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A Casuistic explanation to Hizbullah's realpolitik: Interpreting the re-interpreted

Abstract: The recent development unfolding in the Arab region forces the observer into the question of security and stability. The Middle East region has been coined with violence and transformations with the growing inability to bring the Israeli-Palestinian conflict to an end. The history of Lebanon is not separate from the surrounding danger. For that end, Hizbullah has pushed Lebanon into the heart of the Israeli-Palestinian struggle. This article investigates the role Hizbullah plays amidst regional conflicts, and its ability to stand out as a religio-political party able to face the Israeli aggression and withstand its religious identity. Interestingly, this has been a key to the Party's success, where the Party's religious identity and politics go hand in hand. As such, this paper offers the reader an analysis of how Hizbullah uses religion to its favour, and how religion (specifically Shi'ism) offers a ground for political pragmatism to be justified.

Keywords: Hizbullah, Casuistry, Shi'ites of Lebanon, Shi'ism, Lebanon, Welayet El-Faqih, Middle East.

> "But when the chosen people grew more strong,
> the rightful cause at length became the wrong"
> (Absalom and Achitophel, John Dryden)

Introduction

The history of Lebanon has been related to war, violence and fragmentation. Conflicts revolved around religious differences, economic and political disintegration. Over 30 years have passed since the end of the civil war in Lebanon and it still is the hot spot of the Middle East. The emergence of Hizbullah has also pushed Lebanon deeper into the Arab-Israeli conflict. Hizbullah is an Islamic political movement, framed by a form of Islamic, social, and political ideology. The organisation has thrived after the withdrawal of Israeli troops from southern Lebanon in May 2000 and has gained recognition as possibly the most important political force in the country[1]. There has been much speculation regarding the sources of success in Hizbullah's political development (Ghorayeb (Chapter Two 2002) has indicated that the party's political pragmatism stands as a source of its success, Norton (Hezbollah: A short history 2007, Chapter Four) on the other hand claimed that the magnitude of the 1982 Israeli invasion has given Hizbullah the chance to succeed as a resistance army able to face the invaders, while Azani (Chapter Ten 2009) argued that the social services that Hizbullah provides contribute majorly to its success). Its military capabilities remain an important contribution to its achievement in the long struggle with the Israeli armed forces. While Hizbullah's military and ideological strengths stand as the point of interest for most political scholars, the interrelation between the group's religious and political identity has been widely overlooked. It is important to study Hizbullah's approach to political decision-making and examine how Hizbullah forms its decisions, because a focus solely on the military aspect misses an important element in its success - its political pragmatism. This paper will present Hizbullah as a political body to test the group's resort to the *fatwa*[2], a process that exhibits close parallels to casuistry through the use of *taklif shari*[3], protection of the fighters' secret identity and engagement in Lebanese politics. This paper intends to show how political pragmatism stems from religious doctrines in the case of Hizbullah, namely through fatwas and analogy.

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[1] For more details on Lebanon's historical conflicts see Fawwaz Traboulsi (2007) *A History of Modern Lebanon*; Robert Fisk (1990) *Pity the Nation: Lebanon at War*; Kamal Salibi (1988) *A House of Many Mansions: The History of Lebanon Reconsidered*.

[2] Fatwa is a ruling of law given by recognised authority.

[3] Taklif shari' is an order made under religious pretext.

Hizbullah's Sources of Success

In a public speech delivered on January 25th 2013, tackling a newly proposed law for Lebanese parliamentary elections, Sayyid Nasrallah stated:

> Their problem with proportionality[4] is that it gives every side its real size especially that these people believe that their only guarantee lies in having a larger size than they really have.[5]

This statement highlights the level of political strength Hizbullah has earned over the past 20 years of planning and developing a powerful *Shi'ite*[6] community in Lebanon. Eventually, the Party has become so significant that it is playing a key role in constructing a new electoral law that would guarantee a fair and appropriate representation of Shi'ites in Lebanon. After years of government neglect and economic and social deprivation that the Shi'ites in Lebanon suffered from, Hizbullah emerged as a Party that was able to position itself as a major political entity and an important element in the Lebanese political equation (Norton 2007: 110-113). Even if Hizbullah was achieving results in its battles against the Israeli occupation of southern Lebanon in the 1980s, it was still undermined by most of the established Lebanese political parties (Norton, 2005).[7] Perhaps this was what gave Hizbullah the chance to present itself as the champion of Lebanon in particular and the Arabs in general, and become the major player in the Lebanese-Israeli conflict. Hizbullah's political achievement is but one of the major accomplishments in its long life of struggle with Israeli armed forces, its commitment to improve the conditions of the Shi'ite community in Lebanon, its role as a political party, its struggle for continuity despite internal divisions among Lebanese political parties, and its steadfastness in facing several plots to disarm its militias.

When Hizbullah emerged in 1982, its main objective was to fight Israeli aggression against the inhabitants of southern Lebanon (where the majority of Shi'ites resided). Hizbullah refrained from taking part in the ongoing Lebanese civil war, focusing only on Israeli occupation forces at the time (Traboulsi 2007: 77). This allowed the reputation of Hizbullah to grow positively amongst Lebanese citizens, and earn its role as a resistance group (Norton 2007).[8] Hizbullah's ability to remain afloat politically and retain its popularity within the Lebanese community can be traced back to its capacity for pragmatism (Ghorayeb 2003: 70-75).

After the Open Letter came out in 1985[9], Hizbullah was accused of attempting to establish an Islamic state in Lebanon. For example, Samir Geagea, Lebanese Forces party leader, and a 14 March bloc member, stated that a "second Cedar revolution will not stop until the state within the state is removed". Also, Amin Gemayel, head of the Kataeb party (Phalanges), also a member of 14 March bloc, questioned Hizbullah's autonomous institutional network and accused the Party of operating outside the Lebanese government's framework. Gemayel repeatedly accused Hizbullah of using weapons to establish a state within the state.[10]

When Hizbullah realized that such accusations would affect its role in Lebanon, it showed otherwise by adopting an *infitah* "opening" policy. This was intended to promote the idea that if Hizbullah was working to change the current political system, it would not have decided to be part of it (Qassem 2004: 65). Nasrallah reiterated in a speech in 2006

> Hizbullah with its huge military capabilities and the rest of its allies, who were and still are targeted, could have staged a military coup and taken control of the country. Could we not? We were capable of that and still are.

Nasrallah continued,

> We want a strong, able, just, incorrupt and independent state which rejects any foreign mandate or domination, a state of honour and integrity, free of humiliating conditions, incorrupt, free of thefts, waste and banditry.[11]

Hizbullah has also worked to establish a network of institutions, such as Jihad for construction, *Jihad al-Bina',*

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4 The Lebanese confessional system was established as an unwritten agreement in 1943 known as the National Pact. This agreement divided the political power/seats in parliament into 6-to-5 ratio between Christians and Muslims. After 1990, and as a result of the *Tai'f* agreement to end the Lebanese civil war, the ratio changed to half and half. The pact also allocated public offices along religious lines, with the top three positions assigned as "troika" where the President is a Maronite Christian, the Speaker of the Parliament is a Shi'ite Muslim and the Prime Minister is a Sunni Muslim.

5 www.almanar.com.lb/English

6 The spelling of the word Shi'ite is closely related to the Arabic pronunciation, and while there might be varied ways offered such as Shiite and/or Shi'te, however in this paper Shi'ite will be used.

7 See Documentary "The living Martyr" by Firehorse Production, 2012

8 See Documentary "The living Martyr" by Firehorse Production, 2012

9 After announcing its political birth, Hizbullah released its first Open Letter to announce its political and military strategy.

10 http://al-shorfa.com/en_GB/articles/meii/features/main/2011/03/14/feature-01

11 www.almanar.com.lb/English

the Islamic Health authority, the non-interest loan society, Islamic beneficiary support society, the Martyr's Association, the Islamic Institution for Education, *Al Jarha* Association "the injured", and others, to improve the status of Lebanese Shi'ites, supporting them socially, medically, educationally, and financially (Norton 2007). This system of services was a key focus of several scholars who saw it as a major element in Hizbullah's successful strategy (Love 2010: 62). Through it, Hizbullah became an important representative of Shi'ites in Lebanon in comparison to the rival Shi'ite party, *AMAL*[12]. Hizbullah assumed this quasi-governmental role when it realized that the Shi'ite community in Lebanon had to improve itself and develop a pragmatic approach in order to survive and avoid being sidelined again. It is in this context that the question arises as to how to explain Hizbullah's pragmatic behaviour within its religiously framed identity and construction.

Historical Construction of Hizbullah

Scholars have offered various reasons for the emergence of Hizbullah. However, the most commonly identified factor tends to be the magnitude of Israel's aggression in southern Lebanon in the 1970s, where most Lebanese Shi'ites reside (Norton 2007). Therefore, there are two essential elements in the ideological construction of Hizbullah, one is religious (or even sectarian-Shi'ite) (which will be discussed below), and the other is political.

Due to this mixture of political and religious identity, Hizbullah became an interesting topic for researchers, in particular for its ability to evolve throughout the years into a political party with considerable pragmatism (Ghorayeb 2002: 70-75). Nevertheless, in looking closely at the elements of Hizbullah's creation, we see the religious component as the main element. When Hizbullah declared its existence in 1982, it adopted the name 'Islamic Resistance of Lebanon' which reflects the religiosity of the party. This brought together religion with Hizbullah's role as a national resistance fighting Israeli aggression as it made continuous achievements on this front.

The history of the Shi'ite community in the Middle East, and especially in Lebanon, has been marked by poverty, isolation, exclusion and mistreatment by many ruling parties that were mainly dominated by rich Sunnis,

merchant Druze and Christian Maronite *Iktai'*[13] families (Traboulsi 2007: 33-35). This isolation resulted in the birth of a self-help community and the rise of influential figures asking for fair treatment and representation of Lebanese Shi'ites. Leaders of this movement included *Imam*[14] Musa Al-Sadr and *Sayyid*[15] Mohammad Hussein Fadlallah, who played important roles in bringing the Lebanese Shi'ite situation to the surface (Sankari 2005: 35-52). The increase of voices demanding greater opportunities for Lebanese Shi'ites was in parallel with the rise of Iran's Islamic transformation. The 1979 Islamic revolution in Iran was a turning point for Hizbullah's emergence and its continuous success until the present day, as they become ideological allies. In addition, the continuous threat from Israel to south Lebanon, where the majority of the Shi'ite population resides comprised an important factor in Hizbullah's mission to protect this community.

A Theoretical overview for Hizbullah's political conduct

As with any political issue, no single theory completely explains the situation in Lebanon and its region and the response of Hizbullah to that context. Different theories bring out different elements of the issue and this applies to Hizbullah. In addition, there has to be an acknowledgment of the complexities of the Middle East region. Halliday argues that "there is and can be no Middle Eastern history" (Halliday 2005: 324). Perhaps Halliday was referring in this quote to the understanding of the Middle East regional formation after colonialism. However, it does contextualize the variety and richness of the Arab region. Halliday also suggested that to better understand the Middle East region, there must be an approach founded on three points: "the region's relationship with the outside world; intra-regional rivalries between nation-states; and ethnic and class conflicts within individual societies" (Halliday 2005: 478). In the Middle East there are twenty-one states; eighteen of them are Arab, three are non-Arab: Turkey, Iran, and Israel. Among each Arab/non-Arab state there is a number of different religious, ethnic and sectarian representations. This indicates that the diversity of the ethnic, political and economic rivalry in the Middle East calls for a non-Western explanation of that part of the world. International Relations theory has

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12 AMAL is short for *Afwaj al-Mouqawma Al-Lubnaniyya*, and was founded in 1974 by *Musa Al Sadr*. AMAL was for a time the largest and most powerful Shi'ite group in Lebanon however due to its participation in the Lebanese civil war (particularly war on camps in 1985 against Palestinian Liberation Organisation) had resulted in the groups' loss of popularity. For details see Fawwaz Traboulsi (2007) *A History of Modern Lebanon*.

13 Iktai': Feudal lords.
14 A Muslim religious leader.
15 Sayyid is used in reference to people that are descendant from the prophet's bloodline and would comprise a certain level of insight.

provided explanations of state behaviour and approaches based on Western perspectives, however in the case of Hizbullah this is not applicable. The case of Hizbullah identifies ideological elements in parallel with political aims. Some aspects of Hizbullah's behaviour can be linked to a realist approach in order to explain the Party's behaviour yet the ideological element remains under question. Similarly, critical theories can also contribute in offering an understanding of Hizbullah's structure and objective, yet the internal dimension of the Party - religion - will remain under question. Therefore, while different theoretical perspectives have something to contribute to an understanding of the party, to understand the role of pragmatism in Hizbullah's approach, it is important to look at the internal dimension of Hizbullah's identity.

Hence, when studying the identity of Hizbullah, there has to be a focus on the religious factor which is an important element in the Party's structure and image. Hizbullah's ability to integrate into the political system while safeguarding its internal structure and ideology resides in its pragmatic capacity. Therefore, this paper will focus on the religious element in Hizbullah's pragmatic ability. This examination shall not be made under a particular International relations theory since the element of Hizbullah's pragmatism - its religious identity - cannot be entirely explained in Western-centric theories. This research aims to explain Hizbullah's religious identity through the use of its pragmatic tools which is embodied in Shi'ite theology-analogy.

Scholars have presented religion as one of the main aspects of social/identity formation of States (Jackson 2009: 30). Nonetheless, international relations theory does not distinguish religion from a group's identity (Fox and Sandler 2004). Therefore, in order to examine Hizbullah's pragmatism (an Islamic Party) there is a need to choose an approach that is best suited to explain its religious identity. Casuistry will be used in this study as a religiously framed approach which can explain Hizbullah's common grounds of religious and political pragmatism.

The employment of religion in politics: Case of Iranian revolution

Hizbullah's political influence at the national level has continued to increase despite the increased domestic pressure to disarm. Nasrallah said in 2006 regarding these demands, "When we build a strong, able and just state that protects Lebanon and the Lebanese, we will easily find an honourable solution to the issue of the

resistance".[16] Even here, however, the second element of Hizbullah's historical emergence - the religious element - becomes evident. That is, the identity of Hizbullah and its goals can and have been influenced by its religiosity. In fact, when looking at the structure of Hizbullah, one can trace the influence of the group's religious identity on its political activities/strategy. The organization's decision-making is made through a *Shura*[17] Council (which is comprised of six members) and the *Shura al-Qarar*[18] (which is made up of nine members) all of whom are clerics (Hamzeh 2004: 44-79). Accordingly, the role of religion in Hizbullah's political life is evident through its make-up; the uniqueness of Hizbullah and its success goes hand in hand with its religious identity.

When Khomeini addressed the implications of Western hegemony over the Middle East and the Islamic world, he divided the world into two sections: the 'Oppressed' and the 'Oppressors' (Charara and Domont 2006: 36). By this division, Khomeini saw Islamic nations as the 'oppressed' and the Western Hegemons as the 'oppressors'. Khomeini's combination of religious and economic/social oppression is of central relevance to Hizbullah's case. For Khomeini, the corruption that characterized the Shah's rule (which undermined the economic potential of Iran), was mainly the result of the Shah's Western loyalty (AbuKhalil 1991: 391-396). Accordingly, Khomeini identified the social and economic setbacks of Iran with a religiously un-just authority and called for an Islamic revolution. Khomeini was questioning social and economic inequality in Iran and used Islam as its main trigger (AbuKhalil 1991: 393-394). By this, Khomeini identified the need to abide by an Islamic ruling system known as *Welayet Al-Faqih*[19], which can guarantee social equality and justice. Hence, this can be related to Hizbullah's quest to improve and protect the oppressed Shi'ite community in Lebanon.

After the success of the Islamic revolution in Iran, Khomeini sought to spread the revolution to different parts of the Arab world, for the 'oppressed' to win over the 'oppressors' (Sankari 2005: 40-50). There exists a close relation between a group's religious/sectarian affiliations with social deprivation of its constituents/supporters. Khomeini's discourse of the oppressed is applicable in this case because of the use of a social disadvantage as a tool for a self-help community. Hizbullah, as a

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16 www.almanar.com.lb/English

17 Consultation committee.

18 Executive consultancy board.

19 Welayet El-Faqih, rule of the Clerics, initiated by Khomeini during the Iranian revolution in 1979, which constitutes the recognition of the absolute and supranational political and religious authority of the Supreme Guide, the Wali el-Faqih.

result, was founded on the basis of being a voice for the 'oppressed' Shi'ites in Lebanon and to protect them from the continuous Israeli aggression of southern Lebanon.

Furthermore, following Israel's withdrawal from southern Lebanon, in May, 2000, military aggression was no longer the main element of Hizbullah's *raison d'être* (although there is a continuous Israeli threat of attack) (Harb and Leenders 2005: 90-102). But Hizbullah is still working on improving the status of the deprived Shi'ite community in Lebanon and has made gains through offering its various services, as a result of its wide institutional network. These services cover economic, educational and social assistance to Lebanese Shi'ites and through them; the social status of Shi'ites in Lebanon, with Hizbullah's help, no longer suffers from economic oppression but is now an essential part of the Lebanese political equation (Ghorayeb 2002: 70-75).

For all its ostensible adherence to Islamic purity, however, Hizbullah's ability to gain political advantage and popularity in the last 10 years has derived from its pragmatic behaviour (Ghorayeb 2002: 70-75). The group has had to adapt to the constantly changing circumstances of its region and the Party has managed to respond to the changes without openly violating its image as a devout religious movement. Hizbullah's pragmatism is made possible through the common Shi'ite theological notion of *Ijtihad*[20]. Ijtihad is translated as the re-interpretation of Qura'nic texts and their adaptation to modernity (that is to contextualize the texts for present day life) (Cook 2000: 103-110)[21]. Such a feature is widely used and accepted by Shi'ite clerics while for the majority of the Sunni sect remains rather ambiguous (Ruthven 1997: 40-71) (See below for details).[22] Hizbullah's ability to base its pragmatism on religious principles is of particular significance.

The religious element in Hizbullah's politics: A Casuistic method

A Fatwa is the issuing of a particular verdict based on the four sources of *Shari'a*[23]. Any theologian or religious scholar can issue a fatwa (Cook 2000: 103-110). But the

significance and influence of fatwas vary, reflecting in part the reputation of the religious scholar or the 'casuist'. This is evident in casuistry theory, where the effect of the reasoning that an individual acts upon is influential. For example, the use of violence can be justified as an act of self-defense rather than murder or terrorism. The abuse of casuistry has played a major role in its decline (Kirk 1999: 103-110). Similarly, in Shari'a, the abuse of the power to issue irrelevant fatwas can lead to the loss of its credibility (Islamic State (ISIS)[24] fatwas on women and jihad). In looking at elements of a fatwa and its weight in providing a space for re-interpretation, as well as having it go in parallel with (and translating to) casuistry, ijtihad bears marked similarities to the practice/concept of casuistry, including the breeding of scepticism about the Hizbullah's motives and plans. The use of casuistry in the Islamic framework can be traced back to fatwas and Ijtihad, which comprises an important aspect of religio-political practice in Hizbullah's case.

Casuistry theory has been subject to criticism by a number of philosophers such as Locke, Butler, Kant, Pascal and Rousseau because of its unorthodox approach for interpretations and moral examination/reasoning of certain subjects (Kirk 1999). Despite this, the analysis of Hizbullah's religiosity in a casuistic framework offers the use of a Western approach with a religious focus to analyse the Party's behaviour, which will bear useful results.

Casuistry is a process of moral reasoning applied to specific cases as opposed to the general study of ethical theories or concepts (Smith Cited in Kirk 1999: 90-110). Casuistry appeared during the sixteenth and seventeenth centuries as an element of theological revisions led by Catholic, Protestant and Anglican institutions (Kirk 1999: 90-110). The approach has been given a "new, not necessarily religious, formulation in the late twentieth century in the work of Albert Jonsen and Stephen Toulmin, John Arras, Richard Miller and others" (Smith 1999: xiii). Kirk defined casuistry as "the science of dealing with 'cases' of consciences; and a case, whether in conscience or in law, is a collection of unforeseen circumstances" (Kirk 1999: 109). Therefore, casuistry developed as a process of analogies in an effort to resolve these unforeseen circumstances. This process was pursued by Roman Catholic priests from the thirteenth century onwards, as a means to find relevant solutions for certain cases (Leites 1988: 59). This process

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20 Ijtihad, which means diligence, is a system of textual interpretations commonly used in Islam.

21 This idea will be discussed further throughout the coming section.

22 For Sunnis, Islamic teachings and discourses are to be quoted from the Qur'an and *Hadith* only; rather than resorting to re-interpretation or Ijtihad.

23 Islamic Law.

24 ISIS is short for Islamic State in Iraq and Syria, otherwise known by Arabic acronym Da'ish. This group emerged in 2013 and had self-proclaimed itself as an Islamic group fighting to achieve worldwide caliphate.

served a useful purpose when priests were faced with the challenge of directing individuals who approached them for confession. However, due to its connection to matters pertaining to moral reasoning, casuistry has been widely rejected because of its potential to extensively reinterpret Biblical texts (Kirk 1999: 90-110).

Philosophers such as Miller, McAdoo, Taylor and Kirk argue that casuistry can be perceived as a justifiable process of reasoning (Kirk 1999). Furthermore, some of these scholars have introduced new or modern casuistry, with a new understanding of casuistic explanations in politics, such as the norm of humanitarian intervention and "war on terror" (Jonsen and Toulmin 1988). So how did casuistic methods develop and evolve throughout the years and what were the philosophers' inputs on the use and abuse of casuistry? The literature on casuistry covers issues such as morality (moral law), mental reservations or lying, self-preservations, abuse of casuistry, the role of the casuist, and moral consciousness.

Philosophers such as Hobbes and Locke argued that an individual is not capable of interpreting an action or behaviour without going back or referring to a law that is considered unquestionable or natural, in other words, God's Law, which has been translated throughout the years into societal law (Kirk 1999). Based on the discussions emerging from Hobbes and Locke, they indicate that 'there is no Law without a punishment from a law giver'; therefore, there is a constant reference to God's given Laws rather than simply giving the opportunity for an individual's contextual reasoning (Jonsen and Toulmin 1988: 300), since, for these philosophers, the human mind is not prepared to challenge God given Laws. Kant believes that the 'mastery of casuistry requires a good brain' (Jonsen and Toulmin 1988: 301). Yet there was no indication of what constitutes a 'good' brain. Kant spoke extensively about individuals' liberal norms; however the moral values that Kant based his ideas on are a reflection of God's Laws. Moreover, through time, the structure of States and State laws were shaped according to God's laws as Christian laws (Leites 1988: 59-70). Therefore, a new form of loyalty was now framed according to social surroundings. Nevertheless, throughout the years, societies have evolved through structural transformation and were shaped to reflect the relevant times. Hence, practical reasoning or relativism came as a response, and have assisted in re-structuring societal laws. As it is known, societies are in constant progressive change; otherwise one would agree that we would be still living according to 17th century norms. Wars, expeditions and trade have forced individuals to face new circumstances with new reasoning. Therefore, morality and social standards have evolved throughout time hand in hand and this is because of the evolution of human minds and their capacity to introduce new skills.

However, as mentioned earlier, casuistry was opposed by Locke, Butler, Kant and Pascal (Kirk 1999) since it was introducing new ways of interpreting God's words or used to prove that the human mind is capable of bearing moral reasoning without being fearful of punishment. 'Moral theology in general and casuistry in particular can safely be erected only on the basis of a genuine moral earnestness' (Kirk 1999: 115). Hence, casuistry does not negate morality; however it contextualizes it into its specific structure; which can be a useful insight in questioning Hizbullah's objectives giving its reliance on casuistry. For example, ISIS' reliance on religious fatwas (such as change of education curriculum, or return to *khalifa*[25] laws...etc) in its ideological indoctrination shows that non-state actors could use casuistic tools to justify their approaches. In addition, when casuistry was opposed by the Church in the 16th century, it was accepted and practiced by other religions, such as Judaism and Islam (Kirk 1999: 104-110). This was conceptualized under a religious framework of theological interpretation. Jonsen and Toulmin specify that in the case of Judaism and Islam, the law was 'revealed once and for all' and then when the need for contextual re-interpretation arose, highly ethical theologians proposed alternatives (Jonsen and Toulmin 1988: 112). For example, issues concerning Muslims non-fasting because of illness have been addressed through a series of ijtihad and fatwas. However, part of casuistry's problem has been with the dominance of literalists in Islam and Christianity – people who trust the written word rather than the advice of "experts" (Kirk 1999:127). The Bible, Quran, Torah are literally true and can't be interpreted or modified.

The reasons to object casuistry were reflections of Christian values, for a certain part of the world; while other cultures had different values and different societal norms that could allow room for re-interpretation. Kirk has expressed it perfectly when he said "casuistry is a weed which grows most readily in the soil of rigorism, not the casuist who tends the plant, so much as the rigorist who prepares the soil is to blame for the result and horror" (Ibid: 127). Kirk was referring to the controversial role of the casuist. It is true that casuistry has been abused by certain proponents, but this should not mean that the whole notion of casuistry or moral reasoning be rejected.

In the early 20th century, questions of morality and basic values have arisen in Britain and America especially

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25 Religious successor to prophet Mohamad or Caliph.

when it comes to issues regarding Law, Medicine and Business (Jonsen and Toulmin 1988: 112-117). Therefore, the notion of moral reasoning has been questioned once again. Jonsen and Toulmin spoke about Cicero and Stoic analogy, and moral argument, regarding the use of violence; they also showed how this is related to modern times. In addition, the distinctive separation between communal loyalty and religious belief was also evident in the 20th century. For example, the definition of a terrorist can vary in context (Jonsen and Toulmin 1988: 312). More importantly, politics is a rigorous space for reasoning where moral notion remains controversial (Jonsen and Toulmin 1988: 312). Therefore, there exists a moral understating that people "grow out of reflections on practical experience very like those that shape common law" (Jonsen and Toulmin 1988: 316). And, that is a changing behaviour. Therefore, the process that was witnessed in the history of moral practice in different cultures reveals a clarification of the exceptions that were known as over-turning the basic ethical presumption (Jonsen and Toulmin 1988: 325).

The Parallel lines between Islam and Casuistry

Casuistry has a place in the Arab and Islamic worlds. The term directly translates into *ifta'* or *fatwa* of *damir:* cases of consciousness. In other words, casuistry in Arabic equates to issuing fatwas about legal/religious or Shari'a matters (Al-Mawrid 1986: 158; Elias' pocket dictionary, 55; Oxford Dictionary 1972: 194). A fatwa is a legal notion practiced by Muslim theologians to issue religiously binding verdicts that can be used amongst all Muslims, although in Shi'ism, opinions by the various *ayatollahs*[26] tend to be restricted to their followers. In Islam, the Quran is understood to be the direct word of God, and the Prophet Mohammad as his Messenger. This is considered as the theological basis of the authority of the *hadith*, which are non-Quranic sayings of the Prophet Mohammed and the example of his life as a model (Sunna). Therefore, the Quran and hadith represent the cornerstone of Islamic law or *Shari'a*. The Islamic way of life consists in fulfilling five pillars[27] of Islam. There is a certain level of flexibility in each category. For example, breaking the fast in the

holy month of Ramadan is permitted for health reasons. The *Hajj* "pilgrimage" also is to be made only if the person is capable both health-wise and financially. Hence, we see a level of exceptional cases being introduced to offer a rather flexible notion of the lifestyle which can later be translated into Shari'a pragmatism.

As the first pillar of Islam is the declaration to God and his Messenger, an individual is declaring himself or herself faithful to Islamic law or Shari'a. Shari'a entails matters pertaining to family, criminal and civil law. The primary source of Shari'a, the Quran, offers a grand vision of God, submission and majesty, but does not offer details about matters pertaining to everyday problems such as family law (Cummiskey 2011: 76). While the hadith and Sunna fill this gap to an extent by providing Mohammad's way of life as a frame of reference, Muslims still find gaps in attending to their changing roads for guidance, especially since the Prophet lived under very different circumstances to those of the present day.

However Shari'a is not restricted to those two sources; there are two other sources of Shari'a, which are consensus of scholars and analogy (or analogical reasoning) (Hallaq 2005: 40-68). The former entails an interpretation of the Quran and hadith through schools of Islamic thought such as Hanbali and Shafi'i. While the Hanbali school strictly adheres to the literal meaning of the Quran, the latter can be translated into casuistry through its process of contextualizing old cases into new ones with a new understanding (Cook 2000: 103-110). A third source of Shari'a is consensus (*Ijma'*). Consensus or Ijma' consists of a group of religious scholars interpreting the hadith and Quranic texts (Cook 2000: 103-110). Therefore, ijma' describes the shared notion of interpretations of written commentaries on the Qur'an and Hadith, and later it combines the work of the four Sunni schools of thought along with other influential interpreters of the Qur'an and Hadith. However, the act of interpretation is translated to *Ijtihad*, which is an individual's new interpretation of Quran and hadith (Cummisky 2011: 76).

Shi'ite Analogy

The leading Shi'ite school of thought is the Jaafari School. It was headed by Imam Jaafar Ibn Muhammad Al–Sadiq, whose work, *Al-fiqh al-Jaafari*, addressed topics such as hadith, Islamic ethos, ethology and the Quran (Cook 2000: 103-110). The Jaafari school does not differ significantly from the four Sunni schools, however there are methodological differences. For Shi'ites, there exists a belief that God will not leave human kind without

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26 Ayatollah is a title given to high-ranking Twelver Shi'ite cleric.
27 Five Pillars of Islam are: declaration of faith in God and his messenger Mohammed, prayer, charity or *zakat*, fasting during the holy month of Ramadan, and pilgrimage to Mecca (*Hadith* in *Sahih Al Bokhari* 1:2:48).

guidance. That is why he sent prophets, and after the prophets died there were imams to give guidance. These imams or religious scholars interpreted the Quran and hadith (Cummiskey 2011: 76-80). Also, with the passing of the eleventh imam in Shi'ite Islam (there were twelve recognized Imams in total); Ayatollahs now play a significant role in Shari'a interpretation. This notion is based on treating hadith as divine authority. Ijtihad is a feature of Shi'ism, where the need for interpretation is consistent. This has assisted Hizbullah in being pragmatic especially in adaptation to domestic changes such as participating in the government parliament in 1992 and government in 2005 (both decisions had to be checked with the grand Ayatollah in compliance with the party's religious framework). While in Sunni Islam with the highly decentralized notion of Sunna religious consensus, this has caused a rather slow process in the Sunni adaptation to changing circumstances. The more hierarchical structure of Shi'ism makes a quicker response in adapting consensus possible (Roy 1994: 170-189).

After the Prophet Mohammad's death, there was great room for Ijtihad. However, over time, consensus developed among a community of scholars that, with the help of Quran and hadith, we can identify for everyday activities, guidance with complete trust in religious scholars.[28] Shi'ite theologians differ however in various aspects. They consider Ijtihad as a continuous notion, since it addresses matters of the current age rather than referring to unrelated times (Ruthven 1997: 40-71). Through the process of analogy, the notion becomes important.

Iran is the only country where Shi'ism is the state religion. There, Shi'ite clerics continue to use re-interpretation or ijtihad by grand Ayatollahs. The *akhbari* "traditionalists" believed that this right was closed with the disappearance of the twelfth imam, while *Usulis* "fundamentalists" believed that this right resided with the high *Ulamas*[29] (Roy 1994: 171). Thus the right to ijtihad was then recognized only for high Ulamas, which are referred to as *Mujtahid "interpreter"* or Ayatollah. The clergy's position in politics was evident in Ayatollah's Shirazi's fatwa in 1891, which forbade the use of tobacco as long as it was monopolized by a British company (Roy 1994: 172). The fatwa served a political role again in 1920, when the Shi'ite clerics were an inspiration for resisting English troops in southern Iraq through issuing fatwas to fight the occupation. Thus, the position of clerics was not only religious but also political, and fatwas were used to ensure public support. Also, with Shi'ite centralized consensus capacity, it was able to be more open to judicial changes and to non-Islamic data than Sunni schools (Roy 1994: 172). Shi'ite studies combined philosophical understandings with "casuistic legalism" (Roy 1994: 172).

The use of fatwas for political purposes was evident in Iran's clerical constitution. For example, Khomeini announced the primacy of Shari'a over other laws in 1988 (Coughlin 2009: 44-60). Khomeini's emphasis on religious tools to serve his revolutionary goals is evident in this instance. This therefore raises the question of how Hizbullah has justified its political pragmatism through the use of religious verdicts or fatwas in a casuistic behaviour.

Hizbullah's Casuistry in political context

The structure of Hizbullah reflects a traditional hierarchical arrangement, a chain of command from top to bottom. The party has two major decision-making bodies: the Shura Council and the Shura al-Qarar (Hamzeh 2004: 44-79). Matters pertaining to legislative and administrative issues are addressed by the Shura Council while matters covering political issues are resolved by the Shura al-Qarar. However the authority of the two councils is subordinated to the Secretary-General Sayyid Hassan Nasrallah who has the distinctive and exclusive capacity for Taklif Shari' *(*Hamzeh 2004: 44-79). Taklif Shari' is a religious command or order issued by Nasrallah as a non-negotiable order, often perceived as a holy request (Alami 2013).[30] Taklif Shari' is used only in certain cases - often in times of war (2006 war) and emergency (2008 clashes).

Hizbullah's involvement in the May 2008 clashes was a major setback in the party's political line (Zisser 2009: 33). At the time, the Lebanese government issued a decree to end the independence of Hizbullah's local communication network and to limit the powers of the Chief of airport security (who was a supporter of Hizbullah). The party reacted by sending fighters into the streets in Beirut which later escalated into shootings between the Future Movement, AMAL and Hizbullah. The conflict was quickly translated into a Sunni-Shi'te strife that has re-surfaced

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28 The four major schools of Sunni Islamic theology are: Hanafi, Maliki, Shafii, and Hanbali.

29 Religious scholars.

30 https://now.mmedia.me/lb

after Saddam Hussein's removal in 2003[31]. The Future Movement was a Sunni dominated group while Amal and Hizbullah were Shi'tes. The Party justified its protection of its communication network by arguing that by removing the independence of Hizbullah's network, the Lebanese government was doing Israel a great favour by exposing Hizbullah members and the organization. Ultimately, Hizbullah prevailed and continued with its use of the communication network.

Hizbullah's resort to Taklif Shari' and pragmatism is restricted to the Party's security and not for expansion. The limited duration of the 2008 clashes over the communications network was exceptional as, based on the experience of the Lebanese Civil War, the conflict could have expanded and spread. Hizbullah had the military capabilities to expand its military actions, but it did not do so. Thus, Hizbullah's reconstruction projects that followed the May 2008 clashes, in addition to its coalition with the Free Patriotic Movement (a major Christian Maronite group in Lebanon) indicate the Party's realization of the limits of its power and the need to protect its popular base (and to respond to Lebanese public opinion more broadly).

A Hizbullah official stated that Nasrallah would use Taklif Shari' to call on the reserve army to assemble in times of war (Hamzeh 2004). In a June, the 2013 article on the news website Now Lebanon, titled *Hezbollah fighter details operations in Qusayr*, Mona Alami, a journalist, interviewed Abu Ali, a Hizbullah fighter in Syria. Abu Ali mentioned that 'everyone who goes to fight in Syria received a Taklif Shari' (Alami 2013). Therefore, the use of Taklif Shari' is one of the elements of Hizbullah's tactics. Also, Nasrallah, as the party leader, is the casuist in this case, for his resort to the fatwa for strategic purposes. Hamzeh, in *In the path of Hizbullah* stated that the element of Taklif Shari' is derived from the Welayet el-Faqih ideology and from the party's loyalty to the Faqih. That is, the Faqih is the only political body to issue a Taklif Shari'. Hence, if fatwa requires a consensus committee, the Taklif Shari' is restricted to the sole person of the religious leader. By which it raises the question of the casuistic discussion on moral reasoning, relativism, and self-preservation in Hizbullah's case.

Hizbullah emergence and mission statement revolved around improving and protecting the Shi'ite community in response to the challenges they were facing (and continue to face). This was later translated into the party's manifesto.[32] This commitment was then put into action through a series of social and educational services offered by the party. However, while Hizbullah continued to focus on protecting southern Lebanon from the Israeli threat, it also pursued its related goal of fighting Zionism (Norton 2007: 65-83). Nasrallah has declared repeatedly in his speeches his support for the Palestinian cause and resistance movement. This support is highly visible in the party's propaganda materials where there are numerous slogans of 'free Palestine' and 'death to Israel' in the party's commemorations (Khatib 2013: 54-69). Nasrallah reminds his followers and supporters every year on *Al-Quds* "Jerusalem" day of the right of Palestinians to return to their homeland, the right for Palestinians to a free country, the failure of Arab countries to help Palestinians, and of Hizbullah's moral duty to support Palestinians. By this the party continues to uphold its opportunity to fight/destroy Israel as part of its idealistic objective that is reiterated in the Party's slogans. From a casuistic perspective, this can serve the party to justify the right for its continuous arms protection policy.

Nasrallah warned in his May, 2012, speech, that Muslims would be asked on Judgment Day by God "what they have done for Palestine and each will be rewarded or punished accordingly".[33] Hence, Hizbullah's moral initiative derives from the religious obligation to stand by the Palestinians and defend God's holy land Al-Quds. However, while Hizbullah is proud of its role as part of the "axis of resistance" against Israel in the Middle East, the Party is also aware that there are limits to its capacity to support the Palestinians, given that Hizbullah is not openly engaged in the Israeli-Palestinian struggle. Hizbullah does not hide the fact that it offers political, moral, logistical, and even financial assistance to some Palestinian factions (Norton 2005).[34] However, Hizbullah states that Palestinians are the only ones capable of resolving their struggle with Israel. Hizbullah's support for the Palestinians is frequently stated but, in practice, is limited by the party's self-interest. Hizbullah realized that the Arab-Israeli conflict is separate from Hizbullah's narrow focus on Lebanon.

Hizbullah's pragmatism became apparent during the party's participation in the parliamentary elections

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31 An ancient religious divide that was mixed with political rivalries between Sunni power (Saudi Arabia) and Shi'te power (Iran) in the Middle East region. This rivalry was evident in Lebanon after the assassination of Rafic Hariri, former Lebanese prime minister, in a car bombing, as Syria and Hizbullah were accused of this assassination (Theguardian 2014) for more details on Sunni-Shi'ite strife see Vali Nasr (2007) *The Shia Revival: How conflicts within Islam will shape the Future.*

32 www.almanar.com.lb/English
33 www.almanar.com.lb/English
34 See Documentary "The living Martyr" by Firehorse Production, 2012

in 1992. (The decision to participate in the elections was made so that the Party could assimilate in the Lebanese politics even though this might affect the Party's religious ethics.) The Shura Council had to obtain approval through the Wali el-Faqih in Iran, before the Party could join what was regarded as the corrupt Lebanese political system (Qassem 2004: 65-70).

Hizbullah's reasoning did not necessarily always produce positive results. Hizbullah's kidnapping of two Israeli soldiers in 2006 was the trigger that Israel used to wage war on Lebanon. Hizbullah was widely accused of being responsible for the war (for example, a prominent Lebanese Druze member of parliament, Walid Jumblatt criticized Hizbullah in his interview with *Le Figaro* on July 13th, 2006. Jumblatt stated "Hizbullah played a very dangerous game by kidnapping these two soldiers… Israel has withdrawn from Lebanon", also, The Arab league has claimed that Hizbullah's attacks on Israel were "unexpected, inappropriate, and irresponsible acts" (Middle East Media Research Institute 2006). Nasrallah was criticized for taking such a decision independently and without consulting the Lebanese government (Zisser 2009: 33-36). Hizbullah, on the other hand, stated that the Party tried to pre-empt what has been planned by Israel months before. Therefore, had Hizbullah not kidnapped the soldiers at that date, Israeli aggression was still going to take place, maybe for different reasons.[35] However, the disproportionate nature of the Israeli response led Nasrallah to state that "had he known the scale of the Israeli attack, he would not have gone into war" (Zisser 2009: 33). This, therefore, shows the Party's awareness vis-à-vis its relativism and limitations. Hizbullah also worked to translate this war into a "victorious war" for the Party, demonstrating its ability to stop any ground attack in southern Lebanon and for its ability to hold firm in the face of the Israeli dis-proportionate aggression (Khatib 2013: 54-68). Arguments such as these serve to highlight the pragmatic nature of Hizbullah. The Party also gained a lot of credit across the Lebanese spectrum for its resistance.

A major element of the Party's success lies in its secrecy. One of the key themes of the party's code of ethics is fighters' protection and commitment to their secret identity (Farida 2010: 74-76). Hizbullah members are asked to keep their membership secret from their family and friends. This is considered essential in the party's training. Hizbullah's members go through a "self-preservation" process. The member will only be hiding his true involvement to "protect" himself and the Party and this is a "necessity"

(Farida 2010: 74-76). Hence, Hizbullah's cadres are aware that their personal security is not just to their benefit but also to that of the organization. Moreover, Nasrallah in an interview on Al-Mayadeen television network in August, 2013, declared that his refusal to detail the Party's military capacity contributes to its psychological war with Israel.[36] Nasrallah has stated that, with Israel, psychological war (psychological war is employed when a group does not reveal its military capacity but hints to its potential) can be more effective than actual war. He considered this tactic key to Hizbullah's "victory" in 2006, when the Israelis underestimated Hizbullah's military arsenal.[37] However, Hizbullah's secretive nature has led to widespread questioning of the party's real intentions.

This is considered to be the March 14 bloc's major theme in its competition with Hizbullah. The March 14 bloc focuses its political attack on Hizbullah by accusing the Party of loyalty to Iran. Similarly, Hizbullah has been accused by the 14 March bloc on several occasions of planning to establish an Islamic state in Lebanon. Hizbullah officials continue to reject this accusation as unrealistic and argue that for the past 20 years Hizbullah has been growing into a Lebanese political party in Lebanon and has accepted the Lebanese confessional system (Ghorayeb 2002: 70-75). This participation shows the Party's desire not to take over the state but to be part of it.

Hizbullah's political pragmatism and the use of Taklif Shari' have won the Party considerable success and relative popularity in Lebanon. Hizbullah's success can be attributed to the organisation's sustained ability to develop and maintain a coherent and convincing identity based on religious and political considerations. The party's political pragmatic approach, protection of its secretive identity, and use of Taklif Shari' can be distinguished as casuistic tools. These casuistic elements in Hizbullah's response to events will be the cornerstone of the Party's survival or demise. Hizbullah has to be constantly aware of the dangers of the abuse of casuistry or Taklif Shari' for it may lead to the Party's loss of credibility, just as casuistry lost its believability in European thinking.

Conclusion

The introduction of casuistry in this paper served the purpose of highlighting the role of religion in Hizbullah's political strategy. The main mechanism of Hizbullah's

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[35] www.almanar.com.lb/English

[36] www.almayadeen.net
[37] www.almanar.com.lb/English

progress is its religious approval of analogies. Islamic analogy or fatwas are casuistic tools that Hizbullah uses for its political strategy. Sayyid Nasrallah's successful and charismatic role as a leader and a casuist is supported by his use of Taklif Shari' whenever he sees necessary. This approach is rendered challenging as it re-visits a long neglected method of casuistry. It is also interesting crucial as it parallels a Western concept that focuses on religion but is marked off from mainstream Western international relations theories.

Amidst the continuous threat of ISIS, regional uncertainty, and international pressure, Lebanon seems to be facing the reality of making its own destiny. The revision of the power sharing formula that Hizbullah suggested could be an indication of the regional power structure taking place between U.S., Iran, Russia, and Saudi Arabia. Hizbullah's main concern is its strategic position vis-à-vis this equation. Hizbullah is certain of its position in Lebanon as it was expressed by a number of Hizbullah parliamentary members that "the party cannot be kept out of any government. It would be folly to exclude Hizbullah from a new government."[38] However, the party's regional standing as a pan-Arab and a transnational group could be questioned due to its decision to fight alongside the Assad regime in the Syrian conflict. Hizbullah's intervention in Syria has placed it in direct confrontation against Islamic State in Syria and Iraq (ISIS) group. Hizbullah has put efforts to frame this intervention within nationalistic and religious necessity, using the principle of *al-darorat tobih el mahzorat* the necessity permits what is prohibited. However, this step, along with previous mis-deeds has questioned Hizbullah's nationalistic loyalty versus its ideological necessity.

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[38] http://www.al-monitor.com/pulse/originals/2013/09/lebanon-obstacles-government-formation.html

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Bionotes

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