

**THE PHENOMENA OF PATERNALISM: THE
CONTESTATION BETWEEN DEMOCRACY AND
TRADITIONALISM WITHIN SHIITE
COMMUNITIES IN IRAQ**

ALABYADH MUHTADI RIDHA ABBAS

UNIVERSITI SAINS MALAYSIA

2025

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by

ALABYADH MUHTADI RIDHA ABBAS

**Thesis submitted in fulfilment of the requirements
for the degree of
Doctor of Philosophy**

February 2025

ACKNOWLEDGEMENT

I would like to express my deepest gratitude and appreciation to Allah, the Most Merciful and Compassionate, for granting me the strength, guidance, and blessings throughout my academic journey. I am indebted to my supervisor, Associate prof Dr. Mohammad Reevany Bustami, for his great support, patience, and expertise. his guidance and constructive feedback have been instrumental in shaping the direction and quality of this thesis.

I extend my heartfelt thanks to my parents and family for their unwavering support, encouragement, and prayers. Their love and belief in me have been my constant motivation during this academic endeavor. I am grateful to the faculty members of [Universiti Sains Malaysia], particularly [Centre for Policy Research (CPR)], for their contributions to my education and their dedication to nurturing a conducive learning environment.

I would like to acknowledge the assistance and cooperation of [Dr. Jaafar Najim Nasr, Dr. Hamaied Al-Hashimi, Dr. Jabbar Al-Rifai, Dr. Ali Taher Al-Hamoud, Dr. Radwan Daa Al-Din, Dr. Ali Fawzi, Dr. Ammar Khazali. Mr. Ali Al-Madan, Mr. Mustafa Al-Musawi] who generously shared their time, knowledge, and experiences, without whom this research would not have been possible. Special thanks to Mama Diane Mosman and Dr. Rev. Wes Johnson, who have assisted me in the English language and provided me with some religious information.

I am thankful to the library staff, who tirelessly provided resources and assistance, enabling me to access the necessary literature and references essential to this study.

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LIST OF ABBREVIATIONS

CF	Coordination Framework
EIC	East India Company
HRC	Homeland Rescue Coalition
IHEC	Independent High Electoral Commission
INGO	International Relief and Development Organization
IRGC	Iran's Islamic Revolutionary Guard Corps
IRGC-QF	Quds Force of the Iranian Revolution Guard
JAM	Mahdi Army Militia
PMF	Popular Mobilization Force
RCC	Revolutionary Command Council
SCIRI	Supreme Council for the Islamic Revolution
UIA	United Iraqi Alliance

LIST OF GLOSSARY

‘ilm al-Kalam	Islamic theology
Ahl al-bayt	The family of prophet house (14 infallible)
Atabat	Holy shrines for Imams tombs for Shia
Ayatollah	Sign of God Allah
Eid al-Fitr	Fest held at the end of Ramadan
Faqih	Jurist
Fqih	Jurisprudence
Hadith	Prophet report
Halal & Haram	Permissible & forbidden
Hawza	Ayatollah Institution (office, Schools and Ayatollahs networks)
Hilat Shareiat	legal trick
Ijzat Ijtihad	knowledge and deductive certificate
Ijtihad	Knowledge and deductive the religious law
Imam & Imamate	Leader & leadership
Ithna Ashris	Twelver Shia
Jihad	To Struggle
Khabar	Single across reference
Khums	Islamic Tax (one-fifth).
Madhhab	Doctrine
Marja’	Great Ayatollah
Marja’iyyah	Great Ayatollah institution
Muhtat	Precaution
Mujahid	Islamic Soldier
Mujtahid	One who Possesses Knowledge and Deductive the Islamic Law
Mutawatir	Frequent across Reference

Riba	Usry
Sahm-i-imam	Leader Share
Sayyid	Mister (The descendants of the prophet Muhammad)
Shari‘a	Islamic Law
Sheikhs	Trible Leader or Islamic scholar
Takif, Mukalaf	Charged
Taqlid	Emulation
Tuwriat	Pun
Ulama	Scholars
Usul al-Fqih	Principle of Jurisprudence
Wali al-Faqih	Guardian of Jurist
Wali	Guardian
Wilayat al-Faqih	Guardianship of Jurist
Wilayat al-Hisba	Guardianship of Preservation
Wilayat	Guardianship

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- Appendix A Some of the documents used in the thesis as data
- Appendix B The pictures of ayatollahs that mentioned in the thesis

FENOMENA PATERNALISME: PERTEMBUNGAN ANTARA DEMOKRASI DENGAN TRADISIONALISME DALAM MASYARAKAT SYIAH DI IRAQ

ABSTRAK

Penyelidikan ini menyelami evolusi paternalisme dalam sejarah Syiah Iraq, dengan fokus kepada Ayatollah sebagai figura paternalistik bagi komuniti Syiah dan mengeksplorasi pemikiran sosial paternalistik dalam budaya Syiah. Siasatan ini menekankan perubahan kunci di berbagai jangka masa, mengenalpasti mekanisme generatif yang beroperasi dalam setiap era, dan menganalisis proses yang termanifestasi terkait dengan mekanisme ini. Dengan menggunakan strategi penyelidikan retroduktif dan sosiologi sejarah dengan pendekatan kualitatif, kajian ini mengidentifikasi mekanisme generatif, termasuk budaya tribal, agama Islam, teologi Syiah, dan sistem Ayatollah. Dalam Iraq Syiah, mekanisme pemikiran sosial paternalistik melibatkan teologi Syiah dan pendekatan Usul al-Faqih untuk melaksanakan undang-undang agama, serta aspek-aspek seperti ekonomi independen dan institusi pendidikan. Pada abad ke-19, sekolah Uşūlism Syiah menegaskan kawalannya ke atas Iran dan Iraq, mendirikan sistem Taqlid. Sistem ini menekankan pengikut untuk meniru Ayatollah yang paling berpengetahuan, di mana Ayatollah, berdasarkan Ijtihad masuk campur atau membatasi kebebasan orang lain, terlibat dalam perbincangan atas nama mereka. Taqlid muncul sebagai respons terhadap kemodenan politik yang memasuki Iraq dan Iran, menghubungkan komuniti Syiah dengan Ayatollah untuk mengawasi kemodenan dan membatasi liberalisme. Beralih ke abad ke-20, Ayatollah Naini menyokong gerakan konstitusional Iran, sementara Ayatollah al-Nouri menolaknya. Pada tahun 1921, Ayatollah di Iraq berusaha untuk mempengaruhi pembentukan kerajaan. Pada separuh akhir abad ke-20, Ayatollahs

Baqir al-Sadr dan Khomeini menggunakan kemodenan politik untuk mengembangkan teori politik Islam baru. Al-Sadr mencari pembentukan kerajaan dan pengawasan Ayatollah dalam merangka konstitusi, sementara Khomeini menubuhkan wilayah al-Faqih yang mutlak, di mana Ayatollah memegang autoriti ke atas konstitusi, mewakili Imam Mahdi dalam pembangunan negara. Setelah pencerobohan AS pada tahun 2003, sistem demokrasi diperkenalkan di Iraq. Ayatollah Sistani, Marja'iyah tertinggi dari 2003 hingga 2005 masuk campur dalam merangka konstitusi dan prosedur pilihanraya untuk menjaga kepentingan politik Syiah dan nilai-nilai Islam. Muqtada al-Sadr menentang pencerobohan, bertindak sebagai penentu-nasib, dan wilayah al-Faqih Iran yang masuk campur melalui cara militan, politik, dan agama. Campur tangan ini menyebabkan ketidak-sepakatan antara paternalisme dan kemodenan politik di Iraq. Sumbangan teori menyerlahkan sifat dialektik kemodenan politik di Barat, perbezaan dengan permasalahan intergrasinya di Timur disebabkan teori modernisasi yang berlainan dengan budaya Timur. Penyelidikan ini menyokong perdamaian antara kemodernan politik untuk negara dan budaya paternalistik untuk masyarakat, menekankan perlunya pendekatan yang nuansa untuk menangani interaksi kompleks elemen-elemen ini dalam sejarah Syiah Iraq.

**THE PHENOMENA OF PATERNALISM: THE CONTESTATION BETWEEN
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IN IRAQ**

ABSTRACT

This research delves into the evolution of paternalism in Iraqi Shiite history, focusing on the Ayatollah as a paternalistic figure for the Shia community and exploring paternal social thought within Shiite culture. by investigating key changes across different periods, identifying the generative mechanisms operative in each era, and analyzing the manifested processes associated with these mechanisms. Utilizing a retroductive research strategy and historical sociology with a qualitative approach, the study identifies generative mechanisms, including tribal culture, Islamic religion, Shiite theology, and the Ayatollah system. Within Shia Iraq, the mechanisms for paternal social thought involve Shiite theology and the *Usul al-Faqih* approach for deriving religious law, as well as aspects like an independent economy and educational institutions. In the 19th century, the Shiite *Uṣūlism* school asserted control over Iran and Iraq, establishing the *Taqlid* system. This system emphasized laypeople's emulation of the most knowledgeable Ayatollah, where the Ayatollah, based on *Ijtihad*, interferes or restricts others' freedom, engaging in discussions on their behalf. *Taqlid* emerged to counter political modernity entering Iraq and Iran, linking the Shia community with Ayatollahs to oversee modernity and limit liberalism. Moving to the 20th century, Ayatollah Naini supported Iran's constitutional movement, while Ayatollah al-Nouri rejected it. In 1921, Ayatollahs in Iraq attempted to influence government formation. In the latter half of the 20th century, Ayatollahs Baqir al-Sadr and Khomeini used political modernity to develop new Islamic political theories. Al-

Sadr sought government establishment and Ayatollah oversight in constitution drafting, while Khomeini established absolute *wilayat al-Faqih*, where the Ayatollah holds authority above the constitution, representing Imam Mahdi in state-building. Following the 2003 US invasion, a democratic system was introduced in Iraq. Ayatollah Sistani, the supreme *Marja'iyah* from 2003 to 2005, interfered in constitution drafting and election procedures to preserve Shia political interests and Islamic values. Muqtada al-Sadr resisted the invasion, acting as a kingmaker, and Iranian *wilayat al-Faqih* intervened through military, political, and religious means. These interventions led to an unreconciling between paternalism and political modernity in Iraq. Theoretical contributions highlight the dialectical nature of political modernity in the West, contrasting with its problematic integration in the East due to the unfamiliarity of modernization theory with Eastern culture. The research advocates for reconciliation between political modernity for the state and paternalistic culture for society, underscoring the need for a nuanced approach to address the complex interplay of these elements in Iraqi Shiite history.

CHAPTER 1

INTRODUCTION

1.1 Introduction

From 1968 to 2003, the Iraqi Shia community was trapped within the confines of a dictatorial regime. This regime imposed a comprehensive ban on the practice of Shia rituals and curtailed the freedoms of the oppressed Shia masses, fearing the specter of Shia political theology.

In a milieu of repression and fear, the community found solace and guidance in the emulation (*Taqlid*) of Ayatollah Sistani. When the political system dictated that the fasting for *Eid al-Fitr* be broken, Shia community was refused to comply. Instead, some of them undertook a journey to the sacred city of Najaf on the morning of the Eid. Standing resolutely near the passage that leads to Ayatollah al-Sistani's house, which lay just a few meters away from the venerated shrine of Imam Ali Ibn B. Talib, they seek clandestine confirmation of the date of Eid or the last day of Ramadan, based on the fatwa of the revered Ayatollah.

During the nineties, the Shiite community in Iraq found itself mired in a dire economic situation, facing an unyielding economic blockade and living in constant fear of the regime's wrath. Struggling to survive amidst these oppressive conditions, they searched for hope and redemption in the depths of their collective consciousness, yearning for a saviour to deliver them from their misery.

And then, at the end of the decade, a comet appeared in the sky, a celestial harbinger that was believed by the Shiites of Iraq to be a sign of the impending arrival of Imam Mahdi. A rumor quickly spread that in the year 2000, the Mahdi would make

his long-awaited appearance, ushering in a new era of salvation and redemption for the beleaguered Shiite community.

As the year 2000 dawned, the anticipation and hope of the Shiites reached a fever pitch. They waited eagerly for the Mahdi's arrival, with bated breath and hearts full of expectation. But the year passed by, and the Mahdi failed to appear. The Shiites were left disappointed and disillusioned, their hope and faith in their impending deliverance dashed.

This collective disappointment serves as a poignant reminder of the human longing for salvation and the deep-seated need for hope in the face of adversity. It also highlights the power of rumors and the sway they hold over our collective consciousness, shaping our expectations and beliefs. Ultimately, the search for hope and salvation remains an essential part of the human experience, driving us forward even in the darkest of times.

The Iraqi Shiite community is an Arab society whose culture is based on tribalism. The tribal system is patriarchal and paternalism. This is evident in the studies of Ibn Khaldun (Hernawan, 2017) and Ali Al-Wardi on the nature of Iraqi society (Hamied G. M. Al-Hashimi, 2017) or Hisham Sharabi's study of Arab patriarchy (Sharabi, 1988). As we observe this culture leads to the domination of men over women, as in Nour Daoud's study of Jordanian women (Daoud, 2018). Thus, it led to the thinking of the Arab society in general and the Shiites of Iraq in particular in terms of paternalism thinking. This gendered dynamic was also deeply ingrained in both politics and religion, with the Prophet himself acting as the "*Wali*" or guardian of all Muslims in all aspects of life, and the caliph serving as the "*Wali*" of Muslims in

political and religious spheres alike. As such, the term "*Wali*" is firmly entrenched in the Arabic language, representing a critical facet of the social fabric.

Abu Al-Abbas equates *Wilayat* (Guardianship) with authority, stating that a *Wali* is a guardian who provides for the welfare of the orphan under his care and obedience to his commands. Similarly, a woman's guardian is responsible for overseeing the terms of her marriage contract and preventing her from breaching it. In a hadith, it is mentioned that any woman who marries without the permission of her guardian invalidates her marriage. The term "*Mawla*" appears repeatedly in the hadith, encompassing a range of relationships, including lord, owner, master, benefactor, freedman, helper, lover, follower, neighbor, cousin, ally, son-in-law, slave, and bestowed upon. The hadith also underscores the importance of merit, with certain individuals deemed more deserving of a given role or responsibility (Manzoor, 2010).

Moreover, "*Wilayat*" (ولاية) refer to a political or religious authority or leadership, particularly in Shiite Islam, where it is used to describe the spiritual authority of an Islamic leader or scholar. The term "*Wali*" (ولي) is derived from the same root word and means "guardian" or "protector," and is also used in Islamic religious and political contexts.

The concept of *Wilayat* is a principle of spiritual charisma that is central to all major Shiite beliefs and embodies the Shiite religious ethos comprehensively. It has been a part of Shiite doctrine and rhetoric since the beginning and serves as the core concept that links generations of Shiite believers through centuries of doctrinal and political change. Although the term has political connotations in Arabic, its meaning in the Shiite context is much broader and encompasses an all-encompassing bond of spiritual loyalty that describes a Shiite believer's allegiance to God, the Prophet, the

Imam, and the community of Shiite believers. This concept suggests a profound spiritual connection between the Imams and their followers, the Shiite leadership, and the community, as well as between the *ahl al-bayt* and those who support them. This ideology served as the conduit for extending belief in the charisma and elite spiritual status of Ali and the succeeding Imams to the community as a whole and to individual Shiites (Dakake, 2007).

Hence, the Arabic term *Wilayat* can be likened to the English term Paternalism. However, this analogy is not all-encompassing, rather it specifically refers to the *Wali* who limits the autonomy of another person and makes decisions on their behalf in their best interest. This notion carries cultural and rhetorical connotations before manifesting in political or religious domains.

Shiite's view paternalism through the lens of the Imamate theory, which asserts that the Imam is infallible and has ultimate authority over *Shari'a*, politics, and leadership of the Ummah. The infallible Imam shares attributes with the Prophet Muhammad and thus has a right to the property and selves of the people. Furthermore, they take it a step further by believing that both the Prophet Muhammad and the twelve imams (*'ahl-al-bayt*) possess this right (Alakosh, 2018), Shiite scholars almost unanimously subscribe to the notion that the twelve imams possess a universal guardianship and are regarded as the divine lights through which God created all things. This belief is based on evidence derived from the Quran, the Sunnah, and theology. Sheikh Al-Ansari, for instance, maintains that the Imam has complete authority over people from God and that his interactions with them are absolute (Al-Ansari, 2006). Theologians stressed the supernatural attributes of the Imam, highlighting that the imam was the core of the universe, with some even stating that

the earth would crumble without an Imam for even a moment. However, this emphasis led to a devaluation of the political role of the Imamate institution (Arjomand, 1995).

The concept of the Imamate theory is a fundamental belief shared by all Shia groups, yet it has evolved and been influenced by political and social events over a period of more than 300 years. As a result, the interpretation of this theory varies among different groups within the Shiite denomination (Al-Katib, 1998; Newman, 2013b; Takim, 2006).

The theory of the Imamate posited that the imamate would be inherited through generations of descendants of Imam Hussein until the Day of Resurrection. However, this theory encountered a problem after Imam Ali al-Hadi, when his son, Imam Hasan al-Askari the eleventh Imam, took over the imamate but died without leaving behind a son. Instead, he bequeathed his money and property to his mother, causing confusion among the Shiites and casting doubt on the continuity of the Imamate until the Day of Resurrection as narrated in hadiths. As a result, the Imamate theory entered its final stage, with theologians believing in the existence of an absent Imam Mahdi, who was the son left behind by Imam Hasan al-Askari and hidden from the public and this is twelfth imam. This stage called The philosophy of occultation (Al-Hamoud, 2017).

The concept of occultation is rooted in the belief that Imam Mahdi, the son of Imam Hassan al-Askari, will emerge in the future to establish justice and fairness on earth. Therefore, the Mahdi issue is a political theology. This is due to the fact that Shiites have faced political persecution throughout Islamic history. As political crises among the Shiites intensified, the Mahdi issue gained momentum. In Islamic and Shiite history, many individuals and groups have laid claim to Mahdism, creating political and military movements that have resulted in the loss of countless lives.

In Shiite theology, an alternative leadership emerged after the spread of the philosophy of occultation in the 4th century AH. The paternalism that was previously associated with the imams transferred to the jurists, who became the agents of theology in religious and social affairs, while leaving political affairs until the emergence of the Mahdi. This was justified by the waiting theory, as Shiites believed that the Mahdi would establish a state of justice with absolute authority from God, while the authority of jurists was limited. As a result, the concept of *Wilayat* changed from the imams' *wilayat* to the jurist's *wilayat*. The jurist, or Ayatollah, became the guardian of society and this *Wilayat* was influenced by the views of Ayatollahs and political and social events. Nowadays there are three thought schools for Twelver Shiite (I) limited *Wilayat* in religious affairs and religious law, (II) a religious and social *Wilayat* (*Hisba*), (III) and an absolute *Wilayat* that covers politics, social, religious, and economic matters.

However, the notion of a passive relationship between politics and the ayatollahs in Iraq was not upheld as this study suggests a significant overlap between the two. The study focuses on the period from 19th century to present times and highlights the establishment of *Taqlid* as a religious and legal approach in response to the persistent influence of political modernity on society. This conflict between liberalism and traditional authority was also seen in the constitutional movement in Iran and its impact on the Shiite community in Iraq. In the latter half of the 20th century, the Islamic Dawa Party was established under Ayatollah Muhammad Baqir al-Sadr's leadership, while Khomeini's absolute *Wilayat al-Faqih* became the religious and political ideology of Iran. After the American occupation in 2003, Ayatollah Sistani played a crucial role in establishing the constitution and the democratic government in Iraq. However, while Sistani did not support Iran's absolute *Wilayat al-Faqih*, he

intervened politically for society's benefit rather than his leadership's sake. In contrast, Muqtada al-Sadr played a religious and political role based on his religious authority. On the other hand, Iran's *Wilayat al-Faqih* ideology was apparent in its interference in Iraq's political process through affiliated political parties, armed groups, and other fields.

The aim of the study is to apply the concept of paternalism to the institution of Ayatollah in order to understand its impact on the political reality of Shiites in Iraq. The Ayatollah represents the theological authority that exerts a merciful and benevolent paternalism over society, restricting their freedom or making decisions on their behalf for their own benefit through *Taqlid*. This paternalism authority also extends to interference in the political structure of society. The study seeks to investigate the paternalism of Ayatollah and its influence on the political landscape of Iraq's Shiite community. In addition, the study aims to find out the mechanisms underlying the concept of the paternalism of ayatollah and the paternal Shiite thought, as well as the events generated by these mechanisms.

1.2 Problem Statement

The concept of paternalism has been studied in the social sciences and is related to how the state, organizations, or individuals restrict individual liberties for their own benefit (Clarke, 2002). However, the literature review revealed that there have been no academic studies attempting to examine the relationship between paternalism and the role of the ayatollah in the Shia community. Conversely, paternal social thought within Shiism has been integral to the cultural fabric of the Shiite community. Despite its profound impact, there exists a noticeable gap in academic research, particularly in relation to the historical evolution of paternalism within Iraqi Shiite history. This study

aims to address this gap by investigating the key changes that have occurred across various periods, unraveling the pivotal alterations and continuities within the Iraqi Shiite community's socio-political structure, focusing on the overarching theme of paternalism. Paternalism, as a guiding principle, encompasses power dynamics, governance structures, political modernity, religious authority, and social hierarchies within the Shiite context.

Understanding the diverse generative mechanisms operating within distinct historical periods is crucial for comprehending the multifaceted dynamics that have shaped Iraqi Shiite history. This research inquiry seeks to elucidate the intricate interplay of generative mechanisms across various periods, exploring their role in precipitating transformative changes, shaping socio-political structures, and influencing cultural paradigms within the Iraqi Shiite community.

Exploring the intricate connection between generative mechanisms and the processes they generate is fundamental for comprehending the dynamic evolution of Iraqi Shiite history. This study endeavors to elucidate the manifold processes that have manifested in association with each generative mechanism across different historical periods, shedding light on their role in shaping socio-political structures, religious practices, cultural norms, and collective identities within the Iraqi Shiite community.

Thus, this thesis aims to fill this gap in knowledge by exploring the paternalism of the ayatollah and paternal social thought of Shi'ism within the era of political modernity from the 19th century to the present. It also examines the mechanisms on which the paternalism of the ayatollah is focused during this historical period and the processes generated by these mechanisms.

Therefore, the study of the Ayatollah and its relationship with political modernity is important in understanding the behavior of the Shiite community in Iraq. The impact of the ayatollah on state-building and democracy can provide insights into how Shiites perceive the relationship between religious and political authorities and how this perception affects the democratic system in Iraq through a paternalistic role.

1.3 Research Questions (RQ)

Flick has emphasized the crucial role of research questions in qualitative research. Despite being overlooked in most method presentations, formulating research questions is a central step that essentially determines the success of the research. This challenge is faced not only at the outset of the project when it is conceptualized but also at various stages of the process, including the conceptualization of the research design, entering the field, selecting cases, and collecting data (Flick, 2018).

Regarding the research questions for the present study, they were identified by the researcher as follows:

- RQ1. What are the key changes throughout the different periods in Iraqi Shiite history vis-à-vis paternalism?
- RQ2. What are the different generative mechanisms at work in each of these periods?
- RQ3. What are the processes that have manifested in connection with each of these generative mechanisms?

1.4 Research Objectives (RO)

Each of the research objectives is related to a particular type of research question. If we take some imaginary social process as an example, the three types of research questions would be associated with the research objectives (Blaikie, 2009). Therefore, the objectives of this study will be determined through the research questions above, as follows:

RO1- To identify and analyze key changes in paternalism throughout different periods in Iraqi Shiite history, by conducting a comprehensive literature review of primary and secondary sources.

RO2- To develop a theoretical framework for understanding generative mechanisms, apply it to Iraqi Shiite history, and identify the different mechanisms at work in each period.

RO3- To exam the processes that have manifested in connection with each of the identified generative mechanisms and explore the social and cultural contexts in which paternalism developed and evolved in Iraqi Shiite society.

Overall, the research aims to deepen our understanding of the complex historical and social factors that have shaped the evolution of paternalism in Iraqi Shiite society over time, and to contribute to broader discussions about power, gender, and social change in the Middle East and beyond.

1.5 Research Significance

This section is an opportunity to consider the social or political value of conducting the proposed research (Leavy, 2017). As mentioned in the problem

statement, the importance of this research is determined by the research problem, questions, and the knowledge gap. Therefore, the aim of this study is to address the identified gap, thus contributing to the available sources and studies in the Sociology and Anthropology Library.

The study's importance lies in examining the historical and social development of ayatollah's paternalism and Shiite paternal social thought. A literature review revealed a lack of sociological and anthropological research on this topic. This study could potentially establish a theory on the impact of ayatollah's paternalism on the establishment of a democratic system and political modernity, as there is a significant gap between liberalism and paternalism. The study aims to separate and differentiate between these topics while also attempting to reconcile them for the public interest.

This thesis addresses these differences by conducting a comprehensive review of existing literature and analyzing secondary data between paternalism and some terminologies related with paternalism on the one hand. On the other hand, the debate between paternalism and liberalism. It provides a sociological foundation for future researchers to delve deeper into this topic, highlighting existing gaps in paternalism studies within the realms of religion (Williams, 2021), law (Burrows, 1995), and in the context of Islamic societies. Overall, the research aims to deepen our understanding of the complex historical and social factors that have shaped the evolution of paternalism in Iraqi Shiite society over time, and to contribute to broader discussions about power, gender, and social change in the Middle East and beyond.

1.6 Limitations and Scope of the Research

The study's parameters and restrictions are established by the research title, which includes the keywords "Iraq" and "Shiites." Iraq is a complex society with

various religious, sectarian, and ethnic identities, and the Shiites are a Middle Eastern and global community. As a result, the focus of this research is specifically on the Shiites residing in Iraq's central and southern regions, from the capital city of Baghdad to the southern city of Basra.

The reason why the study focuses on the Shiite community in Iraq, rather than other sects, is because they make up the majority of Iraqi society at approximately 69% (Agency, 2018). Additionally, they hold significant political power and have played a crucial role in shaping the country's political and democratic systems. Thus, the research delves into the relation paternalism for Ayatollah and how it influences political modernity and the democratic system from a Shiite perspective.

The study not only examined the contemporary political involvement of Shiites since 2003 but also delved into the development of Shiite culture and mindset. To achieve this, the researcher explored the history of Shiite ideology and made several references to the Shiites of Iran. This was essential as there exists a strong link between the Shiites of Iraq and those of Iran, making it imperative to consider both countries when analysing Shiism.

1.7 Twelver Shia

According to the 2008 World Factbook, published annually by the Central Intelligence Agency of the United States, Islam is the second-largest religion globally, and Shia makes up about 10-20% of the Muslim population (Agency, 2018). The majority of these Shia are called Twelver (*Ithna Asharis, or Ja'farais*), whose name derives from their belief that there were 12 imams (Elbadri, 2009). While the overwhelming majority of the world's 1.3 billion Muslims are Sunnis. Shia's number from 154 million to 200 million people (Pew Forum On Religion And Public Life,

2009). In 2018-2019 according to same above book was percentage Twelver Shia is concentrated mostly in Iran (90-95%), and (35%) in Yemen and (13%) in Syria and the eastern oil producing Arabic Gulf regions of Saudi Arabia, where they are the majority (10-15% of the Kingdom's total population) (Agency, 2018), the Republic of Azerbaijan (75%). And also, in Bahrain (60%). In Lebanon, the Twelver constitutes more than 27%, the largest single religious group in that country. There are also large minorities in Kuwait (20%), Qatar (20%), Afghanistan (10-15%), Pakistan (10-15% of the total population, especially around Lahore), Tajikistan (5%) Finally, Shia are minority in Turkey (Feldman, 2005).

Shia in Iraq (64-69%), most of them live in the centre and the south. And Sunni (29-34%) in western regions. While there is Kurd in northern regions (15-20%) and they are ethnic group as well (Agency, 2018).

But who are Shia? There are three main groups for Shia: Zaydi, Ismailis and Twelver. Zaydi Shia has their origins in those who gave allegiance to Zayd, son of the fourth Imam and half-brother of the fifth Imam. In 740. Zayd was killed in fighting against Umayyad (Madelung, 2002). Today Zaydis comprise about 75% of the Muslims in Yemen. But there are also some of them in Saudi Arabia.

Ismailis are the second largest group for Shia. They believe that Ismail, the eldest son of the sixth Imam Jafar al-Sadiq (d.765), did not die but went into hiding and had a son Muhammad, who also went into hiding or died. Today, Ismailis have found in the Indian subcontinent, Central Asia, the Middle East and East Africa (Newman, 2013b). As for the biggest sect. Those Shia who are known as Twelver or *Ithna Ashari* Shia recognize 'Ali, his sons Hassan and Hussain, and nine succeeding

descendants through the line of Hussain as being the leaders, or Imams, of the faithful (Walbridge, 2001).

1.8 Chapters Overview

The thesis explores the concept of paternalism as exercised by Ayatollahs within the Iraqi Shiite community, emphasizing its historical, social, and political dimensions. It begins by outlining the theoretical framework of Imamate, which establishes the divine authority of Ayatollahs as spiritual leaders responsible for guiding their followers. The study highlights the lack of sociological and anthropological research on this topic, aiming to fill this gap by analyzing how Ayatollahs' paternalism has evolved and its implications for political modernity in Iraq. It discusses the tension between paternalism and liberalism, suggesting that understanding this dynamic is crucial for future political developments. Additionally, the thesis emphasizes the cultural significance of paternalism in shaping social norms and governance structures within the Iraqi Shiite community. By providing a comprehensive review of existing literature and analyzing secondary data, the study aims to establish a theoretical foundation for further research on the intersections of religion, power, and social change in Islamic societies, ultimately contributing to a deeper understanding of the complexities surrounding Ayatollahs' paternalism and its impact on Iraqi society.

CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

The study of Shiite beliefs and practices has been increasingly prominent in academic circles, particularly on two occasions. The first instance was following the Iranian Islamic Revolution in 1979, which was led by Ayatollah Khomeini and profoundly impacted the Middle East and the wider Islamic community (Nakash, 2006). The second occasion occurred after the rise of Iraqi Shiites to power in 2003, and the role played by Ayatollah Al-Sistani in establishing a democratic system in Iraq (Al Hawazi, 2008).

As per the Weberian theory of world religions, the Shiite community is classified as one of them owing to its societal structure that relies on religious authority as a means of domination. This structure includes the normative understanding of religious authority, the prevalence of religious rationality, and steadfast adherence to inherited institutions (Arjomand, 1987).

This research aims to examine the concept of Ayatollah as Paternalism, which is grounded in paternalistic social thought. Regarding the significance of the research is because the recent uptick of interest in Paternalism may be partly explained by contemporary research in the social sciences, on the one hand (Hanna, 2018). On the other hand, within the Shiite theology, the Ayatollah is regarded as a legitimate agent who exercises spiritual authority over others. This is because religious teachings emphasize the importance of promoting individual and societal benefit. Despite the significant role of Ayatollah as Paternalism in the Shiite community, there is a lack of scholarly exploration of this concept, particularly in the realm of religious and social

studies (Williams, 2021), law (Burrows, 1995), and in the context of Islamic societies. The research aims to bridge this gap in knowledge by delving into the Paternalism of Ayatollah in the context of the Shiite community.

2.2 Concept of Paternalism

The Latin term "pater" suggests that Paternalism involves acting or behaving like a father. However, the concept of Paternalism does not encompass all behaviours exhibited by fathers toward their children but rather involve some degree of restraint and benevolence (Grill, 2012). The term "Paternalism" came into use in the late 19th century and was primarily employed to describe acts of strategic benevolence in hierarchical relationships and their slaves. This usage persists to some extent in contemporary discourse. Paternalism term also refers to government actions or expansions of government activity. It is important to note that Paternalism is a theoretical construct that broadly denotes interference with an individual's autonomy or liberty for their own benefit (Britannica, 2013).

Paternalism is also defined as the interference of a state or an individual with another person, against their will, and defended or motivated by a claim that the person interfered with will be better off or protected from harm. The term is derived from Roman Law, where the father of the family — the pater families — as a hierarchical leader has the power to make decisions on behalf of all members of his household: wife, children, relatives, and slaves (Saller, 1999). The notion (and practice) of Paternalism — making decisions for others without asking for their input, supposedly in the best interests of those impacted — finds its roots in the history of the Roman Empire (Khadilkar & Jagtap, 2021).

A large number – perhaps the majority – of moral and political theorists assume a definition of Paternalism according to which:

P acts paternalistically toward Q (her/his "target") just in case:

- 1- P limits 'Q's liberty or interferes with 'Q's decision-making.
- 2- P against 'Q's will, without her/his consent, or contrary to his preferences; and
- 3- For 'Q's own good (Hanna, 2018).

The Paternalism concept can be categorized as conceptual roles such as Paternalism vs Liberty, Normative Paternalism, Soft and Hard Paternalism, Weak and Strong Paternalism, and Authoritarianism and Benevolence as tabulated in Table 2.1.

Table 2.1 Illustrates the conceptual diversity for Paternalism, which can be applied on an Ayatollah's authority.

Paternalism's types	Explanation	References
Paternalism vs Liberty	Mill argued that there is no valid reason for one person to impose on another's life choices, assuming they are a mature adult. Feinberg, on the other hand, rejects Paternity by saying that it treats adults as children. According to the liberal view, Paternalism is wrong at first.	(John Stuart, 1859), (Feinberg, 1971), (Grill, 2012)
Normative Paternalism	It must be rational reasons for paternalistic behaviour. The burden falls on the agent to justify his paternal behaviour towards the individual and society. George Tsai infers that rational persuasion can also be paternalistic.	(Zalta et al., 2001) (Hanna, 2018).
Soft and Hard Paternalism	Soft Paternalism interferes with the freedom of the incompetent, such as children, drunkards, and madmen. While hard Paternalism interferes with the freedom and choices of competent adults, the goal is for their own benefit.	(Carney et al., 2023), (Feinberg, 1989).

Table 2.1 (Continued)

Paternalism's types	Explanation	References
Weak and Strong Paternalism	Hard Paternalism is divided into weak and strong. Weak Paternalism can give justifications that a liberal can accept. Still, strong Paternalism can only be justified within certain schools, although it is never acceptable to a liberal thinker of Mill-type. Either way, it is about overriding a ' person's desires in the name of what is in their best interest.	(Takala, 2012)
Authoritarianism and Benevolence	Kim (1994) divided Paternalism into two kinds: Authoritative Paternalism values jobs and does not include sincere generosity. On the other hand, Benevolent Paternalism emphasizes the commitment of the subordinate and the intimate care of the manager for the subordinate.	(Arsezen-Otamis et al., 2015)
Paternalistic Manipulations	At times, actions such as manipulation, deception, and lying may be considered paternalistic if they aim to benefit the individual and are justified. For instance, a doctor may deceive a patient to prevent them from falling into depression, or a husband may manipulate his wife's medication by removing sleeping pills to avoid harm. In these situations, Paternalism becomes a necessary obligation.	(Zalta et al., 2001)

2.2.1 Paternalism Overview

In summary, social studies of Paternalism indicate that it involves limiting the liberty of others or imposing conditions on their freedom with the approval of a "pater" or the state, and this constraint is believed to be for their own well-being (Arneson, 2005; Burrows, 1995; Laborde, 2012; Parmaksız, 2016; Podoprigora & Kassenova, 2020; Semukhina, 2018).

Some studies confirm that Paternalism is deciding on behalf of another person in their best interest (Keller & Drake, 2021; Khadilkar & Jagtap, 2021). While other studies also indicate that Paternalism is the social and economic care between the government and the people (Lawes, 2017; Mathew & Taylor, 2019; Reiman et al.,

2023), companies and workers (Carini, 2017), the powerful and the weak, as well as the rich and the poor (Goldstein & Schiffman, 2023; Vanoutrive & Cooper, 2020).

Regarding studies pertaining to religion, Kenneth Saunders contends that the missionary establishment of the 19th century embodied a highly paternalistic ethos (K. Saunders, 1922). Conversely, Gaines M. Foster's research on Bishop Cheshire revealed that he exhibited a positive paternalistic stance towards the racial tensions between white and black communities in 1885 (Foster, 1977).

Andrew L. Williams conducted a study on religious paternalism, examining the link between religion and paternalism in international non-governmental organizations (INGOs). The results suggest that, in aggregate, religion is neither linked to higher nor lower levels of paternalism in INGO mission statements. However, there is a notable difference between religious (non-evangelical) and evangelical mission statements. Statistical analysis supports a causal relationship between religious (non-evangelical) identity and increased paternalism in mission statement discourse compared to both secular and evangelical organizations (Williams, 2021). And this confirms that Paternalism can occur at the level of religious discourse and spiritual authority granted to clerics, and not just at the level of power and law. A category of special interest is moral and religious Paternalism, which aims to protect or promote some person's soul or virtue. For example, missionaries have often forced people to participate in religious services to save their souls from eternal damnation (Grill, 2012).

Regarding economy. Paternalism is a behaviour style that resembles a father's approach to his children. In a paternalist relationship, the person with authority takes the role of a parent and they admit protecting and paying attention to their subordinates

as a duty. In return for this, subordinates are supposed to act in respect, commitment and compliance (Arsezen-Otamis et al., 2015).

Economic care between the poor and the rich enters into paternalism. In the 19th century, Sadler demanded that the British government be paternalistic. One of Sadler's goals is to take into account the poor by the government. Sadler adopted a line, asserting that the Poor Relief System was the mechanism by which poor workers were guaranteed a "share of state ownership"(Lawes, 2017).

In the same period, Mill (Mill, 1848) identified characteristics between the poor and the rich; he said: The rich should be in the place of parents for the poor, guiding and constraining them like children. There should be no need for spontaneous action on their part. They should only be called to do their daily work, to be moral and religious. Their morals and religion shall be provided to them by their superiors, who shall see them properly taught, and shall do whatever is necessary to ensure their existence, in exchange for work and attachment, and proper nourishment, dress, lodging, and spiritual edification.

As for Thomson's theory of "moral economics", he sees that paternalism and contestation are not exclusive but mutual (Carini, 2017). In a study by Thomas Vanoutrive and Erin Cooper on how paternalistic distinction between a group with insufficient access and a group with adequate access fund measures to provide adequate access to the poor with access utilizing a coercive tax (Vanoutrive & Cooper, 2020). Paternalism may also aim to promote people's finances, such as by mandatory retirement savings (Grill, 2012).

Back to Andrew L. Williams studies about international relief and development organizations. that spend billions of dollars annually on the poor. Where he found many religious institutions funded (INGO). In the contrary, he found that these religious institutions characterize paternalistic discourse (Williams, 2021).

In the context of religious economy, Islamic economics is not defined as a scientific study that analyzes economic issues and the behaviors of economic actors while applying principles derived from the Qur'an and Sunnah. Instead, it is considered a doctrine encompassing a set of principles drawn from Islamic teachings, specifically the Qur'an and Sunnah, which are to be implemented in the economic domain. According to ayatollah al-Sadr, the focus of Islamic economics is not on the examination of economic agent behaviors or resource allocation. Rather, it centers on constructing a doctrinal framework that establishes economic principles governing various economic activities such as property ownership, consumption, production, distribution, etc. These principles are rooted in Islamic knowledge sources, namely the Qur'an and Sunnah (Furqani, 2019).

The authority of Ayatollah is not capitalist authority, but rather religious authority that grants permission to manage its affiliated finances. This includes religious taxes such as *Khums* and financial endowments like Oudh Bequest and shrines. Ayatollah exercises their authority based on *Uṣūl al-Fiqh* which they rely on to derive religious rulings.

2.2.2 Patriarchy and Paternalism

Both patriarchy and paternalism revolve around the concept of father rule. As previously explained, paternalism traces its origins to Roman Law, where the father of the family, known as the pater families, holds hierarchical leadership, allowing him

the authority to make decisions on behalf of all members of his household. Similarly, patriarchy, an ancient Greek term, translates to 'the rule of the father' (Hossen, 2020). Lerner's definition further clarifies patriarchy as a system historically derived from Greek and Roman law, wherein the male head of the household possesses absolute legal and economic power over dependent female and male family members (Lerner, 1986).

Therefore, based on the information above, it becomes apparent that in the pre-modernization era, the terms "paternalism" and "patriarchy" were interchangeable, indicating that the father in the family or the broader state system concurrently exercised both paternalism and patriarchy. Max Weber, in his model of traditional political authority, did not differentiate between the two terms. In this model, the authority of a master over his household (patriarchalism) extends to the administration of entire territories. In a political context, subordinates pledge loyalty and obedience to a patriarch in exchange for his protection (Abercrombie et al., 2001).

However, in the era of modernization, which extends from the 19th century onwards, a distinction between the two terms emerged. In rational authority, where paternalism became essential as it signifies benevolence through restricting the freedom of others and making decisions on their behalf for their own benefit, as discussed earlier, whether in the state system or in companies. The term became a counterpart to liberalism, as it became a function in opposition to liberalism. How the balance is maintained between paternalism and liberalism will be explained later.

Conversely, patriarchy came to denote traditional methods of gender management where absolute power over women was concentrated within the family and vested in individual men. This term aligns with an ideology that perceives sex

differences as essential and unchangeable, with a natural hierarchical arrangement. patriarchy is a sex/gender system where men dominate women, and qualities considered masculine are more highly valued than those deemed feminine (Gurevich, 2008). The term "patriarchy" gained prominence in feminist scholarship in the Global North during the 1960s and 1970s, particularly as second-wave feminists introduced the concepts of gender roles and relations as analytical categories. Gender, viewed as a distinct category separate from biological sex, emerged as a concept challenging traditional claims of sexual differences between men and women in Western society (Nash, 2020).

In this respect patriarchy is feminist term refer to control men over women or oppression them physically, socially, economically or politically. There are some studies have been conducted in the middle east about Patriarchy. Such as In a study by the researcher Filiz Akgul (2016), entitled (*Patriarchy Theory Reconsidered: Torture and Gender-Based Violence Turkey*). Moreover, the researcher Suad Joseph (1996) introduced article entitled (*Patriarchy and development in the Arab world*). The researcher tried to study the family and give the rights of males and elders (including elderly women) through kinship values usually supported by religion. Also, one of the important studies for studying patriarchy in Arab Society is the study Ibrahim al-Haidari (2003) entitled (*Patriarchy and the problematic of gender for Arab*). Nour Daoud (2018) studies about (*Debating the Role of Patriarchy in the Incidence of Gender-based Violence in Jordan*). Finally, another study of Hania Sholkamyc (2010) (*Power, Politics and Development in the Arab Context: Or how can rearing chicks change patriarchy?*) assumes that the patriarchal system in Arab values attempts to explain the Islamic religion in the light of its patriarchal values, especially concerning personal status law.

Through a literature review of both terms in the political modernity, we can say that paternalism is a benevolent system related to the state, companies, institutions, or social culture. Meanwhile, the patriarchy is a feminist term practiced by males through control or oppression over women. Certainly, since paternalism involves restricting the freedom of others or making decisions on their behalf for their own benefit, males can also play this role on females, whether it be the grandfather, father, brother, or husband in the household. Therefore, paternalism can be a patriarchy, but the patriarchy cannot be paternalism.

According to this discrimen, paternalism encompasses both social control and social provision, specifically, social regulation or gender management achieved through the delivery of essential services. It represents the application of positive rather than coercive power. The control exerted in paternalism is rationalized and professionalized, aligning with the principles of the modern liberal state, and it appears to be neutral in its assessment of gender differences (Gurevich, 2008). Parmaksız's (2016) study on paternalism in Turkish society found that girls require their fathers' approval and support for modernization that aligns with Turkey's modernization ideology. This not only requires a recompositing of the family but also a reorganization of political power based on a paternal model.

2.2.3 Authoritarianism and Paternalism

One of the early studies aimed to define paternalism belongs to Kim (1994). Paternalism is divided into two types: authoritarianism and benevolence. Authoritarianism paternalism values function and do not include sincere generosity. Farh and Cheng (2000) propose a three-dimensional model of paternal leadership, authoritarianism, benevolent and morals. In addition, Aycan (2006), based on the