Sectarian Homes: The Making of Shiʿi Families and Citizens under the French Mandate, 1918–1943

Linda Sayed

Submitted in partial fulfillment of the requirement for the degree of Doctor of Philosophy in the Graduate School of Arts and Sciences

COLUMBIA UNIVERSITY
2013
ABSTRACT

Sectarian Homes: The Making of Shiʿi Families and Citizens
under the French Mandate, 1918–1943

Linda Sayed

My dissertation focuses on the legal recognition of the Shiʿi sect by the Mandate state as a pivotal point in generating increased sectarian awareness, particularly as it related to the domain of the family. I analyze the impact this had on the space of the family during the French Mandate and the creation of the new Lebanese nation-state from 1918–1943 as growing concerns to reform Shiʿi families emerged. I explore how the family became intertwined in the system of sectarianism and became vital to the understanding of Shiʿi as a Lebanese sect. This study examines three sites, the Shiʿi press, Jaʿfari shariʿa courts, and Shiʿi educational institutions, in order to reveal how familial and gendered relationships were defined, performed, and constructed during this period. All three sites represent different forms of producing Shiʿi families and gender relationships. By exposing the differences in these spaces, I disclose how multiple notions of masculinity and femininity were deployed in the formation of the Shiʿi as a collective entity and citizens of the nation-state.

By concentrating on the locus of the family, my dissertation highlights how marital and gender roles became intertwined in sectarian and national categories of practices for the Shiʿi Muslims of Lebanon. This study seeks to place the family space and everyday experiences of Shiʿi Muslims in the understandings and articulations of sectarian and nationalist concepts of identity. The multiple productions of Shiʿi families in the press, Jaʿfari shariʿa court records, and Shiʿi educational institutions reveal how fluid and mutable gendered, sectarian, and national modes of identification were during this period.
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acknowledgements</td>
<td>ii</td>
</tr>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td><strong>Chapter 1</strong> Asserting Roots: Re-claiming Origins in the Narrative(s) of Lebanese Nationalist History</td>
<td>21</td>
</tr>
<tr>
<td><strong>Chapter 2</strong> Constructing Boundaries and Negotiating Citizenship: The Nationalization of Shi‘i Families and the Ja‘fari Shari‘a Courts in Lebanon, 1926–1943</td>
<td>76</td>
</tr>
<tr>
<td><strong>Chapter 3</strong> Molding Shi‘i Families: Fashioning Fathers and Husbands, and Mothers and Wives through the Shi‘i Press, al-‘Irfān</td>
<td>120</td>
</tr>
<tr>
<td><strong>Chapter 4</strong> Realities on the Ground: Negotiating Family through the Ja‘fārī Shari‘a Courts</td>
<td>172</td>
</tr>
<tr>
<td><strong>Chapter 5</strong> The Future of the Sect: Educating Shi‘i Children into the Lebanese Nation-State</td>
<td>219</td>
</tr>
<tr>
<td>Conclusion</td>
<td>257</td>
</tr>
<tr>
<td>Selected Bibliography</td>
<td>264</td>
</tr>
</tbody>
</table>
Acknowledgements

This dissertation would not have been possible without the support of my mentors, colleagues, friends, and family. I am forever grateful and indebted to all of them for joining me on this long journey.

First and foremost, I would like to begin by acknowledging the invaluable support and guidance of my committee members. Hamid Dabashi has been by my side since the first day of my graduate studies. He has always believed in my project, and encouraged my research interests even when I doubted it. I thank him for all he has taught me and for standing by my side. Rashid Khalidi’s enthusiasm for my archival research encouraged me to thoroughly examine my sources. He has been a source of constant support from providing detailed chapter revisions to attending my dissertation workshops. His knowledge has been indispensable. Gil Anidjar’s invaluable insight and critical eye forced me to pay attention to detail and clarify my argument. His queries on sectarian formations and nationalism encouraged me to ask deeper questions and sharpen my work. I would like to think I have learned to become a more critical reader over the years due to his intellectual prowess. Fawwaz Traboulsi has been a mentor and teacher. Being a student in his class in my early years of graduate work helped shape my interest and knowledge of political formations and sectarianism in Lebanon. His critical analysis has shaped my understanding of the nation-state and Middle East historiography. Lila Abu-Lughod’s insight and critiques have forced me to think deeper about my work and its future trajectory. I am grateful for the time she took to comment on my work even though it came at a much later phase of the writing process.
In the course of my graduate studies, I benefited from generous scholarships and fellowships that enabled me to finish this project. I would like to thank the Department of Middle Eastern, South Asian, and African Studies at Columbia University for continuously supporting me throughout my graduate years. Various summer fellowships from the Graduate School of Arts and Sciences and the Middle East Institute also contributed to my research travels. The Middle East Institute Dissertation Write-up Fellowship allowed me to work on my dissertation while contributing to the intellectual community at Columbia University.

Research for this dissertation was done in various institutions, archives, and libraries. I would like to thank the American University of Beirut (AUB) for supporting and facilitating my research in Lebanon. Nadia El-Cheikh and Aliya Saidi at the Center of Arab and Middle Eastern Studies helped arrange my access and stay there. The assistance provided by the staff at the Jafet Memorial Library at AUB, particularly Najeb at the microfilm archive, made the research for this project possible. This project would not have been possible without my admittance into the Jaʿfari shariʿa courts. I would like to thank the president of the Jaʿfari shariʿa courts, Hassan ʿAwwad, for accepting my request to conduct research. Without the help of Yusuf Shaheen (Abu Rabiʿ) at the archives of the Beirut Jaʿfari court, I would not have gained extended access to these rich records to write this dissertation. His stories and anecdotal commentary made my experience all the more pleasant and insightful. I am indebted to his help. ʿAli Fakih helped me navigate my way in Tyre and attain access to the Jaʿfari shariʿa court there. He introduced me to Yusuf Shams al-Din who facilitated my access at the Tyre court. Without his assistance, I would not have made my connections at the Jaʿfariyya school. Muhammad Yusuf Beydoun, the principal at the ʿAmiliyya school, provided me with access to their archives and was willingly to answer all my inquiries. Ghassan’s assistance at the ʿAmiliyya library gave me the support
needed to navigate their records. Ahmed Beydoun and Mounzer Jaber were always willing to help and direct me in the right direction. I thank them for inviting me into their homes and enlightening me with their scholarly insight. I would also like to thank Marlis Saleh at the University of Chicago Documentation Center for her assistance in accessing their collection of Arabic press and periodical archives, and the University of Michigan for allowing me to utilize their libraries for research.

Over the years many colleagues and friends have taken the time to show interest and support throughout this project. They have remained an unwavering source of encouragement. At Columbia University, I have been fortunate to be part of an amazing community of friends. I want to thank Ari Ariel, Bedross Der Matossian, Cheryl Leung, Cenk Palaz, Dina Ramadan, and Hamid Rezai. I would also like to thank Leyla Azmi, Soraya Batmanghelichi, Mouannes Hojairi, and Nader Uthman for their constant friendship and scholarly input throughout the years. Karin van der Tak’s keen eye and friendship helped me through the final stages of this dissertation. I am blessed to have such great people in my life. On a personal level, I would like to thank my writing group, Elizabeth Johnston and Tsolin Nalbantian. They have patiently read and commented on many drafts of this dissertation. Their endless support, positive attitude, and valuable friendship has been a guiding force throughout this writing process. I could not have done it without you by my side, and for this I am forever grateful.

I am blessed to have the support and love of the Sayed and Jaafar families in the many years of research in Michigan, New York, and Lebanon. I would not have been able to take this journey without them all. The Jaafar family made Michigan home. My in-laws, Abraham and Fatima, and my sister-in-laws, Zainab, Fatin, and Mervat have embraced me with their love and support. They have become my biggest fans and accompanied me on this journey. I will never be
able to thank them sufficiently and hope one day I can adequately express my gratitude. I would also like to thank my brother-in-laws, Ibrahim and Mohammed, for their interest and insight into my work. Amo Jaafar, Badiʿa, and their children have become my family and solace during my time in Michigan. My aunt Ghada became a second mother to me there, and I cherish her for that. My grandparents and mother’s family in Michigan have always cheered me on, and for that I am grateful. Without all their assurance and support, I would not have come this far. The deep friendships fostered in Michigan filled my time there with joy and love. Through their endless support, Nadya Karadsheh and her daughter Mona made hours spent on research possible. My extended New York family supported my research ambitions throughout. My uncle Ibrahim and his wife Rajaa, and their children have been a constant force in my life. I want to thank my uncle Toufic and aunt Rola and their kids for their continuous support as I spent hours on their couch going over court documents. I want to also thank Alhan Reda for being a sister to me and providing emotional support when things seemed overwhelming.

My family in Lebanon made my research and stay possible. My uncle Ahmed and his family invited me into their lives, and helped me navigate different institutions in South Lebanon to make this research possible. My aunts Khadija and Zanat nurtured me with their love and kindness during my research. Sira and Kamel Beydoun opened their home in Beirut. Their generosity and determination to help me pursue this project was indispensable. My research in Lebanon in 2009 allowed me to spend time with my grandmother, ʿAbd al-Zahra, before her passing. I will forever hold on to these beloved memories.

None of what I have accomplished would have been possible without the patience, love, and encouragement of Kalil Jaafar. He has been my anchor and support from the beginning. He has lifted me up more times than I can remember, and has taken over all parental duties during
the final stages of the writing process. I am blessed for his relentless love and grateful for having him beside me to share life’s journey with. Our two boys, Abraham and Ali, and our little sunshine Layelle, make all this worthwhile. I only hope to be the mother and role model they deserve.

Finally, my parents, Mohamed and Fadila, have always been my foundation. Without their encouragement to pursue graduate studies, I would not have reached this point. I have always felt their love and support whether I was in Lebanon, Michigan, or New York. Their strength and perseverance has been my inspiration. I owe a special debt to my father whose enthusiasm for education gave me the courage to believe in this project. I dedicate this dissertation to them. My siblings, Hassan, Mona, and Hussein have been my source of confidence over the years. They have pushed me through my struggles with their love. They have read papers and chapters in the midst of the night when I was in need of reassurance. Hassan and his wife Zeinab continue to cheer me on. Mona has always been there to pick me up when I thought I had no more strength to continue. I will forever be blessed to have her in my life.

It goes without mention that all factual and conceptual errors are mine, and I am solely responsible for any shortcomings.
**Introduction**

This dissertation is a historical examination of how Shiʿi Muslims in Lebanon came to practice citizenship and sectarianism, and the impact these practices had on the family-system during the French Mandate and in the creation of the Lebanese nation-state from 1918–1943. By focusing on the domain of the family, this historical study highlights how familial and gender roles became intertwined in sectarian and national categories of practices for Shiʿi Muslims of Lebanon. It looks at various institutions that became interwoven with the institutions of the modern nation-state, including the Shiʿi press, Jaʿfari shariʿa courts, and Shiʿi educational institutions. In doing so, this historical study reveals how Shiʿi families were integrated (and integrated themselves) in the Lebanese national formation, and multiple, and at times competing, sectarian identifications. It was within the space of the family that political, social, and cultural constructions of sectarianism and Lebanese nationality were provoked, negotiated, and normalized through these various institutions and everyday practices of Shiʿi Muslims. In conducting this study, I was guided by the following research questions: How did the recognition of Shiʿ as as an official Lebanese sect affect their integration as citizens into the newly formed nation-state? How did sectarian categories of identification inform Shiʿi familial practices and gender roles? And finally how did the space of the family become intertwined in the formation of Lebanon as a nation-state and the production of competing practices of sectarianism?

The study, entitled *Sectarian Homes*, highlights how the space of the family was important to the integration of Shiʿ as both a modern sect and as citizens into the newly emerging Lebanese nation-state during the French Mandate. Specifically, this dissertation

---

examines the changes during the Mandate period that generated a Shiʿi sense of collective awareness, and fostered a need to address and reform societal and gender norms as they related to the family. These changes took place as the Shiʿi population became bounded and defined by the borders of a newly constructed Lebanese nation-state. The space of the family, and in particular marital relationships, became vital in the understanding of the Shiʿi population as a modern Lebanese sect. This project explores that space, along with how the Shiʿi population debated constructions of gender, notions of masculinity and femininity, childbearing, and education in its efforts to integrate into the Lebanese nation-state.

In order to conduct this project, my research utilized the archives of the Jaʿfari shariʿa courts in conjunction with records from Shiʿi press and educational institutions to examine how sectarian and gender identities were shaped, debated, and reconstructed during this period of Lebanese national formation. These records revealed how sectarian and national categories were practiced in the space of the family and within gender relations, and how the population came to negotiate and normalize what it meant to be a modern citizen of the Lebanese nation-state. 

*Sectarian Homes* shows how Shiʿi sectarian identifications were continuously reproduced, challenged, and negotiated in national and gender practices of citizenship during this period of national formation.

*Sectarian Homes* makes two major contributions to the historiographical literature on Lebanon. First, this dissertation adds to the growing but still diminutive social history of the Shiʿi community in Lebanon by exploring Shiʿi practices of sectarian formation and gender studies during the French Mandate period. It is the first study of its kind based upon early primary sources from Lebanese Shiʿi institutions that focuses on the domain of the family, and the ways the “family” was implicated in the processes of Shiʿi identification and sectarian
production. By looking at these various institutions, *Sectarian Homes* reveals how Shiʿi individuals of various socioeconomic classes negotiated, constructed, and normalized competing notions of Shiʿi sectarian identity and gender roles as they pertained to their newly acquired Lebanese citizenship. The family became a site of contestation as multiple notions of national and sectarian formation were articulated through the institution. In doing this, *Sectarian Homes* reveals how sectarianism not only impacted the politics of the Lebanese landscape but also the domestic affairs and practices of everyday life for Shiʿi individuals.

Second, this dissertation reveals how sectarian and national categories of identification were flexible and not fixed categories of affiliation during this formative period of the nation-state. In other words, sectarianism was not a trans-historical category. By examining the Shiʿi press, Jaʿfari shariʿa courts, and educational centers, *Sectarian Homes* demonstrates how multiple, and at times contradictory, sectarian modes of identification were constructed and contested as they related to Shiʿi families and gender formation. For example, the Shiʿi press through the journal *al-ʿIrfān* constructed middle class perceptions of sectarian gender roles that it deemed necessary for national inclusion. As this dissertation reveals, these often conflicted with the everyday realities and practices of Shiʿi Muslims as articulated in the records of the Jaʿfari shariʿa courts. By examining Shiʿi press and court records, along with records from the first Shiʿi educational institutions, my dissertation reveals how Shiʿi of various socioeconomic statuses utilized sectarian, as well as gender identity, to suit their personal interests, and redefine societal norms, and create their own understanding of “citizenship” in the Lebanese nation-state.

Setting the Stage
As the Shi‘as were the most historically marginalized and underrepresented group in Lebanon, the French Mandate brought about many changes in the way they came to conceptualize and integrate their place in the modern nation-state as a sect. With the breakdown of the Ottoman Empire, Shi‘i Muslims found themselves under the mandatory authority of the French and within the boundaries of a newly established Lebanese nation-state. The end of World War I led to the division of the Middle East according to the Sykes-Picot Agreement that brought with it the imposition of the French Mandate, and the beginnings of the Lebanese nation-state. It is for this reason that this dissertation uses 1918 as its starting point. The establishment of the French Mandate demarcated borders and constructed the contours of a new Lebanese national entity that had not existed prior to this moment. These borders determined the perimeters of new national entities and established new social and political communities based on a system of sectarianism ordained by the modern nation-state.

Influenced by the work of Michel Foucault, *Sectarian Homes* analyzes how the modern nation-state, through its institutions that included schools, courts, and the press, became sites whereby everyday practices of family and sectarian identifications were normalized and produced in society. Rogers Brubaker expands on this notion of nationalism by examining the nation as a practical category, or as Lisa Wedeen terms it a “performative category.” Citizens become attached to the nation-state through various categories of practice. Accordingly, nationalism was not a universal category or modular as Benedict Anderson conceived, but rather

---


a construed classification in the everyday practices of society within any given historical period.\textsuperscript{4} In the case of Lebanon, sectarian identification based on kinship became the only form of nationalized citizenship with the establishment of the modern nation-state. As Ussama Makdisi elaborates, sectarianism in Mount Lebanon emerged in the context of nineteenth-century Ottoman reforms and within competing “Ottoman, European, and Lebanese narratives of modernization.”\textsuperscript{5} Hence, sectarianism developed as a discourse and practice that was produced and not as something “native” and “indigenous” to the history of Lebanon. However, with the fall of the Ottoman Empire and the occupation of the French mandatory authority, sectarianism became the official legal system of the Lebanese nation-state and the only form of national participation adhered to by law. With the legal recognition of four sects by the Lebanese nation-state during the French Mandate, and the institution of personal status law as separate and distinct from civil law, sectarian categories of citizenship in both the public civil order and personal private order were delineated. From this point onward, newly constructed sectarian citizens were continuously reproduced in the Lebanese nation-state as the only form of recognition and practice. In many ways, these sectarian categories of citizenship in the public civil order and those of the personal private realm mutually reinforced one another due to the very structure of the Lebanese nation-state.

Prior to the imposition of the French Mandate, Shiʿi as living in the region known as Greater Syria had no distinct political ties linking the various Shiʿi communities. At the end of World War I, Shiʿas residing in the territories of the newly formed Lebanese nation-state found


themselves under the authority of the French Mandate, and citizens of a new national entity. Shiʿi Muslims of Lebanon have geographically resided in Jabal ʿAmil in the south, areas of the Bekaa Valley in eastern Lebanon running from Mount Lebanon to Anti-Lebanon, such as Baalbek, Tripoli, Kisrawin, and the capital of Beirut. For Shiʿi Muslims of Lebanon, the establishment of the Lebanese nation-state brought with it the first political and legal recognition of the group as a sectarian entity within the boundaries of the newly defined nation-state.

From Ottoman Empire to Mandate

For the most part, Shiʿas residing in Lebanon are Twelver Shiʿas. Twelver Shiʿas believe in the succession of the 12 imams of ahl al-bayt, or the family of the Prophet.6 According to Twelver belief, the succession of the caliphate, after the Prophet’s death, should have been rightfully passed on to ʿAli bin Abi Talib, the Prophet’s cousin and son-in-law, and his family. Followers of Twelver Shiʿism believe that the Prophet had bestowed ʿAli, one of the Prophet’s most faithful and gallant men, with the spiritual leadership of the faithful in 632 at Ghadir Khumm.7 With the death of the Prophet in 632, a community of faithful selected Abū Bakr as the Prophet’s successor and first caliph against the will of ʿAli and some of the Prophet’s companions who supported his claim. ʿAli was passed over for the caliphate twice more. With the assassination of the third caliph, ʿUthman bin ʿAffan in 656 C.E., ʿAli became the fourth caliphate of the Muslim umma. In 661 C.E., ʿAli was killed and the caliphate was not passed on

6 Throughout my reading, the term Shiʿa as a noun and Shiʿi as an adjective will be used to denote Twelver Shiʿas while the other Shiʿi sects will be referred to by their specific name.

through ʿAli’s lineage, but rather through the Umayyad branch of the Prophet’s clan. ʿAli’s followers believed that the caliphate should have been bequeathed to ahl al-bayt. Although there are various divisions within Shiʿi Islam on the Imamate of ʿAli’s lineage, Twelver Shiʿi as believe that the last imam, al-Madhi, went into occultation in 874 C.E., and will return at the end of time to restore peace and justice. For Twelver Shiʿism, Jabal ʿAmil has long been a historical and cultural stronghold of the group where a sizable community has long resided. However, under the Ottoman Empire this community was largely silenced and marginalized.

Under the Ottoman Empire, Shiʿi Muslims were not given any particular legal status or millet recognition, and were thus forced to adhere to the principles of Hanafi law as practiced by the state. This drastically changed under the French Mandate whereby on January 27, 1926, Shiʿas were recognized as an independent taʾzīfa, or sect, with the right to establish separate Jaʿfari shariʿa courts to administer the sect’s personal status matters. It was precisely at this moment that the recognition of the Jaʿfari maddhab (religious denomination) transformed the Shiʿas of Lebanon into a sect within the boundaries of the new nation-state. The first Jaʿfari shariʿa courts to administer Shiʿi personal status or family law were also established at this time. Consequently, the standardization of the legal system of family law by the state solidified Shiʿi sectarian affiliation and kinship in the public sphere. In many ways, it defined a place for “religion” to make its public appearance within the state. More importantly, the application of

---


9 This is elaborated on in Chapter two.

10 The difference between maddhab and taʾzīfa is explored further in Chapter two.

11 The impact and emergence of sectarianism in Lebanese society has been examined in depth by Ussama Mikdasi. Ussama Mikdasi, The Culture of Sectarianism, 2000; and idem, “Revisiting Sectarianism” in Religion Between Violence and Reconciliation, ed. Thomas Scheffler (Beirut: Orient-Institut, 2002), 179–91.
personal status law came to have no meaning independent of the judicial institutions belonging to the Lebanese nation-state.\textsuperscript{12}

The official recognition of Shi‘as as a sect by the mandatory state, and the creation of Ja‘fari shari‘a courts to govern matters of Shi‘i personal status or family law, integrated Shi‘as as a sect in the national framework and deepened sectarian belonging.\textsuperscript{13} It was precisely during this period, as this study shows, that great emphasis was placed on bettering Shi‘i families, societal norms, and educating Shi‘i children. \textit{Sectarian Homes} investigates the legal domain of the Ja‘fari shari‘a courts and its first records to explore how familial matters were negotiated, and the impact that sectarian recognition had on marital practices and gender norms. During the Mandate period, the familial home served as a space where Lebanese Shi‘as negotiated, practiced, and normalized being modern sectarian citizens of the nation-state. This dissertation exposes this change during the Mandate period that moved toward the reassessment of Shi‘i families, and the deployment of notions of femininity and masculinity as efforts were made to construct Lebanese Shi‘i citizens. Through the modern nation-state, the family became a “localized pedagogical apparatus” whereby gender formations and practices of sectarian citizenship were performed.\textsuperscript{14}

\textsuperscript{12} Article 95 of the 1926 Lebanese Constitutions created a nation rooted in sectarian difference. Meir Zamer, \textit{Lebanon’s Quest: The Road to Independence} (London: I.B. Tauris, 1997). Arrete 3503 decreed by the French gave each sect the sovereign rights to rule on communal personal matters.


Due to the specific focus of this dissertation on the space of the family and its relationship to Lebanese sectarianism and nationalism, this study does not emphasize the political unrest between Arab nationalism and Lebanese nationalism, although it highlights its impact when relevant. Rather, *Sectarian Homes* displays how various spaces and institutions in Shiʿi society negotiated and produced conflicting notions of gender roles and family practices in the hopes of producing modern Shiʿi citizens of the Lebanese nation-state.

**Modern Lebanese Historiography and Shiʿas**

For the most part, Shiʿi Muslims have been neglected in the grand narratives of Lebanese historiography, particularly during the French Mandate period. This has been largely due to their political and economic marginality during this time. Lebanese historiography has usually pointed to the rise of Imam Musa al-Sadr, the Shiʿi political and religious leader of the 1960s, as the pivotal moment which triggered Shiʿi mobilization and solidified sectarian unity. Although this period saw great strides in improving the social and political conditions of Lebanese Shiʿas by bringing the community’s concerns to the national forefront, the history and involvement of the Shiʿas in Lebanon prior to this moment has been underrepresented and marginalized in the nation’s contemporary historiography.

Considered a leading scholar in Lebanese historiography, Kamal Salibi’s *A House of Many Mansions: The History of Lebanon Reconsidered* takes a critical approach at analyzing the uniqueness and peculiarity of Lebanese history composed of different communities and histories. Although Salibi emphasizes the different views and histories that make Lebanon exceptional, he places very little importance on Shiʿas in this history. Salibi claims that they “had no impact on
the Lebanese scene outside strictly Shiʿite circles. No effort of imagination could convincingly depict them as part of a general Lebanese heritage.”¹⁵ Salibi posits Shiʿ as as insignificant and extraneous to the Lebanese landscape and history whilst underscoring the need to examine the diversity of peoples that came to characterize Lebanese history and its national distinctiveness. For Salibi, Shiʿ as did not play a role in this heritage or historical makeup of the nation-state, and thus neither did the formation of the nation-state impact Shiʿ as or their national affiliations.

More recently, Fawwaz Traboulsi’s text *A History of Modern Lebanon* offers an insightful revisionist history of the “often neglected and obscured internal factors” by highlighting the underlying social and economic factors that have shaped Lebanon politically and historically.¹⁶ More importantly, Traboulsi moves away from the reductionist historiography based on sectarian identity and affiliation by viewing “politicised religious sects” as historical products constituting “multifunctional forms of identification.”¹⁷ However, Traboulsi does not delve into the Shiʿ as of Lebanon and how politicized identifications were historically informed, particularly during the French Mandate. Traboulsi dedicates only a few pages to the Shiʿ as.¹⁸ Still, *Sectarian Homes* utilizes Traboulsi’s theoretical objective to examine the Shiʿ as’ multifunctional forms of identification as it relates to citizenship, family, and gender under the French Mandate.

---


¹⁷ Ibid.

¹⁸ Traboulsi dedicates only a few pages on Shiʿ as amounting to seven references and only two pages under the French Mandate period.
Other works such as Masʿūd Dāhir’s *Tarīkh Lubnān al-Ijtīmāʿī 1914–1926*, provided a more critical analysis that moves away from a state centered approach of history to class analysis and socioeconomic factors to better understand the political history of Lebanon. Despite taking this approach, Dāhir makes little mention of Shiʿas in this regard or the impact that the peripheral Shiʿi region of Jabal ‘ūamil had on the history of Lebanon. Meir Zamir’s works on Lebanon, *The Formation of Modern Lebanon 1920–1926* and *Lebanon’s Quest: The Road to Statehood 1926–1939*, like many, focus on a Mount Lebanon-Beirut centric approach to the nation-state’s history, neglecting marginalized communities, such as the Shiʿas or the peripheries where most Shiʿas reside, and the impact they had on the national landscape. *Sectarian Homes* does not attempt to insert Shiʿas in the national narrative, but rather reveals the colonial impact that nation-state formation had on Shiʿas as a sect and practices of citizenship, particularly as it related to the “private” domain of the family and gender.

In this regard, *Sectarian Homes* is influenced by Elizabeth Thompson’s text *Colonial Citizens: Republican Rights, Paternal Privilege and Gender in French Syria and Lebanon*. Thompson makes a significant contribution regarding the impact that colonialism had on the construction of citizenship in mandate Syria and Lebanon, particularly as it related to “subaltern” citizens in negotiating a colonial civic order. Thompson examines how gender was used “as a

---


primary analytical tool to integrate the many levels of political experience that shaped the colonial civic order” by focusing on the capital cities of Beirut and Damascus. *Sectarian Homes* builds upon Thompson’s work as it investigates the impact of colonialism on gender and sectarian identification relating to the Shiʿas of Lebanon. Nevertheless, unlike *Colonial Citizens*, that concentrates on urban centers and notable social movements, this study focuses on the everyday practices and lives of average citizens through the press, shariʿa court records, and educational establishments. *Sectarian Homes* adds a dimension of social history as the voices and concerns of Shiʿi men and women were heard through court records, and therefore within the larger historical context of the period.

**Growing Field of Lebanese Shiʿi Historiography**

In recent years, there have been major advances to situate Shiʿas within the narratives of modern Lebanese history. Various works have focused on the centrality of Shiʿas by emphasizing the history of the community and its importance in the Lebanese narrative.22 Mounzer Jaber’s dissertation, “Pouvoir et Société au Jabal ʿAmil 1749–1920 dans la conscience des chroniqueurs chiites et dans un essai d’interprétation,” centers on the interactions between Jabal ʿAmil and Druze and Maronite populations in the eighteenth century, and claims that a

---

sense of Shi‘i communal awareness emerged from these interactions with “the other.” Jaber’s work places centrality on Jabal ā‘Amil as a source of Shi‘i identity. This work, however, does not elaborate on the impact of colonialism and nation-state formation on Shi‘i collectivity. Akin to these concerns are Waddāh Sharārah’s texts al-Umma al-Qāliqa and Dawlat Ḥīz̄b Allāh, which provide a detailed history from a Shi‘i perspective regarding the community’s concerns by placing this history in the larger narrative of the region and the Lebanese nation-state.

Tamara Chalabi’s The Shi‘is of Jabal ā‘Amil and the New Lebanon: Community and Nation-State, 1918–1943 examines how the Shi‘as of Jabal ā‘Amil went from a marginal to an active community during the Mandate period as she analyzes how Shi‘as situated themselves as a community in the regional politics of Arab nationalism and Lebanese nationalism. She focuses on their political usage of maţlabiyya, a politics of demand that helped integrate and negotiate the needs of the ā‘Amili Shi‘as, contributing to their growing sense of communitarian identity. Although Chalabi’s work makes a major contribution to the political history of the Jabal ā‘Amil community, her work concentrates only on the political elites and ā‘ulama of Jabal ā‘Amil, and largely neglects Shi‘as living outside this area and average Shi‘i individuals. Sabrina Mervin’s work, Un Réformisme Chiite: Ulémes et letters du Gabal ā‘Amil de la fin de l’Empire ottoman àl’indépendence du Liban, provides a rich history of prominent Shi‘i religious ā‘ulama during

---


the French Mandate, focusing predominantly on the figures of Sayyid Muhsin al-Amin and Sayyid Ṣab‘ al-Husayn Sharaf al-Din. She highlights the religious debates among Shiʿi leading figures who brought about social and political transformations within the community. Despite the scholarly significance Mervin’s work contributes, her study is based on the elite religious segment of Shiʿi society, and thus offers little insight outside this social circle.

Max Weiss’s work, *In the Shadow of Sectarianism: Law, Shiʿism and the Making of Modern Lebanon*, analyzes how the colonial institutions of the Jaʿfari shariʿa courts contributed to the “sectarianization” of Shiʿas under the French Mandate. As the first work of its kind that looks at the Jaʿfari courts, Weiss examines the institutional power of this institution as administered by the French authorities and sanctioned by the Shiʿi community. According to Weiss, “the production of sectarianism in Lebanon has been contingent upon institutional and ideological factors that impinge upon the self-understanding and public culture of Lebanese citizens and collectivities.” For Shiʿas, as Weiss shows, this contingency was built on the institutional effect and establishment of the Jaʿfari shariʿa courts under the French Mandate. The establishment of the courts along with the recognition of Shiʿas as a sect, as shown by Weiss, propelled religious and political reform within the sect. While Weiss’s work provides a new and groundbreaking perspective on the history of Shiʿas in Lebanon and their sectarianization into the Lebanese nation-state, gaps remain.

First, Weiss claims to provide a social history of Shiʿas by examining Jaʿfari court records, yet he dedicates only half a chapter to the actual archives and cases to show how the

---


courts interfered in the daily lives of Lebanese Shiʿas. His analysis of a few court cases centered more on the institutional power of the court on the lives of Shiʿas rather than offering a critical analysis of the negotiation process, knowledge formation, and interpretative framework present in the courts by the individuals involved. Weiss does not delve into the court cases and their practical usage or the impact they had on the daily lives and practices of Shiʿas. *Sectarian Homes* offers such insight on the lives of Shiʿi individuals as it related to gender formation, marital relationships, and practices of citizenship.

As one of the only two individuals (the other being Weiss) who have gained unique access to the records of the Jaʿfari shariʿa courts, my work utilizes the records of the courts to document and examine how sectarian and national identifications were performative categories, and how familial matters and gender roles influenced such categories of practices. This study illustrates the role that average Shiʿi individuals had in debating, normalizing, and constructing societal norms and perceptions. *Sectarian Homes* takes an intimate look at Shiʿi families and practices in the newly established Jaʿfari personal status courts, and reveals notions of agency and how they complicated and contributed to national and sectarian identification. Through the examination of Jaʿfari shariʿa court records, I show how multiple and conflicting notions of nation and sect were debated during this advent period of the nation-state.

Secondly, Weiss notes that “beyond the differential distribution of power and influence in political institutions along sectarian lines (political sectarianism), the field of law proved instrumental in delineating sectarian norms, boundaries and modes of identification.”28 Although Weiss makes this argument and advances how this institution bolstered sectarianization, I show how these boundaries were not as fixed as they initially seemed. *Sectarian Homes* reveals,

28 Ibid., 180.
through the examination of a wide array of court cases in conversation with the Shiʿi press and school records, how these boundaries of identification were negotiated as they related to gender formation and sectarian identification. *Sectarian Homes* therefore reveals multiple forms and spaces of sectarian citizenship through the lens of gender analysis.

Sources and Research Background

Based on archival research I conducted between June 2007 and August 2008, *Sectarian Homes* examines Shiʿi journalistic coverage in conjunction with the records of the Jaʿfari shariʿa courts cases and the first Shiʿi educational institutions to explore how these mediums became a site to negotiate Shiʿi social and cultural norms as a way of integration into the new Lebanese nation-state. This dissertation utilizes the archives of the Jaʿfari shariʿa tribunal courts in Beirut, Tyre, Sidon, Baalbek, Bint Jbeil, and Marjayoun. I had unique access to the hand-written records at these courts dating back to 1926. Court records in each city varied in scope and organization depending on how well they were maintained and preserved. *Sectarian Homes* also uses the popular Shiʿi journal *al-ʿIrfān*, housed at the American University of Beirut library, as a source of historical analysis to demonstrate the intricate role the press played in the making of Shiʿi families, gender roles, and societal norms at a time when Lebanese Shiʿas were integrated into the modern nation-state as a sectarian entity. Finally, this study examines the first successful Shiʿi educational institutions, Al-Jamʿiyya al-Khayriyya al-Islāmiyya al-ʿAmiliyya (The Charitable Islamic ʿAmili College) and al-Jamʿiyya al-Khayriyya al-Jaʿfariyya (The Charitable Jaʿfari Society) to gain a better understanding of how educating Shiʿi children of the nation-state contributed to practices of sectarian citizenship and familial formations. This analysis was based
on archival research and examination of the schools’ yearly records, publications, school attendance, and curricula.

All three primary sources contribute to a better understanding of how the family was a site of contested sectarian and national modes of identification at a time of national uncertainty for Shiʿās.

Organization of Dissertation

The following historical study consists of five chapters. Chapter one, “Asserting Roots: Re-claiming Origins in the Narrative (s) of Lebanese Nationalist History,” examines the changes which came about during the French Mandate and that propelled the writing of Shiʿi history and its inclusion in the Lebanese historical narrative. Although the Shiʿi community has largely been underrepresented and ignored in the standard narratives of Lebanese history, which is rooted in a centric Mount Lebanon-Beirut-Maronite-centric perspective, this chapter uncovers how European travelers, philologists, and writers became fascinated with locating the origins of the Shiʿas of Greater Syria, particularly in the late nineteenth and early twentieth century. This chapter inspects the writings of a number of Orientalists who questioned the “authenticity” of the Shiʿi Muslims of Greater Syria and constructed a racialized image of Shiʿas that delegitimized their claims to the region.

Chapter one also examines how this interpretative framework focused on constructing origins and affected the very nature of Shiʿi historiography in the early twentieth century. As this chapter reveals, Shiʿi historians and “ulamaʾ adhered to the same narrative of origins and race in order to establish the legitimacy and history of Shiʿas in the region, as well as within the newly founded Lebanese nation-state. It concludes by providing a brief historical understanding of the
political and social conditions of Shiʿi Muslims at the end of the Ottoman Empire and advent of the French Mandate to better situate the changes that came about with the formation of the Lebanese nation-state.

Chapter two, “Constructing Boundaries and Negotiating Citizenship: The Nationalization of Shiʿi Families and the Jaʿfari Shariʿa Courts in Lebanon, 1926–1943,” looks at one of the key institutions established by the mandatory authorities and how it contributed to Shiʿi sectarian identification through the space of the family. This chapter examines how the creation of Jaʿfari shariʿa courts and their usage by individuals both complicated and reinforced the legal and political categories of citizenship that were instituted by the Lebanese nation-state. By profiling a number of cases pertaining to matters of marriage and divorce, the chapter demonstrates that these courts and their participants went beyond the regulatory process of the state by molding and contesting legal categories of Shiʿi sectarian and national belonging. Through these records, the chapter locates how notions of identifications—sectarian, national, and gender—were practiced, manipulated, and reinforced before the court to suit the personal needs of litigants. This chapter commences the dissertation’s focus on the space of the family, and how familial and gender roles became intertwined in multiple and competing notions of sectarian and national identification.

Chapter three, “Molding Shiʿi Families: Fashioning Fathers and Husbands, and Mothers and Wives through the Shiʿi Press, al-ʿIrfān,” explores how marital and gender roles became a contested site of modernity and sectarian awareness for the Shiʿas of Lebanon under the French Mandate. By examining the pages of al-ʿIrfān from the 1920s to the 1940s, the chapter tracks the changes in the concept of motherhood and wifehood as women were envisioned as the vessel of the nation-state and Shiʿi sect, and thus in need of reconstructing. As an embodiment of middle-
class perceptions, the Shiʿi press contributed to a normative discourse of morality and gender roles as Shiʿi as negotiated their sectarian citizenship within the Lebanese national framework.

Chapter four, “Realities on the Ground: Negotiating Family through the Jaʿfari Shariʿa Courts,” in contrast, explores the intimate records of the Jaʿfari shariʿa courts to see how gender roles were contested in the everyday lives of Shiʿi individuals. This chapter explores how the Jaʿfari shariʿa courts produced multiple, and at times, conflicting notions of masculinity and femininity, especially when compared to the depictions presented in al-ʿIrfān as examined in the preceding chapter. By placing these chapters alongside each other, the discrepancy between what was constructed as ideal gender roles and marriage in al-ʿIrfān and what actually took place in the shariʿa courtrooms is revealed.

Chapter five, “The Future of the Sect: Educating Shiʿi Children into the Lebanese Nation-State,” tracks the call for educational reform during the Mandate period that linked the upbringing of the home to that of formal schooling. This chapter traces the establishment of the first Shiʿi educational centers by looking at curricula and records of both the Al-Jamʿiyya al-Khayriyya al-Islāmiyya al-ʿAmiliyya in Beirut and al-Jamʿiyya al-Khayriyya al-Jaʿfariyya in Tyre. It explores how the first Shiʿi schools contributed to and fostered both sectarian and nationalist sentiment—and at times contrasting notions—among the Shiʿi Muslims of Lebanon.

These chapters together reveal how the family space was a site of contested sectarian practices and citizenship at a time of national uncertainty indicative in this study’s reading of the Shiʿi press, educational centers, and personal status court records. *Sectarian Homes* contributes to the social history of Shiʿas by offering a revisionist historiography of Lebanon that takes an interdisciplinary approach to better understanding the practices of citizenship, sectarianism, and
gender in national formation and colonialism. This study also questions the notion of sectarian formations as long established entities and demands that they are viewed as historical categories of practices. Whereas the extant historiography assumes that sectarian and national categories are fixed, this study reveals how fluid and mutable they were during this period in the case of the Shiʿas.
Chapter One

Asserting Roots: Re-claiming Shi‘i Origins in the Narrative(s) of Lebanese History

... that fields of learning, as much as the works of even the most eccentric artist, are constrained and acted upon by society, by cultural traditions, by worldly circumstances, and by stabilizing influences like schools, libraries, and governments; moreover that both learned and imaginative writing are never free, but are limited in their imagery, assumptions, and intentions.  

Introduction

For the most part, history has always been written by the politically powerful, thus leaving the voices of the disenfranchised and politically weak silenced in the annals of history. Consequently, little has been written about the Shi‘i Muslims of Greater Syria under the Ottoman Empire, largely due both to the lack of surviving Shi‘i primary sources and their marginality in an Empire that adhered to the orthodox form of Hanafi Islam as the rule of governance. As heterodoxy, Twelver Shi‘as were not given a distinct legal status by the Ottoman administration as a community or millet, and thus for the most part remained unrecognized. Hence, Shi‘i Muslim communities living in Jabal ʿAml, the Bekaa Valley (the Baalbek al-Hirmil region), and some pockets in Beirut and Mount Lebanon have been largely neglected in Lebanese historiography. Some of the first records referring to the Shi‘i Muslims of

---


30 Ibid., 11.

31 Shi‘i narratives claim that Ahmad Pasha al-Jazzar, Ottoman wāli of Syria (1720–1804), pillaged the main Shi‘i libraries in Tripoli and Jabal ʿAml destroying vital records and histories of Shi‘i society. This will be discussed further below.
Greater Syria, however, were written by Western intellectuals and travelers, as well as Arab
Sunni historians. This chapter begins by looking at the early writings that started to appear in the
late 1800s and early 1900s, focusing on the origins and “authenticity” of the Shiʿas of Greater
Syria. In these writings, Shiʿi Muslims were seen as alien to both the Arab and Lebanese context
as their ethnicity, race, and national origins were put into question. These writings, which
spanned for a century-and-a-half, constructed an image of Shiʿas as foreigners and/or colonists
who were portrayed as racially inferior and backward in comparison to the other people of
Lebanon. This chapter argues that this interpretative discourse affected the very nature of the
first modern Lebanese Shiʿi historiographies that sought a need to reassert their origins and
geographic nativeness to Lebanon and the Arab world. With the fall of the Ottomans and the
advent of the French Mandate, there was a push among Shiʿi historians, intellectuals, and
religious scholars to write the history of the Shiʿas of Lebanon. This chapter looks at how the
writing of history for the Shiʿi Muslims of Lebanon became important just as the community
was amalgamated into the nation-state as a ṭāʿifah (sect), and how this Lebanese Shiʿi history was
relational to the history of the “other” sects as they tried to assert their roots within a greater
Maronite-Lebanese historical narrative.32 This chapter concludes by discussing the historical and
economic relationship between the Shiʿas of Jabal ʿAmil, where the majority of the Shiʿi
population resided, and Mount Lebanon under the French Mandate, and the political state of
Shiʿi inclusion into the newly defined nation-state.

Part One: Who Are the Matawilas?

32 Prior to the French Mandate, the term Lebanese Shiʿas could not be used. First, because a national state entity did
not exist that recognized them as a group, and second Shiʿas living in the vast areas of Jabal ʿAmil, Baalbek al-
Hirmel, and Beirut were not a politically unified community whom adhered to sectarian ties—rather their
relationships were regionally based.
Throughout the nineteenth and early twentieth century, a number of foreign travelers, philologists, and historians traveled to Greater Syria recording their observations of the land and its people. In their expeditions to the East, foreigner travelers, usually hailing from France or Britain, sought to unravel the history of the Arab world and the “origins” of its people. In doing so, they created a body of knowledge politically charged, racialized, and rooted in biological determinism as notably argued by Edward Said.\(^{33}\) Post-enlightenment Europe sought to make distinctions between the East (Muslim) and West (Christian) by creating Western knowledge about the Orient institutionalized by scientific fields of disciplinary studies, such as human sciences, anthropology, philology, etc., that categorized people according to “race, color, origin, temperament, character, and types.”\(^{34}\) Orientalists, as argued by Said, created “a set of structures inherited from the past, secularized, redisposed, and re-formed by such disciplines as philology, which in turn were naturalized, modernized, and laicized substitutes for (or versions of) Christian supernaturalism.”\(^{35}\) Basing their analysis on “scientific” and anthropological findings, and consequently masking their Western Christian motivations (this distinction between secular and religious rooted in the West will be discussed in Chapter two), Orientalists created general ideas and perceptions about the Arab world that validated the differences between East and West on the grounds of “race.” Creating a binary typology of advanced and backward societies, Orientalists created a discourse that solidified the division of races and created a quasi hierarchy of civilizations. Among Orientalists, many interests in the East were the Matawils residing in Lebanon/Greater Syria. The term Matawila, Metawileh, or Mutawila was largely used when


\(^{34}\) Ibid., 120. See also Gil Anidjar, “Secularism,” *Critical Inquiry* 33, no. 68 (Autumn 2006); and *The Jew, the Arab: A History of the Enemy* (Stanford: Stanford University Press, 2003).

referring to the Shiʿas of Lebanon prior to the French Mandate. Although the roots of the term have been greatly debated, it is believed to have derived from the phrase “Māta waliyyan li-ʿAli” (He died as the friend of (Imam) ʿAli) or “Māta waliyyan li-ahl al-bayt” (He who died as a friend to the Prophet’s family) in the seventeenth century. By the twentieth century, the term acquired a derogatory connotation largely due to the negative meaning ascribed to the term by non-Matawilas. The term is rarely used anymore to refer to the Shiʿas of Lebanon. According to European sources of the late nineteenth and early twentieth century, the Matawilas of Lebanon resided predominantly in Akkar, Kisrawan, Tripoli, Baalbek, the Bekaa Valley in the Mount Lebanon region, and Jabal ʿAmil or Bilad Bishara, beginning just north of Saida and extending south to the Qarn River in Palestine. A reference to Lebanon became more readily employed during this time period as the seeds for a loosely imagined European-Christian national project began envisioning the beginnings for a Maronite homeland that would only later become a Lebanese nation-state entity with defined boundaries in the modern sense.

Throughout the nineteenth and twentieth century, a number of foreign writers sought to unravel the “origins” of the Matawilas and their racial makeup. In trying to decipher and categorize the people of Lebanon, Orientalists created an “idea” of the Matawilas as a distinct


37 John Wortabet, Researches on the Religions of Syria; Or Sketches, Historical and Doctrinal, Of Its Religious Sect (London: James Nisbet and Co, 1860), 261. Ahmad Ridā, “Al-Matawila aw al-Shīʿa fī Jabal ʿAmīl” [The Matawila or Shiʿa in Jabal ʿAmil], al-ʿIrfān 2, no. 5 (April 1910): 242. The reference to Jabal ʿAmil as Bilad Beshara has been traced back to a ruler during the Middle Ages by the name of Beshara ibn Muʿkabīl who ruled the region. Others have noted that the name was established under the Ayyubis when Houssam al-Dīn Beshara came to the region. Al-ʿIrfān 2, no. 9 (1910): 447–48.
group or race that existed as a historical entity. Orientalists converged in establishing the foreignness of the Matawilas and their racial inferiority vis-à-vis other Lebanese groups. The striking similarities in the vast accounts during the turn of the century produced a normative discourse that had lasting effects on Lebanese Shi‘i historiography and communitarian identity.

In October 1860, French Orientalist philologist Ernest Renan was sent on an archaeological mission to Lebanon by Emperor Napoleon III to “explore ancient Phoenica” and discover the ancient Phoenician inscriptions of the land. His findings were later published in *Mission de Phénicie*, which explored the ancient Phoenician ruins found throughout Lebanon. Although not directly stated, Renan’s *Mission* (as commissioned by the Emperor) sought to dovetail the history of antiquity and the idea of Maronite national consciousness as a means of ultimately establishing a French protectate over a Maronite Phoenician population. Renan ruminated on the different “races” and breeds that divided the country while underlining the inferiority of the Matawila race vis-a-vis other religious communities in Lebanon. In his explorative account, Renan noted the generosity and kindness of the Maronite population, who relished in the riches of the Phoenician civilization while “. . . the Matawilas do not have the same capacity of observation and memory; their brains seem struck with debility.” Unlike the Maronites, the Matawilas lacked the mental capacity to recognize and appreciate the Phoenician

---

38 Said, *Orientalism*, 5.

39 Ernest Renan, *Mission de Phénicie* (Paris: Imprimerie impériale, 1864). 1. Much has been written on Renan and his racial categorization of the Orient vis-à-vis the Western Christian world. See Said, *Orientalism*, 1978. Although the term Lebanon is used by Renan, the extent of its geographic and nationalist borders is still vague and ill-defined. However, the seeds for a Greater Lebanon are already being sown by French colonialists. This exploratory mission happened to take place right after the civil war of 1860 in Mount Lebanon between the Druzes and Maronite ruling families, which resulted in the creation of the Mutasarrifiya of Mount Lebanon.


riches of the ancient land they resided on. What was most interesting in Renan’s depiction was his categorization of the Matawilas as a distinct group of people who can be physically and psychologically differentiated and distinguished from the other “races” present in Lebanon. Renan, like other Orientalists, sketched out an image of a distinct group, a community that stretched across Lebanon with recognizable characteristics, whether racial, sociological, or physical, that could be attributed to the Matawila people. According to Renan, the Matawilas’ palpable racial inferiority hindered the country, creating a “partition wall” that divided the people.42 Through his depictions, Renan created a societal hierarchy placing the Matawilas at the bottom end of the spectrum.

Like most Orientalists of the time, Renan questioned the origins of Shiʿ as. Renan, like other writers, traced the origins of the Matawilas to the Persian race, thus putting into question the legitimacy of the Shiʿ as in the region. The Matawilas’s perceived mental incapacity to appreciate the geographical land was subsequently linked to their “ethnic” foreignness. As a textual footnote to his previous psychological description of the Matawilas, Renan reflected on his personal experience with a handful of them:

On the other hand, nothing is as beautiful as the Matawilas in prayer. During terrible storms and torrential rains, I saw him kneeling on the road. He did not turn away to see us pass. The resignation of Matawilas to support their little feudal tyrants, only because they are of their race, is also something admirable. Lastly, I knew one or two Matawila

---

42 Renan, Mission de Phénicie, 633.
families, of excellent quality or standards, whereby the good Iranian race (Kurd) transported there by Saladin could still be felt.\textsuperscript{43}

Even though Renan admired the beauty of the Matawilas’s strict adherence to prayer and racial loyalty to their own kind, he traced these qualities back to the time of Saladin in the thirteenth century. The Matawilas’s foreignness continued to resonate in their mannerism and social conduct. Renan’s encounter with just a few Matawilas confirmed the Kurdish-Iranian racial ancestry of the Shi‘i Muslims of Lebanon. The pleasant sociological nature of the Matawilas was rationalized by tracing it to Persia, consequently reinforcing the Matawilas’s alienness to the land. Like Renan, Louis Lortet, a French doctor of the late nineteenth century, echoed the same ethological assumptions about the Matawilas as descendants of the Kurds of Upper Mesopotamia, who purportedly arrived in Syria in the thirteenth century. Lortet based this postulation on anthropological and physiognomic proof derived from the visible differences between the Matawila race and that of the Druzes and Maronites. Lortet described “the shape of the Matawilas’ eyes” and “their short necks” which reflected their Persian ancestry, while “the shape of their heads and faces” evoked the Kurdish race. Lortet alleged anthropological evidence allowed him to construe the Matawilas’s racial difference from their Syrian neighbors.\textsuperscript{44} The Matawilas were deemed at once distinct and inferior to their regional neighbors of different religious denomination. Most of the descriptions of Europeans who traveled to Lebanon in the late nineteenth and early twentieth century disputed the origins of the Matawilas, while constructing an image of a distinct group or people scattered throughout the Syrian lands that

\textsuperscript{43} Ibid.

could be uniformly classified and categorized. Although most Orientalists utilized anthropological or ethnological justifications to dismiss the nativeness of the Matawilas, others, such as the French philosopher Constantin Volney, relied on historical findings, or lack thereof, to question their presence in the region.

Although the French philosopher Constantin Volney, who traveled to Syria in the eighteenth century, did not trace the Matawilas to the Persian race, he refused, however, to believe that the Shiʿas were indigenous to the land. Volney asserted:

It is claimed that they have existed as a nation in this land for a long time, meanwhile their name has never appeared in books before this century; it’s not even on the maps of Anville. La Roqu who only spoke of their country within the last 100 years has always designated them as the Amédiens. Nonetheless, they have managed to occupy (the attention of) Syria in recent times with their wars, thievery, progress and backwardness. Before the mid-century, they only held Baakbek and a few cantons in the valley of anti-Lebanon, from where they seem to originate.

Volney argued that the Matawilas’ name did not appear in textbooks before this century as no records of their existence appeared in the charts of Anville. Even though Volney claimed that the Matawilas were quite recent to Lebanon on the grounds of their absence in historical sources, Volney did not take into consideration the lack of historical recognition and marginalization of the Matawilas by the Ottoman government. Consequently, it would not be surprising to have an


46 Ibid.
absence of records on the Matawilas. Records kept by Ottoman officials and European travelers, who documented their findings and reported them back to the French cartographer Anville, show no trace of the Matawilas. This is not particularly surprising since the group was persecuted under various empires throughout history.\textsuperscript{47} Throughout various moments in history, Shi‘i Muslims had resorted to the practice of \textit{taqiyya} (concealment of religious beliefs) in order to avoid religious persecution. \textit{Taqiyya} was crafted by the sixth infallible Shi‘i Imam, Ja‘fari al-Ṣadiq in the eighth century. This practice was frequently adhered to by Shi‘i Muslims during the Umayyad and Abbadid Empires and well into the Ottoman Empire.\textsuperscript{48} According to Belgian Orientalist Henri Lammens, the reason why the name Matawila did not appear before the seventeenth century in the charts of Anville was due to the fact that Matawilas were referred to as “Hamadyya” instead.\textsuperscript{49} Nevertheless, Volney relied on European artifacts and sources to structure the historiography of the Matawilas rather than utilizing local sources to support his claim.

Despite the Matawilas’ recent involvement in the affairs of Syria as noted by Volney, he claimed that before the middle of the century they were predominately in Baalbek without holding much historical significance in the region or country as a whole. Volney accounted for only 500 families in Baalbek, whom he argued where forced by the Druze chiefs to migrate to

\textsuperscript{47} French cartographer Jean Baptiste Bourguignon d’Anville (1697–1782) was renowned for geographical maps and surveys produced over the years, although it is believed he never left the city of Paris. In 1773, he was appointed Geographer of the King. His work currently resides in the Bibliothèque Nationale in Paris.


the Anti-Lebanon regions of Jabal ʿAmil.\textsuperscript{50} The conclusions made by Volney put into question the historical importance and longevity made by Matawilas to the acclaimed sacred territory of Jabal ʿAmil, discussed in further detail below.

Volney and other European travelers crafted an idea of the Matawilas or Shiʿas as a group united across the vast lands of Greater Syria without acknowledging the historical, political, and cultural differences that existed. Prior to the French Mandate, Shiʿi political affiliation and identification was regional and clan-based, not religious or sectarian. The political conditions and circumstances between Shiʿas in the Bekaa Valley and Jabal ʿAmil differed as different families and political players factored into their local interactions with other clans of various religiosities. Leading Shiʿi families were politically aligned to ruling Maronite and Druze notables who had a greater impact on the livelihood of a given region than any form of religious belonging. This is not to say that there were no interactions or correspondence between ʿulamaʾ (Muslim cleric or scholar) scholars of the various regions where Matawilas lived, but rather that the historical situation of each area was regionally determined with no sense of a collective Shiʿi agenda at this time. However, the portrayal of Matawilas by European Orientalists constructed essentializing images of the group that disseminated a collective body of texts constituting a discursive tradition about the Matawilas. This body of hegemonic knowledge came about through missionary projects, travel expeditions, and politicians and scholars who were usually funded and commissioned by governments or institutions, and who came to classify the Matawilas of the East as inferior and distinct from the West. Western Christendom had an invested interest in the Muslims or “others” of the East and, in this case, the Matawilas of

\textsuperscript{50} Volney, \textit{Voyage En Égypte et En Syrie}, 247. He claims that “at this time there were no more than 500 Motoualis families, who took refuge in the Anti-Lebanon chain and in Lebanon of the Maronites.”
Greater Syria as they sought to classify the group as mutually distinct and different from the West.

In 1860, commissioned by the United Presbyterian Church of Scotland, gospel minister and physician Reverend John Wortabet, who lived for several years in Hasbeiya, a town in Mount Hermon, composed his findings in *Researches into the Religions of Syria*. The objective of his research was to “expose the false doctrines of the religions and sects of the country” in the hope of enlisting sympathies and prayers of British Christians toward the Christian population of Syria who suffered under the aggressions and cruelties of the Druzes and Mohammedans. With a clear motive of propagating a Christian agenda, Wortabet dedicated a section to the Matawilas of Syria delving into their religious beliefs and historical origins. Like most depictions of the Matawilas drawn by Europeans, Wortabet echoed the same disdain and condescension toward this inferior race of people. Wortabet described the Matawilas as “the most filthy race in the country” whose backwardness and paltry intelligence can be visibly noted in comparison to the other races of Syria. In his description, Wortabet ruminated on the sociological traits of the Matawilas of Syria:

But few, however among the higher classes, have any intelligence or general information; and even their learning is superficial, and their acquaintance with the state of the civilized world very limited. In their morals, they are not any better, if not indeed much worse, than the Moslems. The lower classes among them are addicted to petty theft, and all of them shameless lying. Nor does it appear that they consider either theft or

51 Wortabet, *Researches into the Religions of Syria*, vii.

52 Ibid., 281.
lying to be great crimes, especially when the victims of their fraud are persons who do not belong to their sect.\textsuperscript{53}

The stereotypical representations of the Matawilas painted them as intellectually inferior and morally corrupt, thus producing degrading images in the writings of foreign travelers. These sociological differences were increasingly racialized as Orientalists portrayed the Matawilas as foreigners and/or even colonists. According to Wortabet, the stronghold of the Shiʿi religion and the Matawilas since its earliest existence had been Persia, where Shiʿism served as the religion of the state and of its people.\textsuperscript{54} Although Wortabet did not delve into producing an argument tracing the historical origins of the Matawilas, he, like others of this time, relied on the physiognomic features of the Matawilas as a mark of their visible alienness to the Syrian land. Their physical appearance was “strongly marked and distinctive, making the theory not improbably which regards them as colonists from some foreign country, perhaps Assyria or Persia.”\textsuperscript{55} It was quite clear from Wortabet’s remarks, which appeared without any references to support it, that the belief of the Matawilas’s inauthenticity was widely accepted and presumed. The Matawilas were assumed to be colonists to the land, proving their extraneous origins to the region on the grounds of their physiognomy. Biological and scientific conclusions on the grounds of physiognomy and race were made by foreign travelers and scholars who categorized the people of the region into a civilizational hierarchy that authorized future national claims. As the makings of nationalist projects were underway, bodies of knowledge were constructed to justify Christian imperialist

\textsuperscript{53} Ibid., 282.

\textsuperscript{54} Wortabet, \textit{Researches into the Religions of Syria}, 261.

\textsuperscript{55} Ibid.
agendas that later supported Maronite (Christian) political aspirations in the region. Like Wortabet, the American archaeologist Frederick Jones Bliss presumed that Shiʿ as may be of foreign origin due to their distinct physiognomy. Accordingly, this was evidence enough to accept the common belief that Shiʿ as arrived from Syria with Saladin and his Kurdish forces in the twelfth century.56 A hierarchal apparatus based on race and, indiscreetly, religion was institutionalized via knowledge and power to deny Matawila claims to the land as non-Arabs.57

The British evangelical David Urquhart, who traveled through Greater Syria in the nineteenth century, argued that the Matawilas were indeed of the Arab race. However, he was certain “that they do not belong to the original people of the Lebanon, and that their introduction dates but from a recent period; certainly not before the fourteenth century, and more probably, or at all events principally, in the middle of the seventeenth.” 58 Urquhart dated the Matawilas’s arrival to Lebanon as late as the seventeenth century, making them fairly recent immigrants to the land. Although the Matawilas are Arab by race they were not natives to the Lebanon lands and did not have claims to its rich Phoenician history. According to Urquhart, the Matawilas were descendants of the Alides from the borders of Persia who were “hated by the Persians as Arabs, and by the Turks and Arabs as Shiites,” and it was for this reason they sought shelter in Lebanon as their haven.59 Although Urquhart described the Matawilas as a people with great pride and unity, he still referred to them as “ferocious” and “fanatic.”60 Nevertheless, Urquhart recognized the predicament of the Matawilas who belong to neither the Sunni Arab world nor the

59 Ibid., 96.
60 Ibid., 318–19.
Persian Shiʿi race. This struggle to belong persisted among the Matawilas with the rise of conflicting Arabism and Lebanism national projects at the turn of the century that left the Matawilas trying to justify their various political claims as Shiʿas within a Sunni majority. The dynamics of the regional makeup left the Matawilas of Greater Syria torn at the fall of the Ottoman Empire and the advent of the French Mandate due in part to these racialized lines that remained an area of political contestation (discussed later on in this chapter). Nevertheless Urquhart, like his fellow Orientalists, contributed to the stereotypical representation of the Matawilas as a socially backward and inferior group of people distinct from all other races.

In April 1926, a conference was held in Damascus centered solely on the origins of the Matawilas. The papers at the conference deduce three theories about the racial origins—Persian, Kurdish, or Arab—of the Matawilas of Lebanon. Among the participants was renowned Belgian Orientalist Henri Lammens who served as a pioneer in developing the Department of Oriental Studies at the Jesuit Université Saint-Joseph in Beirut. Lammens had a preoccupation with deciphering the origins of the people of Lebanon and the historical specifics of the land that he described to be a nation of minorities. In his conference paper titled “Les ‘Perses’ du Liban et L’Origine des Métoualis,” Lammens chronicled the various theories on the racial origins of the Matawilas by European and Arab writers throughout the years. Although Lammens had once claimed in his text “Sur la Frontière nord de la Terre Promise” that the Matawilas who arrived during the time of Saladin were of Persian origin, he retracted this claim for “forgetting that this big Kurdish captain, the destroyer of the Fatimid Caliphate, showed himself, throughout his

---

61 This conference is referred to by Kais Firro in Metamorphosis of the Nation (al-Umma): The Rise of Arabism and Minorities in Syria and Lebanon, 1850–1940 (Portland, OR: Sussex Academic Press, 2009). However, the specifics of the conference and its participants are not clear, so the papers resulting from the conference, to my knowledge, are not available with the exception of Henri Lammens’s work.
career, as the adversary of the Shiʿas and the restorer of Sunni."62 According to Lammens, the Persians noted by Yaʿqūbī and other writers as recognizable by their physiological complexion were Iranian soldiers whom settled in the region after being uprooted during the time of Moʿawiya from the Iran/Iraq region.63 That said, Lammens argued that the Matawilas of Lebanon were probably Arab by race and appeared distinct from the other people of the land due to the fact that they isolated themselves from others as a result of their differing religious beliefs. Although Lammens questioned his previous assumptions about the Matawilas’s race, prominent Sunni historian Muhammad Kurd ʿAli, who participated in the conference, reiterated the Matawilas’s connection to the Iranians and to the Persian movement of the al-Shuʿubiyya.64

Evident by the nature of this conference, the interest in the origins of the Matawilas remained a point of contestation that produced a lasting discursive body of literature. This hegemonic body of knowledge that was politically charged and authorized by the Western world was disseminated and accepted in the Arab world that internally sought to classify Matawila Shiʿas as inferior and different from the Sunni majority.

Consequently, Western travelers were not alone in attempting to delineate the origins of Shiʿas. Various Arab historians theorized about the presence of the esoteric Shiʿas in Greater Syria. Sunni Arab heresiography viewed Shiʿism, including the Matawilas of Greater Syria, as a non-Islamic, non-Arab manifestation, delegitimizing any claims to power in an Arab-Islamic world. The Arab historian Ṣalāḥ ibn Yahyā examined the history of Beirut under Buhtur b. ʿAli, the Amir of Beirut in the fifteenth century. In his account, Ibn Yahyā accounted for a Matawila


64 Kais Firro, Metamorphosis of the Nation (al-Umma): The Rise of Arabism and Minorities in Syria and Lebanon, 1850–1940, 95.
population in Beirut and questioned their presence in the area. He rationalized their presence by explaining that the Matawilas had come from Persia through Syria during Muawiya’s time, and resided in the region since.65 Although Ibn Yahyā traced the arrival of the Matawilas to the early years of Islam before the foundational tenets of Shiʿi Islam were instituted, Ibn Yahyā’s explanation assumed that a Persian essence continued to mark the Matawila community for centuries. This belief was also accepted by the Iranian traveler Nassiri Khosraui in his travel logs. He described the Kurdish history and ruins found in the Shiʿi areas of the Bekaa Valley, Tyre, and Tripoli supporting the idea that the Kurds entered these areas during the Crusades.66 On the other hand, the renowned Arab historian Yaʾqūbī has been frequently cited as an authoritative source by Europeans and Arabs alike for claiming that residents of Jbeil, Beirut, Sidon, and Jabal ʿAmil were Persians and came to the region during the Muawiya’s Caliphate.67 Nineteenth-century Arab historian Tannūs al-Shidyāq reiterated the same claims about the Matawilas’s racial origins and inferior character in his text Akhbār al-Aʿyān fī Jabal Lubnān.68 According to al-Shidyāq, the commonality in religious beliefs between the Matawilas and Persians was proof enough to establish the racial lineage between the two groups.

The Ottomans also participated in fashioning a condescending representation of the Matawilas. Two Ottoman officials, Muhammed Bahjat and Muhammed Rafīq al-Tamimi, were

---


66 Nassiri Khosrau, Sefer Nameh: Relation du Voyage de nassiri Khosrau en Syrie, en Palestine, en Égypte, en Arabie, et en Perse, pendant le années de hegira 437–444 (Amsterdam: Philo Press, 1970), 13, 20, & 39. Khosrau came upon a castle in the Bekaa Valley by the name of Le Hisn el Akrad (the Castle of the Kurds) which still exists and represents the presence of the Kurds in this region.


commissioned by the Ottoman government to conduct a survey of the Wilaya of Beirut (Beirut province) which included the region of Jabal ʿAmil since 1864. Their findings were recorded in *Wilāyat Bayrūt* in which they documented their experience in the cities of Tyre, Sidon, and Nabatiyya where they came across the Matawila people. The overall description and tone of the authors concerning Matawila society reconfirmed the social backwardness and inferiority of this group of people. In the sections dedicated to the Matawilas, Bahjat and al-Tamimi and remarked on the community’s lack of cultural development and intellectual prowess. The two authors claimed that “the Matawilas’ cultural life is debase because of their loyalties to their leaders . . . who prefer to keep it as such even though they are aware of the means to social conditions but prefer to keep their community in despair.”

Bahjat and al-Tamimi reminisced on the glorious days of Tyre under the Romans and compared it to the city of day that had “no intellectual or industrial life” due to the Matawilas who sought no social advancement. Although the authors acknowledge a body of Matawila literature, the two men debunk all intellectual contributions of the group as insignificant and “religious” in nature rather than “cultural” or “artistic.”

According to the Ottoman officials the Matawilas were a “filthy” society of “religious fanatics” with “odd traditions” who contributed little to society and the Ottoman nation. Like the Orientalists and Arab historians of their time, Bahjat and al-Tamimi constructed an essentializing “idea” of the Matawilas as an intellectually and racially primitive group of people in comparison to the “other” (in this case, the Sunni Muslim other and Western Christian) based on anthropological evidence from an authoritative position of power.

---


70 Ibid., 284–93.

71 Ibid., 320.

72 Ibid., 294 & 320.
The dissemination of colonial knowledge in the form of European missionaries, travelers, and scholars enforced and fashioned an image of the Matawilas as inferior, backward, non-Arab, foreign, and distinct from their internal other (Sunni, Maronite, and Druzes in the case of Lebanon/Greater Syria) in the Arab world, as well as the Western/Christian “superior” other. In the annals of history written by Orientalists and Arab Sunni intellectuals alike, the Matawilas or Shiʿ as residing in Lebanon were viewed with little historical significance and importance. Their lack of historical attention was coupled by their presumed foreignness to the land as Persian or Kurdish colonists. The similarities between the various accounts, spanning from the nineteenth to the twentieth century, reflected the obsession with establishment roots as a way to place legitimate political claims on the nation. Coinciding representations dovetailing Lebanese Shiʿ as at the turn-of-the-century during a time of national formation continue to have some relevance today. The hegemonic power of this body of knowledge was institutionalized (via disciplines, texts, universities, nations, etc.) and reinforced by Matawila writers and intellectuals who attempted to stake a claim in the political dynamics of the region. In their efforts to write their history and legitimize their place in the new nation, Shiʿ i intellectuals came to redeploy and expand on the colonial knowledge by utilizing the same discursive tradition-based race and origins.

The writings of Shiʿ i intellectuals of the early twentieth century employed the same line of rationalization in constructing their people as an “indigenous” and distinct Arab race with a long local history in Lebanon and the region. This racialized tradition was internalized by Shiʿ i intellectuals and historiographers who were obsessed with documenting the origins and “authenticity” of Shiʿ as to the region in their earliest texts. Consequently, a body of Shiʿ i historiography began to surface in the early twentieth century, at just about the same time as the
fall of the Ottoman Empire and the emergence of the colonial French mandatory authorities, that reasserted the political claims of the Shiʿi as in a newly created nation-state, forcing them to see themselves as a collective entity. For the most part, Shiʿi historical texts of the early twentieth century were written by men hailing from Jabal ʿAmil, thus much significance was given to this proclaimed “sacred” land. The mountain of Jabal ʿAmil, which was also referred to as Bilad ʿAmila or Bilad Beshara, was the home of the majority of Shiʿi as residing in Greater Syria.  

The Shiʿi as of Jabal ʿAmil have been referred to as ʿAmilis, which at times has become applicable to all the Twelver Shiʿi as residing in Lebanon while the term Matawila became insignificant and rarely used by Shiʿi writers. Hence, Jabal ʿAmil became the symbol of Shiʿi efforts in levying their claims to the nation and erecting the ʿAmilis as a distinct group of people with a rich history. The following section examines the first forms of Shiʿi historiography that focused on documenting the history of Jabal ʿAmil and the people of the region. The striking similarities between the historical texts that relied on the same discursive tradition constructed by Western Orientalists indicated the obsession of these authors to reassert their place within this discourse while also re-legitimating the authoritative power of this tradition. These men provided some of the first efforts within the ʿAmili community in writing down the history of Jabal ʿAmil and placing it in the national narrative.

Part Two: The Writing of Modern Lebanese Shiʿi History: From Matawila to Amili Shiʿi as

---

73 As noted previously, Twelver Shiʿi as also resided in the Bekaa Valley, areas of Beirut, and Mount Lebanon. Historiography on the Shiʿi as of the Bekaa Valley is limited.

74 By tradition, I do not mean the Hobsbawm and Ranger notion of the invention of tradition, but rather the notion of discursive tradition adhered to by Talal Asad, whereby “a tradition consists essentially of discourses that seek to instruct practitioners regarding the correct form and purpose of a given practice that, precisely because it is established, has a history.” Thus, tradition is continuously changing and has a discursive history. Talal Asad, The Idea of an Anthropology of Islam (Georgetown, Washington D.C.: Center for Contemporary Arab Studies, 1986), 14.
The early years of post-Ottoman Lebanon saw great political turbulence as contending forces sought the allegiance of the land’s diverse population. The power struggle between the French colonial forces that promoted a Lebanese perspective and Amir Faysal’s Arab nationalist movement left the Shiʿi as of Lebanon, along with other communities of the Ottoman provinces, struggling to redefine their political allegiance. Various voices were heard from within the Shiʿi community that swayed between a pro-Ottomanist, pro-Arabist, and pro-French stance during the political anxiety after the Ottoman Constitutional Revolution and the disintegration of the Ottoman Empire. Although Arab societies in support of Faysal emerged as early as 1908, a vibrant Shiʿi movement in support of the Arab cause did not appear until the start of World War I. Even though the involvement of Shiʿi intellectuals in the Arab nationalist movement is outside the scope of this dissertation, the turbulent political climate created an impetus among Shiʿi intellectuals to record a history for its community and people. Although the Shiʿas of Lebanon could not be spoken of as a unified communitarian entity at the time, the first expressions of a Shiʿi collective identity were articulated and negotiated in the earliest historical writings of Shiʿi intellectuals. An examination of the writings of Shiʿi historians in the early twentieth century illustrates their preoccupation with constructing a specific Shiʿi identity and a particular history that allotted the community a place of political significance. This section looks at the writings of four eminent Shiʿi intellectuals during this period: Sheikh Ahmad Riḍā, Muhammad Jābir al-Ṣafā, Sheikh Sulaymān Zāhir, and Sayyid Muḥsin al-Amīn, as well as the popular Shiʿi journal *al-ʿIrfān*.

---

75 For an extensive examination of the diverse political position and involvement of Shiʿas in the Arab nationalist movement, see Tamara Chalabi, *The Shiʿis of Jabal Amal and the New Lebanon: Community and Nation-State, 1918–1943* (London: Palgrave Macmillian, 2006).
Hailing from similar educational backgrounds and upbringings forming the intellectual milieu of Amili society, these men represented the first efforts to record the history of the Shiʿ as of Lebanon. They created a specific historical narrative for the Shiʿ as of Lebanon that largely focused on the history of Jabal Amil. Geographically, Jabal Amil constituted an area of about 1,200 square miles and a population of 130,361 whose physical contours were defined by the Awali River just north of Sidon and extending southward to the Qarn River in Palestine with the Mediterranean sea to the west and Wadi al-Taym and the Bekaa Valley to the east. Efforts to record the history of Jabal Amil became a way for Shiʿi intellectuals to document and reclaim their historical roots in the region and the new nation.

These first forms of modern Shiʿi history at the advent of the French Mandate demonstrated a collective effort in constructing a particular version of historical narrative that sought to reassert racial and genealogical roots in the region. Consequently, these intellectuals utilized the same language and hegemonic modes of knowledge to craft their arguments against the same discourse. Said’s Orientalism argues that the scholar “could be regarded as the special agent of Western power as it attempted policy vis-à-vis the Orient.”

---

76 Ahmad Riḍā, Sulaymān Zāhir, and Muhammad Jābir al-Ṣafā began their education in Jamʿīyya al-Maṣādis al-Khayriyya in Nabatiyya and later in al-Madrassa al-Hamidiyya (the Hamidian School), named after the Ottoman Sultan, ʿAbd al-Hamīd II and subsidized by the Ottoman government. Many other Shiʿi intellectuals were graduates of this school, including the founder of the first Shiʿi journal al-ʿIrfān, Ahmad ʿĀrif al-Zayn. This school was dissolved by 1906. For a more detailed analysis of these writers see Tamara Chalabi, The Shiʿ is of Jabal Amil and the New Lebanon, chapter seven and 33–41.

77 According to al-ʿIrfān, out of the total population 62,796 were Shiʿas. Al-ʿIrfān 7, no. 7 (April 1922): 437. However, the total population of Shiʿ as according to the 1932 census was documented at 155,035. Rania Maktabi, “The Lebanese Census of 1932 Revisited. Who are the Lebanese?” British Journal of Middle Eastern Studies 26, no. 2 (1999): 222.

78 Said, Orientalism, 223.
have agency as both agents and double agents. Even as a group of intellectuals within a largely “silenced” minority, these men ascribed to the same discursive body of Western knowledge and power while supposedly refuting the claims made by it. Hence, this discursive tradition shaped the first modern forms of Shiʿi historiography in the early twentieth century.

This is not to claim that historical texts from within the Shiʿi community did not exist prior to the twentieth century, but rather the nature and content of Shiʿi historiography was reshaped and redefined as the group was recognized as a sect and amalgamated into a new nation. The few Shiʿi historical texts written prior to the twentieth century appeared in the form of annals, chronicles, or biographical dictionaries. Most of the published texts that survived were religious and local in nature, focusing on the leading zuʿamāʾ or muqāṭīʾjīs of Jabal ʿAmil. They were generally written by religious ʿulamaʾ and remained unpublished and little known outside Shiʿa circles. Among the first published manuscripts from within the ʿAmili community were Muhammad al-Ḥurr al-ʿĀmilī’s Amal al-Āmil fi Tarīkh Jabal ʿAmil (Hope of the Hopeful in the History of Jabal ʿAmil), written in the seventeenth century, and Haydar Riḍa al-Rukaynī’s Jabal ʿAmil fi Qarn (Jabal ʿAmil in a Century), published in the eighteenth century. Both texts focused on local events and daily life occurrences in Jabal ʿAmil without any regional or political awareness. While Shaykh Muhammad Mughniyya’s Jawāhir al-Ḥikam wa-Nafāʾis al-Kalām (The Essence of Knowledge) was written in the mid-nineteenth century, he focused on writing the biographical history of the powerful muqāṭīʾjī families of Jabal ʿAmil.

---


80 Many Shiʿi manuscripts were held in private libraries. Many of these libraries perished during Ahmad Jazzaʾr’s assault on Jabal ʿAmil in 1760, which Shiʿi historians have written about extensively. See Jaber, “Pouvoir,” 43.

81 Muhammad ibn al-Ḥasan al-Hurr al-ʿĀmilī, Amal al-Āmil (Muʿassasat al-Wafāʾ, 1693) and Haydar Riḍa al-Rukaynī, Jabal ʿAmil fi Qarn (Beirut: Dār al-Fikr al-Lubnānī, n.d.). Several other texts of this nature were published, such as Shaykh ʿAbd al-Muhsin Dāhir, Al-Dalala al-ʿAmiliyya lil-Uṣra al-Waʿiliyya.
The forms of historiography written prior to the French Mandate focused on the localized history of Jabal ʿAmil emphasizing the idiosyncrasy of their political or religious figures. Writings that emerged during the Mandate period sought to move Shiʿi as from the periphery to the center of Arab historiography.

Early historical writings emphasized the Arabness of the community and glorified its historical past. The emphasis on the Arabness of Shiʿi was accentuated on two fronts. On the one hand, Shiʿi intellectuals were preoccupied with reasserting their Arab identity in order to legitimize themselves in Faysal’s Arab cause. As a minority, the ʿAmili community had to prove their loyalty to the Arab cause that was an ideological manifestation of an urban Sunni majority. On the other hand, the nature of the historical writings sought to reassert Shiʿi roots and “authenticity” to the region to debunk the representations proliferated by European and Arab historians. From these texts, it was clear that Shiʿi intellectuals were aware of the discursive narrative constructed by Orientalists and Arab Sunni historians. Consequently, Shiʿi historians and intellectuals utilized the same hegemonic discourse rooted in “scientific” origins and race to institute their roots to the region and later their national claims. Shiʿi historiography that emerged during this time employed a similar line of argument, focusing on the establishment of the Matawilas racial, geographical, and historical origins to Lebanon via their stronghold in Jabal ʿAmil where the majority of its population resided. This interpretative framework has had a lasting effect on the structure of modern Lebanese Shiʿi historiography and communitarian identity of today.

Some of the first modern Shiʿi texts appeared in the Shiʿi journal al-ʿIrfān. Most of these men used the popular Shiʿi journal Majallat al-ʿIrfān as a cultural medium to transmit and shape Shiʿi historiography. In many ways, the journal itself became a historical text that symbolized
the Shiʿi community. This chapter first turns to the critical role played by al-ʿIrfān in the foundation of Shiʿi historiography

Inscribing Shiʿi/ʿ Amili History: al-ʿIrfān

*Majallat al-ʿIrfān*, the monthly Shiʿi journal founded in Saida in 1909 in the wake of the Ottoman Constitutional Revolution by Ahmad ʿĀrif al-Zayn, was the first journal of Jabal ʿAmil and the main journal of the Shiʿi world until the 1950s. As a pioneer of its kind, *al-ʿIrfān* became a platform for literary, political, and intellectual exchange among the Shiʿi Muslims of Lebanon while simultaneously addressing the broader regional concerns that beleaguered the area. The journal sought to draw a connection between the Shiʿas of Lebanon and the outside world. Hence, the richness of the journal allowed it to reach a much greater audience as it focused on a number of topics ranging from Karl Marx to Faysal’s Arab nationalist movement to the Iranian constitutional revolution. The various debates and voices heard in *al-ʿIrfān*, which frequently included women writers, reflected the extensive role played by the journal in creating a Shiʿi public space. These articles marked the beginning of a public discussion of a local identity and laid the foundations for ʿAmili history that was Arab Shiʿi in nature. It also sought to draw a connection between the Shiʿas of Lebanon and the external world. Although *al-ʿIrfān* attempted to situate the Shiʿas of Lebanon within the local and regional dynamics of the region,

---

82 Chalabi, *The Shiʿis of Jabal ʿAmil and the New Lebanon*, 168–69. By the Shiʿi world here, I mean a loosely defined Shiʿi religious collective subconscious that unites Shiʿis globally, particularly between Lebanon, Iraq, and Iran, largely due to the long foundational history of Shiʿi religious centers and institutions whereby most Shiʿi ʿulamaʿ and leading marjaʿ taqlīd (learned men who have reached the highest level of Islamic jurisprudence studies whereby they can lead the faithful) have been educated in. Other journals were published such as *Jarīdat Jabal ʿAmil* in 1911 by Ahmad ʿĀrif al-Zayn as well, but the newspaper only lasted two years. The journal had been started by al-Zayn when *al-ʿIrfān* was shut down by the Ottomans in 1911. Muhammad ʿAlī al-Humani later published the newspaper *al-ʿUrūba*. Other newspapers existed in Jabal ʿAmil and published in Marjyoun, such as *Majallat al-Marj and al-Qalam al-Sarīḥ* published by Alfred Abū Samra. Their objectives focused on the demands of their Christian constituents and their affiliations to the Greek Orthodox Church.
its main objective was to propagate Shiʿi self-awareness and interests. Thus, its content was meant for the Shiʿi audience of Greater Syria. It provided Shiʿi intellectuals and ʿulamaʾ a means to express their ideas while calling for societal reform. As a mouthpiece of Shiʿis, it became one of the few primary sources of information about the community during the French Mandate. Most importantly, al-ʿIrfān provided the first written form of modern Shiʿi historiography during a time of national and regional uncertainty. Lebanese Shiʿi history was being inscribed and chronicled in the pages of al-ʿIrfān, fashioning Shiʿi communitarian consciousness, and ultimately became a means of integrating the sect into the nation-state. The impact and wide usage of the printing industry made it possible for a journal, such as al-ʿIrfān to envision and shape a Shiʿi sub-national entity within a larger national identity. As a result, modern Lebanese Shiʿi historiography first appeared in the pages of al-ʿIrfān. The journal’s contributors and its debates came to shape the nature of Lebanese Shiʿi historiography. As Tarif Khalidi rightfully noted, al-ʿIrfān was “. . . both a history and a historian, unearthing old and valuable historiographic material and then processing that material in a manner that contributed to historical change.” One of those changes was processing a Shiʿi historiography that spoke both to the local Lebanese context and greater regional dynamics.

An examination of the articles published by al-ʿIrfān during the French Mandate reflect the journal’s position that sought to write down the community’s history in Lebanon. Evident in its first issue, al-ʿIrfān became a platform for Shiʿi historians and intellectuals to reclaim their

---

83 Al-ʿIrfān focused predominantly on issues such as the modernization of the education system, familial life, and improving basic social needs, such as building roads, irrigation system, and electricity. This will be discussed in greater detail in the following chapters.


ancestral existence in the area by highlighting their roots in Jabal ʿAmil as a way to legitimize their origins and inclusion into the new nation-state. Thus, al-ʿIrān became a forum to publically inscribe Shiʿi history and propagate a Shiʿi sense of identity in the early twentieth century. Numerous articles appeared throughout the 1920s and 1930s documenting the long history of Shiʿas in Jabal ʿAmil.86 The articles accorded the ʿAmili community a distinguished historical position that accentuated their longevity and significance in the region.87

Shaykh Ahmad Ridā

In some of the first published articles to appear in al-ʿIrān, Shaykh Ahmad Ridā (1872–1953) became a regular voice to the journal, contributing a number of profound articles on the historical roots of Shiʿas in Jabal ʿAmil. Ahmad Ridā was among the Shiʿi notables from the town of Nabatiyya who made up the intellectual milieu of the community in the early years of post-Ottoman Lebanon.88 Educated and trained by a number of notable Sayyids in Najaf, Ridā studied Arabic literature, philosophy, and logic. As a supporter of the Arab cause and member of the Arab Academy of Damascus, Ridā composed a book on Arabic lexicon titled Muʿjam Matn al-Lugha and frequently published in al-ʿIrān. The importance of Ridā’s writings cannot be emphasized enough as he was the first to tackle the issue of Shiʿi history via the pages of al-


Beginning in 1910, Riḍā published several articles in *al-ʿIrfān*, such as “Mā ḥiyya al-Umma?” (What is the Nation?) and “Ṣafahāt Min Tarīkh Jabal ʿAmil” (Pages from the History of Jabal ʿAmil) that focused on formulating a history for the Shiʿas of Jabal ʿAmil and positioning this community vis-à-vis other communities in the early twentieth century. In his serialized article “Al-Matawilah aw al-Shiʿa fī Jabal ʿAmil” (The Matawila or the Shiʿa in Jabal ʿAmil), published first in 1903 in *al-Muqtataf*, the Egyptian-based scientific journal, and later republished in *al-ʿIrfān* in 1910, Riḍā highlighted his preoccupation with locating Shiʿi origins and identity. The fact that Riḍā republished the same article in two journals of differing genres and locality indicated his desire to reach a broader audience concerning the issue of Matawila/Shiʿi identity. Riḍā sought to reclaim the *asāla* of Shiʿas or Matawilas in Jabal ʿAmil by discrediting the presumed belief of their Persian origins. The term *asāla* can be translated as “authenticity” of the Matawilas. In either case, the term, as I understand, was itself part of a discursive tradition that sought to locate the Matawilas by engaging in a given historical narrative that evoked it with authority. In his writings, Riḍā investigated the *asāla* of Shiʿas that asserted their local and regional history and place in the nation.

In his article, Riḍā acknowledged the promulgated assumption of the arrival of the Shiʿas to Greater Syria in the eleventh century, but contended that further historical investigation and facts invalidated this theory. Riḍā argued that it was inconceivable that the Matawilas were of the Persian race, as presumed by many, given that Shiʿism appeared in Jabal ʿAmil way before its presence in Iran. Following this line of argument, Riḍā proclaimed that “Shiʿas in Greater Syria

---

89 “Al-Matawila aw al-Shiʿa fī Jabal ʿAmil” [The Matawila or the Shiʿa in Jabal ʿAmil], *al-ʿIrfān* 2, no. 9 (1910): 446.

90 “Al-Matawila aw al-Shiʿa fī Jabal ʿAmil” [The Matawilas or the Shiʿa in Jabal ʿAmil], *al-ʿIrfān* 2, no. 5 (1910): 239. Riḍā published the same article in the journal *al-Muqtataf* from May through October 1903. *Al-Muqtataf* was originally published in Beirut, but moved to Egypt in 1876. It is quite interesting that it would be published in the
were older than all other Shi’a as found in any other country with the exception of al-Hijazi.\footnote{91}
This claim, he argued, was supported by the Shi’i belief that Abū Dharr al-Ghifārī, one of the Prophet’s companions and one of the first four partisans of Imam ʿAli, arrived to Syria during
the reign of ʿUthman ibn ʿAffan, the third caliph, and preached the early teachings of Imam ʿAli and Shiʿi Islam.\footnote{92} According to Riḍā, al-Ghifārī had a residence in the town of al-Sarafand near Saida where his first conversions to Shiʿi Islam took place in the seventh century. Riḍā subdued the claim that the Matawilas emigrated to the region in the eleventh century by inscribing Jabal ʿAmil’s long historical stronghold and foundational role in establishing the Shiʿi faith.
According to Riḍā, the Matawilas were to be revered as pioneers of Shiʿi Islam. By proclaiming the Matawilas’ longevity in the region as “indigenous” inhabitants rather than Persian or
Kurdish colonists, Riḍā asserted their geographic legitimacy in Greater Syria. To further discredit the presumed Persian ancestry of the Matawilas, Riḍā reiterated the belief that the ʿAmilis were descendents from the Banū ʿAmila bin Saba ʿAmila tribe of Yemen.\footnote{93} Citing Ibn Khaldun, thus relying on a renowned Sunni source to validate his argument, Riḍā contended that the Shiʿas of Jabal ʿAmil hailed from the Banū ʿAmila tribe which originally settled on the mountain that later came to be known by the tribe’s name. They were believed to have arrived in Jabal ʿAmil in the third century BC and settled in the region. By tracing the Matawilas’ lineage

---

\footnote{91}{Ibid.}

\footnote{92}{Abū Dharr opposed Uthman and later Muʿawiya for the distribution of alms to governors and relatives, rather than adhering to the principles of Islam and utilizing and redistributing it to the Muslim masses.}

to the Yemenites, it further rebutted their Persian roots, which was one of Riḍā’s principal objectives in the article. As descendants of the Banū ṣAmilas, the Matawilas were unquestionably authenticated as Arabs by race through genealogical deduction. By making such claims, Riḍā also established that the racial composition of the Matawilas was marked as Arab before Shiʿa. The Matawilas were defined as Arabs and later became among the first Shiʿi converts in the Middle East. While the origins of this claim are not known and cannot be confirmed (Riḍā set the historical standard which modern Shiʿi historians referred to), the idea that the ṣAmilis were descendents of the Banū ṣAmilas became widely circulated in the late nineteenth and early twentieth century and a staple of Shiʿi historiography, discussed later in this chapter. This assertion of origins presumed that Shiʿas in the Bekaa Valley, Mount Lebanon, and Jabal ṣAmil were all descendents of the Banū ṣAmila tribe as it envisioned a cohesive homogenous Shiʿi entity in Lebanon that was most likely fallacious. Nevertheless, this historic lineage was erected as a cornerstone of Shiʿi historiography with Jabal ṣAmil as the birthplace of Arab Shiʿism in Greater Syria.

Jabal ṣAmil was constructed as a religious, cultural, and geographic stronghold of Arab Shiʿism, highlighting the centrality and significance of the Matawilas in history. Riḍā noted the religious and literary contributions of the Matawilas to the world and chronicled the works of several Shiʿi intellectuals. Asserting the educational centrality of Jabal ṣAmil, Riḍā claimed that Shiʿas from India, Russia, and Iran have come to Jabal ṣAmil to learn and thrive from their religious scholars and centers. Riḍā glorified the writings of ṣAmili Shiʿas filling the pages of

---

94 The connection to Abū Dharr was also made by al-Hurr al-ṣAmili’s work, *Amal al-Āmil fi Tarikh Jabal ṣAmil* the first and most well-known Amili’ historical text before the emergence of modern Lebanese Shiʿa historiography.

95 “Al-Matawila aw al-Shiʿa fī Jabal ṣAmil” [The Matawila or the Shiʿa in Jabal ṣAmil], *al-ʿIrfaʿ* 2, no. 8 (1910): 381–92. This was a common theme in *al-ʿIrfaʿ*, whereby the contributions of Shiʿi religious figures and intellectuals were repeatedly noted while poetry written by Shiʿas were regularly published in the journal.
al-ʿIrfān with their poetic prose and religious edicts. Riḍā’s writing, like that of other Shiʿi intellectuals of the time, hoped to obscure the peripherality and marginality long prescribed to the Shiʿas of Lebanon by bringing their history to the forefront. The multifaceted writings of al-ʿIrfān sought to accentuate the contributions of Shiʿa as by means of subverting the image of Jabal ʿAmil as an abyss of primitiveness and backwardness. Historical texts that appeared at the turn of the century coalesced to form a standard narrative of ʿAmili history. The writings converged on establishing the racial legitimacy of Shiʿa as as Arabs by tracing their ancestry to the Banū ʿAmila tribe while simultaneously highlighting the primacy of their Shiʿism to the days of Abū Ghifārī. This methodology prescribed early on by Riḍā became the canonical formula of Shiʿi historical texts at the advent of the Mandate. Shiʿi historians were obsessed with proving their origins and historical significance in the region, and began their historical texts with the assertion of origins and regional authenticity before they purported the relevance of the Shiʿi community in Jabal ʿAmil throughout time. During the Mandate, this application became a prerequisite for any historical texts as a means of diffusing Orientalist and Arab literature produced on the community while also asserting their place in the political dynamics of the nation.

Muhammad Jābir al-Ṣafā

Muhammad Jābir al-Ṣafā (1875–1945) was born in Nabatiyya and educated under several thinkers before ending up in the Hamidiyya school in Nabatiyya. Al-Ṣafā was a prominent Shiʿi thinker who spent the second part of his life writing about Jabal ʿAmil and the Shiʿas of Lebanon from the city of Damascus. Al-Ṣafā wrote the most widely circulated historical text on

---

96 The Hamidiyya School was established in 1892 and subsidized by the Ottoman government. The school was closed in 1906.
Jabal ʿAmil.⁹⁷ Considered the first modern Shiʿi historian, al-Ṣafāʾ’s *Tarīkh Jabal ʿAmil* (The History of Jabal ʿAmil) was written in the 1930s and published in 1952.⁹⁸ The text was the first attempt to erect a comprehensive history of the ʿAmili community that engaged with the post-Ottoman reality of Jabal ʿAmil and Lebanon as a whole. From the opening of his text, the objective of al-Ṣafāʾ was to write down the obscured and little-known history of Jabal ʿAmil with communitarian overtones toward a unified Shiʿi ṭāʾifa (sect). Al-Ṣafāʾ was writing from a clear communitarian perspective to promote the history and identity of the sect within its regional context. Al-Ṣafāʾ demanded the need to know one’s history to construct national sentiment and unity.⁹⁹ Although al-Ṣafāʾ was not speaking specifically of a Lebanese national entity, he was aware of the political reality of Jabal ʿAmil and its connection to Mount Lebanon, both geographically and politically. Consequently, al-Ṣafāʾ developed a methodological approach toward history dividing it in two parts: public and private. Public history, according to al-Ṣafāʾ, was divided into four sections: 1) The Muslim Caliphate to the end of the Roman empire, 2) the Early Middle Ages to the end of the Byzantine empire, 3) the Late Middle Ages to 1789, and 4) the Modern Age of the French Revolution until 1914. Al-Ṣafāʾ argued the need to be familiar with the history of major worldly events before diagnosing the private history of Jabal ʿAmil and the Shiʿi community within these major epochs.¹⁰⁰ As a result, al-Ṣafāʾ attempted to examine the specific history of the ʿAmili community within this larger narrative, focusing primarily on the modern era and the current political climate in the region.

---

⁹⁷ Chalabi, “Community and the Nation-State,” 313.

⁹⁸ The published text was a shortened version of Al-Ṣafāʾ’s unpublished manuscript titled “Mudhkakarat Tarikhīyya,” which contains five volumes. References will be made to the published text that was widespread and widely read. Muhammad Jābir al-Ṣafāʾ, *Tarīkh Jabal ʿAmil* (Beirut: Dār al-Nahār, 1996).


Al-Ṣafā was a supporter of the Arab nationalist movement and a member of the CUP (Committee of Union and Progress) division in Nabatiyya, where he later joined the secret pro-Arab parties in Istanbul that resulted in his arrest in the ʿAley trials of 1915. Evident by his political affiliations, al-Ṣafā was an advocate of the Arab cause, which can be seen throughout his writing that emphasized Jabal ʿAmil’s support for this movement. Al-Ṣafā’s project focused predominantly on the political history of the ʿAmili community, particularly the leadership of the leading muqatijī (families) in Jabal ʿAmil. Hence, al-Ṣafā concentrated on the glory days of Jabal ʿAmil under the tutelage of ʿAli Saghir (ca. 1649), who claimed direct lineage to the Banu Āmila tribe. By highlighting the unity of the ʿAmil community and their political leaders, and the position they played with other religious communities in Lebanon, al-Ṣafā helped construct a semblance of Shiʿi communitarian unity. Al-Ṣafā integrated the political events of Jabal ʿAmil with the affairs of Mount Lebanon and the Greater Syria area. Shiʿas were portrayed as defenders of the Christian community in the 1860 civil war between Christians and Druzes, asserting the importance of Jabal ʿAmil in relation to the political affairs of Mount Lebanon under the Ottomans.\(^{101}\) According to al-Ṣafā, it was the Ottomans who created tensions between the sects during particular moments in history. Al-Ṣafā examined the severity of the Ottoman Empire on the Jabal ʿAmil community, which brought unity among Shiʿas but intensified tensions between Shiʿas and the other sects.\(^{102}\) Although al-Ṣafā diffused any civil strife among the various sects of Lebanon in order to establish a multi-communitarian balance, al-Ṣafā stressed the difficulties and inequalities faced by Jabal ʿAmil, which was mistreated in terms of

\(^{101}\) Ibid., 56–57.

\(^{102}\) Al-Ṣafā, Tarikh Jabal ʿAmil, 77.
taxation and land treatment, under the Ottomans. Al-Ṣafā represented the making and asserting of a “Lebanese” Shiʿi identity. Like other Shiʿi intellectuals, al-Ṣafā highlighted the literary and educational contributions of the ʿAmili community chronicling the authors’ biographical history and their published texts.

Although al-Ṣafā did not delve into the extensive discourse of the origins of Shiʿas, al-Ṣafā opened his text by asking, “Why was this region named Jabal ʿAmil and Bilad Beshara?” Al-Ṣafā asserted the Arab legacy of this area since the time of Banū ʿAmila, and ruminated that “only Arabs lived in this region evident in their language and traditions who migrated from Yemen from the ʿAmila bin Sabaʾ tribe 300 years before Christ.” He dismissed any cultural exchange or colonial interference in Jabal ʿAmil and depicted a picture of the mountain as an isolated entity that had shielded this Arab tradition for centuries, distinguishing it from any other community. This proclaimed eternal connection to Jabal ʿAmil, which maintained its unchanging Arab characteristic, created an unchallenged narrative of the region as an everlasting stronghold of Arab civilization. According to al-Ṣafā, this long tradition allowed Shiʿas to have the closest pronunciation to classical Arabic of all other Arabs, indirectly refuting Orientalists’s claims that the Arabic dialect of the Matawilas was indicative of Persian blood. The primacy given to the Arabness of the region spoke of its political situation whereby Shiʿi historians felt the need to assert their indigenous claims to the land. The proclivity of early twentieth-century Shiʿi writings was intent on asserting legitimacy and primacy of Shiʿas on the grounds of racial, geographical, religious, and even linguistic claims. Shiʿi historians wanted to prove their authenticity on two fronts: racial as Arabs and religious as Shiʿas through the geographical entity of Jabal ʿAmil.

103 Ibid., 93.
104 Ibid., 24–25.
Adhering to the standard narrative of the community, al-Ṣafā also linked the emergence of Shi‘ism in the area since the time of Abū Dharr. Although al-Ṣafā did not delve into this history and assume the validity of this narrative, he cited the work of Iranian traveler Nasser Khosrau who noted that most of the population in Tyre and Tripoli were of the Shi‘i faith. Al-Ṣafā helped construct and reaffirm the standard Shi‘i historical narrative that sought to establish the nativeness of Shi‘as to the land as Arabs who contributed to the region’s history and continue to affect the political makeup of the area.

Shaykh Sulaymān Zāhir

Sulaymān Zāhir (1873–1960), another distinguished Shi‘i intellectual and renowned shaykh from Nabatiyya, published various articles in *al-‘Irfān*, as well as historical texts proliferating the history of Jabal ʿAmil and its importance in the region. In a series of articles titled “Mu‘jam Qura Jabal ʿAmil” (Dictionary of the Villages of Jabal ʿAmil) Zāhir recorded the epistemological origin of every village name in Jabal ʿAmil and its history during the eighteenth century. Zāhir accounted for 305 villages while citing the land-owning notables of each town. Documenting the geographical parameters of each town, Zāhir chronicled the impact of major political events in the town. The myriad of articles contributed by Zāhir indicated the effort made

---

105 Oddly enough, Nasser Khosrau did note that the population was mostly of the Shi‘i faith, but he also argued that the archaeological findings indicated a Kurdish past. However, al-Ṣafā did not note this in his work.


107 The article “Mu’jam Qura Jabal ʿAmil” [Dictionary of the Villages of Jabal ʿAmil] was later published into a book.
by the editors of *al-‘Irfān* to produce a history for Jabal ʿAmil that signified both its local and regional significance. Among Ẓāhir’s other publications are two articles, “Jabal ʿAmil wa Qalʿat al-Shaqif” (Jabal ʿAmil and the Beaufort Castle) and “Ṣilat al-ʿilm bayna Jabal ʿAmil wa-l-Shām” (The Chain of Knowledge between Jabal ʿAmil and Syria), which reflected his concern to highlight the importance of Jabal ʿAmil and its contribution to the outside world, particularly the larger and more dominant Sunni milieu. Ẓāhir repeatedly illustrated the geographical and historical importance of the region by examining the archeological remains found in Jabal ʿAmil, such as the Beaufort Castle near the southern town of ʿArnun. Although Beaufort Castle was believed to have been built during the Crusades, Ẓāhir provided supporting evidence to trace the castle back to the time of the Romans, linking Jabal ʿAmil to the historical contributions of civilizations past while also asserting the connection of the Shiʿas to the acclaimed Phoenician past hailed by the Christian Maronites as their own.\(^{108}\) Geography became a key component for making history and political claims for the Shiʿi community. Ẓāhir made various efforts to write down and magnify the history of the area as a means to make the presence of Shiʿa as visible and living. Ẓāhir sought recognition and appreciation for the ʿAmili community which had been disinherit ed for so long and ignored in both Sunni and European accounts. Shiʿi contributors of *al-‘Irfān* endeavored to engrave the historical presence and significance of Jabal ʿAmil within the larger regional and Syrian context.

Ẓāhir’s *Jabal ʿAmil fi al-Ḥarb al-Kawniyya* (Jabal ʿAmil during the World War) was his first major historical contribution. The text began with the standard articulation of the geographic parameters of Jabal ʿAmil and the reiteration of the ʿAmilis lineage from Banū ʿAmila bin Sabaʾ while reasserting the ʿAmili claim as the beholders of Shiʿi Islam since the time of Abū Ghifārī.

\(^{108}\) Ẓāhir, “Jabal ʿAmil wa Qalʿat al-Shaqif” [Jabal ʿAmil and the Beaufort Castle], *al-‘Irfān*, vol. 6, no. 1–2 (1920).
Unlike Riḍā’s historical analysis, Zāhir provided no proof to support this opening proclamation but rather asserted it as a given. This affirmation of origins became the normative introduction found in early Shiʿi historical texts regardless of scope or period under examination. The overall composition of Zāhir’s text focused on the political impact of World War I on Jabal ʿAmil and the subsequent French occupation. Zāhir’s text was entrenched with sympathy for the Arab cause and Faysal’s nationalist movement while glossed with a profound anti-French occupation stance. Zāhir described the involvement of the ʿAmilis in the events of post-Ottoman Lebanon and argued that there was no conflict between the various religious groups prior to the French occupation. Shiʿas lived with Christians and Sunnis in harmony for centuries with Shiʿas helping Christians during the Great Depression and providing them with a haven during their civil strife with the Druzes in 1860.

According to Zāhir, the French occupation was rooted in a “politics of separation” that created inequalities among the sects brewed by French favoritism toward the Christian population. Zāhir focused on the French aggressions against the Shiʿi community of Jabal ʿAmil. He accused the Christians of the region of heightening this aggression since they were the ones bestowed with weapons by the French.109 Although Zāhir tried to dismiss sectarian conflicts in Jabal ʿAmil, his assessment of the events at the turn of the century implied the makings of Shiʿi communitarian entity. Zāhir painted a picture of Shiʿas as defenders of the nation against the French occupation and proponents of civil unity among religious groups. The nature of Zāhir’s historical texts revealed many things. The story of Shiʿi origins and racial composition became

---

109 Zāhir refers to the French aggression toward the south and the town of Bint Jbeil after the Wujayr Conference and attack on the Christian community of ʿAinab in 1920. Zāhir does not explain the details of the conflict, but rather argues that misinformed information was circulated about the Wujayr Conference which stated that the purpose of the meeting was to attack Christians. Zāhir noted the specifics of the meeting and the objective behind it. Zāhir, Tarikh Jabil ʿAmil fi al-Ḥarb al-Kawniyya (Beirut: Dār al-Matbuʿat al-Shariqiyya, 1986), 72–74.
more readily adhered to as a normalized tradition within Shiʿi historiography. As such, the
degree of historical analysis to prove this claim dwindled as it became common, and thus
acceptable, to the point that most Shiʿi historical texts mentioned the Banū āmila/Arab lineage
in passing or not at all. As Shiʿas were increasingly integrated into the nation-state, the need to
reassert their origins was lessened so that recent Lebanese Shiʿi historiography did not dwell on
the topic or even question its legitimacy. However, an emphasis was placed on asserting Jabal
ʿAmil’s historical importance as a communitarian entity in the region and its political position as
a supporter of the Arab cause and protectors of the nation against European forces.

Sayyid Muḥsin al-Amīn

Unlike previous writers, Sayyid Muḥsin al-Amīn hailed from a prominent family of
ʿulamaʾ and received a religious education in Najaf, where he later became a mujtahid. A
mujtahid is a learned man who attains an advanced degree of religious training whereby he can
perform ijtihād (religious judgment) based on the Islamic law that Shiʿi believers can emulate
and follow. As a religious scholar, al-Amīn maintained a strong interest in historical studies,
particularly the history of the Shiʿas in Jabal ʿAmil and Greater Syria.

In his work Khiṭat Jabal ʿAmil (The Lands of Jabal ʿAmil), al-Amīn provided a rich
history of Jabal ʿAmil describing the economic and agricultural composition of the region and its
educational and religious establishments. Al-Amīn provided a prolific list of literary
contributions of the ʿAmili while also illustrating vivid pictures of the everyday lives and
traditions of the community. Although the book began with a historical evaluation of the
prominent ʿulamaʾ of Jabal ʿAmil, whereby much attention was given to the al-Amīn family, the
remainder of the text focused on the cultural and socioeconomic conditions of Jabal ʿAmil.
Unlike other Shi‘i historians of his time, al-Amīn’s work did not dwell on the political state of post-Ottoman Lebanon and the conflicting movements that beset the region at that time, but rather focused on local customs and flavors of Jabal ʿAmil. Al-Amīn provided a historical lexicon of the villages of Jabal ʿAmil, listing all the mosques, schools, and thinkers from within the community.

Nevertheless, al-Amīn reiterated the same history of Abū Dharr’s conversion of Jabal ʿAmil to Shi‘ism as recited by Riḍā, but al-Amīn questioned the validity of such a claim. Although al-Amīn did not refute the legitimacy of this lineage, he also did not find it necessary to uphold this connection to Abū Dharr to prove the longevity of Shi‘ism in Jabal ʿAmil. According to al-Amīn, by the tenth century Shi‘ism was widespread throughout the Middle East, whether in Egypt with the Fatimids or in Aleppo and various parts of Syria under the rule of Banū Hamdan; "by the twelfth century all of Jabal ʿAmil was undeniably all Shi‘a.”110 At one point, al-Amīn ruminated that “Shi‘as outnumber Sunnis” in Damascus during the twelfth century, which was proof enough to establish the Shi‘i legacy in the region. Rather than going back to the story of Abū Dharr as the spiritual father of the community, al-Amīn examined a myriad of texts to establish the history of Shi‘ism and its various pockets of governance in the Arab world between the tenth and twelfth century to further reinforce the Shi‘i presence in Jabal ʿAmil and Greater Syria way before the twelfth century.

Al-Amīn, however, allocated much time to the Arabness of the ʿAmila community and their homogenous origins from the tribe of Banū ʿAmila. Al-Amīn focused on this matter in Man huwa ʿAmila? (Who is ʿAmila?) in which he traced the historical meaning and validity of the term and Jabal ʿAmil’s connection to the Banū ʿAmila tribe of Yemen. Al-Amīn cited evidence

from various intellectual figures to conclude that the people of Jabal ʿAmil are descendants from this tribe. Al-Amīn reverted back to the time of the Prophet who was recorded saying that the ʿAmilas were Arabs.\(^{111}\) Like his predecessors, al-Amīn confirmed the historically timeless lineage of Shiʿ as to the Banū ʿAmila who “. . . settled in this mountain and their ancestors remained there until today and who the people of Jabal ʿAmil emanate from.”\(^{112}\) Al-Amīn was most angered by books published and found in the al-Azhar University quoting one particular text which declared that “the Matawilas are a branch of the Shiʿ as and are of Persian origins.”\(^{113}\) Angered by this statement, al-Amīn advocated for a thorough examination of the history of the ʿAmila community before assuming that the Shiʿ as of Jabal ʿAmil were of Persian origins simply because they shared the same religious denomination.\(^{114}\) Al-Amīn adhered to the formative narrative of Shiʿi Arabness to assert their place in Jabal ʿAmil and the Arab world. His determination to prove the Arabness of Shiʿ as became a prominent component of al-Amīn’s narrative. Al-Amīn argued that the mannerism and customs of the ʿAmili Shiʿ as were recognizably Arab in nature as they were filled with generosity and etiquette.\(^{115}\) The need to affirm the group’s authentic Arab identity was prevalent in al-Amīn’s writing. Al-Amīn devoted a section to illustrate the Arabness of the Matawilas’s lineage to Banū ʿAmila; their language, mannerism, and tradition. Although al-Amīn tried to assert the relevance of the ʿAmilas to the larger Shiʿi world, he was cautious about embellishing this relationship at the expense of the ʿAmilas’s Arab identity and link to the Arab/Muslim world. Thus, al-Amīn overlooked any

\(^{111}\) Al-Amīn, ᴷʰⁱᵗᵃᵗ Ḵᵃˡⁱʾ ʿ_oid, 35.

\(^{112}\) Ibid., 53.

\(^{113}\) Ibid., 54.

\(^{114}\) Al-Amīn, ᴷʰⁱᵗᵃᵗ Ḵᵃˡⁱʾ ʿ_oid, 37.

\(^{115}\) Ibid.
sectarian discord in the post-Ottoman nation advocating for a pan Arab/Muslim umma (nation). However, the implications of a Shiʿi communitarian entity are evident in the subject matter of the manuscript and al-Amīn’s emphasis on the historical relevance of Jabal ʿAmil.

This group of men became the main voice of the community and had an immense influence on the method the historical events within the ʿAmili history was recorded. They created a normative discourse of their community, which dominated the nature of Shiʿi historiography in the early twentieth century. The proclivity of their texts revealed their concern with constructing Shiʿi identity and historical origins. Shiʿi historians were interested in erecting a particular identity that emphasized their eternal Arabness and indigenousness to the land. Consequently, the nature of the writings was clearly meant to reach a wider Sunni and European audience by aiming to prove the racial origins of the Matawilas to the land as a way to assert their historical and political claims. It is true that Lebanese historiography as a whole cannot be divorced from the Maronite prototype narrative, which Tamara Chalabi argued, dictated the historical writing of various other communitarian narratives, including those of the ʿAmili community.116 However, for the ʿAmili community there was an impetus to reclaim history, which had long been dictated by the Oriental image portrayed by various European and Sunni historians who had erected the Shiʿ as of Greater Syria as both primitive and foreign to the region. However, in doing so Shiʿi historians of the early twentieth century adhered to the same interpretative discourse of racial origins of Europeans in reasserting their political and historical claims in the nation and the region. The writing of modern Lebanese Shiʿi historiography inevitably adhered to the nationalist historiography of the West.

The ʿAmilis attempted to assert their community into the historical narrative of the region by championing their lineage and mountain as a form of inclusion. Formulating the authorizing body on Shiʿi history at the turn of the century, the writings of al-ʿIrfān and Shiʿi historians painted a potentially distorted image of the historical events of the time. The twentieth-century writings of Riḍā, al-Ṣafā, Zāhir, al-Amīn, and al-ʿIrfān utilized the same language, knowledge, and modes of analysis constructed by the West in reasserting their historical claims and formulating a collective communal identity. Shiʿi intellectuals emerged from a particular stratus of ʿAmili society hailing from similar backgrounds and educational upbringings. Although these men provided different versions of historical events at times, they remained focused on recording historical events from the standpoint of their political allegiances to particular leaders and institutions. Hence, they all sought to mark ʿAmili participation in the regional happenings focusing on loyalties of the Shiʿas to Amir Faysal and the Arab cause, and the group’s opposition to the French mandatory authorities. They painted a picture of an eternally united Arab community with common political allegiances within a loosely defined national boundary. By the advent of the French Mandate, Shiʿi historiography moved from a more localized to a nationalized dimension. Writings that emerged during the Mandate period sought to move Shiʿas from the periphery to the center of historical narrative by recording and documenting the legacy of a collective community long forgotten in the annals of history. This discussion now moves from the writing of modern Shiʿi historiography to the historical reality of the Shiʿas in Jabal ʿAmil and the Bekaa Valley (Baalbek al-Hirmil region) prior and during the French Mandate, just as the community integrated into a burgeoning Lebanese nation-state.

Part Three: From ʿAmilis to the Shiʿas of Lebanon.
From Jabal ʿAmil to Janub Lubnan (The South of Lebanon)

With the fall of the Ottoman Empire, colonial powers demarcated borders and constructed new national entities in the Levantine. The French Mandate defined the boundaries of a new Lebanese nation-state that had far extended the Mount Lebanon of the Maronite community. The southern region of Jabal ʿAmil, whose population was predominantly Shiʿa, was incorporated into the Greater Lebanon nation greatly unbalancing the religious makeup of the new nation-state. Where the Mutaṣarrifiyya (Ottoman semi-autonomous province of Mount Lebanon) constituted a largely Maronite population the extension of Petit Lebanon to include the regions south of Beirut incorporated a largely Muslim population and increasing Shiʿi constituency of the south. Moreover, the Shiʿas of Jabal ʿAmil, the Bekaa Valley, and Beirut came to be politically intertwined and united as a collective entity.

The formation of the Lebanese nation-state transformed Shiʿi Muslims from a peripheral Ottoman population to a politically recognized minority within a new nation-state. However, it would be erroneous to think that Shiʿas residing in Jabal ʿAmil and Greater Syria in general did not have any relationship to the Mutaṣarrifiyya of Mount Lebanon prior to their integration into Grand Lebanon. Jabal ʿAmil had been historically linked to Mount Lebanon agriculturally, economically, and politically, serving as one of the main reasons the southern region was incorporated into the boundaries of the new nation-state. In his dissertation, “Pouvoir et Société au Jabal Amil de 1790 a 1920 dans la Conscience des Chroniqueurs Chrétiens et dans un Essai d’interprétation,” Mounzer Jaber traced the political connection between Jabal ʿAmil and Mount Lebanon in the eighteenth century, arguing that the political leadership in the two regions was intertwined to some extent. During moments of civil conflicts between the Maronites and Druzes
in Mount Lebanon, Jaber argued, Shiʿi zuʿamāʾ (political leaders) of Jabal ʿAmil aligned themselves with particular ruling families whereby the outcome of the clash affected the fate of the political leadership in Jabal ʿAmil. For example, during the 1860 civil war in Mount Lebanon, a number of leading Shiʿi zuʿamāʾ of Jabal ʿAmil aligned themselves with the Azm family of Damascus against the Shihabi amirate of Mount Lebanon. Consequently, the political leadership of the traditional zuʿamāʾ was weakened as a new class of Shiʿi notable families (wujaʿāʾ), who had linked themselves with the Shihabis, and started to exercise greater political weight in the region. From an economic and agricultural standpoint, Mount Lebanon relied on the predominantly agricultural society of Jabal ʿAmil and their fecund lands for crops and grains. Moreover, the severity of the Great Depression and the magnitude of famine suffered by the residents of the Mutaṣarrifiya reflected the areas’ inability to sustain a viable agricultural base on its own. Although Jabal ʿAmil experienced the harsh brutality of the Great Depression, which was extensively written about in al-ʿIrfān, the region did not endure the gravity of other areas and maintained a sustainable amount of agricultural cultivation and production. Jabal ʿAmil and the Bekaa Valley were predominantly agricultural communities which produced various crops. For Jabal ʿAmil, the cultivation of cotton, grains, and tobacco were the region’s most prominent yields. The economic viability of Jabal ʿAmil rested on their trade with the Palestinian hinterland and the growing demands for cotton and later tobacco by Europeans, while the Bekaa Valley was tied to the Syrian interior due to the regions’ lucrative coal and wood

---

117 This is not to say that there was a collective community of zuʿamāʾs, but rather a handful who sided against the Shihabis, while other families from rising notable families or wujaʿāʾ, emerging in the late nineteenth century, such as the Zayns and ʿUsayrans, supported the Maronites and provided shelter for Christians fleeing from Mount Lebanon. The civil conflict of 1860 reflected the diversity of political allegiances that was rooted in clan and regional alliances, rather than being religious or confessional in nature.

118 Various articles appeared in al-ʿIrfān during the 1930s, describing the conditions in Jabal ʿAmil.
production. However, the fate of agricultural production in both regions rested on local Shi‘i leaders of the *iqṭāʾ* (Ottoman feudal land grant system).

After the defeat of the Mamluks by the Ottomans in 1516, Shi‘as remained under the *muqāṭaʾjī* system that sustained a feudal-like structure whereby a *muqāṭaʾjī* (local leader who generally hailed from a prominent family which traced its lineage to the Banu ē Amila tribe of Yemen) maintained exclusive control over a given area under the pretense of collecting taxes for the administrative Porte.119 Under this system, the Shi‘as of Jabal ē Amil were under the leadership of the shaykhs of the al-Saghir, al-Sab, and al-Munkir families while Shi‘as in Baalbek al-Hirmil were under the rule of the Harfush and Hamadi clans.120 Their constituency consisted largely of a peasantry class with a sizable ‘ulama population which reinforced the authority of the ruling *zu‘amāʾ* or *muqāṭaʾjī* class. This form of indirect rule allowed local leaders to sustain a monopoly over the economic and political affairs of its constituents as long as tax quotas were met.121 Hence, the *iqṭāʾ* system gave Shi‘as much liberty to govern their own affairs with relatively no interference from the Ottoman Porte. Jabal ē Amil and the Bekaa Valley prospered during this period of growing European agricultural demand. The Baalbek al-Hirmil region specialized in cotton, cereals, and raisin production which was exported to Europe via the port in Tripoli. Baalbek’s fertile agricultural land and proximity to the Syrian interior allowed the area to prosper and contribute to the economic development of the region during the sixteenth and seventeenth century. Jabal ē Amil experienced substantial economic and agricultural growth in the seventeenth and eighteenth century propelled primarily by European demand for cotton.

---

119 As mentioned earlier, this claim to the Arabian tribe became a prime marker for societal legitimacy and claims to political power. This was also the case for other religious communities in Lebanon, such as the Druzes and Sunnis.


The ʿAmili community sustained a lucrative trade of high-quality cotton production indicative of higher taxes which the administrative state imposed on the region in comparison to those imposed in Mount Lebanon. The demand for cotton declined with the development of cotton cultivation in Egypt and the replication of cotton fabric produced by the Shiʿas of Jabal ʿAmil, leading to a decline in business in the port of Sidon. The decline of cotton cultivation and the execution of administrative Tanzimat reforms by the Ottoman center altered the political and economic makeup of the region.

**The Impact of Ottoman Tanzimat Reforms on Jabal ʿAmil and the Bekaa Valley**

The Ottoman Tanzimat reforms of the nineteenth century were meant to centralize the authoritative bureaucracy of the Sublime Porte of the Ottoman Empire, which brought about administrative changes that transformed the nature of land tenure, taxation codes, and administrative municipalities of the Arab lands. First, Tanzimat reforms incorporated Jabal ʿAmil into the wilaya (Ottoman province) of Beirut by 1864. Prior to this provincial reorganization, Greater Syria was divided into three wilayas, namely Aleppo, Damascus, and Tripoli with Jabal ʿAmil and the Bekaa Valley included into the wilaya of Damascus. However, in 1660 Jabal ʿAmil was incorporated into the newly-created wilaya of Sidon while Baalbek al-Hirmil was integrated into the Mutaṣarrifiyya of Mount Lebanon. By 1887, the wilaya of Beirut was formally created, incorporating Jabal ʿAmil into it. Consequently, the integration of Jabal ʿAmil into the wilaya of Beirut shifted the trade route away from Jabal ʿAmil as the maritime trade ports of Beirut and Damascus were accentuated. The construction of the Beirut-Damascus road between 1859 and 1863 created a new land-based trade route between Mount Lebanon,

---

122 Halawi, *A Lebanon Defied*, 32. By the eighteenth century, the French had duplicated the ʿAmilis’s cotton fabric production, resulting in a decrease in cotton production and export.
Palestine, and Syria, further making Jabal ʿAmil insignificant in a growing capitalist society of European intervention. Growing Western capitalist interests and investments in the region were emphasized with favorable land reforms brought about by Tanzimat changes.

The Ottoman Land Reform of 1858 prompted by the Tanzimat brought about changes to land tenure and codes while also opening up the market to new landowners to acquire property. In Jabal ʿAmil, most of the land existed in the form of miri (state-held land) for lease, whereby leading families, such as the al-Saghirs, al-Assads, and al-Fadls, were assigned the administrative role of collecting taxes and regulating the land for the Ottoman Porte. As a society consisting of largely public or state-owned land, there was a limited amount of mulk (private-held land). Land reform initiatives of the nineteenth century placed the sale of land on the open market heightening interest in public lands of Jabal ʿAmil. The land law of 1858 allowed individuals to register land as mulk land, which resulted in individuals registering land in their name even though the land was being cultivated and run by peasants. Consequently, the 1858 land law saw the emergence of new land-owning families, as well as the creation of large land estates. A group of wujahāʿs (new landowning families) emerged, who “were in origin a mid to late nineteenth-century group of grain merchants, a small number of whom made use of the new Ottoman law to break into the more lucrative and more prestigious class of zaʿīm through becoming multazims and officers of the state.” This rising Shiʿi class was able to foster their political affiliations and collaboration with leading Sunni and Maronite families linked to the Ottoman state to gain political ascendancy and land acquisitions. For the most part,

123 Tarif Khalidi, Land Tenure and Social Transformation in the Middle East (Beirut: American University of Beirut, 1984).
125 Halawi, A Lebanon Defied, 37.
the ʿAmili peasants’ lack of political affiliation and administrative savvy resulted in their laxity to register their land while the threat of “increased taxation and a fear of army conscription” forced peasants to give up their property.\textsuperscript{126} Prominent Shiʿi families, such as the Zayns, ʿUsrayans, and al-Khalils, emerged as beholders of large land acquisitions and positions of power that continue to have political relevance today. Property speculators from Mount Lebanon also took this opportunity to tap into the agricultural production of Jabal ʿAmil. Various leading Sunni and Christian families acquired land in Jabal ʿAmil, such as the Sulh family from Sidon and the Francis and Abella families from Mount Lebanon. As a result, land reforms brought an end to the iqtāʿ system that disrupted the political power system of the leading muqāṭāʾūjī and zuʿamāʾs by creating alternative centers of power and a new social class. Although Tanzimat reforms instituted greater administrative regulations, they also came at a time of growing European colonial expansion and capitalist investment in the region.

On the economic front, the growing regional capitalist expansion, coupled with Tanzimat reforms, brought about the monopolization of tobacco cultivation in Jabal ʿAmil by ʿAmili Ottoman and French authorities. Tanzimat reforms allowed for greater European involvement and control in the economic affairs of Greater Syria. The overall impact of European capitalist expansion affected Jabal ʿAmil negatively as greater European consolidation and monopolization of agricultural production ensued. The cultivation of tobacco took place in Jabal ʿAmil as early as the eighteenth century and it later became the most prominent crop under Ibrahim Pasha, who opened the ʿAmili production of tobacco to the Egyptian market in 1840. With growing Western capitalist investment and expansion in the region the cotton industry became lucrative with the advent of the French Mandate. The cultivation of tobacco became the main source of economic

\textsuperscript{126} Ibid., 36–38.
livelihood for nearly 90 percent of the workforce in the South. Although this had always been a prosperous business for the Amili community, the institution of the Tobacco Régie by the Ottomans and the French limited and regulated the production in the region. The monopoly of the Tobacco Régie instituted severe regulations which limited the amount of land that could be cultivated while also imposing heavy taxation on the tobacco produced by peasants. Permission had to be granted by the Régie to cultivate land for tobacco production, thus not allowing peasants to profit from all the viable and fertile land on hand. Tightening regulations of the Ottoman government forced conscription of Shi‘as into the Ottoman army while growing European interventions in the region, following Tanzimat reforms, led to growing unrest and rebellion among the Shi‘i communities of Jabal Amil and the Bekaa Valley.

Although Tanzimat reforms granted Christians and Jews additional rights to participatory citizens in the Ottoman government, this was not extended to Shi‘i Muslims of the region. Although the Shi‘as of Jabal Amil and the Bekaa Valley remained relatively unnoticed in the political affairs of the Empire, the severity of taxation imposed on the Shi‘i Muslims of Lebanon led to a number of rebellious uprisings against the Ottoman authorities. A historical important uprising occurred in 1775 when the Shi‘as of Jabal Amil aligned themselves with Dhahir al-Umar, a rebellious tax farmer and governor of Acre who opposed the Ottoman authorities and local tax administrators in the wilaya of Sidon. The uprising reached a large following that

127 Ibid.

128 Maronites and Christians did not have to adhere to Ottoman conscription while many Sunnis found financial and political means to avert their duties.

129 Amnon Cohen, Palestine in the 18th Century: Patterns of Government and Administration (Jerusalem: Magnes Press, 1973), ch. 1. The Matawilas open revolt began in the late seventeenth century whereby the wali of Sidon, Arslān Paşa al-Mu‘tarci, sought the aid of Amir Bashir I Shihab (1697–1707), who appointed him control of the Matawila region (Cohen, 8). The Umars were a leading multazim (Ottoman tax-farmer) who had gained much control and power in Galilee, uniting the region against the wali of Sidon.
resulted in the Ottoman authorities requesting the assistance of the Maronite Amir of Mount Lebanon, Bashir I Shihab, to suppress the resistance. The outcome of this uprising proved detrimental to the Shiʿ as of Jabal ʿAmil as the Ottoman Porte utilized this moment to assert authority and set an example of the community for the rest of the empire. The Ottomans enlisted the forces of Ahmad Pasha al-Jazzar (1775–1804), the newly appointed wali (governor) of Sidon, to punish the supporters of al-Umar and residents of Jabal ʿAmil. The massive military campaign headed by al-Jazzar pillaged the region and destroyed the homes of their leading zuʿamāʾs, as well as a number of their educational and cultural institutions. Al-Jazzar took direct control of the region’s cotton production, monopolizing its cultivation and regulating prices.  

130 The severity of al-Jazzar’s assault on the region continues to be imprinted in the historical memory of the community.  

131 Sporadic Shiʿi rebellions that transpired under the Ottoman Empire were provoked by the heavy tax burden faced by the local shaykhs of Jabal ʿAmil and peasants of the Bekaa Valley rather than any direct political opposition to the Sublime Porte.  

132 With the advent of World War I and the slow disintegration of the Ottoman Empire the number of uprisings and rebellions increased throughout the Arab lands, particularly with the rise of Arab nationalism.

The Arab Nationalist Movement and the Hujayri Conference of 1920

The Allies’ victory in 1918 brought a new set of hopes for an Arab nationalist dream among the Arabs of the former Ottoman territories. The Husayn-McMahon correspondence of

---

130 Cohen, *Palestine in the 18th Century*, 22.

131 The assault of Jazzar on the ʿAmili community has been incorporated in the Shiʿi grand narrative of persecution and martyrdom rooted at the center of Shiʿi Islam and dating back to the martyrdom of the third Shiʿi Imam Husayn.

132 The rebellion of the Harfush amirs of the Bekaa Valley against Ottoman tax administrators resulted at the end of their leadership and historical presence in Lebanon by 1864. See Halawi, *A Lebanon Defied*, 36.
1915–1916 promised King Husayn, the Sharif of Mecca, and his followers independence in parts of Syria and Mesopotamia in exchange for their support against the Turks. Vibrant Arab movements and secret societies emerged in support of Arab unity despite the fact that the Sykes-Picot Agreement of May 1916 invalidated the aspirations for an Arab government whereby the French and British agreed to divide the region among themselves. Although this dissertation does not focus on Shi‘i involvement in the Arab nationalist movement, which has been well-researched, the opposing Shi‘i voices for and against the Arab nationalist unity reflected the diversity of Shi‘i political leadership depending on the geographical region. Tamara Chalabi has thoroughly analyzed the political happenings and divergent views among the political leadership of the Shi‘i Muslims of Jabal ʿAmil during this uncertain time period. The divergent views among Shi‘i notables were rooted more in their political survival and interests than in a collective communal incentive or agenda. The arrest of a number of Shi‘i intellectuals in 1915, as a result of their involvement in secret Arab societies, indicated a burgeoning Arab nationalist sentiment among a specific sector of society. The ʿAley trials led to the imprisonment of a number of Shi‘i intellectuals and in August 1915 to the death of the leader of the Society of Arab Revolution (Jam‘iyya al-Thawrāt al-Arabiyya), ʿAbd al-Karīm al-Khalīl, who was a Shi‘i Muslim with ties to Jabal ʿAmil. At the ʿAley trial in Mount Lebanon a number of Shi‘i notables were arrested, including Ahmad Riḍā, Sulaymān Zāhir, and Muhammad Jābir al-Ṣafā, on the grounds of treason. The main objective of the Society was the demand for greater political


rights for Arabs in the administration rather than separation from the Empire. Nonetheless, the severity of the Empire’s response was a sign of the rapid dissension arising in the Arab lands. At this historical point, support for the Arab cause among Shiʿi Muslims was not yet in full swing. However, the end of World War I and the physical presence of French occupying forces on Arab lands triggered a growing Shiʿi collective initiative by 1920. Shiʿi Muslims of Jabal ʿAmil in particular regarded French occupying forces as agitators to the political balance in the region and accused the French of supplying Christian villages with weapons and creating communitarian tension in the region. Favoritism toward Christian villages was seen as a direct threat to Shiʿi villages and only further exhorted the ʿAmili community to join the ranks of Faysal and the Arab cause, which culminated in the Wadi al-Hujayr Conference of 1920.

In April 1920, the Hujayr Conference was organized by Kamil al-Assad, a leading muqāṭāʾjī and zaʾīm from a prominent family of Jabal ʿAmil as ʿAmili notables, intellectuals, and ʿulama’ gathered to delineate the “official” position of the community toward the Arab nationalist movement and French occupying forces. This was the first collective effort publicly made by the Shiʿas of Jabal ʿAmil in defining their political position as a communitarian entity and respond to Faysal’s call for resistance. It is also believed that leaders of ʿiṣābāt (local militias or armed bandits) were invited to attend the meeting to jointly discuss

---


136 Kamil al-Assad was born into a family with administrative ties to the Ottoman government. As descendents of the al-Saghir family which claimed to be descendents of the Banu ʿAmilas, the Assads sustained a stronghold on the political leadership in Jabal ʿAmil until the early twentieth century. Consequently, Assad was a representative member for Jabal ʿAmil in the Majlis al-Mabʾūthan of the Ottoman government. For more on Kamil al-Assad see Muḥsin al-Amin, Aʿyān al-Shiʿa, vol. 9 (Beirut: Maṭbaʿat al-İnṣāf, 1957–1962), 22–24.

137 Communitarian here in the sense that the meeting was rooted in regional affinity, rather than any collective Shiʿi sectarian entity. This did not mean that religious overtones were not present at the time as the ʿiṣābāt attacks were generally directed toward Christian supports of the French. Thus, their political motivations were directed toward an anti-French stance, rather than a sectarian stance against Christians in Jabal ʿAmil.
the political fate of the community. Local ‘iṣābāt among Christian and Muslim communities became prominent during this period as Shi‘i ‘iṣābāt were recognized for their anti-French stance in the early twentieth century. Sulaymān Zāhir noted the presence of ‘iṣābāt leaders Sadik Hamza and Adham Khanjar at the conference. At the Hujayr Conference, Shi‘as gathered and declared their unilateral support for the Arab government of King Faysal and their desire to be integrated into the Syrian nation with local administrative autonomy for Jabal ʿAmil. The fact that conference members demanded a separate administrative status for the Jabal ʿAmil region indicated the growing communitarian sentiment for the geographical territory deemed to be the home of the Twelver Shi‘as of Greater Syria. The declaration of the Hujayr Conference was reported back to Damascus and King Faysal.

The proceedings and impact of the Hujayr ʿAmili Conference have been dismissed in Shi‘i historical texts. Firsthand records on the specifics of the conference remain ambiguous and non-existent with very little documentation and mention by ʿAmili intellectuals and historians who attended the event. Accounts about the meeting appearing in al-ʿIrfān minimized its significance and happenings, partially because of the decision that the ʿAmili community concurred and the transpiring events afterwards. The ambiguity surrounding the Hujayr event stemmed on the one hand from the palpability of a Lebanese national entity as espoused by French mandatory authorities, and the ʿiṣāba attack on ʿAyn Ibl, a Christian village in Jabal ʿAmil, adjacent to the town of Bint Jbeil, less than two weeks after the proceedings of the Hujayr Conference. The formal declaration endorsing Faysal as the king of Syria came at a time when French mandatory rule was reality and the manifestation of a Lebanese nation was already in the

138 Jaber, “Pouvoir,” 126.

139 Zāhir, Jabal ʿAmil fi al-ḥarb al-Kawnīyya, 72.

140 Ibid., 72.
making. The declaration at Hujayr came a few months after the declared creation of Greater Lebanon, putting the community on the outskirts of political dialogue of the new nation and in opposition to the governing power of the mandatory authorities. The attack and massacre of the Christian town of ‘Ayn Ibl was carried out by Mahmud Bazzi’s ‘isāba from Bint Jbeil on May 5, 1920, which resulted in the killing of 50 people and injuring many others. The town was pillaged and devastated by the gruesome massacre as Christian newspapers recounted the eyewitness accounts of that day. Amili sources have denied any connection between the Hujayr Conference and the attack on ‘Ayn Ibl. Amili notables have denied any form of provocation made at the conference to attack Christians. Sulaymān Zāhir refuted allegations by a prominent Lebanese intellectual, Amin al-Rihani, for insinuating that the ‘Amilis uniformly decided at the Hujayr Conference to kill Christians. He vehemently asserted that Shi‘i notables and leaders had no hand in the massacre.

Although Zāhir did not condone the attacks, he did not discuss the particularities of the massacre in ‘Ayn Ibl, but rather argued that tensions in Jabal ‘Amil between Christians and Shi‘as were due to the French “politics of separation” that armed Christians and divided the people. In his account, Zāhir focused instead on the Christian ‘išābāt and their attacks on Shi‘i villages which went unpunished by the French.

Despite the vagueness and outward denial of any sort of concurrence, many, however, accused Sayyid ‘Abd al-Husayn Sharaf al-Dīn of inciting the crowd of ‘išābāt at the conference

---


142 Ibid., 76. Articles in the newspaper Al-Bashir and al-Mashriq appeared, describing these events. See Al-Bashir, May 1920.

143 Zāhir, Jabal ‘Amīl fi al-ḥarb al-kawniyya, 75.

144 Zāhir, Jabal ‘Amīl fi al-ḥarb al-kawniyya, 74.

145 Ibid. Zāhir described an attack by Christian ‘išābāt in the town of Dir Natar in which a local shaykh was killed, although the specifics cannot be validated and are not clear.
to take up arms against supporters of the French. The ʿiṣābā of Ṣadiq al-Hamza attacked French troops in Tyre a few days after the ʿAyn Ibl massacre, which led to the direct retaliation of General Gouraud and the Mandate authorities under the command of Colonel Nieger, the commander in Tyre. In June 1920, Nieger began his campaign against Jabal ʿAmil, which involved severe aerial attacks and a ground expedition of 3,600 soldiers, who pillaged and devastated the entirety of Jabal ʿAmil from Nabatiyya to Bint Jbeil with the assistance of Christians who, in turn, indiscriminately “killed any Shiʿa in their path.”146 The Nieger campaign burnt villages and destroyed thousands of homes and agricultural harvests, silencing the ʿAmili community. The ʿAmili community was forced to give up all weaponry and pay a reparation fine of 100,000 Syrian gold pounds, which burdened and financially devastated the region.147 The brutality of the French left a mark on the ʿAmili community, who saw themselves as the only martyrs of the Arab cause. Žāhir noted that Jabal ʿAmil was the only area of Lebanon that experienced the wrath of the French for supporting the Arab cause while others remained unaffected.148

Conclusion

The Nieger campaign marked the unofficial withdrawal and abandonment of the Arab government, and the official creation of Grand Lebanon in September 1920 that annexed the Jabal ʿAmil region into the newly defined nation-state.149 French economic and colonial interests, coupled with Maronite demands for an independent homeland, converged in the

146 Žāhir, Jabal ʿAmil fi al-ḥarb al-kawniyya, 78.
147 Žāhir, Jabal ʿAmil fi al-ḥarb al-kawniyya, 82.
148 The French had taken similar action to the revolts that took place in Syria during the same period.
149 The Maysalun defeat in July 1920 put an end to the Arab nationalist uprisings until 1924 when an emergence of Arab revolts evolved.
creation of Greater Lebanon on September 1, 1920, and finally culminated in the establishment of the Lebanese Republic on May 23, 1926. The area was transformed from a geographical land historically known as Jabal ā’Amil to a predominantly Shiʿi communitarian entity residing in what was now the Southern region of Lebanon or Janub Lubnan. The area was no longer seen as a separate geographical and historical entity but as an extension of Mount Lebanon and connected to the Bekaa Valley through its religious and sectarian commonality. This was highlighted by the growing Shiʿi historiography that sought to inscribe its history as a sect into the narrative of the Lebanese nation-state. With the official recognition of Shiʿas as a ṭāʾifa by the mandatory state, and the creation of Jaʿfari shariʿa courts to govern matters of Shiʿi personal status or family law, Shiʿas were integrated as a sect in the national framework, deepening their sectarian belonging. To an extent, from this point onward, Shiʿi Muslims of Lebanon can be spoken of in terms of a political and social entity within defined borders of a nation-state.
Chapter Two


The contents of law and the forms of institutions may appear to retain uniformities over long periods but it is the feelings, ideas, interests, and ambitions of those who administer them which give them their real meaning and shape their workings.150

Muhammad first appeared before the Jaʿfari shariʿa court in Beirut on June 13, 1937, requesting that the judge order his wife, Badiʿa, to return to his authority and place of residence while at the same time contesting a divorce that took place in the Hanafi shariʿa court in Haifa.151 During court proceedings, we learned that both individuals lived in Palestine, and were married in Haifa under the Hanafi shariʿa. A lengthy debate between their legal representatives (wakīls) ensued, questioning whether the Jaʿfari court had the jurisdiction to review this case. In her testimony, Badiʿa argued that all Islamic religious courts are one, and no differentiation should be made between Sunni and Shiʿa shariʿa courts. She insisted that the case return to the Haifa courts where the dissension between the couple took place. Muhammad’s legal representative, on the other hand, contended that his client was Jaʿfari, and thus only the Jaʿfari shariʿa court had


151 Al-mahkama al-sharʿiyya al-jaʿfariyya fi Bayrūt, Muhammad Husayn vs. Badiʿa, case 40 (June 13, 1937). For the most part, litigants’ last names have been changed due to requests made by the court deputies in Beirut not to reveal the exact names of the people who came before it. Through my examination of these records, many notable families came before the court, disclosing personal matters in extensive detail. In this case only the last name has been removed for privacy concerns and fame notoriety of the family.
the jurisdiction to rule on communal matters. He reiterated the provisions of the French High Commission that gave the Jaʿfari madhab (legal sect) the authority to rule on matters of personal status pertaining to its sect, asserting that each sect must follow its own communal courts. During the case, it was revealed that Badiʿa had gone before the Hanafi court and divorced herself after Muhammad swore ṭalāq (divorce) for the third time during an argument. After a lengthy deliberation, the Jaʿfari court argued that since a woman cannot divorce herself, such a divorce was against the Islamic tenets of the Jaʿfari madhab, therefore invalidating the ruling of the Hanafi court in Haifa. The court ruled that Badiʿa was still married to Muhammad and compelled her to return to his authority.

In her appeal (iʿtirād) to the court, Badiʿa raised the issue that she and Muhammad had been living in Haifa for the last eight years, and held Palestinian identity cards, and thus were married in the Hanafi court in Haifa. For that reason Badiʿa argued that she should therefore have the right to divorce there. Accordingly, the first president of the Jaʿfari court, Munir ʿUsayran, confirmed the courts’ previous ruling on the condition that Muhammad verifies that his wife was of the Jaʿfari madhab, and whether or not they were Palestinians. In his final words, ʿUsayran maintained that this was necessary to determine if the Jaʿfari court had the authority and jurisdictional power to rule on the case.

On July 17, 1938, nearly a year later, Muhammad returned to the court to affirm that his case against Badiʿa fell within jurisdiction of the Jaʿfari court. He asserted that he and Badiʿa were of the Jaʿfari sect and of Lebanese nationality, hailing from the southern town of ʿAnatha in

---

152 Arrêté 3503, decreed by the French, gave each sect the sovereign rights to rule on communal personal matters. Munir ʿUsayran reiterates this in the case when he affirms the ruling of the French High Commission. On January 30, 1926, the French decree was signed by the High Commissioner Henri de Jouvenel.

Jabal ʿAmil. Using the Tyre census files, Muhammad confirmed his Lebanese lineage and Shiʿi identity. He demanded that the court validate his marriage, as it fell under the precepts of the Jaʿfari madhhab, as well as confirm his sectarian identity as a Shiʿi. Muhammad’s legal representative adamantly argued that only this court can rule on the matter of marital separation since no Jaʿfari judge existed in Haifa. Although Badiʿa was not present on the last day of trial, the presiding judge, Muhammad Yahyā Safi al-Dīn al-Husayni, ruled that a wife should abide by the Islamic tradition of her husband. He also added that since their marriage in 1929 took place after the establishment of the Jaʿfari personal status court in Lebanon in 1926, all affairs relating to this case must be handled by only this court and no other. In his final words, the presiding judge asserted the institutional authority and jurisdiction that the Jaʿfari court held on matters pertaining to Lebanese Shiʿas.

Introduction

With the end of World War I in 1918, Europeans skirmished over the remnants of the Ottoman Empire. As agreed upon by the Sykes-Picot agreement, the French occupied the territories of Greater Syria while the British administered control of Palestine. By 1920, the French proclaimed the formation of Greater Lebanon under their mandatory authority as they instituted an official state constitution by 1926 which was modeled after that of the French. On

154 Ibid. Muhammad actually traced his lineage to the town of ʿAnatha while the case revealed that Badiʿa was from the town of Nabatiyya. Her claim was not that she did not hail from Lebanon, but rather that she has been living in Palestine for over seven years and considered that her home and place of residence.

155 Like the French republic, the Lebanese government was based on a unitary semi-presidential republic or parliamentary democracy whereby a president and prime minister share governmental power. Both are voted in by parliament as representatives of their constituents. See Stephan Longrigg, *Syria and the French Mandate*, (Oxford: Oxford University Press, 1958); Jukka Nevakivi, *Britain, France and the Arab Middle East 1918–1920* (London:
January 27, 1926, the French High Commissioner issued decree 3503, which declared that Shiʿ as constituted “an independent religious community,” whereby matters of personal status were to be judged “according to the principles of the rite known by the name of the Jaʿfari.” Article 3 of the decree specified the creation of a Shiʿi religious court of cassation, and the hiring of Shiʿi qadis (judges) to administer this newly founded legal institution. At this moment, law, as a form of discipline and power, was “inextricably connected with the rise of nation-states” and a by-product of the larger project of European modernity. Such disciplinary measures were taken as a means of controlling and governing colonial subjects based on a system of classification and power in order to create colonial citizens and states. The designation of personal status law and courts contributed to this classification system in the case of Lebanon. Personal status law, in many ways, contributed to the segregation of the local population through the same system that sought to give them legal recognition. In the case of Lebanon, the very nature of French mandatory politics was based on the distinction of sectarian identities with a particular interest in bolstering specific religious sects, particularly those of Maronite Christians. In many ways, the


158 As seen in Chapter one, European travelers and missionaries made distinctions among the local Lebanese population, particularly those of the Shiʿi community, which was largely triggered by forces of the political economy and European modernity. Refer to Chapter one.


160 As Chatterjee argued “the normalizing mission of the modern state” was colonial rule through difference, and thus the “preservation of the alienness of the ruling group.” In the case of Lebanon, the ruling class was and continues to be the Maronite Christians. Partha Chatterjee, The Nation and Its Fragments: Colonial and Postcolonial Histories (Princeton: Princeton University Press, 1993), 10.
French authority crafted a sovereign nation with sovereign individuals; however, their sovereignty as subjects of the nation-state was embedded within a sectarian entity. The inevitable consequence was the creation of a sectarian society and citizenship. Within this context, the Shiʿas emerged as a nationalized sect among other Lebanese sects.

This chapter examines how the creation of Jaʿfari shariʿa courts and their usage by individuals both complicated and reinforced the legal and political categories of citizenship that were instituted by the Lebanese nation-state. The above mentioned case between Muhammad and Badiʾa, like many others who appeared before the Jaʿfari shariʿa courts, signified how categories of sectarian and national identity were practiced in the most intimate affairs of people’s lives before the Jaʿfari courts.¹⁶¹ By thoroughly profiling five specific court cases,¹⁶² all pertaining to matters of marriage and divorce, I demonstrate that these courts and their participants went beyond the regulatory process of the state by molding and contesting legal categories of Shiʿi sectarian and national belonging. The recognition of Shiʿas as a sect, and the creation of the Jaʿfari shariʿa courts, endorsed new state categories of collectivity along sectarian and national lines (as citizens of the Lebanese nation-state) within the domain of the family. Yet, these cases show how notions of identifications were practiced, manipulated, and reinforced before the court to suit the personal needs of litigants. This chapter begins the dissertation’s focus on the space of the family and how familial and gender roles became intertwined in sectarian and national modes of identification. It was within the space of the family that political,

¹⁶¹ The remainder of this dissertation focuses on this specific point by examining the normative behaviors and gender roles as propagated in the Jaʿfari shariʿa court and the popular discourse of the time, particularly the Shiʿi press from the 1920s to the 1940s.

¹⁶² My research reveals how many cases of this nature appeared throughout court records; however, for the purpose of this chapter five specific cases are thoroughly evaluated.
social, and cultural constructions were antagonized, practiced, and normalized within the newly founded shari‘a courts.

This chapter begins by examining the overall historical transformation of Islamic law into a legal institution that relegated familial matters and “religion” into the private sphere as separate and distinct from the “public” sphere. This inevitably dictated the form that shari‘a courts would take in the modern nation-state. This will be followed by an examination of the colonial establishment of the Ja‘fari shari‘a courts in Lebanon under the French as a part of modernity’s nation-building process rooted in sectarian differences. Based on archival research conducted at the sijillât (court archives) of the Ja‘fari shari‘a courts in Beirut, Sidon, Tyre, Baalbek, Marjayoun, and Bint Jbeil, I start by examining cases that originated “outside” of the national borders of Lebanon, which then found their way into the Ja‘fari shari‘a courts, contesting the court’s legal jurisdiction on both national and sectarian grounds. This precedes an examination of cases that challenged sectarian categories “within” the contours of the Lebanese nation-state. These cases not only show the level of ambiguity in these categories of identification, but also the performative nature of such categories of belonging as it pertained to the domain of the family during this Mandate period. While new state structures created categories where they did not exist previously, the Ja‘fari shari‘a courts and their litigants still saw movement within them; I show the volatility of these boundaries as seen in the Ja‘fari shari‘a courts’ records.¹⁶³ My analysis of these court records demonstrates how the legalization of personal status courts

¹⁶³ In 2008 and 2009, I was able to access records in the Ja‘fari courts in Beirut, Tyre, Sidon, Baalbek, Bint Jbeil, and Marjayoun. Records at the Ja‘fari shari‘a courts are in poor condition, consisting of many chronological gaps largely due to years of war, continuous relocation, and disregard for their preservation. There is no effort made to document or categorize court records from its earliest years. Nonetheless, the available sijillât from the Mandate period provide an abundant collection of textual history. The only other person to my knowledge who has had direct access to these records is Max Weiss. See Weiss, “Institutionalizing Sectarianism: Law, Religious Culture and the Remaking of Shi‘i Lebanon, 1920–1947” (PhD diss., Stanford University, 2007). Weiss’s dissertation has been recently published as a book under the title In the Shadow of Sectarianism: Law, Shi‘ism, and the Making of Modern Lebanon (Harvard: Harvard University Press, 2010). Reference will be made to both where discrepancies appear.
propelled a discursive space where notions of sectarian identity, religious norms, national belonging, and normative and familial roles were debated, performed, and constructed under the auspices of the new nation-state. Within these contested boundaries, the Jaʿfari shariʿa courts and the individuals who came before them inadvertently helped to construct sectarian and national categories—at times multiple and competing notions of such categories—in the very process of negotiating familial matters.

Colonial Legacies: Public vs. Private/ Secular vs. Religious

In *The Nation and Its Fragments*, Partha Chatterjee made a distinction between material and spiritual domain of nationalism. The material domain as defined by Chatterjee was the “outside” domain of the state, economy, science, and technological enterprise while the spiritual or “inner” domain, “bearing the essential marks of cultural identity,” constituted of elements such as the family, home, women, religion, and tradition.164 The inner domain, as Chatterjee argued, allowed for national culture to develop independent of the material sphere consecrated by the colonial presence and distinct from the West. In the case of India, according to Chatterjee, the question of women and family became “removed from the arena of political context with the colonial state.”165 What happens though when the inner domain of the family and home is arbitrated and defined by the material domain? Does the outer domain forcibly impose itself on the inner domain? Are the two not contingent upon one another to some extent? Does the spiritual domain inevitably become involved with the politics of nationalism of the material

---


165 Ibid., 117.
domain? The establishment of personal status law and judicial shari‘a courts within the boundaries of the modern nation-state put into question the very distinction and autonomy of these two domains, particularly in regard to the family, and how the politics of nationalism was part of the very essence of the spiritual domain during the advent years of the Lebanese nation-state.\(^\text{166}\) In many ways, as this dissertation shows, the familial domain, and hence gender relationships, was linked and intertwined to the political and cultural progress of the Lebanese Shi‘as as a sectarian entity within this nation-state. For the Shi‘as of Lebanon, the interconnectedness between these two spheres appeared with the creation of the Ja‘fari shari‘a court and its everyday practices.

The terms “Islamic law” or the more recent “personal status law” have come to strictly mean the practice of shari‘a, or Islamic jurisprudence, that governs the intimate familial affairs of Muslims within the contours of the modern nation-state.\(^\text{167}\) This refined understanding of shari‘a law that relegated its jurisdiction into the private realm was a fairly new understanding imparted on shari‘a studies by the impact of European modernity and the rise of the nation-state. Jamal J. Nasir has argued that the term al-ahwāl al-shakhsiyya (personal status) was “non-existent in all classical texts of Islamic jurisprudence."\(^\text{168}\) Even as early as 1880, when the first Shari‘a Courts Bill was established, the Arabic term mawād-dul-Shariyya (matters of the shari‘a)

---

\(^{166}\) Chatterjee makes a distinction between the private/public dichotomies and the spiritual/material divide of the nationalist elite. It is in the spiritual space that sovereignty was proclaimed. However, it could be argued that the very nature of the spiritual/material distinction was a by-product of the private/public dichotomy of liberal ideology and modernity. Is this an effort as Asad noted to instill agency in the history of the colonized, and is it more productive as Asad argued to look at the discursive spaces within these traditions? My dissertation leans toward Asad’s approach. Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford: Stanford University Press, 2003), 230–31.


was used to reference personal status.\textsuperscript{169} The Arabic term for personal status was introduced into the language from the European notion of “statut personnel.”\textsuperscript{170} It was not until 1934 when the first definition for personal status appeared in the Egyptian Court of Cassation.\textsuperscript{171} At the time, personal status was defined as:

\ldots the sum total of the physical or family descriptions of a known person which distinguish him from the others and give legal effects under the law in his social life, such as being male or female, married, widowed or divorced, a parent or a legitimate child, being of full legal capacity of defective capacity due to minority, imbecility or insanity, being of absolute or limited legal capacity.\textsuperscript{172}

Designated as the “private sphere” of Muslim life limited to the affairs of religion and family, personal status law was prescribed as separate and distinct from the public or secular sphere of the nation-state and political order.\textsuperscript{173} This Eurocentric understanding of shari‘a law and Islam in general places it in opposition to the nation-state and proclaimed secular order of modernity. As

\textsuperscript{169} Ibid. The term was first used in Egypt in the 1890s in the title of a book by Muhammad Qadri Pasha: \textit{Shar\'ia Provisions on Personal Status}.

\textsuperscript{170} Hallaq, \textit{Shar\’i\‘a: Theory, Practice, Transformations}, 441.

\textsuperscript{171} Ibid., 27–28.


\textsuperscript{173} This is argued extensively by Talal Asad, \textit{Formations of the Secular}, 2003; and Wael Hallaq in \textit{Shar\’i\‘a: Theory, Practice, Transformations}.
such, Islamic law was considered an immutable fixed and archaic entity opposed to modernity that ultimately restricted the civilizational development of Muslim societies and communities.  

This characterization of Islamic law has thwarted our understanding of this field, and hampered the complexity behind it. Islamic law, as recently argued by numerous scholars, was in itself a by-product of European modernity and westernization that it is so vehemently pinned against the West.¹⁷⁵ In his work, Sami Zubaida antagonized the presumed fixity of shari‘a as perceived by the West as its archaic “other.” He traced the practices of shari‘a and legal adjudication in Islamic history to the present and how it varied according to the patterns of society and politics.¹⁷⁶ Zubaida illustrated the transformations of shari‘a law that led up to its codification into a modern legal system within the centralized modern state.¹⁷⁷ In Shari‘a: Theory, Practice, Transformations, Wael Hallaq argued that Islamic law was an episteme or a discursive system of knowledge and practice, in the Foucauldian sense, cultivated by European modernity and the rise of nation-states. Consequently, the domain of personal status law and the discipline of Islamic legal studies, as conceived by the West and engineered by the modern nation-state, became a way to regulate Muslim family law into a separate sphere preserving “the

¹⁷⁴ Hallaq, Shari‘a: Theory, Practice, Transformations, 443.

¹⁷⁵ This is Edward Said’s main argument in Orientalism that pins the East against the West. The creation of shari‘a courts can also be viewed in this light. The works of a number of anthropologists, sociologists, and historians have revolutionized the field of legal studies and Islamic law by examining the transmutation of shari‘a throughout time and place. See the works of Talal Asad, Formations of the Secular; Brinkley Messick, The Calligraphic State: Textual Domination and History in a Muslim Society (Berkeley and Los Angeles: University of California Press, 1993); Wael Hallaq, Shari‘a: Theory, Practice, Transformations (Cambridge: Cambridge University Press, 2010); B.A. Roberson, “The Emergence of Modern Judiciary in the Middle East: Negotiating the Mixed Courts of Egypt,” in Islam and Public Law, ed. Chibli Mallat (London: Graham & Trotman Ltd., 1993).


¹⁷⁷ Ibid., 134.
semblance of Shariʿa substantive law."\footnote{178}{Hallaq, \textit{Sharīʿa: Theory, Practice, Transformations}, 22.} Despite the fact that Islamic law was relegated to the private domain, shariʿa was not abandoned, but simply restricted to matters of personal status that could be easily codified, normalized, and controlled in the secular nation-state. As anthropologist Talal Asad eloquently argued, it was precisely in the construction of society into a secular space that religion was conceptually redefined into the private domain under the auspices and oversight of the state. As a distinct sphere regulated into the private domain, Islamic law became a “subdivision of legal norms” that was “authorized and maintained by the centralizing state.”\footnote{179}{Asad, \textit{Formations of the Secular}, 227.} The common colonial practice of designating shariʿa law into a separate subdivision of the state incorporated it in the “officializing” and documentation procedures of the nation-state.\footnote{180}{Bernard Cohn, \textit{Colonialism and its Forms of Knowledge: The British in India} (Princeton: Princeton University Press, 1996), 3. Asad also argued this element of the “documentation” in judicial procedure. See Asad, \textit{Formations of the Secular}, 211.} The codification process was not only imbued by the written word and documentation process, but through a Western mechanism that required a new system of legal professionals with a modern legal education in shariʿa law to intercede on behalf of litigants, replacing “traditional” experts, ʿulama, and schools of training.\footnote{181}{Traditional madrasa and universities, such as al-Azhar, no longer served as the source of legal shariʿa training and production of lawyers who served as experts of shariʿa law and its legal culture. Joseph Massad termed such a transformation as “colonial effects.” See Joseph Massad, \textit{Colonial Effects: The Making of National Identity in Jordan} (New York: Columbia University Press, 2001).}

Despite the fact that colonial governments claimed not to interfere in the private affairs of the family, the designation of Islamic law and courts by the state to administer personal status matters, according to Asad, provided a “secular formula for privatizing “religion” within the very
body of the nation-state.\textsuperscript{182} Understanding shariʿa or familial law in this context, I agree with Chatterjee that it is within the inner domain that the sovereignty of national culture blossomed. Where I take issue with this claim is how this sovereignty changed when the very essence of its parameters and boundaries were defined by the authorization of the material domain.\textsuperscript{183} The establishment of an “officializing” system not only transmuted shariʿa, but more importantly provided a systematic way of governing that determined the legality and illegalities of the political, economic, and social order of society as ordained by the all powerful state.\textsuperscript{184} As I hope to show in the case of Lebanon, and particularly with the creation of Jaʿfari shariʿa courts in the French Mandate, the spiritual domain of family questioned and debated the essence of the material or public domain. Categories of sectarian and national identities (the material) were negotiated on the grounds of marriage and divorce in the realm of the family (the spiritual), contesting the dichotomy between these domains while they mutually constructed one another. Due to the state structure in Lebanon, citizens were tied to sectarian categories that governed both their personal and public practices of citizenship. The very scope of the juridical boundaries of shariʿa courts was transformed by the expanding power of the modern nation-state.

Transformations of Shariʿa Law: From the Ottoman Empire to the Colonial Gaze

Shariʿa was not always the arbitrator of family law solely, but rather the formation of the modern state reduced shariʿa to matters pertaining to family. Studies on the Islamic tradition

\textsuperscript{182} Asad, Formations of the Secular: Christianity, Islam, Modernity (Stanford: Stanford University Press, 2003), 228.

\textsuperscript{183} Chatterjee, The Nation and Its Fragments, 13. Chatterjee continues by stating that the “task is to trace the mutually conditioned historicities” of the material/outer and spiritual/inner in the nationalizing project.

\textsuperscript{184} Foucault, Power/Knowledge, 141; and Asad, Formations of the Secular.
have shown how shariʿa had previously pertained to a larger span of societal matters, ranging from crime to governmental disputes. For example, the shariʿa law of *dimāʾ* (homicide), which permitted the next of kin to seek retribution for the crime committed through the payment of blood-money, retaliation, or pardon, was completely extracted from the domain of shariʿa law. Instead, the state seized the exclusive right to exercise the use of violence and regulate retribution. Homicide became a public offense and no longer a matter to be taken up by the victim’s family, but rather as subjects of the state. Only the state had the power to retaliate against crimes it considered worthy of retribution. Crimes between individuals were deemed crimes against the state, and only the state could regulate the consequences, if any, reckoned necessary for such actions.

This fundamental change to the scope of shariʿa occurred for a number of reasons, largely linked to the growing economic and political changes in the world during the Ottoman Empire. Under the Ottomans, shariʿa went from a fluid and independent body of Islamic jurisprudence, administered by religious jurists with limited supervision, to a highly formalized and centralized arm of the state that was authorized, controlled, and funded by the sultan. During this period, the “ulamaʾ were integrated into the state bureaucracy creating a highly institutionalized hierarchy, yet the further away from Istanbul they were the more freedom these

---

185 Hallaq, *Sharīʿa: Theory, Practice, Transformations*, 377–423. I use the term “tradition” here as a system of knowledge and practices whereby every stage has shaped and informed the next over time and space. See Asad, *Genealogies of Religion*.


187 Hallaq, *Sharīʿa: Theory, Practice, Transformations*, 400–405. Changes to the structure and administrative nature of shariʿa courts also occurred by and large with the rise of nation-states and the colonial project of Western modernity.
ʿulamaʿ and their courts had. To an extent, shariʿa remained arbitrary as it was not codified and no judicial tribunal of Islam existed. Drastic changes began to emerge under the Ottoman government with the dismantlement of the Janissary corps and the expansion of minority rights in the Empire in the early nineteenth century whereby foreign subjects were granted greater rights in their economic and political maneuverings. These changes occurred in part to the rise of European power and the decline of the Janissaries, the military force of the Ottoman Empire, which consequently permitted the encroachment of European capitalism and modes of production. This imposed new reforms on legal codes and procedures of the empire, ones that favored Europeans and their interests. Under pressure from European-Christian subjects and their increasing economic and political interests in the region, new freedoms were given to religious minorities. The expansion of rights for foreign subjects granted by the 1828 Treaty of Turcomanchay, the 1838 Treaty of Balta Limani, and the 1856 Humāyūn Decree, for example, gave foreigners special tribunals to adjudicate their own affairs, ultimately erecting a class of middlemen who operated in the interest of Europe and advocated indigenous support for Westernized policies in the Empire. The creation of special tribunals curtailed the domain of shariʿa by exempting foreigners from its jurisdiction. From this point onward, the authority and

\[\text{\textsuperscript{188} Zubaida, Law and Power in the Islamic World, 1.}\]

\[\text{\textsuperscript{189} Under the Ottoman Empire, no legal assembly of judges existed, codifying legal procedures and codes. Zubaida, Law and Power in the Islamic World, 44 & 71.}\]

\[\text{\textsuperscript{190} For more on this and the changes that took place under the Ottoman Empire see Niyazi Berkes, The Development of Secularism in Turkey (London: Hurst, 1998); Rodernick Davison, Reform in the Ottoman Empire, 1856–1876 (New York: Gordian Press, 1973); and Zubaida, Law and Power in the Islamic World.}\]

\[\text{\textsuperscript{191} This gave minorities and foreigners equality before the law, which extended to matters of military service, justice, taxation, education, and public employment. This reformed the millet system and changed legal procedures throughout the Empire. The Humāyūn Decree of 1856 was crafted in consultation with the French, British, and Austrians. It followed a European system of governance that moved further away from shariʿa and Islamic governance. In a similar manner, the Treaty of Turcomanchay gave foreigners greater juridical rights under the Persian Empire after their Russo-European defeats. Hallaq, Shariʿa: Theory, Practice, Transformations, 400-407; and Zubaida, Law and Power in the Islamic World, 122 & 126.}\]
domain of shari‘a was abridged and altered. The establishment of the Supreme Council of Judicial Enactments or Ministry of Justice by the Ottoman Porte separated shari‘a law from qānūn (penal law), which resulted in a dual system of shari‘a and ni‘āmiyye courts. Whereas the latter came to judge matters of commercial, civil, and penal codes, the former was curtailed to personal status or family law.¹⁹² The codification of shari‘a in its modern form within the law of the state cut it from its traditional frame of reference rooted in interpretations of sacred texts and autonomous judgments from authoritative ancestors.¹⁹³ Court procedures came to follow European models rooted in solidified codes and procedures, perpetuated by a new system of legal shari‘a training and intermediaries.¹⁹⁴

Prior to such drastic codification and centralization of shari‘a courts into a state bureaucracy based on a European template, the ruler needed the approval of shari‘a and its representatives to govern the community or umma.¹⁹⁵ By the 1860s, this all changed as shari‘a court officials were salaried and appointed by the state, and the sultan stood above the law as he chose and approved the nomination of the shari‘a judiciary.¹⁹⁶ This was expounded on by the 1917 Ottoman Law of Family Rights that codified the Islamic law of personal status under the state, defining it as an institutional body of it.¹⁹⁷ As Hallaq argued “the Family Law of 1917

¹⁹² Zubaida, Law and Power in the Islamic World, 133.

¹⁹³ Ibid., 134.

¹⁹⁴ Ibid., 135.

¹⁹⁵ This was the case until the middle of the eighteenth century. Hallaq, Shari‘a: Theory, Practice, Transformations, 405.

¹⁹⁶ With the creation of the Mutasarrifiyya in the 1860s, a culture of sectarianism was developed among all sects as extensively argued by Ussama Makdisi. See Makdisi, The Culture of Sectarianism: Community, History, Violence in Nineteenth Century Ottoman Lebanon (California: University of California Press, 2000).

¹⁹⁷ Hallaq, Shari‘a: Theory, Practice, Transformations, 454.
generally did not depart from the provisions of shari'a, but it did codify them, and thus subjected them to the rigidity of a single linear language devoid of the plurality and multiple juristic nuances and variations that the *fiqh* had afforded. This law reduced the *fiqh* (Islamic jurisprudence) discourse to be used in court as it codified shari'a law into a limited legal body, and appropriated it into the nation-state. This was only reinforced and enhanced during the period of colonialism that saw European forces implementing Western systems of governance and law that enhanced the codification and bureaucratization of personal status law in newly formed nation-states.

Scholarly literature on the impact of colonialism and postcolonialism on shari'a law and personal status law has been well-established. The ways in which British and French colonial forces dealt with “religious” or “customary” law differed to some extent as each took varying measures to integrate it into the colonial states. British colonial treatment of “traditional” law stemmed from their experiences in India and its state structure that regulated religious or tribal law as separate and distinct from civil law whilst recognizing and creating these distinctions within the law of the nation-state. Martin Chanock’s extensive work on the impact of British colonialism on instituting customary law in Malawi and Zambia revealed how it came to be conceived as “tradition” and a component of cultural nationalism in their fight against colonial

---

198 Ibid., 454.
199 Ibid.
dominance.\textsuperscript{201} Chanock examined how customary law should not be seen as continuity with the past, but rather as a process of legislation and a transformation in African institutions due to colonial policy and the impact of European capitalism that came to envision these customs as tradition.\textsuperscript{202} The impact of British colonialism on customary law transformed it as it became foundational to African identity and to indigenous efforts in reclaiming their “tradition” and national claims. British colonialism claimed not to interfere in the “traditions” and “religions” of their colonizers while designating a place for these practices in the confines of the nation-state, which ultimately transmuted, codified, and narrowed such categories of practices.

In regard to French colonial policy on shari‘a courts, Allen Christelow’s work on Algeria illustrated how the establishment of these courts regulated what entitled matters of personal status.\textsuperscript{203} He showed how marriages came to be regulated through the institution of permanent contracts while the notion of waqf (family endowment land) was transformed and banned as all aspects of property law in shari‘a were replaced by French law.\textsuperscript{204} As a means to control access to land and capitalist ventures, the French recognized and centralized shari‘a law, but imposed a European rationality that suited their interests.\textsuperscript{205} By placing shari‘a law within the legal body of the nation-state, French authorities were also able to regulate it to a separate and distinct “religious” space. However, French policy in Morocco differed slightly as it crafted different


\textsuperscript{202} Chanock also shows how these different groups of people, particularly African rulers, began to use these courts to their advantage and establish claims based on custom. Chanock, \textit{Law, Custom, and Social Order}, 9 & 12.


\textsuperscript{204} Christelow, \textit{Muslim Law and Courts and the French Colonial State in Algeria}, 23.

\textsuperscript{205} Hallaq, \textit{Sharī‘a: Theory, Practice, Transformations}, 436.
tribal customary law for Berbers and Arabs, dividing the people along these lines rather than
directly interfering in Islamic family law.\textsuperscript{206} Colonial policy, whether British or French,
attempted to instill a European rational rooted in the principles of modernity on Islamic shariʿa
law that defined its perimeters in the bureaucracy of the nation-state and impacted its procedures
within this institutional body.

With the recognition of the private “religious” sphere as a component of the nation-state,
shariʿa law came to strictly mean family law, particularly that of marriage, divorce, inheritance,
child custody, and the regulation of land and immovable property, known as \textit{waqf} (although this
last element became more and more state controlled with time).\textsuperscript{207} As a by-product of modernity,
shariʿa law became the legal episteme we perceive of today, embodied in the state and an
appendage of it. Changes to the shariʿa law were only perpetuated under colonialism and the
establishment of nation-states. It is with this background that the creation of the Lebanese nation-
state ensued, propelling the establishment of the Jaʿfari shariʿa courts and the making of Shiʿi
citizenship and the nationalization of their families under the French Mandate.

To Support or Not: The Formation of the Jaʿfari Shariʿa Court

In the case of Lebanon, the change in shariʿa was not a teleological pattern toward
modernization, but an “inherent part of the power dynamics of the evolving modern state” that
appropriated personal status law into its hegemonic and centralizing process of governance and

\textsuperscript{206} Robin Bidwell, \textit{Morocco under Colonial Rule: French Administration of Tribal Areas 1912–56} (London: Frank

\textsuperscript{207} Hallaq, \textit{Sharīʿa: Theory, Practice, Transformations}, 402. Changes in \textit{waqf} regulations came under the Ottoman
Empire that placed it under the administrative control of central government.
citizenry. The formation of the modern Lebanese nation-state in 1920 and its official independence in 1943 was rooted in politicized sectarianism as the only form of governance and presumed egalitarianism. Lebanese citizenship became contingent on sectarian identification and national belonging. Due to the Lebanese state structure, citizens were tied to sectarian categories of identification that governed both personal and private practices of citizenship in the nation-state. For Shiʿī Muslims living in what would become the Republic of Lebanon, these administrative reforms imposed by the French Mandate became the first and only form of legitimate and legal representation for the group. The expansion of sectarian rights under the French Mandate laid the foundation for Shiʿī citizenship in the postcolonial state, which was expounded upon by the formation of Jaʿfari shariʿa courts.

In 1926, the Shiʿī as of Lebanon were formally recognized as a separate madhhab under the Mandate. Under the Ottoman Empire, Shiʿī as were never recognized as a separate religious entity with a distinct political or legal status. During the Mutaṣarrifiyya period, the Sublime Porte only sanctioned shariʿa courts in Sidon, Tyre, Nabatiyya, and Marjayoun, which were administered by Hanafi judges. Followers of the Jaʿfari madhhab would have to adhere to these Hanafi courts for any official legal matters and jurisprudence. Without any officially acknowledged status, practicing Shiʿī Muslims usually conducted their own religious-civil affairs under the guidance of local “ulama’ who possessed a communally respected degree of

208 Ibid., 443. This argument is made by Hallaq in regard to shariʿa change in general.
211 I found case records in the Tyre Jaʿfari court dating before the creation of the court whereby Shiʿī Muslims appeared before the Hanafi court as Jaʿfari. Max Weiss has asserted that a Jaʿfari judge was appointed in the Tyre and later Nabatiyya court since the 1908 Young Turk Revolution, yet a separate legal body recognizing Shiʿ as a separate entity did not yet exist. Weiss, “Institutionalizing Sectarianism,” 200.
knowledge and experience in their towns and villages.\textsuperscript{212} The recognition of the Ja'fari \textit{madhhab}, the Shi'i legal school named after the Sixth Imam, formally integrated Shi'i Muslims into the state and gave them communal autonomy as a \textit{tā'ifā}.\textsuperscript{213} Under these new constraints, the political integration of Shi'i Muslims in the Lebanese state was established through sectarian lines as the imagined nation envisioned a Lebanese Shi'i collective.\textsuperscript{214}

Following the recognition of the Ja'fari \textit{madhhab}, the first Ja'fari shari'a courts to administer Shi'i personal status or family law were established. The personal status courts

\textsuperscript{212} The earliest scholars and qadis of shari'a gained legal training in Islamic study circles or \textit{halaqa} and/or personal schools run by local ‘ulama’ until the early nineteenth century. For the most part, some sort of religious training would have taken place in Najaf or Qum while in small towns the qadi may have had no official training at all. As respected members of society, the earliest qadis were tribal mediators who were communally hailed for their experience and wisdom. Consequently, the qadi and litigants who came before the court had a shared understanding of the societal norms and moral understanding. This all changed with the emergence of doctrinal shari’a schools and state endorsed shari’a courts where legal experts and lawyers became a permanent fixture of the court. See Sabrina Mervin, \textit{Un Reformisme Chite: Ulama et Lettres du Gabal ‘Amil (Actuel Liban-Sud) de la Fin de L’empire Ottoman a l’indépendence du Liban} (Paris: Editions Karthala, CERMOC and IFEAD, 2000); and Hallaq, \textit{Shari’a: Theory, Practice, Transformations}.

\textsuperscript{213} The impact and emergence of sectarianism in Lebanese society has been examined in depth by Ussama Makdisi. See Makdisi, \textit{The Culture of Sectarianism: Community, History and Violence in Nineteenth-Century Ottoman Lebanon}; and Ussama Makdasi, “Revisiting Sectarianism,” in \textit{Religion Between Violence and Reconciliation}, ed. Thomas Scheffler (Beirut: Orient-Institut, 2002), 179–91.

\textsuperscript{214} Thus far, it has been argued that the official recognition of the Ja’fari \textit{madhhab} and the establishment of Ja’fari shari’a courts propelled a sense of Shi’i sectarian identity and unity. The reference to the Ja’fari \textit{madhhab} has been used interchangeably with the term, the Shi’i sect or \textit{tā’ifā}. As Makdisi has argued, the Arabic term \textit{tā’ifā}, which has come to mean religious sect today, signified a class of public notables in the eighteenth and nineteenth century. Even when the term \textit{tā’ifā} was used in reference to the Maronite sect, it alluded specifically to the public notables of the Maronites as a distinct and separate group from the rest of the community. As Maronites came to see themselves as a sect, the meaning was still predominantly ecclesiastical and not political. According to Makdisi, it was during the late nineteenth century with the establishment of Mutasarrifiyya of Mount Lebanon that a culture of sectarianism developed. In many ways, the term \textit{tā’ifā} is specific to Mount Lebanon and later the modern nation-state of Lebanon. The political and religious transformation of this term is unique to Lebanon, so even though the term \textit{tā’ifā} refers to a particular religious sect, such as the \textit{al-tā’ifā al-shi’iyya} or \textit{al-tā’ifā al-sunnīyya}, the term \textit{tā’ifā} itself is in many ways historically specific to the Mount Lebanon/Lebanese context. It is my contention that the term \textit{tā’ifā} or sect is particular to the Lebanese case despite the fact that the term itself has been used to refer to a greater transnational sect. The term \textit{tā’ifā} emerged in a specific time and space, and has become synonymous with the Lebanese nation-state. The term \textit{madhhab}, on the other hand, suggests a transnational community whereby members of the Ja’fari \textit{madhhab}, whether in Iraq, Iran, Syria, or Pakistan, share a common religious understanding, history, doctrines, and authoritative institutions. With the creation of the Lebanese nation-state, the notion of \textit{al-madhhab al-jā’fariyya} (the Ja’fari \textit{madhhab}) became bounded by a territorial space limiting it to and making it synonymous with the politicized form of \textit{al-tā’ifā al-shi’iyya} (the Shi’i sect). It is for this reason that individuals appearing before the Ja’fari shari’a courts of Lebanon demand its intervention as members of the same \textit{madhhab}, even though they are citizens of a different nation-state.
allowed only “recognized” communities to administer their legal affairs while defining a place for “religion” to make its public appearance within the state. Consequently, the standardization of the family law’s legal system by the state in many ways constructed and proliferated Shi‘i communal affiliation along kinship lines in the public sphere. Based on a two-tiered system, the mandatory state established first instances Ja‘fari shari‘a courts (al-maḥākim al-badā‘iyyā), equivalent to the French Cour de Première Instance) in Sidon, Tyre, Nabatiyya, Marjayoun, and Baalbek al-Hirmil, with Beirut housing the higher appellate court (al-maḥkamat al-ʿulyā). This marked the first time that the Shi‘as in Jabal ʿAmil (South Lebanon), the Bekaa Valley, and Beirut were politically and legally identified as citizens of a collective sectarian entity within the borders of the modern nation-state. More importantly, the application of personal status law came to have no meaning independent of the judicial institutions belonging to the Lebanese nation-state. The French assigned the state an unprecedented role in monitoring Lebanese Shi‘i men and women, changing the nature and role of shari‘a courts. As a body authorized and protected by the state, the Ja‘fari shari‘a court became the prime regulator of the conjugal affairs of Lebanese Shi‘as as it played an integral role in their daily lives. The state structure in Lebanon based on sectarian categories of identification governed both personal and private practices of citizenship in the nation-state. It created a legal body where “categories of practices,” as defined


216 French authorities initially sanctioned provincial Ja‘fari courts in Beirut, Sidon, Tyre, Nabatiyya, Marjayoun, and Baalbek, with Beirut also housing the higher appellate court. The staff of the Ja‘fari shari‘a court was initially hired and paid for by the mandatory state. The first thorough examination of the history of the Ja‘fari shari‘a court can be found in Weiss, In the Shadow of Sectarianism, 107–9. Weiss argued that the Mandate period and the creation of the Ja‘fari court institutionalized a process of sectarianization, which has also been argued to some extent by Tamara Chalabi.

217 Chalabi, The Shi‘is of Jabal ʿAmil and the New Lebanon; and Weiss, In the Shadow of Sectarianism.

by Brubaker, were shaped by both the state and individuals who came before it as citizens of the modern nation-state, whether or not they supported the initial formation of these shariʿa courts. As an institution of the state, it came to normalize and discipline Shiʿ as according to codified procedures of what became Jaʿfari shariʿa laws within the Lebanese nation-state.

Elizabeth Thompson has argued as “colonial people waged nationalist battles for independence they inevitably participated in the very political order that they rejected. Colonialism involved, as do most other political systems, constant negotiation of power relationships and identities.” Colonizers could not and did not unilaterally impose a system of rule, but perpetuated one which entailed the intricate maneuvering of powerful notables and colonizers, which laid the foundation for postcolonial states and citizens. In the case of the Jaʿfari shariʿa court, this was most apparent with the administrative staffing of the court and the reception it received by various Shiʿi individuals and groups. The selection of Munir ʿUsayran as the first president of the Jaʿfari shariʿa court was controversial among Shiʿi ʿulamaʿ and intellectuals. As the first president of the court, ʿUsayran did not possess the traditional Shiʿi legal training to be bestowed with the esteemed titled of mujtahid. However, the appointment of ʿUsayran served both colonial and local interests since ʿUsayran was a notable hailing from a

---


222 A mujtahid is an individual qualified in religious principles and teachings, allowing him to decree independent judgment based on shariʿa. In Shiʿism, a mujtahid is a leading authority in shariʿa law. See Mahmud Raymar, “Ijtihad and Marjaʿiyat” in Shiʿism: Doctrines, Thought, and Spirituality, eds. Seyyed Hossein Nasr, Hamid Dabashi; and Seyyed Vali Reza Nasr (New York: State University of New York Press, 1988), 228.
prominent political urban family with favorable ties to French authorities.\textsuperscript{223} The works of Sabrina Mervin and Max Weiss examined in detail the politics behind the selection of ʿUsayran and the staffing of the courts. Despite the initial resistance to the creation of the Jaʿfari shariʿa courts by many Shiʿi notables and intellectuals, they ultimately came to defend the sects’ right to establish these courts as other sects had already done much earlier.\textsuperscript{224}

Moments of support and opposition for the Jaʿfari court in many ways reflected the political and historical situation at hand. In the 1920s, there were numerous calls for the recognition of separate and equal personal status courts for the Jaʿfari madhhab. In January 1924, al-ʿIrfān published an article calling for the right of Shiʿas to have their own state-sponsored jurisprudence.\textsuperscript{225} However, in the 1930s with the height of Arab nationalism, and nearly 10 years after the establishment of the Jaʿfari shariʿa courts, al-ʿIrfān called for the abolition of separate shariʿa courts for Sunnis and Shiʿas, demanding that both sects should be seen as one.\textsuperscript{226} By the time of the official independence of the Lebanese nation-state in 1943, Shiʿas came to outwardly support their recognition as a separate sect as demands for greater political rights were made, resulting in the allocation of the position of Speaker of the Parliament.

\textsuperscript{223} Both Muḥsin al-Amīn and Abd al-Husayn Sharaf al-Dīn as prominent Marjaʿ al-taqlīds within the Shiʿi community in Lebanon rejected the position. The opponents of the selection of ʿUsayran as president were in many ways propelled by the opposing political factions among the Shiʿi notables at the time. For more on the political situation and parties during the French Mandate see Tamara Chalabi, The Shiʿis of Jabal Amil and the New Lebanon. For more on the history of Munir ʿUsayran and his selection by the French authorities see Sabrina Mervin, Un Reformisme Chiite; and Max Weiss, In the Shadow of Sectarianism.

\textsuperscript{224} Al-maḥkāma al-Jaʿfariyya” [The Jaʿfari Shariʿa Court], al-ʿIrfān 9, no. 4 (1924): 363; and Al-ʿIrfān 12, no. 2 (1926): 239.

\textsuperscript{225} Al-ʿIrfān 12, no. 2 (1926): 239; Al-ʿIrfān 11, no. 5 (1926): 559; Al-ʿIrfān 11, no. 5 (1926): 991; and “The Jaʿfari maddhab,” Al-ʿIrfān 11, no. 6 (1926): 669.

\textsuperscript{226} Al-ʿIrfān 29, no. 8–9, (1939–1940): 885.
to Shiʿas. As the most marginalized and underrepresented group at the time, Shiʿas as “subaltern” or “minority” citizens came to eventually accept the mandatory government and the establishment of the nation-state as an officially recognized sect. Concessions made to Shiʿas were a recognition of their subaltern presence by the Maronite and Sunni ruling elites who sought to produce consent in the state process. The Shiʿi Muslims of Lebanon went from an unrecognized group with no legal or political status to a legitimate sectarian minority of the modern nation-state during the Mandate period.

The creation of the Jaʿfari shariʿa courts helped shape and produce Shiʿi collectivity through the negotiation and standardization of family law as debates over citizenship and sectarian recognition colored the Jaʿfari shariʿa courts’ sijillāt in its advent years. This is not to say that ethnic or religious affiliations did not exist prior to this moment, but rather that precedence was given to this kind of sectarian identification as a form of legal and political inclusion under the Mandate. It became the only available and legitimate means to bargain their place in the state and rule of law. The changes that came about under the mandatory state not only fashioned Shiʿi citizens, but also propelled the Lebanese Shiʿi community to continually

---

227 Al-ʿIrfaʿ 25, no. 9 (1935): 991.

228 According to the official 1932 state census the Shiʿi population in Lebanon was at 178,100, amounting to about 20% of the total population. The Subaltern studies group has written extensively on the colonial impact of the inner or “private” sphere of the family. Such works include Partha Chatterjee, The Nation and Its Fragments: Colonial and Postcolonial Histories (Princeton: Princeton University Press, 1993); Dipesh Chakrabarty, “The Difference-Deferral of a Colonial Modernity,” in Subaltern Studies VIII, eds. David Arnold and David Hardiman (Delhi: Oxford University Press, 1994), 50–88; Nathan Brown. “Shariʿa and State in the Modern Middle East,” International Journal of Middle East Studies 29, no. 3 (August 1997): 359–76. This categorization of Shiʿas as subaltern citizens has been elaborated on by Majed Halawi in his book titled A Lebanon Defied.

229 Chatterjee, The Nation and Its Fragments, 13. This recognition of subaltern politics as argued by Chatterjee was a means to domination by the elite domain. This inevitably propelled the domain of subaltern politics to adapt the characteristics of the elite domain.

230 Hallaq, Shariʿa: Theory, Practice, Transformations, 379. This was a common colonial occurrence.
reform and remake itself as a unified sect within the nation. It was the legalization of personal status courts that propelled a Shiʿi discursive space where notions of sectarian identity, religious norms, national belonging, and familial roles were debated and constructed under the auspices of the state. This was most evident in the first records of the Jaʿfari shariʿa courts.

The Jaʿfari shariʿa courts, as well as the individuals who came before it, were inadvertently forced to draw lines of sectarian and national/territorial identification. In the case of the Shiʿas of Lebanon, the courts became a place where individuals rejected and redefined the nation as they were framing the parameters of their sect. Whether or not Lebanese Shiʿas approved the creation of the Jaʿfari shariʿa courts, it became the sole authority over personal status matters, and the only means to legitimize legal and ultimately political participation. Personal status was embodied in the body of the state as shariʿa courts became the prime regulators of familial affairs in Lebanon, producing the institution of the family as an element in the nation-building process. By recognizing the Shiʿi sect, the nation-state assumed that this communal entity existed prior to its existence. However, as I reveal here through these early court records, communities were not bounded and natural, but rather loose and shifting according to the historical context and time. It is in this environment that the nationalization of Shiʿi families ensued and by which individuals were socialized into sectarian citizenship.

---

231 Although this point is argued to some extent by Tamara Chalabi, and more explicitly later by Max Weiss, who investigated the institutionalized form of “sectarianization” (as he coined it) by examining the intricacies of the French colonial authorities in the making of the Jaʿfari shariʿa court, both do very little in examining actual court cases and how litigants, as well as the court, debated and shaped the boundaries of identification through sectarian and national lines. Weiss even contends that the court did not endorse sectarian difference in its rulings pertaining to Sunni-Shiʿi marriages. However, here I argue that the very essence of the Jaʿfari court, the types of cases and the demands made before the court on the basis of sect point to the fact that sectarian difference, as well as national boundaries, were drawn and contended within the court. I take an in-depth look at actual court cases to see how the nationalization of Shiʿi families was negotiated, debated, and constructed within the very fluid confines of the Jaʿfari shariʿa court during this formative period of the Lebanese nation-state.

232 Joseph makes this argument in reference to the construction of sub-national patriarchal communities due to the recognition of religious family law as the only civil code of Lebanese society, which serves as a “purposeful fiction”
Contesting National/Territorial Borders: Lebanese or Not?

As Rogers Brubaker argued “to understand nationalism, we have to understand the practical uses of the category ‘nation,’ the ways it can come to structure perception, to inform thought and experience, to organize discourse and political action.” Rather than envisioning nationalism as modular, the nation should be conceived of as a performative category, as expounded on by Lisa Wedeen, in order to understand how nationalization takes place in the everyday practices of society. The Ja‘fari shari‘a court, as an extension of the Lebanese nation-state, reflected how the nation as a category came to practice in the everyday lives of Shi‘i individuals. Categories of belonging or not belonging to the nation-state protruded familial affairs of individuals who came before the court demanding its intervention during these formative years.

These debates and contestations within the boundaries of the institution of family can be seen in Ja‘fari shari‘a courts’ records. Most of the cases that appeared before the court during the Mandate addressed similar concerns, such as the terms of divorce, controversies over inheritance, child custody and support, obedience suits, and requests for alimony or unpaid

---


234 For Chatterjee, there is nothing left to imagine if the “modular” forms from Europe and the Americas are the only types of nationalism to choose from as argued by Benedict Anderson. For Anderson, the nation is an imagined community—a political entity that defines itself as both existing before, and being composed of, its citizens. Chatterjee opposed the universalism of classical nationalism of homogeneous empty time that regards the postcolonial world always as the “perpetual consumers of modernity.” Chatterjee, The Nation and Its Fragments, 5. Brubaker, Nationalism Reframed, 7. Wedeen expands this argument by critiquing Anderson’s shift from messianic time to homogeneous empty time in his nationalism modularity. Wedeen, Peripheral Visions, 10.

235 Wedeen, Peripheral Visions, 16.
dowry. As a space regulating the daily lives of Lebanese Shiʿas, the Jaʿfari court, in many ways, negotiated and constructed sectarian and national markers while also normalizing familial and social norms for the sect (which will be addressed in the following two chapters). The Jaʿfari shariʿa courts came to define physical and national boundaries along sectarian lines, and more importantly became a modern (and “secular”) means to privatize and nationalize “religion” as a way to create modern Shiʿi families and citizens, and manage Shiʿi civil society.

The case between Muhammad and Badiʿa, at the beginning of this chapter, blended issues of nationality and sectarianism, highlighting the “performatative” aspect of identity formation and categories of national belonging embedded in the institution of the Jaʿfari shariʿa court. In this case, Muhammad and Badiʿa made different and contradictory claims on the basis of sectarian and national markers before the Jaʿfari court, questioning and challenging its authority and legal jurisdiction, as well as the categories of belonging marked by the nation-state. Muhammad first appeared in court in order to sanction the authoritative power of the Jaʿfari court to rule in his favor on the basis of his madhhab, while Badiʿa attempted to dismiss the authority of the court on the grounds that her nationality was Palestinian due to the fact that she resided there and had so for years. The case posed the following questions: What does it mean to be a citizen of the Lebanese nation-state? How do we define one as a national or belonging to a specific sect? Who defines such categories of belonging of the nation? Does the individual or state define such forms of identification?

For both Muhammad and Badiʿa the performative nature of identity was evident in the contrasting claims made in the name of the nation. It was quite clear from the case that the Hanafi court in Haifa had already granted the divorce to Badiʿa, and for this reason she wanted

236 Ibid.
to discredit the intervention of the Jaʾfari court summoned by Muhammad. Muhammad, who was well-aware of the French constitutional decree recognizing the Jaʾfari madhhab right over sectarian personal status, used this in his favor to sanction the authority of the court to intervene. As seen in this case, the Jaʾfari court requested that Muhammad produce evidence of both their madhhab and nationality. The request for proof legitimized the court’s authority over this trial, which enabled it to use its state-authorized power to overrule and reverse the divorce administered in the Haifa Hanafi court by establishing that Muhammad and Badiʿa were not only Jaʾfari, but also Lebanese.

Despite the fact that Badiʿa and her legal representatives asserted that there should be no distinctions between Sunni and Shiʿi courts, the court still demanded the replication of proof of the couples nationality and madhhab on Muhammad’s demand. Written documentation of their national identity based on geographical and ancestral lines, as well as sectarian allegiance, were requested to establish legitimacy and jurisdiction. As modern apparatuses of the state, the written word came to hold authority over and supersede the oral nature of the shariʿas’ practices of pre-modern society. In the case of Lebanon, political representation and citizenship in the nation-state was based on the 1932 census as the official state record and proof of national belonging. Interestingly, instead of using the 1932 census, Muhammad presented his registration in the 1921 census from the Tyre personal registries as evidence of his Jaʾfari affiliation and his lineage to

---

237 See Hallaq, *Sharīʿa: Theory, Practice, Transformations*. The written text not only provided a processed system by which the case was litigated, documented, and chronicled, but it also created a case history that could be revisited and referred to for future purposes. The official recognition of the written word by the state meant the imposition of the law as the final ruling of the court, and thus the state.

the town of ʿAnatha in the southern region of Lebanon. The 1921 census was the first census taken after the creation of the modern nation-state; however, this census was not used to determine citizenship in the territory that came to be known as Lebanon. His submission of the 1921 census record as proof of identity was interesting on many levels. First, the Tyre census Muhammad provided in his case actually antecedes the juridical establishment of the Jaʿfari court that he sought to sanction to rule over his marriage. Ironically, Muhammad reverted back to the Tyre registries of 1921 that preceded both the official recognition of Shiʿ as a political and legal sect and the formation of the Jaʿfari shariʿa court in 1926 to provide proof of his citizenship in the Lebanese nation-state. Secondly, his usage of the 1921 Tyre census rather than the 1932 census alluded that Muhammad and Badiʿa lived in Palestine at the time of their marriage eight years before in 1929, and thus were not present when the 1932 census was conducted as the official determinant for citizenship.

During this period of national ambiguity, the procedure and process of documentation needed to determine national and sectarian affiliation remained unclear. With the creation of the Lebanese nation-state and subsequent establishment of the Jaʿfari shariʿa courts, new markers

---

239 According to the 1932 official census record, and the only one administered until this day, the Shiʿi population was determined at 155,035. Other records placed the Shiʿi population at as low as 104,947 in the Tyre Census records “Al-jarida a-rasmiya,” Official Gazette 2718 (October 1932); and al-ʿIrāfān 7, no. 7 (1922): 437–38. Some claim that the number of Shiʿa was much higher due to the process of census collection, the creation of national boundaries and controversy over the Seven Villages in southern Lebanon part of Greater Lebanon before 1922, and the policies of presidency Emile Eddé. See Meir Zamir, “Emile Eddé and the Territorial Integrity of Lebanon,” in Middle Eastern Studies 12, no. 2 (1978), 232–35; and Asher Kaufman, “Between Palestine and Lebanon: Seven Shiʿi Villages as a Case Study of Boundaries, Identities, and Conflicts,” in Middle East Journal 60, no. 4 (Autumn, 2006), 685–706.

240 This discrepancy in Lebanese census records and citizenship law, as argued by Rania Maktabi and seen in this case, created a loophole in the definition of citizenry and its boundaries of inclusion. The 1921 census was used for “administrative purposes” by the French authorities. Even though Lebanon was created in 1920, it was not until August 30, 1924, four years after the formation of the nation-state, that a law was put into place to define citizenship. This law allowed individuals to claim citizenship based on proof of residence in Lebanon on August 30, 1924. See Maktabi, “The Lebanese Census of 1932 Revisited. Who are the Lebanese?” British Journal of Middle Eastern Studies 26, no. 2 (1999), 225.
and boundaries were formed which had not existed before. Conflicting evidence and methods to determine legality were purported during the advent years of the Jaʿfari court as seen in the case above. This case between Muhammad and Badiʿa revealed how notions of sectarian and national identities (material/public sphere) were debated on the grounds of marriage and divorce in the space of the family (spiritual/private sphere), contesting the dichotomy between these domains. The immutability of these national and sectarian categories of identification was evident in how they were practiced and articulated in the everyday lives of individuals. For many individuals living in what became the South of Lebanon, the construction of territorial borders created much ambiguity and displacement. Commercial and social exchanges between Northern Palestine and Jabal ʿAmil have historically been vibrant and fluid. It was common practice for individuals of the Jaʿfari madhhab living in Jabal ʿAmil to document their marriages and divorces in Palestine as opposed to the Hanafi courts in Tyre or Sidon merely on the grounds of proximity. The construction of borders under the Mandate period only complicated the legal status of these individuals.

Muhammad, as well as Badiʿa to some extent, used the ambiguity of these territorial borders to summon different identity markers and citizenship. However, the Jaʿfari court, after receiving proof of madhhab and Lebanese citizenship, was able to negate the ruling of the Haifa court on several grounds. First, on the grounds that Badiʿa was able to go before the Haifa Hanafi judge and divorce herself on one occasion without the presence of Muhammad. The court’s President, ʿUsrayan, asserted that this action was against the “Islamic shariʿa of the

---

241 The Paulet-Newcombe Agreement of February 3, 1922, resulted in the annexation of seven villages that were presumably part of Greater Lebanon in 1920. The inhabitants of these villages were predominantly Shiʿa and fought for Lebanese citizenship on that pretense. The creation of the state of Israel in 1948 only complicated their legal status. For more see George Karam, al-Jinsiyya al-Lubnāniyya bayna al-qānūn wal-wāqʿ (Beirut: Matbaʿat Joseph al-Hājj, 1993), 186–206; and Maktabi, “The Lebanese Census of 1932 Revisited. Who are the Lebanese?” 227.
Ja‘fari madhhab,” and hence the divorce in Haifa was indeed invalidated. Secondly, “Usrayan added that the divorce in Haifa came after the creation of the Ja‘fari shari‘a court and the legal recognition of the Shi‘i as a sect, so it was not permissible for the Hanafi court to administer divorce in this case when a court of their madhhab was available. Finally, the Ja‘fari court judge remarked that even without proof of Badi‘a’s madhhab, she must abide by her husband’s religious madhhab, ending his court decree by confirming that Badi‘a was of Ja‘fari identity.242 Oddly enough, Badi‘a’s self-identification conflicted with what the nation-state identified her as or how she sought herself to be recognized. Whether or not she mobilized these categories of identification to attain her desired outcome is another question. Regardless of how Badi‘a identified herself, the Ja‘fari shari‘a courts through the authority of the state began to follow specific legal procedures and codes rooted in documentation to delegate these categories of identification. However, in these court records we observe how these categories were practiced and continued to be debated and mobilized in this early period. At a time when the Lebanese nation-state was establishing its boundaries, the Ja‘fari shari‘a court became an institutional space where Shi‘i sectarian identity, national affiliation, and religious norms were debated and deployed within its legal jurisdiction as the prime authority over personal status law. Not only was the court acting on behalf of its state-endorsed authority, individuals such as Badi‘a indirectly rejected the Lebanese nation in their efforts to attain their desired outcomes.

As an extension of the Lebanese nation-state, the Ja‘fari shari‘a court was sanctioned to rule over personal status matters for the Shi‘i sect, inadvertently normalizing citizenship for litigants who came before it. Categories of belonging, whether sectarian or national or both, were.

242 This rule applies to Islamic groups whereby women and children were required to follow the religion and madhhab of the husband/father. Something could be said about ‘Usrayan’s usage of this argument to support the court’s authority over this case. By using this logic, ‘Usrayan dismissed any claim made by Badi‘a, whether or not she could demonstrate proof of her sect and nationality.
contested in the legal space of the Jaʿfari shariʿa court, defining what it meant to be as Shiʿi citizens of the Lebanese nation-state. 243 Although the court was defining such identity markers, it was Shiʿi individuals who came before the court which framed the tenets of the Jaʿfari maddhab as a sect within the Lebanese nation-state. Sectarian identity and citizenship was a performative act propelled by the Jaʿfari shariʿa court on behalf of Shiʿi individuals who either rejected or accepted the court and the nation that endorsed it. Individuals sought the court to intervene in their familial matters on the basis of collective belonging. However, in this case, like many others, it revealed how uncertain these modern borders (territorial, national, sectarian) were during this initial period as individuals used different aspects of the nation-state’s authority to make claims of belonging or not belonging. At times, however, the Jaʿfari court extended its jurisdiction beyond the Lebanese nation-state and citizenry on behalf of individuals of the same maddhab who demanded its intervention, further complicating these modern categories bolstered by the nation-state during this period.

Beyond the Nation: Extending the Boundaries of the Jaʿfari Shariʿa Court

On May 17, 1938, Mūsā Ahmad came before the higher appellate Jaʿfari shariʿa court of Beirut with a rebuttal summons from the Damascus court in Syria to negate a divorce granted to his wife, Waṭʿa, on April 5, 1938, in the Jaʿfari court of Baalbek. 244 In the decree from the Damascus court, Mūsā demanded that the ruling from Baalbek be nullified and voided since he

---

243 Foucault, Power/Knowledge. Wedeen emphasizes this point as well. See Wedeen, Peripheral Visions, 24.

244 The case first appeared in the records of Al-mahkama al-sharʿiyya al-jaʿfariyya fi Bayrūt, Waṭʿa vs. Mūsā Ahmad, case 68 (April 5, 1938). The case reappeared on Mūsā’s accord in Al-mahkama al-sharʿiyya al-jaʿfariyya fi Bayrūt, Mūsā Ahmad vs. Waṭʿa, case 146 (May 17, 1938).
and his wife were from *ahālī Dimashq* (the people of Damascus). Mūsā refuted the authority and jurisdiction of the Jaʿfari court over his marriage, claiming he was from Damascus where they married and lived. According to the Jaʿfari court records, Mūsā did not appear before the court on the set court date, and thus an absentee ruling by the Baalbek court granted Waṭaʿa, who had apparently been living in Baalbek at the time, a divorce based on testimonies of six witnesses she put forth. In his rebuttal, Mūsā demanded that the case go back to the Damascus court, whereby the witnesses could be reevaluated under the appropriate legal authority. In its final ruling, the higher appellate Jaʿfari court sustained the divorce granted by the lower Baalbek court on the grounds that Waṭaʿa supported her claim with six testifying witnesses, while Mūsā did not provide any reason for his absence, dismissing the rebuttal made by the Damascus court on Mūsā’s behalf.

In this case, the Jaʿfari shariʿa court overextended its authority beyond the Lebanese borders on behalf of Waṭaʿa by ruling on a marital case between two individuals who hailed from Syria and identified themselves as such, completely rejecting the claims made by the Damascus court. Evident from the records in Baalbek, Mūsā and Waṭaʿa were of the Jaʿfari *madhab*, and hence Waṭaʿa summoned the court to rule on her marriage on this accord.245 The case beckoned the question: What legal authority did the Jaʿfari shariʿa courts have to rule on this case? And on a deeper level, how did women utilize these courts to obtain their desired outcome? Both the marriage and nationality of the two individuals lay outside of the scope of the Jaʿfari shariʿa court and newly defined Lebanese nation-state. Yet, Waṭaʿa was able to sanction the court to rule on her marital status on the grounds of her being a follower of the Jaʿfari *madhab*, despite not

---

245 However, this is not noted in the records of the Jaʿfari shariʿa court of Beirut when the rebuttal decree comes from the Damascus court. No mention of the religious orientation of the decree is made. *Al-maḥkama al-sharʿiyya al-jaʿfariyya fī Baalbek*, Waṭaʿa vs. Mūsā Ahmad, case 68 (April 5, 1938).
being a legal “citizen” of the Lebanese nation-state. In this case, it would seem that categories of religious belonging supersede those of national demarcations despite the fact that the court utilized the authority of the nation-state to rule over the case. In many ways, this case reflected how the Jaʿfari shariʿa courts and its constituents questioned the very nature of the territorial boundaries created by the nation-state and the colonial powers that expanded their juridical authority over their private (familial) domain. Ironically, even as the Jaʿfari court and the individuals who came before it contested the created national boundaries, they utilized the authority given to them by the state to expand their legal jurisdiction and power. More importantly, this case demonstrated the ambiguity of national lines and lack of affinity to it during this period, whereby nearly 18 years after the formation of the Lebanese nation-state and over 10 years after the establishment of the Jaʿfari shariʿa court these categories of sectarian identification and citizenry were contingent on the needs of the individuals who sought to mobilize them.

Cases of this nature appeared frequently in the Jaʿfari shariʿa court records during this period. In one such case, Fatima, an Iranian, appeared before the Jaʿfari shariʿa court in Beirut demanding that her husband, ʿAbbas al-Sayyid, an Iraqi, provide her with her rightful nafaqa and pay her remaining dowry. 246 The case revealed that the couple had been married in Beirut, but had been living in Baghdad until Fatima’s recent return to Beirut. On the day of the court date, November 18, 1937, ʿAbbas did not physically appear, but sent a letter proclaiming that the appropriate Baghdad court had already ruled against Fatima on this matter and that she should return to his authority in Baghdad where he lived. In his letter, ʿAbbas dismissed the jurisdiction of the Jaʿfari court on this ground, and demanded that Fatima return to Baghdad. At the request

of Fatima, the hearing continued with an absentee judgment, ruling in favor of Fatima and her petitioned expenses. The court noted that ʿAbbas could appeal this decision if he could bring proof that Fatima had disobeyed his authority. Although no explanation was provided as to why the court thought this case fell under its jurisdiction, it was evident that Fatima, who was clearly of the Jaʿfari madhhab, thought that the shariʿa courts in Beirut would rule in her favor.

Whether or not litigants intentionally sought to redefine their citizenry, these individuals utilized any method possible to have the court rule in their favor, which inadvertently played into these modern categories of identification. This was also telling of the period whereby such categories of national and sectarian belonging were relatively new structures of institutional significance.247 Individuals such as Fatima questioned the legality of such national distinctions and citizenry, by asserting her desire to identify with the Jaʿfari court of Beirut, and hence inserting her social and political representation in this national space. Ironically, the very authority of the Jaʿfari shariʿa court was stipulated on Lebanese citizenry and political representation in the nation-state. However, during this state-building period such categories were not fixed as seen in these cases. It was within the private sphere of shariʿa law that notions of citizenry and nationality imposed by French colonial powers were renegotiated and contested during the Mandate period. Dealing with two individuals of varying nationalities and citizenship who lived outside the borders of the Lebanese nation-state, the Jaʿfari court extended its authoritative boundaries and interceded in the case of Fatima and ʿAbbas on the grounds of Jaʿfari jurisprudence. In this case, as well as the previous one, the litigants’ adherence to the Jaʿfari madhhab superseded that of national belonging and affinity.

247 This is not to say that notions of sectarian affinity did not exist prior, but rather that it took on political, social, and cultural significance with the rise of the modern nation-state.
These types of cases presented before the Jaʿfari courts revealed the performative nature of such categories whether they be sectarian or national during this foundational period when boundaries were newly demarcated by the French colonial authorities. What it meant to be a Lebanese (sectarian) citizen of the nation-state remained highly contestable and open for interpretation at this time. Litigants utilized such blurry demarcations to support and/or oppose certain claims made on their religious and national identifications as they manipulated such lines to favor their personal claims. Individuals questioned the authority of the nation-state and the Jaʿfari shariʿa court on their familial life by declaring and/or refuting a particular sectarian and national affiliation before the judge, highlighting the performative nature of such identity markers. These lines of sectarian difference, within the borders of the nation-state, also proliferated in the pages of the Jaʿfari court records during the Mandate period.

Contesting Sect within National Borders: Being Jaʿfari or not

As previously shown, the Lebanese nation-state operates on established lines of sectarian difference as a rule of governance. It was precisely during these advent years of the Lebanese nation-state that these categories of sectarian difference were continuously endorsed and reproduced by the institutional apparatuses of the colonial power. Throughout the sijillāt, cases pertaining to marriages that had been performed outside of the judicial body of the Jaʿfari shariʿa court, yet within the Lebanese national context, reappeared. In most cases, individuals came to the court to certify or refute the tenets of their marriages according to the Jaʿfari madhhab. In one such case found in the Jaʿfari shariʿa court in Beirut recorded on March 7, 1938, Husayn

248 In the case of Lebanon, such categories remain performative in the lives of its citizens today; however, in the early years of the nation-state such markers were relatively new as institutional practices regulated by the state.
Khalil appeared before the court to confirm the legality of his marriage (thabat al-zawāj) to Nāʾisa. Husayn claimed that they were married in a Sunni shariʿa court in Beirut, and for that reason he would like to make certain that their marriage was legitimate under the Jaʿfari madhhab. In its final ruling, the Beirut court judge, Muhammad Yahyā Ṣafā al-Dīn al-Husayni, maintained that it did not matter under what sect a marriage occurred, and certified the legality of their marriage despite the fact that it took place in a Sunni court. In this case, Husayn found it necessary to come before the Jaʿfari shariʿa court to reconfirm his marriage simply because it had taken place in a Sunni shariʿa court. There was no evidence of any legal contestations between Husayn and Naʾsa argued before the court other than the requested affirmation of the court that their marriage was indeed legitimate under the Jaʿfari madhhab, and hence authorizing the court’s jurisdiction over their marriage. Many cases of this nature appeared before the Jaʿfari court, requesting the court’s institutional authority to revalidate the terms and legality of Shiʿi marriages according to the tenets of the Jaʿfari madhhab. Individuals like Husayn came before the Jaʿfari shariʿa court to probe and legitimize decisions made in the Sunni courts, imbuing the Jaʿfari court with power over sectarian matters while also affirming Shiʿi sectarian identification.

249 Based on my research and examination of records from as early as 1923 to the early 1940s, the case does not reappear before the court. This is not to say that it did not come up again, considering that the records of the court were very sporadic and poorly kept due to years of civil war and relocation of the Jaʿfari high court. It would not be surprising if this revalidation was a way for either party to make future claims before the court to favor their position.

250 Al-mahkama al-sharʿiyya al-jaʿfariyya fi Bayrūt, case 164, no. 68 (March 7, 1938). Another case of this nature appeared on November 15, 1934, case 4: Mustafa Ibrahim came before the court to confirm that the amount of naqqa ordered before the Hanafi court was legitimate in the Jaʿfari court. Mustafa was able to get the amount of alimony verified in the Jaʿfari court for his wife Hasma (this case further supports my argument). Many cases of this nature appeared where thabat al-zawāj was requested. Refer to Husayn vs. Fatima, case 18 (December 17, 1938); Muhammad vs. Sikina, case 6 (December 6, 1937); and Ahmad vs. Lamya, case 257 (November 19, 1929) in Al-mahkama al-sharʿiyya al-jaʿfariyya fi Bayrūt.
In many ways, these individuals imposed on the court to legitimize the identity and *madhhab* they prescribed onto themselves and desired the state to recognize this as well. While doing this they reproduced the lines of differences proclaimed by the nation-state. As many have argued, the very existence of a Shi‘i sect was contingent on a Sunni other, which the state and the Ja‘fari shari‘a court perpetuated in the Lebanese case.\(^{251}\) In his discussion of the state, Timothy Mitchell argued that “one can trace it to methods of organization, arrangement, and representation that operate within the social practices they govern, yet create the effect of an enduring structure apparently external to those practices.”\(^{252}\) The sectarian recognition of the Shi‘as created the appearance that a collective Shi‘i category and entity was a constant, ever-present practice of society outside of or external to the state without acknowledging the institutional effect of the Ja‘fari shari‘a courts in perpetuating this category of identification. The insistences on the court to define, recognize, and intervene by individuals who came before it extended the authority of the state. Through the examination of these cases, we witnessed the making of such a “structural effect” through these juridical practices which enforced lines of differences that reorder “space, time and personhood” while simultaneously creating the Ja‘fari shari‘a courts as external from the state’s authority and power.\(^{253}\) Although sectarianism as a political system was established as the rule of governance, practices of the Ja‘fari shari‘a courts, on a daily basis, reproduced and rearticulated Shi‘as as sectarian citizens of the Lebanese nation-state. Not only did Shi‘i individuals come to reaffirm marriages that may have happened in

\(^{251}\) Wedeen mentions this idea in *Peripheral Visions*, stemming from the works of Edward Said’s *Orientalism*.


\(^{253}\) Ibid., 181.
shari‘a courts other than the Ja‘fari courts, they also appeared before the court to dispute marriages on the basis of sectarian differences.

In another case, Ṣ Ali al-Ḥajj al-Sayyid came before the court on December 10, 1932, alleging that he was married to Zahra bint Ahmad Sultani in Beirut a year before. After four months of marriage, he traveled to Baghdad to visit his ailing father. Upon his return, he found Zahra married to another man. In his testimony, he requested that the court order Zahra to return to his authority and honor their marital relationship. When Zahra appeared before the court on December 24, she affirmed that she married Ṣ Ali a year before, but that after a month of marriage they divorced before a Sunni Hanafi judge in Beirut. At the time of the divorce, Zahra claimed that the Sunni judge decreed it was haram (forbidden) for her to be with Ṣ Ali since he was of the Hanafi madhhab. Ṣ Ali rebutted this allegation arguing that he was indeed Ja‘fari and held a Shi‘i identity card. The court judge, Ṣ Ali Fahs al-Husayni, then ordered Ṣ Ali to bring proof of his Ja‘fari identity. On the last day of trial, Ṣ Ali did not appear. The court adjourned with an acquittal ruling.  

In this case, Zahra used the court to affirm her Ja‘fari identity while simultaneously employing her sectarian identity to differentiate herself from Ṣ Ali, whom she claimed was Sunni. Although it was probably unlikely that the Hanafi court prohibited her from marrying Ṣ Ali simply on the grounds that he was Sunni, Zahra made claims to the Ja‘fari court on the basis of her sectarian affiliation in order to justify the suspension of all marital ties. Structural institutions of the state such as the shari‘a courts were utilized by Zahra not necessarily to uphold the sectarian markers the state authorized, but rather to attain her desired outcome from these courts.

---

She marshaled the Jaʿfari court on the grounds of her madhhab in the hope that it would rule to her advantage. It was evident that Zahra was well aware of the power of the Jaʿfari court, and how that power was rooted in sectarian difference as she evoked this element of her marriage to delegitimize it. Ironically, Zahra claimed that the Hanafi Sunni court had pronounced that this marriage was forbidden for her as a Shiʿi, in a sense inviting the Hanafi court into the courtroom by making religious claims on Shiʿi Islamic jurisprudence and tenets. 255 Although the Jaʿfari court did not extract the history of the case from the Hanafi court, it adhered to Zahra’s claims by demanding proof of ʿAli’s Jaʿfari identity. This proof was never provided; however, the fact that regular requests for written proof of identity were continously made, reflected the courts proliferation of sectarian lines. 256 By doing this, the Jaʿfari court reiterated its authority over matters concerning Shiʿi Muslims.

Sectarian lines were drawn by both Shiʿi Muslims like Zahra, as well as the Jaʿfari shariʿa courts, to fortify a Shiʿi identity vis-à-vis other Lebanese sects. Many cases such as Zahra’s appeared in the sijillāt, whereby Lebanese Shiʿas came before the shariʿa court to assert their Jaʿfari madhhab so that the court could intercede on their behalf in personal matters. These cases show the participation of individuals in the Jaʿfari courts in the making of national and sectarian identification as new categories of collectivity were bolstered by the Lebanese nation-state under the French Mandate. The position of the Jaʿfari court, as the arbitrator of Shiʿi family

---

255 This was only based on Zahra’s written text and claim. There was no effort made by the Jaʿfari court to extract the history of this case from the Hanafi court. This point should be further investigated. What was the degree of inter-court communication and debate during this period? Was there a conscious effort not to sanction other shariʿa courts of different denominations in their designated legal domain? Is this only the case during this foundational period? This element has changed over time with the creation of al-Hayʿa al ʿĀmma Li-Mahkamat al Tamyiz Court that intervenes when there are juridical disputes between different shariʿa courts.

256 The written word becomes the authoritative text, according to Messick. See Brinkley Messick, The Calligraphic State.
matters, reflected the performative nature of identity formation that solidified their sectarian collectivity while crystallizing Shiʿi social norms within Lebanese society.

The Jaʿfari court became the governing body on which Lebanese Shiʿas sought to regulate their societal and religious norms on the grounds of sectarian belonging. What was most significant about these cases was not that sectarian differences were downplayed in some cases and accentuated in others, but rather that such claims of sectarian belonging and legitimacy were readily brought in front of the court to mediate the everyday affairs of Shiʿi Muslims. The shariʿa court emerged as a space where Jaʿfari identification could be asserted vis-à-vis other sects within the Lebanese nation-state. The Jaʿfari shariʿa court not only penetrated the lives of Lebanese Shiʿas, but also became a way for Shiʿas to negotiate and construct social norms and conjugal relations.

Conclusion:

For Shiʿas of Lebanon, the expansion of sectarian rights under the French Mandate laid the foundations for citizenship in a postcolonial state, which was expounded upon by the formation of the Jaʿfari shariʿa courts. The Jaʿfari shariʿa court became a means by which Shiʿi national citizens and families were produced and amalgamated into the new nation-state. Shiʿas were actively engaged in the definition of their civil status and colonial civil order as colonial citizens living under the French Mandate and as citizens engaging in the power dynamics of the state that defined their legal rights.257 Timothy Mitchell’s Colonising Egypt reflects on how new technologies of governmentality informed and constructed the national subject as new

257 Thompson, Colonial Citizens, 1–2.
disciplinary methods informed new conceptions of space, personhood, and reality. Mitchell analyzes the technologies of the colonial age as in the military, village planning, print, and schooling, and how they created an effect of a structure apart from reality. The establishment of the Ja'fari shari'a courts was a prime example of such modern state techniques that informed colonial citizenship under the Mandate. The penetration of the state into the lives of Shi'i Muslims led to the nationalization of the family along sectarian lines. More importantly, the creation of the Ja'fari shari'a courts by the mandatory authorities reflected the constant negotiation of power relationships, particularly in the domain of the family, just as Shi'i as came to see themselves as a collective sect in the Lebanese nation-state. Shi'i men and women came before the Ja'fari shari'a court in the hope that it intervened in their personal matters, which came to produce shared practices and knowledge on Shi'i familial matters as a sectarian entity of the state and citizens of it.

The purpose of this chapter was to historicize the multiple struggles of identity formations whether they were sectarian and/or national in the deployment of Lebanese Shi'i citizenship, community and family, and how they played a role in a state-building enterprise. These boundaries and legal categories as defined by the modern nation-state were sites of

258 Mitchell, Colonising Egypt, ix & xv.

259 A similar argument is made by Kholoussy in her dissertation, although in the case of Lebanon communal identity, and thus national identity, was made along sectarian lines. Hanan Kholoussy, For Better For Worse: The Marriage Crisis that Made Modern Egypt (Stanford: Stanford University Press, 2010).

260 Even though the mandatory state did not directly interfere with the rulings of the Ja'fari shari'a court, it instituted a public arena where the making and remaking of Shi'i individuals and collectivity transpired along national and sectarian lines. This is not to say that Shi'i as prior to the establishment of Ja'fari courts did not have an understanding of their Islamic rights and practices, but rather as members of society they participated in the religious foundations, moral foundations, and social examples in this newly constructed state apparatuses.

struggle and categories of practices. As Joseph argued “boundary making is about difference making for purposes of empowering and disempowering.”\textsuperscript{262} Not only did the Jaʿfari Shariʿa court demarcate and negotiate sectarian and national identity, the court intervened both directly and indirectly in the lives of Lebanese Shiʿi as by producing and demarcating appropriate roles and behaviors for Shiʿi men and women. This further normalized social norms and communal identification just as Lebanese Shiʿi as were defined as a sect within the burgeoning nation-state. During this formative period of the nation-state, the norms and practices of sectarian and national identification were continuously being debated and shaped through the Jaʿfari Shariʿa court and the individuals who came before it. Although sectarian and national boundaries were negotiated and many times resisted in the contents of the court cases, these modes of resistance, as Mithchell argued, were formed within the institution space of the court and colonial state, and not external to it.\textsuperscript{263} These new categories of collectivity ultimately fostered a sense of Shiʿi citizenship as a sectarian entity of the Lebanese nation-state. The construction of the public-private spheres by the modern state also bolstered a new male-female dichotomy in the colonial and postcolonial period, significantly changing familial life.\textsuperscript{264} It was within this environment that a new patriarchy or “subnational patriarchy” emerged to modernize the family in the Lebanese Shiʿi case rooted in sectarian and national tradition.\textsuperscript{265} By examining the Jaʿfari Shariʿa court coupled with an analysis of the prominent Shiʿi journal al-ʿIrfān, the following chapter investigates the simultaneous production and reproduction of normative gender roles for Shiʿi

\begin{flushright}

\textsuperscript{263} Mitchell, Colonising Egypt, xi.

\textsuperscript{264} This was argued by many. See Hallaq, Shariʿa Theory, 22. Partha Chatterjee, The Nation and Its Fragments, 125–27. Elizabeth Thompson, Colonial Citizens, 224.

\textsuperscript{265} Joseph, “The Public/Private,” 75–83.
\end{flushright}
men and women as “modern” citizens of the Lebanese nation-state. The following chapter focuses on the production and proliferation of normative behavior and gender roles during a critical moment of Shiʿi national formation and citizenship during the French Mandate period.
Chapter Three

Molding Shiʿi Families: Fashioning Fathers and Husbands, and Mothers and Wives
through the Shiʿi Press, al-ʿIrfān

To envisage the womb not simply as a vessel but as a school (maktab)
imputed all the disciplinary and regulatory functions of school to the
womb. Not only did the bearer of the womb regulate the character of the
fetus, but now the regulatory process turned back upon the womb/woman.
National formation began with the womb.²⁶⁶

Introduction

This chapter examines how marital roles became a contested site of modernity and
sectarian awareness for the Shiʿas of Lebanon under the French Mandate. As shown in the
previous chapter, the marginalization of Shiʿas, coupled by a growing sectarian awareness in the
newly created nation-state, brought attention to the home as a site of fashioning national
sectarian subjects. The creation and utilization of the Jaʿfari shariʿa courts were instrumental in
these processes of sectarian identification, as were opinions about family, marriages, gender
roles, and spousal relationships written about in al-ʿIrfān. In these articles, we observe changes
in the concept of motherhood and wifehood as women were envisioned as the vessel of the
nation-state and Shiʿi sect, and thus requiring reform. As reflected in al-ʿIrfān during the

²⁶⁶ Afsaneh Najmabadi, “Crafting an Educated Housewife in Iran,” in Remaking Women: Feminism and Modernity
Mandate period, advancement of the Shiʿi sect in the Lebanese nation-state depended on the progress of women as the future bearers of its children. As Afsaneh Najmabadi argued in her work on Iran, this shift in notion of womanhood was “at once a regulating and an empowering moment.”

This chapter addresses the following questions: What gender roles did al-‘Irfān advocate and under what pretenses? What image or images were prescribed in the press, and what purpose did they serve? How were the projections of women different from those placed upon men? More importantly, how did such constructions of gender, both masculine and feminine, compare to the everyday lives of Shiʿi individuals? Although these issues regarding women and the nation-state have been addressed in other contexts, no other work has examined the Lebanese Shiʿi case as it related to gender roles and sectarian formations.

More significantly, by examining both the Shiʿi press and Jaʿfari shariʿa court records, this chapter, and the one that follows, investigates how notions of masculinity and femininity

---


269 In regard to Lebanon and Shiʿi women only Max Weiss has written an article discussing Shiʿi modernity, gender, and cultural politics as he focuses mainly on the ʿAshura debates. He briefly analyzed al-ʿIrfān in this article in that regard, but not to the extent and scope this chapter does. See Max Weiss, “The Cultural Politics of Shiʿi Modernism: Morality and Gender in Early 20th Century Lebanon,” in International Journal of Middle East Studies 39, no. 2 (2007), 249–70.
were deployed differently by Shiʿi individuals of various socioeconomic statuses. In these two chapters, I show how the Shiʿi press and the Jaʿfari shariʿa courts produced multiple and, at times, conflicting notions of masculinity and femininity as they negotiated ways in which Shiʿi men and women became modern sectarianized citizens of the new Lebanese nation-state. This research demonstrates how varying notions of “appropriate” gender roles in Shiʿi society were perceived and practiced in the daily lives of Shiʿi individuals. By placing these chapters alongside each other, I show the disconnection between what was constructed as “ideal” gender roles and marriage in al-ʿIrfān, and what actually took place before the Jaʿfari shariʿa courts in this regard. By examining the Jaʿfari court records in Chapter four, I illustrate how contradictory and convoluted gender roles were in Shiʿi everyday life when compared to the commentary perpetuated in the press. Before undertaking this chapter’s objective, it is important to understand how the press, particularly al-ʿIrfān in this case, spoke of and embodied the perceptions of a growing Shiʿi middle class.

This chapter in particular focuses on al-ʿIrfān’s constructions of manhood and womanhood and the various ways that gender was utilized to dictate Shiʿi men and women’s marital, sectarian, and national roles. It examines new modes of middle-class femininity and masculinity as prescribed in al-ʿIrfān during a time of growing Shiʿi sectarian awareness and nationalization. Society made different demands of Shiʿi fathers and mothers as sectarian citizens of the nation-state—all of which were a reflection of the perceived social norms on gender in the press. In this chapter, I argue that the urgency to reform gender roles increased as this loosely-defined Shiʿi community came to see itself as a national sect within the newly defined Lebanese nation-state.
**Al-ʿIrfān: The Shiʿi Middle Class and New Mode of Gender Formation**

In this chapter, I refer to a new form of middle class masculinity and femininity perpetuated by the Shiʿi press. By the Shiʿi press, I refer to the popular journal *al-ʿIrfān* specifically since it was the only Shiʿi journal to continuously publish under the French Mandate.  

Through my extensive investigation of *al-ʿIrfān* from the 1920s to the 1940s, it has become clear that heightened attention was placed on the institution of the family and the gender relationships within it as it pertained to the Shiʿi sect. The recognition of Shiʿas as a sect within the Lebanese nation-state, as I have argued, propagated a growing sense of sectarian awareness over their national inclusion, particularly as it pertained to the familial space. The proliferation of articles on this matter in the journal, a middle-class forum, informed a new mode of gender formation.

As the prime Shiʿi newspaper based in Sidon, *al-ʿIrfān* spoke to the small literate and educated Shiʿi segment of society. The journal promoted itself as a Shiʿi platform that

---

270 *Al-ʿIrfān* was the only publication after World War I, and when it was forced to shut down by the Ottoman Porte, it opened under a different name, *Jarīdat Jabal ʿAmil*. Refer to Chapter one for more on the history of *al-ʿIrfān*. Although there were other journals being published in Jabal ʿAmil, such as *al-Qalam al-Sarīh*, *al-Marj*, and *al-Nisr al-Marj‘ayūnī*, they spoke largely to the Maronite community. My attention focuses on *al-ʿIrfān*, because it remained the only Shiʿi journal for most of the Mandate period. Even though these newspapers were intended for specific communities residing in the southern region of Lebanon, the habitual writers of *al-ʿIrfān* occasionally wrote articles in the Maronite journals (and vice versa), particularly when it came to matters of politics and the future of the region as it pertained to the Lebanese nation-state. For the most part, the main authors of *al-ʿIrfān* were the prominent ʿulamaʾ and scholars of the community. Writers of Maronite journals would also submit pieces in *al-ʿIrfān*, such as the founder of *al-Qalam al-Sarīh* who frequently published articles addressing the state of Jabal ʿAmil in the Greater Lebanon project.


272 There was also a transnational element to *al-ʿIrfān* as it addressed a wide range of issues from the emergence of Marxism to the Iranian Constitutional Revolution. For more on this see Tarif Khalidi, “Shaykh Ahmad ʿArif al-Zayn
addressed the needs of the Shiʿa as in Lebanon. In his research on the journal, Tarif Khalidi stated, “it is as if a commercial product became synonymous with an individual brand name, and this was particularly so in the period between 1909 and 1939. Al-ʿIrfān was not simply a faithful mirror of its region and period. It was also a direct agent and medium of intellectual change.”

During this period, al-ʿIrfān was an abundant source of Shiʿi cultural, political, and social production as the most prominent members of Shiʿi society contributed to it. The journal served, in many ways, as a self-reflection of the community without prescribing to “any distinct ideological line or party commitment,” but rather functioning as a forum for intellectual debate.

Al-ʿIrfān was also “a major literary source for the history of Jabal ʿAmil” as it documented the current events and memories of the community’s past. For the most part, the journal spoke for a literate, culturally informed segment of the ʿulamaʾ class and to a new class of notables known as the wujahāʾ. As Tamara Chalabi has noted, the wujahāʾ were a group of urban bourgeois who emerged outside of the traditional political power of the zuʿamāʾ class in the late nineteenth and early twentieth century due to Ottoman land reforms and shifting political alliances at the end of the Ottoman Empire.

Prominent families, such as the ʿUsayrans, Sulh, Khalils, and Zayns (founders of al-ʿIrfān), composed a new social category with political power

---


274 For an extensive overview of the journal see Chapter one.

275 Ibid., 111.

276 Ibid., 112.

in the major urban centers of Beirut, Sidon, and Tyre.\textsuperscript{278} It was within this environment that \textit{al-‘Irfān} was founded by Ahmad ʿĀrif al-Zayn whereby prominent Shiʿi intellectuals and religious scholars contributed to the body of the journal in the urban center of Sidon. \textit{Al-‘Irfān} was popular and familiar among local Shiʿi circles despite the fact that Shiʿas had a literacy rate of only 17 percent, the lowest of any group in Lebanon.\textsuperscript{279} Despite its popularity and familiarity, its accessibility was limited to an educated middle-class portion of society because of the low literacy level among Shiʿas. In this sense, \textit{al-‘Irfān} spoke of the concerns and perceptions of this small urban middle-class segment of Shiʿi society, which made up approximately 10 percent of the total Shiʿi population.\textsuperscript{280} However, the journal projected itself as a “self-image” of the Shiʿi Muslim community that continued to see itself as a minority in the Lebanese nation-state and Greater Middle East.\textsuperscript{281} \textit{Al-‘Irfān} promoted itself as a paper “for the Shiʿi community,” and thus it spoke of its concerns.\textsuperscript{282} Due to the nature of the press, \textit{al-‘Irfān}, like other journals of its time, projected the social concerns of the middle-class even as it spoke to and about a larger Shiʿi

\textsuperscript{278} They also emerged in smaller cultural centers of Nabitiyya and the Bekaa region.


\textsuperscript{280} The contents of the journal were usually transmitted orally in local circles among friends and families, which explained why its contents were widespread among the Shiʿi public. See Tarīf Khalīdī, “Shaykh Ahmad ʿĀrif al Zayn and al-ʿIrfān.”

\textsuperscript{281} Tarīf Khalīdī, “Shaykh Ahmad ʿĀrif al Zayn and al-ʿIrfān,” 112.

\textsuperscript{282} The paper frequently highlighted this element as it reminded its readership of its communal objectives. In its opening journal, it noted this on its front page. See \textit{Al-ʿIrfān} 6, no.1 (1920).
audience. Among these concerns, *al-ʿIrūfān* expressed apprehension over the state of marriage and familial life in Lebanon, particularly within Shiʿi society.\(^{283}\)

The proliferation of articles on this matter informed a new mode of gender formation. Influenced by the work of Hanan Kholoussy, who examined the Egyptian press in the early twentieth century as an embodiment of middle-class perception and norms, in this chapter I also read *al-ʿIrūfān* as a forum for middle-class perception and anxiety under the French Mandate period, just as Shiʿi as came to be recognized by the Lebanese nation-state. Print culture created a new space of shared political consciousness in the pages of *al-ʿIrūfān* during this colonial period.\(^{284}\) In this shared sectarian space, *al-ʿIrūfān* disseminated images of the modern subject embodied in the mapping the Shiʿi household. The heightened questions over Shiʿi families and the institution of Shiʿi marriages, as seen in the pages of *al-ʿIrūfān* during this period, perpetuated new modes of middle-class masculinity and femininity. Anxiety over sectarian and national identity was evident in the growing concern over the state of Shiʿi families and congenial roles. It is within this environment that this chapter approaches constructions of masculinity and femininity produced in *al-ʿIrūfān*.

---

\(^{283}\) This was not unique to the Shiʿi community or Lebanon, but particular to postcolonial contexts (as referred to previously) whereby national independence was granted. This is my main argument in the previous chapters that the French Mandate imposed sectarian unity even when it was contested at times in the Jaʿfari shariʿa courts.

Part One: Dictating Appropriate Female Roles: Embodiments of the Sect and the Nation’s Future


...the family is a mini model of the nation.²⁸⁵

As in other postcolonial contexts and newly formed nation-states, the family became a site of contestation and reformation as a means of modernizing and fashioning its subjects into national citizens. Not only did the family emerge as a unit of society, it became synonymous with the nation as its microcosm. With the creation of the modern Lebanese nation-state, and subsequently the Jaʿfari shariʿa courts, “the family emerges as a category in law, in welfare administration, and in public moralizing discourse. The family was the prototypical unit of ‘society’ in which the individual is physically and morally reproduced and has his or her primary formation as a ‘private’ being.”²⁸⁶ It was for this reason that the family and individuals who constituted families took on a central importance in the Shiʿi press and among ruling elites. Despite the anxieties about the state of Shiʿi marriages in the press, the brunt of the responsibility over this state was placed on women as wives and mothers of the nation-state, as I discuss below.

During this period, Al-ʿIrfaḥ produced numerous articles dictating marital duties and prescribed gendered behavior for Shiʿi wives and husbands, and explained how to be befitting parents to Shiʿi children. Various articles appeared signifying the family as a mini reflection of the nation and highlighting that a struggling family represents a failing nation. The correlation between the nation and the family appeared frequently in the colonial and postcolonial nationalist movements of the Middle East. Extensive research on this topic has been published

²⁸⁵ Fatāt al-Furāt, “Ḥayātunā al-ʿāʾiliyya” [Our Familial Life], al-ʿIrfaḥ 20, no. 3 (1930): 419.

particularly in the context of Egypt. Beth Baron’s work investigates how the family served as a metaphor for a new Egyptian national identity in the late nineteenth century. The nation as Baron noted “became a family writ large, a fictive household, with elites at its head.” The adherence to a bourgeois family model brought an end to harem slavery and the extended household model as it informed a new model for the Egyptian nation. The Egyptian nuclear family was reimagined as a modality of the nation during a period of British colonialism. Lisa Pollard’s study observes how “family politics” were integrated in the remaking of Egyptian national subjects. Pollard examines the images and modalities of men, women and children, and how they informed gender and national formations in the nineteenth and early twentieth century. Pollard suggests that the home was central to the nationalist project as the question of women became a crucial component to the process of Egyptianizing the nation in terms of the nation. The question of women became potent to the nationalist project as it constituted the gendering of home and nation. The issue of gender and role of women will be addressed in the Shiʿi case below as it appeared in al-ʿIrfān. Although scholarly literature, analyzing the family as a unit reflective of the nation, has been well-developed, in the case of the Shiʿas of Lebanon a


288 Beth Baron, Egypt as a Woman, 5–6.

289 Ibid., 5.

290 Ibid.

291 Lisa Pollard, Nurturing the Nation, 30.

292 Ibid., Chapter four.
unique dimension was added, because the family emerged in a sectarian form as a product of the structure imposed by the Mandate state.293 With the creation of the Lebanese nation-state under the supervision of the French Mandate individuals, as members of the family, were forced to adhere to their sectarian affiliation when it came to marital matters, as well as the way citizenship was practiced due to the nature of the Lebanese nation-state.294 Little to no literature has focused on how the sectarianization of Lebanese society affected the daily affairs of Shiʿi families, marriages, and gender roles.295 This chapter looks at how the family and marital relationships became a site in need of sectarian reform as a requisite for national inclusion and citizenship. Marriage as a unit, producing future citizens of the Shiʿi sect, became, as illustrated by Kholoussy, “a site of contested national identity formation.”296 Impediments in Shiʿi marriages were setbacks to the future of the sect and nation. In the case of Lebanon, sectarian identity based on kinship blood lines became the only form of nationalized citizenship, and thus marriage was the institution that continuously produced future national subjects, needing regulation and reform.


294 For more see Chapter two.

295 To my knowledge, Max Weiss’s text In the Shadow of Sectarianism: Law, Shiʿism, and the Making of Modern Lebanon is the only one that touches on this topic. However, his research examines the impact the establishment of the institution of the Jaʿfari shariʿa courts had on Shiʿas as a sect and not the impact it had on the marital affairs and gender practices at the time. He has referred to this process as “sectarianization.”

As a specifically Shi‘i journal, concern over the institution of marriage and appropriate congenial roles was present throughout the pages of *al-‘Irfān* during this period. In one such article titled “Our Familial Life,” the author, who used the pseudonym Fatāt al-Furāt (Girl of the Euphrates), described the grievances of Shi‘i families and increasing divorce rate. She argued that “we need to understand the meaning of marriage and its place in society,” since “the family is a mini model of the nation,” and at this time “the foundation of our household is missing.”

Considering there was no data on the state of divorce among Shi‘i as during this period, largely because no institutional body existed prior to the Ja‘fari shari‘a courts documenting marriages and divorces, the author’s statement seemed to reflect a societal concern over the present state of marriage within the community. In reading this article, there was angst over the rate of divorce and concern over the state of marital relationships despite the fact no statistical evidence was reported. This concern propelled the author to declare that marriage was in a worse state now than ever before whereby “the word marriage has become synonymous with hell.”

She continued by blaming the lack of communication and cooperation between a husband and wife for the crippling familial state. Due to this stagnant state of marriage, she claimed, men have decided to remain single or marry foreign women threatening “the nation and its future.” The author correlated the future of the nation with the success of marriage—the state of marriage must be internally improved and in need of protection from the Western woman.

---


298 Ibid.

299 Ibid.

300 Ibid.

301 The threat of the Western woman, in many ways, internalized the Orientalist discourse of the other within a gender framework. Anne McClintock, *Imperial Leather: Race, Class, and Gender in the Colonial Contest* (New York: Routledge, 1995); Dipesh Chakrabarty, “The Difference-Deferral of a Colonial Modernity,” in *Subaltern...*
threat of the foreign woman to Shi‘i marriages will be taken up later in the chapter, in stating this, the author placed, to some extent, responsibility on both Shi‘i men and women. By highlighting that Shi‘i men had to be protected from this exterior threat to secure the future of the nation, the author saw a need to reform Shi‘i marriages to avoid such perils.

In order to attain this goal, Fatāt al-Furāt suggested the appropriate conditions that must arise in any marriage. She claimed that it was necessary for husbands to financially support their families and treat their wives with respect, and for mothers to maintain a proper household, so that happy and healthy marriages were produced.302 The author faulted both husbands and wives for the crumbling foundation of Shi‘i households while representing a sense of anxiety over the state of Shi‘i marriages, and the affects this had on the burgeoning Lebanese nation-state. Although this chapter does not address the political underpinnings, during this Mandate period, particularly in the 1920s and 1930s, the Shi‘as for the most part supported the Arab cause and national allegiance to Greater Syria. With the failure of this movement and manifestation of a Lebanese nation-state, the Shi‘as imagined their place in it as a sect.303 Therefore, healthy marriages were deemed the cornerstone of the nation, and thus of the Lebanese Shi‘i sect. The crumbling state of Shi‘i families became a point of contestation. As this chapter shows, this correlated with the recognition of the Shi‘as as a sect by the Lebanese nation-state.304 However,

---


303 For more on this see Tamara Chalabi, The Shi‘is of Jabal ‘Amil and the New Lebanon, ch. two and three.

304 Kholoussy argued that marriage became a site of contested national identity formation in the case of Egypt in anti-colonial nationalist efforts. Kholoussy, For Better, For Worse, 1–21.
it was women who were required to do the protecting and preservation of Shiʿi marriages, so that the outside threat did not succeed in harming the nation’s future. In this examination of al-ʿIrfān, sectarian advancement was the responsibility of good mothers and wives since it was women who reared healthy, productive sons for society. The bulk of the attention regarding marriage and spousal roles was directed toward Shiʿi women as mothers of the new national sect. Women were seen as the repositories both of the nation’s progress and backwardness.

From the 1920s to the 1940s, over 100 articles were written directly addressing the role of Shiʿi women as mothers, housewives, and spouses.305 Article topics ranged from matters on child nurturing to cleansing oneself after childbirth to the principles and practices of breastfeeding. The articles instructed Shiʿi women how to properly raise a child, as well as how to act in order to maintain a wholesome household and happy family. In particular, the journal ran two continuous sections during this period titled “Upbringing and Education” and “The Health and Education of the Home.” It was in these sections along with others that women’s issues were tackled and prescribed. This chapter will now address the contents of these articles and how they spoke to the sectarian concerns of the Shiʿas regarding marriage and gendered roles. From the nature of these articles and the approach of the journal, the question regarding the role of Shiʿi women as wives and mothers was important due to its presumed connection to the nation, and correspondingly to the place of Shiʿas as a sect within it.

The Importance of Women to the Nation

305 This number is based on my own research and collection of articles that directly addressed women. This number is probably larger as I only included articles specifically on women.
The suckling from the mother’s breasts, is suckling from her character.\textsuperscript{306}

The literature on the embodiment of the nation through women, particularly in the colonial and postcolonial setting, has long been studied by the likes of Beth Baron, Marilyn Booth, Lisa Pollard, and Judith Tucker, to name a few. According to this extensive body of literature, the progress of the nation became dependent on the progress of women as the family was envisioned as the foundation of the nation.\textsuperscript{307} For this reason, emphasis was placed on women and their role as mothers. In her book, \textit{Women with Mustaches and Men without Beards}, Afsaneh Najmabadi were “reimagined as companionate wives for the modern citizen-men,” of Iranian modernity.\textsuperscript{308} Uneducated women companions were seen as an obstacle to the progress of the nation. If women could not manage the household then how would they support their husbands and bear productive sons for society.\textsuperscript{309} Omnia Shakry has also argued, motherhood “was fundamental to the constitution of the national identity and entailed the formation of a series of discursive practices that demarcated women as both a ‘locus of the country’s backwardness,’ and a sphere of transformation to be reconstituted and raised up onto the plane of enlightened rationality.”\textsuperscript{310} For this reason, women had to be reconstructed in order “to produce children worthy of modernity” as they were the ones who could raise the nation and lift it from

\textsuperscript{306} \textit{Al-tarbiya wa ta‘lim} [Upbringing and Education], \textit{al-‘Irfān} 10, no. 3 (1924): 271. The above state was made to affirm the need for Shi‘i men to choose a proper wife who can give birth to his children, and have the appropriate character to transmit to the future children and citizens of the sect.


\textsuperscript{309} Ibid., 182–85.

its state of abyss.\textsuperscript{311} For the Shi\textsuperscript{e} as of Lebanon who remained marginalized and held the highest illiteracy rate among the various sects, reforming and educating Shi\textsuperscript{i} women became a major obstacle to the progress of the sect. Whereas in Najmabadi’s work modernity was defined by comparisons between Iran and the West, for the Shi\textsuperscript{e} as of Lebanon their “other” was an internalized sectarian one.\textsuperscript{312} Thus, not only was the Shi\textsuperscript{i} woman’s role as a mother important, but so was her function as a man’s companion for the sake of sectarian advancement.

In the context of the Lebanese nation-state, Suad Joseph has written extensively on the notion of family and women as it related to the nation; however, her research focused little on the Shi\textsuperscript{e} as.\textsuperscript{313} Through the examination of al-‘Irfān’s articles, we get a better understanding of why women—more specifically Shi\textsuperscript{i} women—were vital for the birth and growth of the nation. During the French Mandate, numerous articles appeared in al-‘Irfān, describing the need to uplift the nation and particularly the Shi\textsuperscript{i} sect. In the unique case of Lebanon, nationalism was defined by growing sectarianism. For the newly recognized Shi\textsuperscript{i} sect, the family, specifically Shi\textsuperscript{i} women, became important to their inclusion into the nation-state. In order to raise the status of the sect, Shi\textsuperscript{i} women had to take an active role in society as “half of humanity,” as one author argued.\textsuperscript{314} The notion of women as half of humanity was emphasized repeatedly when discussing

\textsuperscript{311} Najmabadi, “Crafting an Educated Housewife in Iran,” 94.

\textsuperscript{312} The issue of education will be taken up in Chapter five. This dissertation does not compare the Shi\textsuperscript{i} press with its Sunni and Maronite counterparts; this aspect is in need of further investigation and research.


\textsuperscript{314} Ibrahim ʿarab, “taʿthīr fī al-hayāt al-ijtimāʿiyya” [Difficulties in Our Social Life], al-ʿIrfān 11, no. 1 (1925): 28–32. In another article, the author argued that women make up half of the population of 70 million Muslims and in order for the revival of the Muslim world to occur, there must be a revival of Muslim women. “ʿanāsir nahada al-marʿa al-Islāmiyya wa sir al-najāh” [The Origins of the Islamic Women Awakening and the Secret to Success], al-ʿIrfān 18, no. 1 (1929): 13. If articles did not discuss the relation of woman to the future of the nation and humanity
the state of society, and why improving the situation of women was necessary for future (sectarian) growth.\footnote{Ibid.; and “al-tahda al-nisā’ fi-l-sharq” [The Progress of Eastern Women], al-‘Irfān 12, no. 6 (1926): 603.} As another article emphasized, women must not be separated from the “journey of men.”\footnote{Ibid.; and Ibrahim ‘arab, “ta’thīr al-mar’a fī al-hayāt al-iyya” [Difficulties of Women in Our Social Life], al-‘Irfān 11, no. 1 (1925): 28–32.} In the pages of al-‘Irfān, Shi‘i women were envisioned as companions of men, and their negligence and ignorance was seen as hindering the advancement of society. Emphasis was placed on women as a component of society; one that was necessary for both Shi‘i men and the nation to succeed. As a necessary component of society, al-‘Irfān highlighted the need to modify and amend the situation of women during this period. In one article on al-‘Irfān’s front page of the April 1921 edition titled “Women between Excess and Negligence,” women were criticized for “their weakness,” as the article attempted to diagnose why women were a “weaker species” than men.\footnote{“al-mar’a bayna al-ifrāt wa al-tafriya” [Women between Excess and Negligence], al-‘Irfān 6, no. 11 (1921): 505.} The article then continued by noting that women as a gender were too emotional and cried readily, even though they were not burdened by “the significant work” that men endured.\footnote{Ibid.} Despite this inequality, the article noted, women still had rights and held importance in society.\footnote{Ibid.} A woman must possess appropriate manners and character, the author added, since it was the woman who taught “national pride and religion.”\footnote{Ibid.} This connection

---

in general, articles were published indicating the freedom and liberty that Islam, or in other cases hijab, bestows on women to grow in society for the future of the nation. More importantly is how the hijab gives women rights and power. See “al-mar’a wa ‘ifitiḥā al-iyya” [Women and the Opening of Society], al-‘Irfān 15, no. 8 (1928): 841–47. In another article, the author highlighted how “a refined woman” is vital to the national revolution, and how the principles of wearing a hijab empowered this movement. Fatāt al-Furāt, “hawla ‘ariqī al-mar’a” [About the Path of Women], al-‘Irfān 20, no. 1 (1930): 97–98.
between women and their role as the bearers of nationalism was repeatedly propagated in al-
‘Irfān, and it was predominantly for this reason that women had to be reformed and enlightened. The woman was not only the womb that birthed the future children of the nation, but she was also the vessel of national formation whereby “the suckling from the mother’s breast,” as noted in one article, was not only a physical act but a transmission of morals and character.321 The need to reform Shiʿi women was deemed important, because it was through women that the nation was born.322 As Najmabadi argued in her work on Iran, the womb was not only a vessel but a school (maktuḥ), and as such it embodied the same disciplinary and regulatory functions as a school.323 This nation was birthed through the development and reform of Shiʿi women to enhance the sect.324 In another article titled “Al-‘Irfān and Women,” the author acknowledged the excessive attention given in the journal on “upbringing, education, health, and housekeeping,” and claimed that this was due to the fact that women must be modernized in order to “bring honor (karama) to the nation” and “make you (the Shiʿas) into nationals.”325 Women became a repository of sectarian and national honor. The Arabic word used in al-‘Irfān to denote honor was karama or ‘ird.326 In her work on Egypt, Beth Baron reveals how national honor developed in the wake of imperial intervention and occupation among Egyptian

321 “Al-tarbiya wa ta’lim” [Upbringing and Education], al-‘Irfān 10, no. 3 (1924).
322 For more on this concept see Rhoda Kanaan, Birthing the Nation: Strategies of Palestinian Women in Israel (Berkeley and Los Angeles: University of California Press, 2002).
323 Najmabadi, Women with Mustaches and Men without Beards, 184.
324 “‘Il ‘abnāʿ ʾamātāy wa wataniy” [To my Mothers Sons and Nation], al-‘Irfān 29, no. 3 (1939): 288. This article argues that nationalism is weak due to the state of mothers. It argues that mothers must be protected and given dignity because they are needed for the nation to grow and gain independence.
325 My emphasis. This article (and journal) spoke to a Shiʿi audience. “Al-‘Irfān wa-l-marʿa” [Al-‘Irfan and Women], al-‘Irfān 24, no. 5 (1928): 589–90.
326 Baron elaborates on the various connotations and meanings of honor in Arabic. See Beth Baron, Egypt as a Woman, 41.
nationalists.\textsuperscript{327} With the nation imagined as a family, the projections of women became a means to protecting national honor. In the case of Egypt, as Baron has shown, “notions of family and national honor varied over time and in different contexts and could be used in reference to internal and external cultural and political threats.”\textsuperscript{328} In the context of the Shiʿa as in the Mandate period, the threat was both an internal and external one. As this dissertation has shown, the marginalization of Shiʿa as coupled by their legal recognition by the mandatory state brought a growing awareness of sectarian concerns and need to bolster the status of the Shiʿa as among the other Lebanese sects. The colonial external threat, as discussed in Chapter one, spurred an anti-French, pro-Arab movement among prominent Shiʿa as during the 1920s and 1930s. These circumstances brought about an urgency by the Shiʿa as to affirm their “Arabness” and nativeness to the land and nation.\textsuperscript{329} It was in this atmosphere that Shiʿi women were promulgated as mothers of the sect and nation in \textit{al-ʿIrfān}. Women had to be ameliorated to become marriageable in order to raise the stature of the nation and give birth to promising Shiʿi national subjects. As the vessel of the future children of the sect, women had to be reformed to save the institution of the national sectarimized family. The reformation of women as future spouses and housewives had to be achieved for Shiʿi men and the sect to advance in the Lebanese nation-state.

In another such article titled “What is the Path for Women in Our Country,” Suʿādat Qaddureh, one of the few female contributors, recounted how even Napoleon Bonaparte’s observed “the ignorance” of the women of this nation, and saw the need to “respect and preserve

\begin{itemize}
\item \textsuperscript{327}Ibid., 40.
\item \textsuperscript{328}Ibid., 53.
\item \textsuperscript{329}See Chapter one.
\end{itemize}
women and their capabilities.” Qaddureh took Napoleon’s remarks to argue that women must join in the process of advancement and progress, and it was for this reason that Shi‘i men were lagging. Rather women, as Qaddureh argued, were concerned with “adornment and beauty as though she is not a member of this nation.” In her lengthy account, she argued that Shi‘i men have not attained advancement since their fate was tied to that of women, and a national revival could only be attained “with the contribution of women to men” to solidify this cause.

Qaddureh referenced the success of the West and its progress as a template to adhere to, although not to emulate completely. In her article, as well as others that appeared in al-‘Irfān, the West appeared as a model when it came to marital relationships and companionships between men and women. However, there were many reservations in following this Western model.

In another article entitled “Between Eastern and Western Women,” the author argued that Western women worked hand in hand with their spouses while still raising kids, whereas the “Eastern man does not look at the woman as a friend.” The writer continued by noting that “there is no life if a woman is ignorant and suppressed living in a state of unworthiness,” but rather an effort to make women knowledgeable was best for the nation’s future and

---


331 Ibid.

332 Ibid.

333 Ibid. Qaddureh continues in this article that “I am not calling for woman’s freedom in the work place or to work.” Although she is not opposed to women working since the wives of Shi‘i Imams contributed in business and politics in the past. Her objective here was to educate and advance women for the sake of the nation. For more on how imperial and colonial history affected eastern national identity formation. See Wilson Jacob, Working Out Egypt; Afsaneh Najmabadi, Women with Mustaches; Lisa Pollard, Nurturing the Nation.

independence.\textsuperscript{335} Just like Qaddureh, this article envisioned Shiʿi women as part of the process toward sectarian advancement and national revival, and only with their assistance would this be attained (how this relates to the schooling of women and development of education will be addressed in Chapter five). Both writers relied on allusion to the West to justify their contentions, and push for the progression of women. As repeatedly evoked in \textit{al-ʻIrfān}, women were vital to society as the “other half of humankind,” but the journal stopped short of emulating the West and advocating for women in the workforce.\textsuperscript{336} In her final words, Qaddureh stated that this article was written “to encourage the education and advancement of women,” emphasizing that her advice “comes out of love for this glorious nation” and her “desire for a revival so that the ‘true’ woman blossoms in the future.”\textsuperscript{337} Once again, the theme of the woman as the mother of the nation and partner of man for the advancement of the nation was emphasized. However, Qaddureh, as a woman, ended her argument by assuring that her words were for the sake of the nation and not a claim for women’s rights.\textsuperscript{338} The call for the progression of women was based not on the advancement of the sex but on their ability to produce happy and productive men for

\textsuperscript{335} Ibid.

\textsuperscript{336} All these articles followed a similar line of argumentation, but stopped short of defending full independence of women as partners in the workforce. See also Suʿādat Qaddureh, “Maṭā ʿarīqī al-marʿa fī bilādan” [What is the Path of Women in Our Country], \textit{al-ʻIrfān} 12, no. 1 (1926): 72–73; “al-marʿa bayna al-ifrāṯ wa al-tafrīṭ” [Woman between Excess and Negligence], \textit{al-ʻIrfān} 6, no. 9 (1921): 409–16; “Ma yajib ʿal al-fatāt āstizihāra” [What is needed from the Enlightened Woman], \textit{al-ʻIrfān} 22, no. 5 (1931): 516; and “Al-tarbiya wa al-taʿlīm” [Upbringing and Education], \textit{al-ʻIrfān} 6, no. 5 (1921): 205–206.

\textsuperscript{337} Ibid.

\textsuperscript{338} In this article, Qaddureh made a point to clarify that she was not asking for women to enter the workforce. In her other articles, Qaddureh advocated wearing of the \textit{hijab} and the principles of Islam. Qaddureh appeared frequently in the journal with articles advocating Islam, and how Islam promotes the rights of women. See Suʿādat Qaddureh, “al-ḥijab,” \textit{al-ʻIrfān} 11, no. 6 (1926): 630; and Suʿādat Qaddureh, “Maṭā ʿarīqī al-marʿa fī bilādan” [What is the Path of Women in Our Country], \textit{al-ʻIrfān} 12, no. 1 (1926): 72–73.
society. In the case of al-ʻIrfān and its contributors, the nation was a sectarian one, and the call for the advancement of women spoke to a Shiʿi audience and readership.

Not only was the progression of women linked to the fate of the nation, but also to the future children of this nation. In an article titled “The Upbringing of Girls,” the author proclaimed that “minimal education for girls” has been considered sufficient since fathers have always thought schooling girls was unimportant.\(^{339}\) Girls, as the author argued, were only trained in household duties. It was due to this logic, the author claimed, that girls were ignorant and weaker than men, but this was an inherent flaw in society since women “are the foundation of human life and thus the decay of the world lies in their hands. She is the head of the household.”\(^{340}\) Unlike other writers, this author pinpointed the role of education in the advancement of women, and thus the nation. He continued by noting that a mother must improve her abilities to raise children through education so that her children grow up “properly.”\(^{341}\) The fate of the nation lay with the fate of the household and its ability to succeed. The lack of a proper upbringing was continuously reiterated and connected to the fate of the nation and its families as seen in al-ʻIrfān.\(^{342}\) The connection was most readily made in connection to the mother and her role in teaching her children to “love the nation” (ḥubb li-l-waṭan). Through the descriptive nature of al-ʻIrfān’s articles, mothers were given the primary duty of imbuing their children with the “appropriate” character and morals to love the nation.

\(^{339}\) “Al-tarbiya al-fatāt” [The Upbringing of Girls], al-ʻIrfān 12, no. 4 (1926): 392–94. This was not the only article of this sort or under such a heading.

\(^{340}\) Ibid.

\(^{341}\) Ibid.

\(^{342}\) “Al-tarbiya wa taʿlim” [Uprising and Education], al-ʻIrfān 12, no. 11 (1926): 89. In another article, the author noted that “the complete and proper upbringing is missing in our nation.”
In a series titled “The Ten Commandments of a Housewife,” which I discuss in greater detail below, one particular section, subtitled “The Love of the Nation is Righteous,” highlighted the role a woman had in teaching her children to adore the nation. In the article, the author emphasized the proper behavior of a woman in the home as a mother. Her job, as the author described, was to raise children and imbue them with love for the nation. According to the author, “if a child is not instilled with nationalism from his mother, he will grow up without a nation to call his own.” National pride was to be engraved in childhood by the mother in the home, and if women did not fulfill their duties properly then men would be raised without affection for their nation. The author made a poignant assertion about the role of the mother from the stage of infancy to adulthood in blossoming national pride and love for the future generation. Blame was placed on the mother if children and grown men did not have nationalist pride. More importantly, proper women produced noble men for the nation. As one article underlined, an individual with character removed from evil was a product of a proper upbringing at home by his mother. The author recounted social maladies present in men today, such as a lack of respect for parents and elders, and the consumption of alcohol resulting in diseases. The writer blamed mothers for the lack of character and morality in Shiʿi men, and advised them that “a proper

---

343 “Al-akhlāq al-fāzila” [The Preferred Character], al-ʿIrān 7, no. 5 (1922): 54–55. The article used the word “al-īmān” referring to the nation and the love toward it in a religious sentiment, almost correlating nationalism to a religion.

344 Ibid.

345 Ibid.

346 The articles always spoke of the national in the masculine form and to men.

347 Ibid.
upbringing is a combination of religious and national upbringing."\textsuperscript{348} This author extended the contention that the mother, through her role in the home, was the vessel to the nation’s future and its men. Shi‘i women were blamed for the social ills present in society.\textsuperscript{349} The author alluded to apparent societal problems in Shi‘i men, their character, and lack of national pride, yet the culpability was imparted on the mother as the embodiment of the nation. Women and their bodies were the repositories of society’s social norms and anxieties; hence, they were the ones that needed reform and modernization.

In all the articles mentioned, education, advancement, and progression of women were highlighted, but only for the sake of the nation and in particular for the future men of the Lebanese nation-state. The fate of the nation’s future lay in the hands of women, not as active participants but as producers of future male contributors to the nation. For this reason, education of mothers and girls, which will be elaborated on in Chapter five, became a prerogative during the Mandate period, which brought about the development of the first Shi‘i schools. As set out in the pages of \textit{al-‘Irfān}, however, education provided by the mother in the home was regarded as her most important contribution to the nation and Shi‘i sect.

\textbf{The Fate of the Future: A Mother’s Education Before Schooling: A Proper Upbringing}

\textsuperscript{348} Ibid.

\textsuperscript{349} The issue of societal ills as seen in the court cases is discussed in greater detail in the following chapter.
The upbringing of the house is the foundation for the future, and the upbringing of school only strengthens the foundation of the home upbringing.\footnote{Adeeb Farhat, “Tarbiya al-ahdāth” [The Upbringing of the Youth], \textit{al-Īrfān} 6, no. 11/12 (1921): 529–34.}

The above quote appeared in an article titled “The Upbringing of the Youth,” in which the author, Adeeb Farhat, outlined the steps necessary for a mother to raise her children, so that they emerged as upright and moral individuals in society. For Farhat, children began their education in the home by emulating the mother as an archetype who holds the direction of the future and the nation.\footnote{Ibid.} During the early years of the French Mandate, emphasis placed on the upbringing of the home (\textit{tarbiyat al-bayt}) over that of formal schooling became evident in the pages of \textit{al-Īrfān}. As Timothy Mitchell has noted, the meaning of \textit{tarbiya}, or education, was a new usage. Until the last third of the nineteenth century, the word \textit{tarbiya} meant to “breed” or “cultivate.”\footnote{Ibid., 88.} It was not until the last third of the century that it came to mean “education.”\footnote{Ibid.} This new usage of the word distinguished two understandings of the word. One was \textit{tarbiya} in the sense of the cultivation or growth of the human being. The second referred to “the \textit{tarbiya} of individual human beings, which means the \textit{tarbiya} of communities and nation. It was the second meaning that was new and that came to count.”\footnote{Ibid., 89.} In this second sense, \textit{tarbiya} was connected to the disciplining of individuals to function as part of a community and nation. Thus, schooling

\begin{footnotesize}
\begin{itemize}
\item \footnote{Adeeb Farhat, “Tarbiya al-ahdāth” [The Upbringing of the Youth], \textit{al-Īrfān} 6, no. 11/12 (1921): 529–34.}
\item \footnote{Ibid. Farhat referenced the West to support his claim by noting that even Westerns “discovered that woman’s responsibility is the upbringing of children.” Farhat criticized common practices of mothers, such as telling their children “if you do this, I will break your hand.” Yet, the mother did not actually break the child’s hand, and thus taught their children to lie and not adhere to her words.}
\item \footnote{Mitchell, \textit{Colonising Egypt}, 88.}
\item \footnote{Ibid.}
\item \footnote{Ibid., 89.}
\end{itemize}
\end{footnotesize}
became a part of the “political process of discipline and instruction” that informed national identification. Najmabadi has connected Mitchell’s understanding of tarbiya to images and constructions of the mother as a school (maktab) in her research on Iranian modernity. 

Mothering became a form of schooling that was defined by “nurturing and educating” the nation, and for this reason mothers needed reform. Embodying the form of a school, mothers could also be disciplined and reformed. This notion of the mother as a school was frequently referenced in the pages of al-‘Irān during the Mandate period. The foundation of the future was the home, which was ultimately in the hands of mothers. In a similar article titled “The Comprehensive Upbringing,” the author complained that Shiʿ as copied the French by educating children in schools, and filling their brains with knowledge and language, but neglected upbringing in the home. For the author, schools were supposed to build on the upbringing bestowed in the home, but when that was absent the foundation itself was lacking. Farhat continued by noting “in order for daughters to become mothers we must improve upbringing.” In the end, the author asserted that Shiʿ as emulated the French in education, but that Shiʿ as were better than the French in the area of home upbringing. And as it was frequently reiterated in al-‘Irān, it was only through the upbringing of the home that a child would eventually love the

---

355 Ibid.

356 Najmabadi, “Crafting an Educated Housewife in Iran,” 102.


358 Ibid. The article criticized how parents reward kids, but that their character is poor and hence kids are taught to lie and behave improperly.

359 Ibid.
nation as mothers were ordered to “teach them to love the nation and show them how to bestow love toward their national splendor.”

In a similar article titled “Upbringing and Education: Be Concerned with Upbringing over Schooling,” the author argued that schools and their students would not benefit if children did not have the necessary upbringings bestowed by the mother. In the nationalist discourse of al-‘Irfān, society was advised to improve and enrich the home by amending the character of mothers and the future children of the sect as members of the Lebanese nation-state. In numerous articles that addressed this topic, the mother was depicted as “the first school” as one author called it, while formal education only followed in the years to come. In order to create and nourish a suitable environment for the schooling of the home, character of the mother, as the head of the home and holder of future Shi‘a citizens of the nation, had to be amended and enhanced, and thus the Ten Commandments emerged.

**The Ten Commandments**

Starting in 1920, a series titled the “Ten Commandments for a Housewife” was readily published in al-ʿIrfān, dictating proper conduct to be exhibited by women in the home as

---

360 “al-waṣāyā al-‘ashar li-rabba al-bayt” [The Ten Commandments for the Housewife], al-ʿIrfān 6, no. 5 (1921): 277. This advice appeared in the list of the Ten Commandments for a Housewife, which is discussed in greater detail later on in this chapter.

361 “Al-tarbiya wa al-taʿlīm” [Upbringing and Education: Be Concerned with Upbringing before Schooling], al-ʿIrfān 10, no. 8 (1925): 803.

362 “Al-suʿāl wa-l-jawāb” [Question and Answer], al-ʿIrfān 20, no. 5 (1930): 632–33. Numerous articles of this nature appeared, such as “al-tarbiya wa al-taʿlīm” [Upbringing and Education], al-ʿIrfān 6, no. 5 (1921): 277; and “Ma ḥuwa al-asās al-awwal al-tarbiya” [What is the Foundation of the Upbringing], al-ʿIrfān 13, no. 1 (1927): 672–75.
mothers and wives. The series continued until 1928 with over a dozen articles dedicated to the roles of housewives. Only one article was found that focused on the Commandments for a husband. The name given to the series, “The Ten Commandments,” was interesting as it alluded to a Judeo-Christian tradition while addressing a predominantly Shi‘i Muslim audience. No explanation was given as to why such a title was chosen by the journal.

All the articles were written as a numbered list of 10 items. At times, the Commandments were concise, but most of the time they were lengthy and detailed. The series spoke directly to Shi‘i women as housewives and spouses when it advised them on a range of issues from how to treat their husbands and children, how to dress, how to conduct oneself in public among friends and strangers, and how to maintain a healthy home environment. In most of the articles, the Commandments emphasized basic things, such as the cleanliness and organization of one’s home. The articles highlighted how a housewife’s home and children must always appear clean to the outside world as a “woman is a woman if she has knowledge in sweeping and cleanliness.” Cleanliness was a sign of fulfilling the appropriate duties of a housewife and mother. In one article dedicated to the Commandments of health in the home, mothers were ordered to teach children bodily wellness, which entitled how to properly clean, eat, and exercise.

---

363 The first series of articles appeared on October 1920 and continued until 1928. Another series similar in nature appeared during the same time: “The Needs of the Home” whereby issues of appropriate roles, behavior, and health were discussed. The articles have no author indicating that they were published in the name of the journal and by its editors. See “Fawā’id manzili,” al-’Irfān 7, no. 5 (1922): 315.

364 There must have been an awareness of the modernizing reforms in Europe and changes in their familial structure. I say this only because there was an awareness in the articles to reference the West and the advances made in regard to women, but not to emulate the West which was deemed lacking in the area of family and upbringing.


366 “al-ṣīḥḥa wa tadbīr al-manzil” [Health and Housekeeping], al-’Irfān 6, no. 7 (1921): 338.
One of the most important roles for a woman was her duty as a mother, and the type of character she should instill in her children. The Commandments were specific on the mother’s role as the first (madrasa) for children, dictating to mothers the appropriate way to raise children. The articles told mothers to be aware of whom their children associated with and the company they aligned with. The Commandments addressed simple things, such as to not teach one’s children hatred and fighting so that they would not turn into hostile individuals.367 Mothers were to serve as a “model of excellence” by not teaching children through hitting and spanking, but rather by talking and taking away things as another article highlighted.368 The articles advocated women not to teach their children lying by filling their heads with fairy tales and superstition, resulting in fear, but by enriching them with extraordinary stories of “worldly men” and scholars that would empower their sons with images of “triumph and accomplishment.”369 This, the article noted, would teach children to “aspire for greatness.”370 Mothers were encouraged to bestow their children, particularly their sons, with a hatred for “injustice and humility.”371 They were told to develop in their children a sense of self-pride in order to “nourish your child from birth to be a true national,” and to “love his nation, defend it, sacrifice self and money for it, and strive for the highest conditions and independence.”372 The Ten Commandments articles provided a place where discussion on the mother’s role in crafting future sovereign citizens and


370 Ibid.

371 Ibid.

372 Ibid.
nationals could be revisited. The future citizens referenced in these articles were Shiʿi boys and men. As in most colonial and postcolonial contexts, the mother was deemed responsible for representing the nation and its struggles for independence. If the mother was reformed then it was believed that able men would be born to take on such nationalist roles. For the Shiʿas, it was a representation of the sect in the the national framework that made it important to bestow their sons with the proper characteristics and morals.

One of the most common demands listed in the Commandments directed toward mothers and their children related to financial spending. Mothers were repeatedly told to teach their children to be economical and “avoid excessive spending” because it would “destroy the household.” 373 Throughout the Ten Commandments series, the issue of excessive spending was repeated in nearly every article. 374 Women were constantly told to save and not spend above their means on clothing, the house, or the children as that would result in financial debt and family hardship. Women were constantly reminded that “saving is virtuous” while “wasting was despicable so follow the path of virtue.” 375 Women were told not to demand too much of their husbands and their capabilities to the point that it would “hinder living expenses.” 376 In many of the articles, excessive spending was connected to a woman’s desire for fashion and clothing. Shiʿi women were told not to adore themselves nor desire to emulate others, particularly Western


374 From my record only one of the 13 articles in this particular series did not directly address the issue of money, highlighting a common marital problem in most Shiʿa marriages.


women, when it came to fashion and dress. In one of these articles, women were told “do not appear Europeanized in clothing and orientation as though it is a fashion show, you are to complete the soul because that is where one finds constant beauty.” The Westernization of society was seen as a threat to the social and financial fabric of Shiʿi families. Although the construction of the sectarian home was based on a Shiʿi is self-imagining in relation to the other national sects, a perception of the West and its impact was also present. Thus, a sense of sectarian identification was both internally and externally informed to some extent. This Western factor will be discussed in greater detail below. For the most part, Shiʿi women were advised not to lose their honor and morality like the women of the West. Consequently, women were reminded to improve “their manners and modesty,” and not garnish “embarrassment” by the clothing they wore. Most importantly, women were told neither to scrutinize their husbands if they could not afford luxuries for them nor to compare what they had to what their friends may possess. Although no direct reference was made about the economic conditions of the time, these articles were written just as World War I came to an end, and the political, financial, and social situation in the region remained uncertain. What was clear from the attention given to the issue of spending was that this was probably a common problem in Shiʿi marriages and society as a whole during this period.

377 “al-waṣāyā al-ʿashar li-rabba al-bayt” [The Ten Commanements of a Housewife], al-ʿIrфан 6, no. 3–4 (1921): 191. The article goes as far as stating that the “generation of fashion you imitate is from another world,” one that has moral deprivation.


379 In one of the Commandment articles, women were told not to read Western magazines.


One of the main reasons why women were advised in the Commandments not to overspend was the discomfort it would cause their husbands, and how this conflicted with the proper way a wife should act toward her spouse. Women’s excessive spending threatened the ability of men to be sufficient providers, and hence their primary responsibility as breadwinners (discussed below). The Commandments told women not to burden their husbands, but rather help them save while making the home environment as pleasant as possible. Women were reminded to always greet their husbands “with happiness and smiles and bidding him farewell and wellness,” while always being “delightful with her words and speech.” Thus, women were told not to demand too much from their husbands, and “move away from everything that bothers” them or may cause them discomfort in the home. A wife must be “patient” and “praiseworthy” of her husband at all times, so that he doesn’t distance himself from her and the home. A wife was told to always be concerned with her husband and “to never leave the house if he was home,” but to be attentive to his every need when he was around. Women were told to be “attractive for their husbands” but not too attractive to beget attention from others since “men are jealous” by nature.

The Commandments were directed solely toward Shiʿi women. The Commandments were a guideline to maintaining a healthy and wholesome home for which the Shiʿi woman was

---

384 Ibid.
386 Ibid.
deemed responsible. By obeying these Commandments, mothers of the nation were raising proper Shi‘i citizens worthy of modernity while also producing happy husbands. A prosperous nation would blossom out of blissful Shi‘i homes. Consequently, the underlying objective of the Commandments was to avert familial problems since an unhappy home could result in divorce, which would signal a failing nation.

How to Prevent Divorce: For Shi‘i Women

The Ten Commandments series was intent on enriching the home by bestowing women with the right character on the one hand, and on the other hand informing Shi‘as how to maintain happy marriages, and most importantly, avoid divorce. Divorce statistics among Shi‘i Muslims living in Lebanon during the Mandate period are not available, but from the articles in al-‘Irfān it can be inferred that divorce was a significant societal issue frequently discussed within the community. In one such article titled “How to Prevent Divorce,” Shi‘i women were constantly reminded to pay attention to their husbands, and not to neglect them so that it would not lead to other marital repercussions. They were reminded to stay attractive for their husbands, so “they didn’t look elsewhere.” In several articles, women were warned about the effects of spousal neglect. They were told to be mindful of men “so that he does not run to the coffee shops and places of entertainment.” The meandering of men to idle and immoral places was deemed the

388 Sharif ‘Usayran, “Kayfa yamtani‘ al-ṭalāq” [How to Prevent Divorce], al-‘Irfān 9, no. 3 (1923): 270.
389 Sharif ‘Usayran, “Kayfa yamtani‘ al-ṭalāq” [How to Prevent Divorce], al-‘Irfān 9, no. 3 (1923): 270.
woman’s fault for not meeting the needs of her husband. Women were told to remain attractive and engaging for their husbands and “to do whatever it was to please and entertain him to keep him home.” One way to keep a man away from the coffee shops was by enhancing herself with “knowledge” since an educated woman was “captivating to her husband.” According to the article, a man would “no longer need to visit the coffee shops” if his wife was able to engage him intellectually. Ironically, women were once again blamed for their husband’s deviation (just as in the issue of alcohol discussed below) from the home and his lack of investment in the family. To avoid such an occurrence, the Commandments told women to enrich themselves with beneficial readings related to “religion, child bearing, housekeeping, and worldly knowledge,” not only for their children but for their husbands. However, they were to educate themselves just enough so that they could converse and engage in discussion with their spouses but not counter them, especially in front of others. Women as future wives were not only mothers and bearers of offspring for Shiʿi men, but companions and partners needing to be disciplined and reformed to become suitable spouses.

For the sake of keeping men at home, al-ʿIrfān instructed women on how to behave and act, so that husbands remained happy and invested in their marriages. In another article titled “Health and Home Upbringing,” women were told to maintain a positive attitude and character imbued in “generosity and forgiveness,” and stay away from “stubbornness and envy,” so that

---

391 Ibid.
393 Ibid.
395 “wasāyā al-zawjīy” [Marital Commandments], al-ʿIrfān 11, no. 6 (1926): 271.
the familial home remained a pleasant place for all.⁴⁹⁶ Not only were Shiʿi women warned that their men may stray to coffee shops, but that they may end up in the arms of a foreign woman if they did not adhere to the advice at hand. Reference to the West was both utilized and feared as it related to the question of Shiʿi women. Throughout these articles, the West was at times utilized to bolster the situation of women, and at other times warned against its encroachment.

The stance al-ʿIrfān writers took on the West in regard to the question of women was one of reference, but stopped short of emulation and maintained a distance from the West. In one article titled “About Women” written under the pseudonym akhū muẓīr (Afflicted Brother), the author expressed his concern over the excessive attention placed on the issue of women that called for their advancement and expansion of rights in society.⁴⁹⁷ According to this author, he supported the advancement of women, but not “at the expense of the family.”⁴⁹⁸ He objected to the way in which magazines “glorify women” and call their inclusion in the workforce necessary.⁴⁹⁹ He continued by noting that such a position would harm families and pose a peril to society and the nation. He deemed this proliferation of extravagant women’s rights as a Western “cultural” attack, “as opposed to a military one,” that was “not in the benefit of the nation.”⁵⁰⁰ He concluded by noting that Shiʿas needed to “preserve their women” and families, and that they needed to limit such provocations since “we have yet to attain political rights” as a society.⁵⁰¹

---


⁴⁹⁸ Ibid., 576.

⁴⁹⁹ Ibid.

⁵⁰⁰ Ibid., 577. The word being used in the article is “ajnabīya,” literally meaning foreign.

⁵⁰¹ Ibid.
The threat of the foreign “other” was seen as endangering the family, and thus the nation. The presumed encroachment of the foreign “other” informed al-ʿIrfān’s understanding of familial roles and directed the methods in which to reform Shiʿi women as it constructed new notions of femininity. As a forum of Shiʿi middle-class perceptions, al-ʿIrfān reflected anxiety over sectarian formation and national inclusion, which was embodied in the articulation of gendered roles.

The Foreign Threat: Eastern Woman vs. Western Woman

The troubling state of Shiʿi marriages, as depicted in al-ʿIrfān, was worsened by a presumed Western threat in the embodiment of European women. In a few articles focusing on the topic of family, marriage, and divorce, the issue of Shiʿi men marrying foreign women was addressed as a threat to the nation and its future. In the previous article discussed, Fatāt al-Furāt correlated the crumbling state of marriages and spousal problems in Shiʿi society to the deprivation of marriages and “the ailment of marrying Europeans.”

She continued to note that young men go off to Europe to be educated and subsequently return with European wives due to the dilapidated marital conditions in Shiʿi society and the lack of suitable Shiʿi women. The author was troubled by the ability of a European woman “to win the heart of” a Shiʿi man even though she did not share his “language, religion, culture, food, and manners.” The reason for this, Fatāt al-Furāt argued, was that a European woman was stronger than an Eastern woman, and

---

402 Fatāt al-Furāt, “Ḥayātunā al-ʿāʾiliyya” [Our Familial Life], al-ʿIrfān 20, no. 3 (1930): 418. The word “marad” literally means “disease” or “illness.”

403 Ibid.
thus he could live with her in “comfort and ease.” The European woman, she argued, was one who makes the home a pleasant place. She behaved as a partner to her husband with whom he could converse with and discuss “matters of the heart.” According to Fatāt al-Furāt, this only worsened the state of Shiʿi families, making it ever so pressing to remedy the marital conditions in Shiʿi society. If Shiʿi men were not marrying European women, Fatāt al-Furāt claimed that they were deciding to remain single to avoid the horrid state of marriage within the community. The companionship of the Western woman was more attractive to the Eastern man since she was able to fulfill his needs intellectually while still sustaining her duties of the household. The Shiʿi woman as perceived in al-ʿIrftān was unable to do either.

In another al-ʿIrftān article titled “Between the Western and Arab Woman,” it claimed that the reason that Shiʿi men preferred Western women as opposed to Eastern women was due to the fact that Western women worked hand in hand with their spouses while maintaining their childrearing role. Eastern women, however, remained ignorant and obedient to their spouses, treating their husbands like “father figures rather than companions.” Eastern men, the article argued, needed women who could assist and support them as partners and friends, and who did not treat them as authoritative figures they feared. This article, like that of Fatāt al-Furāt, was concerned that the state of Shiʿi marriages was crippling the fate of the nation and thwarting the

---

404 Ibid., 418–19.
405 Ibid.
406 Ibid.
nourishment of upright citizens. Through this examination of *Al-ʿIrfān*, the journal saw a need to discuss the conditions of Shiʿi marriage, focusing most of its attention on women and their marital duties.\(^{409}\) The journal advocated women to become more knowledgeable about the world and their homes in order to successfully produce healthy marriages and future children of the nation. However, *al-ʿIrfān* and its contributors were either ambivalent or stopped short of advocating full independence to women as members of the workforce.

The immense proliferation of articles by various Shiʿi notables, ʿulamaʾ, and scholars on the issue of family indicated a sense of anxiety over gendered roles, particularly those of women, just as the community transformed into a nationalized sect confined to the boundaries of the Lebanese nation-state. As previously argued, the newspaper represented similar concerns about marriage and gender roles that other colonial and postcolonial nations experienced.\(^{410}\) However, in the case of Lebanon, this anxiety over the familial space appeared in a sectarianized form. It was this sectarianized need to reform the family space that guided the inclusion of the Shiʿa into the Lebanese nation-state. *Al-ʿIrfān* was on the one hand cosmopolitan in its stance on familial and gendered relationships, yet on the other hand localized, particularly to the political and social situation and concerns of a Shiʿi community. Citizenship in the Lebanese nation-state was guided by sectarian markers and practices, and these modes of identification, as this dissertation has argued, affected the practices of marital relationships and gender roles as seen in the Shiʿi case. In many ways, Shiʿi Muslims as a national sect in a new modern nation-state encountered the same type of anxiety over modernizing; however, for Lebanese Shiʿa as this was the first time


\(^{410}\) Despite the presence of these articles in *al-ʿIrfān*, they did not compare to the attention given to the issue of women by other Muslim newspapers in the greater Middle East, such as in Egypt where a growing sense of Sunni modernity emerged in the late nineteenth century.
that a sectarian-driven effort was made in this respect. As I have argued in the previous chapters, this growing awareness was based on the recognition of the Shiʿi sect and the institutionalization of a politicized sectarian identity as a form of Lebanese citizenship. What I have shown here is how that came to play a role in the realm of Shiʿi gendered practices, particularly as it related to women, and the proliferation of the sect as a national entity. Despite the emphasis placed on Shiʿi women in this effort, al-ʿIRFĀN did attend to the issue of men even if in a limited scope.

Part Two: Narrating (or Not) Masculinity in the Press and Its Relationship to the Shiʿi Sect

In the opening article to the chapter written by Fatāt al-Furāt titled “Our Familial Life,” she briefly made note of the faults of men in her discussion of the staggering state of Shiʿi marriages. In her analysis, she blamed men’s lack of knowledge regarding their marital responsibilities as one of the main reasons for the “detrimental state of marriage.” She argued that men had to be made aware of what a marriage entailed in order for it to succeed and the future of the nation to thrive. One of the main problems according to Fatāt al-Furāt was that Shiʿi men were not made aware of their responsibilities and how to conduct themselves in the familial space before their wives and children. As a result, women and children feared the husband (and father) “to the point of no communication and hatred.” While she did not go on how to amend such relationships in-depth, Fatāt al-Furāt did highlight that a husband must be respectful of his wife in order to establish an environment of communication and understanding. Although Fatāt

---


412 Ibid.
al-Furāt complained about the marital predicament found among Shiʿas, she did not dispense much advice regarding men in particular. Wilson Jacob’s study on effendi masculinity reveals how through the notion of al-riyāda (cultivating) and salvation of self in colonial Egypt both informed and limited understanding of the national.\(^{413}\) His analysis of effendi masculinity in print culture reflects how the al-Muqtataf and al-Hilal journals were a space of “making and unmaking” a “self-conscious modern subject.”\(^{414}\) In an attempt to following Jacob’s analysis on the press, this section tries to see where, if anywhere, was masculinity defined and how it projected the national Shiʿi man. However, in the case of al-ʿIrfān the journal touched only briefly on the question of men during the Mandate period.

In my analysis of al-ʿIrfān, only a handful of articles were found between the 1920s and 1930s addressing men in relation to their proper roles as husbands and fathers. Unlike the abundance of articles speaking to women, only a few placed blame on Shiʿi men for the suffering marital state among Shiʿas, and its subsequent impact on the nation. In the few articles that mentioned the obligations of men, their roles were defined primarily by “monetary obligation” as heads of households.\(^{415}\) The impact of World War I coupled with increasing European control over agricultural production and encroachment of European capital and products in the region brought about economic hardship during a volatile political environment.\(^{416}\) In the case of Lebanon, Shiʿas had suffered most profoundly due to their

\(^{413}\) Jacob, *Working Out Egypt*, 15.

\(^{414}\) Ibid., 70. Jacob also reveals how the notion of effendi masculinity was contradictory and limiting when it came to matters of physical culture, dress and sexuality. Jacob, *Working Out Egypt*, 46.

\(^{415}\) Ibid; and “al-waṣāyā al-zawjiyya” [Marital Commandments], *al-ʿIrfān* 11, no. 6 (1926): 271.

residence in the most economically impoverished and rural parts of the region.\footnote{417} Heightened economic hardships affected the state of marriages as growing emphasis was placed on materialistic expenditures of wives in the pages of \textit{al-‘Ir\=an}. The importance of marriage in newly formed nation-states, as Khouloussy argued, “did not merely reflect a union between a man and a woman; it signified a man’s capability to assert his full economic independence, individually and collectively as a member of an imagined nation.”\footnote{418} Marriage, in many ways, proved a man’s capability and independence as a financial provider, and thus as a responsible member of society. The inability of a man to provide for his family, or overt financial pressures placed on husbands by their wives, contributed to marital problems, and the aversion of men to enter the institution of marriage. With the state of marriage threatened, men could not be disciplined into being economically responsible members of society and the state. However, for the Shi‘as of Lebanon, their recognition as a sect within the nation-state only heightened the need to produce able men who could provide for its future families and citizens. In the case of Lebanon, sectarian identity based on kinship blood lines became the only form of nationalized citizenship, and thus marriage was the institution that continuously produced future national subjects, needing regulation and reform. In the one article titled “Commandments to the Husband,” the main demand was for the husband to assume financial responsibility for his family.\footnote{419} Even when their roles were defined monetarily, the newspaper never elaborated on what this meant, and the financial requirements it entailed, other than that they were to support


\footnote{418} Kholoussy, \textit{For Better, For Worse}, 28.

\footnote{419} Ibid.
the family. As seen previously, it was women more than men who were reprimanded on their monetary spending. Women were continuously told to curb their financial expenditures and limit the demands they made of their husbands in this regard. As Khouloussy has argued in her research, monetary obligations defined the role of husbands and their masculinity in marriage in early twentieth century Egypt. The little written in *al-ʿIrfaṇ* about Shiʿi men focused on their ability as financial providers. Marriage proved a man’s capability as a financial provider and a responsible member of society. This aspect defined Shiʿi masculinity as their ability to support their families proved their independence and responsibility to society. A man’s inability to provide for his family was seen as an infringement on Shiʿi marriages and a reason for growing marital problems. Growing marital turmoil, as presented in these articles, was seen as the culprit in the failing state of the nation. Thus, the state of Shiʿi marriages had to be reformed. Marriage as an institution was encouraged as its success led to the success of the nation and the production of able citizens.

For the most part, the few articles that did appear in *al-ʿIrfaṇ* sought to advocate marriage in hopes of persuading its audience that the institution of marriage was more beneficial than divorce or bachelorhood. *Al-ʿIrfaṇ* strongly advocated the importance of marriage and the need to remedy the current state it was in. However, the journal made little effort to speak directly to men, and the role they played in sustaining a happy marriage. Although a dozen articles dictating the “Ten Commandments of a Housewife” were published in *al-ʿIrfaṇ* in the 1920s and 1930s, only one article addressed the “Commandments for a Husband,” and it appeared in conjunction with...
with that on women. Unlike the detailed Commandments dictated to Shi‘i women and discussed previously, the articles addressing men prescribed the way men should treat their wives, so that divorce would not occur. Basic advice was iterated to Shi‘i husbands in that they had to “be generous” and “respectful” to their wives and approach them with kind words. When the journal addressed married Shi‘i men, it focused on nominal things as seen in the article “Beware Husband, Beware Wife.” This article provided men with instructions on how to act, and what they should and should not do in front of their spouses. In its transcription of advice, the husband was told “not to annoy or hover over his wife,” or “come home smelling of cigarettes,” and “not to be serious all the time since humor will delight your wife.” The article pondered trivial things such as “don’t slouch because your wife likes to see you in an upright posture,” while not directly attending to how a husband must treat his wife or behave in the home. Little to no advice was given on how to treat his spouse or act as a father. This was in stark contrast to the attention Shi‘i women received in this regard in al-‘Irfān. For the most part, the articles that appeared elaborated on the importance of marriage and how to avoid domestic unrest. The few articles in al-‘Irfān that spoke to men sought to advocate marriage in hopes of persuading them that matrimony was indeed more beneficial than divorce. Unlike the stance of al-‘Irfān on Shi‘i

422 Sharif ‘Usayran, “al-waṣṣāyā al-zawj” [The Commandments for a Husband], al-‘Irfān 9, no. 3 (1923): 270. Interestingly, a Christian reference is utilized to discuss female normative behavior. This may have various implications; reform that appeared in a Christian Western form as the way to attain modernization for Eastern women. This could have merely been a reiteration of what Europe adhered to in previous years, or a confirmation of the Christian face of modernity.

423 The article appeared under the title “How to Prevent Divorce” [Kayfa yamtani al-ṭalāq].


426 Ibid. There was a small section addressed to women in this article whereby women were told that they had to marry for love but warns women to examine the person they are marrying more carefully, and consider his past and intelligence.
women, their advice to men was not wittingly intertwined to the future of the nation. On the few occasions al-‘Irfān mentioned desirable characteristics for Shi‘i men in the scope of marriage, it was directed toward the traits that would make men model individuals rather than suitable husbands and fathers.

Marriage and the Ideal Shi‘i Young Man

In the series titled “Health and Housekeeping,” one particular article focused on the future of marriage and the “Healthy Character” needed to sustain it. Although the article professed to address the issue of marriage, it was geared toward the development of young men’s characteristics as prototypical individuals, not necessarily as spouses. It aimed to produce “wholesome” young men with appropriate character in both “body and mind.”427 In dictating the necessary steps to attain this, the author pointed out the noble traits necessary for a young man. A noble young man was defined as one who aspired “for success” and could “handle adversities with ease and precision” while maintaining an optimistic perspective on life.428 The article concluded by proclaiming that the most important characteristic of an honorable man was his aspiration “for the happiness of his family.”429 Although the article was written with the intention of tackling the appropriate personalities of men in the institution of marriage, it focused on the nourishment and mindset needed to produce young Shi‘i men of healthy body and mind. The article made little mention of their roles as future husbands and fathers, but rather as sovereign


428 Ibid.

429 Ibid.
members of society and upright citizens of the nation-state. According to the press, the function of Shiʿi men was not particularly rooted in their abilities as fathers and husbands, but as national subjects who were financially responsible and independent to sustain a marriage. However, this did not stop *al-ʿIrfān* from advocating the institution of marriage as a necessary component to constructing the Shiʿi male citizen.

The idealized young Shiʿi man was imagined as one who formed a union with a physically able and healthy Shiʿi woman.⁴³⁰ In a peculiar article titled “Lessons of Health,” a portion was dedicated to the connection between “marriage and disease” as it related to choosing a suitable wife. The article advised a man to make sure that his potential wife “did not have a disease such as tuberculosis,” or that he not marry “any immediate relatives as it might increase health problems or disease.”⁴³¹ In many ways, the ideal spouse was to be paired with a “healthy” body removed from illness as the sovereign citizen was to embody both mental and physical “flawlessness” in order to secure the future of a healthy nation-state. The article continued by deterring marriage by both men and women to individuals of an older age, advocating them to choose a young spouse. In the production of Shiʿi marriages, the ill and the elderly were deemed a threat to the fashioning of national sectarian citizens.

Marriage: The Road to Happiness


⁴³¹ “fawāʿid ʿiḥḥā” [Lessons of Health], *al-ʿIrfān* 9 no. 6 (1921): 188.
The doctor claims that nothing opens one’s eyes like marriage.\textsuperscript{432}

In the article “Yes Marriage is the Cure,” the writer made the above claim in his endorsement of marriage as the way by which one attained true meaning and purpose in life.\textsuperscript{433} Marriage was deemed a necessity in life and one that must be preserved and aspired to.\textsuperscript{434} Marriage was seen as the institution that produced future families and citizens of the nation-state. The encouragement to marry was presented in \textit{al-‘Ir\f\text Degree f\text Degree n} during this period. The emphasis on marriage and familial relationships, as this chapter and dissertation have argued, was informed by a growing sense of Shi‘i sectarian awareness. Another such article “The Happiness of Marriage,” began by declaring the following: “If you want to attain a happy marriage which is the most important thing that comes out of life then follow these steps.”\textsuperscript{435} The author proceeded by numerating nine steps to achieving this, beginning by offering simple advice to men, such as to pick a wife he loved and whose personality corresponded with his.\textsuperscript{436} At the same time, however, the author advised men to be weary of drowning in the notion of love.\textsuperscript{437} The list provided a set of basic principles, such as to respect one’s wife and “request from her what she is capable of and not that of excess,” and do not give in to “all her requests even if you can because one day it will surpass what you can provide.”\textsuperscript{438} Once again, the notion of monetary obligation

\textsuperscript{432} Sharif ‘Usayran, “Kayfa yamtani’ al-ṭalāq [How to Prevent Divorce], \textit{al-‘Ir\f\text Degree f\text Degree n} 9, no. 3 (1923).

\textsuperscript{433} The statement is made in a rather comical situation in which a girl is suffering from inflammation of the eyes whereby the doctor tells her father that only marriage would cure her. “Na‘am al-‘ilāj al-zawāj [Yes Marriage is the Cure], \textit{al-‘Irf\text Degree an} 19, no. 3 (1930): 384.

\textsuperscript{434} Ibid.

\textsuperscript{435} “al-sā‘āda al-zawjiyya” [The Happiness of Marriage], \textit{al-‘Irf\text Degree an} 29, no. 6 (1939): 610.

\textsuperscript{436} Ibid.

\textsuperscript{437} Ibid.

\textsuperscript{438} “al-sā‘āda al-zawjiyya” [The Happiness of Marriage], \textit{al-‘Irf\text Degree an} 29, no. 6 (1939): 610.
within limits was highlighted as a husband’s responsibility and classification of masculinity.\textsuperscript{439} The threat of divorce, or another woman, reflected in many ways the fragileness of not only the institution of marriage, but of the future of Shiʿi as a sect and national entity. Marriage not only embodied the sanctity of the family, but of the Shiʿi sect as a microcosm of the nation-state. For the newly recognized Shiʿi sect, these became more pertinent as it defined a new form of middle-class masculinity in the pages of \textit{al-ʿIrfān}.

In the few articles addressing men in \textit{al-ʿIrfān}, they were meant to inform them on the significance of marriage as spouses and responsible members of society, but also in hopes of avoiding divorce. The possibility of divorce was not only a threat to the institution of marriage, but to the newly nationalized sect.

\textbf{Marriage Over Divorce Or Bachelorhood}

Even more than promoting marriage, \textit{al-ʿIrfān} warned against divorce or even worse the decision of Shiʿi men to remain bachelors. As has been previously noted, women were continuously reminded of the possibility of men leaving and finding extracurricular activities outside the home if they did not please their spouses. Divorce was not only seen as a threat to the institution of marriage, but to the development and nationalization of the Shiʿi as a viable sect in Lebanon. Divorce also endangered the fate of the future children, and thus citizens of the nation-state. Given that there were no records of the divorce rate among Shiʿi Muslims at the time, particularly since the Jaʿfari shariʿa courts were only created in 1926 to document marital affairs, the attention given in \textit{al-ʿIrfān} represented insight on the social happenings of the Shiʿi

\textsuperscript{439} The author culminated by making sure to warn women once again to please their husbands or they were sure to find them in the arms of other women or leaving the house all together.
community. This was evident in the increasing number of articles addressing the issue of divorce and why marriage was important to sustain. Al-‘Irфан advised its readership to take preventative steps to avoid divorce by assuring that the necessary precautions and agreements were made before the consummation of marriage. In order to prevent divorce, marriage had to be modified and women were to be reformed and “modernized” as previously discussed.

In an article titled “Divorce and Polygamy,” the author elaborated on why divorces had been happening in larger numbers in Shiʿi society. The author, Hassan Sharārah, described a few scenarios in which divorce occurred, and why in such situations it was necessary. Sharārah noted that marriages were consummated under the pretense of love and emotions; however, when insurmountable disagreement between the couple occurred, divorce was necessary. Sharārah warned that couples must prearrange matters of nafaqa (alimony) before entering into marriage to assure that the unity would be dissolved properly if need be. He placed the blame on both men and women when divorce occurred in such context. However, Sharārah described another scenario by which divorce happened: the husband permits his wife to entertain herself in the theater and go out dancing without his presence. In such a scenario, the author claimed that it would be of no surprise that his wife would be in “the arms of another man” and “cheating on her spouse.” Inadvertently, Sharārah placed blame on the husband for permitting such behavior and digressions, yet endorsed divorce in this kind of situation. In his article, Sharārah legitimized the instances that divorce was acceptable and justifiable, yet saw the need to prevent

441 Ibid., 579.
442 Ibid., 580.
443 Ibid.
such situations from occurring.\textsuperscript{444} In the end, Sharārah concluded by reasserting the need to cherish the tenets of marriage so such circumstances legitimizing divorce did not emerge. Although divorce was seen as an inevitable element of life, it was one that had to be limited and guarded against. Divorce represented the fragility of not only the establishment of families, but of the sect as a national entity. In many ways, Sharārah justified the occasion for divorce because such relationships and homes were also not suitable to raise future citizens of the sect. The fate of the future children and citizens of the sect were deemed more important than the preservation of marriage, and hence divorce was acceptable and not as detestable as bachelorhood.

Bachelorhood, in many ways, was deemed a greater threat to Shi‘i families than legitimized reasons for divorce. During this period, the issue of bachelorhood in the pages of \textit{al-‘Irfān} was seen as problematic to the growth of Shi‘i society. Bachelorhood hindered the establishment of Shi‘i families, but also of the sect by producing men who upheld no responsibility and economic obligations. Whereas divorced men (and women) were at one point married and desirable, and thus continued to uphold financial duties to their ex-wives and children, single men did not. As discussed above, women needed to be modified and reformed, so that Shi‘i men would be eager to marry them as opposed to remaining bachelors. In one such article titled “Marriage and Bachelorhood,” the author reiterated the need to “secure the state of marriage from the threat of bachelorhood” for the “mental, physical, and health benefits” it provided for society.\textsuperscript{445} The author encouraged the need to marry for men since bachelorhood

\textsuperscript{444} Sharārah elaborated on the issue of men marrying multiple wives as permitted in Islam. He illustrated how this aspect of Islam, if followed correctly, could work but was hard to do. He argued that if a man desired multiple wives to fulfill his needs, he had to treat all (up to four) wives equally in all matters, ultimately making it impossible to uphold. Subsequently, he advocated that it would be best for a man to marry one woman rather than place himself in such a difficult predicament. “Ta‘lāq wa ta‘addad al-zawajāt” [Divorce and Polygamy], \textit{al-‘Irfān} 19, no. 3 (1930): 580.

\textsuperscript{445} “Zawāj wa ‘uzzāb” [Marriage and Bachelorhood], \textit{al-‘Irfān} 16, no. 3 (1928): 323.
was “not beneficial for the family.”\textsuperscript{446} However, the article cautioned entering marriage before making sure the necessary preconditions were made, so that any marital unrest or divorce was prevented and therefore any future problems.\textsuperscript{447} Bachelorhood countered the sanctity of marriage by threatening to produce idle, irresponsible men who did not invest in the future of the nation and their families. Despite this, \textit{al-‘Irfān} placed the burden of marriage and its desirability on women.

As previously discussed, the reluctance of men to get married or even marry foreign women was seen as the fault of Shi‘i women for not adhering to men’s needs and standards as both a partner and active member in society. For the most part, it was women whose conduct would determine the success of a marriage. Women were told to modify themselves for the advancement of the nation, thus defining a new mode of middle-class femininity as prescribed by \textit{al-‘Irfān}. At the same time, \textit{al-‘Irfān} pushed Shi‘i men toward marriage and deterred divorce. In many ways, masculinity was defined in relation to the excessive attention adhered to femininity and the impact that women had in bolstering men of the Shi‘i sect. \textit{Al-‘Irfān} had only a few articles addressing men and their spousal role. For the most part, the understanding of Shi‘i men came through the medium of how women should act in marriage. The problems in Shi‘i marriages and the reasons for the divorce hike (although no statistics are presented) were placed on the women who were pushing Shi‘i men to remain single or fall in the hands of Western women. Whether or not the divorce rate was high, there was a perception among the Shi‘i community through the press that divorce was heightened, and hence a threat to the institution of

\textsuperscript{446} Ibid.

\textsuperscript{447} Ibid. The article warned against any physical or mental ailments that a man or woman may have before entering marriage, and how these should be addressed before marriage in order to prevent divorce. If this was not done, bachelorhood would be a better option than marriage leading to divorce.
marriage and Shiʿi families. According to the few al-ʿIrfān writers who tackled the issue of marriage and potential divorce, reforms in the space of the family had to be addressed and modified. Divorce and possible bachelorhood could be prevented if marriages and women were reformed to meet the needs of Shiʿi men and the new nation-state.

**Conclusion**

Unlike the excessive press coverage on the role of women in parenting Shiʿi children, there was little to no reference to the father’s role as a parent. The press by and large did not blame men for the failure of marriages or struggles of parenting, but bestowed women with this duty. Al-ʿIrfān dictated to women, who happened to be the smallest portion of their reading audience, the appropriate parental roles and responsibilities to the nation-state as mothers and bearers of the future citizens of the nation-state. Though speaking to women, interestingly men made up the majority of readers of these articles.⁴⁴⁸ Speaking to a (largely) small upper-middle class male reading audience, al-ʿIrfān represented the normative discourse of a particular segment of Shiʿi society that placed the obligation of the family and the responsibilities for its success (and failure) on women. Despite this, this (small class) tier of Shiʿi society possessed social and political pull to be a mobilizing force for this group in the larger framework of Lebanese politics.⁴⁴⁹ Al-ʿIrfān projected middle-class perceptions on Shiʿi masculinity and

---

⁴⁴⁸ Ironically these articles were addressed to women while read largely by men. There is something interesting about men writing and reading articles purportedly aimed at educating women in their roles as they pertain to men. An argument can be made that women were to be educated by men.

⁴⁴⁹ This minority group of the Lebanese Shiʿi community consisted of the ʿulama’, scholars, and petite bourgeoisies who came to play an active role in the pan-Arabist movement and the political demands for Shiʿi rights in the nation-state. This aspect is discussed in more detail in Chapter one. For more on the political demands of Shiʿas
femininity as it related to familial life and the sect as a whole. Through the proliferation of articles on this subject, al-ʿIrfān represented the struggle over sectarian identification and inclusion in a newly defined nation-state. Notions of masculinity and femininity were constructed and reproduced in relation to one another. In many ways, femininity was defined through women’s contributions to men (as mothers and wives), whereas masculinity was defined through men’s contribution to the nation (while their roles as husbands and fathers was deemed negligible). In many ways, as Najmabadi argued, these prescriptions given to women were “at once a regulating and an empowering moment” as women were deemed the cornerstone of society, and thus bestowed with a greater role in it.450 However, with this more active role in the production of the nation-state came the need to discipline and regulate women in their mothering and spousal roles. Marriage and the possibility of divorce or bachelorhood represented anxiety over a contested space for Shiʿi sectarian and national formation, which Shiʿi women more so than men were deemed responsible for.451

Although al-ʿIrfān presented a new middle-class perspective on the duties and obligations of men and women in marriage, the Jaʿfari shariʿa court records painted a more complicated picture of these duties and the understanding of gender roles in everyday Shiʿi life, which will be addressed in the next chapter. Whereas Al-ʿIrfān provided a subjective analysis of middle-class constructions of masculinity and femininity, records of the Jaʿfari shariʿa courts in comparison presented a more nuanced record of the ways in which gendered roles were practiced. Despite the fact that the Shiʿi press attributed financial responsibility on men as the

---

450 Najmabadi, “Crafting an Educated Housewife in Iran,” 102.
451 Kholoussy, For Better, For Worse, 11.
marker of masculinity, by examining the Ja’fari court records in conjunction to the press, we see multiple yet contradictory ways in which masculinity was defined and redefined in these two social mediums. By analyzing the press, we see a more convoluted and contradictory understanding of masculinity and femininity in the daily norms and practices of everyday Shi‘i life.
Chapter Four

Realities on the Ground: Negotiating Family through the Jaʿfari Shariʿa Courts

Strategies adopted by litigants in the course of marital disputes give us insight into not only power relations in the family but how these relations are sustained or modified by the legal order.\(^\text{452}\)

Introduction

Following the previous chapter on the articulation of gender roles in *al-ʿIrfān*, this chapter examines how marital disputes and gendered roles were contested within the institution of the Jaʿfari shariʿa courts during the Mandate period. How did women and men perceive their rights and obligations in the space of the family, and what contestations were made based on such notions? How did the duties ascribed to men and women in the press compare to those endorsed in the courtroom, and vice versa? This chapter examines how Jaʿfari court records produced multiple, and at times, conflicting notions of masculinity and femininity, especially when compared to the depictions presented in *al-ʿIrfān*, as examined in the preceding chapter. The shariʿa courts negotiated ways in which Shiʿi men and women became modern citizens of a collective sectarian entity in the new Lebanese nation-state. For the most part, legal institutions, such as the Jaʿfari shariʿa courts, were a reflection of the social norms and practices of society.

This chapter examines whether the proclamations and modifications proposed to women and

men in the press informed the concerns and perceptions of Shiʿi individuals as they negotiated terms of marriage and divorce in the Jaʿfari shariʿa courts. In order to undertake this project, the chapter analyzes various cases that deal with financial disputes (dowry and alimony), domicile accommodations, social grievances, notions of morality (deadbeat spouses and idle husbands), child custody, and medical (and bodily) concerns. Court records reveal ways in which gender roles were practiced and reproduced in the marital affairs of Shiʿi men and women in everyday occurrences, presenting different notions of familial normative behavior and gender roles. Parallel to the analyses of the preceding discussion, this chapter investigates whether and how notions of masculinity and femininity perpetuated in al-ʿIrfān reflected, and possibly affected, the everyday familial affairs and gender identities of Shiʿi individuals during this Mandate period as shown in court records.

The Jaʿfari Shariʿa Courts and Its Bountiful Records

Following the comprehensive discussion in Chapter two, Islamic law, although part of the “private” sphere, came to mediate and resolve the disputes of society (the public sphere) as an extension of the modern nation-state with the creation of the personal status legal system as an institution authorized and funded by the state. This ultimately converted the Muslim believer into a “good national citizen,” and in the case of Lebanon this citizenship emerged in a sectarian form.\textsuperscript{453} The authorization of Islamic law, as discussed in Chapter two, by the nation-state created new institutional discursive spaces whereby social and moral life was reordered in the

\textsuperscript{453} Wael Hallaq, \textit{Shariʿa: Theory, Practice, Transformations} (Cambridge: Cambridge University Press, 2010), 367. Chapter two analyzes how such categories of “citizenship” and “sectarian” identity became performative categories in the realm of the Jaʿfari shariʿa courts as Shiʿi individuals produced and redefined what these identity formations meant in their everyday lives. Refer to Chapter two.
domain of the family. New significance was given to the individual as a member of society and a citizen of the nation-state, which was rearticulated in the space of the family.\textsuperscript{454} Law, and particularly shari‘a law, in the modern sense became a flexible sociopolitical resource that regulated personal status matters linked to the temporal power of the nation-state.\textsuperscript{455} However, in the case of Lebanon this happened within the auspices of a highly sectarian national framework.\textsuperscript{456}

With the creation of the Lebanese modern nation-state and the establishment of Ja‘fari shari‘a courts, personal status law produced and reproduced a sectarian Shi‘i entity, as described in Chapter two. Additionally, the Ja‘fari shari‘a courts became a space in which social norms and practices concerning the family—in matters of marriage and divorce—were debated and produced. The family was rectified as a sectarian institution by the state with the establishment

\textsuperscript{454} Asad has written that “the family emerges as a category in law, in welfare administration, and in public moralizing discourse. The family is a unit of ‘society’ in which the individual is physically and morally reproduced and has his or her primary formation as a ‘private’ being.” In the case of Lebanon, the Ja‘fari shari‘a courts were first created by the French administration, molding Shi‘i families and individuals as sectarian national subjects. Talal Asad, \textit{Formations of the Secular}, 227.


of distinct, yet separate personal status courts.\(^{457}\) In most instances, as Ziba Mir-Hosseini argues, shari‘a courts are used as a last resort to settle marital disputes since “... there is a great deal of stigma attached to bringing to the courts matters which belong to the private domain of the family.”\(^{458}\) As Mir-Hosseini notes the courts provide three levels of reality regarding Muslim marriages: the sacred level of the Shari‘a; the legal level embodied in the modern legal codes and apparatus; and the existing practices adhered to by the individuals who come before the court.\(^{459}\) It is in the last level that abundant insight is provided on the power relations in the family to understand how individuals strategize and modify their personal situations (and thus the legal body of shari‘a law) within a modern legal system to “uphold a model of family.”\(^{460}\) By adhering to this framework, my examination of the records of the Ja‘fari shari‘a courts discloses how norms of honor and responsibility for Shi‘i men and women were debated and modified within the shari‘a courts.\(^{461}\) In many cases, the court informed women and men of their rights and what they are entitled to, thus producing knowledge about permissible shari‘a law and perceived familial obligations and duties. At the same time, we see how Shi‘as who came before the court negotiated, informed, and produced societal norms and gender practices. As a modern institution,

\(^{457}\) At the time of the creation of the Lebanese nation-state only four sectarian entities were recognized and authorized to establish personal status courts for their sect. Now there are four million Lebanese citizens, 18 officially recognized religious sects, and 15 personal status law.


\(^{459}\) Ibid.

\(^{460}\) Ibid.

\(^{461}\) The Ja‘fari shari‘a courts produced knowledge concerning legal codes as to what was permissible or not. The courts informed Shi‘as of what constituted legitimate rights as in one case between Ridā and Shams in the Beirut Ja‘fari court whereby the court explained to Shams the difference between revocable and irrevocable divorce, and that her divorce was indeed revocable. The court records also represent the social practices and norms perceived by the individuals that came before it. *Al-maḥkama al-shar‘iyya al-ja‘fariyya fī Bayrūt*, Ridā Ali vs. Shams, case 50, no. 93 (February 3, 1938).
the court evolved into a space where it policed social boundaries and appropriate family norms, and thus became an authority on the production of modern Shiʿi families.

On the Question of Finances and Obligation

The most remarkable and unique attribute of the Jaʿfari shariʿa courts was the diversity of Shiʿi individuals that appeared before them. These individuals ranged from different social, political, and economic classes from all across Lebanon. As in the case of Lebanon, shariʿa courts were the only medium by which familial matters could be addressed as civil courts did not—and still do not—exist. As discussed in Chapter two, all familial matters, such as marriages, divorces, inheritance, child custody, and alimony cases, had to be presented before the personal status court that adhered to the individual’s sectarian identification or inherited paternal kinship blood line. As the only legitimate legal authority on such matters, Shiʿi men and women of all classes appeared before the Jaʿfari shariʿa courts to debate familial norms and obligations within the auspices of the courts. In this sense, the Jaʿfari courts policed normative familial behavior

---

462 In my examination of the records, I found details of prominent families coming before the court, disclosing the most intimate details of their private lives. There was a wide range of requests, ranging from large sums of money to pay off nafaqa to nafaqa that was measured in pots, pans, and blankets. The status of a family’s wealth and social class was evident in the value of mahr and/or nafaqa offered, which ranged from Syrian liras to Ottoman liras to gold. This was most evident in the higher appellate court in Beirut, which heard cases from all across Lebanon that could not be resolved in the lower Jaʿfari courts.

463 Various efforts have been made to try and implement civil marriage courts but to no avail. The al-Hayʿa al-ʿĀmma Li-Mahkamat al Tamyīz was created as the highest civil court in Lebanon to arbitrate disputes between personal status courts (over various dominations) and/or civil courts in Lebanon when more than one court rules on a case.

464 See Chapter two. Lebanese citizenship could only be transmitted by the father to his children under this sectarian guise. Once a child is born in Lebanon, they must be legally registered by the father. A Lebanese woman married to a non-Lebanese man cannot pass on citizenship to her children even if the child is born in Lebanon to a Lebanese mother. Marriages had to be administered and registered in one of the four recognized personal status courts as no civil courts or marriage registry offices existed. Now, there are 18 recognized sects administered within their own courts; however, until this day no civil court exists to perform marriages outside a sectarian guise.
informed both by court officials and by the individuals who came before the courts with perceived rights and demands.

The vast majority of cases brought to the Jaʿfari courts were women who came to petition for their unpaid *mahr* (dowry), *nafaq* (alimony), or spousal support. Many cases were financially driven, such as a case brought before the Tyre court by Zamzam, who demanded the inheritance (*irth*) withheld from her by her in-laws following her husband’s death after one month of marriage.\(^{465}\) In many ways, the Jaʿfari shariʿa courts were a place that monetary expectations, exchanges, and disputes were tackled as these related to familial and marital matters. Unlike the Shiʿi journal, *al-ʿIrfān*, which designated gender roles when it came to finances without delving into the intricacies of what their designation meant, the Jaʿfari shariʿa courts presented a more nuanced and detailed understanding of how these roles transpired in the everyday lives of Shiʿi families and relationships. The issue of monetary obligation was one of the most prominent disputes encountered in the Jaʿfari courts, and a way in which gender roles were informed and socially constructed.

**Mahr**

In most cases, Shiʿi women appeared before the court requesting their *mahr* after marriages had been consummated with the hopes that the court would intervene in their personal lives to force their spouses to fulfill their marital obligations.\(^{466}\) In cases relating to *mahr*, a

---


\(^{466}\) Most of the cases that appeared in the Beirut, Sidon, Baalbek, and Tyre Jaʿfari shariʿa courts were requests made for dowry both pre-marriage dowry and post-marriage dowry. Many cases appeared, involving the dispute over dowry after the consummation of the marriage. The following are examples of such cases; *Al-mahkama al-sharʿiyya*
woman was almost always granted the proposed amount unless witnesses could be brought in to prove that what was claimed was incorrect. Mahr, according to Islamic jurisprudence, is the agreed amount between a man and a woman, usually represented by her wali (legal guardian) and/or wakil (legal representative), in the making of the marriage contract. According to Islam, a woman is entitled to request her desired amount along with any marital preconditions at the time of the marriage agreement. Mahr (as is still the case today) was comprised of two components. There was the al-mahr al-muqaddam (the advanced dowry) presented at the time of the marriage performance before the shaykh and/or witnesses, and the al-mahr al-muʾakhkhar (the deferred dowry) to be given after the marriage had been consummated within an agreed upon time period. For example, a typical al-mahr al-muʾakhkhar in the 1930s would be 50 Syrian liras to be paid during a span of 10 years. Requests for the muʾakhkhar portion of the marital contract were not always made. However, the al-mahr al-muqaddam almost always comprised the marriage agreement. The designated mahr, both pre- and post-marriage, was to be used exclusively by the woman in any way she desired. The mahr was her sole property, and thus she was not obligated to share it with her husband or family members, or utilize it to cover her daily living expenses for which her husband was responsible.

\[al-jaʿfariyya fi Sūr, Fatima Ibrahim vs. Hajj Ahmad Aziz al-Dīn (November 24, 1938); Sulaymān vs. Al-Sayyid Minar, case 19 (1934); and Al-mahkama al-sharʿiyya al-jaʿfariyya fi Bayrāt, Fadila vs. Muhammad, case 12, no. 125 (January 16, 1939).\]

\[467 \] A girl was to be represented by a wali if she was underage, and thus needed a legal guardian to represent her. The wakil, on the other hand, was a legal representative who represented women and men before the judge. With the institutionalization and formalization of shariʿa courts the wakil became a staple of the court system with legal and professional training.

\[468 \] In many cases, no mahr was requested either by the woman or her parents. In general, the mahr was requested by the girl’s family, particularly since the girl was usually underage and needed the consent of a guardian or wakil to represent her in the performance of the marriage.
In the records of the Jaʿfari shariʿa courts, the issue of mahr was frequently brought up. In the cases initiated by Shiʿi men, it was common for men to verify before the court that the mahr was paid off. Many cases of this sort appeared in records during the early years of the courts.\footnote{This appeared in many cases during the advent of the Jaʿfari shariʿa courts. For example, see the following cases at al-mahkama al-sharʿiyya al-jaʿfariyya fi Bayrūt. Muhammad vs. Fatima, case 38, no. 97 (November 11, 1937); Naʿīm vs. Mariam, (November 12, 1937); Muhammad vs. Zeinab, case 132, no. 127 (March 20, 1939); ʿAbd Amīn vs. Fatima, case 173, no. 172 (July 5, 1939). The cases with specific numbers are due to the more detailed quality of the court record and clarity of the writing, which made it easier to decipher.} Marriages that took place years before the establishment of the Jaʿfari shariʿa courts (and had taken place in Hanafi shariʿa courts under the Ottoman Empire) appeared before the Jaʿfari courts as a means to verify the payment of past mahr. This act of verifying a marriage served as a way to document and legally record the monetary transaction before the authority of the Jaʿfari shariʿa courts. As noted in Chapter two, prior to the establishment of the courts by the French and the newly crafted Lebanese nation-state, the notion of legally recording and documenting hand-written affidavits of personal status matters were not available, and hence this was a by-product of modernization and secularization of the nation-state.\footnote{This argument is made by many scholars, such as Talal Asad, Brinkley Messick, and Wael Hallaq, in their analysis of shariʿa law and the modern nation-state. See Talal Asad, Formations of the Secular; Brinkley Messick, The Calligraphic State: Textual Domination and History in a Muslim Society (Berkeley: University of California Press, 1993); and Wael Hallaq, Sharīʿa: Theory, Practice, Transformations. Refer to Chapter two.} The vast majority of mahr cases were propelled by Shiʿi women demanding their unpaid mahr. The courts usually favored women’s claims over this matter, and ruled that a husband must pay the contractual amount, which may have been expressed verbally before witnesses or documented in writing before the Jaʿfari shariʿa courts.\footnote{In the thousands of cases I examined, the issue of mahr was generally not debatable and affirmed by the husband, and subsequently the court. If debate over the matter occurred, it was typically surrounding the items given to the woman as a form of mahr, such as jewelry, furniture, household things, etc. Disputes were over what entailed “legitimate” mahr and what was not.} Even if a Shiʿi husband was unable to pay the allotted mahr amount, the newly established Jaʿfari shariʿa courts, as the holder of the tenets of Shiʿi Islam,
enforced the *mahr* requirement and insisted on Shi‘i men to uphold the *mahr* agreed upon in the contractual marriage.\(^{472}\) This is not to say that *mahr* requirements were not adhered to before the establishment of the Ja‘fari shari‘a courts, but rather that this was the first time that an institutional body funded by the state became the repository of these matters.\(^{473}\) Consequently, the courts required Shi‘i men to uphold and sustain their financial obligations to their spouses whether or not they could offer it. Although it was unclear if the *mahr* was always received, on many occasions the same cases of women would reappear in the court records reasserting their claims. *Mahr* was enforced in the contours of the Ja‘fari shari‘a courts before family and community members.

In one such case, Jamila claimed that her husband, \(^{c}\)Ali owed her four Ottoman gold liras for her *mahr*, which he had refused to pay.\(^{474}\) In his testimony, \(^{c}\)Ali claimed that he owed her the stated amount, but that he could not pay her at the time, promising to pay as soon as he could. The Ja‘fari shari‘a court of Tyre ordered \(^{c}\)Ali to pay her the *mahr* amount promptly even if it meant he pay her the equivalent of four gold liras in Syrian/Lebanese currency.\(^{475}\) \(^{c}\)Ali agreed to

---

\(^{472}\) Even when man claimed he could not pay, a legal arrangement was made between the representatives or his family members to make sure the woman received her designated *mahr*. Cases of this sort will be discussed below.

\(^{473}\) Prior to the courts, these matters would be discussed communally among the parties whereby family members, community leaders, and local shaykhs would interfere to resolve such marital issues. Muḥsin al-Amīn, *Kaḥat Jabal ‘Amīl* (Beirut: Matba‘at al-insāf, 1961), 111–12.


\(^{475}\) The issue of currency during this time period was a common problem revealing the historical and financial changes taking place at the time. In many cases, the original *mahr* was defined in Ottoman gold currency; however, in court cases this was converted to the Syrian/Lebanese lira. This indicated the change in governmental authority from the Ottoman Empire to newly crafted nation-states ordered by the European powers after World War I whereby new currency was sanctioned. It also reflected the financial difficulty adhered to during the post-war period and impact of the Great Depression on this region as agricultural production and manufacturing industry suffered extensively in the Middle East region. This period also saw the devaluation of foreign currency, and thus of the Lebanese lira, which might explain why *mahr* amounts were being renegotiated from Turkish gold liras to Syrian/Lebanese liras. For more on this see Charles Issawi, ed., *The Economic History of the Middle East, 1800–1914* (Chicago: The University of Chicago Press, 1966), 94–106; and Roger Owen, *Cotton and Egyptian Economy*
this, and the case was adjourned. When it came to the issue of *mahr*, the acknowledged amount was always granted to the woman even when the husband claimed he could not afford it. According to Islamic jurisprudence, *mahr* was the sole property of women and the financial duty of men to uphold. In a similar case initiated by Raḥima against her husband Khalīl, she claimed that her *mahr* of 20 Ottoman liras had not been given to her. In his testimony, Khalīl apologized for this and declared his inability to pay the amount at that time, vowing to pay within five years. Rahima agreed to these terms and the case was closed. Under the circumstances, Raḥima had to agree to these conditions for the terms of the marriage contract to be altered or changed. Nevertheless, Khalīl, like ʿAli in the previous case, was unable to avoid his financial obligation imposed by the marriage contract, and the Jaʿfari shariʿa courts became a means to ensure a husband’s marital obligation. It was rare for the *mahr* to be reduced in value despite a husband complaining of his inability to fulfill his financial duty. Many cases of this nature appeared before the Jaʿfari shariʿa courts. Women for the most part mobilized the courts to guarantee and make certain that their marital rights were upheld while forcing Shiʿi men to sustain their end of the bargain. In many ways, this reasserted Shiʿi men’s financial obligations and responsibilities while the courts by provocation of Shiʿi women defined masculine normative behavior. This masculinity was defined by men’s economic accountability to the woman and the household. This element was only enhanced with matters concerns *nafaqa*.

---

**Nafaqa**


The question of nafaqa, on the other hand, was more complicated and determined case by case. The most common cases came from women who claimed their spouses were not providing them with any or enough financial support to cover their daily living expenses. Shari‘a law is built on “the assumption of a man’s ability to be the sole provider.”\textsuperscript{477} Men’s marital and parental roles are defined by their financial obligations. According to Islamic jurisprudence, a husband must provide his wife with all the necessary living requirements and maintenance expenses to meet her everyday needs and standard of living.\textsuperscript{478} Even after divorce or during a period of marital separation, a husband was obliged to meet the expenses of his wife and children according to what they were accustomed to, unless he could affirmatively prove it was outside his financial means. However, as long as a woman could justify her declared amount for alimony or provide witnesses who could testify to her husband’s financial situation if he protested, the court in almost all cases ruled in the woman’s favor. If the husband repeatedly protested the allotted nafaqa amount, court experts or appraisers were sent to try and determine what was within the husband’s financial reach. This aspect of sending court experts to investigate the financial circumstances of Shi‘i men was another by-product of the establishment of the Ja‘fari court system that inadvertently took part in socially constructing and policing moral codes and gender roles.\textsuperscript{479} One of its side effects was defining the monetary obligations that Shi‘i husbands would have to meet. In one such case, Jamila brought a suit against her husband Hassan who married her for 12 months for a mahr of 40 Ottoman liras along with nafaqa.\textsuperscript{480} In her testimony,

\textsuperscript{477} Mir-Hosseini, \textit{Marriage on Trial}, 193.

\textsuperscript{478} Many cases of this sort appeared. One such case was \textit{Al-maḥkama al-shar‘iyya al-ja‘fariyya fi Bayrūt}, Ameena vs. Muhammad, case 121, no. 155 (March 10, 1939).

\textsuperscript{479} Refer to Chapter two for more on court inspectors.

\textsuperscript{480} \textit{Al-maḥkama al-shar‘iyya al-ja‘fariyya fi Şür}, Jamila vs. Hassan, case 66, no. 58 (May 2, 1935).
she claimed that he did not pay her any portion of the designated amount, and demanded that the court subpoena him. In his defense, Hassan claimed that he had yet to have sex with Jamila, since she had continuously denied him, and so she was not entitled to *nafaqa*. He also countered her *mahrr* claim, noting that they had agreed upon 10 Ottoman liras in cash, with a blanket, mattress, and two cows worth 30 Ottoman liras.\footnote{In the many cases during this period, items of clothing and furniture were given as a form of *mahrr* payment as opposed to money.} Jamila refuted this claim and demanded that he pay her 40 Ottoman liras, and only then would she reside with him as his wife. In the following court session, both parties brought legal experts to determine the appropriate *nafaqa*. Jamila’s representative deemed an amount of 300 Syrian *qirsh* (piaster) a month was enough to cover her expenses while Hassan’s legal expert determined that three-fourths of a lira was all he could pay after investigating his financial condition.\footnote{This is an example of the discrepancy in currency value and devaluation of the Syrian/Lebanese currency that emerged during this period as noted previously.} On the final day of the proceedings, Hassan admitted that he owed her the 40 Ottoman liras in *mahrr*, while the court ruled that he must pay Jamila a *nafaqa* of 250 Syrian *qirsh* with the option for her to borrow more from Hassan if needed. Both parties agreed on this and the court adjourned.

In this case, as in many other cases involving *nafaqa*, the debate over what was an appropriate amount and/or what a woman was entitled to was continuously questioned. In Jamila’s case, which dealt with the issues of *mahrr* and *nafaqa*, the *nafaqa* was contested by both parties with the court finally ruling to allot her an amount closer to her demands with the possibility of requesting more if she needed to. Thus, the question of *nafaqa* in the Jaʿfari shariʿa courts frequently determined marital relationships and presumed duties of Shiʿi men toward Shiʿi women. What appears surprising from these court cases was the frequency and
acceptability of Shiʿi women making such financial demands or even requesting their nafaqa to be increased without much hesitation by the courts. In this regard, this was contrary to the depictions made in al-ʿIrfān. Whereas al-ʿIrfān blamed women for the pecuniary burden they placed on men, something that was often attributed to their excessive spending, the Jaʿfari shariʿa courts asserted and defined women’s financial claims, and Shiʿi men’s roles and obligations to Shiʿi women and children, particularly when it came to expenditures. Even when women demanded increased expenditures, the Jaʿfari courts attempted to meet these needs by imposing it on Shiʿi husbands. The Jaʿfari shariʿa courts indirectly became a way to police and reconstruct Shiʿi manhood, negotiating norms and perceptions of Shiʿi masculinity and men becoming fiscal guardians.

In many cases surrounding the issue of nafaqa, Shiʿi women were brought to court for leaving their homes, and thus the authority of their husbands. For the most part, this was a way for women to negotiate or renegotiate their alimony or living situation within the confines of the shariʿa courts. Women performed an “unacceptable” action that caused men to take them to court, which then afforded them the opportunity to renegotiate terms of the marriage contract. In one such complex case, Fāyiz came before the Tyre court to appeal a previous court ruling made on October 9, 1933, which instructed him to pay Yumna a nafaqa of 12 Syrian liras a month. In his appeal, he claimed that “the decision was unfair to his rights and inconsiderate to his financial ability.”483 In his testimony, Fāyiz attested that he had not divorced Yumna—as she had claimed—but rather that she had left his house without his permission while he was away.484 He

483 Al-makhama al-sharʿiyya al-jaʿfariyya fi Śūr, Fāyiz vs. Yumna, case 51, no. 184 (October 9, 1933).

484 This case was long and complicated. Fāyiz claimed that he brought about a case against Yumna for leaving his home prior to her demand, yet the court encompassed both cases together while giving her case priority. He also disputed the judge in the last court case, claiming that he was Yumna’s father’s brother-in-law making him ineligible to rule on this matter due to conflict of interest. Fāyīz also disputed the witnesses Yumna provided as
also argued that the experts or appraisers who determined the appropriate nafaqa amount miscalculated, and were not aware of his financial situation and existing debt.\textsuperscript{485} Based on the reasons stated, he requested that the Tyre court overturn its decision taken in his absence, and rule against Yumna for her estrangement and defiance. In addition to this, Fāyiz also demanded that Yumna pay him for his losses and his accumulated legal fees since the date of the first court ruling.\textsuperscript{486} In the court proceedings it was ruled that Fāyiz could not prove that Yumna left without permission or defied him, and thus the issue became a matter of nafaqa, focusing on his financial means. Fāyiz and his legal representative adamantly argued that the appraisers miscalculated and he could not afford the expenses allotted to Yumna as it exceeded his salary. Yumna’s representative argued that Fāyiz made an income of 40 Syrian liras while his father also supported him and sent him an additional 100 Syrian liras. After much interrogation, the Tyre Ja‘fari shari‘a court upheld its previous ruling that Fāyiz pay Yumna the specified nafaqa since he was unable to prove his claims. Despite Fāyiz’s attempt to dispense his obligation to pay nafaqa by first insisting that Yumna left on her own accord, which would inhibit her from receiving nafaqa, and then later by claiming his salary did not allow him to pay the allocated nafaqa, he was unable to forsake his spousal financial duty. The Tyre Ja‘fari shari‘a court upheld Yumna’s request without questioning if she was petitioning for too much or whether her nafaqa demand exceeded her everyday needs, but rather determined its ruling based on whether or not Fāyiz could afford the exigency.

\textsuperscript{485} Ibid. He also claimed that the amount ordered was based on four individuals and not one.

\textsuperscript{486} Ibid.
Despite articulations made in the press against women’s spending and financial burden on spouses, the Jaʿfari shariʿa courts did not condemn women for their monetary requests, but for the most part supported their claims and even informed them what they were entitled to. The courts usually endorsed women’s claims, and sent legal financial experts when they were contested. Even when men were unable to uphold their role as financial provider, the Jaʿfari shariʿa courts, served as a space to “bridge the gap between law and social practice.”487 By undertaking such efforts, the Jaʿfari shariʿa courts, through the efforts of these women, negotiated the perimeters of masculine obligations to Shiʿi women, specifically when it came to the issue of capital. In one case of this sort, a woman named Fatima was instructed by the court that she was entitled to request alimony from her husband even though it was her husband who had brought her to court for leaving their home and his authority.488 As has been previously shown, the courts produced a body of knowledge of normative actions and behavior even when the litigants were unaware of these rights. In my examination of the various Jaʿfari shariʿa court records, Shiʿi women were largely aware of these rights and how to utilize the courts to attain them. In almost all cases examined, the woman was allotted the mahr and nafaqa she demanded even when her husband protested his ability to provide it.

Whereas in al-ʿIrfān the specifics of a husband’s financial obligations were not given, and only the woman was condemned for her spending, the Jaʿfari shariʿa court became the space where such spousal monetary duties were defined and regulated, both by the women who came before it and by the court that authorized it. Al-ʿIrfān saw financial demands by women as a

487 Mir-Hosseini, Marriage on Trial, 129.

488 She had left the house because her husband was hitting her and had not paid her dowry. Al-maḥkama al-sharʿiyya al-jaʿfariyya fī Ṣūr, Husayn vs. Fatima, case 14 (October 23, 1933).
threat to the stability of the home and thus the nation. Although al-ʿIrfaqān depicted women as extravagant spenders and constantly warned to curb the financial pressures they placed on their spouses, Jaʿfari records presented a significantly different picture in this regard.\(^{489}\) For the Jaʿfari shariʿa courts, the husband’s role and fatherly duties were asserted, defined, and articulated in monetary terms. The court and the women who came before it defined Shiʿi manhood by their ability or inability to support their family. In almost all the cases examined, the woman was granted alimony, and her alimony was usually increased or her living situation was rearranged to suit her needs.\(^{490}\) In one particular case, Fatima took her father, ṣAbd Ahmad, to court claiming that she was a poor woman and unable to support herself while her father had substantial wealth to assist her.\(^{491}\) During the case, she recounted the surmountable wealth her father had, and his ability to support her. In its final ruling, the court granted her request. Fatima was able to bring her father to court to sustain her own maintenance expenses, and have the court legally sanction this action. It became an institutional space where such monetary demands were constructed and where Shiʿi men were instructed on how to uphold them. Although these matters of mahr and nafaqa are common to all shariʿa courts, the novelty in the Shiʿi case was the nonexistence of an institutional state sponsored body prior to the Jaʿfari courts where such definitions were documented and disseminated. Although al-ʿIrfaqān propagated the image of Shiʿi fathers as financial providers for Shiʿi women and children, the happenings of the Jaʿfari shariʿa courts redefined and renegotiated such middle-class perceptions—that seemed to condemn excessive spending—in the everyday lives and realities of ordinary Shiʿi individuals. More importantly, it

\(^{489}\) See Chapter three on an extensive analysis of al-ʿIrfaqān.

\(^{490}\) In the very few cases that I examined, the woman was denied alimony if she had remarried.

\(^{491}\) Al-маhkama al-sharʿiyya al-jaʿfariyya fi Bayrūt, Fatima vs. ṣAbd Ahmad, case 78, no. 107 (March 30, 1939).
was Shi‘i women who sanctioned the courts on these monetary grounds to define Shi‘i men’s roles as husbands and fathers. Through their usage of the courts, women constructed and redefined the meaning of husbandry and manhood, which in some ways antagonized the gender roles perpetuated in al-ʿIrfān.

One case in particular interrogated the notion of Shi‘i men as financial providers and challenged these designated gender roles.492 Ibrahim brought about an appeal case to the Tyre Ja‘fari court which had ruled that he and his brother were obligated to pay a monthly nafaqa of 75 Syrian piasters to their sister, ʿAfifa.493 In this appeal, he asserted that she was no longer entitled to receive money from her brothers as she was now capable of providing for herself. Ibrahim claimed that ʿAfifa had agreed to be hired by Dr. Salim as a housemaid. Ibrahim requested from the court to terminate the expense obligation placed on him and his brother. In its ruling, the court upheld his request and released him from this financial obligation.494 In this case, the court recognized the financial capability of ʿAfifa as claimed by her brothers, making her financially independent and their equal in financial terms. Ibrahim in this case was able to redefine the terms of his fiscal duties and societal perceptions of what his role as a brother and a patriarchal figurehead. Although this can be read as a way for Ibrahim to release himself of the financial burden of supporting his sister, this can also be interpreted as an authorization and transfer of financial power and legitimacy to ʿAfifa, a woman rather than the prototypical male figure presumed to hold this responsibility. The court regarded her as a financially capable and independent woman, who no longer needed the assistance of her male siblings. This case in

492 Al-mahkama al-shar‘iyya al-ja‘fariyya fi Şīr, Ibrahim vs. ʿAfifa, case 60, no 52 (May 1, 1935).
493 The history of this case is not provided, so that why nafaqa was granted to her in the first place can be determined.
494 Al-mahkama al-shar‘iyya al-ja‘fariyya fi Şīr, Ibrahim vs. ʿAfifa, case 60, no. 52 (March 1, 1935).
particular put into question the notion of Shiʿi men and their masculinity as defined by monetary terms and their ability to financially support Shiʿi women like ʿAfifa. Even though shariʿa law assumes the financial provider role of men, this case revealed that the social realities were not always as such. Although this case was not typical, it was not treated with any aversion and was quickly ruled on. This arguably highlights the courts’ willingness and society’s acceptance of working women to financially support themselves and live independently.

Both Shiʿi men and women came before the court because they held certain perceptions of their rights and duties in marriage. The court defined and maintained the marital duties of husbands and wives as it actively policed the everyday lives of Lebanese Shiʿa. The court ruled husbands must provide a certain standard of living and fulfill their perceived obligation as spouses and fathers while Shiʿi women utilized the authority of the court if their living arrangements were unsuitable to their perceived standards. The court regularly sent home inspectors and financial appraisers to determine the appropriateness and quality of living, as will be discussed in the following section. The court intervened both directly and indirectly in the lives of Lebanese Shiʿa in producing and demarcating appropriate roles and behaviors for Shiʿi men and women. In some cases as seen above, the court informed women and men of their rights and what they may be entitled to, thus producing knowledge about perceived social obligations and duties. In this way, while ordinary Shiʿi men and women participated in the fashioning of sectarian norms and everyday notions of masculinity and femininity, the courts informed and negotiated the practices of men and women in conjugal affairs. What can be seen in these cases is the negotiation process of these practices that came to regulate what was normative in society in the disciplinary apparatus of the courts and the confines of the home. The issue of financial obligation and spending entered most Shiʿi marital disputes, thereby facilitating the court’s
regulation of the appropriate kind of living arrangements and family structure for Lebanese Shiʿas.

What’s an “Appropriate” Shiʿi Home?

As previously discussed, most women disputed their financial situation and living accommodations before the Jaʿfari shariʿa courts in the hopes of altering or enhancing their daily lives. In many cases, the suitability of a particular living arrangement was questioned and disputed by Shiʿi women who did not feel theirs was an “appropriate” or “lawful” enough dwelling. The court came to determine what constituted a suitable home in accordance with the court’s standards and societal perceptions. Women who continuously came before the court to demand a suitable dwelling held certain perceptions of their husbands’ duties in marriage, which they believed the court would uphold.

On January 17, 1938, Mariam came before the Beirut Jaʿfari shariʿa court proclaiming that her husband, ʿAbd al-Husayn, expelled her out of his house without providing her with any alimony. Her husband asserted that he was willing to provide her with a suitable house and all her living expenses, even though he believed she had left the house on her own accord. A court inspector was later ordered to visit the house to determine if it was a suitable and lawful living arrangement for Mariam. According to the inspector record, the court determined that the place was an acceptable dwelling, but was lacking in food. In order to confirm that ʿAbd al-Husayn would buy food for the proposed dwelling, the court inspector spoke to the local grocer to inquire if ʿAbd al-Husayn was a regular customer and purchased fruits and goods from him.
Once this was confirmed, the judge ruled that this was indeed a lawful home consisting of all necessary needs, and thus an appropriate form of alimony.\footnote{This case does not end here. It reappears with Mariam complaining about her living situation, again claiming it is not suitable, particularly since ʿAbd al-Husayn married another woman. After much debate, she is given a house to her liking and removed from the second wife. These types of cases appeared before the court quite frequently. For some of these types of cases see Al-mahkama al-sharʿiyya al-jaʿfariyya fi Bayrūt, Mariam vs. ʿAbd al-Husayn, case 197, no. 117 (January 17, 1938). The court regularly sent home inspectors to determine if the house was indeed “lawful.” Such cases include Al-mahkama al-sharʿiyya al-jaʿfariyya fi Bayrūt, Muhammed vs. Sikina, case 153 (May 1, 1939); and Hassan ʿAli vs. Ahmad Hassan, case 335 (June 28, 1939).}

In the court records, the Arabic word often used was ṣāliḥ, meaning appropriate, lawful, or pious. I prefer to translate the word ṣāliḥ as appropriate or lawful, because its usage carried both social and “religiously” driven connotations when describing the examined dwellings.\footnote{My understanding of religion is guided by the work of Talal Asad, in that the understanding and notion of the religious cannot be disconnected from that of the secular. This understanding was reflected in Chapter two when analyzing the establishment of personal status law and the designation of Islamic law as a category and discipline.}  In many instances, a court inspector was sent to investigate whether the house was ṣāliḥ, and in these examinations the house would be considered as ṣāliḥ (proper) or ghair ṣāliḥ sharʿan (not religiously legitimate). The term sharʿan implied authoritative legitimacy, but one that entailed a legal vindication sanctioned by the Islamic authority of the shariʿa courts. The word sharʿan is derived from the word sh-r-ʿ, meaning to enact as it pertains to Islamic law. The word carried with it a heightened religious implication when utilized and authorized by the shariʿa courts, which became the authorizing body on Shiʿi law as it pertained to Lebanese citizens of that sect. However, there was another socioeconomic dimension to the term as used in the courts. The term sharʿan carried with it social acceptability; one enforced by the Jaʿfari shariʿa courts as an institution of religion, but more importantly governed by the issue of class. What was deemed appropriate or lawful enough for one woman was not also the case for another. The term was based on what was socially acceptable to an individual woman, what she was used to, and what her husband could afford. These elements governed what the term ṣāliḥ meant, making it specific...
to the particular situation at hand. Despite the variability of the term, the meaning of ṣāliḥ was negotiated in the boundaries of the shari‘a court and defined (and redefined) by the court officials and the individuals that came before the court who sought to debate this term. What was deemed a lawful adobe in the case of Mariam may not have been one for any other Shi‘i woman.

In another case, similar in nature, a suit was brought about by Fahmiyya against her husband, Farīd, on February 15, 1938.497 In her argument, Fahmiyya claimed that they had been married for 10 years, but since she could not have children, he married another woman and brought her to reside in the same house. For this reason, she left the house and requested alimony and a suitable living arrangement “according to her standards.”498 Farīd confirmed Fahmiyya’s testimony and asserted that he would provide her with a proper dwelling in Baalbek, and meet the nafaqa she was accustomed to. Despite this promise, Fahmiyya demanded that the court examine the home first. Upon this request, a court inspector from the Baalbek court was sent to the proposed abode, and his report was relayed back to the Beirut court. Based on the inspector’s review, he deemed the house “very repulsive” and not livable in the condition it was in. He continued to note that the house did not even have any supplies or food.499 Fahmiyya’s legal representative expounded on this description by noting that this proposed residence was ghair ṣāliḥ shar‘an both on the grounds of its appearance and for health reasons. At the conclusion of


498 The Arabic word used here is amthalaha literally meaning to her liken.

499 Al-mahkama al-shar‘iyya al-ja‘fariyya fi Bayrūt, Fahmiyya vs. Farīd, case 79 (February 15, 1938). He was very specific about the details in the house as he noted that even something as inconspicuous as bulgur was not present in the home.
the trial, Farīd offered to provide her with an appropriate home and 15 Syrian piasters daily, which Fahmiyya consented to.  

The court regularly sent home inspectors to determine the appropriateness and quality of living circumstances, hereby policing the marital obligations of Shiʿi men to Shiʿi women. The court forced husbands to provide a certain standard of living and fulfill their perceived obligation as spouses and fathers while Shiʿi women ushered the authority of the court if their living arrangements were unsuitable to their perceived standards. The court came to determine what a lawful house was according to the court’s standards and societal perceptions. The term ṣāliḥ was both socially constructed and case-specific, as seen in the various usages of the term. As in the case of Fahmiyya, the terms of what constituted an “appropriate” home were debated both in regard to what she deemed acceptable as it related to her customary living arrangements and to her husband’s financial means. Women who came before the court demanding a suitable dwelling held certain perceptions of their husbands’ duties in marriage, which they believed the court would uphold—and they usually did. Although al-ʿIrфан portrayed the image of Shiʿi fathers as financial providers for Shiʿi women and children, nowhere in its depiction did it describe what this meant or entailed. Whereas al-ʿIrфан suggested the financially demanding women be chastised, the Jaʿfari shariʿa courts hardly ever reprimanded women for making increased requests for alimony or improvements in their living arrangement. On the contrary, the court supported and at times even informed women of their rights. The Jaʿfari shariʿa courts, in

---

500 Ibid. The agreement between Farīd and Fahmiyya is slightly more complicated. She agreed that she would live with him in the same home if he remained in the city of Ḥadath in the area of Baalbek. However, if he decided to live in the neighborhood of Barj al-Barajina in the city of Beirut, she would want a separate house. Fahmiyya made specific requests about her living arrangement, which interestingly had to do more with the city and locale rather than type of accommodation she would be living in.

501 As noted in Chapter three, this was only briefly stated in a few articles that addressed men.
many ways, became the arena where these elements of marital life were negotiated and redefined.

An Appropriate Home Is a Nuclear Home

As these cases show, women were brought to court for leaving their homes, and thus the authority of their husbands.502 The Jaʿfari shariʿa courts tried to maintain lawful Shiʿi homes and resolve familial unrest. During the Mandate period, there were new demands made by some women on their living arrangements. In many cases, Shiʿi women made requests for homes removed from extended family members. Although it is not clear when these demands became socially acceptable, their increasing presence and tolerance in the courts indicated a shift in the structure of modern family living.503 However, many changes came about with the Ottoman Law of Family Rights of 1917, which was inspired by the French Civil Codes, and continues to be the Muslim denominational law of Lebanon.504 According to Wael Hallaq, this brought about the “reduction of matrimonial relationships” from interactions within an extended family unit to “companionate marriage” that envisioned the woman as housewife and the husband as head of the family; something which was not present in fiqh.505 The notion of family, according to fiqh, entitled a “legal house” based on kinship where no legal head was designated, and each member

---

502 Many cases of this sort appeared before the court. In almost all cases, the woman left her home, because she was dissatisfied with the alimony or her living arrangements she was given.

503 In my analysis of al-ʿIrfān, there appears to be no clear representation and shift in the depictions of normative family structure.

504 In the case of Lebanon, this brought about the codification of a singular “Jaʿfari” shariʿa law “devoid of plurality and multiple juristic nuances and variations that the fiqh had afforded.” Hallaq Shariʿa: Theory, Practice, Transformations, 454.

505 Ibid., 455.
had their delegated duties. The codification of family law coupled by new notions of individualism, and the impact of capitalism and its modes of production bolstered the nuclear family as the legal structure of choice. The family, as discussed in Chapter three, became important to the progress of the nation and national identity brought about by a burgeoning Shi‘i middle-class rooted that designated to women the role of nurturing future national citizens. As in eighteenth-century Europe, the issue of family structure, childrearing, and motherhood became pertinent to the modernizing project of the nation-state. In the context of colonialism, the Arab world, and postcolonial world as a whole, focused on women and their motherly role in the construction of national identity and formation of the nation-state. Omina Shakry has shown how the emphasis on women in the national project in Egypt was directed by both colonial and anti-colonial perceptions of the nation-state which affected the notion of mothers, both within

506 Ibid., 456.
Egypt and Britain (as the other).\textsuperscript{510} Similarly, Lisa Pollard highlights how the Victorian family came to “symbolize modernity, economic solvency, and the rise and success of the nation-state,” among Egyptian nationalists in the nineteenth century.\textsuperscript{511} Beth Baron also explains how the end of harem slavery coincided with the emergence of Egyptian nationalism which brought changes to the structure of the national family.\textsuperscript{512} In the Arab world, not only did motherhood become important but so did the concept of family and what constituted a normative family structure.

During this period, through the records of the Jaʿfari shariʿa courts, we witness such shifts taking place in the structure of the family.\textsuperscript{513} For Shiʿas, this shift took a sectarian form in the nationalization process. Through the records of the Jaʿfari shariʿa courts, we see a change taking place in the structure of families, and the demands made by women on what entailed an acceptable familial arrangement.

The typical familial structure consisted not only of the husband, wife, and children, but the extended family residing under the same roof. During the 1920s and 1930s, this type of living setup continued to exist as a normative way of life; however, changes to this began to emerge during this period as reflected in the court records. Here, we see demands by women to live separate from their spouses’ family. As Asad argues, modernity brought with it a new kind of subjectivity in new institutional and discursive spaces in the realm of the family.\textsuperscript{514} The legal formation of the family as a category of law in the modern nation-state opened the space for the


\textsuperscript{511} Lisa Pollard reveals how the monogamous couple and reformed children were part of the modernizing process of the Egyptian bourgeoisie. These reforms were informed and projected against a European ‘other’ just as Europeans imagined Egypt as backward and immoral, and in need of colonising. Lisa Pollard, \textit{Nurturing the Nation}, 5.

\textsuperscript{512} Beth Baron, \textit{Egypt as a Woman}, 18.

\textsuperscript{513} Refer to Chapter three.

\textsuperscript{514} Asad, \textit{Formations of the Secular}, 217 & 225.
family as a unit in society where the individual emerged as a self-governing subject of the nation-state. The invocation of the nuclear family was a new modern formation and part of the “normalization of social conduct in a modern, secular state,” as Asad observed in the law reforms of Egypt.⁵¹⁵

In one of these cases, a woman by the name of Saʿda appeared before the court alleging that she did not want to live in the same house with her mother-in-law. Saʿda claimed that her husband, Muhammad, still owed her mahr and nafaqa but that she was willing to dispense of her right to her mahr as long as he provided her with nafaqa and a separate place of residence away from his family. Muhammad agreed to the court’s ruling of establishing a lawful home for Saʿda separate from his family.⁵¹⁶ An extended family living under one roof was still a common practice, thus such a request represented a shift in the constitution and societal conception of family, one that was ordained by the court and presumed by Shiʿi individuals as acceptable. This can be seen in many cases that emerged during this time period whereby habitual arrangements were renegotiated. In most of the court cases retrieved, the husband rarely offered a living arrangement with the extended family indicating a shift to the marital couple as the basic unit of the family rather than the extended family.

In a similar case, Ibrahim appeared before the Beirut Jaʿfari sharia court on January 16, 1936, claiming that his wife, Suhaila, left his home 36 days earlier.⁵¹⁷ According to his testimony, she refused his request to return so he was resorting to the court to resolve the matter. In her defense, Suhaila claimed that they were married a year before for a total mahr of 60 gold

---

⁵¹⁵ Ibid., 227.

⁵¹⁶ Al-mahkama al-sharʿiyya al-jaʿfariyya fi Bayrūt, Saʿda vs. Muhammad, case 17 (February 8, 1933).

⁵¹⁷ Al-mahkama al-sharʿiyya al-jaʿfariyya fi Bayrūt. Suhaila vs. Ibrahim, case 14, no. 335 (January 16, 1936).
Ottoman liras; 40 of which would be *muqaddam* (advanced dowry) and 20 *muʾakhkhar* (deferred dowry) over 10 years. She continued to note that her *al-mahr al-muʾakhkhar* was used to buy a home for her in-laws where she resided as well. Suhaila argued that she was evicted from the house after getting into a fight with her husband and his parents. It was for this reason she maintained that she was entitled to *nafaqa*. Ibrahim insisted that the 36 liras Suhaila spent on household needs should be considered her *mahr*, yet the court denied his claim. Suhaila professed that she would return to him “on the condition that he opens a lawful home for her independent of his family,” in exchange for her agreed *mahr*.\(^{518}\) However, Suhaila maintained that she was still entitled to *nafaqa* of 12 Syrian liras a month since she had not voluntarily left his house. The Jaʿfari shariʿa court of Beirut ordered Ibrahim to “present her with a home away from his family” and the requested *nafaqa* amount.\(^{519}\) Ibrahim agreed to this and declared that he had a home to offer, which the court then inspected. Upon examination, the inspector argued that a lawful home must have a proper kitchen and bathroom, which Ibrahim’s home did not have. In the court’s final ruling it determined that Ibrahim must establish a suitable abode for Suhaila, which he promised to uphold.

Although these cases may not have been typical, most living arrangements mentioned in the records leaned toward a nuclear family arrangement. Suhaila, like Saʿda, were able to negotiate a separate living arrangement removed from any extended family, which the Jaʿfari shariʿa courts supported and endorsed as an appropriate living situation. In regard to court appraisals, court inspectors were sent to examine the proposed abode to certify its suitability. In many ways, the nation came to replace the extended family where previously the extended

\(^{518}\) Ibid.

\(^{519}\) Ibid.
family was state and society in one. The Jaʿfari shariʿa courts, established by the state and acting under its jurisdiction, effectively addressed and resolved familial disputes which were previously settled through the negotiations of extended families. Thus, perpetuating the nuclear family (in place of the extended family) also served to bolster the court’s authority by weakening this body, which could be seen to have taken (or been given) authority (at the behest of the state). In the modern nation-state, the extended family weakened and the state emerged as sovereign.520 Thus, the nuclear family becomes the unit of choice, which the state could more easily manage. This is not to claim that the Jaʿfari shariʿa courts acted as an agent of the state or that this was imbued from below by the masses. Rather, I am calling attention to a visible shift that took place at the time as a by-product of the modernizing project of the Lebanese nation-state.521 As new significance was given to the nuclear family, a shift was made toward this new modern formation.522 This can be derived from the aforementioned cases that document the Jaʿfari shariʿa court records of women making claims to live away from their spouses’ family and demanding separate places of residence. As an extension and creation of the Lebanese nation-state, the Jaʿfari shariʿa court contributed to the making and remaking of modern Shiʿi families.523 The (nuclear) family became important in the integration of Shiʿ as as a sectarian

520 It also came to breed sovereign citizens who belonged to the sovereign nation-state. Asad, Formations of the Secular, 200–217.

521 I cannot determine or assert how this came about. This is not the objective of the dissertation, but rather to highlight how these conjugal arrangements came to be debated and established in the Jaʿfari shariʿa courts at the advent of its creation.

522 Talal Asad, Formations of the Secular, 232.

community in the modern nation-state at the same time that a shift toward producing appropriate roles for Shiʿi husbands and wives, mothers and fathers was emphasized during the Mandate period.

The court came to play an essential part in establishing Shiʿi social norms as it demarcated appropriate roles and behaviors for Shiʿi men and women. Simultaneously, ordinary Shiʿi men and women participated in the fashioning of these sectarian norms and gender roles as they debated the affairs of their marriages in the newfound courts as subjects of the nation-state.

Social Maladies: Corrupt Husbands, Idle Men, and Deadbeat Dads

The Jaʿfari shariʿa courts became a space where moral behavior and appropriate conduct was constructed and consequently projected into Shiʿi civil society. At times, men appeared in court refusing to give their spouses or ex-wives alimony on the grounds that they were of immoral character. Shiʿi women, on the other hand, slandered the character and behavior of their husbands (or ex-husbands) when demanding their withheld nafaqa or mahr before the courts. Men came before the court proclaiming that their wives were “deprived of consciousness” and “lacked integrity” in hopes of taking their children away from their mothers during the hidâna (i.e., the Islamic prescribed period whereby a child remains with the mother until the age of maturity). For more examples involving such hidâna cases see Al-mahkama al-sharʿiyya al-jaʿfariyya fi Bayrūt, Fadila Omar vs. Hajj Husayn Omar, case 45 (March 8, 1933); Khadija vs. Said Daoud, case 313 (July 3, 1939); and Râda vs. Rafqâ (February 25, 1933). In these cases, Shiʿi men and women took their spouses to court on the grounds of immoral character or lack of integrity. For example, in the case of Fadila Omar, her husband claimed that she was deprived of consciousness, while in the case of Khadija her husband asserted that the living conditions for his daughter were unstable.
providing for them or for physically abusing them.\textsuperscript{525} The records of the Ja‘fari shari‘a courts displayed a wide array of personal concerns and social maladies exhibited among Shi‘i Muslims of Lebanon during this period.

Although the press blamed women, by and large, for marital problems, these court cases presented a more complex picture of spousal relationships and the problems therein. It was women more so than men who came before the court to complain about their spouses. Women frequently made complaints before the Ja‘fari shari‘a courts about their husbands’ behavior as reasons for divorce or change in nafaqa. Shi‘i women, for the most part, found a way to bring up domestic matters outside the Islamic legal jurisdiction of the personal status court into its guise. In a typical case involving nafaqa, Şāfa claimed that her husband, Husayn, had not provided her with living expenses for the last seven months. In his defense, Husayn argued that she left his authority and went to live with her parents while they were sick. Husayn requested her return and promised to provide her with a lawful home. Şāfa agreed to these terms as long as he pledged “he would not hit her and make her suffer.”\textsuperscript{526} Husayn consented to these conditions and the case was closed. Shi‘i women were able to mediate the behavior and treatment of their husbands by finding a way to interject these concerns into personal status matters even though the court was not obligated to address such issues.\textsuperscript{527} Unlike the articles in al-‘Irfān that faulted women for the

\textsuperscript{525} Al-mahkama al-shar‘iyya al-ja‘fariyya fi Bayrūt, Husayn vs. Fatima, case 14 (October 23, 1933). In this case, Hussein brought Fatima to court for leaving the house whereby she claimed that he was hitting her and had not paid her dowry. In the end, Husayn was required to pay her dowry along with promising not to hit her again.

\textsuperscript{526} Al-mahkama al-shar‘iyya al-ja‘fariyya fi Bayrūt, Şāfa vs. Husayn, case 120, no. 133 (March 9, 1939). Şāfa had originally gone to the hospital to visit her ailing parents, and then returned to their home. The Arabic word used by Şāfa was ‘ājīz, which literally means to weaken, make powerless, or incapable. After Husayn agreed to treat her properly, she continued with her suit for nafaqa. The issue of abuse found its way into the Ja‘fari shari‘a courts under the auspices of mahri or nafaqa.

\textsuperscript{527} Many cases of abuse found their way in the Ja‘fari courtroom. See Al-mahkama al-shar‘iyya al-ja‘fariyya fi Bayrūt, Khadija vs. ‘Abdallāh, January 23, 1939, case 19, no. 39 (January 23, 1939); and Fatima vs. ‘Abdallāh, case 92, no. 136 (April 15, 1939).
crumbling state of the home (and nation), the records of the Ja’fari courts reveal the detailed marital concerns of Shi‘i individuals which were largely brought about by women. In examining these court records, it becomes clear that women questioned the role of Shi‘i men as husband and fathers, and ultimately their masculinity as providers and heads of Shi‘i families.

Shi‘i women also came to court complaining that their husbands were morally corrupt individuals who gambled and consumed alcohol instead of supporting their families. Lebanese Shi‘i men and women used various lines of argumentation to persuade the court to rule in their favor. On November 16, 1939, Muntāha appeared before the Ja’fari shari‘a court proclaiming that her husband, Mohammad, left the house four months before without leaving her any alimony. In her testimony, she demanded that he establish a home for her, which would meet all her living needs, and that he reimburse her for the alimony he had not paid. In his rebuttal, Muhammad argued that he was away for business and could not provide her alimony, but also claimed that Muntāha had requested a divorce at one point. Muntāha defended herself by arguing that her request for divorce was based on the fact that Muhammad gambled and spent all his money that way rather than on supporting her. At the conclusion of the case, Muhammad swore that he would not gamble anymore and promised this on the condition that he did not have to pay her alimony for the months he did not support her. Muntāha agreed to these terms, and the court adjourned.528 Cases like these reveal many things about the nature of Shi‘i marriages, social maladies, and the understanding of Shi‘i masculinity and femininity. Additionally, such cases reveal how women were able to utilize the courts to legally condemn certain behaviors by their husbands, even when, and especially when, these were not the immediate grounds for the court cases. In a way, courts gave women legal leverage to make demands of their husbands. The

Ja‘fari shari‘a courts became a place where moral boundaries were established and perceived social maladies confronted. Muntāha, who apparently had a problem with her husband’s gambling, found a way to address this matter through the courts. She took him to court on the grounds of her alimony, and he was made to publically and legally commit to relinquish gambling. Muntāha questioned his manhood by challenging him in court for not fulfilling the role of a husband capable of supporting her financially.

In a case dealing with similar accusations, Zayn brings his wife, Hayriyya, to court on February 26, 1936, claiming she left his home and authority. In her defense, Hayriyya claimed that she did not leave but was kicked out, and that he had not paid her mahr and nafaqa. She continued to assert that her allotted alimony was not sufficient for her and her son. In her defense, her sister testified that Zayn was “always spending on gambling and alcohol,” and that he was a man of “ill character.” She also confirmed Hayriyya’s claim that her nafaqa did not meet her daily needs. Whether or not this testimony persuaded the court, in the end Hayriyya received the mahr she was due with an additional amount for alimony for her child, although she agreed to suspend all demands for the alimony that was not given to her over the past few months. Once again, issues of gambling and alcohol surfaced in the court cases in conjunction with the discussion over spousal financial obligations. Women addressed these social concerns in the Ja‘fari shari‘a courts in hopes of remedying a situation, as in Muntāha’s case, while others utilized such concerns in order to defame the husband’s character in hopes of attaining more financial support. These issues appeared in court, but never surfaced in the newspaper as a societal issue or concern.

529 Al-maḥkama al-sharʿīyya al-jaʿfariyya fi Bayrūt, Zayn vs. Hayriyya, case 19 (February 26, 1936).
In most cases, women questioned their husbands or ex-husbands’ capability as a man by his financial capability to support his family. Most women claimed that their husbands were not providing them with enough (or with anything at all) to support their living style. In one such case, Ameena came before the court complaining that she had been married to Mahmoud for five years and that they had children together. Yet, when she became ill two months before, which led to her hospitalization, he did not pay for her medical expenses. She continued to recount that even after her release from the hospital, she went to her father’s home, and Mahmoud did not request that she return home. For this reason, Ameena argued, she was entitled to nafaqa, as well as allotted money for a wet nurse for their two-month-old daughter. Ameena angrily noted that Mahmoud had not supplied her with anything since her illness even when she asked for her clothing. Through the mere opening of the case, Ameena deliberately depicted Mahmoud as an inconsiderate, uncaring, and irresponsible husband who provided no support at the time of her vulnerability and illness. He was not only a negligent husband but also an inattentive father to his newborn daughter. By portraying him in such a manner and targeting two socially significant roles of a Shi‘i man, she was able to reach a court-imposed compromise with her husband and attain the nafaqa she deserved. Whether or not her disparaging depiction of Mahmoud resulted in the favorable outcome for her is unclear. It is clear, however, that Ameena was able to convince the court to rule in her favor and require Mahmoud to pay her expenses. The court


531 Al-mahkama al-shar‘iyya al-ja‘fariyya fi Bayrūt, Ameena vs. Mahmoud, case 194, no 98 (April 4, 1938). Mahmoud admitted that Ameena became ill and he called on a doctor to examine her. Subsequently, she went to her father’s house, but was later admitted to the hospital. Mahmoud admitted that he did not pay for her hospital expenses, but he summoned her to come home after her release. However, she went to her father’s home instead. By the end of the trial, Mahmoud and Ameena had agreed to a nafaqa amount and her return to the house.
became an arena whereby social and moral norms were debated and reconstructed by individuals who invited the court to intervene in their personal matters.

The role of a husband was more than financial, as Muntāha’s dispensing of her alimony in exchange for the oath by her husband to change his moral conduct showed. The court became a means by which women’s social grievances and notions of appropriate masculine conduct could be discussed and legally documented, even though at times it was outside the jurisdiction of the shariʿa courts. It became a way to publically make claims within the “private” sphere of shariʿa courts. In most instances, it was Shiʿi women who exercised their Islamic rights and questioned the character and manhood of Shiʿi husbands, which differed greatly from al-ʿIrfān’s claims of Shiʿi women in need of reform to bolster the state of the family and nation. Both Shiʿi men and women invited the court to intervene in their lives by using the authority of the court to dictate perceived notions of manhood and fatherhood while simultaneously having the court define societal norms and appropriate roles for Shiʿi husbands. Women were brought before the Jaʿfari shariʿa courts as previously examined for not obeying their husbands or leaving their authority and home. It was seen by men as a way to assert their authority and sustain their perceptions of the responsibilities of an obedient wife and mother, while women took this opportunity to express their grievances about their husbands’ conduct and character in hopes of amending their spousal situation and marriage contract. The issue over a woman’s disposition came into question in the context of child custody and disputes over parental control and responsibility.

532 In the majority of cases brought about by men, it was about the women’s disobedience and leaving their authority and home. For women, this was a way to negotiate and renegotiate the terms of their marriage.
Child Custody

Chapter three examined the shift that took place in the 1920s in the literature of al-ʿIrfān whereby the Shiʿi woman, as wife and mother, became the locus of the family and the foundation of the Lebanese nation-state and symbol of the sect. Despite the proliferation of articles in al-ʿIrfān, addressing the role of Shiʿi mothers in childrearing and the upbringing of the future children of the sect and citizens of the nation-state, in almost all cases examined the father was given custodial control of the children after the ḥidāna period. From the records of the Jaʿfari shariʿa courts and their decisions on the legal age of ḥidāna, it meant that a child would remain with the mother until the age of nine, and then be surrendered to the father.533 However, this did not stop Shiʿi fathers from requesting their children before this defined age requirement. Shiʿi fathers used various lines of argumentation to dispense women of their ḥidāna rights, which would also suspend their fatherly obligation to pay nafāqa for the child. It was in these perimeters that the character of Shiʿi women was put into question and defamed in the courtroom.

In one such case between Rose and ʿAli brought before the Beirut Jaʿfari shariʿa court in March 1938, Rose appeared claiming that ʿAli was not providing her with nafāqa for their children.534 During the court proceedings, ʿAli agreed to pay the designated nafāqa after which

---

533 The issue of ḥidāna continues to be debated among different sects, each advocating different age requirement, as well as different marjaʿ (religious leaders) at varying historical moments prescribing different ages for boys and girls. From the court cases, the age of nine was used as a reference point, although fathers came to request custody of children as young as seven. In Lebanon, debate over this has occurred as the grand marjaʿ Fadallah had set an age of 13 or until a girl has reached puberty, which may surpass that age.

534 Al-maḥkama al-sharʿiyya al-jaʿfariyya fī Bayrāt, Rose vs. ʿAli, case 24 (March 13, 1938). The court proceedings continue until July of 1939. The couple has a total of four children, but the conflict over ḥidāna arose over the eldest daughter who was seven years old at the time. The other children were younger in age. Another case involving ḥidāna and dispute over age was Hassan vs. Baʿdura, case 40, no. 18 (January 23, 1939) in Al-maḥkama al-sharʿiyya al-jaʿfariyya fī Bayrāt.
Rose demanded a separate abode in Beirut removed from her husband. After such a request was made, ʿAli then requested full custody of his children. When the case reappeared in court in July 1939, ʿAli appealed for the custody of his eldest daughter, who was seven at the time, on the grounds that she had reached the age of ḥidāna. Rose retaliated arguing she was entitled, under the Islamic tenet of ḥidāna, to keep her daughter until the age of nine. The court affirmed Rose’s legal stipulation regarding ḥidāna, and thus negating ʿAli’s claim. Once this form of contention did not work, ʿAli argued that he was worried and “concerned” about the well-being of his children since Rose’s mother, who was living with her, was Christian, and for that reason the children were being “raised in a way that was not religiously appropriate.” Due to these concerns, ʿAli once again demanded the custody of his children. Rose’s legal representative reasserted the legal right of ḥidāna for any mother, and willingness to bring in witnesses to attack such defamatory claims. Before such action was taken, the couple reconciled and reunited on the last day of deliberation, which concluded the debate over custody. Based on this case and others of this sort, the courts and individuals who came before it strongly stood by the standards of ḥidāna, and the women’s Islamic legal right to child custody, although all rights were suspended passed the designated age. However, this did not stop men from attempting to obstruct this defined period as many such cases appeared with different contentions to ground their demands for child custody.

---

535 Ibid.

536 After nearly a year of court appearances, the couple decided to reconcile and live together. It was also revealed that Rose was pregnant again!

537 In the court cases examined a woman was not given custody over her child past the ḥidāna period. Debates occurred after the father’s passing, but never between a father and mother over this matter.
In a similar case, Khadija brought her husband of three years, Said, to court on the grounds that he expelled her out of her home and took her one-year-old daughter away from her. She requested the return of her daughter on the grounds of ḥidāna, along with nafaqa for the six-month period he had not supported her. In his testimony, Said claimed that he did not kick Khadija out but that she left of her own accord, so she was not entitled to nafaqa. Further, he objected to relinquishing his daughter to Khadija, whom he claimed “was not righteous.” He continued to note that his daughter would be residing at the home of Khadija’s mother, which was “not a suitable home” but rather a “hateful” place for his daughter to be in. Khadija demanded her right to custody during the ḥidāna period, arguing that the only way to rid her of both her nafaqa and custody was if he could prove she was disabled or an insane individual. With the conclusion of the case, Khadija was granted custody and nafaqa until her daughter reached the appropriate age. Cases pertaining parental rights of Shiʿi children appeared frequently in the Jaʿfari shariʿa courts. Although al-ʿIrfān strongly advocated the role of Shiʿi mothers in raising the future children of the nation-state, while paying little attention to the role of fathers in their upbringing, the Jaʿfari shariʿa courts almost always ruled in favor of men following the ḥidāna period. Shiʿi women were only entitled to custody of their children up to the age of nine at most. However, the middle-class perceptions portrayed in the press placed the burden of childrearing and upbringing (even passed the age of nine) on women. Although the


539 Ibid.

540 Ibid.

541 Ibid.

542 Another case of this sort occurred between *Al-maḥkama al-sharʿiyya al-jaʿfariyya fi Bayrūt*, Mahmoud vs. Fatima, case 84, no. 380 (April 5, 1939).
new concepts of motherhood prescribed in al-ʿIrfaṇ were “emancipatory” in relegating women a fundamental role and producing “children worthy of modernity,” as Afsaneh Najmabadi shows in her work on Iran, for Lebanese Shiʿi women this stopped short of giving them expanded legal rights to undertake this role.⁵⁴³ There was an apparent contradiction here, and a clear discrepancy of the portrayal of motherhood and fatherhood in the press when related to the concrete reality displayed in the shariʿa courts and the limitations placed by Islamic jurisprudence on such matters.

Medical Concerns: Physical Ailments and Diseases

As this chapter has shown, the Jaʿfari shariʿa records displayed the everyday concerns and struggles of Shiʿi marital relationships. As this chapter has revealed, women more so than men utilized the courts to manipulate and adjust their spousal relationships, living accommodations, and marriage contracts. Thus far, we have discussed gender roles and norms without addressing the issue of bodies, and how bodies were constituted in these debates over social norms and morality in the context of Shiʿi marriages. Foucault has shown how the modern nation-state through its institutions, such as schools, hospitals, courts, etc., were sites where everyday practices of normalization and discipline were produced and disseminated in society.⁵⁴⁴ It was within these very institutions that knowledge was produced and disciplinary actions taken to ensure proper behavior and healthy bodies. Individuals considered weak, ill, undesirable, or


unstable in body or mind were separated from society.\textsuperscript{545} Since the Ja‘fari shari‘a courts dealt with the intimate details of marital life between Shi‘i men and women, matters pertaining to the body and what entailed a “healthy” body also appeared. In most of the cases of this nature, medical concerns regarding illness, damaged bodily parts, and sexual incompetence found their way into the courts, informing normative perceptions and morality.

On August 17, 1937, Khadija came before the Beirut shari‘a court for a second time claiming that her husband, Ibrahim, suffered from a severe abdominal disease that had prevented them from having any sexual interaction.\textsuperscript{546} Khadija claimed that this illness existed prior to their marriage, yet she was not made aware of his condition at the time. Due to the incurable nature of his disease, which had resulted in his sickness for over a year, Khadija insisted that their relationship must be automatically nulled with no legal divorce needed. Khadija referred to a Shi‘i Islamic tenet that declared a marriage was automatically voided if a sexual relationship did not exist for over a year due to a spouse’s illness.\textsuperscript{547} Since Ibrahim did not abide by the previous court rule to get examined by a physician as a way to confirm this condition, Khadija was requesting his presence in court again. During the court proceedings, Ibrahim attempted to discredit Khadija’s claim by noting that sex did take place once during their marriage. However, Khadija retaliated by noting that this failed sexual encounter only occurred while he was under medical treatment, and thus he could not perform the task. Khadija sanctioned the court to


\textsuperscript{546} Al-mahkama al-shariyya al-ja‘fariyya fi Bayrūt, Khadija vs. Ibrahim, case 222, no. 98 (August 17, 1937).

\textsuperscript{547} Under Shi‘i Islamic law, a man and woman can annul (faskh) a marriage due to physical or mental deformity in one of the parties. In such instances witnesses are not needed to legitimize divorce, and the woman is not entitled to any portion of her mahr if annulment occurs before the consummation of the marriage and only half after consummation. See Mir-Hosseini, Marriage on Trial, 40.
dispense of her marriage on the grounds that Ibrahim was medically unfit and sexually incompetent to be an efficacious husband to her.\textsuperscript{548} After medical testimony from experts, the court ruled that Ibrahim had a severe illness which has prevented him from fulfilling his husbandry duties, and for this reason, the marriage was nulled. In this unique case, the court, on Khadija’s accord, deemed the marriage void based on Ibrahim’s ailing health and persistent detrimental illness. Under Shi‘i Islamic jurisprudence, lack of sexual interaction was legitimate grounds for divorce. What is interesting about this case was not the sexual grounds for divorce but rather the classification of Ibrahim as sick and unfit to fulfill his husbandry role. Matters of health and designations of “fit” or “unfit” bodies entered the courts through the avenue of marriage, whereby societal perceptions were formalized and normalized in the disciplinary institution of the courts. As a modern institution of the state, the Ja‘fari shari‘a court participated in separating the undesirable “other” from the ideal “health” members of society as it pertained to marital affairs.

On April 15, 1939, Fatima appeared before the Beirut shari‘a court, claiming that her husband, ʿAbdallāh, of two years, hit her five months before and evicted her. However, due to this beating, she lost the baby she was carrying, and needed medical assistance, which amounted to 14 Syrian liras in physician expenses.\textsuperscript{549} She appeared before the court requesting nafaqa for the five-month period and compensation for the medical expenses concurred from the abuse. ʿAbdallāh denied claims of beating her up and throwing her out of the house. Fatima brought in medical experts to confirm that she had lost the baby, which corresponded to the time of her beating and departure from the house. After much deliberation and witness testimonies, the two

\textsuperscript{548} Ibid. Khadija insisted that such a disease was present before their marriage without her knowledge, which further supported her claim.

\textsuperscript{549} Al-mahkama al-shar‘iyya al-ja‘fariyya fi Bayrūt, Fatima vs. ʿAbdallāh, case 92, no. 136 (April 15, 1939).
parties agreed that ʿAbdallāh would pay the medical expense and *nafaqa*, and provide her with an appropriate home. She also requested that ʿAbdallāh promise not to abuse her or cause her anymore physical harm, which he complied with. Unlike the previous case, the case between Fatima and ʿAbdallāh addressed the issue of bodily harm done and the medical repercussions of such actions imparted on her body, both due to her miscarriage and medical expenses accumulated. Fatima was able to prove before the court that Ibrahim was responsible for her medical expenditures while also securing, at least in front of the judge that such bodily harm would not be done again. Ibrahim was deemed guilty for impairing a “healthy” body, and thus reprimanded for such actions. Within the contours of the Jaʿfari *shariʿa* courts, normative behavior and societal norms were informed and continuously defined when concerning Shiʿi bodies and the treatment of them. Since the courts dealt with intimacies of marital affairs, the issue of sex and sexual performance arose frequently.

On January 21, 1938, Salām came before the court claiming she married Hassan from Ṭanẓūra near Haifa nearly eight months before. At one point, she lived in Beirut with him, and later moved to the city of Ṭanẓūra. She claimed that her husband was sexually “impotent and unable to penetrate women” and for that reason she became sick and was hospitalized for three months. She asserted that she only became ill after failed sexual attempts were made by Hassan. Although she was healthy at the time, she was asking for an end to their marriage and payment of all her medical expenses. Hassan claimed that he was not the reason for her sickness, and that when she became ill he admitted her to the hospital and paid for all her medical costs. In order for the court to arbitrate, a doctor was sent to physically examine Salām and make a judgment on her health and whether she could remain married to Hassan. The doctor recounted that Salām

---

was in overall good health to remain married, although he observed that Salām had an “enlarged heart and obstructed arteries,” which made her weak. The examining doctor repeatedly stated that according to his examination of her genitals she was still a virgin and that her genitals were in a healthy condition, inferring that Hassan was at no fault for her previous illness. When the court recommenced a few days later, an agreement between Hassan and Salām’s father was reached whereby Hassan would provide Salām with nafaqa, which consisted of a furnished home in Beirut comprising of all her essential needs. In accordance with Salām’s desires and confirmation of medical experts, it was made clear that Salām would not have to travel with Hassan to Palestine because of her medical condition. Both parties agreed to these terms and the court was adjourned in May 1938.

Although the peculiar details of shari‘a cases are difficult to decipher due to the nature of the documentation processing of such courts, many things can be inferred by the account at hand. It was quite clear that Salām originally appeared before the court to terminate her marriage completely, yet this never came to fruition. Based on the available account, one could question whether this was the real reason and purpose behind her claim. She appeared before the court appealing for divorce on the grounds that Hassan’s sexually impotence resulted in her getting sick. Was this a way to place blame for her illness? Or a means to rearrange her living arrangement and avoid traveling to Palestine with her husband? Although this is not clear and cannot be affirmatively answered, it is clear that Salām was able to renegotiate her living arrangement while also questioning her husband’s sexuality. She questioned his sexual impotence and connected his inability as a man, both sexually and financially, to her illness and

551 Ibid.
552 Ibid.
medical woes. In a way, Salām dictated to the court norms of “masculinity,” and how Hassan was lacking in it. By proving her virginity, Salām was able to affirm that Hassan was sexually ineffective, since he was unable to penetrate her even after eight months of marriage, even though she was not able to prove her previous illness was his fault as she claimed. Yet, Hassan still consented to furnishing a home for Salām and meeting all her needs. Hassan complied with the demands made and remained married to Salām knowing that she was indeed sick according to the physicians account. In this case, it was confirmed that Salām was indeed sick and that Hassan had not yet performed sexually in their marriage. In the end, Salām did not have to move to Palestine, and was granted nafafa and a residence in Beirut.

Many things can be said about this case and other cases that brought up matters of health and diseases. First, Shiʿi women, more than Shiʿi men, introduced disputes over medical concerns and bodily matters before the court. For the most part, they brought up issues of transmitted illness or bodily harm attributed to their spouses after the consummation of marriage.⁵⁵³ Although shariʿa courts did not have the legal authority to evaluate medical conditions and how such diseases were contracted, these issues found their way into the courts at the invitation of litigants who related this to their marital situation, which was also intertwined with their financial and/or living arrangements. Salām who obviously did not want to permanently reside in Palestine was able to use the threat of divorce and the charge of incurred bodily illness to rearrange her situation. Medical concerns, particularly those related to abuse and sexual relationships, were made by Shiʿi women, highlighting their prevalence in society while also signifying the courts role, as a disciplinary institution of the state, in defining and

---

⁵⁵³ Numerous articles on health and disease were published in al-ʿIrfaq during the period under investigation. Little to no attention was paid to this aspect in the press, and I hope to expand on this aspect in the future. This, I believe, is connected to a larger nationalist project whereby healthy subjects create a health nation-state with health citizens.
normalizing such behavior. For the most part, these cases questioned Shiʿi masculinity as one that was infected and contaminated, and one that tainted the bodies of Shiʿi women and the potential offspring of this union. Unlike the articles of al-ʿIrfān, it was largely men not women who were made accountable for the crumbling conditions in the household. The court records reveal how notions of gendered behavior, both masculine and feminine, entered the courtroom, and how the body became a site of discipline and normative construction.

Conclusion

This chapter reveals how both Shiʿi men and women utilized the courts to define and redefine their living conditions and marital relationships, and consequently societal normative behavior and gender roles. By examining cases, dealing with issue of alimony, housing, morality, child custody, and social ills, this chapter illustrates the extensive array of concerns that the court addressed, and the effect it had on the daily lives of Lebanese Shiʿas. By examining this chapter alongside Chapter three, we see discrepancies between the portrayal in al-ʿIrfān, and realities that took place in court regarding familial and gender constructions. In examination of these two chapters, I offer a new angle through which to understand al-ʿIrfān’s efforts. Were one to read the journal, one might mistakenly perceive al-ʿIrfān as reflecting present lived realities regarding the concerns of family, motherhood, and childrearing. The courts not only elaborate upon realities on the ground, they also provide the background understanding against what, and on behalf of whom, al-ʿIrfān may be directing its edification efforts. Only examining al-ʿIrfān presents a portion of the context. One can speculate that al-ʿIrfān, at least in part, might be responding to the “facts on the ground” as portrayed in the court cases, whereby it attempted to
change gender expectations and norms—informed both by middle-class perceptions and the
efforts of the nationalization project as has been previously shown—to reform society without
these issues ever going to court. It could be argued that the activities in the court reflected gender
behaviors and norms that al-‘Irfān was attempting to modify through what it presented as ideal
normative behavior toward which women, and men to a lesser extent, should strive toward. My
analysis shows how social norms and gender practices were negotiated in these various
institutions in society differently, ultimately shaping Shi‘i sectarian norms and behavior.
Whereas al-‘Irfān promoted the need to reform Shi‘i women as mothers of household and the
nation, the Ja‘fari shari‘a court records revealed that Shi‘i women, more so than men, utilized
the courts to enhance their living arrangements or modify the actions and behavior of Shi‘i men.
The records of the courts not only disclosed the concerns and practices of Shi‘i women and men
in their marital affairs but also illustrated that the demands and norms prescribed in al-‘Irfān did
not reflect the everyday realities of Shi‘i marriages and practices of masculinity and femininity.
The Ja‘fari shari‘a courts, for the most part, allowed women to exercise greater freedom and
rights even as they were formed (and limited to an extent) to the “organisational terrain” of the
courts and the colonial state.554 Through the court records, different sets of power relationships
emerged that determine the structure of Shi‘i marriages. In these practices, whether in the courts
or press, we see the multiple and conflicting ways in which categories of gender, sectarianism,
and nationality were informed and debated.

In this chapter, I revealed how legal marriages appeared in the courts as a means through
which women demanded rights and protected themselves financially, countering the
stereotypical depictions of the Middle Eastern woman, especially the Muslim woman, as

554 Mitchell, *Colonising Egypt*, xi.
oppressed by Islamic institutions (whereas, in many ways, the journal promoted such stereotypes even as it claimed to advocate education and modernization). Mounira Charrad’s text *The State and Women’s Rights* examines the differences in the development of Islamic family law in Tunisia, Morroco, and Algeria. In her research, Charrad reveals that the evolution of Islamic law and women’s rights depended on the pattern of integration between kin groupings and state formation. The closer the alliance was with tribal kin groupings, the more conservative the tenets of Islamic law. For example, in Tunisia where state development emerged independent from tribal kin groupings, family law and women’s rights were more liberal. Charrad noted “in all three Maghribi countries, family law policy came ‘from above’ as a strategic choice by the elites in power. Postindependence family law was formulated by the political leadership, which chose to maintain Islamic law, oscillated between alternatives or actively promulgated reforms.”

Unlike the Maghribi cases, in the Lebanese context there was no national code for family law adhered to by the political leadership; rather a system based on sectarian difference was imposed by the French colonial authority. Thus, family law was allocated to each sectarian entity independent and separate from the political state (yet recognized and protected by it) as enforced by the mandatory state. As discussed in Chapter two, each sect practiced personal status matters within their specific courts yet authorized and recognized by the state. In this case, the Ja’fari shari’a courts were established for the first time under the French colonial authority. Thus, the question of family law and women’s rights was not directly connected to or determined by the structure of the state and politics of integration. However, these rights were debated within the

---


556 Ibid., 1–2.

557 Ibid., 233.
institutional framework of the newly founded Ja‘fari shari‘a courts that came to standardize and normalize sectarian behavior and familial roles as it emerged as the sole authority on personal status matters. In the Ja‘fari shari‘a case, “both the process of codification and the concept of a unified legal system which has the state as an enforcing authority behind it are alien to the Shari‘a,” and practices of family law.\textsuperscript{558} This chapter reflected how the courts came to have an essential part in normalizing Shi‘i social and gender norms as a sectarian entity of the burgeoning Lebanese nation-state. As Ziba Mir-Hosseini noted Islamic family law reveals the interplay between three realities “a sacred level embodied in the Shari‘a; a legal level as reflected in modern legal codes and apparatus, which although derived from Shari‘a, is distinct from it; and the existing practices as revealed in the choices that people make.”\textsuperscript{559} The Ja‘fari shari‘a court penetrated the lives of Lebanese Shi‘a both by invitation and institutionalization as it came to normalize marital norms at a time when Shi‘i Muslims were integrated into the Lebanese nation.

\textsuperscript{558} Ziba Mir-Hosseini, \textit{Marriage on Trial}, 11.

\textsuperscript{559} Ibid., 15.
Chapter Five

The Future of the Sect: Educating Shiʿi Children into the Lebanese Nation-State

These methods produce the organized power of armies, schools, and factories, and other distinctive institutions of modern nation-states. They also produce, within such institutions, the modern individual, constructed as an isolated, disciplined, receptive industrious political subject.\footnote{Timothy Mitchell, \textit{Colonising Egypt}, xi. By these methods, Mitchell is referring to the disciplinary methods that put in place social processes that internally restrict individuals.}

Introduction

An appropriate home with “reformed” Shiʿi mothers and fathers was to produce upright Shiʿi children.\footnote{The matter of an appropriate home was elaborated on in chapters three and four.} As seen in Chapter three, \textit{al-ʿIrfaʿn} emphasized the importance of home education to be bestowed by Shiʿi mothers that superseded formal schooling. However, an appropriate upbringing in a proper Shiʿi home was to be integrated with an apposite educational upbringing in school. Just as reform for Shiʿi mothers and fathers was proliferated in the press, the call was also rendered to the future children of this sect. It was also during this period that formal education for Shiʿi children was propagated and called for in the popular Shiʿi monthly journal, \textit{al-ʿIrfaʿn}. Throughout the 1920s and 1930s, various articles and op-ed pieces appeared, emphasizing the need to educate Shiʿi children and the importance of schooling for the
community. It was precisely during this period that education became an important issue among Shiʿi intellectuals and notables as aggressive debates about education inundated the pages of al-ʿIrfaq. This exasperating petition for educational reform was linked to the need to combat the shortcomings of the educational system found among the Shiʿas of Lebanon. Articles were published focusing on the need to combat the pitfalls of the nation’s educational system, and how to remedy the lack of education among Shiʿi children. Education and the future of Shiʿi children became an imperative matter for the journal. In one such article published in 1922 and titled “Where is the ʿAmili?” the author argued “that the people are swimming in a sea of ignorance” and the only way to do away with the ignorance that has “poisoned their mind” was to awake them through education. Throughout the piece, the author lamented over the detrimental condition of education among Shiʿas.

It was precisely during the French Mandate period that the first successful Shiʿi based educational institutions were established. In her extensive dissertation work on the education system in Beirut from the 1920s to the 1960s, Nadya Sbaiti illustrated the relationship between education and multiple nationalism in three different schools, and how education provided a

---

562 When I use the word “community” I am at once referencing to the Shiʿi community which came to see itself as such at this point, and to some extent the greater Lebanese community which envisioned themselves its citizens. Both of these usages are loose and blurry. In Lebanon, communities cultivated a distinct identity with the goal of homogenizing the nation-state as Nadya Sbaiti argues to an extent. See Nadya Sbaiti, “Lessons in History: Education and the Formation of National Society in Beirut, Lebanon 1920–1960s” (PhD diss., Georgetown University, 2008).

563 Throughout the 1920s and 1930s, al-ʿIrfaq, published a myriad of articles focusing on the importance of education.

564 “ʿaina al-ʿamili?” [Where is the Amili?], al-ʿIrfaq 8, no. 8 (1923): 609.

565 They were the first successful schools established and continue to function. A number of small schools were founded in Jabal ʿAmil during the Ottoman Empire, but none of these schools lasted long enough due to economic hardship and limited funding.
means of competing notions of “being” Lebanese.\footnote{Sbaiti, “Lessons in History,” 2. Sbaiti examined three secondary schools; Sunni Islamic, Francophone-Christian, non-sectarian—all located in the capital of Beirut.} The significance placed on education, as she demonstrated, and the drastic rise in schools paralleled the formation of the nation-state.

With the culmination of the French Mandate, there were more than 963 private schools with at least two-thirds run by Lebanese citizens.\footnote{Ibid. There were approximately 71,524 students enrolled in these schools. See also ‘Ali ʿAbid Fattūnī, “Ṭatawwur al-taʾlīm fi madārīs al-jamʿiyya al-khayriyya al-ʾIslāmiyya al-ʿamiliyya fī Bayrūt min khilāla wathāʾiqīha al-ʾaṣlīyya 1923–1943” (PhD diss., Lebanese University, 1986), 15.} In her work, Sbaiti focused on an Islamic (Sunni) school, a non-sectarian school, and a Francophone run institution in Beirut without addressing Shiʿi educational centers established during this same time period.\footnote{A number of other works have contributed to the study of education in Lebanon. See A.L. Tibawi, American Interests in Syria, 1800–1901: A Study of Educational, Literary and Religious Work (Oxford: Clarendon Press, 1996); Norbert Scholz, “Foreign Education and Indigenous Reaction in Late Ottoman Lebanon: Students and Teachers at the Syrian Protestant College in Beirut” (PhD diss., Georgetown University, 1997); Munir Bashshur, “The Role of the Western Universities in the National Life of Lebanon and the Middle East: A Comparative Study of the American University of Beirut and University of Saint Joseph” (PhD diss., University of Chicago, 1964); Martin Strohmeier, “Muslim Education in the Vilayet of Beirut, 1880–1918,” in Decision making and change in the Ottoman Empire, ed. Caesar Farah (Kirkville: Truman State University Press, 1993), 215; Donald Cioeta, “Islamic Benevolent Societies and Public Education in Ottoman Syria, 1875–1882,” Islamic Quarterly 26, no. 1 (1982): 40–55; ʿIssām Shubārū, Jamʿiyyat al-Maʿāṣīṣid al-Khayriyya al-ʾIslāmiyya fī Bayrūt (Beirut: Dār Muṣbaḥ al-Fikr, 2000); and Michael Johnson, Class and Client in Beirut: the Sunni Muslim Community and the Lebanese State, 1840–1985 (London: Ithaca Press, 1986).} This chapter contributes to this analysis by examining the way in which the first Shiʿi schools crafted a notion of “being” Lebanese as they generated different modes of sectarian identity.\footnote{The only work published in English that has examined to some extent these two schools is that of Tamara Chalabi. She spends a few pages talking about each school. However, her work does not examine the curricula and archives at these schools as this chapter does. See also Evelyn Aleene Early, “The Amiliyya Society of Beirut: A Case Study of an Emerging Urban Zaʿim” (Master’s thesis, American University of Beirut, 1971). Sabrina Mervin’s work in French examines the debates between Shiʿi intellectuals on the use of modern sciences in schools. See Sabrina Mervin, Un Réformisme châte Un Reformisme Châte: Ulemas et Lettres du Gabal ‘Amil (Actuel Liban-Sud) de la Fin de L’empire Ottoman a l’independance du Liban (Paris: Editions Karthala, CERMOC and IFEAD, 2000), 141–61. In Arabic, there are a few dissertations on each of the Shiʿi schools individually: ʿAli ʿAbid Fattūnī, “Ṭatawwur al-taʾlīm fi madārīs al-jamʿiyya al-khayriyya al-ʾIslāmiyya al-ʾamiliyya fī Bayrūt min khilāla wathāʾiqīha al-ʾaṣlīyya 1923–1943” (PhD diss., Lebanese University, 1986); Muhammad Fattūnī, Ṭatawwur al-taʾlīm fi madārīs al-jamʿiyya al-khayriyya al-ʾIslāmiyya al-ʾamiliyya fī Bayrūt min khilāla wathāʾiqīha al-ʾaṣlīyya 1943–1975” (PhD diss., Lebanese University, 1992); Sāmī al-Ḥajj Mūsā, “Tariḥ al-jamʿiyya al-khayriyya al-ʾIslāmiyya al-ʾamiliyya fī Bayrūt, 1923–1976” (PhD diss., Lebanese University, 1976); and Nabil Al-Sāhīlī, “Ḥawla al-taʾlīma al-tāʾīfa fī Lubnān: al-khuḥiyāt al-ʾamiliyya” (PhD diss., Lebanese University, 1980).} Between the 1920s and
1930s, two prominent Shiʿi schools and cultural centers were established catering specifically to a burgeoning Shiʿi community. Al-Jamʿiyya al-Khayriyya al-Islāmiyya al-ʿAmiliyya (The Charitable Islamic ʿAmili College), referred to as theʿAmiliyya, and al-Jamʿiyya al-Khayriyya al-Jaʿfariyya (The Charitable Jaʿfari Society), better known as the Jaʿfariyya played a pivotal role in the amalgamation of Shiʿas into the Lebanese nation-state and education of Shiʿi children.\textsuperscript{570} This chapter examines the changes that took place during the French Mandate period, particularly in the 1920s and 1930s, and that propelled a fervent call for educational reform among Lebanese Shiʿas, ultimately setting the grounds for the establishment of the first successful Shiʿi private schools in Lebanon. The chapter first examines the literature produced in \textit{al-ʿIrfān} that urged the call for education. What were they calling for? What were the reasons behind it? And what modifications did they deem necessary? This chapter seeks to examine why such an educational pull occurred during this particular time and the implications it had on the position of Shiʿas within Lebanese society. With the largest illiterate community and least number of schools, educational reform became a means of sectarian identification and advancement for the Shiʿas. The chapter then investigates these two educational establishments. The first educational institutions catering to the Shiʿi community, the ʿAmiliyya in Beirut and the Jaʿfariyya in Tyre, created a space in which sectarian modes of identification were institutionalized and defined, and thus contributed to the multiple nationalisms in Lebanon.\textsuperscript{571} The main objective of this chapter is to show how the first Shiʿi schools contributed to and fostered both sectarian and nationalist sentiment—and at times contrasting notions—among the Shiʿi Muslims of Lebanon as they attempted to integrate Shiʿi children into the Lebanese nation-

\textsuperscript{570} Although these schools may have included students of different sectarian orientations, by and large they served the Shiʿi community.

\textsuperscript{571} The importance of institutionalization is emphasized by Max Weiss, \textit{In the Shadow of Sectarianism: Law, Shiʿism, and the Making of Modern Lebanon} (Massachusetts: Harvard University Press, 2010).
state by equipping them with the principles of modern education while continuing to bear a sectarian (and to some extent religious) undertone. The chapter looks at the specific curriculum of each school and the implications each had on Shiʿi society. Based on archival research at these two foundational schools, and a thorough examination of yearly records, publications, school attendance, and curricula, this chapter shows how these schools cultivated a distinct sense of Shiʿi awareness while creating an educational curriculum that promoted a sectarian and national agenda.

Both the Ṭāmilīyya and the Jafarīyya schools represented attempts made by Lebanese Shiʿis as to become part of the nation by enhancing and “modernizing” their educational system as a sect. This push for educational reform was not particular to the Shiʿis of Lebanon, but rather occurred in most colonial and postcolonial nations. However, this chapter examines the specific reasons behind this educational impetus among this burgeoning community while also examining the history of these two schools. As Rashid Khalidi has argued “the power of the state [was propagated] through educational system, [as well as] the media and other avenues of access to cultural and political discourse.” \(^{572}\) This chapter examines how the press perpetuated a cultural and nationalist discourse as it pertained to educational reform. However, in the case of Lebanon, due to the lack of a strong state establishment and sectarian nature of government, competing nationalist discourses were informed and rooted in sectarian modes of identification. Unlike other postcolonial contexts where a single unified education system reinforced nationalist ideology through the power of the state, in Lebanon multiple educational systems created

competing notions of nationalism, whereby the Shiʿi case was one among many. Unlike previous works on education in Lebanon, this chapter also investigates whether disparities occurred between the ideologies bestowed in the ṢAmiliyya school located in the Lebanese capital of Beirut, and the Jaʿfariyya school situated in the city of Tyre, a predominantly Shiʿi region in the South of Lebanon. How, if at all, did these Shiʿi educational institutions attempt to situate themselves in the Lebanese nation-state, and what types of sectarian and/or national modes of identification were being constructed during this Mandate period?

As this dissertation has argued, the formation of the Lebanese nation propelled a sense of Shiʿi sectarian and national belonging that brought with it a need to reform. The reform most called for was that of the Shiʿi family and the individuals encompassing it—Shiʿi men, women, and children. As a component of this reform, the education of Shiʿi children, the future citizens of the sect, and thus the Lebanese nation-state, was deemed necessary. As a minority in the nationalist paradigm during a time of great national uncertainty, importance was placed on reforming the educational system within the Shiʿi community as it tried to negotiate its place in Lebanese society at the advent of the Mandate.

The State of Education among the Shiʿi population: From Ottoman Empire to French Mandate

The state of education among Shiʿi Muslims was extremely poor and lacking in comparison to other Lebanese sects. In 1914, the estimated number of Shiʿi children in school was five percent. This stark educational disadvantage exhibited in Shiʿi regions, such as Jabal

---


574 Muhammad Bahjat and Muhammad Rafiq al-Tamimi, Wilayat Bayrūt (Beirut: Dār Lahd Khatir, 1987), 143.
ʿAmil, was linked to the group’s political and economic peripherality. The lack of modern agriculture and Western capitalist intervention in Shiʿi territories perpetuated a land labor society that did not demand educational prowess.\textsuperscript{575} The expansion of the port of Beirut and the creation of national borders between what became Lebanon, Palestine, and Syria alienated predominantly Shiʿi areas, such as Jabal ʿAmil and Baalbek, from the growing capitalist market.\textsuperscript{576}

Consequently, there was little economic incentive in those regions to pursue education. As a largely peasant society focused on agricultural cultivation, particularly tobacco, education was a privilege for a select few largely hailing from the emerging Shiʿi bourgeoisie and the traditional ʿulama\textsuperscript{3} (religious cleric or scholar) class.\textsuperscript{577}

Under the Ottoman Empire, educational efforts lagged behind, particularly in areas where Shiʿas resided, so much so that foreign missionary schools were established well before any organized state run schools were created. Foreign schools run by French, British, American, German, and Italian missionaries outnumbered Ottoman schools 2:1.\textsuperscript{578} For the most part, missionary schools filled the educational gap under the Ottoman Empire with different foreign and colonial interests vying for power in the region through education.\textsuperscript{579} It was also a way to ultimately undermine the power of the Ottoman Empire, which had been losing an authoritative

\textsuperscript{575} For more on the impact of borders see Tamara Chalabi, \textit{The Shiʿis of Jabal ʿAmil and the New Lebanon}, 87–105.

\textsuperscript{576} See Chapter one for further information on the economical impact the trade routes and border lines had on the Shiʿi regions of Jabal ʿAmil and Baalbek al-Hirmil.

\textsuperscript{577} Chalabi, \textit{The Shiʿis of Jabal ʿAmil and the New Lebanon}, 148.

\textsuperscript{578} Under Midhat Pasha, the Amirate schools were established to amend this educational discrepancy. Benjamin Fortna, \textit{Imperial Classroom: Islam, the State, and Education in the Late Ottoman Empire} (Oxford: Oxford University Press, 2002), 52–53.

and administrative grip across the Middle East. Even when the Ottoman Empire established the
Ottoman Ministry of Education in 1847 to improve education, the number of Ottoman public
schools went from 153 in 1886 to 359 on the eve of World War I. However, the schools
established were largely in the Mutaṣarrifiyya region (Ottoman province of Mount Lebanon)
where foreign schools flourished.580 Most of these missionary schools existed in Mount Lebanon
and Beirut with very few existing in the rural and peripheral regions of Jabal ʿAmil and Baalbek
where most Shiʿas resided. Thus, very few Shiʿas had access to these missionary and private
schools as education remained a commodity enjoyed by the small ʿulamaʾ class.581 By 1920,
Shiʿas had 11 schools while the Christian community had over 500.582 The number of schools
present among Shiʿas remained significantly lower than among the other major sectarian groups
in Lebanon.583 Government schools were also very limited in Shiʿi areas, which resulted in
Shiʿas having the highest illiteracy rate among the various Lebanese sects as seen in table one
below.

Table One: Illiteracy Rate in 1932

580 This was also an attempt to counter the growing foreign presence in this region. See Traboulsi, A History of
ʿAmil and the New Lebanon, 1918–1943” (PhD Diss., Harvard University, 2003), 259 & 263; and Strohmeir,
“Muslim Education in the Vilayet of Beirut,” 215.

581 Chalabi, “Community and the Nation-State,” 195. See also Boutros Labaki, Education et Mobilité Sociale Dans
la Société Multicommunautaire du Liban, Approche Socio-historique (Beirut: n.p, 1988), 64.

582 Chalabi proves a detailed analysis of the educational shortcoming under the Ottoman Empire. Chalabi,
“Community and the Nation-State,” 196.

583 According to Khazen’s statistics, the Druze community had the same number of schools as the Shiʿas, whereas
there were 19 Sunni schools in 1920. Due to the proximity of Druzes and Maronites in the Mount Lebanon region,
the Druze literacy rate was much higher than that of Shiʿa as many Druze were educated in Maronite or missionary
schools. This number drastically increased for the Sunnis of Lebanon as the Ottoman Empire’s power deteriorated
and their political mobilization increased with the rise of Arab nationalism. See Martin Strohmeir “Muslim
Education in the Vilayet of Beirut, 1880–1918,” 215; and Farid el-Khazen, The Breakdown of the State (Cambridge:
Harvard University Press, 2000), 64.
This had a lasting impact on the nature of education in Lebanon as foreign schools became the model for future state schools, which emerged later. The education status among Shiʿi Muslims did not improve with the advent of the French Mandate. The French colonial authorities did not have a defined educational policy for the new Lebanese nation-state outside Christian communities, which were already well-equipped with schools. Although the French Administration undertook educational development by regulating and organizing existing schools, little was spent on expanding state run or national schools. Until 1951, there were no public secondary schools, and those available were run by foreign or local individuals. For the most part, the French continued the same system put in place under the Ottoman Empire. Consequently, privately run schools and missionary schools were the staple of Lebanese society. Privately run Shiʿi schools remained at a disadvantage as the mandatory government allocated 2.3 percent of the state aid budget to Shiʿi schools while 92.5 percent of the budget went to their Christian counterparts in 1927. Rural areas, such as Jabal ʿAmil where most Shiʿas resided, became a periphery with the reconfiguration of the Middle East and the establishment of Beirut.


585 Sbaiti, “Lessons in History,” 16. This was also the case under the Ottomans which was only continued by the French.

586 Majed Halawi, A Lebanon Defied: Musa Al-Sadr and the Shiʿa Community (Boulder, CO: Westview Press, 1992), 42. This lack of funding could also be justified by the lack of Shiʿi private schools present at the time, while Christian schools had been a cornerstone of Lebanese society.
over Sidon as the prime trade port. This reduced the importance of Jabal 'Amil as financial investment, and institutional reform were placed on Beirut and Mount Lebanon.

Most of the schools present at the time were Christian missionary schools which housed a small number of Shiʿi students. During the Mandate, the majority of Shiʿi families could not afford these schools for their children due to high enrollment costs. Areas such as Nabatiyya in the south, which was predominantly Shiʿa, had no missionary schools leaving its children relying on the handful of state schools present. Although the exact number of state schools in Jabal 'Amil is unknown, the number was scarce. For example, the southern town of Bint Jbeil had no elementary school while the city of Nabatiyya only had two. The two schools consisted of between only 90 to 120 students. The lack of educational establishments in these areas during the French Mandate limited the number of government held positions and political involvement in the state by Shiʿas. The situation only worsened under the presidency of Emile Eddé who passed a series of decrees in the 1930s intent on closing a sizable number of state schools as a way of reducing the state’s budget. Schools and teachers greatly affected were in Muslim areas as their needs remained secondary to that of the Maronites. According to Tamara Chalabi, there were a total of 177 schools in Jabal 'Amil in 1938, however, the standards at these schools remained poor with few teachers and scarce resources. In contrast, al-'Irfān cited a smaller number of schools during this time period. In the “Question and Answer” segment of the journal, a reader

---

587 Sidon is located in southern Lebanon and is a predominantly Sunni city. However, its proximity to Tyre and northern Palestine made it a common trade route before significance was placed on Beirut as the main port.

588 See Chapter one.

589 Muhammad Bahjat and Muhammad Rafiq al-Tamimi, Wilayat Bayrūt, 143.


asked about the number of government schools in Jabal ʿAmil. In its response, the newspaper noted that Jabal ʿAmil had 52 schools connected to the government along with 54 private schools. The newspaper correspondent concluded that this was indeed a very scarce number. 592

In this same segment, another reader posed the question “Why doesn’t the government build schools according to the needs of the people instead of continuing to have the same number of schools as in old Lebanon?” 593 The journal provided an elaborate answer that emphasized the weakness of the government in reforming and equalizing this discrepancy. Al-ʿIršān and its readers were aware of the disparity in education among the various sects and regions, and the Shiʿi as lagging position in this perspective. 594 The frequent questions asked by its readers and the numerous articles written in al-ʿIršān during the Mandate period highlighted the concern over education in the Lebanese nation-state, particularly as it related to the Shiʿi sect. It was in this climate that the call for educational reform, which was an indication of the growing sense by Shiʿa as of sectarian consciousness and the awareness of importance of education to the empowerment of the community, perpetuated. 595

Education and the Nation: Al-ʿIršān

592 “Al-suʿāl wa-l-jawāb” [Question and Answer], Al-ʿIršān 25, no. 4 (1945).

593 Ibid. The question continued to ask was “who do we ask the government or parliament member for this?”

594 “al-wataniyya wa ʿātharhā fī al-madrasa” [Nationalism and its Impact on Schools], Al-ʿIršān 15, no. 8–9 (1928): 121. This opening article reiterated the lack of schools in Jabal ʿAmil when compared to Beirut and Mount Lebanon.

595 Aware that education was a valued commodity and hence a means to power, Shiʿi leaders involved in this movement at the time also utilized this for their own political prowess and recognition in the community. Subsequently, the demands for educational reform became a prevalent and constant theme during the Mandate.
The pages of *al-ʿIrfān* became the stage for such debates and concerns with Shiʿi scholars blaming the lack of education on the community’s ongoing problems and their unheard political voices. Between the 1920s and 1940s, *al-ʿIrfān* was inundated with articles about education, its role in society, the types of schools that should be opened, and the curricula they should offer. As discussed in Chapter three, *al-ʿIrfān* spoke largely of the concerns of a growing Shiʿi middle-class and society which emphasized education, another intricate component in the making of the Shiʿi family. Reform, as one article argued, was to begin in schools, and for this reason the issue of education had to be in the forefront. Schools were deemed the “foundation of knowledge and upbringing,” as one article noted, so the need to “remedy” them was imminent. Articles highlighted the “need for a structure and organization of learning” in Lebanon in order for change and development to occur. As noted above, there was awareness in *al-ʿIrfān* of the lack of schools in Shiʿi areas when compared to cities such as Beirut. The lack of political and economic prowess of Shiʿis in comparison to other sects was seen as the reason for disparity. In an article written by Fatāt al-Furāt titled “Education is for the Poor not the Rich,” the importance of education and how ignorance must be fought with education was emphasized. In order to lessen the gap “between the rich and poor,” and have our nation progress as other nations have, al-Furat argued the need to educate the poor and reform the current system, which had created such disparities. These disparities were not only delineated along socioeconomic lines, but

---


597 “muhimma al-madrasa” [The Importance of Schools], *al-ʿIrfān* 23, no. 4–5 (1932): 347.


599 “al-ʿalim lil-fuqārāʾ lā lil-āʾghnīya” [Education is for the Poor not the Rich], *al-ʿIrfān* 22, no. 1 (1931): 143. She continued to note that a life without education was one without food and water.

600 Ibid.
also along sectarian ones. As the most political disenfranchised and economical impoverished, the Shiʿ as significantly lagged behind, and which impinged on their participation and amalgamation in the Lebanese nation-state. This paucity in many ways was seen to have a direct impact on the perpetuation of nationalism and the development of the sect in the nation-state as one article titled “Nationalism and its Impact on Schools” underscored.  

Nation Building through Education

Throughout the 1920s, a series dedicated to “Upbringing and Education” appeared, lamenting the state of education and the need for this issue to be addressed. In one such article, the author highlighted how “the first obligation of schools was to instill the “love of the nation” among the students.” The author expounded on this by demanding that education should be directed toward the advancement of the nation.  

However, in order for this to happen national or state run schools had to be constructed. Throughout the French Mandate period, al-ʿIrfān’s

---

601 “al-waṭaniyya wa ʿāthurā fī al-madrasa” [Nationalism and its Impact on Schools], Al-ʿIrfān 15, no. 8–9 (1928): 121.

602 The words tarbiya (upbringing) and taʿlīm (teaching) were used interchangeable to reference education during this period. They were also referenced when discussing the role of the mother in raising her children. This new usage of tarbiya to mean education is highlighted by Timothy Mitchell and discussed in Chapter three. See Mitchell, Colonising Egypt.

603 “al-tarbiya al-madrasa” [The Upbringing of School], al-ʿIrfān 7, no. 8 (1922): 180.

604 “al-waṭaniyya wa athar fī al-madaris” [Nationalism and its Impact on Schools], al-ʿIrfān 15, no. 9 (1928): 131.
writers demanded the establishment of national schools to combat the threat that foreign run schools would cause. This was not surprising considering that four-fifths of all students in Lebanon attended private schools while the rest went to the 129 public elementary schools opened by the French High Commission in 1920 and 1921.\textsuperscript{605} However, the majority of these schools (both public and private) were in Beirut and the Mount Lebanon region. As al-‘Irfān’s writers purported, the call for nation-building through education had to be enforced by the establishment and enhancement of national schools. The January 1922 issue of al-‘Irfān opened by addressing the lack of state sponsored schools in Lebanon and focusing specifically on Jabal ‘Amil.\textsuperscript{606} The article argued that “national” schools must be established to teach citizens to love their nation and defend it. A common concern of al-‘Irfān was the prevalence of foreign schools. In one of the many articles addressing this issue, the author insisted on the growing threat of foreign schools that “teach the foreigners native tongue” and history rather than the “language and history of our land.”\textsuperscript{607} The author demanded more national schools to prevent the above from happening. In a similar article that commenced the June 1922 edition of al-‘Irfān, it bemoaned the abundance of foreign schools over national schools “whose aim was political and religious and not the development” of the nation.\textsuperscript{608} Due to the failed state of nationalist education, the article argued, the nation has been weakened to the point of finding itself in “the

\textsuperscript{605} Sbaiti, “Lessons in History,” 1. In Sbaiti’s extensive work on the school system in Beirut during the French Mandate, she noted that by 1938 there were 177 state schools with over 18,000 students while there were 344 private French primary schools. See also A.L. Tibawi, Islamic Education: Its Traditions and Modernization into the Arab National Systems (New York: Crane, Russak & Company, 1972), 133.

\textsuperscript{606} “al-madāris al-wataniya” [National Schools], al-‘Irfān 7, no. 9 (1922): 513.

\textsuperscript{607} “hanwā al-tarbiya raqwā al-ta’līm” [Improving Upbringing is in the Progress of Education], al-‘Irfān 12, no. 1 (1926): 89.

\textsuperscript{608} “al-madāris al-waṭaniya” [National Schools], al-‘Irfān 7, no. 9 (1922): 513–19.
abyss of foreign progress,” resulting in “the disunity of the people.”609 Al-ʿIrāfān continued by
emphasizing the need to found national schools “dedicated to the people of the nation with
educators from the nation,” in which foreigners would not be employed, and if they were they
should have no say in the happenings of the schools.610 Only national schools according to one
article titled “The Upbringing of School” could amend the nation and instill a nationalist element
that foreign schools could not attain.611 In another article, the writer stressed the importance of
national schools to teaching “the language of the nation” and what was pertinent to the (Syrian)
nation and not to France.612 The author called on intellectuals to remedy the situation and help
“raise the future soldiers of the nation that will defend it.”613 The author concluded by
demanding national schools to “teach our language, geography, and history before it teaches the
foreigners’ [sic] languages and their history.”614 Education was seen as part of the nationalist
project and a way to amalgamate its constituents into the new Lebanese nation-state. The
infringement of foreign and missionary schools throughout Greater Syria threatened the nation-
building process and its future children. The lack of state run schools in Shiʿi areas was a sign of
their staggering position in the nation-building process and their integration into it. The
education of Shiʿi children under nationalist state sponsored schools was seen as a way to

609 Ibid. In the article reference to the nation here meant the Syrian nation as it frequently indicated how “Syria has
failed in nationalist education.” This is an indication of this period whereby World War I had just ended and Britain
and France had agreed to divide the Middle East as established by the Sykes-Picot agreement.

610 Ibid.

611 “al-tarbiya al-madrasa” [The Upbringing of School], al-ʿIrāfān 7, no. 3 (1921): 180.

612 “al-ʾiṣlāḥ yabadaʾaṯ al-madrasa” [Reform Beginnings in Our Schools], al-ʿIrāfān 11, no. 2 (1925): 135–37. The
Syrian nation is referred in this article. A change appeared in al-ʿIrāfān in the late 1930s and 1940s with the decline
of the Arab uprisings, altering the orientation of the newspaper toward a Lebanese nationalistic inclination.

613 Ibid., 136.

614 Ibid., 137.
mobilize the nation-state, and the only way to do this was to bolster the status of the sect. In the case of Lebanon, nationalism appeared in a sectarian form as argued throughout this dissertation. Due to this sectarian makeup of the nation-state, the question over the role of religious education and type of curriculum to use in schools became one of concern and debate in \textit{al-`Irfān}.

The Desired Curriculum and the Question of Religion in Schools

As debates over the status of education and how to remedy it ensued in articles published in \textit{al-`Irfān}, the question of what schools should teach also became a matter of discussion. In one article, there was a strong call for a nationwide curriculum that utilized the same books in all state schools, while other writers stressed the importance of teaching the Arabic language, history, and geography of the nation-state.\footnote{Whose history were these authors referring to? As Chapter one discussed it was precisely during this time that Shi`i intellectuals and religious notables began to write the history of Shi`as. These authors were also some of the main contributors to \textit{al-`Irfān} as individuals, such as Muhsin al-Amīn and Sulaymān Zāhir, wrote these historical accounts. See Chapter one.} Almost all articles agreed on the nationalist component of the school curriculum that came through mastering the country’s language.\footnote{“Al-`Irfān madrasa” [Al-`Irfān is a School], \textit{al-`Irfān} 15, no. 7 (1928): 830; “al-`islāḥ yabada’a fī al-madrasa” [Reform Begins in Our Schools], \textit{al-`Irfān} 11, no. 2 (1925): 137; and “al-madāris al-waṭaniyya” [National Schools], \textit{al-`Irfān} 7, no. 9 (1922): 513–19.} This came during a period when the French authorities had declared French along with Arabic as the official languages of the nation-state. In Syria, on the contrary, the French applied a different policy in regard to language and established the Arab Academy to advance Arabic studies. This did not happen in Lebanon which was regarded as a Christian Phoenician country, and hence not Arab.\footnote{Sbaiti, “Lessons in History,” 104.} Consequently, French was compulsory in schools, and culturally and politically
necessary for state or public employment. The insistence on Arabic as a form of instruction as propagated in al-‘Irfān highlighted the importance of language in the struggle for national formation and anti-colonial expression. The imposition of French in all schools was enforced by the French Service de L’Instruction publique (Department of Public Education).\textsuperscript{618} For the French administrative authority, this was a form of knowledge domination that infiltrated all spheres of Lebanese society, while proclamation for the usage of Arabic was a form of resistance and national self-identification.\textsuperscript{619} Language was a contested site of national, cultural, and sectarian identity during the Mandate period, which would direct the means in which future citizens of the nation-state would communicate and reason in.\textsuperscript{620} In the case of Lebanon, the issue of language also represented an individual’s socioeconomic class and sectarian identification, and thus his or her access to power and resources. It was not until the Lebanese baccalaureate exam at the completion of secondary schooling in 1930 that Arabic became compulsory in schools. Prior to this, most secondary schools had taught little to no Arabic.\textsuperscript{621} With the establishment of the new Republic of Lebanon in 1946, Arabic was declared the official language of the state and public schools—a step toward asserting national identity.

\textsuperscript{618} French was declared the sole medium of instruction throughout the Empire in 1882. See Shaiti, “Lessons in History,” 99.

\textsuperscript{619} However, this argument is relevant to the sect at hand, whereas Shi‘i and Sunni schools advocated Arabic many Maronite Christian schools endowed in the Phoenician legacy promoted French and their Western affiliation. See Asher Kaufman, Reviving Phoenicia: The Search for Identity in Lebanon (London: I.B. Tauris & Company, 2004).


\textsuperscript{621} Shaiti, “Lessons in History,” 136. As was noted earlier, all secondary schools at this time were private and it was not until 1952 that secondary state schools were opened.
One aspect of education that received much attention was the place and role of religion in the school curriculum. As Nadya Sbaiti argued, the Arabic words tarbiya, referring to a moral component of upbringing and education, and ta'lim, meaning knowledge inducing education, were once perceived as one and the same. However, Sbaiti, among others, argued that the separation of tarbiya and ta'lim coincided with the emergence of “secular” and “rational” forms of knowledge and disciplines, such as math and sciences. According to Sbaiti, there was a transfer of power from the family to school when schools became a place of ta'lim but not of tarbiya. Ta'lim was to occur as a function of schools to educate and raise children into the nation-state. In the case of Shi‘as, this debate over ta'lim and tarbiya can be seen in al-‘Irfān’s articles (which can also be read in the Al-Tarbiya wa Ta’lim series published throughout the 1920s and 1930s), and the subsequent creation of the first Shi‘i educational institutions. Al-‘Irfān’s contributors repeatedly highlighted the importance that religion had in formal schooling and the upbringing of the nation’s children. In Ahmed Riḍā’s article “Religious Education in Schools,” the prominent Shi‘i intellectual advocates religion as the most important aspect for the “development of proper character, and prevention of detainable actions.” Religious knowledge was seen as a necessary component of formal “secular” educational training in order to cultivate an appropriate temperament. In a more elaborate piece discussing this matter, Riḍā wrote that religion was no longer taught in schools but delegated to “the home and mosque,” which had


resulted in the ignorance found in society.\footnote{al-tarbiya wa taʿlim [Upbringing and Education], \textit{al-ʿIrfān} 8, no. 9 (1923): 690–91.} He argued that the teaching of religion was important in society since the East was fundamentally different from the West whereby religion was “a component of the true \textit{nahda} (awakening).”\footnote{Ibid.} From this statement, it was quite clear that the author was aware of the growing split between \textit{taʿlim} and \textit{tarbiya}, and thus attributed it to the West. By placing blame on the West, Riḍā made a clear distinction between the needs of the West and East in order to assert his demand for religious studies in formal educational training. According to this article, an awakening would only occur if religious education was incorporated in schools and society. In many of the articles discussing educational reform, religious studies was proposed and advocated for, and incorporated into curriculum modifications. Religious education was not seen as antithesis to secular studies, but rather contingent to it. According to another article written in June of 1922, the writer noted the importance of teaching religion but was quick to point out that it should not perpetuate “extremism.”\footnote{Ibid.} This was one of the few articles that warned against excessive religiosity in formal schooling, and the negative impact it may have on the burgeoning fields of math and sciences.\footnote{al-madāris al-waṭaniya [National Schools], \textit{al-ʿIrfān} 7, no. 9 (1922): 535.} However, these articles did not question the sectarian component of schools and whether this would in any way threaten or come into conflict with the crafting of a unified nationalist sentiment. For the most part, \textit{al-ʿIrfān} encouraged the study of religion in schools and the need to establish Shiʿi institutions of education. In one particular article, the author warned of the harm that sectarian schools may have on the nation, yet still advocated the teaching of religion in schools and employing teachers

\footnote{Ironically the notion of religion as separate from the secular is a Western Christian articulation as elaborated on by Talal Asad, Wael Hallaq, and others. I discuss this in detail in Chapter two.}
who were competent enough to undertake this project.\textsuperscript{630} This debate between “secular” and “religious” education resulted in a discussion in the first educational centers as shown below.\textsuperscript{631} However, with the lack of a single, unified educational system promoting a state-endorsed nationalist ideology, multiple educational systems were endorsed based on the needs of the sectarian community. In the case of the Shiʿas of Lebanon, a demand for educational reform was on the one hand nationalistic as it promoted an Arab Lebanese identity, and on the other hand sectarian as it spoke to the lack of educational development among Shiʿas.

With the recognition of Shiʿas as a separate legal and political entity, a preoccupation with the educational status of the community became prevalent during this time.\textsuperscript{632} As Talal Asad has argued, the preoccupation of certain groups, such as Islamists, “with state power is the result not of its commitment to nationalist ideas but of the modern nation-state’s enforced claim to constitute legitimate social identities and arenas.”\textsuperscript{633} Consequently, the initiative of the Shiʿas to create schools was “a way of defining, ordering, and regulating social spaces and improving these social conditions” in a new nation-state that recognized them as a legitimate sectarian entity.\textsuperscript{634} In order to situate and integrate themselves within the new Lebanese nation, Shiʿas,


\textsuperscript{631} Religion was deemed a field of study, a discipline, to be taught in schools. Thus, to some extent internalizing the Western dichotomy, and making it somewhat distinct from sectarian attribute of Lebanese society, which was (and is) highly politicized. However, they still advocated the need for sectarian schools catering to the community, so this distinction in the case of Lebanon was blurry and complicated, particularly as it pertained to education. See Chapter two for more on this.


\textsuperscript{634} Ibid.
particularly those with middle-class perceptions, made efforts to remedy their continuing educational shortcomings vis-à-vis the other sects under the Mandate. Shiʿi sectarian and national self-awareness was reflected in the need to modernize and reform Shiʿi society in order to produce Lebanese national citizens. The demand to improve the educational status of Shiʿas, particularly the future Shiʿi children of the nation, became an imperative during the French Mandate period. Education was seen as part of the nationalist project and a way to amalgamate its constituents into the new Lebanese nation-state. Shiʿi children became the means by which this amalgamation could take place and the reason for this necessary change in societal advancement. Aware that education was a valued commodity and means to social mobility and power, Shiʿi leaders and notables campaigned for educational reform not only to strengthen the position of the community but also to enhance their own political prowess and recognition in the sect. Thus, the push for educational reform was driven by two forces: first by the rising Shiʿi bourgeoisie class who saw education as a means for personal social and political advancement and national integration, and second by the recognition of the Shiʿas as a legitimate sect within the Lebanese nation-state and inclusion in the government. For a group of people that lacked a pronounced political voice, the demands of the Shiʿas for educational reform became a means to political, social, and economic power, and recognition of a state that had long forgotten them. It was within this atmosphere that the making of the first successful Shiʿi schools appeared: the ʿAmiliyya school. Although many Shiʿi organizations were established at the beginning of the French Mandate to remedy the lack of educational centers within Shiʿi territories, most did not succeed due to inadequate funding and support.\footnote{For example, in 1920 the Jamʿiyyat al-Ulama al-ʿAmiliyya (the Association of ʿAmili ʿulama’) was established with the aim of founding a school. This attempt proved to be futile.} How did these schools address education and tackle the educational shortcomings present among Shiʿas at the time? How did the first
successful Shiʿi educational institution react to the commentaries regarding schooling and curriculum structure adhered to in al-ʿIrāfūn?

The First Shiʿi Educational Centers Under the French Mandate

The ʿAmiliyya

The Charitable Islamic ʿAmili Society was established on June 12, 1923, in Beirut by Rashid Beydoun, a prominent Shiʿi notable who became the first Shiʿi parliament member in 1937. Situated in the Beirut district of Barj al-Barājina, the organization catered to the needs of a burgeoning Shiʿi community where a significant number of Shiʿis had recently relocated to. During this time period, there was an increasing influx of Shiʿis from the South who came to Beirut generating a Shiʿi presence in the capital. Prior to the ʿAmiliyya, no institution catered to the specific Shiʿi needs and concerns in this area. The ʿAmiliyya came to provide an educational and cultural forum for the Shiʿi residents of Beirut, who were largely poor immigrants from the South. During its advent years, the society faced great social and economical hardship making it difficult for the organization to open its first school and center. It was not until 1928 that a proper building, consisting of three rooms, was purchased to house their first elementary school.636 In 1929, the ʿAmiliyya school was established as a full-fledged modern elementary school with 300 male students.637 By 1931, the school opened to female students and by 1936 the school had 446

---


students.\textsuperscript{638} In 1947, an all girls’ school, as well as a modern secondary school, opened.\textsuperscript{639} The funding for the establishment of the \textsuperscript{6}Amiliyya schools largely came from Shi‘i immigrant communities in Africa, which ultimately propelled a deep connection with the Shi‘i diasporic community there.\textsuperscript{640} Although the \textsuperscript{6}Amiliyya school was situated in Beirut, it spoke to the greater Shi‘i sect within the Lebanese context by representing Shi‘i educational reform and modernization. In an article published in \textit{al-‘Irāfān} commemorating 10 years since the establishment of the \textsuperscript{6}Amiliyya, its founder, Rashid Beydoun, spoke before a Shi‘i congregation, and hailed the school “... on raising the status of our people and nation” and “helped the poor get educated.”\textsuperscript{641} Beydoun continued by highlighting how “the nation is remedied through education, which was its ammunition.”\textsuperscript{642} The \textsuperscript{6}Amiliyya school was promoted as a means of elevating the position of Shi‘as in the nation through education while also speaking to the needs of the sect as a whole. Beydoun propagated the \textsuperscript{6}Amiliyya through his growing political position in the nation-state as the unifying symbol of the Shi‘i community. By 1937, the school expanded its educational operations by opening more schools outside the largely Shi‘i region of Jabal \textsuperscript{6}Amil. Through its fundraising activity, the organization was able to open 48 schools in South


\textsuperscript{639} Nabīl Al-Sāḥili, “Ḥawla al-tā'lim al-tāʿīfa fī Lubnān: al-khuliyat al-‘amiliyya” [Concerning the Teaching of Sect in Lebanon], 45.

\textsuperscript{640} The connection between the Shi‘as in Lebanon and those of the diaspora has not been well-investigated as it relates to the \textsuperscript{6}Amiliyya and other community centers that were established during this period. It was due to this outside financial assistance, and later state grants, that the school was able to expand, as well as assist or fully pay for students to attend their schools. According to Mūsā, the tuition in 1933 was 250 gharashā, and by 1955 it was 53 Lebanese lira. Sāmī al-Ḥajj Mūsā, “Ṭarīkh al-jam‘iyya al-khayriyya al-Islāmiyya al-‘amiliyya fī Bayrūt,” 65.

\textsuperscript{641} “al-‘Amiliyya,” \textit{Al-‘Irāfān} 36, no. 1 (1949): 22.

\textsuperscript{642} Ibid.
Lebanon. The expansion of the ʿAmiliyya from the capital of Beirut to the southern regions of Lebanon, in many ways, enhanced and reinforced the connectivity and sense of sectarian camaraderie within the boundaries of the newly crafted nation-state.

According to the society’s first annual report in 1923, its main objective was “to raise the status of the children of the Shiʿi sect and to accentuate the quintessence of this sect.” The annual report declared its objectives as those meeting “the needs of the community.” The society made it clear that its mission was to combat the ignorance and illiteracy present among the Shiʿi population. In one of his infamous speeches, Rashid Beydoun justified the establishment of the ʿAmiliyya school by proclaiming that “the nation’s ammunition is education and thus it must properly equip itself.” From the outset of the ʿAmiliyya’s establishment, there was a clear sense of the society’s purpose and sectarian agenda, where it at once sought to enhance the sect while generating a Shiʿi voice and presence. The founders of the ʿAmiliyya were aware of the staggering educational statistics of Shiʿas, and thus sought to “create an educational institution that modeled itself according to the other Lebanese sects.” In order to accomplish this, the ʿAmiliyya school created a curriculum that sought to instill its students with the “appropriate education, character, and religious upbringing” to better situate and empower

---

643 The ʿAmiliyya School pamphlet cited the towns in which schools were opened because of a grant obtained, which included over 15 cities. See al-ʿAmiliyya Brochure (2002), 2.


646 Bayān al-ʿAmiliyya (1923), 1.


648 Ibid.
The crafted curriculum emphasized the preservation and teaching of “the traditions of Islamic and Arab thought” along with study of worldly knowledge.\footnote{Bayân al-ʿAmiliyya (1968-1969): 8–9.}

The curriculum of the ʿAmiliyya reflected these objectives as every private school in Lebanon was entitled to design its own teachings. According to the High Commission, private schools were allowed to adopt their own curricula and textbooks, which continues to be the case until today.\footnote{Al-ʿAmiliyya Brochure (2002), 4. The word used is al-insānī, pertaining to worldly or secular knowledge.} This allowed each school to instill its own program of study as the French Mandate never standardized the private school curriculum. Even when it pertained to public schools, a national curricula was enforced in 1946, and has remained the same today, however, no set of standardized textbooks to be utilized uniformly in all schools was ever enforced.\footnote{This was inserted in the 1926 and 1943 constitutions. See Sbaiti, “Lessons in History,” 154.} Until this day, no official textbook or national historical narrative of Lebanon exists. The ʿAmiliyya school was entitled to create its own curriculum catering specifically to Shiʿas. According to the school’s 1923 annual report, the elementary curriculum focused primarily on religious (islāmī) and scientific (insānī) education. The school attempted to combine the principles of a modern education with the elements of a Shiʿi religious foundation and did not perceive enmity between the two fields of study as discussed earlier.\footnote{Sbaiti, “Lessons in History,” 211.} The elementary education curriculum consisted of Arabic, French, math, history, and geography.\footnote{These two Arabic terms were used in the brochures and documents of al-ʿAmiliyya.} The school

\footnote{“Al-qānūn al-dākhiliyya” [The Internal Law], al-ʿAmiliyya Brochure, 22. The secondary curriculum included the same subjects with the addition of science.}
prided itself on teaching its students to master French as it attempted to acculturate its students into Lebanese society.\textsuperscript{655} The inclusion and emphasis of the French language in the standard school curriculum also indicated the school’s strategic effort to equip students with the necessary tools to continue into higher education and enter the Lebanese workforce.\textsuperscript{656} The school aimed to integrate Shi‘i children into the new nation-state while simultaneously accentuating their Shi‘i identity and sectarian unity.\textsuperscript{657} This was most evident with its course on geography.

The geography course, according to the ĉ Amiliyya’s annual report, introduced students to the diverse villages of the Lebanese nation, particularly Shi‘i ones, by organizing class trips to the Shi‘i stronghold of Jabal ĉ Amil.\textsuperscript{658} There is much to be said about these trips and the significance they held. As the Department of Public Education was unable to institute a national curriculum in private schools or an official history or geography of Lebanon, schools such as the ĉ Amiliyya were able to instill their own texts and narratives. According to Sbaiti, the history and geography books used in public schools in the early Mandate period were the same as those used in French private schools that recounted French and European history.\textsuperscript{659} Although the annual reports of the ĉ Amiliyya school do not indicate the specific books utilized in each subject, the school incorporated the historical works of Muhammad al-Makki, a prominent Shi‘i writer and

\textsuperscript{655} Ibid.

\textsuperscript{656} To hold any governmental position at the time proficiency in French, as the official medium of governance, was required. This placed Shi‘as at a disadvantage as they held the highest illiteracy rate, and resided in areas with the fewest educational establishments, as discussed above. See also Tamara Chalabi, \textit{The Shi‘is of Jabal ĉ Amil and the New Lebanon}, 2006.

\textsuperscript{657} In his dissertation, Nabīl Al-Sāḥilī noted that it “was the first and foremost institution that instilled nationalism in the service of the Shi‘i sect.” Nabīl Al-Sāḥilī, “Ḥawla al-tā‘līma al-ţā‘ifa fi Lubnān: al-khulfiyat al-‘amiliyya,” 47.

\textsuperscript{658} A mosque was constructed to uphold a daily prayer schedule for its students. See Al-ĉ Amiliyya Brochure (2002).

\textsuperscript{659} Sbaiti, “Lessons in History,” 169.
intellectual and regular contributor to *al-*Irfān*. The school took an initiative to incorporate the emerging works of Shiʿi intellectuals focused on inscribing the history of Shiʿ as in the Lebanese narrative. As discussed in Chapter one, the proliferation of Shiʿi historical and geographical narratives became prominent during the French Mandate years as Shiʿi intellectuals attempted to inscribe the community’s history into the national framework while situating that history between the competing narratives of Arabism and Phoenicianism prevalent at the time. With the lack of an official textbook, competing narratives were produced pertaining to the orientation of the private school. In the case of the ʿAmiliyya, the Shiʿi discourse was prevalent in its educational curriculum and school initiative. With the ʿAmiliyya paying special attention to the geographical areas significant to the Shiʿas of Lebanon, the school was at once interjecting Shiʿ as into Lebanese history while also generating a particular national narrative akin to Shiʿas, and antagonistic to some extent to the more common Phoenician narrative that has largely excluded Shiʿ as. By familiarizing students with the geography of Lebanon while emphasizing Shiʿi regions, the ʿAmiliyya transmitted a particular national narrative that idealized the past of the Shiʿas through their stronghold in Jabal ʿAmil. Along with the ʿAmiliyya school trips, in 1933, the Rightly Guided, a group of boy scouts, was established and sent to Jabal ʿAmil to

---


661 Sbaiti addresses this competition as it pertains to different secondary schools in Beirut and the historical approach they instill in their historical teachings. See Sbaiti, “Lessons in History.”


663 I was unable to attain the textbooks used in the 1920s for such a course. However, during this same time period, Sulaymān Zāhir’s historical writings of Shiʿi villages were published both in *al-*Irfān and in textbooks, and became widely circulated. It was the first of its kind as it paid close attention to the history of each village in Jabal ʿAmil. See Chapter one for further analysis on this text and its impact.
spend the summer and explore the region. The school introduced students to this region and entrenched them with fondness and empathy toward Jabal c Amil based merely on their sectarian affinity. The production of knowledge about Shiʿi villages both enhanced and constructed a sectarian entity in Lebanon as “ancient” and entrenched in the lands past. Not only did the c Amiliyya teach its students this past but it initiated trips to Jabal c Amil, the geographical Shiʿi stronghold. The region of Jabal c Amil was not only a historical past, situating Shiʿas in the modern nation-state, but remained alive and present as students from Beirut were taken to the south to visit these historic villages. The significance of these trips from the capital, Beirut, to the rural remote region of Jabal c Amil heightened the students’ connectivity to this region as a sectarian legacy of the community’s past, present, and future was inculcated. Students who may have never known Jabal c Amil or have been aware of its historical importance were transported from the urban center to the rural periphery to experience it firsthand and become bequeathed with its presence. The c Amiliyya school’s curriculum strengthened sectarian affiliation as it was actively involved in reproducing the sect in the Lebanese nation-state.

Although the c Amiliyya denied any claims of sectarian differentiation, the Shiʿi nature of the school was evident by the teaching staff in its early years. For the most part, the staff was composed of intellectuals and religious scholars hailing from prominent Shiʿi families, such as

---

664 Bayān al-ʿAmiliyya (1932). See also Sāmī al-Ḥajj Mūsā, “Tariḥ al-jamʿiyya al-khayriyya al-Islāmiyya al-ʿamiliyya fi Bayrūt,” 75–76. Al-Ḥajj Mūsā also noted that by 1947 a scouts program organized by the ʿAmiliyya School was established. In 1944, the ʿAmiliyya organization created a vanguard aimed at fashioning a Shiʿi brotherhood in the nation. In many ways, it was meant to emulate other sectarian groups which had done the same. For more on this also see Ghassān Ahmad ʿIssa, “Munnadhamat al-Ṭalāʿīf Lubnān khilāl fatrat al-intidāb” (Master’s thesis, Lebanese University, 1983).

Hassan ʿUsrayan, al-Sayyid Jaʿfari al-Amīn, Ahmad Dāhir, and Muhammad Mroue. This Shiʿi presence among the teaching staff transpired as the school continued to expand to areas throughout Lebanon. However, students continued to take part in the yearly ʿAshuraʾ commemorations to honor the death of the beloved Shiʿi Imam Husayn. As the pivotal historical moment defining and dividing Shiʿas from Sunnis, the commemorations remained a yearly event at the ʿAmiliyya schools. Schools took part in remembering the fallen Shiʿi Imam and his legacy as plays performed by students were reenacted, and the historical significance of the event were part of the curriculum. As Weiss and Mervin have argued, ʿAshuraʾ commemorations were minimal under the Ottoman Empire largely due to apprehension as Shiʿas as practiced taqiyya whereby they concealed their religious identity for fear of persecution. However, ʿAshuraʾ commemorations became more prevalent from the late 1920s onward whereby husayniyyas (centers designated for the remembrance of ʿAshuraʾ) began to emerge. Fuad Khuri’s work on the Beirut suburbs of Ghobeiri and Shiyyah emphasized the public emergence of ʿAshuraʾ commemorations and mourning sessions among the migrants of this area.

667 This happened in 1937 with the opening of the schools’ secondary school.
670 The practice of taqiyya is elaborated on in Chapter one.
671 It is believed that the first husayniyya was opened in Nabatiyya in 1925. See Muḥsin al-Amīn, Khīṭat Jabal ʿAmil (Beirut: Maṭbaʿat al-insāf, 1961), 149; and Weiss, In the Shadow of Sectarianism, 70.
as a form of sectarian solidarity and unity. All these scholars highlighted the growing appearance of ʿAshuraʾ commemorations in the public space as a growing sense of sectarian awareness and accord proliferated. This can also be said about the stance the ʿAmiliyya school took in its ʿAshuraʾ commemorations in the Raʾs al-Nabaʾa district of Beirut, its public ceremonies, and active education of this distinctly Shiʿi historical moment. According to Weiss “the public importance of ʿAshuraʾ became irreversibly institutionalized during the 1930ʾs” due to the wide presence of this religious practice and excess debates. The ʿAmiliyya school contributed to this institutionalization of sectarian identity in the nation-state through its educational underpinnings.

The ʿAmiliyya also took a particular position by advocating a “modernized” form of ʿAshuraʾ celebrations in alliance with Sayyid Muḥsin al-Amīn who opposed the violent reenactment of the historic event. ʿAshuraʾ commemorations in many Shiʿi areas, including in southern Lebanon, were observed by reproducing the battle events that resulted in the death of Imam Husayn and his followers in the form of mourning ceremonies, passion plays, and self-flagellation (laṭm). Sayyid al-Amīn advocated a more subtle way of commemoration that did away with the excessive mourning and violent bloodshed of this event, and called for a historical

---


673 Weiss, *In the Shadow of Sectarianism*, 62.


and social understanding of ‘Ashura’ to be adhered to. He called on Imam Husayn to be studied as a hero for his stance on justice and fairness, which the āmiliyya school subsequently promoted in its curriculum. The incorporation of ‘Ashura’ remembrance in its lesson planning and yearly events projected Shi‘a as part of the larger transnational history with a distinctly Lebanese sectarian orientation in the capital of Beirut. This strategic shift in the method of commemoration reflected the way the school hoped to present its sect publicly to others, and how it desired to position itself in Lebanese society as a part of the nation. The āmiliyya’s focus was the children of the Shi‘a sect as it aimed to incorporate Shi‘a into the new Lebanese nation-state. According to the report, religion was included in the curriculum of the school not to create extremism, but rather to situate Shi‘a in the nation as a sect among the other sects. However, religious study was a staple of the school and thought of as a “fundamental component” of schooling to be instilled in the “hearts of our youths” in order to shape them into “faithful, loyal citizens of this nation.” Although the school highlighted its sectarian sentiment by teaching religion as a subject, it prided itself on the comprehensive and modern education it provided its students. The school sought to generate a nationalist sentiment while establishing the sects’ proper place in society. In the case of Lebanon, nationalism was perpetuated by multiple competing notions of nationality rooted in sectarian underpinnings.


680 The school constructed a mosque, beside it, where daily student prayer was held. Al-qānūn al-dākhiliyya, n.p., 20.
By 1947, the ʿAmiliyya expanded to include secondary education as teachers of different sectarian orientation made up its staff. This transformed the nature of the school as its orientation leaned to an Islamic and nationalist institution encompassing teachers of various sectarian orientations. In many ways, the ʿAmiliyya united Shiʿas of various areas under one education system as satellite schools opened throughout Lebanon. This project reified the desire to endow the sect with institutional assets that addressed the needs of its members on a par with other sects.

The ʿAmiliyya school set the template for education among the Shiʿi community, and the schools which subsequently emerged. Rashid Beydoun’s ability to create a Shiʿi school at the heart of Beirut and expand this establishment throughout Lebanon reflected the Shiʿi community’s growing sectarian presence and their commitment to be incorporated into the nation-state. Education as an element of the nationalist project also became a way for Shiʿas to empower themselves and contribute to Lebanese society. Thus, the creation of the Jaʿfariyya school a few years later sought to follow the steps of the ʿAmiliyya.

The Jaʿfariyya

The Jaʿfariyya school was founded by prominent Shiʿi scholar Sayyid ʿAbd al-Husayn Sharaf al-Din with the financial assistance of the French administration. The Jaʿfariyya’s all boys’ elementary school officially opened in 1938 in the southern city of Tyre followed by the

681 The name of the school was derived from the Sixth Shiʿi Imam Jaʿfar al-Sadiq. The term was also used to officially recognize Shiʿas under Lebanese national law. An extensive amount has been written about ʿAbd al-Husayn Sharaf al-Din. For more, see his autobiography Bughyatal al-rāghībīn ḵī siṣīlāt al Sharaf al-Dīn: Tarīkh ajyāl Ṿ tariḥ rajīl kītāb nasab wa tariḥ wa tārījīm, 2 vols (Beirut: al-Dār al-Islāmiyya, 1991). See also Gharbieh, Hussein, “Political Awareness of the Shiʿi ʾites in Lebanon: The Role of Sayyid Abdul Hussein Sharaf al-Dīn and Sayyid Musa al-Sadr” (PhD diss., Durham University, 1996).
girls division in 1941. By 1948, the Jaʿfariyya had expanded its school into secondary education.682 Throughout the years, the Jaʿfariyya school expanded and opened a number of branches in remote villages in the South to support areas with no educational resources.683 According to the 1972 Jaʿfariyya annual report, 20 elementary schools had opened throughout Lebanon.684 However, until the late 1950s the Jaʿfariyya school continued to be the only secondary school in the predominantly Shiʿi city of Tyre.685 Since the school was established nearly 10 years after the ʿAmiliyya school, the Jaʿfariyya had slightly different objectives, particularly since the national circumstances in Lebanon had somewhat changed. With the Arab movement of Amir Faysal largely suppressed, and the long-standing presence of the French authorities in Lebanese society, the Jaʿfariyya had strong Lebanese nationalist overtones. As a reaction to the potent Western influences on Lebanese society, the Jaʿfariyya campaigned itself as the holders of Lebanese Arab history and culture.686 The Jaʿfariyya’s curriculum prided itself on teaching its students the Arabic language, literature, and history as a means to attaining this.687 The mission of the ʿJaʿfariyya school not only sought educational development as a means of advancement but also as a way to produce model Lebanese citizens, and “a wise generation for this nation.”688

683 It opened schools in places such as the city of Naqoura that had none.
686 Bayān al-Jaʿfariyya (1953), 22.
688 Bayān al-Jaʿfariyya (1953), 22.
This political change coupled with the geographical location of the Jaʿfariyya school in Tyre, the heart of Jabal ʿAmil, shaped its objectives and purpose. According to the Jaʿfariyya’s annual report, the fundamental reason behind the establishment of the school was to uphold the standards of the nation, particularly those of “the beloved children of Jabal ʿAmil” and “raising the status of our children in this nation” by instilling its students with a strong education and proper religious beliefs. The Jaʿfariyya school was a strong proponent of educating both the girls and boys of Jabal ʿAmil. It campaigned for the education of females and saw it necessary to the nation-building process and modernization of the sect. Its founder, Sayyid Sharif al-Dīn, advocated education as a component of the modernizing process and “knowledge [as] the path toward civilization” and “the measure of progress.” The school and its founder strongly believed in Western notions of modernization and advancement, particularly as it related to the role of education in society. Although the Jaʿfariyya school promoted a strong nationalist agenda, it was underscored by its sectarian tendencies, especially as it pertained to the Jabal ʿAmil and its place in the Lebanese nation-state. The school portrayed itself as “the palace of knowledge in the South” by glorifying Jabal ʿAmil, its history, legacy, and importance as proposed in the Jaʿfariyya newsletter. The Jaʿfariyya promoted nationalism and al-tarbiya al-watanīya (nationalist education) by enhancing the stance of the sect and the recognition it was

693 This also said a great detail about Sayyid Sharif al-Dīn’s close ties and affiliation with the French colonial authorities. As the “Grand Sayyid of Tyre” and leading marjaʿ in Lebanon at the time, Sharif al-Dīn became a key figure head and spokesperson for the Shiʿi as during the Mandate period.
694 Bayān al-Jaʿfariyya (1950–1951), 5, 21 & 34.
given in the Lebanese nation-state, particularly as it related to the Shiʿi region.\textsuperscript{695} The school’s annual report specifically noted its objectives to “bestow the sons of Jabal ʿAmil a proper education and religious upbringing.”\textsuperscript{696} The institutional base of the Jaʿfariyya school pertained to the strong Shiʿi region, which shaped its objectives, educational goals, and curriculum. According to the annual report, education was the path toward “civilization” and the only way to measure society’s progress.\textsuperscript{697} However, a large component of the Jaʿfariyya school’s educational plan was sustaining a place for religion in its studies and within Shiʿi society.

What was most significant about the school’s curriculum and agenda was the importance it placed on religion as a part of the modernization process. In an effort to promote education, the Jaʿfariyya maintained the need to teach the history of the Arab world while sustaining a place for religion in society. Like the ʿAmiliyya, the Jaʿfariyya’s elementary curriculum consisted of courses in Arabic, French, English, religion, history, geography, and math, with a separate Qurʾanic class.\textsuperscript{698} The Jaʿfariyya maintained a central place for religion in the school’s studies and teaching program. The school’s combined curriculum of academics and religion was deemed necessary to “awake the Shiʿas from their sleep” and create “a mature generation of Shiʿi intellectuals for this nation.”\textsuperscript{699} In order to obtain this, Sayyid Sharaf al-Dīn intended on creating an environment that combined the principles of Shiʿi Islam with the elements of a modern

\textsuperscript{695}Bayān al-Kuliyat al-Jaʿfariyya, ʿAbd al-Husayn Sharif al-Dīn (November 25, 1949), 12 & 35.

\textsuperscript{696}Bayān al-Jaʿfariyya (1953), 22.

\textsuperscript{697}Bayān al-Jaʿfariyya (1950), 15.


\textsuperscript{699}Bayān al-Jaʿfariyya (1967–1968), 7. The report for the Jaʿfariyya stated they wanted to develop “a mature generation for this nation who are intellectuals with an expressive tongue.” See Bayān al-Jaʿfariyya, 22.
The issue of the Jaʿfariyya’s strong religious sectarian stance spilled onto the pages of al-ʿIrfān. In its 1940 edition, an article written by Sayyid ʿAbd al-Husayn Sharif al-Dīn appeared defending the Jaʿfariyya school against apparent criticism over its sectarian tendencies. According to the article, the Jaʿfariyya had been criticized for not being nationalistic, but rather catering to “the needs of a particular people.” Sayyid Sharif al-Dīn argued that it was incorrect for individuals to think that the school was interested in teaching religion when the elementary school also specialized in “secular sciences.” He defended the school and its mission as one that promised to offer children a “comprehensive education” devoted to “promoting diversity.” In his defense, Sayyid Sharif al-Dīn asserted the diversity of his teaching staff as further evidence of the school’s nationalist sentiment. He contended that the Jaʿfariyya’s educators hailed from various sects, ranging from “Shiʿas, Sunnis, Alawites, and Christians,” insisting that one of the school’s leading directors was Sunni and French-educated. Sayyid Sharif al-Dīn asserted this as further proof of the school’s diversity and non-sectarian propensity. He upheld the school’s commitment to sustain a comprehensive education that encompassed both the secular sciences and religion appropriate for students of various sectarian denominations within the Lebanese nationalist framework. However, religious training was never denied in the article, but rather its place alongside secular knowledge was

---

702 Ibid.
703 Ibid.
704 Ibid.
705 Ibid.
asserted. The school defended the importance of religious education as a way to teach the appropriate morality and behavior necessary for any modern society.\textsuperscript{706} In many ways, the school’s position was a reaction to Western influences that saw no place for religion in society. The Ja‘fariyya school portrayed itself as a modern institution that continued to uphold religious undertones as it utilized the same interpretative discourse of modernization to measure progression and success.

The Ja‘fariyya claimed to be non-sectarian even though its predominantly Shi‘i stance was evident in its mission and curriculum.\textsuperscript{707} The Ja‘fariyya sought to preserve the Shi‘is rich history in Lebanon as it made a point to indoctrinate its students with the rich “Matawila history of the past” as a source of pride and heritage as noted in the school’s annual report.\textsuperscript{708} The Ja‘fariyya school represented a Shi‘i institution that took a political and social stance to educate its student into the Lebanese nation and society as a modern sect among sects. The school acknowledged its sects’ staggering position in the nation and the need for “education to generate equality.”\textsuperscript{709} The school attempted to give its children the appropriate tools to integrate and advance in the nation as Lebanese Shi‘i citizens and national subjects.

\textsuperscript{706} Bayān al-Ja‘fariyya (1950), 18–23.

\textsuperscript{707} In an article submitted to the journal al-‘Irfān, Sayyid Sharif al-Din defended the mission and purpose of the school while disputing any claims that the school catered only to the Shi‘i sect and religion.\textsuperscript{707} In the article, he defends the school as an institution of knowledge and religion that seeks to teach a comprehensive academic education for all sects and all classes. He proclaims that the school has teachers of nine different sects and a Sunni director.


\textsuperscript{709} Bayān al-Ja‘fariyya (1950–1953). It continued by emphasizing how it was necessary to “generate equality and job advancement.”
Conclusion

Both the Jaʿfariyya and ʿAmiliyya schools represent the growing sense of the Shiʿas of sectarian consciousness within a newly defined nation-state. During a time of many political changes, the call for educational reform became a way to amalgamate the sect into the nation and to attain equal footing with the other dominant sects in society. Just as Shiʿi men and women were to be reformed so were Shiʿi children through the enhancement of education. More importantly, education became a means toward “modernization” and incorporation for the Shiʿas of Lebanon. Both the ʿAmiliyya and Jaʿfariyya schools, as well as al-ʿIrḥānʾs publications, emphasized the importance of teaching Shiʿi history and geography, and at times in contradictory ways as a means of transcribing and instilling the legacy of Shiʿas in the nation-states’ past, present, and future. As seen in Chapter one, the writing of historical texts, particularly the history of the Shiʿas of Lebanon, became a prime concern of its intellectuals and religious notables. In the case of Lebanon whereby no official textbook or standardized historical narrative was adopted by the nation-state, competing narratives ensued as each community, including Shiʿas, came to document their own national history. Both Shiʿi educational institutions contributed to this historical process and sectarian formations at a time of great national ambiguity. More importantly, the ʿAmiliyya and Jaʿfariyya schools set the groundwork for other private Shiʿi institutions to emerge as they continue to play a strategic societal role for the Shiʿas of Lebanon.
Conclusion

*Sectarian Homes* fills a gap in the social history of the Shiʿas of Lebanon while expanding on the practices of citizenship, sectarianism, marriage, and gender as they relate to Lebanese historiography and national formation. This historical study illustrates how Shiʿi Muslims came to practice citizenship and sectarianism, and the impact it had on the space of the family during the French Mandate and the creation of the new Lebanese nation-state. By focusing on the locus of the family, *Sectarian Homes* highlights how familial and gender roles became intertwined in sectarian and national categories of practices for the Shiʿi Muslims of Lebanon.

As they were most historically marginalized and underrepresented group in Lebanon, *Sectarian Homes* illustrates how the French Mandate brought about many changes in the way the Shiʿas of Lebanon came to conceptualize and integrate their place as a sect in the modern nation-state. The system of political sectarianism was established as the only form of governance in the Lebanese nation-state, and thus citizenship became contingent on sectarian identification and national belonging. Due to the Lebanese state structure, citizens were tied to sectarian categories of identification that governed both personal and private practices of citizenship in the nation-state. Consequently, families (and the individuals constituting them) were defined by their sectarian orientation, which were inadvertently linked to their political recognition in the Lebanese nation-state. Shiʿi individuals were confined to sectarian markers as the group was acknowledged by the nation-state as a legitimate sect. This impacted the familial space as personal status courts were established by the state to administer domestic matters. It is in this background that I explore how the familial home through the press, Jaʿfari shariʿa courts, and
education centers, served as a space where Lebanese Shiʿas negotiated, practiced, and normalized being modern sectarian citizens of the newly formed Lebanese nation-state. In particular, *Sectarian Homes* exposes the impact the recognition of the Shiʿas as a sect in the Lebanese nation-state had on the familial space, which was considered in need of reform and modernization by leading Shiʿi figures and members of society. This study argues it was precisely during this period of national formation and colonial presence that great emphasis was placed on remedying Shiʿi families, societal norms, and educating Shiʿi children as shown in its analysis of the Shiʿi press. This represented a shift, which moved toward the reassessment of Shiʿi families and the deployment of notions of femininity and masculinity as efforts were made to construct modern Shiʿi citizens of the nation-state. In extensively examining the pages of *al-ʿIrfān* during the Mandate period, this dissertation illustrates the significance the journal placed on reforming the family particularly when it came to the issue of women, and its relation to the education of Shiʿi children and the development of the sect and nation. The fate of the sect was tied to that of the family. No other historical study captures this heightened anxiety regarding familial and gender roles as it related to Shiʿi practices of Lebanese citizenship and national formation.

*Sectarian Homes* reveals that such productions of the Shiʿi family were a by-product of the colonial infrastructure that brought with it the recognition of the Shiʿas as a collective sect. With this recognition also came the legal establishment of the Jaʿfari sharia courts by the Mandate state to administer the familial matters of Lebanese Shiʿas. For the first time, Shiʿi familial matters and marital concerns were deliberated and documented in the institutional body of the Jaʿfari sharia courts. From this point on, as this dissertation shows, families and marriages were intertwined with sectarian modes of identification. *Sectarian Homes* examines
the shariʿa records during the Mandate period, and exposes the impact this institution had on defining perimeters of Shiʿi marriages according to both sectarian and national lines. Chapter two exposes how issues of validating Shiʿi marriages and arbitrating sectarian and national lines of identification impacted marital disputes; while Chapter four reveals how gender roles and familial norms in the everyday lives of Shiʿas differed from those prescribed in al-ʿIrfān (analyzed in Chapter three). Through the court’s analysis, this study discloses how fluid sectarian boundaries and gendered practices were within this confined institutional space. The abundant records of the Jaʿfari shariʿa courts expose the practices of average Shiʿi individuals in shaping and informing familial, societal, sectarian, and gendered norms in their marital affairs.

The recognition of the Shiʿas was a by-product of the new methods of disciplinary power established by the modern state whereby modern individuals and industrious political subjects were constructed in various institutions. By examining the Jaʿfari shariʿa courts, Shiʿi press, and Shiʿi educational centers in the Mandate period, Sectarian Homes unravels the different processes of informing Shiʿi familial norms and practices in these various institutions. In each space, importance was placed on the domain of the family and Shiʿi homes. By analyzing the shariʿa courts, press, and schools, this study traces the multiple constructions of familial and gender roles in the Mandate period. In reading al three sites, this dissertation shows how marital and gender roles were informed by growing sectarian and national identification among the Shiʿas. Whereas the press addressed appropriate gender roles in marital relationships and the upbringing of Shiʿi children, the Jaʿfari shariʿa courts came to regulate the everyday familial disputes for the Shiʿas for the first time. The family became a sectarianized space within the national landscape of Lebanon. As a sectarian space, the family was linked to the development of

the nation. During this colonial period, each institution came to inform and negotiate discursive norms for Shiʿi families.

These new categories of collectivity ultimately fostered a sense of Shiʿi citizenship as a sectarian entity of the Lebanese nation-state. By placing, the press, the Jaʿfari sharʿa courts and educational institutions alongside one another, Sectarian Homes illustrates how each informed notions of Shiʿi families in different ways. The family was organized as the house of discipline, which would produce “the proper mentality” of the Shiʿas as modern citizens of the Lebanese nation.711 Although these two spheres of the family may initially seem unrelated, it was during this transit period of the nation-state that familial concerns became important as both these institutions regulated and informed domestic practices. Sectarian Homes divulges the differences in the production of the family in the press and the Jaʿfari sharʿa courts. Whereas in al-ʿIrfān middle-class and Western constructions of the family were promulgated in its pages, the sharʿa courts represented more intricate understandings of gender roles and practices. Al-ʿIrfān linked the fate of the sect and success of the nation to the reform of Shiʿi families, and Shiʿi women in particular. The backwardness of the sect was linked to that of Shiʿi women, and thus they were described as needing reform. In many ways, the articulations of gendered roles blamed Shiʿi women for the failings of the sect (in comparison to other sects) while also curtailing and limiting women’s role to the domestic home. On the other hand, the Jaʿfari court records illustrated a vivid picture of Shiʿi marital concerns, which seemed to give women greater rights in marital affairs. In most cases, Shiʿi women came before the court to amend their marital situation and faulting Shiʿi men for domestic troubles. Most interesting, it was during this period that the sharʿa courts were established and such marital issues were curtailed to the institutional

711 Ibid., 113.
space of the courts under the auspices of the Lebanese nation-state. During this Mandate period, these two institutions regulated and prescribed discursive norms on the familial space. In both spaces, Shiʿi sectarianism defined their agenda and inclusion into the Lebanese nation-state.

By examining the press and court records side by side, along with the establishment of the first Shiʿi educational institutions, this historical analysis also reveals how Shiʿas of various socioeconomic statuses utilized sectarian, as well as gendered, identification to suit their personal interests, thereby redefining societal norms and notions of “citizenship” into the Lebanese nation-state. I contend that not only did the colonial Mandate state play an intrinsic role in the formulations of the Shiʿas in Lebanon but that Shiʿas contributed to the production of the system of sectarianism in the Lebanese national space, particularly in the familial domain. While contributing to the system of sectarianism, *Sectarian Homes* illustrate how mutable such categories of identification were during this colonial period. Because these institutions have never been analyzed together, this study sheds light on this historical moment and provides a new understanding of how multiple, and at times contradictory, notions of citizenship were practiced. For instance, *Sectarian Homes* demonstrates how the establishment of the Jaʿfariyya and Ṣamiliyya schools reflected growing awareness and anxiety within Shiʿi society to reform and integrate Shiʿi children as the future citizens of the Lebanese nation-state. The agendas and curriculums of the first Shiʿi schools, albeit different in scope, were rooted in bolstering the Shiʿi sect by educating its future children and citizens of the Lebanese nation-state. By analyzing these schools, *Sectarian Homes* sheds light on different modes of identification that were proliferated in this space. When read alongside the analysis of *al-ʿIrfaq* and cases from the Jaʿfari shariʿa courts, this study demonstrates the varying picture of sectarian and gender roles perceived and practiced in Shiʿi society and the daily lives of Shiʿi individuals. *Sectarian Homes* shows the
disparity between what was constructed as ideal Shiʿi gender roles and marital unity between women and men in *al-ʿIrfān*, and what actually took place before the shariʿa courts and educational centers in this regard. By taking such an approach, this study tracks how different spaces informed, negotiated, and constructed notions of Shiʿi citizenship and national identification.

In examining the legal domain of the Jaʿfari shariʿa courts and its first records, *Sectarian Homes* explores how familial matters and gender norms were negotiated in this new institutional body. The Jaʿfari shariʿa records merit future analysis and study. As one of only two individuals who has examined these records, my examination of the Jaʿfari shariʿa courts’ records reveal how its usage by individuals both complicated and reinforced legal and political categories of citizenship that were instituted by the Lebanese nation-state. More importantly, *Sectarian Homes* displays how gender formation and debates about the most intimate affairs of people’s lives became intertwined with categories of sectarian and national identifications. My analysis of these court records demonstrates how the legalization of personal status courts propelled a discursive space where notions of sectarian identity, religious norms, national belonging, and normative and familial roles were debated, performed, and constructed under the auspices of the new nation-state. Within these contested boundaries, multiple and competing notions of gender and sectarian identifications were articulated as *Sectarian Homes* provides an intimate look at the everyday lives and practices of Shiʿi individuals. As this dissertation shows, the familial domain, and hence gender relationships, was linked and intertwined to the political and cultural progress of the Lebanese Shiʿa as as a sectarian entity within this nation-state.

By viewing these various institutions together, I argue that the collective identity of the Shiʿa was quite variable and contingent upon this historical moment. Because these institutions
have never been analyzed together in the context of the colonial Mandate period, new understandings of sectarianism in the space of the family are highlighted and unraveled. *Sectarian Homes* reveals how sectarian affiliations were not as bounded as they seemed during this formative period of the nation-state, contributing to a broader understanding of Lebanese citizenship and historiography. In undertaking this project, *Sectarian Homes* makes a major contribution to the social history of Lebanon, particularly that of Shiʿās, by adding to our understanding of how categories of sectarian formation and gender informed national identification during the French Mandate period.

This dissertation contributes to the growing field that diagnoses the production of Lebanese sectarianism, citizenship, and national formation. *Sectarian Homes* contributes to a revisionist Lebanese historiography by taking an interdisciplinary approach that focuses on social, religious, gendered, and historical factors that imparted and shaped Shiʿi practices of citizenship and identification as they were incorporated into the Lebanese nation-state as a sect. This study introduces fresh material to the scholarship on modern Lebanese history in an effort to fill the existing lacuna on the construction of identity and civil society as it pertains to the Shiʿās during the French Mandate period.
Selected Bibliography

Archival Material in Lebanon:

Press

Al-Bashīr, Beirut
*Jarīdat Jabal ʿAmil*, Sidon
*Majallat al-ʿIrfān*, Sidon
*Majallat al-Marj*, Marjayoun
*An-Nahār*, Beirut
*Al-Nisr al-Marjʿayūnī*, Marjayoun
*Al-Qalam al-Sarīḥ*, Marjayoun

Courts

Al-maḥkama al-sarʿiyya al-jaʿfariyya fī Baʿalbek (Baalbek Jaʿfari shariʿa court)
Al-maḥkama al-sharʿiyya al-jaʿfariyya fī Bayrūt (Beirut Jaʿfari shariʿa court)
Al-maḥkama al-sharʿiyya al-jaʿfariyya fī Bint Jbeil (Bint Jbeil Jaʿfari shariʿa court)
Al-maḥkama al-sharʿiyya al-jaʿfariyya fī Marjʿayūn (Marjayoun Jaʿfari shariʿa court)
Al-maḥkama al-sharʿiyya al-jaʿfariyya fī Sayda (Sidon Jaʿfari shariʿa court)
Al-maḥkama al-sharʿiyya al-jaʿfariyya fī Şūr (Tyre Jaʿfari shariʿa court)

Educational Centers

Al-Jamʿiyya al-Khayriyya al-Islāmiyya al-ʿAmiliyya (The Charitable Islamic ʿAmili College), Beirut

Al-Jamʿiyya al-Khayriyya al-Jaʿfariyya (The Charitable Jaʿfari Society), Tyre

Published Sources


Antonius, George. The Arab Awakening: The Story of the Arab National Movement. London:
Hamish Hamilton, 1945.


——. The Shadow of God and the Hidden Imam: Religion, Political Order and Societal Change in Shi‘ite Iran from the Beginning to 1890. Chicago: University of Chicago, 1984.


Charrad, Mounira. *States and Women’s Rights: The Making of Postcolonial Tunisia, Algeria,


Fortna, Benjamin. *Imperial Classroom: Islam, the State, and Education in the Late Ottoman Empire*. Oxford: Oxford University Press, 2002.


2006.


