

## The Leadership Paradigm of Ayatollah Sistani

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### Àyatullah al-'UÛma Sayyid 'Ali Sistani-

### Aspects of his ideology and political behavior

Since the American-British intervention in Iraq in 2003, the name of Àyatullah al-'UÛma (Grand Ayatullah) al-Sayyid 'Ali al-'úsaini al-Sistani has been raised as the most important moderate religious leader of the Shi'a in Iraq. He played and continues to play a crucial political role aiming to pacify Iraq and to enable the Shi'ites to take the share that they deserve in the state's leadership. Many journalists, analysts and researchers dedicated articles or chapters to Sistani, to his political, religious and social activities, and to his place in the Shi'ite hierarchy in and outside Iraq<sup>1</sup>. There is no doubt that some of these articles are very important and can explain the behavior of this enigmatic leader, since he prefers maintain a distance from the media spotlights and even from his followers<sup>2</sup>. However, there are some aspects of Sistani's activities and behavior which were not handled and explained suitably: how is it possible to explain his quietism with his efforts to encourage the expansion of Shi'ism in Muslim countries and all over the world, the absorption of new adherents, the revival and spreading of the classical Shi'ite literature, and the task of answering Sunni arguments against Shi'ites and Shi'ism. Or, in other words, taking a very active part in the modern/actual polemics between the Shi'ites and the Salafii-Wahhabi Muslims. The aim of this chapter is to elucidate the ideology of Sistani in matters dealing with (a) the role of religion in the Iraqi state and society, specially in light of the fact that Iraq is not homogenous neither ethnically nor religiously (b) the relations with the different Shi'ite establishments and communities all over the world.

Some biographical details can help to explain the attitudes of Àyatullah al-'UÛma Sistani towards Wilayat al-faqih, (the governance of jurist), which forms the basis of the Iranian Khomeinist regime, and towards many other issues such as relations with the American forces and with the Sunnis of Iraq. The official site of Sistani indicates that he was born in 1349 H/ [1930 AD] in Mashhad, Iran. His family originated from IÛpahan (Iran), and his forefather, Sayyid Mu'ammad, was appointed by the Safavid Shah (sometimes entitled SulÛan) 'úsain (reigned 1105/1693-1134/1722) as *Shaikh al-Islam* in Sistan.<sup>3</sup> The family settled there and received the

<sup>1</sup> Among these prominent articles: Babak Rahimi, "Ayatollah Ali al-Sistani and the Democratization of Post-Saddam Iraq", *MERIA, The Middle East Review of International Affairs*, Vol. 8, No. 4 (December 2004); Ahmed H. al-Rahim, "The New Iraq – The Sistani Factor", *Journal of Democracy*, Vol. 16, Number 3, July 2005, pp.50-523; Reidar Visser, "Sistani, The United States and Politics in Iraq. From Quietism to Machiavellianism?", *Norwegian Institute of International Affairs*, (2006), No.700; Mehdi Khaleji, "The Last Marja. Sistani and the End of Traditional Religious Authority in Shiism", *Washington Institute for NE Policy, Policy Focus #59*, September 2006; Juan Cole, "The Decline of Grand Ayatollah Sistani's Influence." *Die Friedens-Warte: Journal of International Peace and Organization*. Vol. 82, nos.2-3 (2007), pp. 67-83; Yitzhak Nakash, *Reaching for Power. The Shi'a in the Modern Arab World*, Princeton University Press, Princeton and Oxford, 2006, index and specially pp. 148-163; Vali Nasr, *The Shia Revival. How Conflicts within Islam Will Shape the Future*, W. W. Norton & Co, New York – London, 2007, index; A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, Yale University Press, 2007 (I was unable to see this book. I read only the review of Ahmed H. al-Rahim in *Journal of Democracy*, Vol. 19, Number 1, January 2008). This list is far from being exhaustive.

<sup>2</sup> Sistani has not been seen in public since August 2004, shortly after returning from medical treatment in London. (*Associated Press*, 11.06.2008).

<sup>3</sup> The exact duties of the bearer of this title and his place in the religious hierarchy are not clear.

*nisba* (origin title) Sistani. His grandfather, Sayyid 'Ali, who became a famous scholar<sup>4</sup> moved to Mashhad. It seems that his career influenced the grandson: the most important centers of his studies were al-Najaf, Samurra' (Iraq), Mashhad and Qumm (Iran). The grandson started his studies in Mashhad and Qumm, but in al-Najaf he spent ten years under the guidance of Āyatullah al-'U'ūma al-Sayyid Abū al-Qasim al-Khū'i (died 1992) who was his real mentor, and Īsain al-Īlī. Al-Khū'i accorded him the title of *Mujtahid*. This title grants Sistani the right to teach and to pass his own judgments on religious matters. It seems that al-Khū'i was the teacher who influenced Sistani more than any other one. Therefore, it is important to know al-Khū'i's attitude towards the activism of the *fuqaha* in political affairs.

The second half of the twentieth century was a period of religious-political agitation inside the Shi'i establishment in Iraq. Al-Khū'i was one among the leaders of the quietist '*ulama*' of the *Īwza* (Shi'i religious seminary) of Najaf. The struggles inside the Shi'i establishment in Iraq in that period are clearly detailed by Y. Nakash in his book *The Shi'a in the Modern Arab World – Reaching for Power* (pp. 94-98).

Sayyid Mu'ammad al-Īnadr, a well known Shi'ite Iraqi leader, reported that Sistani told him: "*ma ana illa ka-a'adikum, wa-la Ūjibu 'alaykum ittiba'i, wa-laysa min Īaqqi dhalika, wa-ana ata'arraku min bab al-Īsba wa-'l-kifaya*"<sup>5</sup> (I am no better than any other one of you, I can't impose on you to imitate me, I have no right to do so, I am acting in conformity to [the duties of the cleric who is in charge of administrating his community for God's sake] and must perform these community duties [which could be left aside by others if some one person performed them satisfactorily]. This declaration is very important and could open the way to a better understanding of Sistani's behavior: he refers here to *al-Wilaya al-Īsbiyya*, a legal Shi'i theory which rose as a reply to Khomeiny's theory of *wilayat al-faqih*, adopted and applied in the Islamic Republic of Iran.

At this point it is important to explain the principles of this doctrine and its origins, and to examine to what extent it is practiced by Sistani. Since Sistani did not write much or express his views publicly on critical issues that constitute a bone of contention between the school of Khomeini and his disciples, which adheres to Wilayat al-faqih, and the remaining Shiite scholars who still believe in the principal of traditional religious authority in Shiism, which rejects this theory, and of which Sistani is considered it's most renowned representative, it would be appropriate to examine the positions of the person who the biggest influence on him, Al-Khui. Furthermore, as far as I know, Al-Khui dedicated the most detailed and clear discussions to this issue.

Al-Khui began his teaching career at the lawza of Najaf, the Najaf Shi'i center for theological studies, in the year 1377/1957, and continued teaching there till his death in 1992. He was considered to be one of the central pillars of that lawza. Al-Khui's works started to be published after his death by *Mu'assasat Īlya' athar al-imam al-Khū'i*, and they are actually a rewriting of his lectures which was done by his students or his son Mu'ammad Taqi al-Khū'i who was murdered at the beginning of the American invasion of Iraq. Among the 34 volumes of his work, which deal mostly with fiqh, Ayyatollah al-Khū'i dealt with the subject of *marja'iyya* (the right to guide the believers in the path of Allah and his prophet, Muhammad), as well as with the subject

4 Āghā Bozorgh Tahrāni, *A'Īm al-Shi'a*, vol. 4, 1423.

5 Raed Qāsem, "Shu'ūb wilāyat al-faqih, in [www.mettransparent.com](http://www.mettransparent.com)

of wilaya in general and the subject of wilayat al-faqih in particular. Following is a summary of his words, as they appear in a publication called *Muqaddimat Mawsū'at al-Imam al-Khū'i*, edited by his pupil Sayyid MurtaĀa al-Īkāmī.

### The Marja'iyya

The *Marja'iyya* in Islam began with the believers turning to the Prophet (*raja'ū*, they had recourse to the Prophet and the Imams, on every subject that was determined by Allah and required interpretation. The recourse to the Imams was done because they were the heirs and substitutes for the Apostle of Allah (*li-khilafatihim 'an al-Rasūl*), and owing to the knowledge, the jurisprudence and Authority/governance (*'ilm wa-qa'ā' wa-Īukm*) that Allah granted them with. Afterwards the *Marja'iyya* was passed on personally (*al-niyaba al-kha'ōōa*) to the four substitutes (*al-nuwwab al-arba'a*) during the twelfth Imam's 'lesser occultation' (*al-ghayba al-ōughra*). At the last stage, it was passed on to the most accomplished among the *fuqaha* which were proven worthy of being 'general substitutes' (*niyaba 'amma*) During the period of the 'greater occultation' (*'a'ōr al-ghayba al-kubra*).

*Al-Khū'i* summarizes this subject by saying: Islam began with divine inspiration and transmission to men (*wahi wa-balagh*), and ends with ruling and imitation (*fatwa wa-taqīd*).

*Al-Khū'i* thinks that power in Islam is based first and foremost, on the Quran and on the '*itra* (=the Imams and the Prophet's descendants), and that it is supported by the *imama* and the *niyaba 'amma*. The *niyaba 'amma* originates from the hidden Imam and that is what gave the substitutes, the *nuwwab*, the comprehensive responsibility (*wilaya 'amma*) and created the existing *Marja'iyya*. The following is a discussion of each of these important subjects:

### The meaning of al-niyaba al-'amma

With the end of the *al-niyaba al-kha'ōōa*, the Imam Al-Mahdi continues to guide the Muslims throughout the generations. He does not leave them without a Sheppard who will take care of them, without a certified counselor (*Īujja*) to lead them, which is the Imam that will "illuminate them with his light and benefit them with his *wilaya* even during his occultation, just as the sun benefits people even when it is covered by clouds" (*tafsir al-burhan*, 1, 381). The Imam left the transmitters of traditions (*ruwat al-ahdath*) as substitutes (*nuwwab*) for specific functions, such as reporting the events of the Imams' lives, in order to serve as proof that the stories were transmitted. This can be deducted from the following traditions which are related to the hidden Imam:

- "As to the events that occur, turn regarding them to the transmitters of our tradition, for they are my proof to you that [I transmitted what was entrusted with me] and I am the proof for Allah [that I transmitted the stories to them]" (*Wasail al-Shia*, 18, ch. 11). *Al-Khū'i* adds that the meaning is transmitters which are worthy of being proff (*hujja*). He concludes the following from these traditions:
  - The *nuwwab* were granted *niyaba 'amma* without being original or independent (*min d'Un a'ōala aw istiqlal*).
  - They received the *niyaba* to convey the

Imams' traditions in order to use them to solve people's problems and conduct the flow of life, on condition of being able to reach God's will through *ijtihad* and *fatwa*.

- The *niyaba* which gave them *wilaya* (custodianship) over men was not absolute to the extent that they would be exempt from requiring the hidden Imam to be proof for them or to be satisfied with them.
- This *wilaya* did not remove the *masum's* (the infallible Imam's) absolute *wilaya*. This would demand passing on the infallibility from him to them, as well as passing on his knowledge of hidden matters, and the impossibility of imitating him (*i'jaz*), and all the other extraordinary qualities (*khasais*) which gave him the *wilaya* as it is.

However, this does not prevent passing on this *wilaya* due to the general substitution (*al-niyaba al-'amma*) at the level of the leadership, in the boundaries of the responsibility for governance or jurisdiction (*masuliyat al-hukm*). The transmitters of traditions do not possess the right to pass on this *wilaya* to others, even if it is a matter which is determined (*mawdi'*), and not by divine law (*hukm*). This is due to the fact that they were personally ordered to discuss all matters. Therefore, the meaning of this limited substitution is *mujtahidin* who make decisions about laws and hand out *fatawa*, just as when one says *faqih* one means the biggest expert on religious matters (*al-afqah fi al-din*), who understands best the needs of the *umma*, so that people can turn to him and not to somebody else.

- "The flowing matters of life and the judicial rulings are given to those who have knowledge of the rules of [Allah]" (*al-ulama' bi-llah*), who are trained in Allah's rights and wrongs" (*Mustadrak al-wasa'il*, 3, 188; *Tulaf al-'ukul*, 238). This tradition says that the *fuqaha* are given the responsibility for judgment, including dealing with *fatawa* and general matters concerning the Muslims' life and survival.
- "He among the *fuqaha* who guards his soul and practices his religion, who resists his desires and obeys his lord, the simple people must imitate him" (*Wasail al-Shia*, 18,94). Here, Al-Khuyi emphasizes that even if the chain of reporters of this tradition is criticized, reason determines that whoever wants to rule as a substitute must embody the qualities and the conditions that were mentioned above; just as the Imam's absence determines that he must have public/general substitutes in the same manner that he had private substitutes, and these general substitutes are chosen according to their talents and not decided by their names.
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- **The absolute Wilaya**
- Some *fuqaha* tend to equalize between *wilayat al-*

*Ma'sum* – whether a prophet or an Imam – and *wilayat al-faqih*, the religious scholar who has authority over the Muslims, without discerning between them or showing the differences between them: The first is at the level of prophecy or *Imama*, and the second is at the level of substitution, the *niyaba* of the *ma'sum Imam*.

Whatever *wilaya* either side receives, one will always be proof of the other (*ihdahuma hujja 'ala al-ukhra*): prophecy cannot be raised to the level of divinity, *Imama* cannot be raised to the level of prophecy, and all the more so *faqaha* cannot be raised to either levels of *wilaya* that were mentioned earlier. Even if the *'ulama* conduct matters, and even if the masses have a right to appoint them to this divine function, the *wilaya* which is based on *'isma*, knowledge of esoteric things, and the ability to perform miracles which others can't perform, is never similar to the *wilaya* which is based on integrity and is justified by means of the *niyaba 'amma* which was given to the prophecy and to the *Imama*, and this is because the special terms which were given to the prophets and Imams and made them worthy of the unique *wilaya* which was given to them.

The common denominator of what passes from the prophet's *wilaya* on to the Imam is the *imama* which exists in the prophet and in the Imam; but, in regards to what passes on to the *faqih*, the common denominator is not the *imama* but the *niyaba 'amma* and the leadership of the Muslims regarding current affairs and solving problems. Allah entrusted the prophecy and the *Imama* with the *wilaya takwiniya*, the establishing *wilaya*, but the *faqih* does not possess *wilaya takwiniya* nor does he possess legislative *wilaya*. All he has is the *fatwa*, jurisdiction and leadership according to the measure of his suitability to the role of substitution in leading the *umma*. Al-Khuyi sees in the verse "O believers, obey God, and obey the Messenger and those in authority among you" (*Qur'an*, Women, 59) the origin of all kinds of *wilaya*: *Wilayat Allah*: total obedience and submission to Allah *Wilayat al-Nabi*: this includes, among other things, the believer's willingness to sacrifice himself and his family, and to sacrifice his property. This is based on the verse: "The Prophet is nearer to the believers than their selves" (The Confederates, 6) *Wilayat al-Imam*: "Those in authority among you"

*Wilayat al-faqih*: by permission of the Hidden Imam who appointed them as deputies (*nawwab*). The *faqih* can be right or wrong in his judgments. He can be forgiven for that. But the Prophet and the Imam are themselves the undisputed divine text. Expanding the *faqih's* dominion will not bring him to the stature of the prophet and the Imams in matters of governance and legislation.

One can see from the discussions that were brought above, how al-Khuyi navigated his students, and through them the masses who recognize him as a *marja' taklid* and even beyond that, to reject the theory that was

adopted by Khomeini, which expands the function of the *faqih* far beyond what was accepted in traditional Shi'ism. His fundamental argument here is that the proponents of *wilayat al-faqih* ignore the difference between the *ma'sum* (a prophet or an Imam) and the *faqih*, who, no matter how educated and influential on the powers at be or on the masses he is, will never reach *'isma*. His *wilaya* will always remain confined to solving everyday and judicial problems. Al-Khuyi specifies several differences between *wilayat al-faqih* and the *ma'sum*, and here is a mere sample of these:

- Declaring Jihad is entrusted solely to the Imam. It is interesting to note that he relies here on one of Khomeini's fatwas (Tahrir al-wasila), 1, 463, question 2)
- The *faqih* does not have *wilaya* over other *fuqaha*. Here too al-Khuyi relies on Khomeini (*wilayat al-faqih*, 66)
- No man who is inferior to the Imam has the right to give forgiveness on the punishments that were determined by Allah – the *Hudud Allah*
- The prophet and the Imam have *wilaya takwiniya* (*Al-Hakimiyya fi al-Islam*, 61, citing *Usul Al-Kafi*). This *wilaya* was not given to the *faqih*.
- The prophet and the Imam have freedom of action regarding some divine laws (Haqq al-Tasaruf), based on plenipotentiary *wilaya* (*wilayat al-tafwid*)
- Freedom of action regarding property and human lives is given only to the Prophet and the Imam, and to no one else. It is deprived of the *faqih* even if he meets the requirements of *faqih wali*. (*l-faqih al-jami' li 'l-shara'iÔ*) (al-Shaykh al-A'Üam al-AnÒari, *al-Makasib al-mularrama*, 153).
- The *faqih* does not have legislative authority (*wilayat al-tashri'*). The authority given to him to judge and issue legal judgment (*wilayat al-lukm wa 'l-fatwa*) is inferior to the Imam's and the prophet's *wilayat al-tafwid* Al-Khuyi mentions that throughout the generations there were deliberations regarding the principle of absolute dominion, i.e. granting the Prophet or the Imam freedom of action concerning the life and the wealth of human beings. Some *fuqaha'* insisted that this *wilaya* is restricted to cases that involve the well being of Muslims (Al-Mu'laqqiq al-Irwani, *Íashiyat al-Makasib*, 155). Al-Khuyi refutes this restriction relying on Sayyid Mu'ammad Àl Ba'ir al-'UlÜm in his work *Bulghat al-Faqih*, 3, 217, but, in the same time, he declares that there is no evidence that al-faqih al-jami' li 'l-shara'iÔ has *wilaya mu'laqa*. He is only allowed to solve everyday problems (*al-umür al-lisbiyya*). In the case of *iqamat al-ludÜd* (carrying out of the punitive laws of Islam), al-Khuyi has some reservations: this must occur only after the establishment of an Islamic government, able to meet out these punishments. There is no need for the presence of al-Imam. The aim of *iqamat al-ludÜd* is the public interest.

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