

Navigating the Najaf mantra with the four grand ayatollahs

'The role of the marjaaiyya is not to play any direct role in the government'

By Haider Hamoudi

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BAGHDAD: There are certain nuggets of conventional wisdom one learns upon entering any particular institution, passed among the cognoscenti and from them to the recently initiated, who absorb them quickly, to the extent they wish to be included as members of the institution. This is as true in an American university, my professional home, as it is in the Shiite religious seminaries of Najaf. Having just spent two full days in Najaf meeting with its four grand ayatollahs, and having spoken with them extensively, Najaf conventional wisdom on questions of religion and law is simply fascinating. Anyone who knows anything about Iraq appreciates the importance of clear and careful thinking about such matters.

Spend about 10 minutes in Najaf, and you will be overwhelmed by what I came to refer to as the "Najaf mantra." To quote Grand Ayatollah Sheikh Mohammad al-Fayyad, who has repeated this "Najaf mantra" as eloquently and succinctly as I have heard it: "The role of the marjaaiyya (the high clerics as a collective whole) offers guidance (ishraf) for citizens and the state. The role of the marjaaiyya is observation (riqaba) of responsible officials, to ensure they act in accordance with their duties to the people. The role of the marjaaiyya is unification (tuwahhid) of all of Iraq's population, Sunnis and Shiites and religious minorities." Then, the fundamental conclusion of Sheikh Fayyad: "The role of the marjaaiyya is not to play any direct role in the government."

One hears something essentially along these lines in public gatherings and private, from junior scholar and senior, in English and Arabic, in seminary classes and on the street by a tea stall. Each and every one of the Four Grand Ayatollahs – Sayyid Ali al-Sistani, Sheikh Bashir al-Najafi, Sayyid Mohammad Said al-Hakim, and Sheikh Fayyad, have said this in equally clear terms in my presence. Sheikh Bashir al-Najafi in fact offered up the Najaf mantra even before a single question was asked on the subject. Unless the entire city of Najaf is conspiring to mislead delegations of professors coming to visit the arand ayatollahs, the position is sincere and remarkable. It is a direct and unambiguous refutation of the theory of the Guardianship of the Jurist developed by Khomeini three to four decades ago and as such a public (if unannounced) breaking with Shiite Islam's other major center of learning, that of Qom. The fear of an imminent clerical takeover from Najaf remains acute in some Western circles, but it is hard not to dismiss as ridiculous upon even the most casual inspection of the actual views of Najaf's clerics.

Still, the Najaf mantra is under-theorized and requires further elaboration to make better sense. Is the notion, for example, that the clerical classes play no direct role in

the state supposed to mean that religious law plays no direct role in the state? This would certainly be one approach. In that case, the religious rules would themselves have no bearing on state law, and the role of the cleric would be as a voice of conscience, for the people against the influence peddlers, beholden not to the politics of the day but (at least for the believer) to God the Eternal, speaking truth to power. This is certainly the image the clerics seek to convey, and the stories of clerical intervention they use illustrate it. The most commonly cited story is that of Sayyed Ali al-Sistani, the grandest of the grand ayatollahs, declaring it a religious obligation for Iraq's people to elect the body that would write their constitution. This fatwa was delivered when America's Paul Bremer directly administered Iraq, the junior clerics point out, it was an unarmed cleric's brave, and successful, confrontation with power. Bremer gave way. A more recent example is Sayyed Sistani's insistence on "open list" elections for the upcoming parliamentary elections scheduled for early next year. Again, even a casual review of the fatwa of the grand ayatollah makes clear that it is couched very much in the language of advocacy for the ruled against rulers who might seek to exploit their positions through purportedly less open electoral systems. Appealing as these examples may be, the role of religion must be greater in the view of the Najaf clerics concerning matters of law than merely as a voice of conscience on behalf of the people against the powerful. Are we truly to believe then that Najaf clerics are indifferent to potential reforms of the Personal Status Law that challenge existing religious doctrine, such as, for example, a ban on polygamy? Why did the Shiite Islamist parties who dominated the Constitutional Committee and who were close to Sistani fight so hard for a constitutional provision banning laws that violate the "certain rulings of Islam," which now appears in Article 2 of the Constitution? Is the fact that every woman within 50 miles of Najaf is covered by a headscarf and then a wide black cloak on top of that really just a matter of personal choice, exercised universally in precisely the same fashion, or does some form of public regulation (state law or otherwise) have something to do with it as well?

I put this point to another of the four grand ayatollahs, Mohammad Said al-Hakim, when the question was raised about the relationship of religion to law. We heard again the Najaf mantra. I asked specifically about Article 2 of the Iraqi Constitution and its requirement that law conform to particular certainties in Islam. He described this as a "separate issue," and when I suggested it might mean the marjaaiyya had a role in the legal apparatus of the state, he replied, "we have a role in the clarification of the religion (bayan al-din), not in the administration of the law."

This clarifies the position to some extent, in that it makes Najaf responsible for indicating what the religious position is, and then leaves to the legislator and the judge the determinations that the state is supposed to then make on the basis of Article 2. Even Najaf's commitment to this separation is fuzzy, in that its political allies in Baghdad have fought long and hard to ensure a place for "religious experts" on the Federal Supreme Court for Article 2 questions. In the Constitutional Review Committee, the Shiite Islamist parties have proposed an amendment that indicates that members of the court would be nominated by the "relevant bodies." It is hard to imagine that they did not imagine the marjaaiyya to be the "relevant body" responsible for nominating the religious experts, or at least that number of them who were going to be Shiite.

The broader question remains. If it is proper for some Islam to be present in the state,

in family law, perhaps in a ban on interest or on alcohol, and in some other capacities, what is the marjaaiyya's position on what part of Islam belongs in the state, and what part does not? Surely a clerical class cannot be entirely neutral on what part of the religious doctrine they pronounce deserves a place in the law, once it is acknowledged that the doctrine must have some recognition in their view. Even if the role of the marjaaiyya is no more than to "clarify" the religion, this requires intervening in parts of it so central that they require legal recognition.

Nobody in Najaf seems particularly keen to answer this question, perhaps because they do not have to. The liberals and secular nationalists within Iraq are sufficiently weak that it is inconceivable that the Personal Status Code will be amended to ban polygamy, or that alcohol will be legal and served in bars in Najaf. Najaf may safely rely on its political allies in Baghdad and remain aloof over these sorts of issues rather than opine on what sorts of laws will cross the line into unacceptable levels of "religion-blindness." Still, unless such questions are answered, it will be hard to determine with any level of certainty what the role of the clerical classes is supposed to be. The Najaf mantra initiates the discussion on the role of Islam in the state, but it does not end it.

***Haider Hamoudi** is assistant professor of law at the University of Pittsburgh, and the author of "Howling in Mesopotomia," and several scholarly articles on Islamic law in the contemporary world.*