MERIA

AYATOLLAH ALI AL-SISTANI AND THE DEMOCRATIZATION OF POST-SADDAM IRAQ

By Babak Rahimi*

This paper describes the importance of Ayatollah Sistani and his religious network in shaping post-Saddam Iraq. This study shows how a moderate form Shi'i Islam can form a powerful web of networks that could strengthen a future Shi'i civil society in southern Iraq, playing a crucial role in the building of democratic governance at the local level in major southern Iraqi cities.

On August 26, 2004, after three weeks of intense fighting between the Mahdi Army militia and U.S. and Iraqi forces around the Imam Ali Mosque in Najaf, Grand Ayatollah Ali al-Sistani brokered a cease-fire deal with the radical Shi'i cleric Muqtada al-Sadr. In doing so, Sistani demonstrated that he will play a pivotal role in the post-Saddam Iraq.[1]

In a show of strength against the young upstart Sadr, the 74-year-old Ayatollah has shown once again to the Interim Government (IIG) and Coalition Provisional Authority (CPA) that he is a man to be reckoned with, someone who must play a crucial role for there to be a peaceful transition to anything resembling democracy in Iraq. Sistani's influence and his traditional authority as a *Maraji at-taqlid* (a source of imitation for those following the religious rulings of a prominent *mujtahid* or scholar) continues to demonstrate that he is the most respected and influential man in the country, appearing to foster a more "moderate" form of Shi'i Islam and promoting the cause of democracy.

However, the ayatollah's extent of influence in advancing a democratic polity in Iraq continues to be a topic of debate. Although his approval of the January 2005 election was welcomed, Sistani's disapproval of the interim constitution (Transitional Administrative Law) and challenge to the United States regarding the post-interim electoral system and subsequent call for Iraqis to protest has raised concerns about the possible negative aspects of his influence.

For the most part, the overriding question is to what extent could Sistani's authority be a positive factor in the democratization of Iraq? Is it the case, as Juan Cole and Yitzhak Nakash have suggested, that the ayatollah's alleged adherence to "quietist" Shi'ism helps promote democracy?[2] Could Sistani, in the words of a senior U.S. intelligence official, "Prove to be one of the bigger forces of stability" bringing about a peaceful transition to democracy?[3] Or is it true, as Reuel Marc Gerecht has argued, that the ayatollah's influence will "become a Trojan horse for hardcore Iranian clerical influence throughout Iraq," jeopardizing the transition of democracy in the country?[4]

It is evident that Sistani and his expanding organizational network has proved to play a positive role in the expansion of an Iraqi civil society throughout the country's southern urban regions. The development of such a powerful civic religious organization could be integral not only for the stability of the country, but also for the advancement of independent institutional and cultural elements organized along civic lines.

However, while the authority and legitimacy of the IIG continues to be threatened by militant uprising throughout the country, the perils of Sistani's influence could lie in the potential to influence the drafting of a permanent Constitution in 2005 along *Shari'a*-based lines. The danger to a full-fledged democracy in Iraq could also lie in the ayatollah's possible meddling with the future judicial branch, on which the legal protection of an inclusive and a pluralistic polity ultimately depends.

Before examining Sistani's influence, however, it is necessary first to consider the political dimensions of Shi'i Islam--in particular its political-theology of state and authority.

BETWEEN ACTIVISM AND QUIETISM

There is a sense in which one can argue that Sistani clearly adheres to a "quietist" tradition in (Twelver) Shi'i Islam. Like his mentor, Ayatollah Abu'l-Qasim Musawi Khoe'i, Sistani's earlier severed relation to the Ba'thist regime in the 1990s demonstrates that he represents the classical, non-activist tradition, which discourages the *mujtahid* from any interference with political matters at the state level. In this regard, Sistani can be identified with other prominent quietist Shi'i *maraji at-taqlid*, namely Ayatollah Husayn Tabatab'i Burujirdi and his successors, Ayatollahs Sayyid Kazim Shari'atmadari, Muhammad Reza Gulpayagani and Shihabud-Din Mar'ashi-Najafi, who refrained from claiming political authority and temporal rule.

According to this tradition, which has always been accepted by the majority of *mujtahids*, a cleric's job is to study and teach theology, law, and ethics. He requests that the principles of Islam, revealed in the holy scriptures and traditions of the Prophet and the Imams, be respected in public life; but he neither demands to participate in the government nor presumes to exercise control over the state. As the general representative or the *Na'ib al-'Amm* of the Hidden Imam, Mahdi, who is believed to have gone into the "Greater Occultation" in 941, Sistani can remain totally aloof from all political matters. However, at a time of moral decadence and political corruption, or a time of great injustice, he can become more active in politics by limiting himself to advice, guidance, and the implication of sacred law in public life.

The dynamics between quietist and activist forms of Shi'ism is highly complicated and a study of this topic goes well beyond the scope of this article. However, the key point to bear in mind is that the degree of authority that a *mujtahid* can exercise in political matters has never been clearly defined in the history of Shi'i Islam. This is predominantly the case because what determines the level of political participation by a Shi'i cleric primarily depends on the particular historical and social settings the *mujtahid* confronts, giving him a certain leeway in creatively overcoming problems according to his use of reason (*'aql*) regarding the best application of divine law. In other words, discussing the politics of Shi'i Islam in terms of dichotomies, namely "activism" or "quietism," can be misleading.

An example of this flexibility and shift between activism and quietism among the Shi'i hierarchy is best identified in Ayatollah Ruhollah Khomeini's political theology. Throughout the 1950s and 1960s, Khomeini's involvement in politics resembled the more quasi-activist tradition of Shi'ism, which sought cooperation with the state in order to help the government be grounded on Islamic law and promote justice in society. According to this tradition, which mainly emerged under Qajar rule in nineteenth-century Iran, the *mujtahid* is allowed to accept the spiritual legitimacy of the worldly rulers, provided that they act benevolently and justly in accordance with *Shari'a*.

However with the increasing influence of the United States in Iran and the economic and moral consequences of the White Revolution, which threatened the feudal property rights of the absentee landlords and the moral status of the *ulamas*, Khomeini began to invent a more activist political theology. This activism involved a call for the reform of the temporal power, replacing it with the governance of the *fuqhaha* (jurists) in terms of *ulama* authority, an innovative political philosophy that later became known as the doctrine of *Vilayat-i Faqih.* The central point about Khomeini's change of approach to political activism derived mainly in a shifting political situation that created conditions in which the ayatollah felt the need to initiate a new political philosophy, challenging centuries of traditional Shi'i political thought.[5]

SISTANI: ACTIVIST OR QUIETIST?

In the case of Sistani, we can also see a change of attitude from a more quietist pre-Saddam position to a more activist one. His message to the Interim Deputy Prime Minster Barhm Saleh, in which he stated that the January elections should be held as scheduled and that he would "advise the faithful to take active part," is a strong indicator of how the Grand Ayatollah is politically engaged in the current political process in Iraq.[6]

There is, however, a major difference between Khomeini and Sistani's type of political activism. Khomeini called for the creation of an Islamic state, made up by the legal and the public spheres operating in accordance with the *Shari'a*, along with a system of governance (state) in which the *mujtahids* led the political affairs. Sistani, in contrast, envisages active participation of the *ulama* and the faithful in the public and legal spheres, though refraining from political involvement in the governmental apparatus (i.e., the state).[7] Unlike other Shi'i Islamist groups like the Supreme Council for the Islamic Revolution (SCIRI) or the al-Da'wa Party, Sistani discourages participation of the clergy in the state. It is, therefore, in the two former spheres, the public and the legal, that we should examine the role of Sistani in the democratization of Iraq.

THE SISTANI CIVIC NETWORK

The most significant contribution that Sistani and his type of political activism could provide in democratization and peace-making in the country lies in its potential to strengthen Iraqi civil society. This refers to the ways in which Sistani's growing network organization in southern cities like Amarah, Basra, Karbala, Kufa, Najaf and Nasiriyah could cultivate grassroots political participation to enhance civil society that would be independent from the state but dependent on the Shi'i citizens of Iraq.

Sistani's network association consists of thousand of members and activists who operate a vast network of social services--ranging from schools (*madras* or *hawza*) to public endowments (*waqf*), from hospitals to libraries--that operate Baghdad and in southern Iraqi cities. As the most senior of the Shi'i *ulama* in Najaf's *Hawza al-Ilmiyah* or major seminary center, the revered Grand Ayatollah controls most of the seminaries with a large following of students in Iraq. These seminaries are funded through donations, which since May 2003 have financially grown stronger with the influx of foreign capital to the southern regions of the country.

Since the fall of Saddam, the Sistani network has emerged as the most organized religious association, with offices spread not only throughout Iraq, but also in Afghanistan, Britain, Iran, Syria, the United States and even Georgia. In addition to the Ayatollah's website, www.Sistani.com, which provides the faithful with information ranging from daily news to answers about practical questions of a religious nature, the Sistani organization

also plans to create a satellite television program to compete with other Arab channels like al-Arabiya and al-Jazira.

With an approximate $5 million distributed in the form of stipends for students and teachers residing in cities like Karbala and Qum--coming mainly in donations from countries like India, Iran, Lebanon and Pakistan--the Najaf-based Sistani organization is growing with the ongoing transition of the Iraqi government.[8] Accordingly, as more pilgrims (mainly Iranians) make their way to the holy cities, the ayatollah's financial income through religious taxes is also likely to grow.[9] For the most part, Sistani remains as the preeminent and best-financed of the ayatollahs remaining in the city of Najaf, and by extension, in Iraq.[10]

In addition, Sistani and the Najaf-based *Hawaza al-Ilmiyah* are allied with SCIRI and its partner, Iraq's oldest Shi'i political party, al-Da'wa party. Sistani's recent call for a pan-Shi'i electoral alliance, in that now even includes the Sadrists, brings to light not only his influence but also the Ayatollah's potential power to expand his civic religious network across sectarian and political partisanship, which is unprecedented in Iraq's history. If successful, Sistani could lead an assorted alliance of Shi'i organizations, with the financial, political and spiritual authority to monitor over a vast religious network in southern Iraq.

A NEW TIDE: TOWARD AN IRAQI SHI'I CIVIL SOCIETY

Should a legitimate political state emerge in Iraq, accompanied by the provision of general security for its citizens, the following points identify Sistani's most significant potential contributions to the democratization of Iraq.

Since the fall of Baghdad in April 2003, the reemergence of Najaf as the center of Shi'i learning, with its non-Khomeinist notion of politics, has provided new prospects for a peaceful transition to democracy in Iraq. In this regard, the rise of an alternative Shi'i organization in Najaf could strengthen a moderate theology of political participation, creating a counterweight to the radical forces and Sadrist movement in areas like Sadr city (Baghdad) and Kufa. Thus, Sistani's stance provides an alternative to Shi'i Khomeinism and its messianic inclination for revolution.[11]

Second, the growth of the Sistani network could underpin cooperation between various moderate Shi'i organizations in Iraq and other countries in the region--most importantly Iran. This could, in conjunction with a new democratic state in Iraq, resurrect the long-held tradition of clerical non-involvement at the state level, in turn influencing Iranian *ulama* to support a change in the system there.[12] In a sense, Najaf could overshadow Qum, the current center of Khomeinist thinking, and provide the paramount source of religious authority for Shi'i Muslims, as it did in the nineteenth century.

Third, and most important, the development of the Sistani organization could restructure the fragile southern Iraqi public life into a strong civic order, diminishing the all-pervasive state administration of society evident in the Saddam era. The formation of diverse, independent Iraqi Shi'i network associations, with Sistani's organization among them, could lead to the crystallization of a Shi'i civil society unlike anything that ever existed before under Iraq's authoritarian past. Coupled with the formation of various kinds of civic associations, including secularist Shi'i, Sunni Arab, and Kurdish organizations, Iraq could witness the rise of a robust civil society.

Central to the dynamics of a public Shi'i Islam, however, will be its potential to challenge the secularist liberal bias, in which democracy is assumed to embody a strict differentiation between the political and the

religious spheres, with religion as a marginal and privatized phenomenon. In this regard, what the Sistani organization and its potential public role in the democratic culture of post-Saddam Iraq could involve is the formation of a civic polity that is neither a theocracy nor a liberal secular democracy. Rather, it can produce a democratic order in which public Islam is compatible with not only the principles of inclusion, competition, and accessibility, but also with the basic logic of democratic governance--namely, accountability and popular sovereignty.[13]

SISTANI'S "TROJAN HORSE"

But before we hail Sistani's efforts in fostering a stable Shi'i civil society as the panacea to democratization in Iraq, a word of warning is in order. It should be recalled that the ayatollah rejected the March 2004 interim constitution not only because the veto guarantees enshrined in the constitution could constrain the power of the Shi'i or that the three-person presidential council (including a Shi'i, a Sunni and a Kurd) could be a recipe for religious and ethnic division, but mainly because, according to Sistani, the constitution did not respect *Shari'a.*

According to Sistani, the transfer of power to a sovereign Iraqi government should also maintain an Islamic character and entail the institutionalization of *Shari'a* at the legal level. The constitution should guarantee individual rights insofar as it is consistent "with the religious facts and the social values of the Iraqi people."[14] In other words, Sistani wants Islamic law to be the main legal source for a future democratic order.[15] How Islamic Sistani wants the future permanent constitution to be remains unclear, but it is most likely that he would like the *Shari'a* to be a major, if not the sole, source of legislation.

Although the provisional constitution drafted by the IIG refers to Islam as a source, not "the source" of legislation, Sistani appears to have plans to influence the legal institution. In a way, through his appointed clerics, mainly trained in his interpretation of Islamic law, Sistani could get involved in the judiciary rather than the executive or legislative branches. Sistani's recent opposition to the call by Sunni Arab and Kurdish political factions to postpone the January 30 elections underlines the Ayatollah's concern for possible delays of other important deadlines in 2005 related to the writing of the permanent constitution. As it appears, while leading to unite the Shi'i political factions, Sistani is more concerned about a swift push for drafting the constitution than merely making sure that elections are to take place on time.

If Sistani manages to play a central role in drafting the constitution, and hence gaining monopoly of the judicial branch, the Ayatollah's influence could then threaten pluralism and inclusion as protected by the constitution. Certain democratic principles such as freedom of expression could come under the danger of puritanical notions of moral conduct, enforcing certain rules and values grounded upon a set of religious rather than civic values and norms. Surely, it would be difficult to recognize Sistani's call for stern codes of punishment for theft (amputation), adultery (stoning), and apostasy (death penalty) for converting from Islam to another religion as a positive contribution to Iraqi's future democratic judicial system in the protection of civil liberties.[16]

The main problem in drafting of a permanent constitution for a new federated state will be the extent to which *Shari'a*, interpreted by Islamist groups like Sistani's Najaf-based organization, would appear as a predominant feature in the future Iraqi legal institution.

However, despite the fact that Shi'is constitute 60% of Iraq's population, there is evidence that Sistani's plan to influence the

judiciary will, most likely, face stiff opposition from the Iraqi public. According to the most recent polls (November 2004), only 37.9% of Iraqis, mainly Sunnis, consent that "religion has a special role to play in the government."[17] It is interesting to note that most Iraqi Shi'is rejected the idea of Islamic government 66% to 27%. Although most Iraqis appear to strongly agree that "religious" candidates should become Iraq's future political leaders, the polls also show that most Iraqis want a separation between religious and state authority.[18]

But the exact "separation" between these two spheres of authority remains unknown, since the future Iraqi (permanent) constitution is yet to be drafted. Here, two scenarios are possible. If Sistani is successful to lead a strong pan-Shi'i electoral alliance in January 2005, hence marginalizing the Arab Sunni and Kurdish population, then we could see an increase of Shi'i Islamist influence at the electoral organizational level to shape the future Iraqi legal sphere. If Sistani, however, fails to put together a Shi'i alliance, the ayatollah could see his civic network and possible plans to draft a *Shari'a* based constitution marginalized in the coming political order. Under such circumstances, he might reject the newly elected government and feel compelled to call his followers to resist the new democratic political order and the occupation authorities for a future that may be determined by armed conflict involving the Shi'i population.

But the above-suggested scenarios are only speculations, which their reality cannot be determined until the end of elections next year. It remains to be seen how effectively Sistani will be able to wield his influence as a way of empowering the Shi'i Islamist groups; the chances are that he will be of great significance unless certain legal limitations are placed before he helps draft the constitution.

THE POST-SISTANI SHI'I IRAQ

With these caveats in mind, however the most troubling aspect of Sistani's influence could lie with respect to the impact of his death. Since the 74-year-old cleric has not yet appointed a successor, it remains unclear what sort of political vacuum his death could create in the Shi'i Iraqi community.

Who will replace Sistani? The Qum-based Grand Ayatollah Kazem al-Haeri could emerge as a strong candidate. But Haeri's Khomeinist position, with a strong belief in the ideology of *Velayat-i Faqih*, could cause serious problem for the democratization of Iraq. Although Haeri could limit the growth of the Sadrist movement, the Iran-based ayatollah will nevertheless have a limited role in the future of the country. The Iraqi-based Grand Ayatollahs Muhammad Isahq Fayadh and Bashir Hussein al-Najafi, the two other *Marja'at at-taqlids* from the non-Khomeinist Shi'i school of thought, could also emerge as strong candidates. Although they are not at the level of Sistani, their status could increase with the death of Sistani, and correspondingly the influence of their organizations.

The main question though is whether Sistani will appoint a successor in a near future. Like his predecessor, Ayatollah Khoe'i, his ruling may come as the political situation in Iraq continues to face increasing security problems. The need to declare a successor by Sistani would therefore become more urgent in order to avoid the vacuum of religious leadership in the Shi'i community.

CONCLUSION

With these possible scenarios in mind, a few tentative conclusions may be drawn. Since the transition to democracy in Iraq has been sailing into a very turbulent sea of violence and a rising tide of factionalism and sectarianism, the attempt to foster a stable post-Saddam civil society with the backing of a centralized state will prove to be most

challenging. Until such institutions take shape and attain legitimacy, an Iraqi Shi'i civil society will remain more theoretical than a reality. However, despite these problems, democracy's prospect has never been more favorable in Iraq.

With regard to the growth of civil society among the Shi'i population, it is far too early to tell what will take place in Iraq--especially after the death of Sistani. So far, it is the Sadrist movement that appears to gradually gain more strength with its ability to organize and mobilize the impoverished young Shi'i--especially in urban areas. The militant Sunni Islamists, too, have begun to show off their political clout, as Sunni cities like Ramadi continue to defy the rule of the IIG and the military power of the coalition forces--even with the onslaught of military operations in the city of Falluja.

But to what extent could Ayatollah Sistani influence Iraq's progress of democracy is likely to depend on how the IIG, and the coalition forces that enforce its activities, will manage the constitution and election questions, and how smoothly the transition can take place to establish a sovereign, elected Iraqi government.

In particular, the IIG will do well to consider both the negative and positive aspects of Sistani's authority for the future of Iraq and acknowledge its potential to foster civil society and create a full-fledged democracy, while simultaneously recognizing how his influence could also undermine a democratic political order. In broad terms, the transition of democracy in Iraq is going to need a careful cooperation between the state with various local and network organizations in the Sunni, Kurdish and Shi'i enclaves.

The process is going to be complicated and it will require an ongoing, thorough examination of the various emerging organizations that will lay the foundation for the future of Iraqi civil society. However, until a centralized federated state with a monopoly of indigenous military force is established, the prospects of democracy in Iraq will remain a distant glimmer.

**Dr. Babak Rahimi has recently received his PhD from the Department of Political and Social Sciences at the European University Institute in Florence, Italy.*

NOTES

[1] The present article, a preliminary version of which was read as a paper at the American Political Science Association Conference at Chicago September 2004, has benefited from the comments of a number of colleagues and professors. I would like to thank Svet Andreev, Anisseh Van Engelend Nourai, Ahmed Jiyad, Masoud Kazemzadeh, Rachael Rudolph, Karen Ruffle and Emma Swart for providing useful comments and critical feedback, enabling me to further clarify my arguments in the earlier version of the article.

[2] See Yitzhak Nakash, "Special Policy Forum Report: The Shi'is and the Future of the Iraq," *The Washington Institute for Near East Policy*, no. 719, http://www.washingtoninstitute.org/watch/Policywatch/policywatch_2003/719.htm, and Juan Cole's interview on PBS, http://www.pbs.org/newshour/bb/iddle_east/july-dec03/iraq_12-02.html.

[3] "Dealing with the Cleric," *Time*, February 2, 2004.

[4] Reuel Marc Gerecht, "The Standoff with Iraqi Shiites over Direct Elections," *American Enterprise Institute for Public Policy Research*, February, 2004, http://www.aei.org.

[5] For the best exposition of Khomeini's political activism, see Ervand Abrahamian, *Khomeinism* (London: I.B. Tauris, 1993).

[6] "Sistani Supports Elections," *Arab News*, October 29, 2004. Sistani has even claimed that failure to register is a "betrayal of the nation," declaring it a religious obligation. See "The election season begins," *Economist*, November 6, 2004.

[7] It is interesting to note that Ayatollah Sistani refused to take part in Khomeini's lectures during his stay in Najaf in the 1960s and 1970s. When Khomeini came to power in Iran after the 1979 revolution, the new regime confiscated Ayatollah Khoei's properties in Mashhad, where he was born in 1929, and threatened Sistani's relatives in Mashhad and the southeastern Iranian city of Zabol.

[8] For a rough account of Sistani's financial sources, see Sandro Magister, "Shiite Islam: The Grand Ayatollah Sistani Wants Najaf as the Capital," April, 3, 2004,

http://www.chiesa. The monetary income of the Sistani organization is unknown; the actual number is yet to be determined.

[9] Vali Nasr, "Understanding Sistani's Role," *Washington Post*, April 19, 2004.

[10] Although the precise financial income of the organization remains unknown, it is most likely the case that, being the most influential of all Iraq's Shi'i clerics, Sistani maintains the highest source of revenues from his followers around the world on an annual basis.

[11] For a study of the Sadrists as a sectarian youth movement, see Juan Cole, "The United States and Shi'ites Religious Factions in Post-Ba'thist Iraq," *Middle East Journal*, Vol. 57, No. 4, autumn 2003.

[12] This argument can also be extended to Lebanon, where Shaykh Muhammad Hussein Fadlallah, the spiritual leader of Hizbollah, has echoed calls by the Sunni Muslim groups at al-Azhar University in Cairo for a jihad against the coalition forces. Sistani's status as an undisputed leading *mujtahid* can overshadow the radicalism of Shaykh Fadlallah and, with the increasing prominence of Najaf, end his dream to make Lebanon as a center for Arab Shi'is.

[13] According to Armando Salvatore and Dale F. Eickelman, public Islam "refers to the highly diverse invocations of Islam as ideas and practices that religious scholars, self-ascribed religious authorities, secular intellectuals, and many others make to civic debate and public life. In this 'public' capacity, 'Islam' makes a difference in configuring the politics and social life of large parts of the globe, and not just for self-ascribed religious authorities. It makes this difference not only as a template for ideas and practices but also as a way of envisioning alternative political realities and, increasingly, in acting on both global and local stages, thus reconfiguring established boundaries of civil and social life." Armando Salvatore and Dale F. Eickelman, editors, *Public Islam and the Common Good* (Leiden: Brill, 2004), p. xii.

[14] Alex Berenson, "Iraq's Shiite insist on Democracy: Washington Cringes," *Common Dreams News Center*, November 30, 2003, http://www.commondreams.org/headlines03/1130-03.htm.

[15] See Juan Cole's interview on PBS, http://www.pbs.org/newshour/bb/iddle_east/july-dec03/iraq_12-02.html.

[16] This problem is mainly evident with the IIG's declaration that laws governing marriage and child custody would follow Islamic rules and practices— a huge obstacle in developing women's rights in post-Saddam Iraq.

[17] See Progress or Peril? Measuring Iraq's Reconstruction: Public Opinion in Iraq, November 2004, http://www.csis.org/isp/pcr/0409progressperil.pdf.

[18] The Zogby poll of four cities shows that 60% of Iraqis rejected an Islamic state, while only 33 % desired it. Ibid, p. 19.