

The Ayatollahs and Democracy in Iraq

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Leading Shia clerics in Iraq are seeking rapprochement between the principles of Shiite Islam and the ideals of democracy. One of the key figures in this development is Ali Husayni Sistani, born in 1930 in Mashhad, eastern Iran. Sistani, from a clerical family, carried out his initial studies with his father and other great clerics in the city of his birth. Around 1948 he went off for higher studies to Qom, not far from the capital of Tehran in the north-central part of the country. There he worked with the greatest Shiite authority of the time, Ayatollah Husayn Burujirdi. Late in 1951, the young Sistani went to Najaf in Iraq to complete his education, and ended up staying there the rest of his life. For the next decade, he studied with the leading jurists of that city. To any extent that Sistani thought about political matters, he appears to have been shaped by the ideals of the Constitutional Revolution in early twentieth century Iran (1905-1911). In post-Saddam Iraq, Sistani referred proudly to the role of Najaf clerics in theorizing a synthesis of Shiite Islam and Western-style constitutionalism in 1905-1911. That experiment ultimately failed, but left behind a body of thought on which clerics of Sistani's generation continued to draw.

In 1968 the secular, Arab nationalist Baath Party came to power in a coup. Sistani himself adhered to the quietism of Burujirdi (d. 1961), Grand Ayatollah Muhsin al-Hakim (d. 1970), and Grand Ayatollah Abu al-Qasim Khu'i (d. 1992). He therefore avoided coming into direct conflict with the one-party state, though he clearly rued the way in which the seminary city of Najaf was reduced to a shadow of its former self and the Shiite clergy were driven into exile or killed in the dozens. There is some reason to think that Sistani also regretted the excesses of the Islamic Republic from 1979 in his homeland, where Ruhollah Khomeini instituted a clerical theocracy. Shiites hold that the line of the Imams or descendants of the Prophet had ended with the Twelfth Imam, who is said to have vanished into a mystical realm in CE 873, from which he will someday return. Shiites had dealt in various ways with the problem of legitimate authority that ensued from the Imam's disappearance or occultation. Khomeini put forward a novel theory that in the absence of the Imam, the trained Shiite clerics should rule, in accordance with Islamic law. He was dismissive of democracy, saying that if the people disagreed with the religious texts, the people would be wrong.

In his first major fatwa after the fall of Saddam, critiquing the American plan to appoint a committee to draft the Iraqi constitution, Sistani rejected the Khomeinist tradition by accepting the principle of popular sovereignty. In his ruling or fatwa of 28 June 2003, Sistani explained that there was no way of being sure that the American-appointed committee "will draft a constitution that conforms with the highest interests of the Iraqi people and would express its national identity, one basis of which is the pure Islamic religion and noble social values." Sistani insisted that any body that drafted the new constitution would have to be elected by the people. He said that the draft constitution should then be submitted to a national referendum.

In other statements coming out of Najaf, it was clear that the high clerics, including Sistani, saw governmental legitimacy as deriving from two sources. One is the seal of *al-imda'* (approval) given by the grand ayatol-

Professor Juan Cole delivered the ISIM Annual Lecture on 1 December 2005 at the Beurs van Berlage in Amsterdam. He argued that clerically-led Shiism in Iraq is undergoing a sort of reformation, in which leading figures are attempting to reconcile the principles of Islam with those of the Enlightenment. The current attempt by ayatollahs to engage with the ideals of Jean-Jacques Rousseau is among the more thoroughgoing and institutionally promising in modern history. This article is an adjusted version of his lecture.¹

lahs in Najaf. The other is the approval or agreement of the people through a general election. In the absence of these two, the Interim Governing Council lacked legitimacy, according to the communiqué. The dual sources of legitimacy did not imply, in the thinking of Sistani and those around him, any sort of theocracy.

On 15 November, US civil administrator Paul Bremer made a pact with the Interim Governing Council that he himself had appointed, which called for council-based elections in May 2004. The system Bremer put forward would involve voting by members of the provincial and municipal governing councils established by the Americans and British. These council members had gotten into power because of small, unrepresentative selection processes overseen by the occupation authorities and companies it hired.

Sistani rejected this plan out of hand. In response to the questions of Anthony Shadid of the *Washington Post*, he gave his most explicit fatwa yet on popular sovereignty. Responding to Bremer's council-based plan, he said, "The instrumentality envisaged in it 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."

Other clerics who worked under Sistani's penumbra, whether in religion or politics or both, took up the discourse of the popular will. In December of 2003, Abdul Aziz al-Hakim, the head of the Supreme Council for Islamic Revolution in Iraq, visited Germany and consulted with Chancellor Gerhard Schroeder. While in Berlin, al-Hakim said that he supported a greater United Nations role in establishing democracy in Iraq.

When Bremer and his Interim Governing Council rejected Sistani's demands, the grand ayatollah demonstrated the sort of hold he had on the Iraqi street. In mid-January 2004, he called tens of thousands of demonstrators into the streets of Basra and Baghdad, demanding direct elections. He also said that the United Nations should send an envoy to investigate the political situation in Iraq and to look into the feasibility of holding direct elections in May 2004. The Bush administration immediately backed off, faced with these massive rallies, and cooperated with the sending of a UN envoy, Lakhdar Brahimi. In the end, the plan Brahimi worked out with his American and Iraqi interlocutors gave Sistani most of what he wanted, though he did not get his May elections. Open elections were planned for late January 2005, after an initial transition from a purely American administration of the country to an American-backed interim government. Sistani also got a United Nations resolution midwifing the new Iraq, internationalizing the process far beyond what the Bush administration had wanted.

In a February 2004, interview with the German magazine, *Der Spiegel*, Sistani said that he felt that the only way forward out of the quagmire was democratic elections. When the German interviewer inquired as to whether they might not produce a tyranny of the Shiite majority, Sistani demurred. "Not at all. Even if a certain community holds a majority in numbers, this will not lead to the creation of a political majority, because in every community there are different political orientations." He felt it was important that governments succeed one another peacefully, something that had been rare during his lifetime in Iraq. He added, "Also, since the majority of the Iraqi people are Muslims, they are sure to choose a system which will respect the principles of the Islamic Shariah, and also protect the religious minorities."

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Poster urging followers of Grand Ayatollah Ali al-Sistani to participate in the January 2005 elections, Baghdad, December 2004

Image not available online

PHOTO BY AKRAM SALEH / © REUTERS, 2004

Abdul Aziz al-Hakim clearly disagreed with Sistani about clerics playing a key role in politics. But he eagerly embraced the new discourse of national liberty through parliamentary elections. In early March of 2004, he gave a sermon on the ninth of Ashura, commemorating the martyrdom of Husayn, the grandson of the Prophet Muhammad, the central ritual commemoration of Shiite Islam. It was carried in the newspaper *al-Adalah* [Justice] on 4 March. In the Shiite narrative, Husayn had stood against the oppression of the Umayyad Empire, then was cut down by the armies sent out by the Caliph Yazid on 10 Muharram, 680. Al-Hakim said, "We ... pledge to our Imam al-Husayn to walk along his path, which calls for adherence to right, justice, and freedom, and rejects injustice, arbitrariness, and tyranny." In this litany, "freedom" is perhaps the only truly modern element, added by al-Hakim to the more traditional values of justice and right. The clerical leader now configures the martyrdom as an element in modern Iraqi nationalism. He proclaims, "The land of Iraq is the land of the holy places and the cradle of freedom, and our Imam Al-Husayn may peace be on him, is the leader of the martyred and father of the free peoples." He now suggests a cycle of descent into tyranny and ascent into liberation. He says that in order to "close the road to all kinds of dictatorships" and to forestall any repetition of the bitter experiences of Iraqis under Saddam Hussein, "our demand for this dangerous and sensitive stage of our struggling people's life is to insist on the holding of free and fair elections to enable our peoples to have their say and express their opinion about whom they may choose to represent them." Al-Hakim here sets up a neat parallel between the martyrdom of Husayn in the seventh century and the rise of democracy in the early twenty-first century. Iraq was the scene of both epiphanies. In both cases a long period of tyranny led the people to rise up. Inspired by the sacrifice of the Prophet's scion, the Iraqi people now had the opportunity to institutionalize the values inherent in Ashura of refusal to countenance oppression. Not only free and fair elections but also the rule of law are key to this new, continuous liberty. "The conferring peoples confirm the need to issue a permanent constitution in the country. The constitution should ensure the free and effective participation of all sectors of society in the administration of their country in legitimate and decentralized ways." Here we hear an early echo of al-Hakim's other disagreement with Sistani, over whether Iraqi governance was best pursued through a strong central government or through a decentralized, loose federalism.

Other high Shiite religious authorities also weighed in on democracy and popular sovereignty. The Baghdad newspaper *al-Furat* reported on 10 October 2004, that Grand Ayatollah Muhammad Ishaq Fayyad, a col-

league in Najaf of Sistani who originally hailed from Afghanistan, also supported the electoral process. He demanded that the elections be held on schedule (i.e. no later than 30 January 2005) and "added that the elections represent the first step in the right direction toward building a free Iraq and achieving justice and stability for the Iraqis." He elaborated on the security issue, saying "that the security situation is connected to the holding of the elections, which would lead to a free and democratic government." Implicit in the ayatollahs' statements was a conviction that only an elected government would have the authority and legitimacy to begin working on ending the foreign occupation of the country. Another Najaf grand ayatollah, Muhammad Sa'id al-Hakim, was asked if the religious establishment had a plan for the elections. He replied, "Its plan is to hold real and national elections that lead to the composition of a truly sovereign and independent government. He stressed that the objective of the religious establishment is to unify the national ranks and underscore efficiency and national will." The Rousseauian language of the national or general will recurs here, and it shows that Sistani was not alone in his interest in Enlightenment ideals about popular sovereignty.

In conclusion, one can trace from April 2003 through January of 2005 a remarkable development in Shiite religious and legal thinking about democracy in Iraq. The ideals of elections, representation of the people, the expression of the national will, and a rule of law are invoked over and over again by the most prominent religious leaders. Unlike Khomeini in 1979, they are completely unafraid of the phrase term "democracy," and generally see no contradiction between it and Islam. These democratic convictions, of course, have an immediate context. They give the religious establishment a means to ensure that the Shiite majority in Iraq gains its political voice after decades of severe repression. They also pave the way to an independent, sovereign Iraq that may finally escape foreign domination. This instrumental utility of democracy, however, cannot entirely explain the ayatollahs' infatuation with it. Rather, they survived the dictatorships of Saddam and Khomeini alike, becoming disillusioned both with secularism and with theocracy. In the phrase of sociologist Asef Bayat, their democratic thinking is a manifestation of "post-Islamism," and very possibly the beginning of the Islamic Enlightenment.

Note

1. The full text of the lecture will also be available as an ISIM paper.

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