

## The Decline of Grand Ayatollah Sistani's Influence in 2006-2007

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Grand Ayatollah Ali Sistani (born 1930) emerged after the fall of Saddam Hussein as among the more important leaders of the Iraqi Shiite community.<sup>1</sup> After a period from 2003 through fall 2005, during which he played a major and public role in shaping the post-war order, his profile rapidly declined. In 2006, some of his spokesmen even intimated that he had retired from intervening in public affairs altogether. Is this impression of a dramatic decline in Sistani's political influence warranted, and if so how can it be explained? The thesis of this chapter is that the roots of Sistani's lower profile lie in his own social philosophy, in the changing landscape of Iraqi politics, in the rise of mass social violence, and in new power structures (especially political parties) that ensconced themselves in 2006 and 2007. That is, he exercised charismatic authority in 2003-2005, but the rise of political parties and the election of a parliament and provincial assemblies, allowed politicians to claim rational-legal authority. At the same time, the new state remained weak and failed to establish its monopoly over the use of force, allowing militias and guerrillas to usurp authority by offering protection. I will also argue, however, that Sistani retains widespread influence and that its decline is overemphasized by some observers.

### 1. Sistani's vision of the "guardianship of the jurist"

Sistani's preference for quietism in some instances and for social activism in others has not been arbitrary or inconsistent but rather flows from some strongly held beliefs and a flexible pragmatism. In the Baath period, from 1968 until spring of 2003, and especially under the brutal dictatorship of Saddam Hussein, Sistani avoided speaking out on public affairs.<sup>1</sup> The Shi'ite doctrine of pious dissimulation (*taqiya*) requires a person to hide his or her religious beliefs if they would put the individual's life in immediate danger. Sistani explained, "Taqiyah is done for safety reasons. For example, a person fears that he might be killed or harmed, if he does not observe Taqiyah. In this case, it

<sup>1</sup> Walbridge 2001, pp. 237-244.

is obligatory to observe Taqiyah.<sup>2</sup> Although Sistani goes on to say that such dissimulation is impermissible if it would allow tyranny to be established or would cost a life, presumably it should only be abandoned, and one's own life risked, if there was a practical hope of success. That is, Shi'ite law discourages foolish gestures that amount to suicide even while authorizing risking one's life for a worthy and achievable cause.

Sistani rejected Imam Ruhollah Khomeini's specific form of the doctrine of the "guardianship of the jurispudent" (*vilayat-i faqih*), which held that in the absence of the hidden Twelfth Imam or divinely inspired descendant and vicar of the Prophet Muhammad, suitably qualified Shi'ite clerics should rule and should be inserted in the top posts in the government. In contrast, Sistani does not want clerics to be in government, but rather to exercise their moral authority from the seminary through issuing fatwas. He has a narrow doctrine of the guardianship of the jurispudent rather than Khomeini's more expansive one. Asked about the doctrine, he replied,

Guardianship, with regard to what is expressed in the words of the jurists, may be asserted in reference to public morals (*al-umur al-hisbiyyah*) with regard to every jurispudent who fulfills all the requirements for being unreservedly followed (*taqlid*) by the laity. As for a wider sort of guardianship over general matters on which the structure (*nizam*) of Islamic society (*al-mujtama' al-Islami*) depends, it is for a qualified jurispudent. But it has additional requirements for its implementation, among them that the jurispudent enjoy a general acceptance among the believers.<sup>3</sup>

Sistani's fatwa defines two sorts of guardianship or authority for Shi'ite clerics over society. The first has to do with public morals (in traditional Islam, having to do with forbidding wicked behavior in public and with such public goods as preventing price gouging in the markets.) This guardianship of public morals pertains to all clerics who have fulfilled the requirements for being independent jurispudents and whom the laity should follow unreservedly when they rule on Islamic law and ritual. It is also implied that there is a higher and much rarer form of guardianship of the jurispudent, which is the prerogative of a grand ayatollah and concerns the preservation of the very structure of an Islamic society. The only jurispudent who can hope to play such a role is one who is accepted in this role by the generality of believers. That is, he must be popular enough and have enough authority to be able to sway public opinion behind him. The phrase "structure of an Islamic society" is a particular usage of Sistani's and its precise meaning is not immediately clear. *Mujtama'* in

<sup>2</sup> Sistani n.d.a.

<sup>3</sup> Sistani n.d.b.

modern standard Arabic equates precisely to the English "society," with the implication that the "social" is a sphere distinct from the "political." Sistani's own actions help us to interpret what he means by his formulation. Unlike Khomeini, he does not mean guardianship over "the government" (*hukumat*, a word his fatwa does not even mention). Rather, he means the prerequisites for government, such as the country's constitution and the underpinnings of its electoral system. Unlike Khomeinist Iran, where the guardianship of the jurispudent is institutionalized in a formal post at the top of the government, Sistani's vision of guardianship is informal and fluid. The Khomeinist Supreme Jurispudent could go on ruling even in the absence of public support, since Khomeini rejected the notion of popular sovereignty. In contrast, Sistani's non-theocratic jurispudent depends for his authority in part on public acceptance and enthusiasm, a currency that can wax and wane.

## 2. Sistani's political role from 2003 to 2005

Concern for the structure of Islamic society brought Sistani to the fore on a number of occasions in 2003 and 2004. In late June, 2003, he vetoed the plans of American civil administrator Paul Bremer to appoint a committee to draft a new Iraqi constitution. He issued a fatwa insisting that any permanent Iraqi constitution would have to be drafted by elected representatives of the Iraqi people (thereby insisting on the principle of popular sovereignty) and would have to respect Islamic values. Bremer initially attempted to forge ahead, ignoring the fatwa, but found that the Shi'ite Iraqis would not cooperate, insofar as they felt bound in conscience to obey implicitly (*taqlid*) the ruling of the grand ayatollah on a matter within his purview. Although nothing in the Qur'an or Islamic law explicitly upholds popular sovereignty as a political principle, Sistani's doctrine of the limited guardianship of the jurispudent allowed him to take the "public weal" (*maslahah*) into account in making his rulings.<sup>4</sup> He had the prerogative of incorporating Enlightenment principles into his jurisprudence if he felt they benefited the Muslim public. The principle of public weal originated in the Hanafi school of Sunni jurisprudence, but had already been appealed to by other contemporary Shi'ite legal thinkers, including Khomeini himself.<sup>5</sup>

When Bremer and his appointed Interim Government Council (made up of Iraqi advisers, many of them long-time expatriates) agreed on November 15, 2003, to hold "caucus-based elections" in May of 2004, Sistani intervened

<sup>4</sup> Sistani n.d.b.

<sup>5</sup> Ahmad Ashraf, interviewed by Abrahamian / Paul 1989, p. 15.

again. Bremer wanted to restrict the electorate to members of the provincial and some municipal governing councils that the United States (US) and Britain had massaged into being.<sup>6</sup> Sistani issued another fatwa, insisting on one-person, one-vote open elections.<sup>7</sup> When the US proved reluctant to accede, Sistani brought enormous crowds into the streets of Baghdad and Basra in January of 2004. The Bush administration gave in, and scheduled elections for January of 2005.

In the meantime, US civilian and military administrators in Iraq appeared to wish to ensure that the populist, anti-American movement of the junior cleric Muqtada al-Sadr was stifled before the country moved to elections.<sup>8</sup> The US attempted to “kill or capture” al-Sadr in early April 2004, and in response he launched an uprising throughout the Shi’ite south. His Mahdi Army militia took over most police stations.<sup>9</sup> The US military fought the militiamen hard for two months, and finally Sistani intervened to broker an agreement. In early August, 2004, Sistani went to London for heart surgery, and during his absence, fierce fighting again broke out again between the Mahdi Army and the Marines in Najaf. There was some danger of the shrine of Imam `Ali being damaged or destroyed since Muqtada al-Sadr and his aides had barricaded themselves inside the shrine. Sistani returned to Iraq via Kuwait and Basra in late August, and called for a peaceful mass march on Najaf in an attempt to stop the fighting there. Hundreds of thousands of Shi’ite civilians heeded his Gandhian call and headed into the holy city on foot. The US military stood down, and al-Sadr and his aides escaped and went underground, chastened for the moment by their narrow escape from a crushing defeat.<sup>10</sup>

Sistani’s interventions of 2003-2004 depended on an exercise of charismatic authority. Max Weber wrote that

the power of charisma rests upon the belief in revelation and heroes, upon the conviction that certain manifestations – whether they be of a religious, ethical, artistic, scientific, political or other kind – are important and valuable; it rests upon “heroism” of an ascetic, military, judicial, magical or whichever kind.<sup>11</sup>

<sup>6</sup> Diamond 2005, pp. 50-52, 78-87.

<sup>7</sup> “Fatwa for Anthony Shadid”, online in Arabic at <http://www.sistani.org/messages/antoni.htm>; reported in Shadid / Chandrasekaran November 29, 2003.

<sup>8</sup> For the Sadrist, see Cole 2003, pp. 543-566; Rosen 2006.

<sup>9</sup> Cole May 24, 2004.

<sup>10</sup> Vissar 2006.

<sup>11</sup> Weber 1978, 2, p. 1116; Wallace 1994.

Sistani emerged from the seminaries of Najaf to rebuke the American viceroy and to rally the masses, exemplifying the ascetic heroism Weber associated with charisma. Because of his descent from the Prophet Muhammad and because of his extensive training in Shiite law, Sistani can also exercise other kinds of authority, whether traditional or rational-legal. But only charisma would have allowed him to intervene on such a large scale and so effectively. Weber contrasts charismatic authority to bureaucracy and legal rationality, which in Iraq had been gravely weakened by the overthrow of the Baath regime, and this rational-legal authority of government institutions would take a great deal of time to be reestablished.

Sistani responded to the open elections he had helped engineer by creating a unified coalition of Shi’ite religious political parties, the United Iraqi Alliance (UIA). It included the Supreme Council for Islamic Revolution in Iraq (formed in exile in Tehran in 1982, but now returned to become a major Iraqi political party), the Islamic Call Party (the Da’wa Islamiyah Party formed in the late 1950s and the matrix of political Shi’ism in Iraq), and several smaller such parties.<sup>12</sup> This coalition won the January, 2005, elections with a simple majority in parliament. It was therefore able to form a government, that of Da’wa Party leader Ibrahim Jaafari. The UIA also dominated the writing of the Iraqi constitution in summer, 2005, in accordance with Sistani’s dictates on the matter. That is, it was drafted by elected members of parliament and expressed the will of the Shi’ite majority.<sup>13</sup> The resulting constitution recognized Islam as the religion of state and forbade the civil parliament from passing legislation that contradicted Islamic law. It was popular in the Shi’ite and Kurdish areas, but the Sunni Arab provinces all rejected it in the referendum of October 15, 2005.

Sistani had achieved substantial successes between 2003 and 2005. He prevented the US from summarily writing a constitution for Iraq, and maneuvered Bush into allowing open elections with universal adult franchise, the outcome of which could not be easily controlled. As he had intended, Sistani ensured that the Shi’ite majority was no longer marginalized and had come into its own in the federal parliament. He had a profound impact on the permanent constitution, ensuring that Islam was enshrined as the state religion and that parliament was constrained from contravening the dictates of shariah or Islamic canon law. He had, indeed, effectively intervened to shape the “structure of Islamic society,” in accordance with his post-Khomeinist doctrine of the limited guardianship of the jurist. His successes proved partial, however, since the Shi’ite-led government of Ibrahim Ja’fari was weak and lacked authority, and

<sup>12</sup> Cole 2006.

<sup>13</sup> Cole August 26, 2005.

the ministries were virtually paralyzed. The US had dissolved the Iraqi military, and the police was increasingly infiltrated by members of the paramilitaries of the fundamentalist Shi'ite parties. The government that Sistani had helped to create deeply disappointed him because of its inability to establish security or provide essential services.

On November 11, 2005, in the run-up to the December elections, 'Abd al-Mahdi al-Karbala'i (Sistani's representative in Karbala) gave a sermon in which he complained that al-Ja'fari's government had not achieved the goals of Iraqis with regard to providing services, and that if this failure continued it could deprive the government of substantial numbers of seats in the new parliament. The pan-Arab London daily al-Sharq al-Awsat (The Middle East) reported that Sistani's office had also announced that he was not supporting any political party and had distanced himself from the political arena.<sup>14</sup>

In early December, with the elections approaching and rumors flying that the secular National Iraqi List led by ex-Baathist Iyad Allawi might do well, Sistani appears to have reconsidered his hands-off approach. His office issued an advisory to believers urging them to vote on December 15, 2005. In it, Sistani reminded his followers that they must honor the tragic legacy of all the lives sacrificed in Iraq's many wars, and the dead in [Saddam's] mass graves, by voting responsibly. He urged them make sure they favored religious rather than "dangerous" (that is secular) candidates. He also cautioned them against voting for small local lists or for individuals, and so splitting the Shiite vote. His instructions go on to say that a heavy duty has been laid on the believers by the religious authority, of investigating the characteristics of the various parties and choosing only those that adhere to the doctrines promulgated by the House of the Prophet. The task, said Sistani's office, is onerous but not impossible. The text added, "It is also of the utmost gravity, for the victorious list will have a large role in founding and strengthening the pillars of the state and of the country, and for 4 full years. It will moreover be concerned with passing 55 legislative projects, which will have profound implications for the lives and the future of the people of Iraq." Here Sistani was probably referring to the 55 instances in the constitution where the interpretation of a passage would depend on subsequent parliamentary legislation, so that this parliament would decisively shape the constitution. Sistani considered the structure of society to be in his purview as the jurisprudential guardian, even if day to day politics and government were not. Once again this communiqué was a cautious endorsement of the UIA.<sup>15</sup> A few days later, Sistani's office issued another statement,

<sup>14</sup> al-Sharq al-Awsat November 13, 2005.

<sup>15</sup> Statement of Sistani's office published on the world wide web at KarbalaNews.net on December 4, 2005. The substance is confirmed in a short fatwa of 8 Dhu al-

explicitly denying that he was backing the UIA. His colleague, one of the three other grand ayatollahs, Muhammad Sa'id al-Hakim said through his son that he was not intervening in politics.<sup>16</sup>

Sistani's more hands-off approach to that election, and that of the other grand ayatollahs, may have had to do with protests and rallies organized by Sunni Arabs complaining that they had been marginalized by the Shiite-dominated government. Instead of throwing his wholehearted support behind a sectarian coalition, he instead called for a government of national unity to be formed after the December 15 election. Iraqi national security adviser Muwaffaq al-Rubaie met Sistani in late December and then conveyed the latter's hope that a government of national unity would be formed.<sup>17</sup> Rubaie quoted Sistani as saying, "I urge you to maintain the unity of the Iraqi people, and urge the parties that won to deal with those issues over which there is dispute, with wisdom and without violence." He further conveyed the ayatollah's words, "I also counsel the United Iraqi Alliance, which won the elections, to work with other components of the people of Iraq to form a government of national unity that will represent all the chief currents in the country." According to Rubaie, Sistani stressed the need for calm, so that the country could be rebuilt, and was thus essentially supporting the plan for national unity of President Jalal Talabani and of the US ambassador to Baghdad, Zalmay Khalilzad. The grand ayatollah had pressed for much more Sunni representation in the cabinet in spring of 2005 than the Shiite religious parties and the Kurds were willing to accept, and this sectarian selfishness on their part appears to be one of the things that soured his approval of the UIA.

Early in 2006, Sistani called on Iraqis to help in the new government's fight against terrorists (principally Baathists and Salafi Jihadis among the Sunnis) by calling in to the authorities tips when they saw something suspicious. A delegation that met with him reported his comments to them:

Most Iraqis, and in particular the Shiites, face great hardships and numerous problems. It is necessary that they consult experts, and especially the learned. They must beware of enemies. Our enemies have multiplied, even though the Shiites, who follow the family of the Prophet, do not attack others. But their enemies, because of their political weakness, wreak murder and destruction [ . . . ] Here, we bear the responsibility to direct the people to help the state and prevent terrorism, and curb them and eliminate them, even if only by informing on them [ . . . ] The Shiites, from the political and

Qa'dah 1426 at www.Sistani.org December 10, 2005.

<sup>16</sup> www.karbalanews.net December 7, 2005.

<sup>17</sup> al-Sharq al-Awsat December 25, 2005.

social point of view have come to be seen – even in the West – as abstaining from violence and refraining from infringing against the rights of others. The clerics of Najaf play a role in this excellent molding of character.<sup>18</sup>

He concluded, “For an Iraqi to spill the blood of another Iraqi is the worst crime.”<sup>19</sup> That he over-estimated his ability to keep Shi’ites from taking revenge, and that he was unable to do much in subsequent months to stem the rising tide of violence in the country was among Sistani’s deepest sources of regret, and this sorrow would more than anything else eventually discourage him from trying to play a further major political role.

### 3. Sistani’s waning political influence from 2006 to 2007

Ibrahim Ja`fari, the first elected prime minister of Iraq in the post-Ba`th period, faced mounting difficulties in forming a new government in the wake of the December 15 elections, even though the UIA narrowly returned him as their choice for the office of prime minister. He was opposed by the Kurds, the Sunni Arabs and the Americans. US ambassador Zalmay Khalilzad was especially concerned that the key ministries of Interior and Defense should not go to members of the Supreme Council for Islamic Revolution in Iraq (SCIRI), which the Americans regarded as too pro-Iranian and as implicated in death squad attacks on Sunni Arabs via their paramilitary, the Badr Corps. The former Minister of the Interior, Bayan Jabr Sulagh of SCIRI, stood accused of infiltrating Badr elements into the ministry’s special police commandos.

Besieged by his political opponents, Ja`fari sought the support of Sistani in mid-January. He reported, “My visit to Sistani was so as to get his opinion insofar as he is the shepherd of the political process in Iraq.” Ja`fari said that Sistani asked “that haste be made in forming the government, which should be established on the basis of high competency, spotlessness and transparency; the government’s comportment should be in accordance with the constitution and the law, and it must take an active interest in the welfare of the Iraqi people and quickly improve the level of services.”<sup>20</sup> A Sistani spokesman added, “Sistani also affirmed during the visit the necessity to adhere to the prerogatives explicitly stated in the constitution with regard to powerful cabinet positions.”<sup>21</sup> If this report is correct, Sistani believed, since the leading party in parliament has the prerogative of choosing the prime minister, and since the

<sup>18</sup> Words attributed to Sistani and quoted in al-Zaman January 28, 2006.

<sup>19</sup> Agence France Presse January 27, 2006.

<sup>20</sup> al-Sharq al-Awsat February 21, 2006.

<sup>21</sup> Article in al-Zaman February 21, 2006, on al-Ja`fari’s visit to Sistani.

prime minister has the prerogative of choosing the cabinet members, that it would have been wrong for the UIA to give away its right to powerful cabinet posts such as Defense and Interior, under American pressure. The visit and the statements afterwards demonstrated the degree to which Sistani was still intimately involved in the political process, even if he was exerting influence rather than control.

Later in that spring, the government still had not been formed and the Kurds, Sunni Arabs and Americans were making efforts to unseat Ibrahim Ja`fari. Sistani received a letter from President George W. Bush asking him to help in ending the deadlock (that is to help convince Ja`fari to step aside, since he was unacceptable to the non-Shi`ite political forces). “Asked about his response, an aide said that Sistani had not opened the letter and had put it aside in his office.”<sup>22</sup> While such refusal to consort with world leaders may have helped Sistani retain his reputation for uprightness with the Shiite faithful, his refusal to intervene with Ja`fari and tell him it was time to go also made him appear much less influential than he had been in the past. He had, after all, helped to organize the UIA in the first place in the fall of 2004. Sistani’s philosophy, that he should only intervene in matters that affected the structure of society, made him seem increasingly irrelevant in the context of day-to-day politics, after those structures were fairly firmly set in place.

In early April, Sistani’s influence was sought again. In his Friday sermon in Karbala, his lieutenant Shaikh Abdul Mahdi al-Karbala’i called for a solution to the political deadlock by making compromises on some issues. He warned that Sistani’s willingness to shepherd the UIA depended on the Alliance maintaining its unity. He said of Sistani’s concern for the party, “This fatherly shadow cannot continue to be cast if separation and division occur.” He urged the UIA to recognize its responsibility. In Najaf, Sadr al-Din al-Qubanji preached at the Imam Ali Mosque, saying that all UIA members should resort to Sistani “and accept the choice of the religious institution” as a means of resolving the current crisis.<sup>23</sup>

Sistani’s power and influence seemed to be waning because of his inability to resolve the political deadlock over Ja`fari’s reelection, and he became increasingly frustrated with American intervention in the details of Iraqi politics. On April 29, Adil Abdul Mahdi, one of the two vice presidents, went to see Grand Ayatollah Ali Sistani, and he reported back that the ayatollah said that he agreed with the idea of a gradual reduction in the numbers of US troops.<sup>24</sup>

<sup>22</sup> Quoted in Informed Comment March 31, 2006.

<sup>23</sup> al-Sharq al-Awsat April 8, 2006.

<sup>24</sup> Informed Comment April 30, 2006.

Meanwhile, a sea change had occurred in the underlying rhythm of Iraqi political life. On February 22, 2006, Sunni Arab guerrillas blew up the 'Askariyyah Shrine at Samarra, which housed the remains of the Tenth and Eleventh Imam revered by Shiites as divinely-inspired successors and descendants of the Prophet Muhammad. The shrine was also associated with the vanished Twelfth Imam, whose messianic return is awaited by Shiites in much the same way as Christians expect the second coming of Christ. The destruction of the shrine kicked off an orgy of sectarian rioting. Shiite mobs roamed the streets looking for Sunnis to kill and dozens of Sunni mosques in Baghdad were attacked. Some of the clerics attached to them were killed, and a handful of them were burned down. In the next few days, hundreds of thousands of Shiites staged marches in cities with big Shiite populations. Some three thousand rallied against the United States in the small city of Kut, blaming it for the bombing. In the Sadr City ghetto of East Baghdad, 10000 demonstrators chanted against "Wahhabis" and the US. Journalists on the ground reported that Mahdi Army militiamen loyal to the young Shiite cleric Muqtada al-Sadr thronged the streets of the capital in the week after that bombing. (The shrine was bombed again in mid-June, 2007, provoking further reprisals, but on a much smaller scale).

These dramatic events and the threat of an outbreak of full-scale sectarian civil war put enormous pressure on Sistani. He immediately announced a seven-day mourning period and called for peaceful and disciplined street protests against the desecration of the shrine. He also, however, called for calm and forbade attacks on Sunni mosques or shrines. He was especially concerned that the mosque of Abu Hanifa and the shrine of medieval Sufi leader 'Abd al-Qadir Gilani be protected. Sistani must have known that the moment was not propitious for peaceful demonstrations, but probably had no choice but to be seen as pro-active. He was not only in danger of being outflanked by more militant clerical leaders such as Muqtada al-Sadr, he was probably in physical danger from the angry mobs in Najaf itself. Several thousand demonstrators gathered outside his office in that city to chant, "God is great! [...] Take revenge, Shi'ites, and shed blood in retribution for Imam 'Ali al-Hadi!"<sup>25</sup> (one of two Shi'ite spiritual leaders interred in the 'Askariya Shrine in Samarra.) An observer whose friend talked with contacts in Najaf relayed to me the substance of a February 22 telephone conversation with a committed Shi'ite there, saying that the local people "are losing their heads over what happened." He added, "So now they all gather downtown [Najaf] rallying, preparing a gruesome revenge. Sistani tries hard to stop them [...] but the boys won't listen."<sup>26</sup>

<sup>25</sup> al-Sharq al-Awsat February 23, 2006.

<sup>26</sup> Quoted at Informed Comment February 22, 2006.

Sistani even began speaking of the need for Shi'ites to form militias or tribal levies if the Iraqi government and the US military forces could not provide security.<sup>27</sup> Since he had been campaigning against militias prior to the 'Askariya explosion, this was a momentary lapse on his part, and in fact nothing further was heard about it.

At long last, on May 21, Nuri Kamal "Jawad" al-Maliki, a long-time leader of the Da'wa Party, was confirmed by parliament as prime minister. Despite early cockiness that he could dispense with US troops within 18 months, al-Maliki found himself facing a profound worsening of the security situation. By mid-July, 2006, some 100 Iraqi civilians were being reported killed each day in bombings, assassinations, and death squad murder sprees. On July 20, 2006, Sistani issued a heartfelt and desperate plea for an end to the sectarian violence. He released a statement to the Arab press saying:

With a heart constricted by grief and pain, I follow the news of the tragedies and attacks that daily afflict the oppressed sons of the Iraqi people: including being terrorized, displaced, kidnapped, killed, and being made victims of exemplary punishment. There are no words to describe the gruesomeness and horror of these events and the extent to which they violate all human, religious and national values. I call on all sincere persons who are zealous for the unity of this country and the future of its children, including intellectuals, religious and political leaders, tribal chiefs, and others to put forth the utmost effort in order to stop this serial bloodshed which, if it continues [...] as the enemies desire, will inflict the most grievous harm on the unity of this people, and will stand as a long-term obstacle to the realization of its hopes for liberation, stability and progress.<sup>28</sup>

Despite this plea, sectarian violence worsened in July and August, with Shi'ite passions exacerbated by the Israeli war on Lebanon's Hezbollah and the Qana massacre, which occasioned Sistani's forthright condemnation. On September 4, the Telegraph reported that Sistani had told his aides that he was withdrawing from public affairs. The British daily quoted him: "I will not be a political leader any more," he told aides. "I shall now only entertain received questions about religious matters [...]"<sup>29</sup> Those close to him said that he was furious and disappointed that the Shi'ites had ignored his call for them to refrain from further violence, and that they were increasingly joining militias in increasing numbers. Further, he had been asking Shiite politicians for several months to demand a timetable for American withdrawal, but they had declined to follow

<sup>27</sup> al-Sharq al-Awsat February 26, 2006.

<sup>28</sup> al-Sharq al-Awsat July 21, 2006.

<sup>29</sup> Chamberlain / Hussein September 4, 2006.

his suggestion. Few even bothered to visit him for consultations any longer. Iraqi observers quoted for the Telegraph piece also pointed to the rising influence of Muqtada al-Sadr, and the latter's willingness to authorize reprisals and death squad killings, as causes for Sistani's disappointment. It was reported that, "Al-Sistani's aides say that he has chosen to stay silent rather than suffer the ignominy of being ignored." This sentiment, if it did reflect Sistani's thinking, is consistent with his doctrine of the limited guardianship of the jurispudent. He had written that the jurispudent should not attempt to shape the structure of Islamic society if he was not "accepted by the believers." He clearly had concluded that his popularity and authority had declined to the point where he could no longer effectively intervene to shape society, and continuing to issue pitiful pleas for calm that were promptly ignored would have the effect of frittering away what credibility he had left.

In fact, his withdrawal from a major role on the public stage did not signal an unwillingness to be consulted by politicians or a willingness to let his achievements be undone lightly. Late in 2006, the Sadrist suspended their membership in the UIA in protest against al-Maliki's meeting with President Bush in Amman. The withdrawal harmed the UIA and even prevented parliament from attaining a quorum in December. At the urging of US ambassador Zalmay Khalilzad, the Kurdistan Alliance, the Sunni fundamentalists, and the Supreme Council for Islamic Revolution in Iraq explored establishing a new "Moderate Bloc" in parliament in the hope of unseating al-Maliki and sidelining the Sadrists. It was an unlikely coalition and would scarcely have been stable. In any case, Sistani intervened to reject the plan, on the grounds that it would divide the Shi'ites. He may no longer have had the ability any longer to dissuade Shi'ites in the streets from taking revenge for Sunni Arab bombings and killings, but he still did have influence with many Shi'ite parliamentarians, who proved unwilling to defy him on this issue. The new bloc sank without a trace.<sup>30</sup>

The Grand Ayatollah's despair and anxieties about the future were underlined again early in the New Year when his representative in the neighboring holy city of Karbala, 'Abd al-Mahdi al-Karbala'i, gave a Friday prayers sermon in which he warned the Iraqi government against complete failure. He said, and his thinking was held to reflect that of Sistani, that the failure of the Iraqi government would represent the failure of the Islamic political line. This fear suggests that the grand ayatollah foresaw the possibility that the Americans and some Iraqi allies such as former appointed prime minister Iyad Allawi might attempt to install a neo-Baathist or other secular government if the fundamentalist UIA was perceived as being completely dysfunctional.

<sup>30</sup> al-Sharq al-Awsat December 25, 2005 (with Agence France Presse).

Everything Sistani had worked for since the fall of Saddam Hussein was now imperiled.<sup>31</sup>

In May of 2007 the Supreme Council for Islamic Revolution in Iraq made a number of changes in its platform at a party congress. It changed its name to the Islamic Supreme Council of Iraq (ISCI), in recognition that the revolution it sought against the Baath government had been accomplished. And, according to a communiqué read out by Rida Jawad Taqi, the organization would henceforth uphold the religious authority of Najaf, with the implication that it was recognizing Sistani as its 'Object of Emulation' (*marja' al-taqlid*). In the majority school of Twelver Shiite Islam, each individual believer must choose a religious jurispudent and must implicitly obey his interpretations of and rulings on Islamic law and practice. Inside Iran, where SCIRI had been in exile 1982-2003, some Shiites follow Supreme Jurispudent Ali Khamenei (especially on political matters) while most others follow one of a dozen grand ayatollahs. Outside Iran, most Shiites follow Sistani. The party's platform, crafted during its exile in Iran, had earlier acknowledged the Khomeinist principle of the guardianship of the jurispudent and had pledged its allegiance to Khamenei. Most SCIRI members gravitated to Sistani on their return to Iraq, but the party had not earlier taken formal steps to recognize his authority. This move was widely seen in Iraq as an attempt to prepare for the 2009 parliamentary elections, in which the rebranded ISCI might well run on its own rather than as part of a coalition list. The party leaders therefore sought to "Iraqize" themselves, and foregrounding Najaf was part of this attempt to escape the widespread impression that they were the catpaw of Iran.<sup>32</sup> Ironically, this recognition of Sistani came at a time when he felt increasingly helpless.

#### 4. Reasons for the decline of Sistani's political influence

Sistani stepped into the vacuum of power created by the fall of Saddam Hussein and by the almost epic ineptitude of the American "Coalition Provisional Authority" that attempted and failed to succeed him. For two years, he strode the country's stage like a colossus, fearlessly bring crowds into the streets

<sup>31</sup> al-Sharq al-Awsat January 6, 2007.

<sup>32</sup> al-Sharq al-Awsat May 13, 2007. Some have said that the 49 point platform SIIC issued on this occasion is not clear on the Sistani issue, but the Arabic press is quite clear that Taqi read out a communiqué approved by the Politburo that explicitly recognized Sistani as the *marja'*. In Shi'ite doctrine, every individual has the choice of which jurispudent to follow, and the platform may be a little vague out of a desire not to be seen as binding members on a matter of religious conscience. But locutions such as "respect" for "Najaf" are clear in their meaning to Iraqi Shi'ites.

on more than one occasion. Exercising charismatic authority, he pushed the Americans into allowing open elections, into accepting an Islamic constitution, and into making a truce with the Sadrists. Why, then, did his influence tangibly decline in the period after October, 2005?

In part, Sistani's role and authority were limited by his own doctrine that the Jurisprudential Guardian may intervene in only those major political issues that affect the "structure of Islamic society." A constitution was drafted by the elected representatives of the Iraqi people, and it was approved in a national referendum. A permanent parliament representing the national will had been elected in free, one-person, one-vote elections, and was dominated by a party coalition representing the majority Shi'ites – a coalition Sistani had created and kept together. In the aftermath of all these achievements, there were few issues left on which Sistani felt he had a duty to intervene. Unlike Khomeini, he was not interested in attempting to micromanage the government, nor did he believe that his office gave him that prerogative. In late 2006 he did stand against an American attempt to break up his UIA on the grounds that such a step would divide the Shi'ites.

Two crucial issues did remain on the national agenda that were in his purview. One was the setting of a timetable for the withdrawal of US troops from Iraq. Despite getting lip service from UIA politicians such as Vice President 'Abd al-Mahdi on this matter, he proved unable to convince the al-Maliki government to pass such a resolution in parliament in the summer of 2006. The politicians now ruling the country feared that a precipitate American departure would leave them open to being over-run by the well-armed and more militarily experienced Sunni Arab guerrillas. In December of 2006, 'Abd al-'Aziz al-Hakim, the cleric who led the Supreme Council for Islamic Revolution in Iraq, visited the White House and openly called for US troops to remain in the country. If Sistani could not get his way with al-Hakim, his ability to intervene effectively really was in question.

The other issue, most crucial of all, was Iraqi national unity. To preserve it, however, would have required that Sistani be able to convince the government to undertake its security duties effectively, and also that he could convince the Iraqi Shi'ites to refrain from seeking vengeance for the deaths of their loved ones, killed by Sunni Arab guerrillas as part of a deliberate strategy to destabilize the country. Although his calls for restraint had borne some fruit in 2004 and 2005, in the wake of the bombing of the 'Askariyah shrine in Samarra in 2006, the Shi'ite public had become increasingly incensed and unwilling to accept the massacre of their loved ones and the desecration of their holiest places. His fatwas and pleas were increasingly falling on deaf ears. According to his own doctrine, a Shi'ite cleric with the right credentials would only be justified

in attempting to play the role of Supreme Jurisprudent if he had the acceptance (*maqbuliyyah*) and obedience of the believers.

Beyond these issues, which were related to the limits that he had placed on his authority, the newly emerging political realities also contributed to the decline in his political influence. His very success in promoting elections had allowed political parties to emerge and come to power. After January, 2005, these parties were securely in power both in the federal parliament and in the provincial administration. On key political issues, provincial governors who controlled party apparatuses on a province-wide basis had their own views, and could be more effective in implementing them than could Sistani in Najaf. Sistani had in effect caused the political vacuum to be filled, while his own prominence had depended in part on that very vacuum. He had used his charismatic authority to midwife a new rational-legal order for Iraqi politics, which he was reluctant to challenge and which had levers of power that he lacked. The way in which SCIRI ignored him on the issue of a timetable for a US troop withdrawal timetable, while simultaneously pledging undying allegiance to him, illustrates this dynamic.

Not only have government ministries and provincial administrations emerged to assert their authority on central political questions but many of the parties that run them also have paramilitaries. The new rational-legal order was sufficiently established that Sistani was reluctant to oppose it through his charisma, however dissatisfied with it he was. But it was insufficiently established to ensure its monopoly on the use of force, so that militias and guerrillas exercised coercion and pure force on a large scale. Sistani has neither a standing grassroots organization nor a substantial militia of his own. (The tribal youth of the Middle Euphrates will sometimes spontaneously form levies known as *Ansar Sistani* to protect the grand ayatollah, but they seem to form on an ad hoc and temporary basis and then disband). As power in chaotic, violence-racked Iraq shifted to the parties with militias that can provide some degree of protection, Sistani's star has waned. He could offer forms of legitimate authority recognized in Shiite Islam, but he had no way to project raw power, which the militias could exercise in the absence of a strong state. In the realm of moral action, Sistani offered self-restraint, long-suffering, forbearance, and an almost Gandhian commitment to calm and social peace, a message his increasingly angry constituents found unappealing.

The audience for Sistani's deployment of the Shiite faithful also changed dramatically in January, 2005. During the period when grand social gestures such as demonstrations in favor of democratic elections or a civilian march on Najaf to stop the fighting were effective, Sistani could shape the country's destiny. But much of his success was in altering US policy. Given that Bush administration's need for an ally against the Sunni Arab guerrillas, Washington



often proved open to Sistani's persuasion. In contrast, the Shi'ite politicians, with their own constituencies and militiamen, and the Sunni Arab guerrillas, were unimpressed with his peaceful crowds and his high-minded fatwas. As the struggle in Iraq turned from an attempt to shape American policy and to regain Iraqi sovereignty to a sanguinary civil war, Sistani was increasingly seen as irrelevant. In some ways, his setting star was the result of his having succeeded in implementing his goals all too well. But some part of his eclipse derived from his having concentrated more on ensuring that the Shi'ite majority ended its long decades of political marginalization than on making sure that they had a united country to rule once they came to power.

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