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# Ayatollah Ali al-Sistani and the Democratization of post-Saddam Iraq

By Babak Rahimi<sup>1</sup>

With the August 26 2004 exchange between Ali al-Sistani and the radical Shi‘i cleric Muqtada al-Sadr that brokered a peace deal in the city of Najaf, where the Mahdi Army militia and U.S. and Iraqi forces fought around the Imam Ali Mosque for three weeks, it has now become clear that the Grand Ayatollah will play a pivotal role in the post-Saddam Iraq. In a show of strength of his position against the young upstart Moqtada al-Sadr, the 73 year old Ayatollah has shown once again to the Interim Government (IIG) and the Coalition Provisional Authority (CPA) that he is the man to deal with, and the person who will play a crucial role in the peaceful transition to anything resembling democracy in Iraq. Sistani’s influence and his traditional authority as a *Maraji at-taqlid* (or a source of imitation for those who have to follow the religious rulings of a prominent *mujtahid* or a 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 in the country.

However, the Ayatollah’s extent of influence in advancing a democratic polity in Iraq continues to be a topic of debate. Sistani’s disapproval of the interim constitution (Transitional Administrative Law) and challenge to the U.S. with regard to the post-interim electoral system, and subsequently his call for the Iraqi people to protest or carry out major popular demonstrations and sit-ins in all Iraqi cities, has raised some concern 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?<sup>2</sup> Could Sistani, in words of a senior U.S. intelligence official, “prove to be one of the bigger forces of stability” in the country, bringing about a peaceful transition to democracy?<sup>3</sup> Or, as Reuel Marc Gerecht has argued, will the Ayatollah’s influence “become a Trojan horse for hardcore Iranian clerical influence throughout Iraq,” jeopardizing the transition of democracy in the country?<sup>4</sup>

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<sup>2</sup> See Yitzhak Nakash, “Special Policy Forum Report: The Shi‘is and the Future of the Iraq,” *The Washington Institute for Near East Policy*, [http://www.washingtoninstitute.org/watch/Policywatch/policywatch\\_2003/719.htm](http://www.washingtoninstitute.org/watch/Policywatch/policywatch_2003/719.htm) and Juan Cole’s interview on PBS, [http://www.pbs.org/newshour/bb/iddie\\_east/july-dec03/iraq\\_12-02.html](http://www.pbs.org/newshour/bb/iddie_east/july-dec03/iraq_12-02.html).

<sup>3</sup> “Dealing with the Cleric,” *Time*, February 2, 2004.

<sup>4</sup> Reuel Marc Gerecht, “The Standoff with Iraqi Shiites over Direct Elections,” *American Enterprise Institute for Public Policy Research*, February, 2004, <http://www.aei.org>.

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

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

However, prior to a study of the negative and positive influence of Sistani, let us first 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 Khoe'i, Sistani's earlier severed relation to the Baathist regime in the 90s demonstrates that he represent the classical non-activist tradition which discourages the *mujtahid* any interference with political matters. In this regard, Sistani can be identified with the other prominent quietist Shi'i *maraji at-taqlid*, like Ayatollah Burujirdi and his successors, Ayatollahs Shari'atmadari, Gulpayagani and Mar'ashi-Najafithat, who refrained from claiming political authority and temporal rule. According to this tradition, which has always been the attitude of all the majority of the *mujtahids*, a cleric studies and teaches theology, law, and ethics, and he requests that the principles of Islam, revealed in the holy scriptures and the 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 went 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, at a time of great injustice, he can become more active in politics but 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 this article. However, the key point to bear in mind here 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 mainly so since what determines the level of political participation by a Shi'i cleric primarily depends on the particular historical and social settings in which a *mujtahid* confronts and creatively aims to overcome a problem in accordance with what he reasons (*'aql*) to be the best meaning of divine law.

An example of this flexibility and shift of movement between activism and quietism among the Shi'i hierarchy is best identified in Ayatollah Khomeini's political-theology from the early to the late 60s. Throughout the 50s and 60s, 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 to be based on the Islamic law and promote justice in society. According to this tradition, which mainly emerged under the Qajar rule in the nineteenth century, the *mujtahid* allows the spiritual legitimacy of the worldly rulers provided that they act benevolently and justly in accordance with the *Shari'a*.

However with the increasing influence of the US in the Iranian government 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, with close ties to the Baazaris, 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 lied mainly in a shifting political situation such that provided new set of conditions in which the Ayatollah felt the need to initiate a new political philosophy, challenging centuries of traditional Shi'i political thought.

### 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. There is, however, a major difference between Khomeini and Sistani's type of political activism. Whereas 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 refrains political involvement in the governmental apparatus, namely, the state.<sup>5</sup> 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 investigate 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 peacebuilding in the country lies in his potential to

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<sup>5</sup> It is interesting to note that Ayatollah Sistani refused to take part in Khomeini's lectures during his stay in Najaf in the 60s and 70s. When Khomeini came to power in Iran after the 1979 revolution, the new regime confiscated Ayatollah Khomeini's properties in Mashhad and threatened Sistani's relatives in Mashhad and the southeastern Iranian city of Zabol.

strengthen the Iraqi civil society. By this I mean the ways in which Sistani's growing network organization in southern cities like Basra, Karbala, Kufa, Najaf and Nassirya could cultivate grassroots political participation, by enhancing a civic order that is independent from state and dependent on the Shi'i citizens of a future democratic Iraq.

With regard to Sistani's network association, I refer to a set of network ties and associations that consist of thousand of students, followers, agents, representatives who operate a vast network of social services, ranging from schools (*madras* or *hawza*) to public endowments (*waqf*), from hospitals to libraries that conduct day-to-day operations in southern Iraqi cities, including the capital city, Baghdad. Since the fall of Saddam, the Sistani network has emerged as the most organized religious association, with offices spread not only in Iraq but also in Afghanistan, Britain, Iran, Syria, U.S. and even Georgia. While the Ayatollah's website, [www.Sistani.com](http://www.Sistani.com), continues to provide the faithful with information ranging from daily news to answers about practical questions of religious nature, the Sistani organization also plans to create a Satellite TV program to compete with other Arab channels like Al-Arabia and Al-Jazira.

With an approximate income of \$ US 5 million a month in form of donations from countries like India, Iran, Lebanon and Pakistan, the Najaf-based Sistani organization is growing with the ongoing transition of the Iraqi government.<sup>6</sup> Accordingly, as more pilgrims make their way to the holy cities, the Ayatollah's income is also likely to grow. For the most part, Sistani remains as the preeminent and best-financed of the major Ayatollahs remaining in the city of Najaf, and, by extension, in Iraq.

### A New Tide: Toward an Iraqi Shi'i Civil Society

Coupled with a political reconstruction of a legitimate state and the provision of general security, the following hypothetical points identify Sistani's most significant contributions to the democratization of Iraq.

Firstly, 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 of democracy in Iraq. In this regard, the rise of an alternative Shi'i organization in Najaf could strengthen a moderate theology of political participation, which, in return, could create a counterweight to the predominant radical forces and growing tide of the Sadrist sectarian movement in regions like Sadr-city and Kufa. With the growth of the Sadrist youth movement, the Sistani organization could provide a solid front against the movement, containing the spread of Shi'i Khomeinism and its messianic inclination for revolution in the southern regions of the county.

Secondly, the growth of the Sistani network could underpin an increasing cooperation between various forms of moderate Shi'i organizations in Iraq and other

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<sup>6</sup> Sandro Magister, "Shiite Islam: The Grand Ayatollah Sistani Wants Najaf as the Capital," <http://www.chiesa>. 04/03/2004.

countries in the region, like 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. But such resurrection could also have a huge impact on the evolving complexity of the Qum/Tehran-Najaf triangle. With the increasing power of the Sistani organization in Iraq, we could also witness a growth of the Ayatollah's popularity in Iran, which in turn could provide more ammunition for the reformists to use in challenging the legitimacy of Khomeinism in Tehran.<sup>7</sup> In a sense, Najaf could overshadow Qum and provide a source of religious authority, as it did in the nineteenth century.

Thirdly, and most importantly, the development of the Sistani organization could restructure the fragile 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 the Sistani's organization among them, could lead to the crystallization of a Shi'i civil society unlike anything which ever existed before under Iraqi's authoritarian past. Coupled with the formation of various kinds of civic associations, including the secularist Shi'i, Sunni Arab and Kurdish organizations, Iraq could witness the rise of a robust civil society, and a new historical bloc where the gap between individual and state can be consolidated through the allocation of a civic based political culture.

The most interesting aspect of such civil society building processes, however, could lie in the proliferation of a public Shi'i Islam. A robust Shi'i civil society, formed and institutionalized at the local level, especially in the urban regions, could help create a public sphere in which Islamic symbols, traditions, values and practices become visible, while such religiosities are cross-fertilized as they creatively accommodate modern ways of thinking and values. Since a serious democratization strategy would also require the creation of an agonistic public sphere, wherein adversaries encounter one another while obeying general rules of action and institutional arrangements, the crystallization of a pluralistic publicity, with public Islam as an integral component, could be the most effective way to encourage the strengthening of political parties, as well as increasing the power of the elected institutions.

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 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 the post-Saddam Iraq could involve is the formation of a civic polity that is neither a theocracy nor a liberal secular democracy; rather 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.

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<sup>7</sup> 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.

## Sistani's "Trojan Horse"

But before we hail Sistani's efforts in fostering a stable Shi'i civil society as the panacea for democratization in Iraq, a word of warning is in order. The Ayatollah rejected the adopted March 2004 interim constitution not only because the veto guarantees enshrined in the constitution could constrain the power of the Shi'is or that the three-person presidential council (compromised of a Shi'i, a Sunni and a Kurd) could be a recipe for religious and ethnic division, but mainly because the constitution, according to Sistani, did not respect the *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 the *Shari'a* at the legal level. In other words, Sistani wants Islamic law to be the main legal source for a future democratic order. Through his appointed clerics, mainly trained in his interpretation of Islamic law, Sistani aims to be actively involved in the judiciary rather than in the executive or legislative branches.

If Sistani gains monopoly of the judicial branch, the Ayatollah's influence could then, in a sense, 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 revealed rather than civic 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 Iraq's future democratic judicial system. The main problem in drafting a permanent constitution for a new federated state will be the extent to which the *Shari'a*, interpreted by Islamists groups like Sistani's Najaf-based organization, would appear as a predominant feature in the future Iraqi legal institution.

## 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 73 year old cleric has not yet appointed a successor, it remains unclear to what sort of political vacuum his death could create in the Shi'i Iraqi community.

Who will replace Sistani? The Qum-based Grand Ayatollah Haeri could emerge as a strong candidate. But Haeri's Khomeinist position, with a strong belief in the ideology of *Velayat 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 organization.

The main question though is whether Sistani will appoint a successor in a near future. Like his predecessor, Ayatollah Khomeini, his ruling may come as the political situation in Iraq continues to face increasing security problems. The need for Sistani to declare a successor by Sistani would therefore become more urgent in order to avoid a vacuum of religious leadership in the Shi'ite 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 (Sadrist), 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'ite civil society will remain a mere concept than a reality. However, despite that fact that security is still in disarray, democracy's prospect has never been more favorable in the country. Although it continues to be more difficult to discern what sort of democracy we should expect in the future of the post-Saddam Iraq, democratization efforts at both the societal and state levels can at least curtail the growth of anti-democratic elements and suppress authoritarian tendencies.

With regard to the formation of a civil society among the Shi'ite population, it is far too early to tell what could take place in Iraq--especially after the death of Sistani. So far, it is the Sadrist movement that is gradually gaining more strength with its ability to organize and mobilize the impoverished young Shi'ites—especially in urban areas. The militant Sunni Islamists, too, have begun to show off their political clout, as Falluja continues to defy the rule of IIG and the military power of the Coalition forces. But to what extent Ayatollah Sistani could influence Iraq's development of democracy is likely to depend on how the IIG, and the Coalition forces that monitor its activities, will resolve the constitution and election questions, and how smoothly the transition can take place to establish a sovereign 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 system. In broad terms, though, 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'ite enclaves. The process is going to be complicated and it will continue to require a thorough understanding of the potential of emerging various organizations as the foundation for the future of an Iraqi civil society. However, until a centralized federated state with a monopoly of an indigenous military force is established, the prospects of democracy in Iraq will remain a distant glimmer.