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The 'formal' Marjaʿ: Shiʿi clerical authority and the state in post-2003 Iraq

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ABSTRACT

Since the fall of Saddam Hussein in 2003, the name of Ayatollah Ali al-Sistani, the Grand Shiʿi cleric, has come to prominence. Sistani emerged as a key player in the processes that constituted and sustained the post-2003 Iraqi political order, as manifested in key events such as the writing of constitution or the mobilization against the Islamic State (I.S.). Nevertheless, Sistani did not have an official position in Iraq. Unlike the Iranian experience after the 1979 revolution which institutionalized the leading position of *faqih* (jurist), the Iraqi constitution set Iraq as a democratic, parliamentary state whose religious leaders held no formal offices. Indeed, Sistani rejected the Iranian model as unfit for Iraq's conditions and societal fabric. Thus, given the absence of a constitutional status for Sistani, how do we understand his authority in Iraq? This article argues that although Sistani's authority has not been constitutionalized, it was indirectly and roughly 'formalized' through practices and laws adopted after 2003. This formalization established a unique and unprecedented relationship between the state and the Shiʿi religious authority in the form of arrangements that, to a degree, blurred the lines between formality and informality and created a shared space of governance.

Introduction

In his speech that declared the liberation of Mosul from the Islamic State (I.S.), in July 2017, the Iraqi Prime Minister, Haider al-Abadi,[1] saluted Ayatollah Ali al-Sistani who, about three years before, had issued a fatwa calling on civilians to mobilize in support of the military effort against I.S. This public acknowledgement of religious authority by the highest executive power, which was reiterated in the speeches of other Iraqi officials, plainly contrasts with events in the past. Among those events was the forced television appearance of Sistani's predecessor and mentor, Abu al-Qassim al-Khoui, in one of Saddam Hussein's palaces, following the crushing of the 1991 Shiʿi uprising.[2] Talking to the former president, Khoui had to condemn those who incited the uprising in a way that was engineered to be humiliating to his status as the highest religious authority in Shiʿism.

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[1]An audiovisual version of the speech can be found at: https://www.youtube.com/watch?v=NCYH9xCNI2Y (accessed 6 November 2017).

[2]A video of this meeting is available at: https://www.youtube.com/watch?v=BhjZpcjuteM (accessed 7 November 2017).

This reference to Abadi's speech illustrates the drastic shift in the relationship between the Iraqi state and the Shiʿi clerical authority, led by the Grand Marjaʿ (Source of emulation).[3] Moving from a state oppressing and subjugating this authority to one commending it and claiming to be following its guidance indicates how far-reaching this shift has been. While some of the explanation lies in the fact that political power in Iraq has been transferred after 2003 from Sunni-dominated to Shiʿi-dominated elites, the increasingly public assertion of Sistani's status reflects more sophisticated and nuanced dynamics that are still in the making. This article argues that post-2003 events and dynamics in Iraq have reshaped the relationship between the state and the Shiʿi clerical authority, giving the latter a more formalized status.

Predicated on an understanding of authority as relational,[4] the article emphasizes the socio-political dynamics that reshaped and redefined the status and role of the Grand Marjaʿ in relation to the state. It begins with a theoretical discussion, followed by a historical narrative grounding the transformation in the relationship between the state and clerical authority in the shift from the classic modernization paradigm of state-building to one emphasizing the multi-religious and multi-sectarian makeup of Iraqi society. Then, the discussion sheds light on the events and processes that led to the emergence of the Grand Marjaʿ as an extra-constitutional force in post-2003 Iraq. Finally, the article addresses the evolving legal and administrative frameworks of religious sites and Shiʿi endowments in order to make manifest an important aspect in the process of formalization of clerical authority and what can be viewed as a shared space of governance[5] between the state and the clerical authority.

Theoretical discussion

In dealing with the relationship between the modern state and religious entities, modernization theorists envisaged a linear transition from communities based on mechanical solidarity, in Durkheim's terms, to complex society governed by secularized, rationalized and formalized institutions.[6] They considered processes such as centralization, secularization and rationalization crucial to accelerate this transformation.[7] However, since the 1960s, the classic modernization theory became subject to review and criticisms for its linearity, determinism and eurocentrism. Post-modernist discourses influenced some of this criticism by highlighting social and cultural particularities of non-Western societies and, hence, the multiple ways through which those societies could incorporate modernity. The discourse of Islamic modernity was an outcome of this intellectual movement.[8] But this discourse was also criticized for being culturalist and inclined to over-Islamize its target societies.[9] Instead, some suggested more nuanced explanatory schemes for the various ways through which

[3]The term 'Grand Marjaʿ' is used in this article to refer to the Arabic term '*marjaʿ at-taqleed al-aʿla*', which literally means 'the Highest Source of Emulation'. See also note 23.
[4]John A. Coleman, S.J., 'Authority, Power, Leadership:Sociological Understandings', *New Theology Review*, 10(3) (1997), pp. 31–44.
[5]The concept of governance is used here in its basic meaning as the activity of governing and exercising authority in the social domain.
[6]Emile Durkheim, *The Division of Labor in Society,* trans. George Simpson (New York: Free Press, 1933).
[7]James A. Beckford, *Religion and Advanced Industrial Society* (London: Unwin Hyman, 1989); David Held, *Political Theory and the Modern State* (Cambridge, U.K.: Polity Press, 1989); Scott Radnitz, 'Informal Politics and the State', *Comparative Politics,* 43(3) (2011), pp. 351–371.
[8]See e.g. Masoud Kamali, *Multiple Modernities, Civil Society and Islam: The Case of Iran and Turkey* (Liverpool: Liverpool University Press, 2006).
[9]Aziz Al-Azmeh, *Islam and Modernities* (London: Verso, 1993).

societies have accommodated—or were accommodated by—the global and transformative force of modernity.[10] For example, Cesari[11] and Brown[12] argued that secularization in the Arab world has rarely followed the common prescriptions of separating the state from religious institutions or excluding religion from the public sphere. In most Arab countries, the state sought to control religious institutions and employ them as tools to religiously legitimize their policies and prevent their opponents from infiltrating those institutions. Although this form of secularization often led to the erosion or weakening of traditional religious establishments, it was 'paralleled by the emergence of a variety of new religiously-oriented institutions and leaders', as Kingston argued.[13]

Recently, literature dealing with the global South has witnessed a new shift as a result of the weakness of the nation-state and the consequences of neoliberal globalization. Increasingly, more attention is directed away from state-centred analysis and towards the grey areas of authority where the boundaries between the Formal and the Informal are not clear-cut. Terms such as 'para-statehood', 'precarious statehood' and 'informal sovereignties' were invoked to illustrate the contexts where the state's infiltration of society has not exactly followed the classic assumptions of nation-building. In those precarious geographies, statehood exists but in forms that are resistant to simplistic dichotomies of modern/traditional, formal/informal and rational/irrational.[14]

This shift did not sufficiently influence the debate on the Middle East despite the obvious need to find new tools and vocabularies to address the transformations that are taking place in several countries in the region. The waning of the state in countries such as Iraq, Syria, Yemen and Libya, accompanied by severe sectarian and ethnic conflicts, are indicative of a general crisis in state–society relations in the region. Influenced by a combination of global and internal dynamics, the region has entered a phase of disintegration and re-articulation where old styles of governing are no longer responsive to the new challenges.

Based on this understanding, the article examines the role and place of the Shiʿi clerical authority in the processes of the rebuilding of a socio-political order and reconfiguration of authority in post-2003 Iraq. Clearly, the country has seen a drastic shift in the paradigm of nation-building. It moved from a homogenizing model of secularization, which was predominant throughout the republican period in particular, to one based on multiculturalism and consociationalism after 2003. The article aims to discuss the processes that rearticulated the relationship between the formal, secular state and informal, religious entities, represented here by the Shiʿi *Marjiʿyya*, and the nature of the configurations that are emerging from those processes.

[10]Ibid.; Samuel P. Huntington, *Political Order in Changing Societies* (New Haven: Yale University Press, 1973).
[11]Jocelyne Cesari, *The Awakening of Muslim Democracy: Religion, Modernity and the State* (Cambridge: Cambridge University Press, 2014).
[12]Nathan J. Brown, *Official Islam in the Arab World: The Contest for Religious Authority* (Carnegie Endowment for International Peace, Washigton DC, 11 May 2017), http://carnegieendowment.org/2017/05/11/official-islam-in-arab-world-contest-for-religious-authority-pub-69929.
[13]Paul Kingston, 'Reflections on Religion, Modernization and Violence', *Method & Theory in the Study of Religion,* 13(3) (2001), pp. 293–309, here p. 300.
[14]For more on this debate, see: Till Förster, 'Limiting Violence – Culture and the Constitution of Public Norms: With a Case Study from a Stateless Area', in *Non-State Actors as Standard Setters*, ed. Anne Peters, Lucy Koechlin, Till Förster and Gretta Fenner Zinkernagel (Cambridge: Cambridge University Press, 2009), pp. 324–348; Joshua Barker, 'From "Men of Prowess" to Religious Militias: Informal Sovereignties in Southeast Asia', *Bijdragen tot de Taal-, Land- en Volkenkunde*, 172 (2016), pp. 179–196; Christian Lund, 'Twilight Institutions: An Introduction', *Development and Change,* 37(4) (2006), pp. 673–684.

Authors such as Visser,[15] Rahimi,[16] Cole[17] and Khalaji[18] have discussed the political role and beliefs of Sistani, especially in the early years following the U.S. occupation when the cleric's name became more recurrent in political statements and media reports. While this article benefited from the interesting insights in those works, it tackles the topic from a different angle. Visser, Rahimi and Cole tended to use Sistani's political statements or theology as their main source to elaborate his 'paradigm' or 'thought', linking them to the theoretical debate on democracy or on clerical political behaviour. Khalaji dealt with the transnational dimension of Sistani's authority and the intra-Shiʿi rivalries, especially between Najaf and Tehran. None of these works focused on the particular evolution of *marjaʿ*–state relations, the particular configurations that resulted from those relations, and their institutional representations, especially in the years that followed the formation of the post-2003 political order. This article views transformations in the role and status of the Grand Marjaʿ as part of the broader processes of socio-political re-articulation and the reconfiguration of authority. Hence it is less concerned with Sistani's thought and theology and more with his practices of clerical authority as a socio-political actor. It emphasizes the role of dynamics that have been triggered by state collapse, sectarianism, violence and state-rebuilding processes, in the configurations of *marjaʿ*–state relations.[19]

Clerical authority and the modern state in Iraq: from modernization to consociationalism

During the preparations for the invasion of Iraq in 2003, the common assumption that greatly shaped the George W. Bush administration's view of Iraqi society was one that stressed its multi-ethnic and multi-sectarian 'nature'. Thus, Iraq's internal problems were seen as the result of the monopoly of power by the Sunni minority and the oppression of the Shiʿi majority and Kurdish minority. This view had been reinforced after the 1991 uprising in which most cities and provinces inhabited by Shiʿi and Kurdish majorities revolted against the government after its humiliating defeat in the Gulf War. Additionally, Shiʿi Islamists and Kurdish nationalists, who were the key players in the Iraqi opposition, reinforced the ethnosectarian characterization of Iraqi society by adopting communal narratives of victimhood and subscribing to a multiculturalist discourse.[20]

[15]Reider Visser, 'Sistani, the United States and Politics in Iraq: From Quietism to Machiavellianism?' (Oslo: Norwegian Institute of International Affairs, 2006), https://www.files.ethz.ch/isn/27866/700.pdf (accessed 2 November 2017).

[16]Babak Rahimi, *Ayatollah Sistani and the Democratization of Post-Ba'athist Iraq*, Special Report 187 (Washington, D.C.: United States Institute of Peace, 2007); Babak Rahimi, 'Discourse of Democracy in Shi'i Islamic Jurisprudence: The Two Cases of Montazeri and Sistani', *Robert Schuman Centre for Advanced Studies*, EUI Working Papers 2008/2009, http://cadmus.eui.eu/bitstream/handle/1814/8223/RSCAS_2008_09.pdf (accessed 7 November 2017).

[17]Juan R.I. Cole, 'The Ayatollahs and Democracy in Iraq', *International Institute for the Study of Islam in the Modern World*, Paper 7 (Amsterdam: Amsterdam University Press, 2006).

[18]Mehdi Khalaji, 'The Last Marja: Sistani and the End of Traditional Religious Authority in Shiism', *Policy Focus* #59 (Washington, D.C.: Washington Institute for Near East Studies, September 2006), https://www.washingtoninstitute.org/uploads/Documents/pubs/PolicyFocus59final.pdf (accessed 7 November 2017).

[19]The article uses the term 'authority' in a Weberian sense, as the ability to influence others (here social collectivities) by actors perceived as 'legitimate'. Clerical authority, here, is a form of traditional authority that is subjected to change in its roles, structure and scopes of engagement as a result of transformations in its environment. In another unfinished manuscript focusing on the typology of clerical authority, the author uses the term 'neo-traditional' in describing the evolution of Shiʿi clerical authority under Sistani. Coleman, 'Authority, Power, Leadership', pp. 31–33.

[20]Language emphasizing the ethnosectarian categorization of society became dominant in the statements of the Iraqi opposition in the years that preceded the war, as demonstrated in the statement issued after the meeting of opposition groups in London, on 18 December 2002: Albayan, http://www.albayan.ae/one-world/2002-12-18-1.1366999 (accessed June 2017).

Consequently, this view of Iraq led the American administration to look for interlocutors from those ethnic and sectarian 'communities'. This has not been difficult in the case of the Kurds whose de facto autonomy since 1991 produced a leadership that was effectively ruling Kurdistan. Finding representatives of the two major sectarian communities, the Shiʿi and the Sunni, was more difficult for two reasons. First, the sectarian configuration of formal authority was not common in Iraq. Despite its undeniable impact, sectarianism was seen as a negative and retrograde ideology and often was camouflaged or concealed by more politically correct identifications with the Iraqi or Arab or Islamic identities. Unlike Kurdish parties that stressed their Kurdishness in their names and slogans, Shiʿi and Sunni parties avoided explicit sectarian labelling and tended to rhetorically stress their 'Iraqiness' or 'Arabness' or 'Muslimness'. Second, most Arab opposition groups had been exiled for a long time and had very limited constituencies inside Iraq. Thus, the distinction between diaspora politicians and 'home-grown Iraqis' was common in the language of ordinary people during the early months that followed the occupation. The establishment of a Provisional Governing Council in 2003, mainly consisting of diaspora politicians, was widely seen as an attempt to install a pro-American government of 'alien Iraqis'.[21]

In this context, searching for a more genuine representation of Iraq's 'cultural groups' led the occupation administration to recognize Sistani as the de facto leader of the Shiʿi community. This is not to say that Sistani's authority was fully manufactured by the Americans. His status as the Grand Marjaʿ has been an important factor in naturalizing his communal leadership, especially against the background of state collapse and lawlessness. In this atmosphere of unruly uncertainties, it was only natural that sectors of the urban population should turn to Shiʿi religious authorities to seek guidance and order.[22]

However, this recognition given to the clerical authority of a sub-national community, which eventually turned into an active negotiation with it on the future of Iraq, represented a departure from the history of the modern state in this country. The paradigm of modernization has dominated this history and was manifested through the steady acceleration of secularization, centralization and formalization. This paradigm has weakened the independence and scope of authority enjoyed by Shiʿi *ʿulama* prior to the formation of modern Iraq in 1921.[23] In the early days of modern Iraq, the clash between the British-backed state and senior Shiʿi *ʿulama* would shape their relations for decades to come. Some *ʿulama*, such as Mahdi al-Khallissi, opposed the government on the ground that it was pro-British and not

[21]Author's observations and unstructured interviews with Iraqi citizens in Baghdad, April 2003–September 2004. At the time, I was working as a researcher at the College of Political Science, Baghdad University.

[22]For example, in the immediate period after the occupation, I observed a surge in the circulation of fatwas of Sistani and other clerics regarding action towards U.S. and British troops, the treatment of Ba'thists and the former regime's officials and issues related to local organization.

[23]Najaf's *Hawza*, which is the centre for religious seminaries, was the destination of religious students and senior *ʿulama*, who mostly migrated from Iran in search of religious knowledge, status and independence. The migration was accelerated following the collapse of the Safavide Empire and with the increasing decentralization of political authority in Iran. The triumph of the *usuli* school in its dispute with the *akhbari* school has cultivated the authority of *ʿulama* by further elaborating the concept and practice of emulation (*Itaqleed*). The nineteenth century witnessed the emergence and consolidation of a new institution in the *Hawza*: the Grand Marjaʿ or *marjaʿ at-Taqled al-aʿla* (the highest Source of emulation).

See: Juan Cole, 'Shi'i Clerics in Iraq and Iran, 1722–1780: The Akhbari-Usuli Conflict Reconsidered', *Iranian Studies,* 18(1) (1985), pp. 3–34; Yitzhak Nakash, *The Shi'is of Iraq*, 2nd ed. (Princeton, N.J.: Princeton University Press, 2003); Ali Al-Wardi, *Lamahat Ijtima'iyya min Tarikh Al-'iraq Al-Hadeeth: Part 6* (Baghdad: Maktaba'at al-Irshad, 1977); Zackery Heern, *The Emergence of New Shi'ism: Islamic Reform in Iraq and Iran* (London: OneWorld Books, 2015); Moojan Momen, *An Introduction to Shi'i Islam: The History and Doctrines of Twelver Shi'ism* (Oxford: G. Ronald, 1985).

sufficiently representative of the collective will of the Iraqi people.[24] The government sent Khallissi into exile, considering him an Iranian subject who did not have the right to intervene in Iraqi affairs. Other senior *ʿulama* joined him voluntarily and were only allowed to return to Najaf after accepting the government's conditions that they would not intervene in internal Iraqi political affairs.[25] This early act of sovereignty by the Iraqi state had demarcated the boundaries between Iraqiness and foreignness, constructing a sphere for legitimate action which excluded claims to political authority by Shiʿi *ʿulama*, especially of Iranian origin. In doing so, the state minimized the impact of transnational religious/sectarian networks, which *Hawza*, the centre of Shiʿi seminaries and the Shiʿi clerical class, has quintessentially represented.

The tension between Shiʿi *ʿulama* and the state intensified after the 1958 coup which abolished the monarchy. Republican governments were more assertive in their attempts to secularize society and centralize political authority. This was exemplified in the 1959 family law, adopted by Abdul Kareem Qassim's government, which included articles rejected by the *ʿulama* as un-Islamic.[26] The conflict escalated under the rule of the Baʿth Party, which was dominated by Sunni secular elites. The Baʿth government instated more restrictions on the *Hawza*, beginning with deporting or harassing Iranian students studying in Najaf.[27]

The Baʿth Party's aggressiveness mainly targeted the activist *ʿulama* and their disciples of Shiʿi Islamists. This campaign escalated after the Iranian revolution due to the fear that it would inspire a similar movement in Iraq. The execution of the leading activist cleric, Mohammed Baqir As-Sadr, in 1981 was part of this campaign. This explains why the Grand Marjaʿ in Najaf between 1971 and 1992, Abu al-Qassim al-Khoui, grew more suspicious and critical of the activist clerics and their counterproductive involvement in politics. He minimized his public engagement and dedicated himself to the apolitical, jurisprudential and theological dimension of religious profession, in what also was a strategy of survival.[28]

Attempts to fully subjugate clerical authority never stopped during the rule of Saddam Hussein (1979–2003).[29] When full subjugation was not possible, the authorities used monitoring, infiltration and intimidation, or sought to build alternative networks of loyalists

[24]For more details, see: Nakash, *The Shi'is of Iraq*; Al-Wardi, *Lamahat Ijtima'iyya*.

[25]Al-Wardi, *Lamahat Ijtima'iyya*, pp. 201–204, 257–267.

[26]In addition, the Shiʿi clerical authority was critical of the influence of the Communist Party on the government and its increasing appeal among sectors of Iraqi society. This is why the Grand Marjaʿ, Muhssin al-Hakeem, issued a fatwa in 1961 prohibiting affiliation with the party. For more details on this period, see: Nakash, *The Shi'is of Iraq*.

[27]Ahmed Abdullah Abu Zaid al-'amili, *Muhammed Baqir As-Sadr: As-Sira wal Massira fi Haqai'q wa Wathai'q: Part Two*, (Beirut: Mu'assasat al-'Arif, 2006), pp. 438–450.

[28]The traditionalists, on the other hand, wanted to maintain the usual ways of exercising their profession through teaching classic texts and writing on specialized matters of jurisprudence. When it comes to politics, traditionalists found in the notion of *Intiẓār* the proper justification to resist the activists' calls for more involvement in social and political controversies. *Intiẓār,* literally meaning 'waiting', is related to the Shiʿi eschatological belief that the twelfth Imam will return at the end of time to restore justice and establish the true Islamic state. Accordingly, fallible believers should not undertake the responsibility of building this state and, instead, they should wait for the return of the infallible Imam who is divinely destined to deliver this promise. See the entry on *Intiẓār* in Oxford Islamic Studies Online, http://oxfordislamicstudies.com/article/opr/t236MlW/e0376?_hi=0&_pos=1388 (accessed June 2017).

An example of its religious justification can be found in: Basheer Al-Najafi, *Wiladat Al-Imam Al-Mahdi* (Najaf: Mu'ssasat Al-Anwar Al-Najafiyya, 2012), pp. 72–73.

[29]In his study of the Ba'thist documents that were found after the fall of Saddam Hussein, Khadhim explains that the Ba'thist government continued to view the *Hawza* as a threat and planned to weaken it regardless of the ideology adopted by the Grand Marjaʿ. Abbas Khadhim, *The Hawza Under Siege: A Study in the Ba'th Party Archive* (Boston, MA: Instiute for Iraqi Studies—Boston University, 2013).

among the *ʿulama* class.[30] However, no marjaʿ with credible religious credentials was prepared to jeopardize his status by fully entering the government's patronage. In the 1990s, the emergence of another activist cleric, Muhammed Muhammed Sadiq As-Sadr (also known as Sadr II), was seen by some as an outcome of the regime's attempt to create a parallel religious authority that would weaken Iranian clerics such as Khoui and the current Grand Marjaʿ, Ali al-Sistani, who was a student of Khoui.

Whether or not the rise of Sadr II was assisted by the government is still a controversial question.[31] It is very likely that the vacuum that resulted from Khoui's death in 1992 had encouraged the authorities to try to build more influence in the *Hawza*. One way to do so was to back one of the contenders and authorize him to represent the *Hawza* in matters of common interest, such as giving residence permits to non-Iraqi students and designating the supervisors for religious schools.[32] In the end, this proved to be an ill-formed policy to give formal recognition to a certain *marjaʿ* provided that he remained attentive to the state's priorities. Not only did Sadr resist full co-option by the authorities, but he actually used his newly gained power to mobilize the marginalized Shiʿis in Baghdad and other urban centres and claim an authority that exceeded the religious field. This led the government to perceive him as a threat, which resulted in his assassination in 1999.[33]

After 2003, the change of paradigm from modernization and secularization to multiculturalism and consociationalism played a significant role in reshaping the status of Shiʿi clerical authority. This was accompanied by processes of sectarianization whereby each sectarian community had to assert its distinct character. When the Shiʿis emerged as the largest and dominant sub-national group, their clerical authority gained a more salient presence in the public sphere and mainstream politics.

This transformation did not take place without internal rivalries and conflicts. Sistani's authority faced competition from other more radical and activist clerics, especially the Sadrist movement which broke up into several groups, the largest of which was led by Moqtada As-Sadr. Under this young and inexperienced leadership and with the absence of a potent state that monopolizes violence, the movement became more belligerent in its attempt to dominate the Shiʿi religious field. One of the Sadrists' first actions against 'traditionalists' in the *Hawza* after the U.S. invasion was to besiege Sistani's house, attempting to force him to

[30]For example, an Iraqi cleric named Ahmed Al-Hassani Al-Baghdadi, who was based in Syria, wrote a book in which he mentioned that he was contacted by the government which offered him its support if he returned to Iraq and became the state-recognized marjaʿ.

Ahmed Al-Hassani Al-Baghdadi, *As-Sulta wal Mu'ssasa Al-Shi'yya fi Al-Iraq* (Damascus: Iraqi Center for Media and Studies, 2002).

[31]Marr argued that Sadr was handpicked as a marjaʿ by the government, see: Phebe Marr, *The Modern History of Iraq*, 3rd ed. (Boulder, CO: Westview Press, 2012), p. 249. Khadhim illustrates the inaccuracy of this claim. See: Khadhim, *The Hawza Under Siege*, p. 39. However, it should be noted that while Sadr was not handpicked by the regime, there was a period in the mid-1990s and afterwards where communication between him and the government signalled a degree of coordination with regard to the administration of seminaries. Those communications were addressed in a book written by one of Sadr's assistants, Abbas Al-Mayyahi, who worked as a Friday Imam. Abbas Al-Mayyahi, *As-Safeer Al-Khamiss,* http://www.thawabitna1.com/culture/General/General5.htm (accessed June 2017).

[32]Abbas Al-Mayyahi, *As-Safeer Al-Khamiss*.

[33]For details on Sadr II, his rise and assassination, see: Patrick Cockburn, *Moqtada al-Sadr and the Battle for the Future of Iraq* (New York: Simon & Schuster, 2008), pp. 78–100.

leave Najaf.[34] But Sistani was supported by other influential actors in the Shiʿi religious field. Among those actors was the London-based Khoui Foundation: an endowment for charity and cultural activity founded in 1989 by Khoui and controlled by members of his family. The foundation's by-law stipulated that after the death of Khoui, the foundation shall be supervised by the most emulated *marjaʿ* who shall be endorsed by three-quarters of the Central Committee's members in the foundation.[35] After the death of Qum-based Muhammed Riza al-Qulbaykani in 1993, the foundation turned to Sistani requesting his approval to be the supervisor.[36] The controversy over whether the foundation's decision was instrumental in establishing his authority or an outcome of his emergence as the most emulated *marjaʿ* is still unresolved.[37] However, it is undoubted that the foundation's good connections in the Western capitals and with the Iraqi opposition, as well as its support for the Anglo-American occupation of Iraq to topple Saddam Hussein, boosted its leverage. Probably, this leverage was instrumental in shaping the British and American preferences with regard to the Shiʿi *ʿulama*, strengthening the position of Sistani who was seen both as an extension of Khoui's pragmatic, apolitical tradition and as someone who would be more susceptible to the influence of the foundation and its allies.[38]

Also, it can be argued that the role played by Shiʿi *ʿulama* in leading the resistance against the British occupation was present in the minds of Western and Iraqi makers of the post-invasion plans. For them, the attitude of senior *ʿulama* would be pivotal in directing future trajectories. The U.S. administration was comfortable with Sistani's reluctance to support military resistance against its forces, which was important to discredit both Sunni and Shiʿi Islamist radicals who adopted more confrontational stances towards the occupation. However, the American recognition of the significance of Sistani's words, and in this case his silence, meant that his future attitudes should be given great attention.[39]

United Nations (U.N.) representatives frequented his office in the old city of Najaf, sometimes acting as intermediaries with the U.S.-led Coalition Provisional Authority (C.P.A.) which Sistani considered the representative of an illegitimate occupation, refusing to meet its officials directly. Iraqi Shiʿi politicians who returned from exile and understood how limited were their constituencies tried to appear close to the Grand Marjaʿ and modestly follow his guidance.[40] Thus, Sistani's avoidance of radical choices made him the urgently needed actor

[34] *Asharqalawsat* Newspaper, 14 April 2003, http://archive.aawsat.com/details.asp?issueno=8800&article=165482 (accessed June 2017).

Sadrists held grudges against Sistani and *Hawza*'s traditionalist clerics who were accused of plotting against their deceased leader and not recognizing his religious credentials. Sadr II coined the term 'the Silent *Hawza*' in reference to the traditionalist line which he considered indifferent to its social responsibilities, distinguishing it from his 'Speaking *Hawza*'. In this video of one of his Friday sermons, Sadr II refers to this distinction: https://www.youtube.com/watch?v=_BnGw23Xsk4 (accessed June 2017).

[35] The by-law is published at Al-Khoui Islamic Institute's website, http://www.alkhoei.net/ar/Document/5/ (accessed June 2017).

[36] Sistani sent a letter to the foundation accepting its request and appointing Muhammed Shams Ad-Din, a well-known Lebanese cleric, to supervise its work on his behalf. I obtained a copy of the letter from a student in the *Hawza*.

[37] From my interviews with the Sadrist activists, I noticed that critics of Sistani tended to highlight the effect of Khoui's family in promoting him to the leadership of the *Hawza*.

[38] For further details on the role of the Khoui Foundation in backing Sistani's rise to Grand Marjaʿ status, see: Linda S. Walbridge, *The Thread of Muʿawiya: The Making of a Marjaʿ Taqlid* (Bloomington, IN: The Ramsay Press, 2014), pp. 97–99.

[39] For more details on Sistani's attitudes in the transitional period, see: Rahimi, 'Ayatollah Sistani and the Democratization of Post-Ba'athist Iraq'; and Hamid Al-Khaffaf, *An-Nussus As-Sadira 'an Samahat As-Sayyid Al-Sistani Fi Al-Mas'ala Al-Iraqiyya*, 6th ed. (Beirut: Dar Al-Mu'rikh Al-Arabi, 2015).

[40] For example, one of the then-largest Shiʿi groups, The Supreme Council for the Islamic Revolution in Iraq (S.C.I.R.I.), which was founded and based in Iran and followed the leadership of the Iranian Supreme Leader, declared that it would henceforth follow Sistani's leadership: International Crisis Group, 'Shiite Politics in Iraq: The Role of the Supreme Council', Middle East Report No. 70 (November 2007).

in the fluid and conflict-ridden post-war situation. His approach of defending Shiʿi interests without adopting sectarian language, opposing the C.P.A.'s plans for transition without confronting them violently, and legitimizing Shiʿi political groups but keeping a distance from them, helped him sustain both his social capital and political relevance while other actors were exhausting theirs. Sadr, for example, opted for premature radical behaviour that dragged his movement into two costly military confrontations with U.S. troops and sectarian infighting with Sunni militants. Although his choices validated him as the leader of an activist Shiʿi movement, they put him in direct conflict with several powerful actors, limiting his chance to influence events beyond his constituency.

Sistani's disagreements in 2003–2004 with the C.P.A. regarding the roadmap to end the occupation and form an Iraqi sovereign government further consolidated his leading position. The C.P.A.'s Head, Paul Bremer, was not content with Sistani's insistence on early elections but he realized that the U.S. needed the support of Iraq's most important religious authority for the new arrangements.[41] It was as if Sistani's main advantage was this need for his blessing more than a self-driven ambition to assert his authority. Indeed, his tendency not to act assertively in the public sphere worked to his advantage by making him approachable for various and even competing actors.

The Grand Marjaʿ as an extraconstitutional actor

In his actions as the most emulated *marjaʿ*, Sistani wanted to meet his religiously designated duty '*Taklif Shar'i*', which requires him to defend the communal unity and prevent harm associated with occupation or internal strife. Unlike Khomeini, who theorized the political authority of the jurist and made it part of the constitution of the Islamic republic, Sistani showed no interest in constitutionalizing his authority or building a cleric-led government similar to the Iranian system. From an ideological perspective, this is hardly surprising given that he belonged to the traditionalist, quietist school of Shiʿism.[42]

Nonetheless, Sistani's extraconstitutional role cannot go unnoticed. This role was symbolically recognized in the prologue of the Iraqi constitution which was drafted and took effect in 2005, by denoting the guidance of 'the religious leadership… and the great maraji' [plural for marjaʿ]…' as a motive for writing the constitution and voting for the Transitional National Assembly (T.N.A.) that wrote it.[43] Thus, the Grand Marjaʿ, an informal entity, was cited as a source of legitimacy and a welcomed influence by formal entities. Beyond symbolic gestures, Sistani's office, directed by his influential son, Muhammed Reza, played a key role in forming the United Iraqi Alliance (U.I.A.), a Shiʿi coalition dominated by Islamist factions. The U.I.A. became the largest parliamentary bloc in the T.N.A., hence giving Shiʿi Islamists a leading position in the constitution-writing process.[44] Moreover, two of Sistani's religious representatives, Ahmed As-Safi and Ali Abdul Hakim As-Safi, were elected as members in

[41] Answering questions sent by the author via email, Paul Bremer, the Head of the C.P.A., said that his plans for the interim government were interrupted by the 'Shiʿi leaders, following guidance from Grand Ayatollah al-Sistani', to make it clear that 'since the Shiʿi were a majority of the Iraqi population, they had to have a majority in the still-to-be-named Interim Government'. A similar narrative is told by Bremer in his book, see: L. Paul Bremer III and Malcolm McConnell, *My Year in Iraq: The Struggle to Build a Future of Hope* (New York: Simon & Schuster, 2006).

[42] Visser, 'Sistani, the United States and Politics in Iraq', pp. 13–16.

[43] Iraqi Constitution, http://ar.parliament.iq/ (accessed June 2017).

[44] Visser, 'Sistani, the United States and Politics in Iraq', p. 19; Rahimi, 'Ayatollah Sistani and the Democratization of Post-Ba'athist Iraq', pp. 8–10.

the T.N.A., probably to ensure that the *marjaʿ* could closely monitor the constitutional process.[45] After all, Sistani and senior Shiʿi ʿ*ulama* did not have much faith in political parties and their intentions. Nor did they fully trust the American promise not to interfere in the constitutional drafting.

In the years following the ratification of the constitution and the formation of the first full-term government, Sistani sought to avoid expressing political attitudes towards issues of disagreement between Iraqi parties. He prevented members of his clerical network from running for public offices.[46] His statements only emphasized general principles such as the necessity of abiding by the constitution, respecting the law and fighting corruption. His office was regularly frequented by top Iraqi officials such as the President and the Prime Minister, in addition to U.N. representatives and even foreign visitors such as Turkey's current President, Recep Tayyip Erdoğan,[47] or the Secretary-Generals of the Arab League.[48] Sistani never appeared in public; and most accounts of those meetings were given by his visitors themselves. Those visits had the effect of asserting Sistani's superior status as an extraconstitutional figure. His office was very determined to sustain this image as stated by his representative in Beirut, Hamid al-Khaffaf: 'the marjaʿ does not compete or ally with any party… he acts as the father of all.'[49]

Khaffaf also said that Sistani will not hesitate to act, as he did after the occupation, when the public order is seriously disturbed and the community is existentially threatened.[50] Indeed, this is what happened when I.S. captured Mosul in June 2014 and started to march southwards, threatening to attack Baghdad and Shiʿi shrine cities. Sistani issued a fatwa calling on Iraqi 'citizens to defend the country, its people, the honour of its citizens, and its sacred places'.[51] The fatwa, which was widely covered in the media and research centres' reports, is believed to have boosted public morale and motivated thousands of Iraqis to volunteer in the fighting against I.S. Some went as far as describing it as the move that saved Iraq from complete collapse.[52]

Subsequently, Sistani built on his reaffirmed status to unprecedentedly take a political stance with regard to the selection of Iraq's new Prime Minister. After the general election of April 2014, the incumbent Prime Minister, Nuri al-Maliki, emerged as the main winner, although he fell short of obtaining a 51 per cent majority of the parliamentary seats. He was close to securing this majority and staying in office for a third term when Mosul and other cities fell to I.S. The new dynamics, including the U.S. position which blamed Maliki for creating the conditions for the rise of I.S. by adopting sectarian and exclusivist policies, made Maliki's objective to stay in power more difficult. Responding to a letter written by members in Maliki's Daʿwa Party asking for the Grand Marjaʿ's instructions, Sistani told them that Iraq needed a new leader who was acceptable to all parties. This explicit withdrawal of support from Maliki, which was more clearly expressed in a meeting between Sistani and the

[45]The Independent High Electoral Commission of Iraq, http://www.ihec.iq/ftpar/election2004/other/name2.pdf (accessed June 2017).
[46]Interview with Hamid Al-Khaffaf, Sistani's representative, Beirut (November 2016).
[47]Sistani's website, http://www.sistani.org/arabic/in-news/1074/ (accessed June 2017).
[48]*Asharqalwsat* Newspaper, 23 October 2005, http://archive.aawsat.com/details.asp?article=329711&issueno=9826 (accessed June 2017).
[49]Interview with the author.
[50]Interview with the author.
[51]Sistani's website, http://www.sistani.org/arabic/archive/24918/ (accessed June 2017).
[52]Abbas Khadhim, 'What Do You Know about Sistani's Fatwa?', 24 July 2014, http://www.fpi.sais-jhu.edu/single-post/2014/07/24/What-Do-You-Know-About-Sistanis-Fatwa (accessed May 2017).

representative of the Iranian Supreme Leader, substantially diminished Maliki's chances and paved the way for the selection of a new Prime Minister.[53]

After the liberation of Mosul from I.S. in July 2017, almost all statements of victory issued by Iraqi leaders, including the Prime Minister, thanked and congratulated the Grand Marjaʿ.[54] One video circulated via social media showed Iraqi soldiers marching to Sistani's house, chanting slogans commending the *marjaʿ*'s role in securing the victory against I.S.[55] Those actions symbolized this particular status of the Grand Marjaʿ's authority, an authority that is not stipulated constitutionally but, nevertheless, is formally recognized. Iraq did not become a jurist-led state, yet its highest religious jurist, the Grand Marjaʿ, became effectively an extraconstitutional authority that monitors and morally guides mundane politics, and intervenes when those politics fail to protect the social order or deal with imminent threats. This contingent unwritten arrangement keeps the relationship between the state and the Grand Marjaʿ open to future changes while allowing for new configurations of authority to appear. In those configurations, a shared space of governance is being created, challenging the old dichotomies of formal–informal and secular–religious. The following discussion on religious sites will shed light on an important manifestation of those configurations.

Religious sites and the formalization of the Grand Marjaʿ

Although not part of the constitutionally defined political structure of post-2003 Iraq, the institution of the Grand Marjaʿ was not fully absent from the official legal framework that dealt with religious affairs. Indeed, for the first time in Iraq's modern history this *informal* institution and some of its responsibilities were legally *formalized* in a way that affected its operation and projection of authority.

Since 1929, when the law of Endowments Administration was enacted,[56] the state had sought to regulate the religious domain as part of the processes of formalization but it could not develop a legal framework to fully subordinate the Shiʿi religious authority. Most of *Hawza's ʿulama* preferred to maintain the independence of their seminaries and clerical networks, keeping a safe distance from the authorities. As explained elsewhere, the initial contestation between the Iraqi modern state and Shiʿi *ʿulama* settled on reducing the latter's political impact and confining their activity to their religious domain. This compromise had an impact on regulations concerning the *Atabat* (Shiʿi holy shrines) that were seen as part of the religious domain. The Iraqi government recognized a limited role to be played by clerical authority with regard to *Atabat* administration. The 1950,[57] 1966[58] and 1969[59] regulations of *Atabat* and endowments granted the Grand Marjaʿ in Najaf the right of appointing a representative in a committee that monitored and advised *Atabat* administrations.

This would change in 1981 as the war between Iraq and Iran intensified and the government tried to crack down on Shiʿi Islamist factions. The Revolution Leadership Council, which

[53]Harith Hasan al-Qarawee, *Sistani, Iran, and the Future of Shii Clerical Authority in Iraq,* Middle East Brief No. 105 (Crown Center for Middle East Studies, Boston, January 2017).
[54]*Xenden*, 'Statement of Iraqi Prime Minister', http://www.xendan.org/ar/detailnews.aspx?jimare=10087&babet=71&relat=8030 (accessed July 2017).
[55]The video is available at: https://www.youtube.com/watch?v=sycjdaJ5cNM (accessed July 2017).
[56]See the website of the High Judicial Council, *Qaʿdat At-Tashriʿat Al-Iraqiyya*, The Law of Religious Endowments, No. 27, 1929, http://www.iraqld.iq/LoadLawBook.aspx?SC=160920057350081 (accessed June 2017).
[57]*Al-Waqaʿ Al-Iraqiyya* (Iraqi Legal Journal), The Regulations of Holy *Atabat*, No. 42, 1959.
[58]*Al-Waqaʿ Al-Iraqiyya*, The Law of Administration of the Holy *Atabat*, No. 25, 1966.
[59]*Al-Waqaʿ Al-Iraqiyya*, The Regulations of Holy *Atabat,* No. 21, 1969.

was the highest legislative authority at the time, expanded the duties of the Ministry of Endowments and Religious Affairs (M.E.R.A.) in order to exert greater control over the religious field.[60] Two years later, the government issued new *Atabat* regulations that discontinued any role assigned to the Shiʿi Grand Marjaʿ in their administration. Moreover, these regulations cancelled a condition preventing the *Sadin* (the Shrine Director) from having a political affiliation, thereby allowing for the promotion of Baʿthists to this position, which henceforth became the case with most *Sadins*.[61] Clearly, those amendments aimed at imposing more control over the Shiʿi sacred spaces and preventing disloyal elements from infiltrating them and using their platforms for anti-government activities.

Shiʿi parties objected to the Baʿth Party's religious policy for being both anti-religious and Sunni-centric. In the 1990s, Saddam Hussein turned to religion by launching 'the faith campaign' which included building new mosques in Baghdad and other cities.[62] All those mosques were Sunni by default, administered or observed by M.E.R.A.-appointed Sunni *ʿulama*. For Shiʿi parties and *ʿulama*, this only endorsed their conviction that the M.E.R.A. was a tool of the Baʿth Party's anti-Shiʿism, which is why they worked to abolish it after 2003. Also, various Shiʿi political and religious factions took over some of the mosques that were built in the 1990s. This provoked Sunni *ʿulama* who made the argument that those mosques were originally Sunni.[63] Additionally, intra-Shiʿi tensions escalated whilst each religious group was seeking to take possession of Shiʿi shrines and religious places, sometimes resulting in military clashes between them or with security forces. For example, in 2004, Moqtada As-Sadr's militia clashed with U.S. and Iraqi security forces in the shrine of Imam Ali in Najaf and al-Mukhayyam mosque in Karbala.

As a way to handle those disputes, the M.E.R.A. was abolished and replaced by new agencies to manage the properties and religious endowments of each sect separately. In 2012, Sistani's office played a key role in urging the parliament and government to pass a law which established the Bureau of Shiʿi Endowments (B.S.E.).[64] The Bureau took the M.E.R.A.'s responsibilities with regard to *Atabat* and Shiʿi endowments, but the Grand Marjaʿ's role has been clearly recognized and amplified. According to this law,[65] the head of the bureau, who holds the rank of a minister, is nominated by the Prime Minister after consultation with the Grand Marjaʿ.

In comparison with the endowments regulations of 1950, 1966 and 1969 that identified a secondary role for the Grand Marjaʿ, and the 1983 regulations which eliminated the reference to such an entity, the new law represented a change of paradigm in the relationship between the state and religious authority. Rather than safeguarding the state's full control over the religious space, which was the goal of the M.E.R.A. and the secularization policies that commanded it, the new law organized the shared management of this space by the state and clerical authority. For example, article 13 of the law stipulated that the bureau is responsible for the management of any endowment that does not have a designated manager or was transferred to its authority by the founder or the Marjaʿ. Article 14 obliged the

[60] *Al-Waqa'ʿ Al-Iraqiyya*, The Law of the Ministry of Endowments and Religious Affairs, No. 50, 1981.
[61] *Al-Waqa'ʿ Al-Iraqiyya*, The Amendment of Regulations of Holy *Atabat*, No. 108, 1983.
[62] Amatzia Baram, 'From Militant Secularism to Islamism: The Iraqi Ba'th Regime 1968–2003' (Occasional Paper, Woodrow Wilson International Center for Scholars, Washington DC, October 2011).
[63] See for example, *Al-Jazeera*, 22 April 2016, http://www.aljazeera.net/news/reportsandinterviews/2016/4/21/ (accessed June 2017).
[64] Al-Khaffaf, interview with the author.
[65] *Al-Waqa'ʿ Al-Iraqiyya,* The Law of the Bureau of Shiʿi Endowments, No. 57, 2012.

bureau to follow the Shiʿi jurisprudence and the Grand Marjaʿ's opinion in the appointment of the *Atabat* and endowments managers. Moreover, article 15 stipulated that the bureau has no authority over religious schools and seminaries and cannot interfere in their affairs without the consent of the Grand Marjaʿ.

Atabat as shared space of governance

Another issue of concern was the management of *Atabat* that contained the tombs of Shiʿi Imams in Najaf, Karbala, Kazimiyya and Samarra. *Atabat* receive millions of pilgrims every year in addition to a great amount of financial support and donations from Shiʿi communities, organizations and individuals all over the world. Restrictions imposed by Saddam Hussein's government on the movement of pilgrims and their rituals were lifted after his downfall, leading to a noticeable revitalization of those rituals. The escalation of sectarian tension with Sunni–Salafi groups that denigrated Shiʿism as the religion of grave-worshippers, elevated the status of *Atabat*. They became pivotal symbolic pillars for a collective identity that was simultaneously revitalizing itself while being violently targeted. Suffice to say that the 2006 attack on al-Askariyayn shrine in Samarra incited unprecedented vicious retaliation by Shiʿi militias, which led to an atrocious civil war in Baghdad and other areas.[66]

Therefore, organizing the management of Shiʿi shrines was a high priority for the clerical authority and Shiʿi Islamists. In December 2005, the parliament approved a new law for 'the administration of the holy *Atabat* and Shiʿi pilgrimage sites'.[67] The new law created a special department attached to the B.S.E. to supervise *Atabat* in consultation with the clerical authority. According to article 4, the B.S.E. director shall nominate senior administrators for major shrines, but his nominees shall be approved by the Grand Marjaʿ.

Since the enactment of this law, the top administrator of each major shrine, who holds the title of Secretary General (S.G.), has been either nominated or approved by Sistani's office. This was the case with Abdul Mahdi al-Karbalaii, the former S.G. of Imam Hussein Shrine, Ahmed As-Safi, the former S.G. of Imam Abbas Shrine and Diaa' Ad-din Zain Ad-din and Nizar Habl al-Mateen who successively directed Imam Ali Shrine. Based on conversations with local residents and interviews with officials in Karbala's *Atabat*, it is clear that Karbalaii and Safi emerged as powerful figures in the city, thanks to their association with Sistani and to the sacred status of those shrines in Shiʿism. In addition, the two S.G.s acted as representatives and spokespersons of the Grand Marjaʿ.[68] Their Friday sermons became occasions to deliver his teachings to the public and, hence, project his authority beyond the *Hawza* and religious seminaries in Najaf. For example, in the Friday sermon of 14 June 2014, Karbalaii announced Sistani's fatwa of jihad against I.S. Consequently, by excluding any other clerical voice from the most significant religious platforms, the undisputed authority of Sistani as a formally recognized Grand Marjaʿ was legalized. It is worth mentioning here that those shrines were also state-supervised entities, given that the B.S.E. was a governmental institution. Therefore, this *formalization* of the Grand Marjaʿ's role was arranged in coordination with, rather than opposition to, the state.

[66]Fanar Haddad, 'Sectarian Relations in Arab Iraq: Contextualising the Civil War of 2006–2007', *British Journal of Middle Eastern Studies,* 40(2) (2013), pp. 115–138.
[67]*Al-Waqa'ʿ Al-Iraqiyya,* No. 19, 2005.
[68]Unstructured interviews with local residents and officials in the shrines of Imam Hussein and Imam Abbas, Karbala, February 2016 and March 2017.

The implications of this arrangement deserve further attention. Although the B.S.E. and *Atabat* laws underlined the autonomy of religious authority, the formalization and legalization of the role of the Grand Marjaʿ would have consequences for intra-clerical dynamics. The Grand Marjaʿ is a relatively novel invention that evolved in the nineteenth century and never gained a clear institutional framework. There are no written rules regulating the selection of the Grand Marjaʿ, which can be seen more as a status than a position. Nor does this selection follow a consensually identified series of steps. Therefore, reaching this status is not simply a matter of identifying a person who meets its criteria; it is also a process influenced by the socio-political context. On several occasions in the past, senior clerics could not agree on a single Grand Marjaʿ and the status was contested between—or shared by—several senior clerics. Realizing that, the B.S.E. law defined the Grand Marjaʿ as the *mujtahid* with the largest number of emulators who follow him in their religious practices. However, there is no easy way to know exactly who the most emulated *mujtahid* is; nor is the practice of emulation straightforwardly measurable.[69]

It can be argued that by formalizing this authority, the Iraqi state became an actor in determining to whom this status would be given after Sistani. This is not to say that the state will be able to dictate the processes leading to the selection of the next Grand Marjaʿ, but it indicates that the selection will take place with an eye on this newly recognized and legalized authority. Besides, it would become less likely, although not impossible, to bestow this status to a *marjaʿ* living outside Iraq because sharing such authority with a foreign entity would be subjected to political and legal challenges. Thus, one can push the argument a step further by stating that those arrangements could amount to (1) drawing new boundaries between Iraqi and non-Iraqi Shiʿi religious spaces, and (2) formalizing the status of the Grand Marjaʿ, thereby effectively impacting the non-institutionalized and informal processes of the selection of the future successor of Sistani.

Of course, it is possible that those arrangements will not prevent potential disputes within the clerical class after Sistani; in fact, they might trigger them and, consequently, lead to alternative arrangements. However, it is equally possible that the legalized authority of Sistani over the Shiʿi sacred space, especially *Atabat* and their platforms, would impinge on those disputes or their outcomes. Here, it is useful to look at the ways through which the *Atabat* administrations have promoted their weight socially. They used resources that were made available through religious donations and the B.S.E.'s allocations to implement ambitious plans to rebuild, expand and improve the *Atabat* facilities, which involved contracting local and foreign companies and employing large numbers of permanent and temporary employees. For example, large new compounds were built by the administrations of Imam Hussein and Imam Abbas shrines on the road between Najaf and Karbala to receive, host and serve the pilgrims.[70] Occasionally, those projects included investments and services beyond the religious jurisdiction. In 2016, the administration of Imam Hussein Shrine signed a contract with a British company to build an airport in the city, a responsibility often held by the central or local governments.[71] The administration of Imam Abbas Shrine formed a company for

[69]For further information on this subject, see: Linda S. Walbridge, 'Introduction', in *The Most Learned of the Shiʿa: The Institution of the Marjaʿ Taqlid*, ed. Linda S. Walbridge (Oxford: Oxford University Press, 2011), pp. 3–16.
[70]This information is based on direct observations by the author and interviews with local residents.
[71]For further information, see: Khalid Al Ansari, 'U.K. Company Building Iraq Airport to Fly Millions of Pilgrims', *Bloomberg*, 24 January 2017, https://www.bloomberg.com/news/articles/2017-01-24/u-k-company-building-iraq-airport-to-fly-millions-of-pilgrims (accessed June 2017).

general investments, called al-Khafeel.[72] So far, the company has implemented several projects such as building hospitals, private schools, farms and factories for food products.

More important, perhaps, is that the *Atabat* administrations formed armed militias to join the fighting against I.S. under the umbrella of what came to be known as al-*Hashd As-Shaʿabi* (Popular Mobilization Forces). Among those militias were *Ali Al-Akbar* Brigade, which was formed and funded by the administration of Imam Hussein Shrine, *Imam Ali* Brigade (affiliated with the administration of Imam Ali Shrine) and the *Abbass* Brigade (affiliated with the administration of Abbas Shrine).[73] In the common language of ordinary Iraqis, those groups are sometimes labelled as Sistani's *Hashd* to distinguish them from groups backed by the Iranian government. This distinction became more relevant as the differences between Khamenei, the Iranian Supreme Leader, and Sistani, with regard to objectives and characterization of the war against I.S. became more salient.[74]

It is likely that the activities and projects of *Atabat* administrations are creating new networks with a differentiated set of interests and an increasing leverage in social and political domains. It could be useful to compare the growing authority of *Atabat* administrations with that of Imam Riḍa in Mashhad, Iran, whose top administrator was the main contestant to President Rouhani in the 2017 election and is still a strong candidate to succeed Khamenei as Supreme Leader.[75] Shiʿi shrines have great symbolic and material powers that could boost the socio-political status of those in charge of them. Many people in Karbala think that Karbalii and Safi are the strongest men in the city even after the end of their terms as S.G.s. New positions were invented for them to continue having the ultimate authority in the two shrines, besides the continuation of their roles as Sistani's representatives and spokespersons in Friday sermons. Some people even prefer projects and services conducted by *Atabat* administrations over those of the local government that are notorious for their corruption and inefficiency.[76] This is not to say that there are no accusations of corruption against *Atabat* administrations.[77] But their association with the sacred space and the clerical authority, as well as their operation which resembles private organizations and non-governmental organizations (N.G.O.s) more than the highly bureaucratized and regulated public institutions, have given them a great advantage.

For these reasons, it is possible that those networks of interests would have a strong leverage in selecting the next Grand Marjaʿ and resisting attempts to drastically change the existing arrangements regarding the administration of *Atabat*. Those administrations that exemplify the conjuncture between the formal (state-affiliated B.S.E.) and the informal (the Grand Marjaʿ) are the perfect embodiment of the unique processes through which Shiʿi clerical authority became a key player in the reconfiguration of the socio-political order in post-2003 Iraq.

[72]Based on conversations with local residents, the company became one of the most influential economic entities in Karbala. I saw several of their products in the local markets. For further information on the company, see its website: http://alkafeelinv.com/ (accessed June 2017).

[73]Relations between those groups and the *Atabat* administration are often celebrated in public announcements by those administrations. See e.g. Karbala Channels, https://www.karbala-tv.net/view_news.php?pp=231 (accessed June 2017); *Al-Ataba Al-Hussainiyya*, https://www.imamhussain.org/ (accessed June 2017).

[74]For more details, see: al-Qarawee, *Sistani, Iran, and the Future of Shii Clerical Authority in Iraq*.

[75]Said Kamali Dehgan, 'Ebrahim Raisi: The Iranian Cleric Emerging as a Frontrunner for Supreme Leader', *The Guardian*, 9 January 2017, https://www.theguardian.com/world/2017/jan/09/ebrahim-raisi-conservative-cleric-iran-supreme-leader-khamenei (accessed June 2017).

[76]Some local residents told me that they prefer services provided by *Atabat* over those conducted by the local government.

[77]Despite a common positive perception, some people voiced criticisms of favouritism and nepotism in the way *Atabat* and their resources were administered.

Conclusions

Sistani's role in post-2003 Iraq has been primarily driven by two factors: the weakness of state authority and legitimacy, and the shift from the paradigms of homogenization and secularization to a new paradigm based on multiculturalism and consociationalism.

Sistani's role was necessary to legitimize the new institutions that emerged as Iraq moved from direct occupation to legal independence. The state collapse in 2003 resulted in a power vacuum which had to be filled in part by informal actors and entities that managed to sustain a degree of social credibility and internal cohesion, such as the Shiʿi clerical authority. At the same time, the occupation authorities, lacking established legal and cultural legitimacy, were in desperate need of credible and competent interlocutors given the weakness and heterogeneity of Iraqi political parties. Sistani emerged as the ideal interlocutor, especially as his quietist and anti-radical tendencies provided a force to restrain or counter the most radical elements in Iraq's Shiʿi communities.

Subsequently, the clerical authority emerged as an extraconstitutional actor seeking to softly and morally guide the new political system and, at its core, the Shiʿi-dominated government. Therefore, it is difficult to clearly separate the legitimacy of the new political system from that of the clerical authority because the popular support for the constitution was in large part motivated by the Shiʿi public trust in this entity. Shiʿi parties found themselves compelled to demonstrate their loyalty and commitment to the Grand Marjaʿ's guidance in order to gain credibility. Consequently, the arrangements to organize and administer the Shiʿi sacred space were also driven by the need to sustain and reproduce the legitimation role of Sistani, especially as the challenges of the Sunni insurgency and the state's institutional weakness questioned the survivability of the new governmental system.

Moreover, Sistani's authority was asserted in the context of a paradigm shift from classic modernization, which saw the state as the main agent of social change, to multiculturalism. This shift was embedded in the consociational reconfiguration of the Iraqi state which the U.S. authorities have commanded. As a result, religious entities have been recognized as cultural actors who have legitimacy to operate in an increasingly sectarianized public sphere as opposed to the previous dogma which viewed them as traditional and outdated entities whose presence in the secularized public sphere was undesirable.

The arrangements to partially formalize the relationship between the state and religious authority came to confirm this direction. In the process of recognizing religious and sectarian collectivities as political categories, religious authorities appeared as officially acknowledged actors who represented their religious communities. In this respect, the legalizing of the Grand Marjaʿ's role with regard to the Shiʿi sacred space, in which collective identities and public discourses were effectively produced, has generated new realities the main consequences of which are yet to be seen. Although Sistani continued to act as a non-state actor, the networking between his religious authority and the state added a level of formality to his status. Evidently, the weakness of formal institutions that continue to be contested by various challengers has largely contributed to the blurring of boundaries between the *formal* and the *informal*. Dynamics and contestations seeking to change or reconfigure political authority, power relations and the organizing principles of the Iraqi polity are still substantially active, as demonstrated by the attempt of I.S. to build an alternative state in Iraq and Syria and the Kurdish efforts to separate from Iraq. Thus, the resulting ambiguous entities/

relations are transformational (rather than transitional) realities constituted by the uncertainty characterizing the future of the Iraqi state and its survivability.

From the perspective of the institution of the Grand Marjaʿ, the maintenance of its autonomy from the Iraqi state, or any other state, is crucial. This autonomy is necessary to sustain its legitimacy and social capital which would be harmed if identified with the deeply corrupt and inefficient public institutions. At the same time, the favoured treatment given to this entity through its unique access to the material, spiritual and communicational resources of *Atabat* and religious endowments, is instrumental in strengthening its position in the religious field and providing it with a comparative advantage towards competing religious actors, including the cleric-led state in Iran.

In the end, the continuity of those arrangements is largely dependent on whether or not the Iraqi state will consolidate its power and expand its legitimacy without the support of non-state actors or at least without making this support crucial to its existence and social acceptability. If the state cannot free itself from this need it will continue to depend on the social capital of informal actors such as the clerical authority. In this constant negotiation between the formal and the informal, the religious and the secular, new configurations of authority are emerging to share the space of governance in a mode resistant to the polarized binaries that are often used to define this space.

Disclosure statement

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