The Leadership Paradigm of Ayatollah Sistani

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Ayatullah al-‘UUMa Sayyid ‘Ali Sistani-
Aspects of his ideology and political behavior

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

Some biographical details can help to explain the attitudes of Ayatullah al-‘UUMa Sistani towards Wilayat al-faqihi, (the governance of jurist), which forms the basis of the Iranian Khomeinist regime, and towards many other issues such as relations with the American forces and with the Sunnis of Iraq. The official site of Sistani indicates that he was born in 1349 H/ [1930 AD] in Mashhad, Iran. His family originated from Íopahan (Iran), and his forefather, Sayyid Ìulammad, was appointed by the Safavid Shah (sometimes entitled Sullivan) Íusain (reigned 1105/1693-1134/1722) as Shaikh al-Islam in Sistan.3 The family settled there and received the


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

3 The exact duties of the bearer of this title and his place in the religious hierarchy are not clear.
nisba (origin title) Sistani. His grandfather, Sayyid ‘Ali, who became a famous scholar moved to Mashhad. It seems the her career influenced the grandson: the most important centers of his studies were al-Najaf, Samurra’ (Iraq), Mashhad and Qumm (Iran). The grandson started his studies in Mashhad and Qumm, but in al-Najaf he spent ten years under the guidance of Ayatullah al-Ú Omaha al-Sayyid Abu’l-Qasim al-Khù’i (died 1992) who was his real mentor, and lusain al-Íilli. Al-Khù’i accorded him the title of Mu’tahid. This title grants Sistani the right to teach and to pass his own judgments on religious matters. It seems that al-Khù’i was the teacher who influenced Sistani more than any other one. Therefore, it is important to know al-Khù’i’s attitude towards the activism of the fuqaha’ in political affairs.

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

Sayyid Mu’alammad al-Ñadr, a well known Shi’ite Iraqi leader, reported that Sistani told him: “ma ana illa ka-ala’dikum, wa-la Újibu ‘alaykum ittiba’, wa-la Újibu ‘alaykum ittiba’, wa-la Újiba, lo qa’i ala, wa-la ana atalarratu min bab al-Íisba wa-la ‘Îkifaya”(I am no better than any other one of you, I can’t impose on you to imitate me, I have no right to do so, I am acting in conformity to [the duties of the cleric who is in charge of administering his community for God’s sake] and must perform these community duties [which could be left aside by others if some one person performed them satisfactorily]. This declaration is very important and could open the way to a better understanding of Sistani’s attitude towards the activism of the fuqaha’ in political affairs.

Al-Khù’i summarizes this subject by saying: Islam began with divine inspiration and transmission to men in that period are clearly detailed by Y. Nakash in his book The Shi’a in the Modern Arab World –Reaching for Power. At this point it is important to explain the principles of this doctrine and its origins, and to examine to what extent it is practiced by Sistani. Since Sistani did not write much or express his views publicly on critical issues that constitute a bone of contention between the school of Khomeini and his disciples, which adheres to Wilayat al-faqih, and the remaining Shi’ite scholars who still believe in the principal of traditional religious authority in Shiism, which rejects this theory, and of which Sistani is considered it’s most renowned representative, it would be appropriate to examine the positions of the person who the biggest influence on him, Al-Khui. Furthermore, as far as I know, Al-Khui dedicated the most detailed and clear discussions to this issue.

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Al-Khui began his teaching career at the lawza of Najaf, the Najaf Shi’i center for theological studies, in the year 1377/1957, and continued teaching there till his death in 1992. He was considered to be one of the central pillars of that lawza. Al-Khù’i’s works started to be published after his death by Mu’assasat ìlya’ athar al-imam al-Khù’i, and they are actually a rewriting of his lectures which was done by his students or his son Muhammad Taqi al-Khù’i who was murdered at the beginning of the American invasion of Iraq. Among the 34 volumes of his work, which deal mostly with fiqh, Ayatollah al-Khù’i dealt with the subject of marja’iyya (the right to guide the believers in the path of Allah and his prophet, Muhammad), as well as with the subject of wilaya in general and the subject of wilayat al-faqih in particular. Following is a summary of his words, as they appear in a publication called Muqaddimat MawsÚ’utat al-imam al-Khù’i, edited by his pupil Sayyid MurtaÁA al-Íakami.

The meaning of al-niyaba al-‘amma

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

- “As to the events that occur, turn regarding them to the transmitters of our tradition, for they are my proof to you that [I transmitted what was entrusted with me] and I am the proof for Allah (that I transmitted the stories to them)“ (Wasasal al-Shia, 18, ch. 11). Al-Khù’i adds that the meaning is transmitters which are worthy of being proff (hujja). He concludes the following from these traditions:
  - The ruwwab were granted niyaba ‘amma without being original or independent (min dÙn aDala aw istiqal).
  - They received the niyaba to convey the
Imams’ traditions in order to use them to solve people’s problems and conduct the flow of life, on condition of being able to reach God’s will through *ijtihad* and *fatwa*.

- The *niyaba* which gave them wilaya (custodianship) over men was not absolute to the extent that they would be exempt from requiring the hidden Imam to be proof for them or to be satisfied with them.

- This wilaya did not remove the *masum’s* (the infallible Imam’s) absolute wilaya. This would demand passing on the infallibility from him to them, as well as passing on his knowledge of hidden matters, and the impossibility of imitating him (*fajr*) and all the other extraordinary qualities (*khassais*) which gave him the wilaya as it is.

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

- “The flowing matters of life and the judicial rulings are given to those who have knowledge of the rules of [Allah]” (*al-ulama’ bi-llah*), who are trained in Allah’s rights and wrongs” (*Mustadrak al-wasa’il*, 3, 188; *Tulaf al-ukul*, 238). This tradition says that the *fuqaha* are given the responsibility for judgment, including dealing with *fatwas* and general matters concerning the Muslims’ life and survival.

- “He among the *fuqaha* who guards his soul and practices his religion, who resists his desires and obeys his lord, the simple people must imitate him” (*Wasail al-Shia*, 18,94). Here, Al-Khui emphasizes that even if the chain of reporters of this tradition is criticized, reason determines that whoever wants to rule as a substitute must embody the qualities and the conditions that were mentioned above; just as the Imam’s absence determines that he must have public/general substitutes in the same manner that he had private substitutes, and these general substitutes are chosen according to their talents and not decided by their names.

- *The absolute Wilaya*

- Some *fuqaha* tend to equalize between wilayaat al-

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

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

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

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

One can see from the discussions that were brought above, how al-Khui navigated his students, and through them the masses who recognize him as a *marja’* *taklid* and even beyond that, to reject the theory that was...
adopted by Khomeini, which expands the function of the faqih far beyond what was accepted in traditional Shi’ism. His fundamental argument here is that the proponents of wilayat al-faqih ignore the difference between the ma’sum (a prophet or an Imam) and the faqih, who, no matter how educated and influential on the powers at be or on the masses he is, will never reach ‘isma. His wilaya will always remain confined to solving everyday and judicial problems. Al-Khui specifies several differences between wilayat al-faqih and the ma’sum, and here is a mere sample of these:

- Declaring Jihad is entrusted solely to the Imam. It is interesting to note that he relies here on one of Khomeini’s fatwas (Tahrir al-wasila), 1, 463, question 2
- The faqih does not have wilaya over other fuqaha. Here too al-Khui relies on Khomeini (wilayat al-faqih, 66)
- No man who is inferior to the Imam has the right to give forgiveness on the punishments that were determined by Allah – the Hudud Allah
- The prophet and the Imam have wilaya takwiniya (Al-Hakimiyya fi al-Islam, 61, citing Usul Al-Kafi). This wilaya was not given to the faqih.
- The prophet and the Imam have freedom of action regarding some divine laws (Haqq al-Tasaruf), based on plenipotentiary wilaya (wilayat al-tafwid)

- Freedom of action regarding property and human lives is given only to the Prophet and the Imam, and to no one else. It is deprived of the faqih even if he meets the requirements of faqih walli. (I-faqih al-jami’ li ‘isma’i’i’Shara’i’(al-Shaykh al-A’m al-Numari, al-Makasib al-mularrama, 153).
- The faqih does not have legislative authority (wilayat al-tashri’i). The authority given to him to judge and issue legal judgment (wilayat al-‘lum wa ‘l-fatwa) is inferior to the Imam’s and the prophet’s wilayat al-tafwid Al-Khù’i mentions that throughout the generations there were deliberations regarding the principle of absolute dominion, i.e. granting the Prophet or the Imam freedom of action concerning the life and the wealth of human beings. Some fuqaha’ insisted that this wilaya is restricted to cases that involve the well being of Muslims (Al-Mulaqqiq al-Irwanî, Jâshiyat al-Makasib, 155). Al-Khù’i refutes this restriction relying on Sayyid Mulammad Al-Balîr al-I’lîm in his work Bulghat al-Faqih, 3, 217, but, in the same time, he declares that there is no evidence that al-faqih al-jami’ li ‘isma’i’i’i’Hudud Allah has wilaya mu’latta. He is only allowed to solve everyday problems (al-umûr al-‘isbiyya). In the case of iqamat al-‘lum (carrying out of the punitive laws of Islam), Al-Khù’i has some reservations: this must occur only after the establishment of an Islamic government, able to meet out these punishments. There is no need for the presence of al-Imam. The aim of iqamat al-‘lum is the public interest.