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A Shiite Clerical View of Other Religions and the Lebanese Nation-State: Muḥammad Jawād Maghniyah (1904-1979)

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This paper presents the discourse about the religious Other of an influential cleric of the twentieth century, Muḥammad Jawād Maghniyah. Born to a scholarly family in the Shiite-populated region of southern Lebanon known as Jabal ʻĀmil, Maghniyah completed a decade of study in the seminary town of Najaf in Iraq and began his career as a village priest after his return to Lebanon in 1936. He subsequently rose to the position of chief judge in the Shiite courts, while becoming an unusually prolific writer. Maghniyahʻs writings include not only learned books in a traditional style on law and Quranic exegesis, but also numerous shorter works in a more popular style aimed at a wider audience, along with opinion pieces contributed to journals, newspapers and magazines. Maghniyah was a reformist; he believed passionately that Islam, and particularly Shiite Islam, was meant to keep pace with modernity and deliver social justice. He was also a political activist; his dismissal from the Justice Ministry in 1956 may have been occasioned by his speaking against Lebanese participation in the pro-Western Baghdad Pact, refusing to cooperate with a leading Shiite parliamentarian, or writing a newspaper editorial against capitalism and "feudalism" (*iqṭāʻ*), a reference to the Lebanese system in which hereditary strongmen (*zaʻīm*s) from the various confessional groups hold political power through a corrupt system of clientelism.[1]

Maghniyahʻs concern with the status of non-Shiites and non-Muslims was informed by both these stances, but above all by his desire to find a place for the poor and oppressed Shiʻah in the Lebanese nation-state. Gaining social justice and equality for the Shiʻah necessitated establishing a religiously-justified basis for cooperation with other communities. What attitude should be taken in such a situation toward non-Shiites and non-Muslims, and how is it possible to reconcile a multi-confessional nation-state with Islam? It is questions such as these inpire Maghniyah's most innovative thought.

How to square relations with Sunnis and Christians in the frame of a nation-state with commitment to Islam has been a question at once compelling and thorny for Lebanese Shiite clerics overall. As Sabrina Mervin says, "In multi-confessional Lebanese society, the question of 'the Other' is a recurring theme, with most ulema positioning themselves through their

[1] See Karl-Heinrich Göbel, *Moderne Schiitische Politik und Staatsidee nach Tauftq al-Fukaikī, Muḥammad Ǧawād Muġnīya, Rūḥallāh Ḫumainī (Khomeyni)* (Opladen: Leske und Budrich, 1984), 81-83.

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writings or actions on the issues of rapprochement with Sunnis and the need for Muslim-Christian dialogue".[2] Thus Mūsā al-Ṣadr (d. circa 1978), who founded the Supreme Shiite Islamic Council in 1967, participated in conferences promoting unity with Sunnis, while also demonstrating amity with Christians by actions such as delivering homilies in Lebanese churches and visiting the Pope.[3] Muḥammad Mahdī Shams al-Dīn (d. 2001), who headed the Supreme Islamic Shiite Council after Ṣadr, was moved to craft a political model that privileges the nation-state and even values non-Islamic civil government partly by the impossibility of Sunnis and Shiites accepting each others' ideas of religious government and Christians submitting to Muslim rule.[4] Muḥammad Ḥusayn Faḍlallāh (d. 2010), the Lebanese claimant to the title of Ayatollah who was favoured by the adherents of Hizbollah before a falling-out with the leadership of Iran, was known for advocating rapprochement with Sunnis.[5] Despite his insistence on an Islamic state, Faḍlallāh also refers frequently in his writings and speeches to "dialogue" (*ḥiwār*) between religions.[6] Muḥammad Jawād Maghniyah, whose life spanned the emergence of the state of Lebanon in the 1920s and awakening of Shiite political consciousness during the 1975-90 Civil War, is a pioneer in this thought.

RAPPROCHEMENT WITH SUNNISM

Maghniyah was one of the few active Shiite members of the Cairo-based initiative for rapprochement (*taqrīb*) between Sunnis and Shiites, persisting in his efforts even as it faltered and wound down. Brunner considers him a "central figure" in *taqrīb*.[7] Maghniyah's labour in the cause of rapprochement was no doubt motivated by a desire to have Shiism accepted by the Sunnite majority and to unite Islam in order to better enable it to face the West. But he also saw it as a way to improve the situation of his community. Betterment of the inferior position of Lebanese Shiites, to which Maghniyah was passionately dedicated, would certainly have been helped if Shiism had been accepted as religiously legitimate by the powerful Sunni community.

If one were to judge by how much Maghniyah wrote about any group, Sunnism would be by far his most significant Other. This is not surprising. Shiites have long been preoccupied

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[2] Sabrina Mervin, « Charisme et distinction : l'élite religieuse chiite », in *Leaders et partisans au Liban*, ed. Franck Mermier and Sabrina Mervin (Paris, Karthala IFPO-IISMM, Paris, 2012), 326.

[3] Fouad Ajami, *The Vanished Imam: Musa al Sadr and the Shia of Lebanon* (Ithaca: Cornell University Press, 2012), 126-8 and 101. Ṣadr does not fully lay out his vision of inter-religious relations in his relatively sparse literary output. Some broad propositions are expressed in Mūsā al-Ṣadr and Samar Abū Zayd, *Les religions au service de l'homme* [Beyrouth]; Paris: Albouraq, 2015.

[4] Farah W. Kawtharani, *Political Thought in Contemporary Shi'a Islam: Muhammad Mahdi Shams al-Din* (Cham: Springer International Publishing, Imprint Palgrave Macmillan. 2020), 108-110 and 12.

[5] See Nabil Hage Ali, "Islamic Ecumenism in the Early Political Thought of Muḥammad Ḥusayn Faḍlallāh", *Die Welt des Islams* 59 (Sep 2019), 3-4: 339-359.

[6] See, for instance, *al-Ḥiwār fī al-Qur'ān* [Dialogue in the Qur'an] (Beirut: Dār al-Malāk, 1417/1966) and *al-Ḥiwār bi-lā shurūṭ: tamarrud 'alā thaqāfat al-khawf* [Dialogue Without Conditions: Against the Culture of Fear] (Beirut: Dār al-Malāk, 1418/1998); these and other writings are available through http://arabic.bayynat.org/.

[7] Rainer Brunner, *Islamic Ecumenism in the 20th Century: The Azhar and Shiism between Rapprochement and Restraint* (Leiden: E.J. Brill, 2004), 4.

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with justifying themselves vis-à-vis the Sunnite majority. For Shiite scholars who regarded their religion as the only true Islam, this took the form of pure polemic. As Twelver Shiism emerged in the tenth century, some Twelver scholars began to deal with the problem of minority status differently, by shedding some of the more controversial parts of their tradition and representing Shiism, despite the significant differences remaining, as part of an overall normative Islam rather than the sworn enemy of a completely illegitimate Sunnism. Shiite modernists in the nineteenth century and forward employ essentially the same strategy, although they tone down or even disown more of the tenets of their faith that are contentious for Sunnis.

As a thorough modernist, Maghniyah also takes this approach. His writings on Sunnism are, in fact, similar to those of other Shiite modernists of the twentieth century who favoured rapprochement. In Lebanon in particular, he is the line of the illustrious reformist *mujtahid*, Muḥsin al-Amīn (1867-1952), who made rapprochement one of his principal causes. The themes and approaches described below are therefore not unique. Maghniyah's contribution to modern *taqrīb* is rather to fill in and expand on the outline established before him. It is apparently on the basis of this accomplishment that Muḥammad Mahdī Shams al-Dīn credits him with having done foundational work in reconciling the two schools of Islam.[8]

In 1936, while Maghniyah was yet an impoverished village priest in South Lebanon, the Najafī scholar ʻAbd al-Karīm al-Zanjānī was received in Egypt by the Al-Azhar Rector of the time, Muṣṭafā al-Marāghī. One of the fruits of their meeting, which invigorated modern rapprochement, was a re-conceptualization of the structure of Islam.[9] They began by identifying monotheism, prophecy, and the Last Day as the three "basic religious beliefs" (*uṣūl al-dīn*) uniting all Muslims.[10] Everything else, including the sensitive questions of the Imamate and Caliphate, would be consigned to the category of acceptable "school" differences, school (*madhhab*) being an obvious reference to the schools of Muslim law, which share a broad common tradition while openly allowing differences between them. This configuration had the virtue of taking the focus away from differences, or at least agreeing to disagree.

Maghniyah, who was aware of the proposal,[11] elaborated it in a manner that demonstrates willingness to be flexible for the sake of good relations. He lets go of some important articles of Shiite theology to avoid invalidating the faith of Sunnis. Most Shiite scholars say that in order for faith to be valid, it must be arrived at through speculative reason (*naẓar*) rather than simply "received" (*taqlīd*). Shiites also insist that the Prophet was inerrant (*maʻṣūm*) in all aspects of his life. Maghniyah remarks that the ban on *taqlīd* excludes only faith "that does not

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[8] Communicated by Shams al-Dīn in an interview with Sabrina Mervin in 1993 (see Mervin, *Une réformisme chiite. Ulémas et letters du Ǧabal ʻĀmil (actuel Liban-Sud) de la fin de l'Empire ottoman à l'indépendence du Liban* [Paris : Karthala, 2000]), 285. Mervin credits Maghniyah with "an original position on *taqrīb*" (ibid.), but does not explain further.

[9] Brunner, *Ecumenism*, 210-12.

[10] Muḥammad Rashīd Huwaydī, ed., *Ṣafḥah min riḥlat al-Imām al-Zanjānī wa-khuṭabihi fī al-aqṭār al-ʻArabīyah wa-al-ʻawāṣim al-Islāmīyah* (Najaf: Maṭbaʻat al-Ghazzī, 1366/1947), 46.

[11] Muḥsin al-Amīn had made a similar proposal, and Mervin notes that it was "adopted by the majority of adepts of taqrīb" (*Réformisme*, 289). Maghniyah wrote on Zanjānī's thought early in his career; see his "Falsafat al-Zanjānī", *ʻIrfān* 33/9 (July 1947), 998-1000.

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correspond to the truth" and says that it does not matter at all if a Muslim (meaning a Sunni) is convinced that the Prophet was inerrant only in matters having to do with religion, rather than in all affairs.[12] The concession on inerrancy is quite significant, since the Shiite belief that the Prophet was globally inerrant is the basis for asserting the same about the Imams, while the global inerrancy of the Imams is absolutely key to the argument for the Imamate.[13]

Maghniyah's approach to differences at the level of the *madhhab* or "schools" is two-fold. First, he denies the attribution to Shiism of certain beliefs. And second, he admits some differences, while trying to minimize them. A few examples will illustrate the spirit of his outreach to Sunnism.

Maghniyah is eager to dissociate Shiism from the *Ghulāt* ("Exaggerators"), who consider the Imams to be semi-divine. He is angry that the beliefs of the many *Ghulāt* sects, which existed, he notes, chiefly in the past,[14] are falsely attributed to the Twelvers, even though Twelvers do not consider the *Ghulāt* Muslims and have, he says, "no connection with Islam".[15] Rejection of so-called Exaggeration is an old theme in Twelver Shiism, dating to the tenth century when nascent Twelverism was defining itself partly against the *Ghulāt*. Attribution of such beliefs to Twelvers has been a favourite tactic of anti-Shiism ever since, a "tune played today exactly as it has been for a thousand years", Maghniyah remarks bitterly.[16] He is not addressing a mere academic debate. I have seen, anecdotally, that Exaggeration is part of the image among Sunnis of Shiites as heterodox, as well as among Lebanese Christians, who also tend to assume that Sunnism represents "orthodox" Islam. For instance, the idea attributed to the *Ghulāt* in the Islamic heresiographies that the Quran was sent to Ali instead of Muhammad continues to circulate widely.[17]

Two examples of Maghniyah's minimization of differences concern the Shiite practices of *taqiyah* (strategic dissimulation of one's faith) and *mut'ah* (marriage contracted for a limited term). Both have long been prime targets of Sunni critique. In modern times, they are among the best-known "deviant" features of Shiism, with *taqiyah* raising the suspicion that Shiite protestations of normativity conceal a host of oddities and *mut'ah* casting a lurid light on gender relations, always a particularly sensitive area of difference.

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[12] Maghniyah, *al-Jawāmi' wa-al-fawāriq bayn al-Sunnah wa-al-Shī'ah* (Beirut: Mu'assasat 'Izz al-Dīn, 1414/1994), 36. Truth = *al-wāqi'*, literally "reality".

[13] As Maghniyah himself notes: *Imāmat 'Alī bayn al-'aql wa-al-Qur'ān* (Beirut: Dār al-Kitāb al-Islāmī, 1426/2005), 91.

[14] *al-Shī 'ah fī al-mīzān* (Beirut: Dār al-Tiyār al-Jadīd, 1417/1996), 32.

[15] *al-Jawāmi ' wa-al-fawāriq*, 43. Other *Ghulāt* beliefs Maghniyah denies, like many Twelver scholars before him, are *badā'* (God's altering of His decree), *raj'ah* ("return" to life of allies and opponents of the Mahdi to do battle before the final messianic events), the *Jafr* and *Muṣḥaf* of Fāṭimah (mysterious hidden texts) and Sunni alteration of the Quran; see ibid., 298 ff.

[16] *Imāmat 'Alī*, 140.

[17] See, for instance, Raya Shokatfard, "Egyptians' Perception of the Shias and the Role of Media (master's thesis, American University of Cairo, 2007) http://dar.aucegypt.edu/bitstream/handle/10526/3410/Raya%27s%20Thesis%20with%20Charts.pdf?sequence=3. The mediaeval heresiographers attribute this belief to a sect of the Ghulāt they call Ghurābiyah; see Baghdadi, *al-Farq bayn al-firaq* (Beirut: Dār al-Jīl, 1408/1987), 237-9.

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Maghniyah's response to Sunni critique of *taqiyah* is to portray it as response to historical conditions, rather than a principle and steady practice of Shiism. Shiites, he says, resort to *taqiyah* only "to the extent necessary" when people who are "extremely fanatical" threaten to "insult and harm" them because their beliefs and practices are not close to their own. This is why there is less *taqiyah* in modern times when Shiites have less to fear, and none at all in Shiite-majority countries. Sunnism, he points out, also accepts *taqiyah,* most famously in relation to the case of Yāsir ibn 'Ammār, who dissembled his faith when facing torture during the time of persecution in Mecca. Like other advocates of rapprochement, Maghniyah attempts to normalize Shiism by arguing that many of its beliefs are also found in Sunnism. This strategy involves taking a kind of superior attitude by showing oneself to be more aware of Sunni sources than Sunnis themselves, and so Maghniyah seals his argument with copious citations that demonstrate his mastery of the Sunni tradition.

Maghniyah's basic argument about *taqiyah* (one that seems to be original to him) is that it is a part of natural human life and behaviour. It is a "rational" response to certain conditions. This, he says, is why it has been discussed also by Muslim ethicists (*falāsifah wa-'ulamā' al-akhlāq*), as well as before and after the advent of Islam in both East and West, and why it is sanctioned by both religious and positive laws and widely used in politics throughout the world. Shiite *taqiyah* is only one way of "practising and expressing" this reality of human life.[18]

As for limited-term marriage (*mut'ah*), it is not what the "ignorance" of Sunnites has led them to believe, for instance, that it is basically fornication. Since there are plenty of Sunnite texts that show that *mut'ah* was accepted by Sunnis before the second caliph 'Umar forbade it, the disagreement of the two groups boils down to the matter (a technical rather than moral one, it is implied) of the correctness of Umar's cancellation of this particular legal precept. Maghniyah actually inches toward neutralizing *mut'ah* by citing classical authorities who say that *mut'ah* wives count toward the allowed four, rather than men being able to contract as many *mut'ah*s as they like.[19]

Maghniyah's posture and rhetoric in these two examples are characteristic of him and, I think, Shiite scholars in general in their responses to Sunni talk about Shiism. He attributes Sunni-Shiite conflict to misunderstanding, lies or simple "ignorance" born of intellectual laziness or "fanaticism" (*jahl* and *ta'aṣṣub*, two of his favourite words). He pretends to be amazed at what Sunni scholars write or actually say to him in the encounters he likes to describe. Is it not "exceedingly strange" for a scholar to question a definition of *taqiyah* based squarely on the Quran and Sunnah, and do Sunnis know so little of history that they are unaware that Shiites were forced to conceal their faith during the reign of the Umayyad caliph Mu'āwiyah because of "torture and terror"? [20] The tone is one of patient instruction punctuated by exasperation, with Maghniyah's knowledge of Sunni sources providing a bracing contrast to the cluelessness of his opposites.

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[18] *al-Jawāmi ' wa-al-fawāriq*, 222-230. See also Maghniyah's *al-Tafsīr al-Kāshif*, 7 vols. (Qum: Dār al-Kitāb al-Islāmī, 1424/2005), II, 43.

[19] *al-Jawāmi' wa-al-fawāriq*, 232-246.

[20] *al-Jawāmi' wa-al-fawāriq*, 226 & 230.

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Maghniyah also tries to bring Shiism closer to Sunnism by adjusting the meaning of inerrancy. Being *ma'ṣūm*, he says, means simply that one has reached a degree of piety that puts them beyond sin and error and a level of knowledge that allows them to rule and guide faultlessly. He invokes the non-technical meaning of *ma'ṣūm*, which simply means "shielded" from error, to claim that the Imams are "human like any other person, and no different in their nature". Humanization of the Imams allows him in turn to make the extraordinary claim that differences between Shiites and other Muslims about imams, (here in the generic sense of leaders) boil down really just to their "type and number".[21]

Maghniyah's most creative move in minimizing differences between Shiism and Sunnism is to naturalize them. Under the heading of "pluralism" (*ta'addudīyah*),[22] he describes a typical development of all religions in which they begin as simple creeds subscribed to by everyone, but then split into different groups as people begin to elaborate religious thought. This, he says, is what happened in Islam as well as Judaism and Christianity (as in the traditional Muslim view, he believes that Christianity is especially fissiparous). The phenomenon, he says, can be observed not only in religion, but also literature, philosophy and politics. Since it is human nature to see things differently, it is perfectly "natural" (*ṭabī'ī*) for socialists, capitalists, different schools of philosophy and so to keep on splitting, and certainly silly to insist that there be no differences between Shiites and Sunnites. What Muslims need to do instead is leave the unfortunate quarrels of the past behind and strive to free themselves from the "fanaticism and falsehoods" that have brought disaster (apparently meaning Western domination) down on their heads.[23]

Notice how Maghniyah downplays differences with Sunnism by portraying Shiism as thoroughly modern. Maghniyah lived in a time in which Muslim reformists were arguing that Islam needed to be cleansed of supposed superstitions and accretions in order to take its place in the modern world. The traditional Sunni view of Shiism as exceptionally focused on ritual and veneration of saints – really, as altogether strange – put its fitness to be part of this project in question. Nor did it make sense to the reformists that the "real" Islam, stripped of accretions and ready to take on modernity and the West, would be inefficiently pluralistic. It is as if Maghniyah had absorbed these ideas and was determined to prove that that, properly understood, Shiism is both as modern as Sunnism and not very different from it after all.

Maghniyah is effectively pleading for the worthiness of Shiism as a partner in modern Islam and the modern nation-state. This is why he is preoccupied throughout his writing with depicting Shiism as logical and rational (more so, it is implied, than Sunnism).[24] It is why he

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[21] *Mīzān*, 37-8.

[22] The heading may, however, have been added by Maghniyah's son, 'Abd al-Ḥusayn, who appears to have put together the book *al-Jawāmi' wa-al-fawāriq*, which concerns similarities and differences between Shiism and Sunnism, from his father's writings. The difficulty of dealing with Maghniyah's abundant and often repetitive oeuvre has been compounded by repeated editing and anthologization.

[23] *al-Jawāmi' wa-al-fawāriq*, 274-5; see also *Mīzān*, 31.

[24] See Lynda Clarke, "*'Aql* (Reason) in Modern Shiite Thought: The Example of Muḥammad Jawād Maghniyya (1904–79)" in *Essays in Islamic Philology, History, and Philosophy*, ed. Alireza Korangy, et al (Berlin: Walter de Gruyter, 2016), 281-311.

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leaves aside the traditional Shiite narratives of mourning and oppression to concentrate on an image of ʻAlī ibn Abī Ṭālib, the only Imam to ever rule, as the embodiment of wise and just government.

Maghniyah's rapprochement with Sunnism has its limits. As a committed Shiite, he inevitably argues for the right of Ali to succeed Muhammad instead of the Sunni caliphs. His tone in arguing for this centrepiece of Shiism is insistent and even vehement. Though he frequently protests his impartiality, he is aware of where his emotion is leading him: "Can any human being," he pleads, "entirely set aside the tradition, education and creed that have nurtured him and with which he has lived his entire life"?[25]

The attachment of the community to traditional piety also sets limits on rapprochement. It is important for Shiites engaged in *taqrīb* to refrain from the usual invective against Abū Bakr and ʻUmar, since disrespect of these revered figures deeply offends Sunnis. Maghniyah does tame his discourse, but only to a degree. His strategy is to portray the caliphs as deficient rather than scheming to do evil. Abū Bakr, he says, had only "a drop" of religious knowledge compared to the "ocean" of Ali; and it was simply in ʻUmar's character to be careless and hasty. The most nefarious thing Shiite legend supposes ʻUmar along with Abū Bakr to have done is assault Fāṭimah, the Prophet's daughter and Ali's wife, for refusing to yield to their usurpation of power. Rather then bringing up the heart-rending details of the Shiite tale and emphasizing the role of ʻUmar, the great villain in the eyes of Shiites, Maghniyah merely affirms the event apropos of its mention by a Sunni scholar.[26] Going further than this in rehabilitating ʻUmar (if he had wanted to, which I doubt) would have exposed him to the opprobrium suffered even decades later by Ayatollah Muḥammad Ḥusayn Faḍlallāh for suggesting that ʻUmar might not actually have broken Fāṭimah's ribs or caused her child to miscarry.[27]

Since there is no chance for rapprochement with extreme Sunnism, Maghniyah goes on the attack by characterizing the Wahhabis, the chief representatives of extreme Sunnism in his time, as completely ignorant and irrational. What is "most striking" about them, he says, is their "great eagerness to anathematize (*takfīr*) members of the community of Muhammad other than themselves, in the most extreme spirit of mindless zeal and vindictiveness." Their whole "religious, social and political ideology" comes down to "either you become Wahhabi, or we kill you".[28] Maghniyah, as usual, displays a contrasting attitude of distanced scholarship, listing the many Wahhabi texts he has read while remarking that Ibn ʻAbd al-Wahhāb had evidently not read "a single page of any Shiite book".[29] His strategy when facing extreme

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[25] *Mīzān*, 9-10.

[26] *Imāmat ʻAlī*, 143 & 146.

[27] See Stefan Rosiny, "The Tragedy of Fatima al-Zahra in the Debate of Two Shiite Theologians in Lebanon," in Rainer Brunner and Werner Ende, eds., *The Twelver Shia in Modern Times: Religious Culture and Political History* (Leiden: Brill, 2001), 207-219 and Roschanack Shaery-Eisenlohr, *Shi'ite Lebanon: Transnational Religion and the Making of National Identities* (New York: Columbia University Press, 2008), 150-3. The incident began in 1993.

[28] *Hādhī hiya al-Wahhābiyah* (Tehran: Munaẓẓamat al-Iʻlām al-Islāmī, 1408/1987), 7.

[29] *Wahhābiyah*, 156.

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Sunnism is to contrast Shiism as a religion of learning and reason with the brutal irrationality of its opponents.

Maghniyah's attitude toward the belief of Sunnis is itself ambivalent, although it is at the same time an advance on the traditional view. The traditional view is that only those who believe in the Imamate, that is Shiites, are "true believers" (*mu'min*, i.e. possessors of true faith or *īmān*). Those who do not believe in the Imamate but do believe in the other parts of Islam are classed as *muslim*, i.e. confessors of Islam - provided their failure to believe in the Imamate is due not to informed and intentional rejection, but simply ignorance (*j-h-l*) or inability to grasp the truth. Those who purposely reject (*inkār*) the Imamate are unbelievers and beyond the pale.[30] Maghniyah, however, states that informed, intentional rejection does not make one an unbeliever.[31] This is a radical move. Even contemporary Shiite scholars have been reluctant to explicitly say that intentional deniers of the Imamate are believing Muslims.

Maghniyah no doubt wanted to encourage Muslim solidarity with this relatively irenic view. He likely also saw that it made little sense to maintain the fiction of the ignorance of Sunnis, with whom he was actually engaged in debate. But he still believed that Shiite belief was superior, as can be seen plainly in the following passage:

> … Those who are unaware [of the Imamate] or unable [to understand or believe in it] are excused because their status would then be that of animals or the insane. This is exactly the same as for the other basic beliefs [*uṣūl*, i.e. Monotheism, Prophethood, and the Last Day]. After all, he who pronounces the witness of faith is to be treated in this world as a Muslim even if he doubts the truth of monotheism or prophecy, provided he does not openly express that doubt; although in the eyes of God, he is an unbeliever. The difference between the cases of monotheism and prophethood and that of the Imamate is that expressing open opposition to or doubt in the first two is inconsistent with and in fact directly contradictory to proclamation of the witness of faith, whereas not only doubt but even opposition to the Imamate is consistent with it. And it is sure that such a person [is a Muslim with all the rights and duties that entails in this world]… regardless of his position on the Imamate and without regard to reward or punishment [in the afterlife].[32]

Maghniyah also believes that Shiites can be more certain of reward in the hereafter, if that is what he is implying by the phrase, "without regard to reward or punishment".[33] It must be said, however, that he avoids expressing such sentiments very openly, the text just cited being an exception. His desire for good relations apparently outweighed his need to affirm the superiority of Shiism; or perhaps he was able to hold the two things in his mind at once. He surely also knew that ordinary Shiites are usually not aware of the distinction made between

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[30] See L. Clarke, Faith and unfaith in pre-occultation Shīism: a study in theology and social history, *Islam and Christian–Muslim Relations*, 15:1 (2004), 114-15.

[31] *al-Jawāmi' wa-al-fawāriq*, 133; see also 36.

[32] *al-Jawāmi' wa-al-fawāriq,* 133-4.

[33] Cf. the statement of Zanjānī reported in Huwaydī, *Ṣafḥah* 46: "Belief in the Imamate is a principle of the [Shiite] *madhhab*, "which results in elevation of steps in the hereafter".

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their faith and that of Sunnis and probably thought it preferable not to highlight that socially unproductive belief.[34]

JUSTIFYING COOPERATION WITH CHRISTIANS

Maghniyah often speaks of Christianity and Judaism together, since they are included together in the Qur'anic category, "People of the Book". When he is discussing relations with non-Muslims, however, he is really thinking of Christians, even if he uses the wider terms, People of the Book or unbeliever (*kāfir*). The Jews are effectively outside Maghniyah's vision of inter-religious cooperation because of their identification with Israel and are the target of a virulent anti-Semitism. Maghniyah does not show any consciousness of the Jewish community that dwelt and even flourished in Lebanon for most of his life.

Maghniyah's treatment of Christians is complex.[35] He is particularly concerned with native Christians as partners in a nation-state to which he had considerable attachment. When he discusses Christians in legal terms or sketches the picture of an ideal society, it is these people he has in mind, and his attitude toward them is positive. Negative comments are usually aimed at the West as a supposedly Christian civilisation. This is seen, for instance, in Maghniyah's treatment of the well-known phrase of the Qur'an "You will surely find nearest in affection to the believers those who say, "'We are Christians'" (5:82-3). He disagrees with those whom he characterizes as "opportunists engaging in deliberate misinterpretation" who "exploit" the passage to "pretend that the Noble Quran prefers Christians over Jews" and confirms the traditional view that the Christians meant are exclusively those who recognized the truth and became Muslims. He goes on to contrast those Christians with the Crusaders, reconquistadores, and Italians, French, and English who committed atrocities in the Middle East, as well as America, which collaborates with "the Jews" to "exterminate the Palestinians".[36]

Maghniyah approaches Christianity from two angles: theology, and social relations. His theological views of Christianity are basically traditional. In the area of social relations, on the other hand, he is vitally interested in how non-Muslims, i.e. native Christians, can work together to create a just society, and his awareness of non-Muslims as ethical actors encourages him to express more irenic views.

At the level of theology, Maghniyah takes the traditional approach of condemning Christians (along with Jews) for numerous false beliefs. He lists some of these together apropos of Q. 2:135-8, "They say, 'Be Jews or Christians'… but [we follow] the religion of Abraham, inclining toward truth, for he was not a polytheist". The Jews, Maghniyah says, claim that 'Uzayr is the son of God and are anthropomorphists who believe that God is an old man with a white beard and hair, while the Christians are Trinitarians who believe that Christ is a deity

[34] For the purpose of this paper, I asked four religiously committed Lebanese Shiites about the distinction. None had heard of it, and all thought that it needlessly disrespected Sunnis and reflected badly on Shiites.

[35] For more details, see Göbel, *Moderne Schiitische Politik*, 104.

[36] *al-Kāshif,* III, 114-5. In his one-volume exegesis, *al-Tafsīr al-Mubīn*, Maghniyah does allow that Christianity is closer to Islam, with its "humanism" and idea of a merciful rather than vengeful God; see Mahmoud Ayoub, "Nearest in amity: Christians in the Qur'an and contemporary exegetical tradition", *Islam and Christian-Muslim Relations*, 8:2 (1997), 158-61.

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(*rabb*) and the son of God, which is "truly polytheism" (the cardinal sin of *shirk*). If the Jews and Christians, Maghniyah writes, belonged authentically to the religion of Abraham, they would be true monotheists and even make the pilgrimage to the Sacred House of God in Mecca (as Muslims suppose Abraham did). But since they are not, "they are liars and Muhammad is the truthful one".[37] The message is that although Islam, Judaism and Christianity share the principles of monotheism, prophethood, and prophetic mission,[38] they are not truly Abrahamic.

Maghniyah does not usually pick up on the more tolerant views of supposed Christian and Jewish beliefs that were available in his time, including in the *Manār* exegesis of the Egyptian reformers Rashīd Riḍā (d. 1935) and Muḥammad ʻAbduh (d. 1905). This is so even though he frequently refers to *Manār* and praises ʻAbduh. Concerning the sonship of ʻUzayr, for instance, Rashīd Riḍā had proposed in the *Manār* that the Quran does not mean that the Jews literally say that ʻUzayr is God's son, but rather that they revere him to the extent that they say that he was as dear as a son of God.[39] This relatively friendly reading still circulates widely. Many scholars, including Maghniyah's Iranian Shiite contemporary, ʻAllāmah Ṭabāṭabā'ī, explain the suggestion in Q. 5:116 that the Christians take Mary as a goddess in a similar way; but Maghniyah's only comment is that this is an "unbelieving claim".[40] The accusation against the People of the Book of *taḥrīf,* i.e. "distortion" of their scriptures, is another example of the less than progressive character of Maghniyah's theology. He doubts the view of ʻAbduh (which is also found in classical literature) that distortion means wrong interpretation and inclines instead toward understanding it as deliberate changing of meaning that has made the Jewish and Christian texts different from the true originals.[41]

Maghniyah does not believe that non-Muslims go to heaven. Qur'an 2:62 is taken by some modern interpreters to mean that the People of the Book referred to there who "believe in God and the Last Day and do good deeds" will also be saved. Maghniyah is aware of that reading, perhaps through *Manār*.[42] He strongly rejects it, attributing it to the desire of some to "flatter people in other religions" though "perfectly aware" that they lie about the Prophet and "attribute things to him that would shake the very throne of God".[43]

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[37] *al-Kāshif*, I, 211- 212. The claim that the Jews believe ʻUzayr (whom commentators identify as Ezra) to be the son of God is made in Qur'an 9:30; see Mu'min A. Sirry, *Scriptural Polemics: The Qur'an and Other Religions* (New York : Oxford University Press, 2014), 48-50.

[38] *al-Kāshif*, I, 59.

[39] Sirry, *Polemics*, 135-6.

[40] Sirry, *Polemics*, 157; *al-Kāshif*, III, 151.

[41] *al-Kāshif*, II, 94 (apropos of 3:78); see also Sirry, *Polemics*,118-23.

[42] Note, however, that Muhammad Hassan Khalil does not believe the interpretation of Q. 2:62 in *Manār* exactly offers the People of the Book salvation (*Islam and the fate of others: the salvation question* [Oxford ; New York : Oxford University Press, 2012], 110-16).

[43] *al-Kāshif*, I, 117-8. Maghniyah's understanding is a traditional one, i.e. that the verse promises salvation only to pious persons who lived before they could receive the message of Muhammad. Ayoub seems (?) to suggest that Maghniyah in his *al-Tafsīr al-Mubīn* reads Q. 2:62 as promising salvation to Christians and Jews who believe and do good ("Amity", 153); but the text (Beirut: Mu'assasat ʻIzz al-Dīn, 1403/1983, 12-13) clearly says that it applies only to those in the time of the Prophet who believed in his message (another traditional interpretation).

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At the same time, Maghniyah's passionate conviction that the value of Islam and religion overall depends on it being realized in deeds, that if words are not made true through social action, they are "lies",[44] causes him to nuance his view. Qur'an 4:124 reads, "And whoever does good deeds, whether male or female and while a believer, will enter Paradise…." These words, Maghniyah says, point to the "self-evident principle" affirmed in many places in the Quran, a principle that becomes "ever more valuable" with "changing times and circumstances" (an allusion to the nation-state or global village?), that every human being (*insān*) will be recompensed for their good and bad deeds, no matter what their religion. God, Maghniyah says, has "no special affinity" for any group and takes into account only "sincerity and good works". He goes on to qualify this exuberant statement by remarking that the phrase "while a believer" means that unbelievers will not gain Paradise. Since, however, God is Just and must thus recompense good deeds, they must receive some other reward. That could be reward in this world, lightening of punishment in the hereafter, or perhaps something between salvation and perdition[45] - keeping in mind that exactly how God gives recompense in such instances is finally beyond our understanding.[46]

Despite his theological judgement, Maghniyah strongly favours tolerance as a social virtue or necessity. His statement apropos of Q. 2:120, "Never will the Jews and Christians be satisfied with you until you follow their religion",illustrates how this sentiment co-exists with a certain theological caution. He accepts the traditional understanding that the verse is a warning not to be deceived by the blandishments of the People of the Book, but goes on to remark on the "reality" that not just Jews and Christians, but "most members of religions and parties" suffer from this "detestable tendency", which the Quran rejects, calling instead for "co-existence with all people of different religions", as well as "brotherhood" and "mutual cooperation."[47] His treatment of the warnings in the Qur'an against taking the People of the Book as friends or allies is similar. After listing the many instances in the tradition that ban association with "*kāfir*s", he cites a consensus (*ijmāʿ*) that it is permitted for affairs that do not touch on religion such as friendship, neighbourliness, and commerce. Association with non-Muslims, who are often good people and even better than those who call themselves Muslims, is actually desirable, he says, if it benefits one's country or in fact any human being.[48]

According to Crone, Maghniyah was also the first Shiite to move toward an irenic reading of the now famous phrase, "there is no compulsion in religion" (*lā ikrāha fī al-dīn*, part of Q. 2: 256).[49] Maghniyah seems to concur with the modernist idea that "no compulsion" means that people cannot be forced to convert. All one can do, he says, is "offer proofs", an idea occasioned by the words immediately following, "surely guidance has become clear from

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[44] Maghniyah, *Tajārib Muḥammad Jawād Maghniyah* (Qum: Anwār al-Huda, 1425/2004 or 2005), 20.

[45] *al-Kāshif*, II, 446.

[46] *al-Kāshif*, II, 213.

[47] *al-Kāshif*, I, 191.

[48] *al-Kāshif*, II, 38-41, apropos of Q. 3:28 and 5:51.

[49] Patricia Crone, "'No compulsion in religion' Q. 2:256 in mediaeval and modern interpretation", in *Le Shi'isme imamite: 40 ans après. Hommage à Etan Kohlberg*, ed. Mohammad Ali Amir-Moezzi, et al (Turnhout: Brepols, 2009), 151.

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error", and nicely in tune both with the Shiite insistence on free will and Maghniyah's conviction that Islam is the religion of reason *par excellence*.[50]

Maghniyah's agreement with the modernist position is actually ambiguous, as Crone also notes. He acknowledges that *lā ikrāha* can be taken as a command not to force non-Muslims to convert. But it could, he says, alternatively be taken, as in some traditional readings, as a statement about the reality that real belief has finally to be freely chosen by converts in their hearts (which does not exclude forcibly converting them). He does not come down decisively on one side or the other, causing Crone to conclude that he "leaves the problem unresolved".[51]

This is not, I believe, exactly the case. Rather, Maghniyah's solution is to put off the matter until the coming of the Mahdi. Rather than rest with the happy conclusion that no one can be forced to convert, he brings up the obvious fact that the Prophet fought to spread Islam. One of the aims of jihad, he insists, is indeed to spread Islam and have people proclaim that faith, and those who attempt to deny it by citing Q. 2:193 and other verses to prove, "contrary to the approach of the Qur'an", that it is purely defensive are engaging in disgraceful apologetics.[52] However, it is only for the Prophet, inerrant Imam, or a "just ruling jurist" (*mujtahid*) representing the Imam to declare such a jihad, a decision they will make on the basis of the "human welfare" of both Muslims and non-Muslims. In the meantime, "no Muslim, whoever they may be" can wage jihad, save for the legitimate purpose of defence.[53]

By putting off jihad and conversion until the return of the Mahdi, Maghniyah reconciles what he believes to be the integrity of the tradition with his equal or even more ardent desire to cooperate with non-Muslims to build a just society.[54] The time before the messianic event is treated as an effectively free space in which interim arrangements can legitimately stand. Maghniyah's whole project of a well-functioning nation-state and the brotherhood of humanity really exists in this free or relatively flexible space. With this perspective in mind, the tension between Maghniyah's theological and social attitudes toward non-Muslims, as well as Sunnis, seems less acute.

Maghniyah was a pioneer in addressing laws that create social barriers between Shiites and People of the Book. He rejected the longstanding Shiite view that all non-Muslims are intrinsically impure (*najas*), making forbidden, as he puts it, "their food and drink, and even

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[50] a*l-Kāshif,* I, 396-7.

[51] Crone, "Compulsion", 151.

[52] Q. 2:193 ("Fight them until there is no disturbance and until worship is for God; *but if they cease, then there is to be no aggression except against the oppressors*) is often used by modernists to argue that jihad is purely defensive. Maghniyah maintains the classical view, designed to quash any suggestion that fighting should be limited to defence, that disturbance (*fitnah*) and oppression mean unbelief (*al-Kāshif*, I, 296-7).

[53] *al-Kāshif*, I, 396-7.

[54] According to Islamic law, People of the Book living under Muslim rule should not be fought against, but rather pay the *jizyah* poll-tax. Like some other modernists, Maghniyah considers *jizyah* to be a historical relic. He neutralizes Q. 9:29, the famous "Sword Verse" that contains the only mention of the *jizyah* in the Qur'an, by saying that it refers a particular circumstance in which the Byzantine foes of the Muslims were allying with the Arab polytheists. This interpretation, he notes, is consistent with "there is no compulsion in religion" (*al-Kāshif*, IV, 31-2).

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bread and water touched by them."[55] Both Muḥsin al-Amīn and Mūsā al-Ṣadr were said to have deliberately consumed food prepared by Christians to demonstrate their purity,[56] but Maghniyah's stance was still controversial enough that he felt it necessary to give himself cover by suggesting that leading authorities of his time, including the Grand Ayatollah Khū'ī, were of the same mind but could not openly say so out of fear of "rabble-rousers".[57] He dutifully presents his exegetical and legal reasoning, but finally states that treating the People of the Book as pure actually does not need proof, since it is in accord with the principles of "reason, normal human practice (*'urf*), and nature", as well as the basic aims (*maqāṣid*) of the "liberal" Shariah of Islam.[58]

Maghniyah also opposes the distinctive Shiite view that forbids Muslim men to marry women of the People of the Book or allows them to do so only on the basis of the inferior contract of limited-term marriage (*mut'ah*). He rules that regular marriage with Christians and Jews is permitted, although it is, as Sunnī authorities also say, "disliked" (*makrūh*), i.e. better avoided.[59] He also allows marriage of Shiites with Sunnis, including a Shiite female with a Sunni male, which is forbidden or disliked by many authorities.[60]

Maghniyah's rulings on purity and marriage with non-Muslims bring him close to the predominant Sunni positions, and rapprochement was likely part of his motive, since one of his life missions was to bring the schools of law together by stressing similarities. *Manār* describes and refutes the Shiite views on food and marriage with the People of the Book,[61] and Maghniyah actually mentions *Manār* in relation to the issue of food.[62] Maghniyah was probably even more concerned about the image of Shiites. Having restrictions on food and marriage additional to those of Sunni Islam would have contributed to the reputation of Shiites in multi-confessional Lebanon for backwardness and social isolation. His ruling on the purity of the People of the Book is as much about the Shiite community being cut off from normal social intercourse as the status of Christians themselves, who would, after all, be little inconvenienced by lack of commensality with an impoverished minority. The doctrine of

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[55] *al-Kāshif*, III, 18; apropos of Q. 5:5, "This day [all] good foods have been made lawful, and the food of those who were given the Scripture is lawful for you and your food is lawful for them." Shiites construe the "food of those who were given the Scripture" as grains only.

[56] Mervin, *Réformisme*, 196; Ajami, *Vanished Imam*, 126-8. The stories have the flavour of myth (e.g. Ṣadr seeks out a Christian ice cream vendor after speaking in a church), and one wonders if they were fabulated by Lebanese Shiites who were embarrassed by the restriction. I have not found statements by the two figures rejecting the impurity of non-Muslims.

[57] *al-Kāshif*, III, 17-19, apropos of Q. 5:5 and confirmed in his discussion of Q. 9:28. See also *Fiqh al-Imām al-Ja'far al-Ṣādiq*, 6 vols. (Qom: Anṣāriyān, 1379/2000), I, 32-3, where he mentions Muḥsin al-Amīn and other contemporary jurists.

[58] *Fiqh al-Imām*, I, 31.

[59] *Fiqh al-Imām*, V, 201-3.

[60] *Fiqh al-Imām*, V, 208-9. He allows intermarriage, in fact, with members of any legitimate Islamic school or sect. It is not clear if this includes Druze or Alawis.

[61] Muḥammad Rashīd Riḍā, *Tafsīr al-Qur'ān al-ḥakīm al-shahīr bi-Tafsīr al-Manār*, 12 vols (Beirut: Dār al-Ma'rifah, 1414/1993), VI, 177-8 & 180 (apropos of Q. 5:5).

[62] *al-Kāshif*, III, 18.

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impurity, he remarks, "has caused social problems for Shiites by creating a great rift between them and others, as well as being inconvenient, especially when traveling in Christian areas like the West or countries with Christian populations such as Lebanon." The modern world, after all, is like "one domicile" in which "the human family lives all together".[63]

In the course of his rulings on purity and marriage, Maghniyah also denies that Christians and Jews are polytheists (*mushrik*), as they were often classed by traditional scholars. The phrase "the polytheists are impure" (*najas*) in Q. 9:28 has been taken by many Sunni and Shiite exegetes to include the People of the Book, but Maghniyah rejects this (according to Darwish, he is one of the first if not the first Shiite commentator to do so).[64] The Qur'an, he points out, uses the word *mushrik* mostly in relation to idol worshippers, and chiefly the Arabs of the time, while Christians and Jews are referred to separately as People of the Book.[65] One of the reasons Shiite exegetes find to escape the permission given in Q. 5:5 to marry "chaste women from among those who were given the Scriptures" is that it was abrogated by the command in Q. 2:221, "do not marry polytheistic women until they believe". The abrogation depends on Jews and Christians being polytheists; but the People of the Book, Maghniyah insists, are not polytheists.[66] Considering what a great offence polytheism is in Islam, refusing to apply that name to Christians (as well as Jews) is a sign of respect or at least good will.

One might wonder how Maghniyah reconciles the idea that the beliefs of the People of the Book involve the cardinal sin of *shirk* with saying that they are not *mushrik*. I have not seen this addressed in his writings, but the statement of Maghniyah's contemporary 'Allāmah Ṭabāṭabā'ī might explain it. Ṭabāṭabā'ī sees that there are many different degrees of *shirk*, so that all but the most pious even among Muslims are liable to commit the sin in some way. But we do not call them *mushrik*. The People of the Book, whose *shirk* is much less blatant than that of idol-worshippers, also do not deserve called *mushrik*, since "to say that someone does something is different from describing or naming them according to that action."[67]

Maghniyah does not hesitate to call the People of the Book unbelievers (*kāfir*). When he is emphasizing the value of the deeds of all peoples in the eyes of God or speaking of social cooperation, he uses *kāfir* in the fairly neutral sense of "persons who do not hold the same beliefs as Muslims" (or instead uses the word *insān*, i.e. human being). But at other times, he

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[63] *Fiqh al-Imām*, I, 31.

[64] Linda Darwish, "Defining the Boundaries of Sacred Space: Unbelievers, Purity, and the Masjid al-Haram in Shi'a Exegesis of Qur'an 9:28", *Journal of Shi'a Islamic Studies* 7, no. 3 (2014), 298-9. *Manār*, which appeared in the early 20th century, had already denied that the People of the Book are *mushrik*; see VI, 180 (apropos of 5:5).

[65] *al-Kāshif*, IV, 27-8.

[66] *Fiqh al-Imām*, V, 202; see also *al-Kāshif*, I, 332 (concerning Q. 2:221).

[67] Ṭabāṭabā'ī, *al-Mīzān fī tafsīr al-Qur'ān*, 20 vols. (Beirut: Mu'assasat al-A'lamī, 1393/1973), II, 202, apropos of Q. 2:221. Darwish's conclusion on the basis of Ṭabāṭabā'ī's accusations of *shirk* against Jews and Christians that he classifies them as *mushrik* (see "Defining the Boundaries", 297-8) is thus probably incorrect. It is interesting that the Lebanese Shiite informants mentioned in note 34 arrived intuitively at the same conclusion as Ṭabāṭabā'ī: they were certain that some articles of Christian belief constitute *shirk*, but were at the same time very reluctant to conclude that Christians are *mushrik*.

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denigrates *kāfir*s severely. For instance, he says that they stay with their religions really out of simple fanaticism (*ta'aṣṣub*) and inertia (in contrast to Islam, which relies on reason),[68] so that convincing them of the truth is pretty much, as Qur'an 2:171 says, like trying to communicate with animals.[69]

BUILDING A NATION-STATE WITH NON-SHIITES AND NON-MUSLIMS

Although Maghniyah phrases his political theory in terms of Islam and Shiism, his vision is not of something "Islamic" that will replace the nation-state. His somewhat utopian ideal society has nothing to do with the triumph or defence of Islam as imagined by Islamists such as Sayyid Qutb and Khomeini and seems actually to be located in a secular or quasi-secular nation-state. It is clearly a product of his Lebanese experience, including the fact of a multi-confessional society and political system. The arguments he makes in response to Ayatollah Khomeini in his last book written in 1979, *Khomeini and the Islamic State*, draw on ideas developed over decades of reflection on the case of Lebanon, which he mentions in the book by name.[70] This is why he was ready to reply to the Ayatollah with what Talib Aziz believes to be "the only Shiite work of an eminent jurist that attacks the basic premises of Khomeini at the height of his successful revolution".[71]

Thus Maghniyah categorically rejects Khomeini's assertion, which is fundamental to his political theory, that since the jurists are the deputies of the Imam, a leading Shiite jurist is to act as ruler or "guardian" over the Islamic state in the Imam's absence. Jurists, he points out, are not inerrant like the Imams, but are rather ordinary human beings subject to error, passion and corruption.[72] Nor can a jurist claim guardianship over mature and competent human beings, not merely because the texts, contrary to what Khomeini says, do not give jurists this right, but because freedom (*ḥurrīyah*) is a basic principle of the Shariah[73] and the "sacred right" of every person.[74] Most important, the criterion of good government is justice, and a jurist is not able to guarantee justice better than anyone else.

Maghniyah does refer in a few places in his writings to a model ruler; but that ruler, in the absence of the Imam, is simply someone who delivers justice. And the ruler does not even have to be Muslim, for the rule of a non-Muslim (*kāfir*), he says, is preferable to that of an unjust Muslim. Maghniyah had stressed permission for the rule of a just non-Muslim as early as 1961 in his *Shiites and Rulers* and emphasizes it again in *Khomeini and the Islamic State*.[75] His acknowledgement of non-Muslim rule, which he attempts to ground in the tradition by

[68] *al-Kāshif*, I, 232.

[69] *al-Kāshif*, I, 262-3.

[70] Explicitly on pp. 36-7.

[71] "Popular Sovereignty in Contemporary Shī'ī Political Thought," in *Shiite Heritage: Essays on Classical and Modern Traditions*, ed. L. Clarke (Binghamton, N.Y. : Global Publications, 2001), 289.

[72] *Islamic State,* 59-60; see also p. 70.

[73] *Mīzān*, 334; *al-Islām ma'a al-ḥayāh* (Beirut: Dār al-'Ilm lil-Mālāyīn, 1979), 232.

[74] *al-Khumaynī wa-al-dawlah al-Islāmīyah* (Beirut: Dār al-'Ilm lil-Malāyīn, 1979), 60.

[75] *al-Khumaynī wa-al-dawlah*, 72-3.

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citing a couple of truly dubious texts,[76] is evidently prompted by his desire to legitimate the Lebanese political system, in which the President is conventionally a Christian and Christians hold much power overall. Considering that non-Muslim rule remains an extremely sensitive issue in Muslim-majority countries, it is a very radical statement.

Maghniyah's focus and concern is not the ruler, but the machinery of good government; the character of a government, he says, is determined by its constitution and organisation, and not who rules.[77] And good government, in turn, is measured not by ideology, but integrity and efficiency. This means that it does not have to be based explicitly on Islam or historically Islamic institutions. There is no reason, Maghniyah argues in *Khomeini and the Islamic State*, that justice cannot be achieved by a government that is not overtly religious; for the licit things of this world (*ḥalāl al-dunyā*) are effectively part of religion.[78] It is true that Maghniyah argues for the role of Islam in politics and viability of an Islamic state in the same work, but this is clearly a reaction to criticism of Islam occasioned by the Iranian Islamic revolution, as well as a demonstration of respect to the Ayatollah, who was at this time at the height of his charisma and reputation as the foe of imperialism. In the final volume of his *Kāshif*, completed only nine years before, Maghniyah actually mocks the idea of an Islamic state put forth by "some groups" (it is not clear if he is referring to Sunni Islamists, or notions of a Shiite government that had been developing among members of the Da'wah Party in Iraq).[79] An Islamic state, he says, is not viable, and Muslims would do better to work on the practical problems of corruption and "complete freedom" before considering that option, or another "that pleases God" and is good for the people.[80]

In Maghniyah's view, a government that accords with the principles and aims of Islam is effectively Islamic. Since he passionately believes that Islam is manifested and realized in economic progress and social equality, political arrangements that serve those ends, such as elections and the rule of law, are in agreement with it. The important thing is that affairs of state be conducted "according to the guidelines of public interest (*maṣlaḥah*)".[81] Maghniyah reconciles Shariah with the secular nation-state in the same way. The aim of the Law, he says, is to secure public interest, which is to be accomplished within the "broad confines of its general

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[76] *al-Shī'ah wa-al-ḥākimūn* (Beirut: Dār al-Tiyār al-Jadīd, 1433/2012), 44. Maghniyah tells the story in which the scholar Ibn Ṭāwūs (d. 664/1266) answered thus, under duress, to the question of Hulagu, the Mongol conqueror of Baghdad, about which ruler was better; see Etan Kohlberg, *A medieval Muslim scholar at work: Ibn Ṭāwūs and his library* (Leiden: Brill, 1992), 10. Maghniyah also cites the comment of Majlisī (d. 1110/1698) that, since a certain hadith shows that there were in the past non-believing kings who obeyed prophets in opposing wrong, "sovereignty remains despite unbelief, but does not remain with oppression" (*Biḥār al-anwār*, 110 vols. [Beirut: Dār al-Wafā', 1403/1983], LXXII, 331).

[77] *al-Khumaynī wa-al-dawlah*, 71.

[78] *al-Khumaynī wa-al-dawlah,* 71.

[79] Maghniyah says that the *Kāshif*, which he completed on August 18, 1970, took him four years to write (*al-Kāshif*, VII, 628), so such ideas were already well developed in Da'wah circles by the time he made this remark. The critique here cannot be of Khomeini, since Khomeini articulated his theory of Islamic government in lectures given later, in early 1970.

[80] *al-Kāshif*, VII, 64-5.

[81] *al-Khumaynī wa-al-dawlah*, 65-6.

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principles" through "creative" legal reasoning (*ijtihād*).[82] There is no problem at all with adopting the institutions of a modern nation-state*, including those existing in Lebanon*, since the Shariah validates "every sound practice and useful concept" no matter what its source.[83]

The very large move Maghniyah makes here is to define Islam in terms of social ethics and goals. The ethical focus serves to accommodate (and critique) the secular nation-state he considered the best or only hope for his community, while also establishing a basis for cooperation with non-Muslims and non-Shiites. Maghniyah is able to make this move because he assumes that humans share a common rationality and moral sense. (Emphasis on and expansion of this tenet of traditional, rationalist Shiite theology is one of the great themes of his thought.) In this case, everyone can participate in the struggle for equality and justice as an equal co-citizen.

Since, in Maghniyah's mind, morality is expressed basically through religion, citizens participate, in fact, as members of different confessions promoting the same values. After all, consciousness of "truth, good and beauty" is part of innate human sense (*fiṭrah*), and appreciation of the struggle for justice, freedom and equality does not differ among humans (*insān*) because of religion, sect or adherence to Islam or Christianity.[84] Rather than listening to those "merchants of confessionalism", the politicians, the people should work together for Lebanon, "the country of good and freedom", as a single "Lebanese confession" (*ṭā'ifah Lubnānīyah*) "blessed by God, Muhammad and Christ."[85]

This is Maghniyah's formal rationale for equal citizenship in a multi-confessional state. He is also influenced by the emotion of patriotism, as seen in the passage above. And he was profoundly affected by his experience, no doubt very accessible to him in Lebanon, of non-Muslims as ethical actors. He often remarks on how non-Muslims can be better than Muslims. In his autobiography, he relates the poignant story of being helped by an Armenian driver to escape to the seminary in Iraq from a life of desperate poverty in Beirut. The Armenian, he says, was the first to show him that humans could act out of pure altruism, and he had not forgotten him for a day in the sixty years since.[86]

The experience of living with the religious Other as compatriots and ethical actors clearly conflicted in Maghniyah's mind with his conviction that non-Muslims were unbelievers and Islam the only path to salvation. That belief was particularly problematic in light of his insistence that the essence of religion was deeds, i.e. social action. How then to deal with the evidence in front of his eyes that Muslims often did not do good, but Christians did? He repeatedly tries to address this troubling inconsistency by stressing that all human beings (*insān*) are justly recompensed for their good deeds, but without quite solving the matter of heavenly reward.[87]

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[82] *al-Islām bi-naẓrah aṣrīyah* (Beirut : Dār al-'Ilm lil-Malāyīn, 1973), 104.

[83] *al-Khumaynī wa-al-dawlah*, 17. Emphasis added.

[84] *Min dhā wa-dhāk* (Beirut: Dār wa-Maktabat al-Hilāl and Dār al-Jawād, 1993), 30.

[85] *Ṣafaḥāt li-waqt al-farāgh* (Beirut: Dār wa-Maktabat al-Hilāl and Dār al-Jawād, 1992), 153.

[86] *Tajārib*, 42.

[87] E.g. al-*Kāshif*, II, 211 and II, 445-6.

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The conundrum remained with Maghniyah in his last days as he composed his final work, *Khomeini and the Islamic State*. Having once again underscored that true faith requires social action (while subtly communicating that, for the purpose of this particular discussion, "possessors of faith" includes Sunnis), he addresses it at some length under the bolded heading, "Not every Muslim is in the Garden, Not every Kāfir is in the Fire". The conclusion about the fate of a believing Muslim who does not act in accord with his faith is straightforward, but that of a non-Muslim who does good works, less so. Such persons, Maghniyah says, do not suffer punishment in the next world, since they are deemed "incapable" (*qāṣir*) of receiving or understanding Islam, having somehow remained "indifferent" (*dhāhil*) to it.[88] The statement implies that non-Muslims who are good would have heeded the message of Islam if it were not for some kind of impediment and does not admit that they are actually saved.

Maghniyah at least recognizes the problem of religious diversity. Khomeini's own *Islamic State* shows no consciousness of non-Muslims (other than to mention the *jizyah* poll-tax as a source of revenue[89]), or even of Sunnis, who would have little interest in following a supposed deputy of the absent Shiite Imam. Khomeini, of course, was able to conceive of a purely Shiite regime and combine it with a nation-state and patriotism because Iran is an overwhelmingly Shiite-majority country. As a Lebanese, Maghniyah was faced with a very different challenge, which he met with innovation and imagination. Though determined to be loyal to the tradition, he is also willing to open it to the Other by radically revising and expanding the native Shiite notions of rationality *('aql*) and ongoing legal reasoning (*ijtihād*). He frequently uses the idea of a common human nature and morality to speak in a quasi-sociological fashion about universal humanity (*insān*).

That said, it should be acknowledged that Maghniyah's ultimate aim in construing the Other was to define and make a place for his own community, which was in his time a powerless and despised minority. Thus his rapprochement with Sunnis was partly aimed at normalizing and valorising Shiism and his outreach to Christians intended to demonstrate that Shiites are ready to engage in normal social intercourse. The Other, indeed, is always constructed in relation to the Self, not only through othering, but also intersubjective recognition. Maghniyah envisioned a nation-state built by different confessions precisely in terms of the equality and social justice he sought for his people. He even imagined a special place for them in that project. Shiites, he suggests, are in the vanguard of the struggle for justice, since they have a unique consciousness. The ideal of the inerrant Imam reminds them of the need

[88] *al-Khumaynī wa-al-dawlah*, 135-8. The idea is not original. Building on earlier discussions such as that of al-Ghazāli (d. 505/1111), Riḍā and 'Abduh say that those who had heard of the message but were prevented from comprehending it due to, for instance, some intellectual shortcoming or indoctrination in the religion in which they were born, can be saved (Khalil, *Fate of Others,* 116-126; the statement seems to point to the problem of native Christians and Jews). Maghniyah's reluctance to explicitly say that the People of the Book are admitted to Paradise makes his position, if anything, less open than that of Riḍā and 'Abduh.

[89] Ruhollah Khomeini, *Islamic government: governance of the jurist*, trans. Hamid Algar ([Tehran]: Institute for Compilation and Publication of Imam Khomeini's Work, 2002), 22.

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to fight against dictatorship and concentration of wealth and for "democracy based on rule of the people in the absence of the Imam."[90] All humans instinctively sense that social progress is inevitable, but because the Shi'ah know that history will culminate in the coming of the Mahdi, they are fully aware and confident that "humanity shall finally thrive" and "all peoples live together in the best way possible in security, justice and ease."[91]

[90] *'Aqlīyāt Islāmīyah,* 2 vols. ([Iran]: Mu'assasat Dār al-Kitāb al-Islāmī, 1427/2006), I, 350.
[91] *'Aqlīyāt*, I, 350–51.

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