

# Shia Religious Legal Institutions

From Organizing the Sect to Sponsoring Chaos





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# A Cross Section of a History The Shia Community in Lebanon

## تواریخُ مُتْقَاطَعَة حِصَّة الشیعة منها فی لبنان

UMAM Documentation and Research (UMAM D&R) is undertaking a history project in Lebanon entitled A Cross Section of a History. This project will create a space to explore and deepen understanding of the socio-political histories of specific communities within Lebanon - including the Shia, among others - to trace and explore their historical dynamics until today. Micro-level histories of individuals, families, and towns in Lebanon will be addressed, out of the belief that examination of these various histories will show the mosaic of personal and collective experiences of communities in Lebanon over history.

The title of the project "a cross section of a history" embodies this mission: by focusing on specific elements of Lebanon's collective, cacophonous history, we aim to illuminate unique and collective dynamics, identities, and transformations that help to explain the Lebanon we are seeing today. This project aims to directly engage with community members around Lebanon and in the diaspora, as well as academics and experts. The outputs of the project will be a research report and collections of archival material.



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## Introduction

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Lebanon is characterized by its diverse religious sects, each governed by its own set of laws. While civil, criminal, and administrative laws are uniform, personal status laws vary based on the diversity of religious rights. Each sect has its own legislations that are applied independently and grant rights and responsibilities to its followers who are subject to the jurisdiction of their respective religious courts. Thus, each sect also has its own religious courts and judges who govern matters of personal status according to its particular religious' jurisdiction.

This arrangement applies to the r Shia community in Lebanon and is represented by the Jaafari Sharia Court. The Shia community in Lebanon historically found itself on the periphery of the country and of the Muslim community dominated by Sunni Muslims, and lacked institutions to manage its affairs, especially in personal status matters and religious rulings. Historically, the parallel position the community held can be seen in their issued fatwas not having official legal significance. Similar circumstances applied to endowments: in contrast to Jews and Christians who enjoyed administrative and judicial privileges during the Ottoman era, Shia endowments lacked a specific legal framework and were under the supervision of Ottoman authorities and

governed by Sunni Islamic laws, particularly the Hanafi school.

This situation persisted until the establishment of Greater Lebanon at the beginning of the twentieth century, which recognized the Shia sect as an independent community with its spiritual institutions, religious authorities, Sharia judges, and its own endowment management. In the late 1960s, the community further asserted its right to organize its religious and worldly affairs by establishing the Supreme Shia Islamic Council and creating a new legal relationship regulating its interactions with the judiciary, fatwa authorities, and endowments.

Given the significant role played by the Jaafari judiciary in organizing the affairs of the Shia sect through Sharia courts, the current state of the Supreme Shia Islamic Council, its relationships with other official institutions, and the legal status of Shia endowments, this research explores a historical overview associated with these topics. The significance of this work lies in shedding light on the Shia approach to personal status issues before the establishment of the Jaafari judiciary, a field with limited information. Furthermore, it examines the legal institutions of the Shia and their relationships with each other.

This research is organized into an introduction, five chapters, and a conclusion. The first chapter defines Jaafari jurisprudence and its associated topics, along with an examination of the judiciary's role. The second chapter explores Jaafari judiciary issues and personal status matters prior to its official establishment which coincided with the creation of Greater Lebanon. The third chapter discusses Jaafari (fatwas), the reality of Jaafari courts, their structure, internal legal status, and their relationship with other institutions. The fourth chapter covers the establishment and leadership of the Supreme Shia Islamic Council, shedding light on its current structural reality and its relationships with other institutions.

The fifth chapter discusses the status of Shia real estate and endowments, including their history, types, and legal status within the context of other institutions.

The sources for this research included specialized references on personal status, laws, legislations, jurisprudence, history, language, the Quran, hadiths, and biography sciences. Additionally, newspapers, journals, websites, and personal interviews were used. Regarding the research methodology, it combines historical methods presenting historical and legal data within specific temporal and spatial boundaries, analytical methods studying the subject through presentation, analysis, and detailed examination for logical interpretations, and comparative methods vertically, across time, and horizontally, within the same period. The research timeframe covers the period from the inception of Shia in Lebanon to the present day, encompassing the overall geography of Lebanon.



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## Conclusion

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In conclusion, this research has addressed the reality of Shia institutions in Lebanon responsible for regulating their religious and worldly affairs. It also provides insights into how the Shia community historically dealt with issues related to personal status before the recognition and establishment phase of the related institutions. This research first delved into the position of Jaafari jurisprudence in terms of language, terminology, subject, function, nomenclature, purpose, and divisions. It also introduced personal status issues and their matters, and discussed the role of the scholarly seminary in this field. It then explored how the historical Shia community in Lebanon dealt with personal status issues and judicial matters before the creation of Greater Lebanon, and outlined their status as an adjunct group on the margins of Sunni Muslims.

Next, the research looked at the reality of Jaafari courts and Jaafari fatwas, starting from the establishment of Lebanon and the recognition of the Shia sect as an independent community. It presented the legal aspects of this field and the relationships governing the relationship between Sharia courts and the Supreme Sharia Judicial Council, as well as civil law.

It then focused on the Supreme Shia Islamic Council, its history, tasks, amendments, and presidency, and shed

light on its current languid state and its shortcomings in fulfilling its established tasks. Finally, the research highlighted Shia endowments and their associated issues and events, providing an overview of the development of the real estate system in Lebanon during the Ottoman and Mandate periods. It also discussed the status of these endowments in the context of Sharia courts and the Supreme Shia Islamic Council.

This research faced challenges regarding the early Shia historical stages and how they dealt with their legal issues related to personal status and endowments, largely due to the scarcity of information. In conclusion, this research aims, through addressing this aspect of the Shia reality in Lebanon, to add something new and shed light as much as possible on the state of these Shia institutions. This research also intends to be a starting point for future research on this subject and encourage those involved to critically consider the history, trajectory, and current state of the existing legal situation of the Shia in Lebanon, and to envision a future that holds at its core justice and equality.