

Contextualizing Jihad and Takfir in the Shi'a Conceptual Framework

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Brief Analysis

The nuances of jurisprudential difference between Sunni and Shi'a concepts of jihad have been more or less shaped by the history of the Shi'a community and by the approach of the Shi'a religious scholars to politics.

Though the Shi'a concept of jihad has not infrequently aligned with that of Sunnism, the distinct history of the Shi'a community has shaped the development and applications of jihad. The term derives from the Arabic word "Shi'a" ("political party") and came to symbolize the partisans of Ali, the Prophet Muhammad's cousin and son-in-law. When Caliph Ali was assassinated in 661, his death underscored a grave injustice committed against the first male convert to Islam and the possessor of exceptional qualities similar to those of Prophet Muhammad and inspiring a preservation of his legacy that differed in several key ways from the prevailing (Sunni) narrative. The second and most formative event for Shi'a ideology and tradition was the 680 martyrdom of Ali's son Hussein at the hands of Umayyad Caliph Yazid at Karbala after Imam Hussein contested the Umayyad Caliph Mua'wiya's appointment of Yazid, his son, over Hussein's claim to the Caliphate.

The Martyrdom of Hussein

The massacre of Imam Hussein, his household members, and supporters developed a mythical, ideological, and socio-political dimension in Shi'a Islam, whereby this martyrdom became central to Shi'a identity, tradition, and theology. Imam Hussein epitomized opposition to tyranny, oppression, and the struggle against the chronic injustices of the world. No less significant to Shi'a collective consciousness were the humiliation and desecration of the body of the Prophet's grandson. For over a millennium and until the advent of Ayatollah Khomeini, Shi'a ulema tended to shy away from politics—considering Sunni Caliphs as usurpers of power but advocating political quietism, especially considering the position of Shi'a as a perennial minority in Islamic thought.

However, the example of Imam Hussein and subsequent killings of the Prophet Muhammad's descendants by Sunni caliphs fundamentally shaped the Shi'a concept of jihad. According to the dominant Twelver Shi'a denomination, twelve imams—descendants of the Prophet—were the rightful rulers of the Muslim umma in its entirety. But eleven were murdered and only the Twelfth Imam was saved and taken into occultation by God in 874. The Twelfth Imam

was saved in order to eventually return as the Mahdi or the Guided One and, together with Jesus, “shall fill the earth with knowledge of God and justice.”

Shifting Concepts of Leadership

In sharp contrast with Sunni doctrine, a central belief of Shi'a communities is in the infallibility of the Imams and in the imamate's leadership of the umma. However, with the Twelfth Imam in occultation, leadership of umma passed on to the mujtahids, learned scholars of Islam, as stewards until the return of the Mahdi. This transition of power from infallible to fallible leadership has left room for dispute, especially in terms of when and whether jihad should be declared.

Ultimately, two schools of Shi'a jurisprudence emerged that addressed the ulema's spiritual and socio-political role in the absence of the Hidden Imam. The Akhbari school, like Sunni Islam, generally argued that the Koran and the statements of the Prophet and the imams (akhbars) were sufficient to guide the faithful without the use of *ijtihad*—independent scholarly judgment and interpretation of holy scriptures. Significantly, the Akhbari school rejected the legitimacy of jihad during the occultation of the imam.

In contrast, the Usuli school argued that the faithful required mujtahids to engage in *ijtihad* in order to continue guiding the umma. According to this view, every believer must follow a mujtahid, who acts as a *marja' taqlid*: a model to imitate and follow. Senior mujtahids came to be called Ayatollahs (sign of God), which developed into the concept of a single *marja' taqlid* to whom all others deferred. Consequently, senior mujtahids assumed the worldly duties previously considered prerogatives of the infallible imams. Mujtahids could now, among other things, declare jihad (holy war), and make binding legal judgments through the application of reason to extant Islamic sources.

The Usuli school's model won over that of the Akhbaris, and the senior mujtahids' capacity as stewards for the Twelfth Imam found its logical conclusion in Ayatollah Khomeini's construct of *Wilayat al-Faqih* (Rule of the Just Jurist/Guardianship of the faqih). Significantly, in contrast to Sunni jurists who aspired to reconstitute Muslim power, most mujtahids had viewed expansionist or offensive jihad as illegitimate in the absence of the Hidden Imam and continue to do so. In contrast, most mujtahids align with Sunni jurists in the belief that defensive jihad against foreign aggression on the umma is obligatory.

Khomeini and the Expansion of Jihad

In contrast to certain Sunni theorists' expansive development of jihad during the modern period, the Shi'a concept of jihad as a practiced concept remained more or less inconclusive until the 1970s [Still no consensus, yet concept developed further by Khomeini]. It was during this period that Ayatollah Khomeini delivered a series of lectures in Najaf, Iraq that outlined the principles of *Wilayat al-Faqih*, a revolutionary concept that ultimately served as an ideological driver of the Iranian revolution and was adopted by several other senior Shi'a jurists as well.

These principles developed out of Khomeini's perception of the world as split between the oppressors and the oppressed, along with his belief that the struggle to save and liberate the oppressed from the clutches of the oppressors is a religious duty. He asserted the necessity of establishing an Islamic government to enforce Islamic precepts, provide justice, and unite the umma, which had fallen into disunity through internal strife and foreign influence and aggression. He defined the ideal Islamic government as a special kind of constitutional government anchored in Islamic laws and entrusted to the most competent jurist, a model that would shape the governmental system of the Islamic Republic of Iran. Khomeini reasoned

(http://www.iranchamber.com/history/rkhomeini/books/velayat_faqeeh.pdf):

God Almighty has given the quality which is required for rulership to a great number of religious scholars from the very outset of Islam to the advent of the Imam of the Age. This quality is the knowledge about law and justice. A great number of our contemporary scholars (*fugaha'*, plural of faqih) possess this quality and they should join hands. They

will be able to establish a just government in the world.

Accordingly, Khomeini saw revolt against tyrannical regimes to establish an Islamic government as the only correct path, and he invoked past traditions to link jihad to the guardianship of the faqih and to the Koranic admonition of enjoining good and forbidding evil. Khomeini emphasized

(http://www.iranchamber.com/history/rkhomeini/books/velayat_faqeeh.pdf) that “the first [step] is the principle of the governance of the faqih, and the second is that the fuqaha’, by means of jihad and enjoying the good and forbidding the evil, must expose and overthrow tyrannical rulers and rouse the people so that the universal movement of all alert Muslims can establish Islamic government in place of tyrannical regimes.” He also stressed that by educating people about Islam “the entire population will become mujahids [those practicing jihad].”

This new Shi'a presentation of jihad as a tool against tyrannical regimes is a perspective similar to Sunni jurists. In fact, even Ayatollah Mortaza Mutahhari (<https://www.al-islam.org/jihad-holy-war-islam-and-its-legitimacy-quran-ayatullah-murtadha-mutahhari/lecture-two-defence-or>)—a key ideologue of the Iranian Revolution who rejected offensive jihad—nevertheless sanctioned jihad against a tyrannical group committing an injustice against an oppressed people. In particular, he argued for the acceptability of jihad when Muslims have the power to come to the aid of a group whose rights are being transgressed upon by another.

Khomeini's Jihad as an Applied Concept

This notion of jihad against tyranny and injustice, grounded in the tradition of the martyrdom of Imam Hussein, dovetailed neatly with the development of jihad as resistance movements. Shi'a concern for pervasive injustices of the past and present have sharpened this sense of the need for active resistance, a view that has morphed into the guiding principles of organizations such as Hezbollah. Ayatollah Muhammad Hussein Fadlallah, considered Hezbollah's late spiritual leader, endorsed jihad against occupation as a defensive movement. Moreover, though marking a linguistic distinction between “suicide” and “self-sacrifice,” Fadlallah allowed for suicide operations as a form of military resistance and martyrdom as had been modeled by Imam Hussein. Fadlallah explained (<http://www.dailystar.com.lb/News/Lebanon-News/2002/Jun-08/36734-fadlallah-explains-religious-basis-for-suicide-attacks.ashx>):

Killing oneself is like killing another human being; it requires permission. One needs permission from Allah to kill himself or to kill others... Basically, it is haram (prohibited by religion) to kill oneself or others; but during jihad (holy war or struggle for the sake of Islam), which is a defensive or preventive war according to Islam, it is accepted and allowed, as jihad is considered an exceptional case.

This rhetoric has defined jihad and resistance as two sides of the same coin, developing the idea of jihad into an all-encompassing socio-political resistance movement. In his 2009 book *Hizbullah: Al-Manhaj, al-Tajribah, al-Mustaqlal* (Hezbollah: The Curriculum, the Experience, the Future), deputy secretary general of Hezbollah Naim Qassem defined the group as “a jihadi movement whose primary objective is the jihad against the Zionist enemy,” and expanded on Hezbollah's model of resistance:

The Resistance for Hezbollah is a social vision in all its dimensions. It is political, cultural, informational, and military resistance. It is the resistance of the people and the *mujahidin*, the resistance of the ruler and the Ummah, and the resistance of free conscience whatever it may be.

Hezbollah leadership's broad outlook of resistance reinforced the ideological gray area that contemporary Shi'a jurists had developed between defensive jihad and a model of resistance against oppression that could otherwise be classified as offensive jihad. From a Western vantage point, jihad presented as resistance but often taking place far beyond the borders of Lebanon constituted acts of terrorism.

An Alternate Model of Jihad in Shi'I Jurisprudence

In contrast to the recently expanded definitions of jihad that some Shi'a jurists have developed, most jurists have remained careful about levelling the charge of disbelief (takfir) without conforming to Islamic jurisprudence. This caution is modeled by Ayatollah Ali Husseini al-Sistani, the chief jurist in Iraq and *marja' taqlid*, who has defined the **unbeliever (<https://www.sistani.org/arabic/qa/0655/>)** as someone who is an atheist, a non-Muslim, or a Muslim who denied the Revelation. Al-Sistani has also maintained a deeply restrictive definition of **jihad** (<https://www.sistani.org/arabic/qa/0429/>), limiting the legal declaration of jihad only to the infallible Imam or his special deputy.

Broadly speaking, the concept of jihad for both Shi'a and **Sunnis**

(<https://www.washingtoninstitute.org/fikraforum/view/contextualizing-jihad-and-takfir-in-the-sunni-conceptual-framework>) is multivalent. A key theoretical difference between the two concepts lies in the Shi'a belief that an offensive jihad cannot be carried out during the occultation of the Hidden Imam, though defensive jihad to aid oppressed people beyond the borders of the concerned Muslim society can occur if it is in accordance with a legal ruling by a mujtahid. Significantly, the ideology of Salafi-jihadism similarly defines the concept of jihad as in defense of Islam, but the Shi'a concept of jihad does not allow for the Salafi-Jihadi goal of reconstituting Muslim political power, even in the case of oppression.

More importantly, the declarations of jihad and takfir are more regulated within the Shi'a community as they are reserved to marja' taqlid whereas Salafi-jihadi ideologues have applied their own perceptions of the "other," especially the Westerner, as a dehumanized kafir to the declarations of jihad and takfir and are thus legitimate targets for death. Al-Qaeda and the Islamic State have had no qualms massacring unbelievers in the Muslim and Western worlds. In contrast to Sunni extremist groups such as Al-Qaeda and the Islamic State (IS), the Shi'a concept of jihad, as expressed by Khomeini's ideology and Hezbollah, has morphed more into a geopolitical religious movement, affecting American foreign policy.

It is important to understand that this presentation of Shi'a jihad, along with the sunni Jihadi-Salafist versions propagated most recently by IS, are distortions of mainstream Islamic teachings rather than representative as is sometimes assumed. For most Muslims, both sunni and shi'I, "lesser" jihad unequivocally means a call for defensive warfare when under direct attack, whereas "greater" jihad remains a struggle with the self to live in a moral and virtuous manner. These are both concepts that extend far beyond the Muslim community, and are widely recognized as reasonable and just.

By historicizing extremist definitions of jihad and refusing to legitimate extremists' claims that they provide an ahistorical and 'correct' interpretation of jihad and takfir, U.S. officials can help to reduce the oversized influence extremist groups have had on certain western understandings of Islamic concepts and the ideological appeal of extremism for those lost and searching for authentic interpretations of Islam. Both Muslims and non-Muslims benefit once it is clear to all that extremists' definitions of jihad and takfir are fringe mutations of terms that already have longstanding and well-founded definitions within the mainstream framework of Islam. ♦

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