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Abstract

In this article I argue that because of its emphasis on the use of reason, the *Jafari* Islamic school of thought is not only compatible with, but even promotes certain forms of deliberative democracy. I particularly focus on how this characteristic offers a valuable conceptual tool to promote peace and justice in deeply divided societies. My argument is grounded in traditional Shia theology and history but develops a political framework embedded within contemporary political theory. I distinguish this democratic political framework from the theocratic model of *Wilayat-ul-Faqih,* the political system currently being applied in Iran, and argue that an emphasis on rational argumentation opens a path towards reconciliation between Islamic principles and democracy. I analyse the potential benefits of deliberative democracy for Shias in both Middle Eastern societies and the West.

Author Biography

Nicolas Pirsoul is a doctoral candidate in politics & international relations at the University of Auckland. His research interests include issues around identity politics, indigenous recognition, democracy and Middle Eastern politics.

Keywords

reason, shia, islam, deliberation, democracy

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Introduction

Jensen Sass and John Dryzek suggest that practices of deliberative democracy are universal political practices and happen in unlikely socio-cultural settings such as the one marked by the "Islamic Revival" in Egypt.[1] They argue that "culture meets deliberation where publicly accessible meanings, symbols, and norms shape the way political actors engage one another in discourse" (Sass & Dryzek, 2014, p. 21). Here, I take their argument one step further and focus on these symbols and norms. Instead of focusing my attention on the deliberative process arising from civil society's interpretations and disagreements over the theological and social significance of Islamic texts in a contemporary environment, I turn my attention towards the motivational basis for deliberative practices as they appear from within Islamic sources themselves, namely the *Koran* and *Ahadith (*sing. *Hadith).*[2]

More specifically, I will focus my attention on Shia narrations embedded within the *Jafari* school of thought, also known as the Twelver Shias.[3] There are three main reasons for narrowing down my investigation to that particular group. First, Twelver Shias represent a minority in the West (as migrants) and in the Islamic World (they represent 10 to 15 percent of the total Muslim population) (Nasr, 2007, p. 34). Second, they have suffered and still suffer from harsh persecutions at the hands of Sunni rulers ever since the *Ummah* split shortly after Muhammad's death.[4] These first two reasons are relevant if one wants to explore the significance of deliberative democracy in deeply divided societies. Indeed, as I will show, a deliberative system allows previously marginalized minorities to participate in the political decision-making process as equal members and to guarantee the survival of their identities (Wheatley, 2003). I will also argue that because of its emphasis on

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[1] The phenomenon described as "Islamic revival" in Egypt represents an increase in the public expression and practice of Islam in the Egyptian society starting from the 1970s (Mahmood, 2005). This increase relates to a broader phenomenon whereby Saudi Arabia used oil money to disseminate its own interpretation of Islamic values around the Muslim world.

[2] A *hadith* is a narration/saying attributed to the Prophet (and/or twelve Imams for Shias).

[3] The *Jafari* school of jurisprudence is named after the sixth Shia Imam, Jafar as Sadiq, who codified the teachings of Muhammad and his *ahlul-bayt* (*people of the house*, the infallible Imams and Muhammad's daughter, Fatimah) as a way to protect what Shia believe is genuine Islam from distortion.

[4] Shia persecutions through the Islamic world is well-documented both in countries where Shias represent a minority such as Saudi Arabia (Human Rights Watch, 2009) and where they represent a majority such as Bahrain ("UN rights experts urge Bahrain to end the persecution of Shias." Retrieved from http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20375&LangID=E) on October 28, 2016). Shia persecution is also a reality in Southeast Asian countries such as Malaysia ("Malaysia and its Shi'a "Problem." Retrieved from http://www.mei.edu/content/map/malaysia-and-its-shi%E2%80%98-%E2%80%9Cproblem%E2%80%9D on October 28, 2016).

reasonable exchanges of ideas, deliberative democracy fosters feelings of mutual respect between groups while other models, such as consociational democracy, tend to erect walls between communities and reinforce the problem it is supposed to solve. Third, ever since the "occultation" of the Twelfth Imam (section I), *Jafaris* have experienced a crisis of political legitimacy as no infallible leader, and therefore no legitimate authority, is available to lead the Islamic community. This third factor is, I argue, conducive to political creativity (section II) and is the cornerstone of this article. By political creativity I mean the capacity to develop an indigenous political model based on Islamic principles relevant to a modern pluralist life.

This article therefore represents an attempt to assert the possibility of developing democratic indigenous political models rooted within Shia theology and history which depart radically from the political model developed by Ayatollah Khomeini in Iran. This attempt is therefore in line with the political theories developed by clerics, such as Mohsen Kadivar (2011), who argue from a theological point of view that Islam, democracy and pluralism are not antithetical.

More specifically, I want to show that Shia Islam does not need to be liberalized or democratized from the outside, but instead that Shia theology itself offers a strong basis for deliberative practices. I therefore highlight certain aspects of deliberative democracy and Shia theology to show affinities between the two sets of ideas without trying to force one particular model onto the other since part of the deliberative process is to let the political actors decide for themselves what political arrangements they want to adopt. This article therefore aims to create a dialogue between two sets of traditions.

I start this article from the following two premises. First, from a Twelver Shia perspective, in the absence of an infallible leader, political systems need to be conceived as fallible and, therefore, potentially subject to criticism and modifications. Second, Muhammad and the twelve infallible Imams whose teachings inform the *Jafari* school of thought have not given any specific description of a perfect political order. No *Jafari* blueprint for an ideal type of government applicable in all circumstances exists within the vast corpus of Shia narrations. Instead, Shias are left with a set of principles to reflect when they engage in political thinking, and political theorists need to elaborate systems of government which embody these principles.

The article is divided into five sections. Section one offers a brief overview of the Shias' historical and theological background with a particular emphasis on the issue of political authority. Section two covers the justification for the use of reason and deliberative practices as it appears from within Shia scriptures. Section three summarizes the debates over the legitimacy of the Iranian system of governance (known as the Guardianship of the Jurisprudent – *Wilayat-ul-Faqih*) – among Shia scholars and argues for a post-*Wilayat-ul-faqih* political

system informed by a deliberative democracy framework. Section four discusses contemporary theories of deliberative democracy. Section five further develops section four by showing the instrumental value and benefits inherent to a deliberative democracy theory from a Shia perspective both in Islamic and Western societies.

The Shias and Political Authority

The theological differences between the two main branches of Islam go back to the events surrounding Muhammad's death and the debates over his succession. According to the Shias, Muhammad designated Ali Ibn Abi Talib, his cousin and son-in-law, as his only rightful successor, to be a spiritual and political guide to the Muslim community (*Ummah*). According to the Sunnis, however, Muhammad did not formally appoint any successor or leader for the Muslim community, and a caliph (Abu Bakr) was selected during a consultation process among a very small group of companions (*sahabah*) right after Muhammad's death. Umar Ibn Khattab, Uthman Ibn Affan and Ali Ibn Abi Talib succeeded Abu Bakr and represent the four rightly guided caliphs (*Rashidun*) for the Sunnis.[5] After Ali's death, other Sunni leaders became the rulers of the *Ummah* and have dominated Islamic societies' political power since then with rare exceptions.[6]

Both Sunnis and Shias believe that Muhammad was the seal of the Prophets. Sunnis believe that after the Prophet's death, the *Ummah* was left without a guide. While they show respect for the four rightly guided caliphs as being pious figures, they believe that these four caliphs were fallible figures.[7] Shias, on the other hand, argue, using both *ahadith* and reason, that the *Ummah* could not be governed without an infallible guide. Muhammad's short mission on earth, complicated by many socio-political issues, was not enough to fully transform an Arab society that only a couple of decades earlier was still burying their daughters alive and worshipping idols. Shias, therefore, believe it

[5] The concept of caliphate (which in Arabic (*Khilafah*) relates to the notion of representation/delegation) can therefore be traced back to the time of the first successors of Muhammad. It collapses religious and political leadership under one single figure (the caliph, who is the prince of the believers (*amiru-l-mumineen*)) who is in charge of guiding the Islamic community and applying Islamic law to society. Political leaders in the Muslim world fought over the title until it was abolished in 1924. The concept of caliphate still informs most of the contemporary Sunni Islamist movements The establishment of the self-proclaimed "Islamic State" in Syria and Iraq, with Abu Bakr al Baghdadi as caliph, in 2014 represents the latest and most publicized attempt to revive the concept.

[6] The two main exceptions were the Fatimids (Ismaili Shias) in Egypt and Safavids (Jafari Shias) in Persia/Iran (as well as some post-Safavid Iranian dynasties). The Buyids in Iraq/Iran were also Shia.

[7] Sunnis, on the contrary, believe that even Muhammad was fallible in terms of personal conduct (but not in terms of revelation) (Brown, 1999, pp. 60-63).

to be a necessity to have infallible leaders continuing Muhammad's mission after his death, helping the *Ummah* to understand and act upon the message of Muhammad (al Sadr, 2014a). They call these infallible leaders Imams. The Imams are the only human beings with full knowledge of both the content and meaning of the Islamic revelation. Ali Ibn Abi Talib is the first Imam and Shias believe that Ali, and his eleven male descendants, were divinely appointed to guide the *Ummah* after Muhammad's death.[8] Shias therefore believe that the first caliphs usurped Ali's right for political reasons and consider this usurpation responsible for impeding the implementation of true Islam in the Islamic society after Muhammad's death.[9]

The scope of infallibility (*'isma*) and knowledge (*'ilm*) attributed to the Prophet and the twelve Imams is contested. Even the main early Shia scholars (10th and 11th century) disagreed on this topic. Shaykh Saduq, for example, adopted a maximalist position whereby the Imams were described as having absolute knowledge over all things, including the unseen and the future, whereas his student, Shaykh Mufid, adopted a more moderate approach. Shaykh Tusi further reduced the scope of infallibility and knowledge of the Imam to adopt a minimalist view. According to this view, the Imam is considered as possessing perfect knowledge over Islamic matters and perfect conduct in terms of Islamic practices but no knowledge of the unseen and other miraculous powers (Mavani, 2013, pp. 124-129).[10] While the concept is disputed, all Shias nevertheless emphasize the importance of the concept of infallibility since, according to them, it would be impossible to follow the Prophet (and the Imams) as guides if they could commit mistakes.

None of the Imams except Ali ever ruled the *Ummah.* They instead focused on disseminating their wisdom among their small groups of followers in sometimes underground and clandestine manners. After Ali's assassination, political repression against the Imams became a common pattern and reached a peak when the third Imam and grandson of Muhammad, Imam Hussain, was murdered by the caliph's army in Kerbala.[11] After this event, the Imams

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[8] Fatimah, Muhammad's daughter and wife of Ali, is also considered infallible and a perfect role model by Shias.

[9] While Sunnis and Shias share the same revealed book (the *Koran*), they differ greatly on its interpretation (*tafsir*). They have also compiled different *ahadith* books. Shias reject most of the narrators used in the two main Sunni *ahadith* collections (*Sahih* Muslim and *Sahih* Bukhari) and have developed their own collections based mainly on the sayings of Muhammad as transmitted by the 12 Imams and of the 12 Imams themselves.

[10] Some minor Shia sects gave divine-like attributes to the Imams in a similar fashion to Christianity's views on Jesus. They are called *ghulat* (exaggerators) and considered non-Muslims by mainstream Shia Muslims.

[11] The battle of Kerbala opposed Hussain Ibn (son of) Ali Ibn Abi Talib to the army of the corrupt caliph of the time, Yazid, in 680 A.D. Hussain and his small group of companions

focused on teaching and were all assassinated until the Twelfth Imam, Imam Mahdi, disappeared from public life as a child and went into "occultation" until his expected return to guide humanity towards peace and justice.[12]

Shia Muslims have maintained their convictions throughout the centuries that rightful, and God-chosen, leadership of the *Ummah* lays in the hands of Ali and the other eleven Imam. They have, therefore, often been at odds with official political leaders in the Middle East who they perceived as illegitimate rulers ever since that time, in particular when these leaders claim to be vested with religious power.[13] The only example of political leadership they have is reduced to the five years Ali was caliph, a position he accepted reluctantly and after ensuring that he had the support of the majority of the Muslims (Mavani, 2013, pp. 106-124). During his mandate, Ali had to administrate the vast territories conquered by the first three caliphs. We can get a general idea of Ali's political system and attitude of governance through the letters he wrote to his governors and opponents.[14] These letters appear in a compilation of texts and sayings attributed to Ali called *Nahjul Balaghah* (peak of eloquence). One of these letters, letter 53, could easily be considered as a political theory work describing in broad terms the characteristics of righteous government. This letter is written for Malik al Ashtar, who was appointed by Ali as the Governor of Egypt. Within this letter, Ali exhorts Malik al Ashtar to treat his subjects justly and advises his governor: "habituate your heart to mercy for the subjects and to affection and kindness for them. Do not stand over them like greedy beasts who feel it is enough to devour them since they are of two kinds: either your brethren in religion or your likes in creation." Later in the letter, Ali writes: "The way most coveted by you should be that which is the most equitable for what is right, the most universal by way of justice and the most comprehensive with regard to the agreement with those under you […]" (Ali

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died on the battlefield while the survivors, mostly women and children, were taken captive to the caliph's capital, Damascus. The event is still commemorated by Shia Muslims thorough the world during the first 10 days of the Islamic month of Muharram.

[12] By "occultation," Shias refer to the Twelfth Imam's disappearance from public life when he was a child. It is argued by Shia scholars that the Twelfth Imam is still present in the world today because the world cannot be deprived from a divinely appointed guide. The nature of this presence/absence is a matter of debate among clerics and the general Shia population. Orientalist Henry Corbin analyzed the mystical dimension of the "occultation" and argued that Shia Islam was a deeply mystical religion as it obliged the believers to constantly seek to establish a spiritual relation with their hidden Imam in order to become one of his close companions (Corbin 1972).

[13] Shias have, however, at times also had issues with secular and nationalist leaders because of their strict adherence to Islamic principles, which could be interpreted by secular leaders as an impediment to modernization and/or national unity.

[14] Ali did not continue the territorial conquest started by his predecessors (in which he had refused to participate).

Ibn Abi Talib, 2009). Ali's letter underlines political principles of justice and fairness usually considered as modern/western in contemporary political theory (Paya and Tehrani, 2013).

The disappearance of the last Imam created a shock for the Shia community, which was left without an infallible leader. This situation increased the social importance of religious scholars, but since religious scholars were not considered as infallible it meant that none of them could claim the role of caliph. Traditional Shia scholars therefore focused on their role as researchers and teachers of Islamic doctrine, sometimes also collecting and redistributing Islamic taxes. They have however always shunned political power, which became synonymous with worldly matters and corruption to them. This does not mean that scholars did not influence politics — because they did — but not in a direct way by being in a position of ruler. For example, Grand Ayatollah Mirza Hassan Shirazi led an anti-colonial movement against the British by inducing a de-facto nationwide boycott of tobacco products by issuing a fatwa prohibiting its use. More recently, Ayatollah Ali al Sistani played an important role in the democratization process of Iraq and in the fight against ISIS (Cole, 2006; Rahimi, 2007, 2012; Visser, 2006). This traditional attitude of the Shia high clergy is referred to as "quietism" in scholarship dealing with the topic. This position represents the majority view among high-ranking clerics and is based, as we have seen, on theological arguments embedded within Shia doctrine (Khoei, 2014). This traditional stance changed in 1979 with the Iranian revolution and the rise of "clergy activism," as I will explain in section four.

The Use of Reason Within the *Jafari* School of Thought

The Jafari school of thought is characterized by its emphasis on the role of reason and the need to see reason and revelation not as antagonistic but as compatible and mutually reinforcing. Shias argue that the use of reason is not only a characteristic of the twelve Imams' spiritual legacy but was emphasized by Muhammad and originates in the *Koran* itself. Indeed, the *Koran* commands Muhammad: "Call unto the way of your Lord with wisdom and kind exhortation, and reason with them in the better way" (*Koran* 16: 125).[15]

This appeal to kindness and reason reflects the Koranic injunction that there should be no compulsion in religion (*Koran* 2: 256). If there should be no compulsion in religion, the only way to propagate the religion compatible with the *Koran* is therefore argumentative deliberation based on logic.

The importance of reasoning and its superiority over worshipping acts is emphasized by Muhammad through many narrations. For example, he stated:

[15] On the use of reason in the *Koran* from a Shia perspective, see Soltanian, 2010.

> Almighty God has endowed upon mankind nothing better than reason. The slumber of the man of reason is better than the waking hours of the ignorant. Comfort of the stationary life of the man of reason is better than the movement of the ignorant. God has sent neither prophet nor messenger without first perfecting his reason. And his reason stands superior to all the reasons (the people of) his community. What the Prophet has hidden in his heart is better than all the striving after knowledge of those who strive after it. No creature of God can ever discharge his obligations to God unless he comprehends them consciously. All the worshipers taken together cannot reach that height of excellence in their devotion to God as the man of reason does. The men of reason who are the possessors of understanding minds about whom God has said, "[…] but none will remember except the possessors of understanding minds (*Koran* 2:269 and 3:7)" (Al-Kafi, 2000, pp. 30-31)

This message is further emphasized by the first Shia Imam, Ali:

> Verily there is no virtue of any sort in the knowledge which is devoid of comprehension. There is no virtue of any sort in the recitation of the verses of the Qur'an which is devoid of understanding of their thought power. Lo, there is no virtue of any sort in the devotedness and prayers which are devoid of deliberation and meditation. (Al Kafi ,1998, p. 90)

It is important to highlight that the close disciples of the Imams believed that their guides were infallible and would have therefore followed their orders without requiring rational demonstration. Yet the Imams emphasized the importance of reasoning because there is an intrinsic value in the fact of understanding religious commands. There are, however, also instrumental values behind this emphasis, such as the capacity for individuals to derive conclusions based on their knowledge in the absence of the Imam. More importantly, from a social and political point of view, given that the Imams were not recognized as legitimate leaders by the majority of Muslims, they had to prove their point using the universal tool of reason. If people would not follow their advice based on their belief in the imamate of the twelve Imams, then maybe they would follow them based on their reasoning capabilities. As Hamid Mavani explains, the Imams trained their disciples in the use of different forms of reasonable argumentation, and he gives some examples from *ahadith* related to Imam Jafar as Sadiq (the sixth Imam) and his followers. According to Mavani, "Imam Sadiq's general endorsement of the rational style of discourse is noteworthy and indicative that future Imami theologians drew from this corpus of hadith literature to formulate and systematically institutionalize the interrelationship and interdependence between reason and revelation" (Mavani, 2013, p. 83). It is therefore no surprise that logic has become one of the main subjects taught in *Jafari* seminaries (*hawza*).

Of course, the fact that the Shia Imams were always under some kind of threat complicated their work, and their disciples could not always engage in public debates. Underground argumentative deliberations therefore created small spaces of deliberation within the Islamic civil society of their times, and this practice has continued until recent times. Even in highly oppressive anti-Shia states such as Saudi Arabia, Shia places of commemoration are still used to discuss a variety of issues from purely theological discussions to social and political debates (Matthiesen, 2015).

The use of reason in Islam is closely related to the concept of *itjtihad*, which can loosely be translated as independent (legal) reasoning. More precisely, *itjtihad* refers to the discipline of deriving Islamic rulings from Islamic sources (the *Koran* and narrations from the Prophet and twelve Imams in the case of Shi'ism) by using proper methodologies (involving logic and analogies) (al Sadr, 2014). With the "occultation" of the Twelfth Imam and no direct access to an infallible leader, the debate over *itjtihad* became a factor of division among Shias. On the one hand, the scripturalists, known as the *akhbaris* emphasized the primacy of scriptures for the guidance of Shia communities. Religious scholars would, in such cases, play a minor role in the life of the believers since anyone with basic reading skills would be qualified to understand the Islamic commands established in the narrations. Rationalists, known as the *usulis*, on the other hand, emphasized the importance of using the human intellect as an extra source of guidance when scriptures do not offer a clear indicator as to the legal status of particular aspects of Islamic law.[16] The complexity related to our current modern lifestyle (new technologies and globalization, for example) has increased the cases in which doubt concerning Islamic rulings arises.

Usuli scholars prevailed over the *akhbaris* and now have a near-monopoly over the intellectual landscape of Shia Islam. The *usuli* victory is usually presented as an intellectual one, but political influences also played a role as *usulis* received backing from different rulers throughout history. *Akhbaris* currently represent a very small minority among the Shias, and some of them currently live in eastern Saudi Arabia, the birthplace of *Akhbari* thinking.

One of the results of this *usuli* victory is of direct relevance to this article's topic: Because *usulis* emphasize the use of reason, it gave birth to a hierarchical clergy system, the *marja'iyyah*, and increased the socio-political influence of Shia clerics on society (Heern, 2014). Indeed, since an elite group of scholars came to be considered as the only ones qualified to interpret Islamic Law, they became an important part of Shia Islamic society. If, on the one hand, the majority of *usulis* reduced the scope of this influence and considered *ulema* as public servants and advisers only (Rahimi, 2012), *usulism*, on the other hand, can also be considered as responsible for the

[16] For a good, concise exposition of the Usuli/Akhbari dispute, see Newman, 1992.

development of theocratic political models such as Iran's since reason instead of narrations is used to justify the political system. It could further be argued that because of the *marja'iyyah* and the *taqlid*[17] system related to it, the permissibility of the use of reason has been reduced to scholarly circles while lay Shia Muslim men and women are expected to emulate a *marja* in all religious matters without reasoning for themselves, therefore downplaying the emphasis on the use of reason by all believers commended by the Prophet and twelve Imams.

Shia narrations emphasize the use of reason and deliberation over theological matters. However, as many Shia scholars have argued, the use of reason over political matters is also an imperative. Two main reasons support this argument. First, the political sphere deals with issues of justice and fairness between people. Such concepts are embedded within Islamic theology (although the content of these concepts may vary widely amongst the different Islamic schools of thought) and separating metaphysical issues from social issues would contradict Islamic doctrine. Second, from a purely *Jafari* perspective, the absence of the twelve Imam obliges the Shias to organize social and political life on their own. Reason is the only tool available to them to design a political system which embodies the ideals of justice and fairness which form the legacy of the Imams. The absence of the Imam is not a reason to leave political decisions in the hands of incompetent, self-interested or tyrannical leaders, because a political system, imperfect as it can be when organized by fallible people, still ought to deliver the best social services for its population. I therefore suggest that the period of "occultation" provides the potential for political creativity among *Jafari* Muslims. Ever since the 1979 Iranian revolution, such creativity has been obscured by the over-visibility of the Iranian model of government and a tendency to involve clerics directly in politics.[18] The next section will attempt to question the validity of the Iranian model of governance from a Shia perspective.

Towards a Post-*Wilayat-ul-Faqih* Theory

The 1979 Iranian revolution changed Shia politics dramatically. While Shia *Ulamas* had until then mainly remained away from direct involvement in politics, Ayatollah Khomeini elaborated his own political doctrine: the rule of the jurisprudent (*Wilayat-ul-Faqih*).[19] While there are different variations on

[17] The concept of *taqlid* stipulates that lay believers need to emulate the most knowledgeable scholar alive (a *marja*). Some scholars go as far as saying that one's religious actions are not valid if the believer does not do *taqlid*.

[18] The recent involvement of Ayatollah Sistani in the democratization of post-Saddam Iraq represents a counter-example to the Iranian model (Visser, 2006).

[19] Such doctrine first appeared in the writings of Mulla Ahmad Naraqi.

that doctrine, Khomeini's version (especially towards the end of his life) is the most absolutist one. Khomeini theorized a maximalist version of political involvement by the clerics, whereby the jurisprudent (*Faqih*) becomes the highest political authority and not just an external advisor as had usually been the case. The doctrine of *Wilayat-ul-Faqih* therefore posits that clerics should be directly involved in politics, establish an Islamic state and implement Islamic law (Mavani, 2013, pp. 178-210).

It would seem that for Khomeini, the government became an end in itself instead of a means towards an end as he argued that the government was a primary injunction of Islam and therefore had priority over secondary injunctions such as prayer or fasting (Khomeini, 1980, pp. 82-83; Kadivar 2011, pp. 474-476). This is also in contradiction with the traditionalist non-confrontational clerical stance on politics, which maintained that in the absence of the Twelfth Imam, any type of government was legitimate as long as it did not obstruct Shias' efforts to practice their religion and did not claim to establish an Islamic State.[20] Khomeini went as far as declaring that the Jurisprudent-head of state could bypass religious rulings if he judged it necessary for the greatest good of the nation (Mavani, 2013, p. 142).

A number of points of history are important to understanding Khomeini's innovation. First, Khomeini was foremost known as a philosopher and mystic (Mavani, 2013, pp. 178-179), and in Islamic philosophy these two practices often overlap (Corbin, 1964). Khomeini was influenced by Ibn Arabi's Neoplatonic writings (and their appropriation by Shia philosopher Mulla Sadra (1571-1640)). Ibn Arabi argued that mystics can have direct access to the Truth (*al Haqq*, which is synonymous with God in Sufism) through their spiritual practices (Chittick, 1989). As Mavani explains, Khomeini writes that "a person who has annihilated himself in the Lord has, in actuality, dissolved himself in God's essence and attributes to such an extent that friendship (*Khulla*) with him constitutes friendship with God" (Mavani, 2013, pp. 179-180). This means that the Islamic Republic of Iran resembles Plato's republic with the *Faqih* in the role of the philosopher-king who emerged from the cave and had access to higher realms of truth (Nasr, 2007, p. 126). Second, Khomeini was a political activist and revolutionary and, along with the influential Sorbonne-educated sociologist Ali Shariati,[21] emphasized *some*

[20] There were many ambiguities in the writings of Shia scholars throughout history as to what constitutes a legitimate form of government. These ambiguities might stem partly from the political pressures they experienced from both Sunni and Shia rulers. One common distinction established by these scholars is the differentiation between "just" and "unjust" rulers, but the definition of what constitute "justice" is rarely theorized and only relates loosely to the vague Koranic injunction (3:104, 110) to enjoin good and forbid evil (Sachedina, 1988).

[21] Shariati developed a quasi-Marxist version of Shia Islam, what he called "Red Shiism." In his pamphlet "Red Shiism," he stated, for example, that "Shi'ites turn their backs on the opulent mosques and magnificent palaces of the caliphs of Islam and turn to the lonely, mud

aspects of Shiism such as martyrdom and social justice for the oppressed in order to justify his political views. This revolutionary ideology also meant that he believed in a pan-Islamic revolutionary unity and therefore downplayed Shia-Sunni differences. This explains Iran's support for extremist Sunni groups (which are hostile to Shias) such as Hamas in Palestine or even the creation of Hezbollah (to fight for the Palestinian cause), which led to intra-sectarian conflict between Shias in Lebanon, where the much more secular Amal movement used to be the main Shia political force (Siklawi, 2012).[22] Some authors therefore argue that the Islamic revolution in Iran was not a Shia phenomenon but instead began a process of Sunnification of Shiism whereby the importance of some Shia practices and beliefs are downplayed while some Sunni doctrines are incorporated (Mavani ,2013, p. 21; Nasr, 2007, p. 58).

Other Shia clerics have designed other, less absolutist, Islamist theories. For example, Ayatollah Muhammad Baqir al Sadr, renowned for his engagement with modern Western philosophy as well as his works on Islamic economics and logic, devised a theory of "Islamic Democracy" which established a constitutional democracy with checks and balances between Islamic laws and the clergy on the one hand and the people's will on the other (Al-Rikabi, 2012). Muhammad Mahdi Shamsuddin also advocated for a form of pluralist Islamic democracy which differs greatly from the Iranian doctrine since, according to him, the goal of Islam "is to reform human beings and society, and thus establishing a state should not be construed as an end in itself or sanctified (*muqaddas*) as such, because it is the people and the community (*Umma*) who are the point of focus and attention" (Mavani, 2013). One key issue with these theories of Islamic democracy is that the relationship between the shariah and the people's will is undertheorized. Given the geographical and chronological context of these writings, I assume that these scholars saw a direct, almost natural, link between the two. In the current situation, however, such a link is far from obvious.

In summary, we could oppose a traditional Shia conservatism/quietism to a modern Shia fundamentalism/activism (with some theories situated between these two poles). This differentiation could be illustrated by the animosity between Ayatollah al-Khoei, one of the highest-ranking and most prominent religious authorities of his time, and Ayatollah Khomeini when Khomeini was giving his lectures on *Wilayat-ul-Faqih* in Najaf, al-Khoei's city, during the 1970s. Ayatollah al-Khoei (and his successor in Najaf, Ayatollah Ali al

house of Fatima. Shi'ites, who represent the oppressed, justice-seeking class in the caliphate system, find, in this house, whatever and whoever they have been seeking" (Shariati, 1980, p.8).

[22] Interview with Shady Alkhayer, the Institute of Middle Eastern Studies at King's College London: "Shia versus Shia: The Amal-Hizbullah Divide." Retrieved October 18, 2016, from https://conflictcauses.wordpress.com/2015/12/23/shia-versus-shia-the-amal-hizbullah-divide-an-interview-with-shady-alkhayer/

Sistani, mentioned earlier), argued that there was no theological proof for the validity of Khomeini's doctrine (Nasr, 2007).

The paradox arising from the Iranian experience is that using philosophy and western concepts while downplaying sectarian differences has created a highly authoritarian regime, while adhering instead to a strict conservatism and Shia scriptures might have prevented such regime. Strict adherence to Shia scriptures does not prohibit theorizing about just government or from involvement in politics. Such strict adherence would stress that in the absence of an infallible leader, governments should not be ruled by clerics, because such clerics would then usurp the role of the Imam (Sachedina, 1988, p. 89). (This was exactly the criticism the Shias made of the first Sunni caliphs.) They should also be open to criticism and should promote the material, mental and spiritual well-being of the citizens. In the rest of this article, I will argue that deliberative democracy is the best system of governance to promote these political ideals and is consistent with the *Jafari* emphasis on the value of rational argumentation.

The Ideal of Deliberative Democracy in Deeply Divided Societies

First, I should mention that deliberative democracy should not be confused with direct democracy or civic republicanism and is compatible with representative democracy. Deliberative democracy does, however, increase dramatically citizens' participation in decision-making processes and requires them to engage in argumentative debates. While deliberative democracy does require radical changes in the political structures of our current societies, it does not embrace the idea of replicating Athenian-style democracy in our contemporary world, whereby all citizens would be compelled to engage in political discussion (Gutmann & Thompson, 2000, p. 177).

Mansbridge et al. (2012) describe a deliberative system as follows:

> A *deliberative* system is one that encompasses a talk-based approach to political conflict and problem-solving — through arguing, demonstrating, expressing, and persuading. In a good deliberative system, persuasion that raises relevant considerations should replace suppression, oppression, and thoughtless neglect. Normatively, a systemic approach means that the system should be judged as a whole in addition to the parts being judged independently. We need to ask not only what good deliberation would be both in general and in particular settings, but also what a good deliberative system would entail. (pp. 4-5)

According to them, "the ideal of a deliberative system, then, is a loosely coupled group of institutions and practices that together perform the three functions we have identified — seeking truth, establishing mutual respect, and generating inclusive, egalitarian decision-making" (Mansbridge et al., 2012, p.

5). Deliberative democracy performs three main functions: epistemic, ethical and democratic. The epistemic function (seeking truth) depends on the proper functioning of the deliberative system. In such systems, the participants need to justify their positions by providing reasoned arguments, so that, in Habermas' words, "no force except that of the better argument is exercised" (Habermas, 1975, p. 108). Participants need to nurture these reasoned capacities, and education plays an important role in the well-functioning deliberative society. Of course, it is not reasonable to expect all participants to make informed decisions and to argue their views in all fields of life. A deliberative system, therefore, has to rely on experts at different levels (Mansbridge et al., 2012). Yet, as Mansbridge et al. (2012) argue: "delegation to experts can promote citizens' ignorance, with highly negative consequences for the deliberative system as a whole. In addition, experts themselves can be biased. The world in which they communicate can be deeply self-referential" (p. 14). Delegation to experts can also undermine the expected mutual respect arising from deliberation between equals and the democratic dimension understood as the rule by the people. A systemic approach to deliberative democracy sets in place checks and balances at the different levels of decision-making. This means that experts would be subject to deliberative processes between their peers but would also be evaluated by other spheres of deliberation, which would hold the experts accountable.

The ethical function of deliberative democracy relates to the ideal of mutual respect embedded within a deliberative system. Gutmann and Thompson (2000) relate mutual respect to the notion of reciprocity, which is a key element of deliberative democracy. However, such an ideal can only arise if "members recognize one another as having deliberative capacities" (Cohen, 2009, pp. 22-23). Deliberative democracy is therefore founded on the premise of radical equality between citizens understood as rational agents capable of argumentation. I suggest that the relation between deliberative democracy and mutual respect should be understood in dynamic terms: The presumption of equality works as a foundation, but the process of deliberation itself can demonstrate this fundamental equality and therefore reinforce the mutual respect which is just formal at the beginning of the process.[23] The ethical dimension of deliberative democracy is therefore closely related to intersubjective relations of recognition.

The democratic function (egalitarian decision-making) relates to the ethical and epistemic functions. If citizens recognize one another as having deliberative capacities and the only legitimate coercive force is the force of "the better argument," anyone has the capacity to play a key role in the decision-making process. Unlike most contemporary political systems, where wealth and status are key factors to increase one's decision-making power, a

[23] For the idea of demonstrating equality, see Rancière, 1998.

deliberative system would be solely based on the capacity to offer legitimate arguments. Such a system would be democratic if it was embedded in a relatively egalitarian society where access to education and basic material needs were guaranteed equally to all citizens.

Another key dimension of deliberative democracy is its impact on subjectivities. As Joshua Cohen argues, such a system will "shape the content of preferences and convictions as well." Indeed, "assuming a commitment to deliberative justification, the discovery that I can offer no persuasive reasons on behalf of a proposal of mine may transform the preferences that motivate the proposal" (Cohen, 2009, p. 26). This means that participants committed to a deliberative process need to be ready to reassess their ethical and political views if compelled by the burden of evidence. But how can we expect such an attitude in our current pluralist societies, especially if "political disputes often express in various ways theoretical disagreements and deep conflicts among moral principles" (Gutmann & Thompson, 2000, p. 164)?

John Dryzek (2005) argues that such a deliberative system is particularly useful in divided societies which are "defined by mutually contradictory assertions of identity" (p. 46). In such societies, the affirmation of certain group identities can happen when other identities are marginalized or even suppressed, and the disrespect expressed for these identities may lead to various forms of political action. Basing his analysis on historical and sociological work, Axel Honneth argues that the feelings of social contempt experienced by individuals with marginalized identities represent the main motivational basis for struggles for recognition to take place (Honneth, 1996; 2007).[24] In deeply divided societies, however, the risk that these struggles will turn violent and agonistic is increased[25], and political alternatives such as agonistic and consociational democracy could further deepen the conflicts between different groups. According to Dryzek, deliberative democracy can avoid the politically sterile ongoing clash of positions of agonistic democracy and the political "analgesia" induced by consociational democracy. His attack on consociationalism as being responsible for the exacerbation of conflicts by removing contentious debates from the public sphere altogether and segmenting society is particularly relevant for the case study at stake here (Shias in deeply divided societies) since consociationalism can be blamed to a certain extent for the current failure of Iraq's political system (Younis, 2011).

[24] Honneth argues that struggles for recognition are always carried out because of these feelings of disrespect even when they outwardly appear to be struggles for wealth redistribution.

[25] On agonistic struggles *of* recognition, see Renault, 2007.

The Benefits of a Deliberative Democracy from a *Jafari* Perspective

This article began by quoting Sass and Dryzek. They argue that "culture meets deliberation where publicly accessible meanings, symbols, and norms shape the way political actors engage one another in discourse" (Sass & Dryzek, 2014, p. 21). This last section underlines some general intrinsic benefits inherent to a deliberative system from a *Jafari* perspective in order to re-emphasize the idea that "publicly accessible meanings, symbols and norms" are available within the *Jafari* doctrine. By intrinsic benefits I mean aspects of deliberative democracy which are valuable as such independently of their outcome. These relate to the three main functions highlighted by Mansbridge et al.: epistemic, ethical and democratic.

Since, in Imam Hussain's words, "acquiring knowledge is mandatory" (Al-Kafi, 1998, p. 74), the epistemic value of deliberative democracy has intrinsic worth. Even if experts still play a role in a political system informed by deliberative principles, the fact that citizens' input in decision-making processes (and that entails assessing experts' claims) is higher because of the participatory nature of deliberative democracy and that citizens would have to prove their competencies as deliberative agents would nurture the development of well-informed critical citizens. This would fulfill the epistemic value of deliberative democracy at an individual level. Deliberative democracy requires the participants to increase their knowledge of a particular topic. For marginalized minorities, the act of entering into rational debates, justifying the validity of their identities and proving their worth as rational agents and qualified members of the polity would fulfil their sense of self-esteem and offer the possibility of genuine recognition (Forst, 2007) much more than the formal recognition offered by the differentiated rights policies put forward by proponents of liberal multiculturalism. In the case of Shia Muslims, one of the advantages of such system would be to prove the Islamic validity of their doctrine to those who portray them as "rejectionists" and heretics.

The collegial approach to inquiries and problem-solving promoted by deliberative democracy would also have the effect of increasing overall knowledge and therefore fulfilling the epistemic dimension of deliberative democracy at the collective level. This is particularly true with a systemic approach to deliberative democracy because the interconnections and exchanges between different spheres of deliberation each offer a particular type of expertise or set of qualities and functions.

Since the *Koran* promotes dialogue between culturally diverse people (see, for example, *Koran* 49:13) and a kind attitude towards others (see, for example, *Koran* 16:125), the ethical value of deliberative democracy is also intrinsically valuable. Mutual respect regardless of race or creed was emphasized by Imam Ali when he stated that people "are of two kinds: either your brethren in

religion or your likes in creation" (Ali Ibn Abi Talib, 2009). A political system which nurtures this quality is therefore implementing Islamic values. Furthermore, since Islam does not recognize the validity of social or political privileges granted by birth, the democratic function of deliberative society also relates to Islamic ideals. Indeed, in a deliberative democratic system, the social recognition of one's value and social standing solely depend on one's deliberative qualities and hard work for the community. By equalizing chances, deliberative democracy emphasizes the egalitarian dimension of Islamic social life.

These ideals are still actively promoted today among many Shia scholars. For example, in a letter addressed to the youth, Ayatollah Ali al-Sistani encouraged them to "adopt a good character, for it is the amalgamation of numerous virtues, such as wisdom, prudence, kindness, humility, foresight, clemency, patience etc." He also exhorted the youth to try to:

> Become a professional and acquire a specialization, and striving and exerting oneself to this end, for indeed there is a lot of blessing in this. One should then spend part of his time working to earn that which he may spend on himself and his family, and then use it to benefit the society and utilize it in charitable works as well as to gain further experience, which will refine his mind and increase his expertise.

Sistani further added: "every individual should devote himself to his profession and specialization until he becomes an expert."[26] Ayatollah Sistani's letter to the youth emphasizes the type of behavior necessary for deliberative democracy to function to its full potential.

I will now give a brief overview of the instrumental benefits of deliberative democracy for the Shias in the Middle East and the West.

In the Middle East

The Islamic world is currently undergoing a surge in sectarian tensions and violence. Shias and other religious minorities are the main victims of this phenomenon. Their current marginalization and suffering very probably arise from the un-democratic and illiberal political systems of most of the region's states. Thus, before talking about deliberative democracy in the region, political theorists should focus on human rights, demilitarization and increased democratization. Yet I suggest that democratization (understood in lay terms), as such, will not solve the sectarian issues of the Middle East and could even, if handled badly, worsen the situation. Indeed, consociational democracy has not yielded peaceful coexistence between communities but has instead

[26] Grand Ayatollah Ali al-Sistani, "Advice from al-Sayyid Ali al-Sistani for the Believing Youth." Retrieved from http://www.islamicinsights.com/religion/advice-from-al-sayyid-ali-al-sistani-for-the-believing-youth.html on June 9, 2016.

fostered sectarian conflicts in Lebanon and Iraq. This is because such systems erect walls between communities, which then compete for increased power over the political system. Consociational democracy and the electoral quota system attached to it have fostered the rise of "identity entrepreneurs" (Matthiesen, 2013) in the region who thrive on sectarian divisions.

I argue that a deliberative system would downplay these tensions because deliberative democracy increases cooperation by focusing on reciprocity, mutual respect and the quest for a common ground. By common ground I do not mean the elaboration of an over-arching first-order theory which would dissolve moral disagreements (Gutmann & Thompson, 2000). Instead, I mean the ongoing process of finding reasons "that make the proposal acceptable to others who cannot be expected to regard my preferences as sufficient reasons for agreeing" (Cohen, 2009, p. 26).

From a Shia perspective, there would be an additional advantage to a system emphasizing deliberations in order to "seek the truth." Most of the anti-Shia propaganda in the Middle East is currently based on false statements about their belief system and identity.[27] These false statements are used politically to vilify Shias, who are portrayed as a threat to national unity because of their sectarian differences and presumed allegiance to Iran (Shias are often described as Safavids in Gulf countries) (Matthiesen, 2013). The freedom of speech and open, non-restricted, access to information that characterize democratic and liberal societies, coupled with the argumentative and verbal exchanges inherent to deliberative systems, would increase Sunni exposure to Shia beliefs from Shias themselves and not through the deforming lens of critics. The Islamic legitimacy of their doctrine would therefore become clear, and their treatment as second-class citizens in many countries would therefore diminish. I suggest that this epistemic value combined with democratic value would create a mutually reinforcing phenomenon which would improve Shia's visibility and legitimacy in the region.

One could raise doubts about the viability of a system which seeks to bring moral opponents into deliberative forums to engage in a clash of ideas in a region plagued by fanatics and harsh, unreasoned, sectarian rhetoric because "once the moral sensibilities of citizens and officials are engaged, they may be less willing to compromise." Openness itself creates vulnerabilities: "once the forum admits reasonable moral claims, it cannot easily exclude the unreasonable ones" (Gutmann & Thompson, 1995, p.106).

No doubt this represents a challenge for deliberative democracy and raises potential risks. However, as Gutmann and Thompson (1995) explain, "it should be clear that no political process can avoid them completely, but more

[27] One such gross misrecognition of Shia identity is reported by Matthiesen (2013, p. 83). A Riyadh official told him about Shias who, during Ashura, the commemoration of Imam Hussain's martyrdom, "at midnight they switch off the lights and have group sex!"

widespread deliberation is likely to decrease them." This is because, "moral argument can arouse moral fanatics, but it also combats their claims on their own terms" (p.106). Furthermore, exclusion from deliberation would legitimize the claims of extremists, reinforcing the marginalization/victimhood on which extremism feeds. Moral fanatics pose a threat to the proper functioning of a deliberative system and to politics in general. Deliberative democracy is probably the best answer to such phenomena since it gives the opportunity to expose fallacies within deficient discourses. It could also expose some valid grievances advanced by extremist groups. Whether or not moral fanatics would be willing to engage in the process is an altogether different matter.

In the West

Shias in the West tend to suffer from a double prejudice: misrecognition as Muslims by non-Muslims and misrecognition as non-Muslims (or deviant Muslims) by Muslims.[28] They therefore experience Islamophobia as much as other Muslims but also have to deal with negative stereotyping from within the Islamic communities. Ironically, Islamophobia relates to a fear of Islam linked to the current wave of extremism and terrorist attacks carried out by Sunni extremists, but Shia communities themselves suffer much more severe casualties from Sunni extremism than the West taken as a whole. Deliberative democracy could, however, change this condition of misrecognition, as Shias would be given the possibility to assert their difference from Sunni extremists to the host societies. By sharing the qualities of their role models (justice, fairness, tolerance, kindness, reason) with their host societies and using these examples to engage in political practices which benefit society as a whole, they would avoid the negative stereotypes which would assimilate them to currents of Islam which do not even recognize them as Muslims.

Of course, Western societies would benefit from deliberative democracy regardless of their relations to Muslim communities. I suggest, however, that the system outlined in this article would also appease the current ethno-cultural tensions which are widely believed to be one of the major challenge facing Western democracies at the moment. One issue should nevertheless be avoided in this new dialogue: the tendency for Western democracies to "domesticate" and "liberalize" Islam (Massad, 2016). Such tendency replicates the misrecognition of Islamic identity that creates tensions and impedes the reciprocity necessary for deliberative democracy to function. My point is not to argue that Islamic values, even *Jafari* ones, will mimic Western concepts and moral values in every aspect. Deep clashes over moral values are unavoidable in a pluralistic world. But the goal of deliberative democracy is to

[28] On the philosophical concept of misrecognition, see Honneth, 1996.

handle these differences, not to suppress them, while allowing diverse people to reach common agreements.

Conclusion

In this article, I offered a brief overview of the Shias' historical and theological background and, in particular, emphasized the issues of political authority and the use of reason in Shia scriptures. I then discussed the debates over the legitimacy of the Iranian system of governance among Shia scholars and argued for a political system informed by a deliberative democracy framework. I concluded by showing the intrinsic and instrumental benefits inherent to a deliberative democracy from a Shia perspective both in Middle Eastern and Western societies. Overall, I argued that Shia theology offers many resources justifying deliberative practices.

Some key questions remain, nonetheless, unanswered because they deserve more space than was available in this paper. While questions about the practicality of deliberative democracy are addressed elsewhere, I offer here two main questions related to a *Jafari*-motivated deliberative system. First, given the theological basis of the claims made in this article, it would be necessary to clarify the role played by clerics in a deliberative system motivated by Shia conceptions of the good life. Second, it would be necessary to find mechanisms which would reconcile such a system based on "openness to persuasion by critical argument" with the fact that such a view might well be rejected by many religious groups and individuals (both within Islamic and non-Islamic religious traditions) (Dryzek, 2006, p. 47).

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