



SPECIAL REPORT

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ABOUT THE REPORT

Based on historical analysis and personal interviews with a number of aides and representatives of the grand ayatollah in Iran and Iraq since 2005, this report examines the role of Ayatollah Ali Hussaini Sistani in the democratization of post-Ba'athist Iraq.

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SPECIAL REPORT 187

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CONTENTS

Introduction	2
Sistani and the Najaf Hawza	3
Sistani's Transnational Network	5
Sistani and the Transition to a Democratic Iraq	8
Sistani and the Iraqi Constitution	11
Sistani and the Post-December 2005 Elections	13
Post-Sistani Iraq: Who Will Succeed Sistani?	17
The Younger Sistani	18
Conclusion and Recommendations	19

Babak Rahimi

Ayatollah Sistani and the Democratization of Post-Ba'athist Iraq

Summary

- Since spring 2003, Sistani has become the preeminent and best financed of the grand ayatollahs remaining in the city of Najaf—and by extension, in Iraq. He remains one of the most powerful figures in Iraq and he brings the Shi'is closer together across the greater Middle East.
- Since 1997, the Internet has increased the size and the prestige of Sistani's social organization to an astonishing degree on a global basis.
- Like his father, Sistani is an adherent of a democratic Shi'i tradition that dates back to the Persian Constitutional Revolution of 1906 to 1911 and continued with the Khatami reformist movement (1997–2005).
- As the general representative of the Hidden Imam, quietist Sistani can remain totally aloof from all political matters, while at times of perceived moral decadence, political corruption, great injustice, or foreign occupation, he can become more active in political affairs by engaging in activities such as consultation, guidance, and even the promotion of sacred norms in public life.
- Sistani's religious network is increasingly becoming an important source of local governance in southern Iraq, where many Iraqis are hired and at times agree to conduct duties that are usually carried out by the state.
- Sistani's insistence on recognizing Islam as a fundamental component of the Iraqi constitution is not intended to make Iraq an Islamist state based on juridical *sharia* strictures, but rather to limit the *total* secularization of the constitution, which would deprive a Muslim country of an "authentic" national identity based on its Islamic heritage.
- Sistani could contribute to reducing sectarian tensions by working with other Sunni and Shi'i religious leaders (including tribal leaders) to organize a National Recon-

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ciliation Initiative in order to display a united, powerful Sunni-Shi'i front with an emphasis on common Islamic ideals; to express condemnation of anti-Shi'i Wahabi extremism and anti-Sunni Shi'i radicalism; and to form communal solidarity through the ceremonial process of intersectarian group gatherings.

- Sistani remains a key religious figure who has influence as a peacemaker and mediator among various Shi'i factions and ethnic groups in Basra and Kirkuk that are competing for economic and territorial dominance in the northern and southern regions of the country.
- As long as the state army is unable to independently fight off the Sunni insurgency and Shi'i militias, it is highly unlikely that Sistani will call for a U.S. withdrawal from Iraq.
- Sistani is mainly concerned with maintaining stability in the region while rejecting any form of U.S. military adventurism that could seriously endanger the integrity and autonomy of Muslim countries in the greater Middle East.
- Although Sistani is still a powerful figure within Iraq, his influence has diminished since the bombing of the Shi'i shrine in Samarra in February 2006 and the ensuing increase in Sunni-Shi'i violence. Washington should recognize that until the sectarian warfare subsides, there is no effective way for Sistani to become involved in the Iraqi political process. However, Washington should engage Sistani now, because of the positive role he would have in the democratization of Iraq if the sectarian tensions subside.

Introduction

The toppling of Saddam Hussein's Ba'athist regime in April 2003 by U.S.-led forces and the liberation of Iraqis from authoritarian rule have inaugurated a new era of state-society relations in Iraqi history. The eradication of a secular one-party political system and the crystallization of a new democratic order in Iraq have opened up fertile ground for the growth of various political parties and civic associations that are mostly organized along ethnic and sectarian lines. Such organizations represent new religious communities with distinct network operatives and both civic and militant organizational apparatuses that increasingly dominate the political landscape of post-Ba'athist Iraq using sectarian and anti-occupation agendas. They have emerged and continue to evolve within a new Iraqi public sphere that is characterized by old and new ethnic and sectarian divisions, which were partly caused by the power vacuum created in the postwar period.

A case in point is the Sadrist movement. Led by the young cleric Moqtada Sadr, who enjoys a cult-like following among Shi'i masses in poorer urban regions like Kut and Sadr city, the Sadrist phenomenon evolved from a nascent millenarian movement into a full-blown political organization in the two years between 2003 and 2005.¹ Much of the rapid growth in popularity of groups like the Sadrists lies in the anti-occupation sentiment that has rapidly intensified, mostly in the poorer sector of the Shi'i population (especially in Sadr city), which has long felt excluded by the Sunni rulers in Baghdad.

In terms of state-society relations, the upsurge of these various civic-political movements, dormant under the Ba'athist regime, has also heralded a new period in Iraq's political history, as a sharp decline in the privatization of religion is leading to the formation of new public religions that, in turn, have a bearing on the state-building processes.² In sharp contrast to the totalitarian state control of public and private spheres under Saddam Hussein's regime, the post-invasion period marks the development of a new civil society, mostly composed of religious associations and sectarian movements that are influencing (both positively and negatively) the structure of the Iraqi state. The overwhelming influence of various Islamist groups was evident in the drafting of the permanent constitution during the summer of 2005.

Therefore, the appearance of a quiescent Shi'i cleric, the grand ayatollah Ali Hussaini Sistani, who has come to play a significant political role in Iraq, serves as a reminder of the critical relevance of religion in the postwar era.³ Since summer 2003, Sistani has called for democratic elections and citizen participation that advanced the institutionalization of a legitimate Iraqi government. He has also promoted the active role of the clerical establishment in civic associations and state organizations in order to protect a vibrant civil society against the potential resurgence of authoritarian forces during the transition to democracy. What the Sistani phenomenon has revealed, at this point in time, is how a network led by clerics can reconcile the domains of religion and politics in ways that appear mostly compatible and complementary. Sistani continues to promote a non-secularist concept of democratic politics, which, ironically, is challenging what the Bush administration aimed to achieve in Iraq prior to the invasion—namely, the formation of a liberal-secular democracy as a model for other states in the Middle East.

This report argues that Sistani's critical role in stabilizing a democratic Iraq since 2003 will continue to expand into the post-December 2005 election era. Sistani and his religious network will contribute to the building of Iraq's civil society and local governance, which are central features of a stable Iraq. With the active involvement of his representatives and followers in regional governance affairs and the expansion of his public programs in southern Iraq, Sistani can bolster Iraq's civil society in ways that were impossible under Saddam's autocratic regime, which kept a tight control over local governance and public programs, especially those run by Shi'i clerics. The strengthening of the civil society will pose a serious challenge to the antidemocratic current of insurgency and inter- and intrasectarian tensions that continue to act as destabilizing forces in the country—particularly in the overwhelmingly Shi'i regions of southern Iraq and the lower Tigris. However, Sistani's presence will also create problems for various secularist groups in Iraq upon which both the stability and the inclusive structure of the elected unity government, led by Nuri al-Maliki, depend. Although Sistani remains a powerful figure, his influence has decreased since the bombing of the Shi'i shrine in Samarra, and the sectarian conflict has reduced his ability to help democratize Iraq.

This report is divided into four sections. The first describes Sistani as a major political and religious figure in Iraq, elaborating on his Najaf-based *hawza* and his transnational network. The second turns to the heyday of the U.S.-led invasion of Iraq and briefly explores how Sistani, beginning with his initial forays into politics when he rejected the idea of an appointed constituent assembly in summer 2003 and called for early elections, contributed to the beginning of what is now the transitional democratization of Iraq. The third focuses on Sistani's role in advancing the idea of Islam as a source of legal authority. The fourth discusses the political relevance of Sistani and his network for the future of Iraq.

Sistani and the Najaf *Hawza*

In a small, two-story brick building, tucked away inside a winding old alley off a primary, crowded road leading to the shrine of Imam Ali, lives Iraq's most senior *marja'* (religious jurist), Ayatollah Ali Hussaini Sistani. Sitting cross-legged on a thin mattress on the floor in a large, undecorated white room next to his trusted *wazir* (minister), Shaykh Muhammad Hassan Ansari, Sistani receives visitors who enter the room, kiss the ring on his finger, and utter greetings to the most revered cleric in Iraq. The visitors seek his advice on matters ranging from marriage to divorce, from rules of piety to political issues. At his house, which is protected by his loyal guards and managed by his second oldest son, Muhammad Reda Sistani, the grand ayatollah oversees a loyal body of activists, students, ministers, representatives, and *wakils* (agents) who operate and administer his vast, multimillion-dollar transnational network of seminaries, mosques, and welfare-based

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organizations from India to Nigeria, from London to New York, and from Qom to Najaf, arguably representing the most organized religious association in post-Ba'athist Iraq.

Born on August 4, 1930, in the northeastern Iranian city of Mashhad, Sistani can trace his lineage back to the Hussainis, a *sayyad* family, which means they are descendants of the Prophet. Mulla Sayyad Muhammad Hussaini, a prominent cleric who resided in the city of Isfahan, was appointed to be the Shaykh al-Islam of the eastern Persian province of Sistan by Sultan Hussain Safavi (1692–1722), the last shah of the Safavid dynasty (1501–1722 C.E.). It was after this appointment that the Hussaini family settled in Sistan, where they remained even after the collapse of the Safavid Empire in 1722. It was most likely in the eighteenth century that the title “Sistani” was added to the family name of Hussaini as a means of specifying the family’s local identity after their migration from the city of Isfahan in the seventh century.

Sistani’s father, Sayyad Ali b. al-Sayyad Muhammad Reda Sistani, was a highly respected cleric who studied in Najaf and Samarra and—upon the completion of his studies in 1897—returned to the Iranian city of Mashhad. A politically informed cleric, Sistani’s father was in communication with a number of high-ranking Iraq-based clerics, such as Shaykh Kazim Khurasani and Muhammad Hussain Na’ini, who is famous as an advocate of constitutionalism, as was evidenced by his prodemocracy tract *Tanbih al-Umma* and involvement in the Shi’i uprising of 1920 in Iraq. Although it is not clear to what extent he participated in the Iranian Constitutional Revolution (1906–11), Sistani’s father was most certainly sympathetic to Na’ini’s prodemocracy position, which sought to limit monarchical rule. Na’ini taught Ayatollah Abu’l-Qassim Khu’i, Sistani’s mentor in Najaf, best known for his quietist stance in dealing with the Ba’athist state in the eighties and early nineties. This could explain, in part, Sistani’s adherence to the quietist tradition of Shi’ism, which will be further elaborated on in the second section of this report.

Sistani began his life of theological scholarship at age five at the Ghuharshad Mosque.

Sistani began his life of theological scholarship at age five, when he studied the Quran at the Ghuharshad Mosque in Mashhad, where his father served as the head cleric. First and foremost, the popular reverence for Sistani lies in the fact that he was born into a *sayyad* family, which imparts immediate reverence among the Shi’is for being physically and spiritually linked with Muhammad. Second, the clerical and scholarly background of Sistani’s family since the seventeenth century provided the social capital for Sistani to pursue a life of Islamic legal-theological scholarship.

Sistani’s Iranian origin should not be seen as a disadvantage for the Mashhad-born ayatollah, because many Shi’i Iraqis still see him as an Arab notable who is a direct descendent of Muhammad. Despite his Iranian citizenship (he refuses to apply for an Iraqi passport) and his thick Iranian accent when he speaks Arabic, many of his Iraqi followers say, “Sistani is in appearance (*zاهر*) an Iranian, but at heart (*باتان*) he is an Arab,” a paternal figure who cares for and seeks to protect them at any cost.⁴

The quietist school of Shi’ism advocates that clerics remain aloof from day-to-day political administrative matters.

In 1949 Sistani traveled to Qom, where he studied under the famous cleric Ayatollah Muhammad Mahdi Burujirdi, known for his staunch adherence to the quietist school of Shi’ism, which advocates that clerics remain aloof from day-to-day political administrative matters. While at Qom, he shared classes with other present-day grand ayatollahs, such as Ayatollah Morteda Montazeri. Ayatollah Burujirdi praised Montazeri and Sistani as two of his best students in Qom.⁵ Sistani then migrated first to Karbala and then to Najaf in 1951, where he came under the supervision of three outstanding clerics, most prominently Ayatollah Khu’i. In 1960, upon his return to Mashhad, he was honored by Ayatollah Khu’i with the title of *mujtahid*, which is a clerical jurist with religious law training who is recognized by other clerics as a person of Islamic piety. At thirty, Sistani became one of only three *mujtahids* who was granted written permission to practice jurisprudence by a cleric as high-ranking as Khu’i.

In 1961 he returned to Najaf to begin a life of scholarship, teaching, and writing religious tracts. Sistani has since resided in Najaf, leaving Iraq only a few times, such as for the Hajj pilgrimage in the 1970s and in 2004 for medical treatment in London. Since 2003 he has refused to travel to Iran, mostly because he does not want the Iranian government to take political advantage of his travel to his homeland.⁶

In the 1960s, when the Da'wa party emerged as one of Iraq's original Islamist parties, Sistani refused involvement in any Shi'i organization. He also kept a distant but cordial relationship with Ayatollah Ruhollah Khomeini, who was exiled to Iraq for his political activities in Iran under the reign of Muhammad Reda Pahlavi. Sistani's life after the Iranian Revolution in 1979 and during the Iran-Iraq war (1980–88) is relatively unknown to analysts. During that time, he kept a low profile, given that the Ba'athist regime kept a close watch over Najaf throughout the eighties until the early nineties, especially after the failed Shi'i uprising in 1991. It is known, however, that after the death of Ayatollah Khu'i in 1992, Sistani began emerging as a leading religious figure in Najaf.

The succession process after Khu'i's death appears to have been brief but somewhat problematic. Because Khu'i was the leading *marja'* in the Shi'i world after the death of Ayatollah Khomeini in 1989, and he was endowed with a vast income from religious taxes, a competition for succession rights was bound to occur. According to one of Sistani's senior aides in Najaf, Khu'i's original wish was to appoint his son-in-law as his successor. However, the untimely death of Khu'i's son-in-law established Sistani as the leading candidate, although some opposed him. After the death of Khu'i in 1992, Sistani inherited a large network of religious endowments and a financial network that made him the most prestigious senior cleric (*marja'*) in Iraq.

From 1992 to 2003, Sistani was under surveillance by Saddam's regime and survived a number of assassination attempts. Saddam prohibited Sistani from spending money he received from his followers in the Shi'i community, and in 1993, he shut down the al-Khaza Mosque, where Sistani led communal prayers, which forced him to severely limit his public appearances.

Beginning in 1998, and especially after the Ba'athist assassination of Ayatollah Muhammad Sadeq Sadr in 1999, Sistani quit teaching and rarely left his home. For nearly five years (1998–2003) Sistani did not even visit the nearby Shrine of Ali. Security problems and Baghdad's tight grip on Najaf forced Sistani to oversee his vast financial infrastructure from a distance, because it was based in the Iranian city of Qom. With the help of his trusted son-in-law, Jawad Shahrestani, who is also his most senior representative outside of Iraq, Sistani was still able to maintain a steady flow of income while residing in Najaf.

Sistani's Transnational Network

The "Hawza-al Illmiya" of Najaf is a cluster of seminaries and religious scholarly institutions governed by high-ranking clerics who receive religious taxes from devotee Shi'is around the world. Historically, the burial of Ali, the cousin of Muhammad and the first imam of Shi'i Muslims, at Najaf in 661, established this religious center, which Shi'is identify as one of their most sacred sites.⁷ But Najaf saw a major transformation in 1057, when Shaykh Muhammad at-Tusi, a leading Shi'i cleric, migrated from Baghdad to Najaf, where he initiated systematic instruction of Shi'i teachings and created a university-like institution that is still in operation. The *hawza* represents not only the intellectual center but also an important source of political and religious authority in the Shi'i world; it embodies the seat of Shi'i learning against a backdrop of Sunni-dominated governments from the Seljuq era to the Tikriti-Ba'athist regime of Saddam Hussein.

As the most senior of the Shi'i clerics, the grand ayatollah controls most of the Najaf seminaries, with a large following of students in Iraq and abroad (mostly in Iran, Lebanon, and Syria). These seminaries are funded through religious taxes, and since April 2003 have expanded financially with the influx of foreign capital (particularly from Britain, Kuwait, and Iran) to the southern regions of the country. The financial infrastructure of the *hawza* consists of millions of dollars bequeathed to Sistani's foundation in the form of religious taxes and pious endowments (*waqf*), which are publicly or privately funded institutions to support the poor or needy.

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Religious taxes donated by believers (*zakat*) are intended to assist the poor, needy, orphans, travelers, and those in debt. Part of *zakat* is paid to cover the expenses of collecting taxes by religious administrators. *Khums*, on the other hand, is a special annual tax that Shi'is pay of one-fifth the value of their land, silver, gold, jewelry, and profits made from goods found in the sea, which is spent mostly on the needy, orphans, travelers, and on the prophet and his family. However, one-tenth of *khums* is required to be paid to a high-ranking cleric or *marja' at-taqlid* ("The Source of Imitation"), who is the most knowledgeable and pious among the clerics and whom the believers (*moqalids*) are expected to imitate in everyday life and follow on religious matters. The role of *marja' at-taqlid* is crucial in the institution of religious taxation since it is under his authority—as the definitive representative (*Na'ib al-Amm*) of the Hidden Imam, which is the twelfth male descendant of the Muhammad who has been hiding since 874 C.E. and whose return is expected at the end of time—that the collected money is distributed to pious causes.

Religious or pious endowments are primarily land, have historically been bequeathed to the clerics, and also give substantial financial resources to the leading *mujtahids*, since one cleric (or a number of clerics) can distribute them as he sees fit. Historically, this religious financial system, built on income mostly from wealthy merchants and artisan classes, has given the clerics (especially the Shi'i *ulama* or clerical authority) a considerable degree of independence from the state.

This huge foundation is represented and operated by thousands of *wakils*, or officially approved agents, around the world. The *wakil* system is a complex network of agents who interact on a daily basis via phone and the Internet to monitor and administer the ayatollah's financial infrastructure. Sistani's network comprises thousands of members and activists who operate a vast network of social services—ranging from schools (*madras*) to pious endowments, from hospitals to libraries—and who interact to administer his funds and represent his views in a number of cities around the world.

One may view the *wakil* system as a centralized and hierarchical institution with Najaf as the religious, symbolic authority and Qom as the financial base that Sistani's representatives ultimately depend upon for religious and economic support. However, the *wakil* network is operated in a more decentralized fashion. The religious taxes are received by a local *wakil* who sends a portion to Qom and distributes the rest in the local region where he administers his religious center. The *wakils* often have competing philosophies about how to administer religious tax revenue and views differ on how the money should be spent and who should spend it. This creates a somewhat decentralized and self-governing network.⁸ Often, the local *wakil* is not required to report to another with a higher-ranking status, although all are held accountable by higher ranking *wakils* and, ultimately, by the grand ayatollah as they are required to keep receipts of money received and spent at their local center.

Sistani's son, Muhammad Reda Sistani, who lives in Najaf, and Sistani's two sons-in-law, Shahrestani, who lives in Qom, and Murtada Kashmiri, who lives in London, are the most senior of the *wakils*, and are called *wakil taam*. They have led Sistani's organization since 1992 and have continued to play a significant role in the spread of Sistani's network since 2003. Another important *wakil*, Sayed Mutada Muhammadi, heads Sistani's center at Kuwait City, where huge sums of money are received from wealthy Kuwaiti sea merchants. Perhaps due to the large sums of money involved, tension appears to exist between *wakils*, who often compete for prestige and power over the administration of their respective centers. At times, for instance, Muhammad Reda Sistani does not approve of the financial investments that Shahrestani has made in Qom, but he rarely intervenes in his brother-in-law's decisions.

Wakils are responsible for sending a portion of the charity monies to Najaf, where it is mostly spent on seminary students (*talabe*), charity centers, and local governance (such as paying Sistani's personal guards). The transfer of money to Iraq is obviously not done through the banking system, which is run and monitored by the state, but with the help of many trusted Iraqi devotees of Sistani who travel on a daily basis between Iran, Iraq,

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Syria, and Kuwait. The amount of assistance sent to Iraq annually appears to be huge. According to a report published by Sistani's office in Qom, from 2003 to 2004 the center has sent, on seven occasions, twenty-one trucks, each weighing five tons, carrying various charity goods, such as clothes, food, and medicine, that total one billion toman (one million U.S. dollars) to Iraqi cities such as Najaf, Kufa, Karbala, Basra, al-Amarah, and Samarra.⁹ It is also reported that in 2004 Sistani's foundation gave \$25,000 to the imam of the mosque of Kadhemiya in Baghdad to be spent on charity.¹⁰ With approximately \$5 million a month (an amount that has grown quickly since 2004) distributed in the form of stipends to students and teachers in cities such as Damascus, Karbala, and Mashahad, the Sistani network is growing.¹¹ Additionally, as more pilgrims—mainly Iranians—make their way to the holy cities, aided by a new direct flight between Tehran and Najaf, the ayatollah's financial income through religious taxes is steadily growing.¹²

Since the fall of Saddam, the Sistani network has emerged as the most organized transnational civic institution in Iraq, with offices not only throughout Iraq, but also in Afghanistan, Azerbaijan, Bahrain, Britain, Georgia, India, Iran, Kuwait, Lebanon, Pakistan, Saudi Arabia, Syria, Turkey, and the United States. With Sistani's rise to prominence since 2003, the Qom center has established a number of civic institutions, including many libraries, residential housing for seminary students, an eye hospital, and even an astronomy center with a high-tech telescope in Qom and similar public institutions in many Iranian cities such as Ilam, Isfahan, Shiraz, and Tabriz.¹³ The seminary students supported by Sistani's center are well paid and are even offered a health insurance plan that covers their families during the period of their studies.¹⁴

Likely due in part to the good pay and benefits, the Najaf *hawza* continues to grow in popularity, regaining its prestigious status in the Shi'i world since the failed uprising of 1920, when many clerics left the city for Qom. Because it is the religious center of Sistani's network, Najaf is now the hub from which many Sistani centers around Iraq are established and managed. Since 2003, the center in Najaf has opened educational (including libraries and publication centers) and information technological facilities in cities like Basra, Karbala, Kufa, Kut, and Samarra. These facilities not only provide books and Internet service, but also offer teaching facilities, where ordinary Iraqis are instructed on religious and even secular matters, including how to browse the Internet for educational purposes. Although for security reasons the centers are still relatively small, Iraqis can also seek the religious advice and the financial support of Sistani's charitable organization at the centers.

The most important of these facilities is the Najaf center of al-Mortada Islamic Guidance. Built in 2005, it publishes magazines and cultural and religious texts, disseminates religious tapes, and provides a space for the commemoration of the Shi'i rituals of Muharram. Najaf also hosts another major religious center and a library that provide services to seminary students and social services to mosques in the city and surrounding rural areas. The Center of Professional Services at Najaf provides training in computer sciences and organizes community competitions for both male and female youth on religious and scientific topics. Besides its community functions, the Global Center of Aalbayaat in Najaf provides intensive computer training services for seminary students and Najaf residents, as well as cyberconferences on religious topics, allowing the students to interact with seminary students from countries ranging from Iran to the United States.¹⁵ A number of Internet centers have been established in cities such as Karbala, Kadhmayn, and Basra.¹⁶

The Internet has increased the size and the prestige of Sistani's social organization worldwide. Despite objections by a number of high-ranking clerics in Qom about the possibility of spreading vice through the Internet, Sistani was the first *marja'* to take advantage of cyberspace. Sistani approved the establishment of an Internet center in Qom in 1996 after his son-in-law, Shahrestani, introduced the idea to him, and the center has since been the host domain of a number of religious institutions and clerical websites based in Iran.¹⁷ According to one of his aides in Qom, Sistani and his son-in-law believed the

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Internet was a way to reach out to Sistani's millions of followers in an age of globalization. They saw no vice in the new technology but only the ability to spread the cause of Shi'ism. They saw Islam as the heart of science and the Internet as its capillary.

The Aalulbayat Global Information and Media Center is the most popular computer center in Qom.¹⁸ The center provides one of the most significant and well-known religious websites in the Shi'i community (www.al-shia.com), and is the hub for websites dedicated to spreading the word of more than fifty high-ranking clerics, including Ayatollah Ali Khamenei, the supreme leader of the Islamic Republic. Sistani's personal website, www.Sistani.com, offers the faithful information ranging from news articles about Sistani to answers to practical questions of a religious nature. In fact, in a small office on the first floor of the center, Sistani receives more than 1,000 questions a day concerning issues ranging from personal piety to politics. Most of the questions are forwarded to Najaf, where Sistani replies and his representatives forward the answers back to Qom; the rest are answered by clerics who are personally approved by Sistani at his center in Qom.

Sistani leads one of the most advanced transnational networks in the region through the digital information superhighway. Equally important to Sistani's power is the fact that he is the preeminent and best financed of the ayatollahs remaining in Najaf, and—by extension—in Iraq. By spreading his network via the Internet and acquiring increasing amounts of wealth Sistani has become a powerful figure who can bring the Shi'is closer together across the greater Middle East.

Sistani and the Transition to a Democratic Iraq

Sistani made his first major political appearance in the post-Ba'athist era on June 26, 2003, when Sistani's office in Najaf issued an edict that challenged the primary mandate of the Coalition Provisional Authority (CPA), which was to form an interim government for the transfer of sovereignty to the Iraqi government. In a brief statement, Sistani demanded an immediate general election, stating that every Iraqi man and woman should vote for his or her official representatives to a constitutional assembly, eventually to be confirmed by a national referendum.¹⁹ Later, responding to a *Washington Post* reporter, Sistani issued his most famous statement in support of a democratic Iraqi polity:

The instrumentality envisaged in it [the CPA plan] for electing the members of the transitional Legislature does not guarantee the formation of a parliament that truly represents the Iraqi people. It must be changed to some other method, which would guarantee it. And that is [direct] elections, such that the parliament would derive from the will of the Iraqis and would represent them in a just manner and will safeguard it from any challenge to its legitimacy.²⁰

The above assertion was one of a number of statements in which Sistani denounced the U.S. involvement in the transfer of power while calling for a peaceful transition of authority via a democratic electoral process.

However, the November 15 agreement between the CPA and the Iraqi Governing Council (IGC), which was appointed by Paul Bremer, called for a speedy transfer of power in the form of council-based elections by June 30, 2004. The CPA's vision was to have a seven-step process in which the United States maintained strict control over the transfer of power to Iraqis. Elections were to take place after a complicated succession of caucuses that would elect an assembly and design a constitution that was expected to be ratified by a national referendum.

Sistani was against the caucus plan for two main reasons: first and foremost, according to Sistani, the caucuses system was not built around a "one man, one vote" paradigm that would immediately empower ordinary Iraqis to participate directly in the election of official representatives. Second, the non-popular electoral system, regulated and organized by a foreign occupying force, would make the transition process illegitimate and even

“treasonable” in the eyes of both the religious establishment and ordinary Iraqis. Sistani viewed direct popular elections “with an acceptable level of transparency and legitimacy” as essential to forming a democratic Iraq; a caucuses system would only lead to the transfer from one illegitimate government to another.²¹

In mid-January 2004, as CPA officials pressed forward with the caucus plan, the *hawza* network began to disseminate Sistani’s views. In a matter of days, the *hawza* network, mainly operating through mosques and religious forums, was able to stage a demonstration and organize a relatively united Shi’i front against the CPA’s plans. The network brought together thousands of protesters in cities like Basra, Hilla, and Najaf, demanding general elections and an end to the caucus plan.

When the CPA and the IGC finally gave in to Sistani’s call for popular elections and Sistani compromised by agreeing to a delay of general elections until December 2004, many in the United States, including the media and academia, speculated on Sistani’s intentions in calling for popular elections. Skeptics believed that after years of oppression by Sunni-led states, Sistani’s true interest was to advance the Shi’i hegemony to attain a majority in government. Others, however, believed that Sistani was aiming to create an Islamist state by drafting a religious constitution through the electoral process. What many observers failed to recognize (or even attempt to understand) was, in the words of Larry Diamond, Sistani’s “sincere belief in the political legitimacy of a social contract between rulers and ruled.”²²

In fact, in the days of early transition, the CPA officials failed to understand the true meaning of Sistani’s quietist Shi’i orthodoxy. For many, a quietist cleric referred to someone who is “apolitical” and would allow the United States to manufacture a new Iraq without the involvement of the country’s religious leaders. However, quietist clerics are not passive about politics. Rather, quietist clerics can stay aloof from politics while making sure that the principles of Islam are respected in public life. A quietist cleric neither demands to participate in government nor presumes to exercise control over the state. As a representative of the Hidden Imam, he can at times remain totally aloof from all political matters, but during times of moral decadence, political corruption, serious injustice, or foreign occupation he can become more active in politics by offering advice, guidance, and even the promotion of sacred law in public life.

The key point to bear in mind is that the degree of authority that a high cleric can exercise in political matters has never been clearly defined in the history of Shi’i Islam. This is chiefly because what determines the level of political participation by a Shi’i cleric primarily depends on the particular historical and social issues the cleric confronts. This flexibility gives him a certain leeway to overcome problems creatively by using reason (*‘aql*) regarding the application of divine law for the best interests of the community. The use of rational judgment as a means to advance Islamic norms for the benefit of the community is a distinctive and primary component of the Usuli school of jurisprudence, which achieved prominence among Shi’is in Najaf in the late eighteenth century and in Qajar Persia in the nineteenth century.

The central concept of applying reason to the rules of divine law according to changing social and political problems allows clerics to act upon “probable knowledge” innovatively to regulate social and political affairs. It is because the most learned of all clerics is a supreme source to be emulated—one whose authoritative rulings on socioreligious matters every believer should follow—that he is able to remain detached from day-to-day state politics while maintaining an active role in the public life of ordinary Muslims. Civic participation has underpinned the political power of the Shi’i clerics from the Tobacco Concession in 1891–92 to the 1920 Shi’i uprising in Najaf, and, most recently, Sistani’s involvement in Iraqi politics.

Sistani’s activist stand in the transition to democratic politics can be credited to his adherence to the democratic tradition dating back to the Constitutional Revolution in 1906–1911, during which prodemocracy grand ayatollahs such as Ayatollah Na’ini advocated the ideal of democratic governance over autocratic rule. According to this tradition,

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the role of the cleric is to guide the Muslim community while securing a social contract between the ruler and the ruled and promoting the ideals of Islam. However, Sistani has refused to advocate a council of guardians or a body of clerics to monitor the bills that would be introduced in a national assembly in order to ratify its Islamic merit.²³ This could lead one to believe that the grand ayatollah's frame of mind is closer to that of the post-1997 Iranian reformist thinkers, such as Muhsen Kadivar and Abdul-Karim Soroush, whose ideas developed the early twentieth century Shi'i constitutional tradition and emphasized the significance of elections and participatory politics free from clerical domination. Sistani, who has studied the writings of many reformist thinkers, is a major advocate of this latter school of thought, which emerged in the Shi'i world after the election of Muhammad Khatami in 1997.²⁴

Sistani's June 2003 and November 2004 *fatwas* on the doctrine of *welayat-e faqih* ("Guardianship of the Jurisconsult") further highlighted his conception of democratic governance in a more innovative manner. As Reidar Visser has lucidly stated, according to Sistani, the doctrine of *welayat-e faqih* broadly signifies the "rule of jurisconsult," which is not limited in authority to religious affairs (*umur hasbiyya*), such as the propagation of religious law, collection of religious taxes, or custody over an orphan or a minor, but extends to "general affairs on which the Islamic social system depends."²⁵ Sistani's notion of an expanded clerical involvement in political affairs entails the explicit role of the high-ranking cleric in protecting the community, especially political issues that directly relate to the well-being of a Muslim community. Sistani's concept of *welayat-e faqih*, therefore, implicitly rejects Khomeini's conception of absolutist rule of the supreme jurist as an official member of the state, running the day-to-day political affairs of his community. The authority of the *marja'*, therefore, lies in the defense of Islam and the Muslim community, not in absolute power over all state affairs as manifested in its authoritarian form in Iran.

In light of his adherence to such a democratic tradition, the following two points best describe Sistani's most significant contributions to the democratization of Iraq:

Sistani has consistently advocated the institutionalization of elections and formation of political parties.

Promotion of democratic political culture. Since the summer of 2003, Sistani has consistently advocated the institutionalization of elections and formation of political parties. Perhaps Sistani's most significant contribution is his call for *political participation* and *active citizenship* in building a vibrant democratic polity. He even helped form the United Iraqi Alliance, a major Shi'i-dominated political party that twice won a majority of seats in the 275-member Iraqi parliament. Sistani has also been a primary advocate of *accountability* of government and the formation of *legitimacy* based on the ideals of *popular sovereignty* as a way to challenge CPA's insular plans for a top-down form of democratization of Iraq. He has also issued a number of *fatwas* demanding that the faithful vote and requiring women to participate in elections even without the consent of their husbands.²⁶

Hawza civic association and local governance. Sistani's "*hawza* civic association" comprises a body of non-governmental religious organizations that operate on behalf of Sistani and interact with one another as a large association independent of state control. Sistani and his religious type of political activism have provided (and most likely will continue to provide) democratization and peace building in Iraq by strengthening the country's civil society. Sistani's growing network in southern cities like Amarah, Basra, Karbala, Kufa, Najaf, and Nasiriyah is cultivating grassroots political participation through the *hawza* civic association to enhance a civil society structure that would be independent from the state but dependent on the Shi'i citizens of Iraq.

Sistani's network is increasingly becoming an important source of political authority in southern Iraq.

In addition, Sistani's network is increasingly becoming an important source of political authority in southern Iraq, where many Iraqis are hired to perform duties that are usually carried out by the state. These duties include maintaining security in certain regions in the south—and especially in Najaf—by tribal chieftains, who have consistently proven

that they can be effective in maintaining security after intra-Shi'i struggles for power and Sunni insurgent attacks on Shi'i communities and holy sites.

Sistani and the Iraqi Constitution

The exact impact of Sistani's active involvement in writing the constitutions, both the Transitional Administration Law (2004) and the permanent *Dastor* (2005), has been a topic of heated debate. Many of the arguments in favor of Sistani's interest in advancing an Islamist state via the constitution stem from his demand to allocate "undisputed" rulings of Islam as a central feature of Iraq's judicial establishment as part and parcel of maintaining the country's national identity and cultural heritage. As a result, many secular-minded thinkers have questioned Sistani's commitment to democracy, defined in the liberal terms of individual liberties, and critically viewed his stance as a move to a possible institutionalization of the *sharia* legal system, similar to what exists in Iran. Many secularists view Sistani's call for a legal institution that maintains an Islamic character consistent "with the religious facts and the social values of the Iraqi people" as an attempt to enforce certain rules and values grounded upon a set of puritanical codes of morality and punishment, such as amputation for the crime of theft, stoning for adultery, and death for apostasy.²⁷

But this view fails to recognize Sistani's beliefs about the relationship between religion and the constitutional state. His apparent call for the Islamization of the constitution seeks not to form a *sharia*-based legal institution in which religious law is the sole normative value for justice, but to ensure that Islam, as *one* (highly significant) source of legitimate authority, is not excluded from Iraq's legal body. However, because Sistani approved the constitution in October 2005, he has already given consent to article 2 of the charter of the constitution, which not only explicitly recognizes Islam as a source of legislation but also prohibits passing laws that violate the principles of democracy in terms of individual rights and freedoms. For many, article 2 is a contradiction in terms. But for Sistani, the article actually articulates the most legitimate form of political authority. It is important to understand why he believes this to be true.

According to the school of thought to which the grand ayatollah adheres, the principles of democracy, such as political participation, competition, accountability, and accessibility, not only do not contradict Islam but, in fact, reinforce it. As he participated in the constitution-making process by calling for a directly and popularly elected constitution drafting council in November 2003, Sistani feels that the constitution is a way to reaffirm popular sovereignty, reflective of Islamic norms of virtue and justice. With this in mind, it is crucial not to confuse the Islamist conception of the constitution with Sistani's constitutional notion of Islamic democracy: whereas the Islamists seek to bring the state into *total* conformity with an Islamic legal system, Sistani aims to accommodate Islamic law *along* with other legal norms of various social and political significances in daily life.

This is not to say that Sistani's notion of democratic values fully embraces the democratic principle of inclusion. As in the case of other consolidated democracies, political parties and religious associations like the socially conservative movement led by the evangelical Protestants in the United States may have an exclusive understanding of democratic polity. In this sense, Sistani's socially conservative views on gays' and women's sociolegal status resemble the views of a number of religious leaders in the United States, such as the late Jerry Falwell and Pat Robinson.²⁸ In the context of competing visions of public morality, Sistani will do his best to make Islamic law the basis of Iraqi civil law, though at the same time he will refuse to endorse an Iranian-style judicial system dominated by the clerical establishment.

Potentially more significant, however, is Sistani's role in helping to institutionalize a federal government. Federalism has been one of the most controversial issues, as many Sunni and some Shi'i Arabs fear the eventual breakup of Iraq as a unified nation-state,

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with the Kurds gaining autonomy in the north and the majority of Shi'is achieving autonomy in the south. Although Sistani has remained neutral on the controversial issue of federalism, he has consistently rejected the sectarian and embraced the multiethnic and multisectarian model of a provincial federated model of governance.²⁹ He accepts local governance and provincial administration, but rejects ethnic or sectarian federated governance, especially if it involves any control over national resources, particularly oil, which he believes should be shared by all Iraqis. Whatever the system of governance, Sistani is a staunch Iraqi unionist, opposing the breakup of Iraq into ethnic and sectarian provinces.

While federalism will be a primary issue of contention in the constitutional amendments proposed by the constitutional committee in May 2007, Sistani is likely to back a simple model of constitutional government that all parties—Kurds, Sunnis, and Shi'is—can agree to support, though at the same time he will challenge any law that opposes the principles of Islam's jurisprudence. For the most part, one can expect Sistani to be fully engaged in the finalization of the constitution-making process, mediating between vying Shi'i groups who attempt to determine the language of the amendments while resisting anyone who attempts to exclude Islam from the Iraqi legal order.

Considering the contentious issues inherent in the making of a constitution, the Iraqi government could anticipate the following scenarios with regard to Sistani's role in the completion of the constitution-making process:

- Sistani will certainly play the role of a mediator between the antifederalist groups, such as Da'wa and the Sadrists, and the profederalist groups like the Social Council for Islamic Revolution in Iraq (SCIRI), as the contentious issue of federalism will eventually be returned to the table for another referendum—which is expected to take place after the constitutional committee announces its proposed amendments to the constitution in May 2007.
- Given Sistani's refusal to endorse a sectarian-based federal state, SCIRI could increase pressure to persuade the grand ayatollah to accept a federal type of state, but Sistani would most likely resist. This resistance, however, could encourage SCIRI to ensure that the Badr organization militarily takes over the city of Najaf and dominates the religious seminaries—further diminishing the already eroding authority of Sistani. This scenario could resemble the Revolutionary Guards' military takeover of the shrine city of Qum in the early years of the Iranian revolution of 1979, despite the protests of several quietist senior clerics.

The potential influence of groups such as antifederalists and profederalists and the Badr organization over the political process poses a real threat to Iraq. In such a situation, Sistani needs to have the influence to mediate between these political actors, especially between Sunni and Shi'i parties, involved in the revision of the constitution, though his authority should not overshadow the constitutional process by dictating a particular agenda.

The United Nations could play a critical role in bringing Sistani to the fore of negotiations and the bargaining process between vying political actors on various constitutional issues, especially federalism and the distribution of oil revenues. The United Nations should maintain a mediating role between Sistani and the United States, as it did under the CPA rule in 2003, by providing the grand ayatollah a political platform in helping to prevent Iraq's meltdown into a failed state.³⁰

Furthermore, given the Islamist domination of Iraqi politics, the Constitutional Review Commission, conceived prior to the referendum of October 15, 2005, should guarantee the appointment of a number of secular and non-*sharia*-minded jurists to the Iraqi Supreme Federal Court. These appointments would ensure the fair distribution of secular and religious members in the interpretation of human rights issues, particularly on matters related to children and gay and women's rights. This can be done by making constitutional provisions that guarantee a place for a liberal-minded bloc and adopting a system that would prevent any group (either secular or religious) from holding a monopoly. In other

words, the new Iraqi government should consider facilitating healthy, agnostic political interaction between the secular- and *sharia*-minded members of the new Iraqi judicial system.

In broad terms, the future Iraqi judicial institution should be viewed, like its American counterpart, as engaging in a constant process of negotiation over various ethical and moral issues. Jurists will most likely fall into secularist and religious factions. However, such an adversarial legal forum should not be seen as harmful to the political system but as a vibrant feature of a healthy democratic polity in the process of redefining its authoritarian past.

Sistani and the Post-December 2005 Elections

How might Sistani contribute to the promotion of democracy after the December 2005 elections? The following are different scenarios in which Sistani and his network can operate to prevent conflicts (or perhaps create new ones) and bolster a postwar transitional democratic government for Iraq.

Intersectarian Challenge (National Reconciliation Initiative)

Although the wave of violence began in 2004, the terrorist attack on the Shi'i Golden Mosque in Samarra on February 22, 2006, has escalated violent sectarian warfare between the Sunni and Shi'i communities that had been virtually absent in the modern history of Iraq. It is highly unlikely that the sectarian struggle for power will end with the finalization of the constitution before a national referendum in summer 2007. As the Iraqi unity government faces possible disintegration in the near future due to the inability of the Maliki government to defeat sectarian tensions, violence will continue to haunt Iraqi society for years to come.

In the context of the pervasive sectarian mayhem, Sistani's presence has been both a blessing and a curse. On the positive side, he has consistently opposed any Shi'i retaliation against Sunni attacks and has advocated restraint, especially after incidents such as the Kadhemiya Bridge tragedy in August 2005 when almost 1,000 people were killed in a stampede of Shi'i pilgrims on a bridge leading to the Kadhemiya Mosque because of rumors that a suicide bomber had targeted the religious ceremony. He even advocated restraint after the attack that destroyed the Golden Mosque at Samarra. As Sistani's son, Muhammad Reda Sistani, explains, "We will do our best to control the Shi'is from taking revenge on Sunnis for the recent attacks. We believe these attacks are nothing else but to ignite the flames of *fitneh* (sedition) against the Iraqi people."³¹

However, on the negative side, Sistani's endorsement of the United Iraqi Alliance (UIA) as a sectarian political party has contributed to intersectarian tensions. Although the ayatollah's intention was never to encourage sectarianism, his support for the Shi'i-dominated party has helped pave the way for growing animosity between Sunni and Shi'is since the January 2005 elections. This is because most Sunnis felt increasingly marginalized and even experienced oppression from certain autocratic aspects of the UIA government, namely its shadowy, anti-Sunni death-squad operations.³²

Since the Golden Mosque bombing, Sistani's role as a moderating influence on Shi'i militias has been undermined by the popular call for revenge against Sunnis. As the Wahabi-led Sunni attacks on the Shi'i community grow with the indiscriminate bombings of places of worship, funeral processions, and markets, concurrent with Shi'i retaliation through the Iraqi police force, Sistani's ability to restrain Shi'is has diminished. According to Muhammad Reda Sistani, "We have our limits and there is only so much we could do to stop the sectarian bloodshed."³³

Sistani could contribute toward reducing sectarian tensions by working with other Sunni and Shi'i religious leaders (including tribal leaders) to engage in a National Rec-

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conciliation Initiative with three aims: to display a united, powerful Sunni-Shi'i front with emphasis on common religious ideals; to express condemnation of anti-Shi'i Wahabi extremism and anti-Sunni Shi'i radicalism; and to form communal solidarity through the ceremonial process of intersectarian group gatherings. This project should take place on the civic association level, since such an initiative could also indirectly contribute to the civil society building process that is crucial to advancing democracy in Iraq.

The project would include the religious leaders of major urban and rural regions of Iraq—and especially the Sunni leaders, who can best benefit from such an initiative—who would organize a number of academic, theological, and public events that would bolster national ties between Iraqis across ethnic and sectarian lines. With this proposed project, it is my intention to propose that any attempt to reconcile Iraqi society, which is divided over its ethnic and sectarian identity, requires holding public events in which every member of society can share and feel that they belong.

Intrasectarian and Tribal Challenges

Since summer 2005, Iraq has witnessed a series of intrasectarian clashes in its southern province. The most infamous are the August 26 clashes between the Sadrists and the Badr Brigade, when Sadr's followers fought against the SCIRI militia forces in Baghdad, Basra, Karbala, and Najaf. The May 2006 clashes between Fadhillah, a Shi'i militant organization based in Basra; Sadrists; and the SCIRI's Badr organization in the southern city of Basra highlight an expanding Shi'i versus Shi'i conflict, underlining an unfolding intrasectarian tension unprecedented in Iraqi history.

In the case of Basra, the problem lies mainly in the factional political landscape of the oil-rich province, where the three main Shi'i groups—the Fadhillah, Moqtada Sadr and his followers, and the Badr organization, each spearheading a distinct militia organization—continue to battle over territory and military control. Although many of the hostilities have been between the Fadhillah and the SCIRI factions, Sadr and his followers, who control Basra's police force and hospitals, continue to seek influence in a province where Sadr does not maintain much grassroots support. After he broke away from the UIA, Iraq's ruling Shi'i coalition, in fall 2006, Sadr's ambition to play a greater role in the future of the country has relied primarily on his loyal militia, the Mahdi Army, which appears to have grown in number and military strength since the summer of 2004, when it was severely defeated by U.S. forces in Karbala and Najaf.

However, the intrasectarian tension may get worse with the waning of Maliki's authority due to his government's inability to provide security and assert Baghdad's authority over Basra, where Shi'i political parties and tribal chiefdoms compete for control of the region and of tribal territories. Since Maliki has failed to create security by using more troops in troubled cities like Baghdad and Basra, Iraq may see an increase in tension between the emerging state army and the Sunni and Shi'i marshland tribal factions. The tribal problem, however, will be secondary to the problem of militias, which remain loyal to different Kurdish and Shi'i political parties, and in various provinces comprise much of Iraq's police and security forces. This military structure reaffirms the ethnic and sectarian split in post-Ba'athist Iraq. The sectarian makeup of the army, mostly composed of vying Kurdish and Shi'i militias, also continues to spur further sectarian tensions as Sunni Arabs experience a greater sense of fear and insecurity. At the same time, Maliki will certainly face greater Shi'i dissension as he moves to tackle not just the disarmament of the Badr organization, but also Sadr and his Mahdi Army.

The complexity of Shi'i political parties suggests that there will be more intense rivalry in cities like Baghdad, Basra, and even the northern city of Kirkuk, where ethnic Turkish Shi'i could trigger ethnic-sectarian strife with the Sunni Kurds, and groups loyal to Sadr could seek to exploit the tension for political prestige and influence.

Ideally, Sistani can be recognized as a key religious figure who will have influence as a peacemaker and a mediator among the contending Shi'i factions and even ethnic

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groups, especially in cities like Basra and Kirkuk. He can protect smaller Shi'i groups, like the Islamic Allegiance Party based in Karbala, against the pro-Iranian SCIRI organization and especially against Sadr, whose militia has gained control of Karbala since 2003. Where struggles between followers of rival populist and conservative Shi'i clerics can lead to violence in cities like Basra and Baghdad, Sistani and his network of clerical associates can step in as peacemakers. An example of this role is a meeting on January 2, 2007, which Sistani led, bringing the Shi'i parties together and urging Sadr and his party to return to the Maliki government.

So far, however, the ongoing intrasectarian tensions, especially between Sadrists and SCIRI, over the issues of governance (federalism) and relations with the occupying forces, have diminished Sistani's ability to bring about some form of unity among the Shi'is. Sistani's power is decreasing mainly because of group rivalry among the Shi'is, which began to surface after the January 2005 elections. When Sistani criticized the UIA-led government in 2005 for its inability to ensure protection for ordinary Iraqis and demanded the government improve security in the country, Ibrahim Jafari, the prime minister in the transitional government following the January 2005 elections, was unable to respond to Sistani's request. Jafari's government was too fractured to provide a centralized army devoid of militias loyal to various Shi'i groups. Despite Maliki's good relations with Sistani, the new prime minister was also unable to bring about any meaningful results with the formation of his unity government. As a result, Iraq saw the emergence of a stronger Sunni insurgency and the explosion of sectarian warfare.

Since 2005, Sistani has grown increasingly cynical because of the Shi'i divisions, and, hence, less active in Iraq's political process. His unwillingness to become involved in Iraqi politics is certainly a negative factor, since it will provide a huge opportunity for the Sadrists and other Shi'i groups to step into the vacuum created by his absence. To what extent, and under what conditions, Sistani will return to politics as a mediator remains uncertain.

The Sadrist Challenge

Since the U.S.-led invasion of Iraq, the Sadrists have emerged as one of the most populist grassroots movements of the post-Ba'athist era. But the movement also poses the most serious threat to clerical orthodoxy and its somewhat conservative, quietist tradition—best embodied by Ayatollah Sistani—since the revival of the *usuli* school of thought in the late eighteenth century.

Much of the "heterodoxy" of the Sadrist movement lies in its early (2003–04) rejection of clerical monopoly. Led by some young clerical students and followers of Sadr who accused Sistani of transforming the shrine city of Najaf into a "sleeping house of learning," the heretical tendencies of the Sadrist movement also entailed rejecting the religious authority of a living, high-ranking cleric in favor of the rulings of a deceased *marja'*, a blasphemous idea according to the *usuli* orthodox thinking that Sistani and his *hawza* represent. The tensions between the firebrand junior cleric Sadr and the quietist Sistani were at their worst when the cleric followers of Sadr criticized the grand ayatollah and even urged him and other quietist clerics to leave Iraq in 2003. At this critical juncture, the local tribal forces protected the quietist clerics, and if future conflicts between Sadr and Sistani supporters occur, the same local tribes will likely step in to protect the clerical establishment in Najaf.

The shift in the balance of power from Sadr to the quietist establishment occurred on August 26, 2004. After three weeks of intense fighting between the Mahdi Army and U.S. and Iraqi forces around the Imam Ali Mosque in Najaf, Ayatollah Sistani was able to broker a cease-fire deal with Sadr. In a show of strength against the upstart Sadr, the grand ayatollah proved that he is a force with which to be reckoned. Sistani made it clear that he will not only control populist figures like Sadr in the Shi'i Iraqi community, but will also exert a moderating influence on Iraqi Shi'is to bring a peaceful transition to democracy

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in Iraq. In a sense, the Sistani organization was able to provide a counterweight to the Sadrist challenge, especially in the face of growing tension between various Shi'i groups, as well as with the Anglo-American armies.

Whether Sistani will be able to help disarm the Shi'i militias largely depends on whether he would be willing to issue a *fatwa* for disarming the militias amid the ongoing inter- and intrasectarian tensions. So far he has refrained from doing so.³⁴ Following the Samarra attack, Sistani alluded to the use of militia forces in the protection of holy places, where the state army has failed to offer such protection. Sistani's tolerance of the Shi'i militias in the Samarra case highlights the emerging sectarian overtones of his attitude toward Iraqi affairs as he seeks to find ways to protect his Shi'i community against Sunni extremism. His ability, and perhaps willingness, to limit the power of the militias is eroding.

Although Sistani maintains high authority among many followers of Sadr, many other Sadrists regard him as a traitor for not standing up to Saddam Hussein in the nineties and the Americans in 2003 and the summer of 2004. Many Sadrists will most likely follow their young leader regardless of a possible call by Sistani to disarm his forces. Also, many shadowy groups within the Mahdi Army and Sadrist dissenters will likely challenge any ruling issued by Sistani to disarm their fighters, especially with the possible overstay of the U.S. troops in Iraq. Since these splinter groups are highly anti-Iranian, Sistani may find parts of southern Iraq hostile to his Najaf-based *hawza* and to any other non-Arab Iraqi clerics.

The future of the Sadrist movement may rest upon these splinter groups, which continue to build their strength amid the sectarian warfare and the weak presence of the Iraqi government. It is from these groups that another charismatic and populist leader will most likely challenge the clerical establishment in Najaf, the Iraqi government, and the U.S.-led occupation of Iraq. Facing such prospects, Sistani will surely lose influence in places such as Sadr City, where an anti-occupation ideology like that of the Sadrists can prevail.

Sistani's future strategy in dealing with the Sadrist movement remains uncertain. Sistani will most likely continue to negotiate with Sadr and the movement's future leaders for restraint and patience, as he did in August 2004 and later in September 2004 in a meeting that included Abdul Aziz Hakim, Sadr's main rival. In an important meeting in early January 2007, Sistani persuaded Sadr to end his boycott of the UIA and return to the parliament.³⁵ The January 21, 2007, return of the Sadrists to their seats in the Iraqi parliament, to which they were elected in December 2005, is indicative of Sistani's enduring influence in the Shi'i political community, despite his diminishing authority in the face of sectarian conflict and growing competition between Shi'i groups in southern Iraq.

The Question of U.S. Withdrawal

Responding to a question on the possibility of a long-term U.S. presence in Iraq, Muhammad Reda Sistani, the ayatollah's highest-ranking representative in Iraq, was quick to reply with the following statement: "We could tolerate the U.S. forces to a certain extent; however, if the Americans continue to extend their stay we will not have our autonomy and that is not compatible with democracy."³⁶ The younger Sistani later noted that the reason his father did not issue a *fatwa* against the U.S. troops in the spring of 2003 was mainly due to the fact that, at that moment, a Shi'i-led insurgency would have created increased instability in a country that has been war-ridden for more than two decades. Sistani believed that the wisest move was to maintain calm in order to create a democratic government that would represent and protect the Iraqi people.

The younger Sistani's remark is crucial to understanding Sistani's attitude toward the U.S. military presence in Iraq. It involves two major points: first, the United States could stay in Iraq as long as the Iraqis need U.S. troops to train their army to create security in a post-conflict period; and, second, the United States should leave Iraq once stability has been established and announced by the Iraqi government, bringing autonomy to a country that has experienced years of bloodshed. But such a vision of autonomy will not

be easily realized if the heavily armed militia of Sadr and the Sunni militant insurgency continue to pose an immediate threat to the well-being of Iraqis, despite the gradual building of an Iraqi national army with the help of the Americans.

As a pragmatist, Sistani understands this predicament, and it is due to the Sunni insurgency and the Sadrist threat that he may not resist the U.S. presence in Iraq for a considerable period of time. As long as the national army is unable to fight off the Sunni insurgency and Shi'i militias, it is highly unlikely that Sistani will call for a U.S. withdrawal from Iraq. Since any future Iraqi government is bound to depend on American troops against the insurgency, Sistani will refrain from opposing the presence of any foreign forces that ensure the stability of the country—at least for the time being.

However, other questions and controversies remain. What will happen if the United States becomes involved in a military intervention against pro-Iranian Shi'i militias that may aim to take revenge for the situation in Lebanon or if the United States attacks Iran? Will Sistani issue a *fatwa* to prevent the Shi'i-led insurgency from taking on the Americans or the British, or will he object if U.S. attacks involve civilian deaths or a violation of the sanctity of holy spaces? In fact, both of these situations have already occurred, once in Najaf in the summer of 2004, when Sistani objected to the U.S. military incursion against the Mahdi Army in the holy city, and in July 2006, when he spoke against the Bush administration support for Israel against the Lebanese Hizbollah. Will Sistani muster support against the U.S. troops in Iraq if the administration decides to engage in a military operation against Iran and its nuclear facilities?

To answer these questions, we must bear in mind that Sistani is primarily concerned with maintaining stability in the region while rejecting any policy or military adventurism that could endanger the integrity, autonomy, and security of Muslim countries in the greater Middle East. U.S. policymakers must recognize that any perceived belligerent U.S. action in the region could provoke the wrath of Sistani and his numerous followers in countries like Afghanistan, Iraq, Iran, and Lebanon.

The U.S. aim should be to secure a pragmatic cooperation with Sistani's network through the Iraqi government, assuring the grand ayatollah that the United States' long-term objective is to protect the autonomy of Iraq, keep it free from military occupation, and to promote stability in the region. The United States should also demonstrate its intent to protect Iraqi citizens from sectarian warfare. If not, Sistani could rally hundreds of thousands of Shi'is, as he did in January 2004 to reject plans for a caucus system. The key player here is a competent and trustworthy Iraqi government that is able and willing to maintain peace and stability. If the Iraqi government cannot do so, then the United States should seek a third party, such as the United Nations, to work toward the goal of bringing stability to the country against sectarian conflict.

Post-Sistani Iraq: Who Will Succeed Sistani?

Perhaps the most troubling aspect of Sistani's influence on the future of Iraq concerns the impact of his death. The grand ayatollah has not yet appointed a successor according to the traditional clerical succession process. Yet Sistani is now 76 years old and his health could easily deteriorate, as it did in summer 2004, leaving a leadership vacuum in the Shi'i Iraqi community. Notwithstanding Sistani's decreasing influence since February 2006, no other cleric in the post-Ba'athist era has had so much authority in Iraq, and his death could precipitate a major intrasectarian conflict that would cause major problems in Baghdad and other Iraqi cities in the south.

The leading candidate to replace Sistani is the Afghan-born, Najaf-based Grand Ayatollah Muhammad Ishaq Fayadh. He is an old seminary student friend of Sistani since the 1950s and a staunch ally since 1992. Ayatollah Khu'i reportedly recognized Fayadh as one of his most trusted and loved students, and it is likely that Sistani will soon appoint him as his successor.³⁷ As a successor, Fayadh is more likely to deal directly with the Ameri-

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cans and get involved in the transition process; however, he is also likely to antagonize the Sadrist nationalists, who view him as an Afghan foreigner who should not have a say in Iraq's politics.

Two other Najaf-based clerics, the grand ayatollahs Bashir Hussein al-Najafi and Muhammad Said Hakim, are also potential candidates. A major problem in the succession for most Shi'i Iraqis (excluding the Sadrists) will likely be the non-Arab ethnicity of Fayad and Najafi—Fayadh is an Afghani and Najafi is an Indian by birth. However, it should be recalled that Ayatollah Khu'i was an ethnic Azari and a national of Iran, yet he was revered by most Iraqi Arab, Kurdish, and Turkmen Shi'is. Sistani himself is an Iranian, and he has remained the most respected cleric with the largest number of adherents in Iraq. It is important to remember that the most important feature of a successor to a high-ranking cleric like Sistani would be his recognized piety and knowledge among the clerical establishment and the global Shi'i community. Therefore, it is unlikely that Najafi and Hakim will be the successors because they are considered lesser scholars than Fayadh, who is highly respected by many Shi'i Iraqis, particularly by the tribal chieftains of Najaf.

The main question is when, amid the sectarian turmoil and the democratic transition of Iraq, Sistani will appoint a successor. As Mehdi Khalaji has explained, traditionally, a *marja'* usually avoids appointing a successor, since he carries the responsibility for the successor's possible impieties or mistakes after the *marja's* own death.³⁸ Choosing a successor can also create animosity among competing candidates, generating problems for the community. The process of succession will be a challenging one, a process with which Sistani might have to engage seriously in the near future. Whichever *marja'* becomes the successor, however, he will certainly face responsibilities similar to Sistani's, with perhaps fewer supporters and less religious authority.

The Younger Sistani

Regardless of who emerges as Sistani's successor, the person who will continue to manage Sistani's center at Najaf after his death will probably be Muhammad Reda Sistani, the oldest son and the most trusted *wakil* of the grand ayatollah. In his early forties, Muhammad Reda has a reputation for being the most able of all Sistani's representatives in Iraq. At Najaf, he maintains a great deal of respect among the local tribal leaders and many Shi'i political leaders and he is highly intelligent and articulate. The younger Sistani exemplifies much of what his father has been revered for since 2003: he is a man of religious integrity and ascetic piety with the wisdom to guide and unite the Iraqi people against domestic and foreign enemies.

Although his authority will be second to whomever succeeds his father, the younger Sistani can be expected to play a major role in the organization and the management of Sistani's center in Najaf after his father's death. For the most part, Muhammad Reda will continue to be responsible for managing the accumulated wealth of Sistani's religious organization. Should his father become seriously ill, Muhammad Reda might be one of the only Shi'i leaders who could offer political solutions to Iraq's problems. At this moment, he is in full control of his father's affairs at the Najaf center. He maintains a low profile, but is highly active in expanding tribal loyalty against potential threats from radical Shi'i groups.

However, it is unlikely that the Sadrists will yield to Muhammad Reda as they have to Sistani since August 2004. It is highly possible that after the death of Sistani, the followers of Sadr, especially those local commanders of the Mahdi militia who have become increasingly independent of Sadr since the December 2005 elections, might attempt to either expel or assassinate Sistani's son. But this scenario will also depend on how SCIRI's Badr organization reacts to such a situation, in case a problem of succession occurs. If the Sadrists attempt to gain control of Najaf as they did in the summer of 2004, SCIRI will

most likely support Muhammad Reda. This could lead to a bloody confrontation between the Sadrists and SCIRI in the central provinces of southern Iraq.

Conclusion and Recommendations

At a public lecture at the United States Institute of Peace in July 2005, former CPA spokesman Dan Senor described his perplexity over the Sistani phenomenon during the height of the postwar period: "Those days we were constantly trying to figure out if Sistani was Archbishop Tutu or Ayatollah Khomeini." What Senor, and certain members of the CPA, who lacked any serious training in the history and cultural life of Iraq, failed to recognize was that Sistani is neither Tutu nor Khomeini; bluntly put, Sistani is Sistani. To appreciate him and to understand his role in Iraqi politics, one has to understand his ideas, thoughts, and works in relation to the distinct religious tradition to which he belongs, seen in the context of Iranian and Iraqi histories. Knowing the history of Iraq and particularly its religious tradition would have saved U.S. officials from many avoidable missteps and mistakes, including the failure to design a comprehensive plan to engage Sistani in Iraq's political process.

Washington would do well to heed the views of Vali Nasr laid out in the 2004 summer issue of *The Washington Quarterly*. While discussing the revival of Shi'i Islam and the resurgence of the militant Sunni forces as an aftermath of the 2003 overthrow of Saddam, Nasr wisely suggested that the U.S. government "avoid confrontation with Iraq's Shi'a and, most importantly, al-Sistani."³⁹ Two years later, Nasr's statement continues to be relevant, as Sistani maintains a tight grip on some of Iraq's most important democratic building blocks: numerous civic associations, tribal orders, and political parties in the southern regions of the country. Even among some of the Sadrists and the followers of Ayatollah Yaqubi of the Fadhillah party in Basra, Sistani holds a high level of authority.

To ignore Sistani, as Bremer and the CPA did in the summer of 2003, is to fail to recognize the deep-seated spiritual authority and historical influence of the clerical establishment in post-Ba'athist Iraq. The relevance of Iraq's most influential religious figure in the democratization of Iraq will be a critical variable. To attempt to build a new Iraq without the participation or the intervention of Ayatollah Sistani and other Shi'i clerics on the local level would be highly unrealistic and certainly unwise.

But to rely too heavily on Sistani as a mediator and a peacemaker is also a mistake. Sistani maintains considerable traditional authority, but his power is limited due to the political situation on the ground, which is becoming more unpredictable with the ongoing sectarian tensions. Sistani's current influence in Iraq is, therefore, ambiguous: he remains a major figure with a huge financial and religious network, but his influence is increasingly challenged as a result of sectarian tensions and the rise of low-ranking clerical leaders, like Sadr, who seek to make a name for themselves in their sectarian communities.

So how might Baghdad and the United States deal more effectively with Sistani?

First, Baghdad and Washington should recognize that until the sectarian warfare subsides, Sistani is unlikely to regain his pre-2006 authority. While he still maintains enormous authority over Shi'is, Sistani is limited to expanding his religious organization and helping to build a vibrant civil society in southern Iraq amid anti-Shi'i attacks conducted by Sunni Salafists and rivalries among Shi'i militia groups. Only after the central government has attained firm control over major urban areas can Sistani reclaim his traditional authority and maintain cohesion within the Shi'i political coalition. U.S. support for building a strong Iraqi military, therefore, is indirectly connected to bolstering Sistani's authority.

Second, it is primarily in the constitutional process that Sistani could play a major role in overcoming sectarian tensions in the Iraqi government. The months leading up to the revision of the constitution are crucial, especially after recommended amendments to the constitution will have to be approved by another referendum. Because the

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United States has lost influence over the Iraqi government since Maliki's rise to power, and because the Sadrists wield greater popularity under his reign—particularly since their withdrawal from the parliament on April 16, 2007—it will become more crucial to involve Sistani in the negotiating process as a bridge-builder. Sistani could play the role of someone who would seek to achieve compromise between political factions over issues such as deBa'athification and redistribution of oil.

His staunch stance against a sectarian model of federalism will be welcomed by many Iraqi nationalists who fear the breakup of their country. His involvement could also encourage the Sunnis to use greater political participation as a way to break down the Kurdish-Shi'i hegemony over the Iraqi government. But if the constitutional negotiations fail due to sectarian agendas promoted by groups such as SCIRI, democratization in Iraq could be dealt a major blow and tensions could be expanded with the greater marginalization of the Sunnis.

Third, the United States should be realistic in its assessment of what it can expect from Sistani, and it should recognize that Washington's interests may not always coincide fully with those of Sistani. The United States should not rely too heavily on Sistani as a peacemaker who can ultimately serve U.S. interests in Iraq and the region. Washington should, in particular, avoid considering Sistani as an ally who can potentially help American troops in case of a Shi'i uprising against the U.S. occupation. Sistani is not, in the words of an American official, a "pro-American" cleric; nor is he "anti-American." The ayatollah is highly suspicious of any foreign forces on Muslim lands, whether in Afghanistan, Iraq, or Lebanon. For the most part, Sistani views the U.S. presence as an act of occupation and believes that the Americans have no moral or political legitimacy to maintain their troops in Iraq. As noted earlier, he emerges from the quietist tradition, which holds the clerical establishment responsible for challenging and even at times resisting foreign occupation, especially if such an occupation is perceived to be jeopardizing the contract of social relations among the Muslim believers in an Islamic country. Sistani's call for U.S. withdrawal from Iraq may be inevitable, and Washington should not ignore his demands.

Finally, rather than viewing the politics of post-Ba'athist Iraq as an opportunity to create a liberal democracy that could serve as a model for the greater Middle East, Washington should anticipate the possible emergence of a "postliberal"—though not necessarily "illiberal"—democracy that may not be well-disposed to U.S. interests in the region. Liberal democracy has been viewed as an ideal option for Iraq by many policymakers, but in reality Iraqi democracy may develop to become something completely different than expected when the United States invaded the country with the intention of making it a model of liberal democracy for the Middle East in order to transform the political regime of Iraq's neighbors. For the most part, the fledgling Iraqi democracy can be described as becoming a hybrid communitarian and liberal order that may display the following three features:

- (a) Different practices of citizenship and accountability than the Western practice of democracy, including the practice of accountability through non-state actors, mainly religious organizations led by clerical authorities.
- (b) Islam playing a predominate role in the makeup of the government through political party structure.
- (c) Consolidation of a democratic state that may be potentially hostile to other democratic states, especially countries like Britain and the United States.

Ideally, a postliberal form of democracy includes not only the protection of the freedom of religion but of all modern liberties and civil rights, as well as the very right of civil polity to exist against absolutist trends. Sistani's effort to accommodate religion in the Iraqi constitutional democracy should not be seen as something negative (or anti-democratic), but as offering the possibility of creating a new democratic order that is simply different

Sistani is not a "pro-American" cleric, nor is he "anti-American."

from the type of democratic system known in the United States. The new political order most likely will not include any dominant secular features, especially the presence of a major secular political party in the government, but the democratic practices of access, accountability, competition, and participation may be intact.

In short, liberal democracy, as understood and practiced in its American federated sense, may not (or perhaps should not) be the yardstick by which to measure all other types of democracy, especially in the Iraqi case. The United States must nonetheless do all it can to accommodate and support the new Iraqi government and its civil society with the aim of maintaining the ideal of accountability and popular sovereignty that is common to all types of democracies.

Building a democracy is the art of fostering a sense of accountability, backed by a strong state that can provide security and safety for its citizens. Democratization requires the shaping of a political community whose members feel that they belong to a collective body of institutions that represent and allow them to govern themselves via legitimate and transparent means.

At this critical juncture, Iraq lacks both a fully legitimate democratic state and transparent political institutions; it also lacks a shared sense of democratic solidarity, which is increasingly being replaced by provincial tribalism and militant sectarianism, especially in the Shi'i populated regions of southern Iraq. What is also missing is an autonomous Iraqi state, independent of the U.S. military and solely dependent on and transparent to the Iraqi people: a state that can govern beyond the Green Zone bubble and combat the onslaught of insurgency without the assistance of U.S. forces.

In this milieu, nonetheless, the grand ayatollah and his socioreligious network are likely to continue to be a force for moderation amid the ongoing sectarian tensions and intra-Shi'i competition. Sistani's staunch support for popular sovereignty and a united Iraqi government, devoid of sectarian politics, can be one of the most momentous factors for the promotion of democracy and stability in a country that appears to be descending into a major civil war. Iraq simply cannot be held together by Iraqi army and police forces, even with the full backing of the U.S. forces. What Iraq needs is a political system that is made up of democratically minded actors loyal to a new democratic order, inclusive of all ethnic and sectarian groups in the country. Policymakers would be well advised not to underestimate the role of the grand ayatollah Sistani in their quest for this new Iraq.

Notes

1. The Sadrists have not only advanced an Islamist political agenda in an attempt to redefine the Iraqi state in terms of chiliastic visions of authority, but also mobilized a grassroots movement composed of disenfranchised Shi'i youths initiated in the cult of martyrdom and impassioned with anti-American sentiments; their network operatives and ideological popularity among many Iraqis since spring 2003 may serve to illustrate the growing tide of public religion based on militant overtones in post-Ba'athist Iraq.
2. The term "public religion" can be described as a modern phenomenon whereby religion enters the public domain to question, contest, or protect religious ideals of individual action and social normality from administrative state penetration, in the process opening up a new public domain with religious overtones and network mobilization of religious interaction, breaking down the strict secularist separation between the "religious" and "political" spheres. For a comprehensive study of public religion, see José Casanova, *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994).
3. Unless otherwise stated, in this report the term "Shi'i" refers only to the Twelver sect, which represents the overwhelming population of Iraqi Shi'is.
4. According to my informal studies, this view is not shared by many Sunni Arabs, who see Sistani as a sectarian religious figure of Iranian nationality. The Iranian element plays a major role in Sunni-Shi'i relations in the post-Ba'athist era.
5. Based on a conversation with Ayatollah Morteda Montezari, Qom, Iran, May 2005.
6. Based on a conversation with a seminary student at Sistani's center, Qom, July 2006.
7. It should be noted that Sunni Muslims, too, revere the shrine of Ali as a major sacred site.
8. As a result of such a decentralized network of civic associations, many of the representatives (including the high-ranking ones) do not necessarily share the exact views of or agree with the rulings of Sistani. This has been a major problem in determining how Sistani "really" views certain political matters since 2003. See Reidar Visser, "Sistani, the United States and Politics in Iraq: From Quietism to Machiavellianism?" *Norwegian Institute of International Affairs*, no. 700 (2006): 5-6.
9. Abdul Rahim Aghighi Bakshaishi, *Faqih Rasteh* (Qom: Islam, 2004): 114.
10. Sandro Magister, "Shiite Islam: The Grand Ayatollah Sistani Wants Najaf as the Capital," April, 3, 2004, www.chiesa.espressonline.it/printDettaglio.jsp?id=7021&eng=y. [Accessed February 14, 2007]
11. For a rough account of Sistani's financial sources in 2004, see Magister, "Shiite Islam." For the best recent study of Sistani's financial system, see Mehdi Khalaji, "The Last Marja: Sistani and the End of Traditional Religious Authority in Shiism," *Policy Focus* no. 59 (September 2006), 51 pages, especially page 10. According to Khalaji, Sistani's "annual income is between \$500 million and \$700 million and his worldwide assets exceed \$3 billion."
12. Vali Nasr, "Understanding Sistani's Role," *Washington Post*, April 19, 2004, A19.
13. The hospital is the second most advanced in the region.
14. After Ayatollah Ali Khomeini, Sistani pays the largest stipend to the seminary students in Qom. Sistani pays 70,000 tomans (roughly \$77) per month to unmarried seminary students and 100,000 tomans (roughly \$112) to married students. An added 100,000 toman (\$112) is paid to the students at the end of the year. However, Ayatollah Khomeini pays the Qom seminary students more than 25 percent of Sistani's stipend. In Najaf, however, Iraqi seminary students are paid 70,000 tomans

and those with families are paid 100,000 tomans per month by Sistani's son, Muhammed Reda, who runs the Najaf center. Author interview with a representative of Sistani, Qom, Iran, July 17, 2006.

15. www.holynajaf.net.
16. www.holykarbala.net; www.holykadhmia.com; www.basracity.net.
17. These websites would include Sistani's centers in many cities, including Beirut and Damascus. See www.sistani.org/html/far/main/index.php?page=9&lang=far&part=9.
18. The two computer servers that the center uses are based in California and Canada. For the website of the Aalulbait Global Information Center, see <http://www.al-shia.com/html/eng/index.htm>.
19. See Visser, "Sistani, the United States and Politics in Iraq," 11.
20. Quoted by Juan Cole, "The Ayatollahs and Democracy in Iraq," *ISIM Review* no. 17 (spring 2006): 34–35.
21. Edward Wong, "Direct Election of Iraqi Assembly Pushed by Cleric," *New York Times*, January 12, 2004, A1.
22. Larry Diamond, *Squandered Victory: The American Occupation and the Bungled Effort to Bring Democracy to Iraq* (New York: Times Books, 2005), 86.
23. Yitzhak Nakash, *The Shi'a in the Modern Arab World: Reaching for Power* (Princeton, NJ: Princeton University Press, 2006), 9.
24. Author interview, a representative of Sistani, Qom, July 18, 2006.
25. Visser, "Sistani, the United States and Politics in Iraq," 13–14.
26. Vali Nasr, *The Shia Revival: How Conflicts within Islam Will Shape the Future* (New York: W.W. Norton, 2006), 189.
27. Alex Berenson, "Iraq's Shiite Insist on Democracy: Washington Cringes," Common Dreams News Center, November 30, 2003. www.commondreams.org/headlines03/1130-03.htm.
28. Juan Cole, "Sistani the Big Winner; Kurds Furious," *Antiwar.com*, June 10, 2004. Accessed February 14, 2007, www.antiwar.com/cole/?articleid=2779.
29. On August 5, 2005, Ibrahim Jafari quoted Sistani on the constitution: "Ayatollah Sistani does not disagree with the principle of federalism if the Iraqi people choose it." www.iran-daily.com/1384/2342/html/index.htm.
30. This point is suggested by Larry Diamond in his article "What to do in Iraq: A Roundtable," *Foreign Affairs*, July/August 2006, 152.
31. Author interview, Najaf, August 8, 2005.
32. As a representative of Sistani describes, it was for this reason that Sistani decided to keep his distance from the UIA in the December 2005 elections.
33. Author interview, Najaf, August 8, 2005.
34. In May 2006, Sistani issued a statement favoring the disarmament of militias, but he never issued an official *fatwa*.
35. Hussain Al-Kabi, "al-Sadr Yahath Mowaqf al-tiyar al-Sadri beshan al-Hukumat wa al-barleman ma al-Sistani," *alsabaah*, January 9, 2007. <http://www.alsabaah.com/paper.php?source=akbar&mlf=interpage&sid=35299>.
36. Author interview, Najaf, August 8, 2005.
37. Author interview, Qom, July 17, 2006.
38. Mehdi Khalaji, *The Last Marja: Sistani and the End of Traditional Religious Authority in Shiism* (Washington, DC: The Washington Institute for Near East Policy, 2006), 18.
39. Vali Nasr, "Regional Implications of Shi'a Revival in Iraq," *The Washington Quarterly*, vol. 27, no. 7 (2004): 21.

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