



# Shi'a Islam and Religious Secularism Sayyed al-Sistani and the Civil State in Iraq

**Dr. Fouad J. Kadhem**

Lecturer of International Relation at al-Alamain Institute for Postgraduate Studies, Najaf-Iraq

**Introduction** Over the last two decades or so, great amount of discussion raised regarding secularism. While Europeans and Western people in general took secularism for granted, the case is still vague and unresolved for most, if not all of Muslims. Although it is one of the most popular yet debatable issues in the Arab and Islamic discourse, secularism seems to have been one of less agreed ideas. Dozens of books published, ranging from attacking this Western disease to praising it as the last hope for humanity.

In contrast to its proponents, who tend to maintain that secularism provides the best cure for all the ills of Arabs and Muslims, its detractors argues that secularism is a western evil that needs to be challenged and suppressed along with its adherents. According to the Salafi- Islamist ideology, secularism has led humanity into a new kind of *Jahiliyya* that is a new worldly, one-dimensioned life, concerned solely with satisfying our basic and material needs. Salafi Islamists may even claim that secularism is no more than a Western campaign to weaken the Islamic *Umma*. In this sense, secularism is held up as a cultural phase of the old/new encounter between the West and Islam.<sup>1</sup>

One reason behind this negative attitude among Muslims lies in the fact that all secular ideas and projects merely transported from different context into different soils; hence seems to have been incompatible with Islamic values and ideals. For example, Communism and nationalist ideas were almost copy versions of their western projects with all their disparities and shortcomings. The results were enough to tell.

---

<sup>1</sup> 'Amarah: 8



### Theorizing secularism: Islam and the Western experience

Indeed, religion is nowadays considered as incompatible with politics. It is argued that any given secular system, must be based on the whole separation of politics from religion. This radical version of secularism, as one could describe it, had been associated with the ex-Soviet Union and other communist regimes in Eastern Europe and, in turn, it especially affected communist parties in the Arab world. It is interesting here to recall how Western liberal states used to accuse the ex-Soviet Union of being atheist and anti-religion. The French model is also very close to this type of secularism, where religion is viewed as reactionary and a setback for progress. However, there is clear generalization in this argument as it neglects other western experiences.

As observed by Himmelfarb, the first thing that astonished Alexis de Tocqueville, who arrived in the United States in the early 19th century, was the deep religious feelings of the American people. The French philosopher compared the French and the American nations, stating that while 'among us [the French] I had seen the spirit of religion and the spirit of freedom almost always move in contrary directions, here I found them united intimately with one another: they

reigned together on the same soil'.<sup>2</sup> Tocqueville concluded that 'religion, which among Americans, never mixes directly in the government of society, should therefore be considered as the first of their political institutions; for it does not give them the taste for freedom, it singularly facilitates the use of it'.<sup>3</sup> This unique American example made John Adams claim that 'Our constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other'. Adams also showed his surprise for the French attempt to establish a secular republic, stating that 'I know not what to make of a republic of thirty million atheists'.<sup>4</sup> In the Arab and Islamic world, the relationship between religion (in this case Islam as the religion of the majority) and state is an issue of conflict between two trends: secularists and Islamists. Secularism refers here to all secular parties, movements and intellectuals who espouse secularism as a way of life. For example, Communists, Arab nationalists and other like-minded groups make a very sharp distinction between Islam and the state. In the name of secular reformations, they subjected Islamic societies

<sup>2</sup> Himmelfarb: 205

<sup>3</sup> Himmelfarb: 209

<sup>4</sup> Himmelfarb: 211



(institution, beliefs, 'ulama and so on) to severe pressures and attacks.

In reaction to these invading secularist regimes, the Islamic movement emerged as a substitution for Muslims' dilemmas. From Egypt to Iraq, through Iran and Pakistan, Islamic movements and parties were set up because of the dramatic failure of secular regimes. Islam became the only solution that could resolve the ills of this 'Umma' and it certainly brings a full system for Muslim people, though terms such as democracy, liberalism and elections have been criticized and attacked by Islamic trends as they are perceived to be part of the 'Western' imperialist project.

In the 19th and early 20th centuries, the picture was completely different. Islamic scholars and 'ulama saw democracy, constitution and elections as good Western ideas that could be adopted by Muslims to solve their own problems. 'Abd al-Rahman al-Kawakibi (1849-1903), for example, in his two books *Taba'i al-istibdad* (The Characteristics of Tyranny) and *Umm al-qura* (Mother of the Cities), call for Western ideals of democracy, representative government and so on to be adopted. For Al-Kawakibi, 'the just state, in which men fulfil themselves, is that in which the individual is free and freely serves the community, and in which the government watches over

this freedom but is itself controlled by the people; this is what the true Islamic State was'.<sup>5</sup>

Another example of the incorporation of Western ideas is the Constitutional Revolution of 1905 in Iran. Indeed, this democratic revolution brought about a break between the *Mashrouta* group (pro-Constitution), headed by Sheikh Muhammad Kadhem Al-Khurasani and the *Moustabadah* forces (anti-Constitution) led by Seyyed Kadhem Al-Yazdi. For the *Mashrouta* group, however, democracy was not *haram* or forbidden. It was a means by which Muslims could achieve their political rehabilitation.

Muhammad Hussein Al-Na'ini, a leading Shi'a jurist and theorist, echoes Western ideas in his famous book *Tanbih al-umma wa-tanzih al-milla* (The Awakening of the Islamic Nation and the Purification of the Islamic Creed). This book, published in Najaf in 1909, was a pioneering attempt to use Western ideas in the service of Islamic reformation. Al-Na'ini, for example, provided, for the first time, the Islamic foundations for democratic government accountable to its people, with a mere guiding role for the 'ulama.

Among Western theorists, Samuel Huntington, for instance, argues that

<sup>5</sup> Hourani: 272



'the universalisation of these Western values is destined to fail, because the acceptance of these values requires other people to abandon their own civilization and convert to Western civilization'.<sup>6</sup> Sidentop goes further, claiming that 'Christianity provided the moral foundations of modern democracy, hence liberalism'. Islam, he claims, poses 'an interesting problem', with Islamic fundamentalism being 'a reaction against Western liberalism - a reaction which derives from the fact that, behind liberalism, Islam perceives Christianity at work'.<sup>7</sup> This view, it could be argued, is based on Weber's analysis of Protestantism and spread of capitalism. Weber's argument has led some Western sociologists and historians to formulate what has come to be known as Islamic Exceptionalism; that is, the failure of Islam to adopt secularism in the way that took place in Europe.

### **Inventing our own secularism**

Writing in the early 1760s, when the church in Europe still had great power and influence over monarchs and people alike, Rousseau noticed in *'The Social Contract'*:

'there is always a prince and civil laws, this double power has resulted in an unending jurisdictional conflict which has made any sort of good

polity impossible in Christian states; and it has never been possible to decide, once and for all, whether it is the ruler or the priest who ought to be obeyed'.<sup>8</sup>

Islam, however, had a very different experience. Rousseau stated that the Prophet 'Mohammad had very sound ideas; he kept his political system well unified; and as long as his form of government continued under the caliphs who succeeded him, that government remained strictly unitary, and therefore good. But the Arabs having become prosperous, literate, polished, soft and cowardly, they were conquered by barbarians; then the separation of the two powers began again. Although it is less apparent among Mohammedans [Muslims] than among the Christians, it is there nonetheless, especially in the sect of Ali; and there are states like Persia, where it has never ceased to be felt'.<sup>9</sup>

Obviously, the Shi'a *'ulama* set up since the Safavid era an 'unspoken agreement', according to which the Shi'a *'ulama* authorised their secular rulers, keeping themselves with their religious teaching and business. This agreement however agreed officially during the Qajar's rule. Halm observes correctly that this agreement was similar to that of

---

<sup>6</sup> Haidar: pp12-13

<sup>7</sup> Ibid: p.208

---

<sup>8</sup> Rousseau: p. 145

<sup>9</sup> Rousseau: p.146



‘two swords theory’, which was formulated by some Christian theorists to organize the relationship between the kings of Medieval Europe and the pope.<sup>10</sup>

It was Shaikh Ja’far Kashif al-Ghita who set the foundations of this new theory for the first time. According to this: ‘representation of the Hidden Imam - who alone unites the spiritual and secular leadership in his person - is divided during his occultation. The secular arm of the monarch is responsible for law and order and protection of the country militarily, whereas the ‘ulama have the role of the spiritual guardian. They confirm the legitimacy of all government actions and monitor the maintenance of the revealed, divine order (shari’a).<sup>11</sup>

Although the relationship between the Shi’a clergy and secular rulers remained a very sensitive area, the mainstream among Shi’a ‘ulama has been political aloofness. As the Shi’a ‘ulama isolated politics from the religious realm for practical reason and due to the fact that the Shi’a doctrine gives no legal grounds for all temporal authorities, so all political authorities are de facto governments.<sup>12</sup>

Najaf’s *Hawza* with the coming of Sheikh Murtadha Al-Ansari who advocated ‘political acquiescence and non-intervention’ sustained further this tendency.<sup>13</sup> Since then, political authority on earth has come out of *fiqaha* concerns, as they believe that real authority belongs to the Hidden Imam. This does not mean, however, that Shi’a ‘ulama abandoned their guiding or religious role. This explains perfectly their twofold role; that is, although they make real efforts to challenge any deviated government or policies, they give no attention to participating in governance (The Tobacco Crisis, the Revolution of 1920 and so on).

#### **Najaf ‘ulama and renewing the old tradition**

While Shi’a Islam has manifested a religio-political revival in the last three decades, it has also revealed a new tendency towards secularism. This tendency has touched both traditional Shi’a theoretical foundations and political platforms of Shi’a movements. In other words, it reflects a deep sense of openness among Shi’a communities towards other people, as well as pragmatic understanding within Shi’a political organizations.<sup>14</sup>

<sup>10</sup> Halm: 117

<sup>11</sup> Halm: 117

<sup>12</sup> Momen: 193

<sup>13</sup> Arjomand: 112

<sup>14</sup> Nakash



Soon after toppling Saddam Hussein's regime, Karen Armstrong pointed to the typical view of Western people regarding Shi'ites. According to this stereotype, 'the mention of Shi'ism immediately evokes thoughts of sinister ayatollahs, processions of flagellants, and an implacable hostility to progress and democracy'. Armstrong, however, argues that although Shi'ism has inherited deep revolutionary zeal from Kerbala, the 'Kerbala paradigm also inspired what one might call a religiously motivated secularism'. She further claims that 'long before western philosophers called for the separation of church and state, Shias had privatized faith, convinced that it was impossible to integrate the religious imperative with the grim world of politics that seemed murderously antagonistic to it. As a result of this, Armstrong concludes that 'by the eighth century, most Shias held aloof from politics, concentrated on the mystical interpretation of scripture, and regarded any government - even one that was avowedly Islamic - as illegitimate'.<sup>15</sup>

The Shi'a 'ulama emerged after 2003 as a leading and very influential power in the new Iraq. Among these 'ulama, Seyyed 'Ali

Al-Sistani held a special position as his ideas and actions affected the whole political process. Al-Sistani mainly attended the lessons of the most famous scholar, namely, Seyyed Abu Al-Qasim Al-Khoei, who is regarded by many researchers as one of the great *mujtahides* among the Shi'a circle since the death of Sheikh Al-Tusi. Al-Khoei himself was a disciple of Muhammad Hussein Al-Na'ini (see above). It seems that Al-Sistani has been influenced deeply by this attachment.

Al-Sistani followed Al-Khoei's political approach of aloofness. Political aloofness, however, does not mean isolation from this world. There are some references that indicate Al-Sistani's deep involvement in political discourse, especially in regard to Islamic movements in the Arab world.<sup>16</sup> From the mid 1990s until toppling Saddam's regime in April 2003, Al-Sistani was kept under house arrest.

Although Al-Sistani has not yet formulated his full ideas, it is perhaps possible to draw a picture of his main thoughts through his *fatwas*, orders and injunctions. Al-Sistani has also expressed many of his thoughts through interviews he made with newspapers, magazines and news agencies. Thanks to Hamid

---

<sup>15</sup> Armstrong.

---

<sup>16</sup> Personal source



Al-Khafaf, Al-Sistani's spokesman in Lebanon, who compiled Al-Sistani's statements for three years starting from April 2003, it has become possible to us to have a good idea about Al-Sistani's views.

First of all, Al-Sistani rejects any kind of religious state. For him, there is no Islamic or Shi'a state. This understanding is based on religious principles rather than pragmatic or political reasons. In fact, rejection of religious government relies on very intimate Shi'a principles. According to this principle, all governments are temporal and illegal authorities as legal and real just rule belongs to *al-imam al-ghaeb* (the Hidden Imam).

Notwithstanding, Al-Sistani sees no contradiction between establishing democratic government and Shi'a traditional principles. While he conceptualizes his ideas regarding democratic government according to very practical principles, he postpones his original thesis about ideal government to be realized on the awaited return of Imam Al-Muhdi. This is to say that the Just ruler (the Imam himself) will take responsibility for establishing his ideal government. In the meantime, Shi'a *ulama* have no authority or power to exercise over people. Actually, *ulamas'* role is very limited within their societies as will be shown.

It is clear that political authority (whether Shi'a or Sunni, religious or secular) is dealt with as means of organizing people's lives. This sense is very close to Thomas Hobbs's Social Contract, where people are obliged to submit their will to their authority to avoid disorder. To put it in simple words, political authority represents the less of two evils. It should be stressed, however, that Al-Sistani's social contract, resembles Rousseau's contract in terms of its conditions. That is to say, that unlike Hobbs who asks people to give up their rights unconditionally, Rousseau preserves peoples' rights in 'general will'.

Although this given authority is considered de facto, as long as it keeps justice and exercises civil orders, it is nevertheless regarded as illegal. Once again, that is because temporal authority (including Shi'a religious governments) can claim no religious mandate as it lacks such basis. No doubt, this understanding separates religious principles as eternal and unalterable and political mundane powers as secular changeable occurrences.<sup>17</sup>

Al-Sistani, accordingly, shows a very clear stand regarding sovereignty. For him, the people are the real holders of sovereignty. They decide on their destiny as they wish.

<sup>17</sup> 17, 18, 43, 46, 48, 68, 74, 93, and 98



Al-Sistani, of course, points here to the theory of the 'general will'. Consequently, Al-Sistani makes a sharp break with both Sunni and Shi'a Islamist traditions, which give sovereignty to God. Sunni and Shi'a Islamists, tend to argue that God is the supreme holder of sovereignty, practically transmitting this sovereignty to the Caliph (in Sunni tradition) and to the Hidden Imam and his representative (according to *walayāt al-fiqeeh* theory). Al-Sistani, in fact, is not vague about this point, clearly placing sovereignty back in the hands of ordinary people.

### **Is there any role left for the 'ulama and Islam?**

As far as the 'ulama is concerned, Al-Sistani states clearly that no political, administrative or executive roles should be allocated to religious 'ulama. Al-Sistani himself ordered one of his delegations to resign his political position in Karbala and refused to appoint a delegation for al-'Amarah local council when he was approached to do so.<sup>18</sup> On contrary to both Sunni and Shi'a political trends, Al-Sistani does not give religious 'ulama any kind of political authority. For him, 'ulama have no right to involvement in politics, nor to hold any position. This also brings us to the issue of implementation of the Shari'ah. Both

secularists and Islamists, in fact, always raise this issue, for different reasons. For secularists, implementation of the Shari'ah means returning to the dark ages. For Islamists, however, it means the first step in bringing Islam into life. Indeed, implementation of the Shari'ah has become very controversial and touchy area especially within Western societies, where Islam is viewed, in general as fundamentalist, extremist and so on. However, for Al-Sistani, there is no such call for implementation of the Shari'ah. Instead, he calls for respect for the religion of the majority (Islam), with due respect for other religions. Constitution, according to Al-Sistani, is supposed to respect the Islamic cultural identity of the Iraq people. How to put this in details is left to the representatives of the Iraq people in the National Assembly.

This moderate attitude might be understood in the light of the whole doctrine system of Al-Sistani. That is to say that the Shari'ah as a full and accurate is ought to be truly and fully implemented by the Hidden Imam himself. The Imam, according to this, is thought to have the esoteric knowledge. Role of *faqeeh* hence is limited to giving the best attainable legal *fatwa* according to his *ijtihad* (reasoning). This role is not accompanied with any kind of using force to practice the Shari'ah.

<sup>18</sup> Ibid: 12, 77,116





Al-Sistani, for this reason, fiercely rejected those special religious courts that were organized by some Shi'as in Iraq soon after the fall of Saddam Hussein.<sup>19</sup>

Al-Sistani urges people to participate in elections as they offer real expression for people of their rights. It is through elections that people can embody their general will. Al-Sistani insists on running decent elections, prohibiting any kind of corruption. For Al-Sistani, people are the only responsible for choosing their representatives and no one could impose on them their choices. Al-Sistani himself does not show any inclination towards any party and he insists on selecting good people for running positions. Al-Sistani also encourages educated and skilled women to play their role, as there is no reason that prevents them from running in elections.<sup>20</sup>

Al-Sistani contends that the sole permissible means to achieve any goal is dialogue (*alhiwar*) and he prohibits any kind of violence against others. Al-Sistani, in fact, insists on prohibiting (*hurmat*) human beings' blood. It is worth noting that only Al-Sistani called for not killing of the Ba'athies, who became the main target of angered

Shi'a people at the time when nobody could openly defend them.<sup>21</sup>

Thus, this research will deal, first, with the limited political role that Shi'a religious men assumed in their history (the core idea that lies behind secularism) and how this experience is seen within the contexts of both Islamic and Christian traditions. The next part will focus on following how the traditional Shi'a theory of *Al-walayat Al-mahdoodat* of *fiqeh* (the jurist limited authority), that was developed by the Shi'a *Usuli school* in the 18th century has affected recent discussions regarding what I call secular reformations. The main part of this study presents the ideas of Shi'a 'ulama in Najaf School, represented by its great jurists like Seyyed 'Ali Al-Sistani, Shaikh Ishaq al-Fayadh, Muhammad Sa'ed al-Hakeem, Basheer al-Najafi and other influential 'ulama regarding political and religious role of Shi'a clerics, as well as their thoughts on political participation, elections, and pluralism and so on

The importance of this research stems from the fact that such secular ideas and thoughts come from religious authority. This point is very important as we used to see religious people as the staunchest enemies of secularism, whether in the West or in the Arab and Islamic world. Most

<sup>19</sup> 28, 43, 46, 49, 53, 58, 74, 75, 94, 129

<sup>20</sup> 68, 93, 96, 98, 99, 127

<sup>21</sup> 24, 25, 45, 71, 136, 145-46



significantly, that the ideas of this religious authority can be easily adopted and gradually developed by religious and secular groupings alike in order to build a real democratic and secular system accepted by varied sectors of society.

### References

1. Arjomand. S. A: (Editor) Authority and Political Culture in Shi'ism. State University of New York Press, USA, 1988.
2. Halm. H: Shi'a Islam: From Religion to Revolution, translated from the German by Allison Brown, Markus Wiener Publishers, Princeton, USA, 1997.
3. Cole. J: The Ayatollahs and Democracy in Iraq. ISIM, Amsterdam University Press, 2006.
4. Al-Khafaf. H: *alnisous alsaderah 'an samahat al-seyyed al-Sistani fi al-misalat al-Iraqiyyah* (Statements issued by Seyyed Al-Sistani regarding the Iraqi Issue), Dar al-Moarikh al-Arabi, Beirut, Lebanon, 1st published, 2007.
5. Zakariyya.F: Myth and Reality in the Contemporary Islamist Movement, translated from Arabic by Ibrahim M. Abu-Rabi', Pluto Press, 1st Published 2005, London.
6. Abdullah An-Na'im: Islam, State and Politics, Dialectic of Separation and Connection, pp 27-47 in *Shu'un al-Awsat*, 125, spring 2007.
7. El- Amine. L: Abdullah Ahmad An-Na'im, *Islam and Secular State: Negotiating the future of Shari'a*, (Book Review), International Journal of Middle East Studies (pp479-480), Vol. 41, No. 3, August 2009.
8. Armstrong. K: Faith and freedom, The Guardian, Thursday May, 2003.
9. Himmelfarb.G: The Roads to Modernity, the British, French and American Enlightenment. Vintage Books, London, 2008.
10. Al-Fadhili. H: Al-Imam Al-Sistani, *Ummat fi Rajul* (Nation in a Man), *Al-Balagh* Foundation, Beirut, Lebanon, 1st published, 2008.
11. Haidar. H: A Theory of Religious Democracy, A Shi'a Islamist Theory of Religious Democracy for a Modern Shi'a Society, ICAS Press, London, 1st published, 2006.
12. Hourani. A: Arabic Thought in the Liberal Age 1798-1939.
13. Momen. M: An Introduction to Shi'i Islam, the History and Doctrines of Twelver Shi'ism, Yale University Press, USA, 1985.
14. Nakash.Y: Reaching for Power, the Shi'a in the Modern Arab World, Princeton University Press, USA, 2006.
15. Siedentop. L: Democracy in Europe. Penguin Books, London, 2001.
16. Rousseau. J. J: Political Writings. Translated and edited by Frederick Watkins, 1st published, 1953, Nelson, London.
17. Ghamari-Tabrizi. B: Islam & Dissent in Postrevolutionary Iran, Abdolkarim Soroush, Religious Politics and Democratic Reform, I.B. TAURIS. 2008
18. 'Amarah: M: *al-Shari'a al-Islamayyah wal Ilmanayyah al-Gharbayya* (The Islamic Shari'a and the Western Secularism), Dar al-Shorouk, Cairo, 1st published, 2003.
19. Sharabi. H: Arab Intellectuals and the West, Beirut 5th published, 1999.