usually, it refers to the wide array of non-governmental and not-for-profit organizations in public life that express the interests and values of their members. Others are based on ethical, cultural, political, scientific, religious or philanthropic factors. Civil society encompasses diverse spaces, actors, and institutional forms, of varying formality, autonomy, and power – distinct from other forms of social, political, and economic organizations in the state (Gabriel Almond and Sidney Verba). It is considered a space for dialogue, rational will formation, and democratic social interaction (Jurgen Habermas). A critical approach considers formalized forms of civil society as demographically-limited (Partha Chatterjee), as part of a self-interested globalization (United Nations Partners in Civil Society) and / or neo-colonial project by a global elite (Gramscian IR), and as linked to nationalism and ideas of citizenship (Graham Pollock). See Almond, Gabriel, and Verba, Sidney, *The Civic Culture: Political Attitudes And Democracy In Five Nations*, (1989: Sage Publications). Chatterjee, Partha, *The Politics of the Governed: Popular Politics in Most of the World*, (2006: Columbia University Press, NY). Pollock, Graham, “Civil Society Theory and Euro-Nationalism,” *Studies In Social & Political Thought*, Vol. 4 (March 2001: 31 - 56). Hegel, G. F. W., *Philosophy Of Right*, Wood, Allen W. (ed.), (1991: Cambridge University Press, New York), 184, 202. Habermas, Jurgen, “The Public Sphere: an Encyclopaedia Article,” *New German Critique*, (1974), 3, 49-55.

¹⁴ Later Gramscians, viewed civil society as possibly defending people against the state and the market or, alternatively, as the terrain of struggle to subvert dominant political systems.

¹⁵ On the relationship between the state and civil society, see Antonio Gramsci, Hoare, Quintin, and Smith, Nowell (eds.), *Antonio Gramsci: Selections from the Prison Notebooks* (1971, 2010: International Publishers Co.), 12-13, 160-1, 170 ft, 195, 260, 263. Gramsci’s definition oscillates, Gramsci (1971, 2010: 160, footnote #71, 170, 207 - 208, 263). For the war of position see (176: 238 - 9).

¹⁶ Shams al-Din, *Fiqh al-'Unf al-Musillāh fī al-Islām*, (2001: Al-Dawla al-Mu'assassa li al-Dirāsāt wa al-Nashr, Beirut, 105 -112.

¹⁷ Shams al-Din, "Isrā'īl Kiyān Ghasīb Yajibu al-Yuqtala'," *Al-Muqāwama fī al-Khiṭāb al-Fiqhī al-Siyāsī*, (1998: Markaz al-Dirāsāt wa al-Tawthīq fī al-Jāmi'a al-Islāmīyya fī Lubnān, Beirut), 292 – 305; originally published in *Suroush* (Iran) and in *al-Qarār* (publication of Al-Majlis al-Islāmī al-Shī'ī al-A'lā, Lebanon) on August 16, 1985, 302 - 304.

¹⁸ Musa, *Ash-Shaykh Muhammad Mahdi Shams al-Din Bayna Wahj al-Islām wa Jalīd al-Mathāhib: Dirāsāt Taḥlīl wa Muqārana*, (1993: Dar al-Hadi, Beirut).

¹⁹ Musa, 10 - 14.

²⁰ Shams al-Din, "Tajribat al-Shī'a al-Lubnāniyyīn," in *al-Waṣāya* (2001): http://shamseddine.com/ar/?page_id=260. Accessed August 7, 2013.

²¹ Prior to the establishment of *al-Majlis al-Shī'ī al-A'lā*, many educated Shi'a joined the Lebanese Communist Party, the Syrian Social Nationalist Party, the Independent Nasserist Movement, the Progressive Socialist Party, among others. See Ibid. Also see, Shams al-Din, "Isrā'īl Kiyān Ghasīb Yajibu al-Yuqtala'," *Al-Muqāwama fī al-Khiṭāb al-Fiqhī al-Siyāsī*, (1998: Markaz al-Dirāsāt wa al-Tawthīq fī al-Jāmi'a al-Islāmīyya fī Lubnān, Beirut), 292 – 305; originally published in *Suroush* (Iran) and in *al-Qarār* (publication of Al-Majlis al-Islāmī al-Shī'ī al-A'lā, Lebanon) on August 16, 1985, 292 - 293.

²² Sabrina Mervin argued that what is at stake in the reformist project is saving the independence of the *marja'iyya* vis-à-vis the modernizing state. In Jabal 'Āmil, Lebanon, the *tajdīd* (renewal) movement started after 1880 by some *mujtahid* disciples of Shaykh Murtaḍa al-Anṣari (originally from Najaf). While teaching *fiqh* (jurisprudence) at the University of Baghdad, Shams al-Din encountered resistance to modernizing *al-ḥawzāt*. This led Muḥammad Mahdi Shams al-Din to establish *al-Jāmi'a al-Islāmīyya* (Islāmīc University) in Beirut where diverse disciplines are taught. His position contrasted with Shaykh Muḥammad Ḥussein Faḍlallah's attachment to the *ḥawza* system. Mervin, Sabrina, "The Clerics of Jabal 'Āmil and the Reform of Religious Teaching in Najaf since the Beginning of the 20th Century," in Brunner and Ende (eds.) *The Twelver Shi'a in Modern Times: Religious Culture and Political History*, (2001: Brill, Leiden, Netherlands), 79 - 86.

²³ Shams al-Din, *Nizām al-Hukm wal-Idārah fī al-Islām* (1955, 2000: Al-Mu'assassah al-Dawliyyah l-il-Dirāsāt w-al-Nashr, Beirut), 126.

²⁴ He also argued that sometimes what is claimed as *ijmā'*, is not. Shams al-Din, *al-Ijtihād wa al-Taqlīd: Baḥth Fiqhī Istidlālī Muqārīn*, (1988: al-Mu'assassah al-Dawliyyah l-il Dirāsāt w-al-Nashr, Beirut), 33, 256; and *Al-Ijtihād wa al-Tajdīd fī al-Fiqh al-Islāmī*, (1999: Al-Mu'assassah al-Dawliyyah l-il Dirāsāt w-al-Nashr, Beirut), 50 - 51. For an extensive discussion of Shams al-Din's arguments regarding jurisprudence, reform, and decreasing the perceived difference between sects (*fiqh*, *tajdīd*, *taqrīb al-mathāhib*), see Al-Ḥusseini Muḥammad, "Malāmiḥ al-Manhaj al-Fiqhī 'Ind al-Shaykh Muhammad Mahdi Shams al-Din," <http://www.kalema.net/v1/?rpt=263&art>. Accessed August 7, 2013.

²⁵ Shams al-Din distinguished (1988) between government without religion (*al-Hukūma al-lā Dīniyya*) and secular government (in Western civilization); he also distinguished between religious secularism (*al-'Ilmāniyya al-Dīniyya*) versus atheist secularism (*al-'ilmāniyya al-'Ilhādīyya*). See Shams al-Din, *Al-'Ilmāniyya: Taḥlīl wa Naqd li al-'Ilmāniyya Muḥtawān wa Tārīkhan fī Muwājahat al-Masīḥiyya wa al-Islām*, (1982: Majd, Beirut; 1991, 1996, Second & Third Editions: Al-Mu'assassa al-Dawliyya li al-Dirāsāt wa al-Nashr, Beirut). See also Shams al-Din, "Thaqāfat al-Tanmiya bayna al-Manhajayn al-Gharbī al-'Ilmānī wa al-Imānī al-Islāmī", *Al-Mustaqbal*, October 16, 2000. Also see, Musa, 112-6.

²⁶ Shams al-Din, *al-Waṣāya*, http://shamseddine.com/ar/?page_id=260.

²⁷ Shams al-Din, *Fī Al-Ijtimā' al-Islāmī al-Siyāsī* (1992), 87, 93. This conception of the Islāmīc state aligns with his teleological, normative, and historically contextualized approach to the creation and evolution towards an ideal state-society. In *Nizām al-Ḥukm wa al-Idāra fī al-Islām* (1955, 1991: 33-35), Shams al-Din had argued that while many Muslims in contemporary times believe in the separation of religion and state, he felt that Islām is a creed (for the soul) and a form of organization (for society). Both are necessary to overcome residual psychological and practical impediments to effecting a complete social revolution that changes conditions, social norms, and hierarchies so that they are based on new ideological principles. He argued that Islāmīc rule would concentrate Islāmīc principles in people's psyches and cause a real revolution.

²⁸ See footnote 24. See also, Musa 86, 112 - 6.

²⁹ Shams al-Din, *Fī Al-Ijtimā' al-Islāmī al-Siyāsī* (1992), 86.

³⁰ Nakash, Yitzhak, *Reaching for Power: The Shi'a in the Modern Arab World*, (2006: Princeton University Press, Princeton and Oxford), 122.

³¹ Specifically, according to Shams al-Din, sectarianism undermines the majority democratic option from being expressed, impedes that option's free interaction with its larger Islāmīc and Arab contexts, and subordinates Lebanon's ability to confront Israel. Lacking a system of numerical pluralist democracy, Lebanon relies mainly on international organizations to act (to no avail). Internally, the sectarian consociational model was divisive in the face of aggression, with some arguing that they were not responsible for the South, which is majority Shi'a, and need not confront Israel on the 'South's behalf'. In addition, Shams al-Din argued that conceptually and practically, the rights of minorities that are purportedly protected under the consociational model would be more effectively protected by a democratic system that guarantees equal rights and citizenship. Shams al-Din, "Al-Da'wa ila Ihyā' al-Jihād: al-Taftīt wa al-Ta'ifiyya Yamna'an al-Amn wa al-Taḥrīr," *Al-Muqāwama* (1998: 262 - 266), originally published in *Al-Safīr*, January 12, 1985. See also Shams al-Din, Interview, "Lubnān bi-Khayr wa al-Ta'ifiyya ila Zawāl, Arfud al-Mujābaha ma'a al-Gharb wa As'du li al-Ḥiwār," *al-Bayan*, November 1, 1998. See also, Shams al-Din, "Taqsīr al-Dawla Tujāh al-Janūb," *Al-Muqāwama* (1998: 213 - 217), originally published in *Al-Safīr*, August 23, 1984.

³² The concept of counter-hegemony refers to the ideational challenge and the attempt to dismantle dominant leadership, rule, and power. The intellectual critique seeks to create an alternative ethical view of society, in preparation for political change. The terrain where this challenge occurs is usually in civil society. In Gramsci, if counter-hegemony expands in society, it might replace (ideationally and through persuasion – *war of position* – or through democratic or violent overthrow – *war of movement*) the *historic bloc* or context in which it existed. Antonio Gramsci, Hoare and Smith (eds.), (1971, 2010: 176, 238-9). See Pratt, Nicola, "Bringing Politics Back In: Examining the Link between Globalization and Democratization," *Review of International Political Economy*, Vol. 11 (2), (2004: 331 - 336.) See also Cohn, Theodore H., *Global Political Economy: Theory and Practice*, (2004: Other Paperback Editions), 131.

³³ He added that it is ironic to observe the inconsistency between the incompleteness of the Zionist project, which refuses to define its borders, and Arab states, which rush to negotiate over its borders, as if it Israel is a real state. Instead, he urged Muslims and Arabs to deal with Israel as they had dealt with other historical colonialist military bases. Shams al-Din, "Ḥawl al-I'tidā'āt al-Isrā'īliyya," *Al-Muqāwama* (1998: 46), originally published in *Al-Safīr*, July 17, 1981; and "Al-Khiṭṭah al-'Arabiyya al-Shāmīla Hiya al-Ṣigha al-Waḥida li-Muwajahat Isrā'īl," *Al-Muqāwama* (1998: 53), originally published in *Al-Nahar*, August 8, 1981. See also, Farah Musa, 217 - 21.

³⁴ Shams al-Din, "Isrā'īl Kiyān Ghāṣib Yajibu al-Yuqtala'," *Al-Muqāwama fī al-Khiṭāb al-Fiqhī al-Siyāsī*, (1998: Markaz al-Dirāsāt wa al-Tawthīq fī al-Jāmi'a al-Islāmīyya fī Lubnān, Beirut), 292 -305, originally published in *Suroush* (Iran) and in *al-Qarār* (publication of Al-Majlis al-Islāmī al-Shī'ī al-A'lā , Lebanon) on August 16, 1985, 292, 232-8.

³⁵ Shams al-Din, "Azmat Taf'īl al-Fikr al-Islāmī," *Qadāyā Islāmīyya Mu'assira*, Vol. 5, (1990), 22 - 27.

³⁶ This reasoning has obvious implications, such as the necessity to prevent majoritarianism from being used to suppress differences. Ibid, 30 - 1.

³⁷ Arjomand, Said Amir, "Authority in Shi'ism and the Constitutional Developments in the Islāmīc Republic of Iran," in Brunner and Ende (eds.), (2001: 301 - 32), 301.

³⁸ The Covenant of Imam 'Ali to his governor to Egypt, Malik bin Harith al-Ashtar, is the longest political organizational text in *Nahj al-Balāgha*. It specifies the responsibilities of the ruler towards the ruled and addresses the political organization of society and the manifestation of political authority (*al-sulṭa*) in government. This overarching relationship affects all other aspects of societal organization: sociological, economic, and cultural. Even though the full effects of this experiment for rule did not transpire due to Umayyad and 'Abbasid suppression of its features, which Shams al-Din argued is due to the differential nature from their own, he nevertheless stated that the *fiqh* of *ahl al-bayt* recorded some of its effects and that these were supplemented by texts in *Nahj al-Balāgha* that contain the political thought of Imam 'Ali. Shams al-Din, '*Ahd al-Ashtar*, (1984: Mu'assasat al-Wafa', Beirut), 11, 129 - 33.

³⁹ '*Ahd al-Ashtar* is highly idealistic in its vision for political rule. While not democratic in the modern sense, it contained 'democratic' analogues: public opinion as informing just rule; a formula for engaging all societal constituencies; and stipulations of the rights and duties of existent socio-economic sectors of the political body.

⁴⁰ Shams al-Din, '*Ahd al-Ashtar*, (1984).

⁴¹ Specific (Arabic) citation, Ibid, 35.

⁴² (Arabic) citation in Shams al-Din, '*Ahd al-Ashtar*, (1984), 36. Shams al-Din explored the non-submissive nature of Islām, its comprehensive civilizational project as a way of life, and its organizational structures in detail, in *Fiqh al-'Unf al-Musallah fī al-Islām*, (2001: Al-Dawlah al-Mu'assasah lil-Dirāsāt wal-Nashr, Beirut), 14.

⁴³ Shams al-Din, '*Ahd al-Ashtar*, (1984), 49 - 52.

⁴⁴ Ibid, 42 - 7.

⁴⁵ Shams al-Din, *Fī al-Ijtīmā' al-Siyāsī al-Islāmī: al-Mujtama' al-Siyāsī al-Islāmī – Muḥāwalāt Ta'ṣīl Fiqhī wa Tarīkhī*, (1992: Al-Mu'assasah al-Dawliyyah lil-Dirāsāt wa al-Nashr, Beirut), 148 - 9.

⁴⁶ Shams al-Din, *al-Waṣāyā*, http://shamseddine.com/ar/?page_id=260.

⁴⁷ According to Stephan Rosiny, there was a dichotomous historical and religious treatment of specific iconography in Lebanon and these two tendencies were inspired by political struggle. Rosiny distinguished between the historiography of al-Al-Sayyid Ja'far Murtaḍa al-'Āmili and Muḥammad Hassein Faḍlallah. The former, he says, was ensconced in the obscurantist dogmatism of myths. This is in contrast to the rational updated interpretation formulated by Faḍlallah that propagated a critical, universalist understanding of religion. The latter's treatment was in dialogue with members of other faiths and even with unbelievers. Faḍlallah iconic re-interpretations, for example of Fatima, rendered her a model, worthy of imitation, for the modern activist Muslim woman and others. Rosiny, Stephan, "The Tragedy of Fatima al-Zahra" in the Debate of Two Shiite Theologians in Lebanon," in Brunner and Ende (eds.), (2001: 207 - 219).

⁴⁸ Shams al-Din, *al-Muqāwama fī al-Khitāb al-Fiqhī al-Siyāsī*, (1998: Markaz al-Dirāsāt wa al-Tawthīq fī al-Jāmi'a al-Islāmīyya fī Lubnān, ad-Dawla al-Mu'assassa, Beirut), 70.

⁴⁹ Ibid, 108.

⁵⁰ First published in *al-Safīr*, January 1, 1985, reprinted in Ibid, 252 - 8.

⁵¹ Ibid, 237.

⁵² Ibid, 332.

⁵³ Ibid, 292.

⁵⁴ There are many such examples in Shams al-Din's discourse. For one example, see Ibid, 345 - 350.

⁵⁵ While Syrian presence was objectionable to growing segments within Lebanese society, the situation had not yet reached the crisis proportions that it later did (2005). Shams al-Din interview, by Al-Kek, Michel, "Muhammad Mahdi Shams al-Din.. Lubnān wa al-Intifāda al-Filistīniyya," date unknown, but sometime in 2000 while he was in France undergoing treatment for cancer, archived on Al-Jazeera on 6/4/2004: <http://www.aljazeera.net/Channel/archive/archive?ArchiveId=89429>. Accessed August 7, 2013.

⁵⁶ Shams al-Din, "Al-Amāna al-Āmma li al-Qimma al-Rūḥiyya al-Islāmīyya," *Al-Waṣāya*, http://shamseddine.com/ar/?page_id=260.

⁵⁷ Ibid.

⁵⁸ Ibid, 110.

⁵⁹ See *Al-Waṣāya*, http://shamseddine.com/ar/?page_id=260.

⁶⁰ In contrast, the historical school, represented by Al-Sayyid Ja'far al-Murtaḍa al-Āmili, stressed the peculiarities of the sect and sees differences as a source of strength. Rosiny, Stephan, "The Tragedy of Fatima al-Zahra" in the Debate of Two Shiite Theologians in Lebanon," in Brunner and Ende (eds.), (2001: 207 - 19), 216 - 7.

⁶¹ In addition, he intended the university to update *al-kalām* so that it becomes relevant for modern times, more capable of addressing contemporary needs and of solving problems, and less related to archaic concepts and suspicious that scientific and philosophical progress have negated and overcome. Shams al-Din, "Al-Jāmi'ah al-Islāmīyya fī Lubnān," *al-Waṣāya*, http://shamseddine.com/ar/?page_id=260.

⁶² Shams al-Din, *Fiqh al-'Unf al-Musallah fī al-Islām*, (2001), 6.

⁶³ (Arabic) citation of Hadith, in Ash-Shaykh Muḥammad Mahdi Shams al-Din, *Fī al-Ijtimā' al-Siyāsī al-Islāmī*, (1992), 17 - 18. He had quoted *Riyadh al-Ṣalīhin* by al-Nawawi (Egypt, 1344 Hijri, 164).

⁶⁴ Shams al-Din, *al-Ijtimā' al-Siyāsī al-Islāmī*, 20.

⁶⁵ The Islāmīc principle of *al-takāful al-ijtimā'ī* is also found in 'Ahd al-Ashtar. It stipulates that societal complementarity is not only a goal, but a responsibility for the whole society. It is needed in order to ensure a dignified life for all and is one of the primary responsibilities of rule. It is used, for instance, to guarantee the rights of the needy, whose support is not mere charity. Significantly, government is responsible for *all* the needy, regardless of religion. Shams al-Din, 'Ahd al-Ashtar, (1984), 58, 100.

⁶⁶ Ibid, 26.

⁶⁷ Ibid, 28.

⁶⁸ (Arabic) citations from 'Ahd al-Ashtar, see Ibid, 35 - 36.

⁶⁹ (Arabic) citation in Ibid, 41 - 42.

⁷⁰ (Arabic) citations in Ibid, 49 - 52.

⁷¹ (Arabic) citation in Ibid, 91.

⁷² (Arabic) citation in Ibid, 100 - 1.

⁷³ (Arabic) citation in, Ibid, 28.

⁷⁴ Ibid, 29 - 30.

⁷⁵ His position on *al-sharī'a* within the Lebanese context is discussed below.

⁷⁶ (Arabic) citation in Shams al-Din, *al-Ijtimā' al-Islāmī al-Siyāsī*, 26.

⁷⁷ Ibid, 75.

⁷⁸ (Arabic) citation in Ibid, 75; quoting from *Nahj al-Balāghah*, Section 40.

⁷⁹ (Arabic) citation in, Ibid, 81. Translated verses from Pickthall, Mohammed Marmaduke, *The Meaning of the Glorious Koran*, (1976: Penguin Books, NY and Ontario, Canada).

⁸⁰ Ibid, 91 - 3.

⁸¹ Shams al-Din, *al-Ijtimā' al-Islāmī al-Siyāsī*, 92 - 3.

⁸² On the issue of the nation-state and citizenship, Shams al-Din posited that Muslims who reside outside of the Islāmīc state do not have a right of citizenship within it because they are not part of its political organization. For that, they would need to repatriate and obtain the nationality. Ibid, 122-38, and footnote, 138. Accommodating contemporary realities, Shams al-Din argued that even though nationality is a modern Western concept, it is necessary in the contemporary state to determine rights and obligations.

⁸³ Ibid, 95 - 6. Moreover, on the issue of the non-congruence between political territorial control and legitimacy (and territoriality) or rule, Shams al-Din used the example of the abdication of al-Ḥasan in 41 A.H., who abdicated after losing all territorial control because he judged that further rebellion would produce chaos. He added, that while al-Ḥasan possessed the legitimacy of rule, he did not possess its reality. In accordance with Shi'i theology, complete Islāmīc legitimacy of rule existed during the Prophet's time, as well as during *al-'ahd al-thānī* under Imam 'Alī and al-Ḥasan. In contrast, but still legitimate, was al-Ḥussein's rebellion, which exposed the Shi'a to a difficult political and security test and did not succeed politically. According to Shams al-Din, the reason for al-Ḥussein's differential conduct, is that the revolution was forced upon him: Yazid's rule was not just oppressive (on the Shi'a), it also represented a threat to Islām as a creed. Yazid's upbringing meant that he could not be a jurisprudential source (*marja' shar'i*) in addition to being a political leader. Politically, Ḥussein's revolution accomplished the complete separation between the office of the Caliphate and the religious authority over the umma. The latter came to be in the sole province of *ahl al-bayt*, while the Caliphate became a political organization. In effect, this saved Islām from leadership by political authority. Post-Ḥussein, if the Imams had wanted to condone armed revolt against a non-religiously legitimate political organization (*nizam munḥarif*), then they had three centuries to do so but did not. Therefore, while the project of the umma is the basis, it does not need the existence of a state, nor does it depend on the type of state. This last point is a point of difference with the Sunnis, who believe that the Caliphate state is a substitute for the Islāmīc umma. In contrast, the Shi'a believe that the state has two eras, the first of which ended with the Greater Occultation, which was the only Islāmīcally legitimate state. Otherwise, all states are *ḥukm jawr*. Shams al-Din, *Fiqh al-'Unf al-Musallah fī al-Islām*, (2001), 121 - 52, 165.

⁸⁴ Shams al-Din, *Nizām al-Ḥukm wa al-Idāra fī al-Islām*, (Beirut: Al-Mu'assassa al-Jam'iyya li al-Dirāsāt wa al-Nashr wa al-Tawzī', 1955, 1991), 7, 13, 33, 50.

⁸⁵ (Arabic) citations in Shamseddine, *Fī al-Ijtimā' al-Siyāsī al-Islāmī*, (1992), 100 - 2.

⁸⁶ Musa, 112 - 15.

⁸⁷ Ibid, 116.

⁸⁸ See, for example, Shams al-Din, "Fī Manṭiqatīna Akthariyatān wa lā Aqaliyyāt; La Aqūl bi-Wilāyat al-Faqīh, bal bi Wilāyat al-'Umma 'alā Nafsihā," *Al-Safir*, January 23, 1997.

⁸⁹ Shams al-Din, *Fī al-Ijtimā' al-Siyāsī al-Islāmī*, (1992), 105 - 6.

⁹⁰ His phrase is 'creating a committed political society' (*takwīn mujtama' Siyāsī multazim*), Ibid, 58 - 64.

⁹¹ The joint project of Musa al-Sadr and Shams al-Din is outlined in Shams al-Din, *Al-Imam al-Sayyid Musa al-Sadr*, <http://shamseddine.com/ar/?p=620>. Accessed August 7, 2013. For an excellent summary highlighting the main points in their political and socio-economic project, see al-Maṣḍar, Su'ud al-Mawla, section "*Mashrū' Musa al-Sadr -- Muhammad Mahdi Shams al-Din fī Lubnān*," in "*Qirā'a Socio-Tarīkhiyya fī Masār Ḥizbullah wa Maṣīruhu: Ḥāl al-Ḥizb wa al-Muqāwama Badīl al-Waṭan wa al-'Ummah wa al-Dīn?*," (April 16, 2009), <http://www.10452lccc.com/special%20studies/saoudalmula.hezbollah16.4.09.htm>. Accessed August 7, 2013.

⁹² Shams al-Din, *al-Muqāwama fī al-Khitab al-Fiqhī al-Siyāsī*, (1998), 12-13.

⁹³ Shams al-Din, “Mīzāniyyat al-Dawla: Yajibū an Yaqtadū bi al-Masīh fī al-Muqāwama,” interview in *al-Safir*, December 15, 1984, reprinted in *Ibid*, *al-Muqāwama*, (1998), 244 - 5.

⁹⁴ *Ibid*, 245.

⁹⁵ Shams al-Din posited that while most nations consider their mission as holy, Islām’s is the only one that is eternal and does not change. He argued that the reason it is civilizational, for all times and places, is that it has a fixed Truth that underlies Creation. Shams al-Din, *Fī al-Ijtimā’ al-Siyāsī al-Islāmī*, (1992), 68 - 71.

⁹⁶ *Ibid*, 107. See *Al-Waṣaya* to the Twelver Shi’a prior to his death: http://shamseddine.com/ar/?page_id=260.

⁹⁷ Shams al-Din, *Azmat Tafīl and Fikr al-Islāmī*, (1990), 34.

⁹⁸ Many Shi’i scholars argue(d) that *wilāyat al-faqīh* cannot substitute for the presence of the Hidden Imam, even as a temporary form of *wilayah*. See, Al-Maṣḍar, Su’ud al-Mawla, (April 16, 2009), <http://www.10452lccc.com/special%20studies/saoudalmula.hezbollah16.4.09.htm>.

⁹⁹ Shams al-Din, *al-Ijtimā’ al-Siyāsī al-Islāmī*, (1992), 108.

¹⁰⁰ Shams al-Din, *Ahd al-Ashtar*, (1984), 91 - 92. Roswithe Badry argued that “In contrast to the Sunnite world since the end of the 1960s, there has been no development in Shiite Islām to make the consultation principle a focal point of political conceptions of an Islāmīc system” and calls this a “deficiency of theory.” This argument was solely based on *wilayat al-faqih* as practiced in Iran. Badry’s article does not acknowledge or even refer to any of the writings of Shams al-Din on this topic, which started in the late 1960s. Most of the article ignores Lebanon, except in a concluding discussion based on a “private conversation” with an “exiled” obscure person called Ahmad al-Katib. According to Badry, al-Katib produced a monograph in 1998 in which he said that *shūra* ought to form the basis of political Islāmīc systems. Al-Katib claimed that this truth was suppressed and distorted by the Shi’i concept of *Imam Muntazzar* which privileged the *marja’iyya*, and that *shūra* is the means to Islāmīc unity. She argued that this is a “Sunnitization of the Shi’a” because in her interpretation, *shūra* contradicts *al-marja’iyya*. Badry, Roswithe, “Marja’iyya and Shūra,” in Brunner and Ende (eds.), (2001: 188 – 206).

¹⁰¹ Shams al-Din, *Ahd al-Ashtar*, (1984), 127-8.

¹⁰² Shams al-Din, *al-Muqāwama fī al-Khitab al-Fiqhī al-Siyāsī*, (1998).

¹⁰³ Shams al-Din characterized Jerusalem as the principal Islāmīc problem in the contemporary era. For Shams al-Din, the Palestine problem is embodied within Jerusalem, and has human, spiritual, Islāmīc, and Arab repercussions. Furthermore, Palestine is the “cornerstone” of “our (Pan-Arab) national work (*amalīna al-qawmī*), as well as of our Islāmīc direction (*tawajjuhīna al-Islāmī*). *Ibid*, 23, 56-7.

¹⁰⁴ Shams al-Din states: “The Lebanese people will not, under any circumstances be the police to protect Israel. It is the United States that is attacking us. She is supplying Israel with advanced weapons and she permits their deployment according to her own definition of security and to serve U.S. strategies in the region.” Originally published in *al-Nahar*, July 18, 1981 and reprinted in *Ibid*, 47.

¹⁰⁵ For Shams al-Din, the *Arab* nature of Jerusalem is at least as important as its religious relevance. See for instance, this video of Shams al-Din: http://www.youtube.com/watch?v=mVqJeKzE0YI&feature=player_embedded. Accessed August 7, 2013. For more on his advocacy for Islāmīc-Christian dialogue and unity in the face of common enemies like Israel, see his book: *Al-Ḥiwār al-Islāmī al-Masīhī Naḥw Mashrū’ li-Niḍāl Mushtarak*, (Beirut: Mu’assasat al-Imam Shams al-Din lil-Ḥiwar, 2004).

¹⁰⁶ According to Shams al-Din’s earlier discourse, Arab states are not normal by virtue of the fact that they are creations of colonialism and are based on ethnic, racist, and nationalist criteria – all of which contradict the unity of the non-geographically-defined ‘*umma*. Musa, 216. As this paper

has shown, this position was later modified to accept a nationalist state that is also a contextualized Arab-Islāmic one.

¹⁰⁷ See his interview with *Aljazeera* (archived 6/4/2004): <http://www.aljazeera.net/Channel/archive/archive?ArchiveId=89429>. Accessed August 7, 2013.

¹⁰⁸ Shams al-Din cited Imam Ḥussein's exit from Mecca to Medina to Karbalā' as a departure intended to ask for reform (*al-iṣlah*) and to command the good and forbid the evil. For him, Karbalā' has universal significance. By analogy, in Lebanon, Shams al-Din cited the oppression and (previous) passive compliance of the Shi'a at the bottom of the socio-sectarian hierarchy that was established. According to him, until the spirit of "No" possessed them, they had accepted deprivation. That is the essence of the spirit of resistance (*Muqāwama*). The spirit of "No" goes beyond verbal articulations and entails relationships and responsibilities within the community. It embodies an awareness and a will to change. It thus became a potentially activist political position. Shams al-Din, "Muqāwamat Mashārī' Isrā'īl Wajībun Shar'ī wa Akhlāqī," *Al-Muqāwama*, (1998: 101 -110), 110, originally published in *Al-Safīr*, October 10, 1982. See also, Shams al-Din, speech at Mahrajan bi- al-'Abbasiyya given in 1980, published in *al-Muqāwama fī al-Khitāb al-Fiqhī al-Siyāsī*, (1998: 36 - 43), 36-7.

¹⁰⁹ See his proclamation of the legitimacy and duty of armed resistance by Lebanese people against Israel: <http://www.youtube.com/watch?v=LGCuS49CUiQ&feature=autoplay&list=ULVClDriv1eF4&index=2&playnext=1>. Accessed August 7, 2013.

¹¹⁰ (Arabic) citations in Shams al-Din, *Fiqh al-'Unf al-Musallah fī al-Islām*, (2001), 23. Even though *al-'unf al-musallah*'s literal translation is "armed violence," in Arabic there is a semantic difference, as expounded in the book and which I summarize above. I am indebted to 'Ali Shameddine for highlighting the semantic difference. 'Ali Shameddine correspondence (April 19, 2011).

¹¹¹ Musa, (1993), 22-3.

¹¹² Shams al-Din, *'Ahd al-Ashtar*, (1984), 11, 129 - 33.