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ABSTRACT ONLY – WORK IN PROGRESS

“Popular vs Divine Will in Comparative Perspective: Shari’a as
Constitution in Iran and Saudi Arabia”

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The revolution of 1979 brought Islam to the center of Iranian politics, and paradoxically, distanced Iran from the Muslim world, leading to an increasingly fraught relationship with Saudi Arabia. But acrimony between the two states is not limited to issues of foreign policy, regionally or with the West. The differences are also apparent in, and to some extent result from the modus operandi of the two regimes, and most markedly in the manner in which the *shari’a* serves as the basis of legitimacy in the ideological makeup of the two states. In the case of Iran, the *shari’a* is enacted in the political realm through the office of the custodian-jurist, whereas in Saudi Arabia, the *shari’a* is negotiated between the monarch and the advisory council entrusted to provide guidance to him. While adapting politics to the *shari’a* is emblematic in Saudi political language, in Iran, the emphasis is on shaping the *shari’a* to accommodate state interest. Thus, whereas the Islamic character of the Saudi polity hinders state development, the Islamic state in Iran has weathered ideological challenges in spite of deep internal rivalries and external pressures. In both instances, the consensus of the *‘ulamā’*, however loosely defined, competes with the transformation of the *shari’a* into institutionalized, positive law, which would benefit the state at the expense of Islam. In the altered political landscape of the Islamic world in which Islamist politics is ascendant, however, the challenges confronting the *shari’a* are no longer limited to preserving the sanctity of divine will over human reasoning, but comprise negotiation with the popular will, especially insofar as state legislation is concerned. How does radical republicanism alter the concept of *ijmā’*, an erstwhile pillar of the *shari’a*? With the radically divergent architectures in place in Iran and Saudi Arabia for the incorporation of the *shari’a* into governance as its fulcrum, this paper hopes to shed light on the song and dance between popular and divine will as it plays out in the two countries, an important component of emerging languages of democratic politics in the Islamic world.