

# THE REVIVAL OF PATERNALISM IN SHIA OF IRAQ POST-2003: AL-SISTANI AND THE FORMATION OF DEMOCRACY

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**Abstract** - After the fall of the dictatorship in 2003, Iraq experienced a revival of paternalism. This paper aims to investigate the re-emergence of paternity among Shiites in Iraq, focusing on the role of Al-Sistani in shaping the democratic system and his complex relationship with the USA. The study utilized a retrodictive research strategy to uncover the three overlapping domains of the paternal phenomenon: real, actual, and empirical. Data was collected through observations, statements issued by Al-Sistani's office, election results, and published sources. The study found that Iraqi Shiites viewed liberty as a means of seeking a paternal figure to emulate. The real mechanisms driving this phenomenon were culture, theology, the ayatollahs, and the system of Taqlid. Actual events such as demonstrations, elections, and the constitutional referendum resulted in the formation of a hybrid democratic system that blended liberalism and religious paternalism. Sistani's paternalism played a critical role in establishing the constitution and democratic government by making decisions on behalf of society. The study suggests that the establishment of a new democratic system in a traditional society requires the paternalism of the UN since the society may not yet be capable of governing itself.

**Keywords:** Paternalism; Paternal Social Thought; Shia; Ayatollah; Democracy.

## INTRODUCTION

During the nineteenth century in England, there was a resurgence of paternalism in politics, which occurred after the country turned towards liberalism, modernity, and capitalism. While society faced numerous challenges, it was still structured around hierarchical and paternalistic thinking from the previous century. This revival of paternalism focused on the relationship between politics and society, with a shift towards addressing internal issues rather than external ones (Lawes 2017). Similarly, it happened in Iraq after 2003. However, due to differences in religious, cultural, and political values between the two countries, the revival in Iraq was religious paternalism.

It's noteworthy, The majority of the population in Iraq are Shiites (64-69%) who reside in the central and southern parts of the country (Agency 2018). During Saddam's regime, the economic and cultural middle class was eliminated, causing the decline of the Shiite mind to the Middle Ages (Jabar 2003), and leading them to view religion as a means of salvation (J. Cole 2006). This was evident in the movement of Ayatollah Muhammad Al-Sadr II (97-1999) who revived Friday prayers, which drew thousands of Iraqi Shiites and posed a threat to the regime. However, he was assassinated in 1999, and his movement was eliminated (Nakash 2006). Following the US invasion of Iraq in 2003 (Danju, Maasoglu, and Maasoglu 2013), religious paternalism was revived by the Shiite religious establishment (al-Hawza) or by the social and religious thoughts of the community.

This event had a significant impact on the formation of the democratic system in Iraq. It was a result of two factors - firstly, the social thought of the Shiites which is rooted in their culture of political theology. Secondly, Al-Sistani played a paternal role in safeguarding the political interests of Iraq and its Shiites. As a result, it led to political problems, such as political conflicts or tensions between liberalism and paternalism.

The study aims to explore the impact of the revival of paternalism in the Shia community of Iraq after 2003, with a focus on the role of Ayatollah Al-Sistani in the formation of a democratic system. To achieve this, the study has two objectives: firstly, to examine the historical and cultural context of paternalism in the Shia of Iraq, and how it has been revived in the post-2003 period, and secondly, to evaluate the effectiveness of Sistani's paternalism in shaping the social and political behaviors of the Shia community in Iraq.



### METHODOLOGY

The research employed the retroductive research strategy as its methodology. Bygstad and Munkvold characterized retroductive research by positing that there is a reality that exists independently of our knowledge of it, which can be divided into three domains: real “Mechanisms M”, actual “Events E”, and empirical “Structure S” as illustrated in figure 1. Within the real domain, physical and social structures exist, possessing mechanisms that are capable of behavior and may or may not trigger events in reality. These events, in turn, may or may not be observed in the empirical domain. The structures within the real domain are not deterministic; instead, they enable and restrict events (Bygstad & Munkvold, 2011). Therefore, the study attempts to know the real mechanisms that stand behind the culture of paternal thought, in addition to knowing the mechanisms that stand behind the formation of the Iraqi political system.

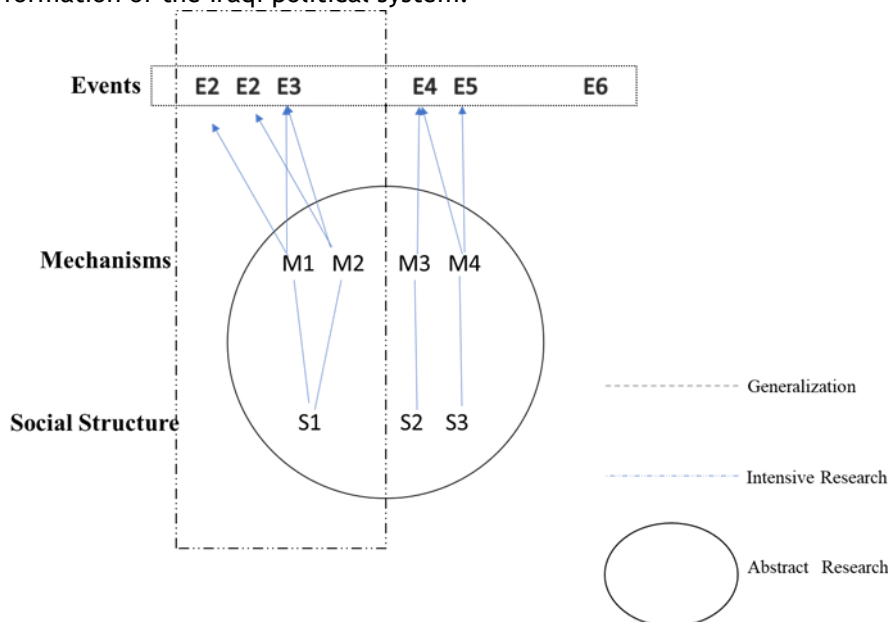


Figure 1: The layered ontology of the retroductive search strategy (Sayer 1992)

Figure 1 displays a layered ontology that forms the foundation of the retroductive research strategy. Instead of analyzing patterns at the event level, this strategy aims to reveal the enduring mechanisms triggered by the interactions between objects. The focus is on abstract research to generate hypotheses for explaining observed events. Retroductive research involves in-depth analysis of a few cases, systematically analyzing the interactions between the layers as depicted in Figure 1 (Bygstad and Munkvold 2011).

The research employed qualitative methodology, collecting data from both primary and secondary sources. Primary data was collected by observing events that occurred after 2003, while secondary data was obtained through statements issued by Ayatollah Sistani’s office, which typically serves as a means of communication between the Ayatollahs and the community through statements such as fatwas or Q&A about religious, social, and political issues. Additionally, documented and published sources such as books and journal articles were used (Fikire and Asefa 2023), particularly in observing historical events to understand the mechanisms that generate social phenomena. Furthermore, the research utilized election data from the Independent High Electoral Commission (IHEC) in Iraq as a quantitative source to reveal about the social structure. Its noteworthy, the study’s data and results were presented in a review of literature form according to the chronological sequence of events.

### LITERATURE REVIEW

Kim Lawes’ study examines the revival of paternalism and its effects on social policy development in early nineteenth-century Britain. This period saw a shift from external to internal issues and demands for reform, including social, political, and economic concerns. Despite the dominance of individualism and political economy, the eighteenth-century concept of paternal thought remained relevant to social policy discussions in this era. The revival of paternal thought was not simply a continuation of eighteenth-century ideas but a significant renewal. Paternalists in the nineteenth century adapted to the changing social and political climate by seeking state solutions to social and



economic issues. This substitution of government for family and communal responsibility differentiated nineteenth-century paternal thought from the previous century and laid the groundwork for the Victorian collectivist state (Lawes 2017).

Coleridge played a crucial role in establishing the theoretical framework for a more effective and extensive social role for the state through his conservative philosophy. His work, the *Constitution of Church and State* (1830), addressed the conflict between the forces of permanence and progress, which he saw as the emerging struggle between the Old and New Worlds. Coleridge's theory of the state was founded on these two paths and was primarily geared towards the upper and middle classes (Coleridge and Coleridge 1839).

The literature review highlights several studies that have explored the rise of Shiites in Iraq and their relationship with democracy, with a particular focus on the role played by Ayatollah Sistani. For instance, Nasr Vali's study reveals that Sistani's fatwa supported the Iraqi constitution in 2005 (Nasr 2006). Similarly, Yitzhak Nakash's study shows that Al-Sistani called for free and transparent elections, emphasizing that voting is the duty of all Iraqis post-2003 (Nakash 2006). Juan R. I. Cole notes that Shiite religious and legal thought evolved remarkably from 2003 until 2005, and that Shiite ayatollahs generally see no contradiction between democracy and Islam (J. R. I. Cole 2006).

Furthermore, Moayyed Hawazi studies show that Sistani's support for democracy in Iraq was genuine and that his model of democracy, while not identical to the Western model, would be a significant development in political Islam (Al Hawazi 2008). While Abbas Kadhimi highlights how Al-Sistani demanded immediate general elections to form a constitutional assembly (Kadhimi 2010). Sajjad Rizvi argues that the marja'ia's support for constitutionality and free, democratic elections since 2003 reflects a pragmatic realization that the interests of the Shia communities in Iraq are best served in a democratic system (Rizvi 2010). Finally, Caroleen Marji Sayej highlights how the religious actors in Iraq, deeply rooted in society, demanded a civil state instead of an Islamic state along the lines of the Iranian Islamic Republic in 1979 (Sayej 2018).

While several studies have explored the relationship between Shiites in Iraq and political modernity, the literature review suggests a gap in knowledge regarding the paternalism of the Ayatollah and the paternal social thought of the Shiites and their contestation with political modernity. Thus, the review highlights the need for further research to explore this area in greater depth to understand the relationship between the democratic system that supports liberalism on the one hand, and the culture and paternalistic system that relies on guardianship over the individual and society on the other hand.

## RESULTS

### *Paternalism and Shi'ism*

The culture of the Iraqi Shiite society is rooted in tribalism, which is a patriarchal and paternalistic system. This is evident in the works of Ibn Khaldun (Hernawan 2017) and Ali Al-Wardi, who studied the nature of Iraqi society (Hamied G. M. Al-Hashimi 2017), as well as in Hisham Sharabi's research on Arab patriarchy (Sharabi 1988). Such cultural norms lead to the subjugation of women, as observed in Nour Daoud's study of Jordanian women (Daoud 2018). Moreover, the religious hierarchy has been established and maintained for 1400 years, further reinforcing a paternalistic mindset in both the wider Arab society and specifically among the Shiites of Iraq.

The society of the Twelve Shiites is rooted in tradition and holds a belief in the twelve imams, who are considered the descendants of the Prophet Muhammad through his daughter Fatima. These imams are believed to be infallible and are viewed as God's successors, deserving of obedience (Walbridge 2001). Following the fourth century AH, when the twelfth Imam Al-Mahdi disappeared (Sachedina 1981), the role of representing the Mahdi in society fell to the *mujtahids* and *Ayatollahs*, who acted as his agents (Takim 2006).

During the nineteenth century, Shi'ism underwent a transformational period, during which the practices of *Taqlid* (emulation) and *ijtihad* (deduction) were established. *The usulis (Fundamentalist) school* adopted a theory that was supported by the Iranian Qajar dynasty, which allowed the school to gain control over Najaf. The usulis relied on Shiite theology as a faith and the principles of jurisprudence (*Usul Al-Fiqh*) as a means for *Taqlid and ijtihad*. This led to the imposition of a religious and spiritual obligation upon each individual to emulate the most knowledgeable Ayatollah. The first *Marja'iyah* (reference) was Sheikh Mortada Al-Ansari (d. 1864) (Heern 2014).

Classical *Fiqh* (Jurisprudence) defines *Taqlid* as "acceptance of another person's *madhhab* without knowledge of their justifications." Here, *madhhab* encompasses everything that falls under *ijtihad*. Although *Fiqh* offers varying definitions, they all concur that *Taqlid* entails accepting and following another person's opinion without seeking to substantiate it. Essentially, the crucial factor is one's trust or respect for the scholar, or their lack of motivation to establish the truth independently (Al-Alwani 2005).

Concerning the concept of Paternalism entails the intrusion of a state or an individual upon another person's autonomy without their consent. This action is rationalized or justified by the belief that the individual being intervened upon will benefit or be safeguarded from harm (Saller 1999). Its purpose is to make decisions on behalf of others without seeking their input, with the aim of protecting their interests. The origins of this practice can be traced back to the history of the Roman Empire (Khadilkar and Jagtap 2021).

*Taqlid* is a paternalistic practice by the Ayatollahs over the individual and society regarding their interests, and they decide on their behalf without their consent. They must act according to the *fatwa* of the *Ayatollah*. Because *Ayatollah* is the agent of theology and is capable of preserving and deducing religious law, this authority embodies paternalism over society. Therefore, from an anthropological perspective, religion is significant in meeting the normative requirements of human existence and is considered a sacred aspect of life (Warsono and Alabyadh 2022).

### In 2003, observation of events

In April 2003, the US occupation toppled Saddam Hussein's regime during the month of Muharram in the Islamic Hijri calendar, a significant month for Shiite Muslims. Muharram is a time of mourning and rituals to commemorate the killing of the third Imam, Hussein bin Ali, at the Battle of Taff in Karbala in 61 AH. The Shiites regained their freedom to practice the Ashura rituals, which involved public processions, funerals, and walking to Karbala on foot from their provinces (Hamdan, 2012). These rituals had been suppressed by Saddam's regime in the 1970s. For Shiites, Imam Hussein is a symbol of salvation, much like Christ is for Christians.

Another event, after the death of Ayatollah Muhammad Al-Sadr II in 1999, the Sadrist movement, which he founded, was revived in 2003. In Friday sermon No. 42, Ayatollah Al-Sadr II had emphasized (*Do not say a word and do not do a deed except after the permission of the Hawzah*<sup>(1)</sup>). This helped strengthen the paternal social thought and status of the *Hawzah*.

Three different movements emerged from the Sadrist movement. The first was led by his son, Sayyid Muqtada Al-Sadr, who resumed Friday prayers at the Kufa mosque after they had stopped due to the assassination of his father. Muqtada Al-Sadr's followers came from poor and marginalized areas, which later became known as the Sadrist movement. He revived his father's attitudes by wearing the same white shroud in the prayer niche and using the same words. At the time, he was a radical young religious leader.

Despite not being an Ayatollah, Muqtada Al-Sadr became the pater figure of the Sadr movement. This suggests that paternal social thought overcomes Ayatollah's paternalism, which relies on the normative rationality of the *Usul Al-Fiqh* approach to *Taqlid*. This indicates that *Taqlid* does not necessarily control norm and rationality; rather, emotional society is often stronger than the normative.

Nevertheless, the Sadrist movement continued to rely on Ayatollah Kazem Al-Hairi to develop religious laws. Ayatollah Al-Sadr II recommended referring to Ayatollah Al-Hairi during the meeting of Al-Hanana<sup>(2)</sup>, as they both were students of Ayatollah Muhammad Baqir Al-Sadr, founder of the Dawa Party in 1958 (Jabar 2003) (Nasr 2006). Ayatollah Al-Hairi was considered the most knowledgeable person to devise religious law after Ayatollah Al-Sadr II."

<sup>1</sup> The Hawzah is a term used to refer to the collection of Shiite religious institutions that comprise religious schools and the offices of Ayatollahs. Sheikh Al-Tusi founded the oldest Hawzah in Najaf a millennium ago.

<sup>2</sup> Ayatollah Muhammad al-Sadr held a meeting in his home located in the Al-Hanana area of Najaf in 1997, where he discussed his life story, teachings, and expertise. This meeting, which is divided into three parts, was recorded and can be found on YouTube.



The second movement, led by Ayatollah Sheikh Muhammad Al-Yaqoubi, was comprised of the students of Ayatollah Muhammad Al-Sadr II. Al-Yaqoubi claimed to be an Ayatollah and urged Sadr's followers to emulate him. He utilized Al-Sadr's statement regarding his students in 1419 AH, where Al-Yaqoubi was considered the sole candidate to be a future mujtahid and successor. Al-Yaqoubi went on to establish the Al-Fadila Party, which gained a significant following, particularly in Basra. Interestingly, a group of university professors and academics also gathered around him. Given the dominance of paternal social thought, all party members came under Al-Yaqoubi's paternalism (Al-Khayoun et al. 2011).

The third movement, led by Ayatollah Mahmoud Al-Sarkhi, claims to be a student of Ayatollah Muhammad Al-Sadr II and asserts his superiority in knowledge. He challenged other Ayatollahs to a debate and attracted a following from the poor and marginalized communities (Corboz 2019).

In addition, Ayatollah Muhammad Baqir Al-Hakim, the son of the former Marj'a, Sayyid Mohsen Al-Hakim, and the founder of the Supreme Council of the Islamic Revolution (SCIR) in Iran, made his way to Iraq. Al-Hakim entered from Basra and proceeded to visit different cities en route to Najaf. His arrival in each city was marked by enthusiastic crowds and speeches in his honour. As an Iraqi dissident who had lived in Iran, he was a highly anticipated figure (Al-Khayoun et al. 2011).

Post 2003, there was a heated debate among Shiites over *Taqlid* and who is the most knowledgeable Ayatollah to follow. For Shiites, the only way to exercise their freedom is to choose the most knowledgeable Ayatollah to become their guide in following religious law. However, the poor and marginalized society, lacking knowledge of their basic rights, is caught up in this argument over who is the most knowledgeable to emulate. This argument has permeated Iraqi households, where each family member emulates a different Ayatollah by placing their picture in the guest room. Rather than demanding their basic rights for a decent life or a fair government, Iraqi Shiites prioritize following the Ayatollah who can guide them to Heaven. Each group believes that their Ayatollah is the most knowledgeable, leading to the prevalence of paternal social thought and paternalism over society. This can be attributed to the stagnant community mindset resulting from Saddam's regime, where Iraqis were conditioned to seek only paradise.

According to Shiite beliefs in the theory of occultation, the Mahdi is expected to appear in the future. Hence, whenever difficult circumstances arise for the Shiite community, they consider it as a sign of the end of time, and movements claiming Mahdism emerge. In the aftermath of 2003, Muqtada Al-Sadr established the Mahdi Army to resist the occupation. Some of his followers even believed he was the Mahdi, leading him to denounce them as heretics (Cigar 2015). Similarly, the Yemeni movement Ansar Al-Mahdi, led by Ahmed Ismail Al-Hamboushi, claimed his name to be Ahmed bin Al-Hassan Al-Yamani and asserted that he was the son and guardian of Imam Al-Mahdi. This movement gained traction in Basra and other provinces. Another movement, Jund Al-Sama, led by Daa Abdul-Zahra Al-Karaawi, referred to himself as the Judge of Heaven. This movement was based in Hilla and attempted to storm Najaf in 2007, targeting the Ayatollahs. The Iraqi forces, along with the US military, took action to eliminate them.

Shiite society's paternal nature is rooted in its theological framework, with the past being connected to the Imamate theory and the future to the occultation theory. The space between these two concepts is characterized by legal paternalism via *the Ayatollah and Taqlid*. This viewpoint shapes the way Shiites perceive the world. According to Shiite tradition, the problems that arise in Iraq are signs of the end times, which will bring about the appearance of the Mahdi, like the belief of Christians in the return of Christ. This paternalistic thought serves as a kind of opiate. The Shiites wait for the Mahdi to resolve their difficulties and create a life of luxury for them, suggesting that political theology holds sway over their thinking.

Therefore, "Paternal social thought" can be interpreted as a viewpoint or belief system that gives prominence to the role of fathers or father figures in influencing societal conventions, principles, behaviours, and governance. Therefore, since liberalism is centered around the individual, anthropologists subject this concept of the autonomous individual to substantive criticism, asserting that it is a normative historical construct and a cultural artifact (Schiller 2015). Consequently, paternalism can exist within an individual's culture in conservative and traditional societies. Where the individual sees that the paternal culture they were raised in within the context of their environment and society represents their identity and history, thus their freedom lies in practicing their identity.



### Al-Sistani and Democratic Building (observing of events)

After the passing of Al-Khoei in 1992, Al-Sistani took on the role of supreme *Marja'iyah*<sup>(3)</sup> for Shiites. However, he wasn't until in 2003, when he engaged with the US occupation and played a role in the formation of the government, where he became a subject of interest in academic studies.

A military council, headed by Jay Garner, was established by the coalition forces to oversee Iraq. Their objective was to conduct early elections in the summer of 2003 and subsequently withdraw US forces from the country. However, the White House and the Bush Jr. administration did not seem to agree with this plan, resulting in the appointment of a civilian governor to Iraq, known as Paul Bremer III. Bremer created the Governing Council, composed of 25 individuals from diverse Iraqi backgrounds, and tasked a committee of Iraqis to collaborate with American advisors in formulating a new permanent constitution for the country. It is noteworthy that Bremer's intention was to govern Iraq for a prolonged period of time (J. R. I. Cole 2006).

Sistani's first intervention in the formation of the government was his fatwa issued on June 26, 2003<sup>(4)</sup>. *He stated that the group of Iraqis that the coalition planned to draft a new Iraqi constitution had no mandate, and the correct way to establish a new political system in Iraq was to hold general elections. Every Iraqi should have representatives in the Constituent Assembly, followed by a general referendum on the proposed constitution.*

During January 2004, widespread protests were arranged across Iraq with active encouragement from Al-Sistani to back his suggestion. This compelled Paul Bremer Jr., to abandon his previous strategies and adopt Al-Sistani's proposal of holding general elections as the means to transfer sovereignty from the coalition authority to the Iraqi people. In order to facilitate these elections, Al-Sistani urged the UN to dispatch an envoy to analyze the political situation in Iraq and explore methods for conducting direct elections (Schmidt 2009).

The USA administration had limited knowledge of Iraqi society and the revered status of Ayatollahs among the people. Following the widespread demonstrations, Bremer sought to meet with Al-Sistani, but the latter declined. Bremer noted in his memoir that Al-Sistani declined the meeting to safeguard his religious authority in society (Bremer 2006). Thus, Al-Sistani continued to communicate with Bremer through intermediaries, such as the UN representative, Sayyid Hussein Al-Sadr in Baghdad, or other members of the Governing Council.

Bremer aimed to install free-market democracy and capitalism in Iraq. His plans involved a proposal to privatize state-owned enterprises, with the assumption that the creation of a new business class would facilitate the transition towards capitalism and foster the emergence of a robust middle class. This middle class, in turn, would play a critical role in driving political reform and democracy. Thus, the focus was on the markets rather than the elections (Sayej 2018).

Despite this, Al-Sistani remained firm in his insistence on holding elections, drafting a constitution, and forming a government. His stance was aligned with the interests of the Shiite Islamic parties, which tend to view democracy primarily as a procedural process based on elections, without delving into the election laws or considering the social and cultural factors that could impact the outcomes (Khaled 2012).

Bremer aimed to introduce Western-style democracy after properly preparing Iraqi society, which is a sound strategy as long as it doesn't align with the White House's agenda. He was also concerned about the formation of an Islamic regime that would suppress other minorities. On the contrary, Al-Sistani believed in the importance of securing the Shiites' right to rule, as he feared a recurrence of the 1920s events. During that period, the Shiites supported the 1920 revolution but ceded power to the Sunnis. Al-Sistani believes that as a religious paternal figure, he has a social and religious obligation to safeguard Iraq and its Shiite population.

On 12/21/1424 AH, The Library Journal / Hussein Club in Nabatiyeh No. 52 presented a question. *How does the Marja'iyah see the next regime in Iraq?*

*A: This is left to the will of the Iraqi people. Still, since most Iraqis are Muslims, they will choose a system that respects the principles of the sacred Islamic Sharia and the rights of minorities. Everyone*

<sup>3</sup> Born in 1930 in Mashhad, a city in eastern Iran, Al-Sistani grew up in a religious family and received his initial education from his father. He later travelled to Najaf, a city in Iraq, in late 1951 to pursue his studies at the hawzah. Eventually, Al-Sistani became one of the distinguished students of Ayatollah Al-Khoei (J. R. I. Cole 2006).

<sup>4</sup> Fatwa No. 14 on Rabi' al-Thani 25, 1424 AH. The statements collected by Hamed Khaffaf.



*agrees on the need to adopt the principle of justice and equality among the people of this country alongside the principle of pluralism, election and the peaceful transfer of power.*

While Al-Sistani may have reservations about the use of the terms "secularism" and "civil state," he nonetheless supports the democratic system. However, his answer does include a degree of paternalism, as he was aware that the majority of Iraq's Shiites looked up to him and respected his opinions when he demanded their right to elections.

On July 1, 2004, the Governing Council was disbanded due to internal conflicts, including a disagreement over the Personal Status Law, which the Islamists wanted to replace with Islamic law instead of civil law. The council was replaced by the Interim Iraqi Government, led by Iyad Allawi, a secular Shiite opposition figure, on June 28, 2004. Allawi's government was closely monitored by the USA, and he was elected by members of the ruling council, of which he was a part. It was widely believed that UN envoy Lakhdar Brahimi recommended Allawi for the position, but Brahimi later told the New York Times that Paul Bremer had pressured him to do so.

Bremer's endorsement of Iyad Allawi was driven by his concerns about the rise of Shiite Islamists and the potential establishment of an Iranian-style *Wilayat Al-Faqih* in Iraq. He sought to indirectly impose a secular government, but the USA was unaware of the paternal, religious nature of the Shiite community at the time. Surveys conducted by the Coalition Regional Authority between 2003 and 2004 consistently showed overwhelming support for Iraqi Shiite leaders, including Grand Ayatollah Ali Al-Sistani, Muqtada Al-Sadr, Ibrahim Al-Jaafari, from the Islamic Dawa Party, and Adel Abdul-Mahdi from the SCIR in Iraq (Nakash 2006).

Consequently, there has been public pressure in Basra and Baghdad in support of al-Sistani in holding elections for the Constitution Drafting Committee by the people. The demonstrators were carrying his pictures and slogans saying "Yes. Yes. Al-Sistani". These people did not know very well what the elections or the constitution were but only rushed toward their leader's demands. However, under this public pressure, an agreement was reached to form a temporary parliament elected by the people. A provisional government would emerge, comprising a committee for drafting the constitution (J. R. I. Cole 2006).

Thus, the Shiites organized a unified electoral list called the United Iraqi Alliance (UIA. NO 169). Its logo was a candle. It appeared that members of al-Sistani's network of representatives and opposition Shiite parties participated in creating a truly multi-sectarian, multi-ethnic list that would have the Ayatollah's public endorsement. In this case, it evolved into a mainly Shiite alliance, and conflicting reports about al-Sistani's exact link to it increased. Some confirmed that Al-Sistani blessed all the lists that participated, while others claimed that he had given a "special blessing" to the 169 lists of the UIA. They also installed al-Sistani's photos on their election posters, and soon the concept of "al-Sistani's List" spread across the country. However, Al-Sistani remained silent about that (Visser 2006). Additionally, an electoral campaigner for the list was written by Ayatollah Al-Yaqoubi, who stated that *participation in the elections accelerates the emergence of Imam Mahdi and qualifies for his state*.

As a result of religious propaganda and the manipulation of people's beliefs, the Shiites were inclined towards the 169 lists. This theological shift towards the 169 lists led to their victory with 48% of the votes, and they formed a transitional government with the support of the Kurds on June 30, 2005 (Al-Abdali 2016). The main objective of this government was to draft a constitution for Iraq and prepare for permanent parliamentary elections. The provisional parliament was composed of 275 members, which included Sayyid Ahmed Al-Safi, al-Sistani's deputy. Its role was to act as a mediator between the government and al-Sistani, and to ensure that the constitution was drafted according to his directives.

Ibrahim Al-Jaafari was appointed as the Prime Minister, and this news was received with joy by the Iraqi Shiites. This was due to the fact that during an uprising against Saddam's regime in 1991, they chanted "*There is no guardian but Ali... and we want the leader of Jaafari*" (Al-Kifae 2010). This expression indicates that Ali Ibn Abi Talib is the first Imam of the Shiites, while Al-Jaafari refers to a Shiite person who follows the teachings of the sixth Imam Jaafar Al-Sadiq, the founder of the Shiite method of religious law. Therefore, the Iraqis believed that Ibrahim Al-Jaafari was the person God had destined for them.

On January 14, 1424, in NO 19, the French press submitted questions to Al-Sistani about the constitution and the transitional government. Q1 *What do you think of the drafting of the new constitution for Iraq, and who is responsible for drafting it?*

*A / The Iraqi constitution must be written by the representatives of the Iraqi people who are elected through elections, and any constitution drawn up by a council that is not elected by the people cannot be accepted.*

Q2/ *What is your opinion about the transitional government, and who is responsible for forming it?*

*A / Legitimacy is for the government that is elected by the will of the Iraqi people of all sects and races.*

Regarding the form of drafting the constitution, the Iraqi newspaper Al-Zaman presented on 17/J2/1424 No. 26: Q1 *What are the specifications of the constitution that you call for drafting? Do you agree with shura, pluralism, respect for other opinions, and separation of authority?*

*A/ The religious constants, moral principles and noble social values of the Iraqi people should be the main pillars of the upcoming Iraqi constitution, along with the principle of Shura, pluralism, respect for the minority for the opinion of the majority, and so on.*

In this instance, Al-Sistani can be seen attempting to reconcile the principles of democracy with a paternalistic perspective. Of utmost importance in this effort is the preservation of religious values to ensure the ongoing continuity of religious authority within society.

The committee responsible for drafting the constitution consisted of 71 members, primarily from the Shiite and Kurdish alliances, while only two members represented the Sunni community. The Sunni community did not participate in the elections due to their opposition to the Shiite community's ascent to power, which resulted in a clash of paternalistic ideologies. The majority of committee members lacked expertise in constitutional law, political jurisprudence, and understanding of the social realities at the time. The committee members were primarily clerics or opposition Shiite party members, such as Hammam Hammoudi, the committee's head, Ali Al-Dabbagh, Nouri Al-Maliki, Ali Al-Adeeb, Jalal Al-Din al-Saghir, Abbas Al-Bayati, and Abdul Aziz Al-Hakim...etc.

After the constitution was drafted, it was presented to al-Sistani and the public. The following day, al-Sistani's offices in Najaf and Qum began their work. Finally, the Ayatollah's views on the draft constitution were announced in a one-sentence statement, which was hastily sent out from Iran and distributed to thousands of email recipients. According to the statement, citizens should vote in a referendum and say "yes" to the constitution. The statement was written in third-person language, without a signature or office seal, but with an artificial stamp for his internet office in Iran. Although the statement's form was more like an office note, it was soon interpreted as a fatwa. The statement spread rapidly throughout Iraq through an extensive network of al-Sistani representatives and proxies and played a significant role in securing a comfortable "yes" victory in the referendum (Visser 2006). Meanwhile, Muqtada Al-Sadr condemned the constitutional referendum on October 15, 2005, as a by-product of the occupation. Nevertheless, he urged his followers to follow the *Marja'iyah*'s advice - all of whom supported a "yes" vote (Group 2006).

Therefore, on October 15, 2005, Iraqis participated in the voting for the constitution, with Shiites largely voting "yes" and Sunnis voting "no". However, both sides seemed to have approached the constitution with a paternalistic mindset that was at odds with one another, as illustrated in the table below:

Referendum	Votes	%
Yes	7,742,916	78.59%
No	2,109,374	21.41%
Total	9,852,290	100%

Table 1 The results of the constitutional referendum in 2005 (Al-Abdali 2016)

As a result, the regions that opposed the constitution were predominantly Sunni (Salah Al-Din with 81.75%, Anbar with 96.09%, and Nineveh with 55.08%). Salah Al-Din is mostly Sunni with some Kurdish areas, and the Kurds voted "yes" due to their opposition to Saddam's regime and allegiance to Kurdish parties such as Jalal Talabani and Masoud Barzani. On the other hand, Nineveh has a Sunni majority with Shiite and Kurdish regions, while Anbar has an overwhelmingly Sunni majority and recorded the highest percentage of rejection.





In preparation for the permanent elections scheduled for December 15, 2005, the Shiite (UIA) - now known as the 555 List - made efforts to win over al-Sistani and secure his official endorsement for their list. However, in November, al-Al-Sistani limited his public appearances to non-controversial events, such as announcing the end of Ramadan, which had been his customary practice (Visser 2006). However, prior to the elections, a question was directed to Al-Sistani in 8 Dhul Q'adah 1426. No 85. *about the elections of Parliament and the position of Marja'iyah from elections.*

*A / This election is no less important than the previous one, and it is up to the citizens, both men and women. To participate in it broadly, to ensure a strong and large presence of those who are entrusted with their constants and are keen on their higher interests in the next parliament. For this purpose, it is also necessary to avoid the dispersal of votes and to expose them to loss.*

The UIA took advantage of the phrase *“to avoid the dispersal of votes and to expose them to loss”*. This would be seen as a suggestion to avoid small parties where they have no chance of winning seats. On December 11, Bassem Mroueh, an AFP correspondent, wrote:

*“On Sunday, Iraq's leading Shiite cleric, Ali al-Sistani, issued a binding fatwa, or fatwa, instructing his followers to vote for candidates who “can be trusted to protect their principles and preserve their interests.” This appears to be a veiled endorsement of the UIA<sup>(5)</sup>.*

Apart from that, Al-Jaafari had an audience because of his name. as well as rumours circulated among the people that Al-Sistani had issued a fatwa endorsing the 555th list. The rumours even claimed that whoever did not vote, their wives would be deprived of them, causing concern among Iraqis, for whom intimacy is an important element of life. In late November, Ammar Al-Hakim, son of Abd Al-Aziz Al-Hakim, told a gathering in Karbala that *“The UIA list is the hand of Marja'iyah.”* He also reminded a large audience in Maysan that the UIA was formed with the blessing of Imam Sayyid Al-Sistani, referring to the initial communication between al-Sistani and politicians in the fall of 2004. Moreover, the list's posts contained phrases such as *“There is no guardian but Ali”* and *“We want leader Jaafari... do not be like the people of Kufa when they betrayed al-Hussein.”* These tactics aimed to take advantage of the paternal thought of the Shiites. These strategies paid off, as the UIA's victory on December 15 was more significant than in January 2005 (Visser 2006). The election was a Closed List, meaning that the voter only votes for the list and does not know the candidate. The UIA list included SCIR, the Dawa Party, the Fadhila Party, and the Sadrist Movement. They won 128 seats out of 275 (Al-Abdali 2016). However, this time Nuri Al-Maliki became the prime minister instead of Al-Jaafari<sup>(6)</sup>, even though both are from the Dawa Party.

The chronological sequence of events					
May 6, 2003	July 12, 2003	June 28, 2004	May 3, 2005	Oct 15, 2005	May 20, 2006
Civil Administration by Paul Bremer	Governing Council	Interim Government P.M Iyad Allawi	Transitional government P.M Ibrahim al-Jaafari	Constitutional referendum	The permanent government P.M Nouri al-Maliki
Occupation 2003	Civil Administration by Paul Bremer	Election by Governing Council	Demonstrations & Election	Demonstrations & Referendum	Election
US administration, Ayatollah Al-Sistani and Politicians Class					

Table 2: Political events according to the chronological sequence of forming the democratic system in Iraq.

<sup>5</sup> Bassem Mroue, “Iraq Closing Borders Ahead of Election”, AFP, 11 December 2005.

<sup>6</sup> As time passed, it became evident to Iraqis that al-Jaafari suffered from mental illness and was more of a mosque preacher than a politician. His speeches were filled with philosophy and logic that often-left Iraqis laughing and turned him into a joke among them. This type of humour directed at the political situation is a form of expression for the oppressed people to voice their objections.

### Discussion and Conclusion

The investigation of the first objective of the research was conducted using the retrodictive research strategy, aimed at understanding the mechanisms of the paternal social thought among the Shiites of Iraq. The research found that there was a historical dimension consisting of culture and theology. In terms of culture, the tribal system is based on paternal thought and obedience to the guardian. This cultural system coincides with the Islamic religion, which emphasizes obedience to the guardian, whether the Prophet or the Caliph. It was through this Islamic religion that Shiite theology was established, as explained previously. Thus, through this theology, the agents of theology were established, namely the Ayatollahs. Therefore, the ontological layers of the paternal structure of thought are the mechanisms of culture, theology, and the ayatollahs. The event that links the Ayatollahs in the social structure is the Taqlid system that was established in the eighteenth century. Thus, the three layers of the first objective are culture, theology, and the ayatollahs, which are the mechanisms; Taqlid, which is the event; and paternal social thought, which is the empirical social structure, as shown in the diagram below.

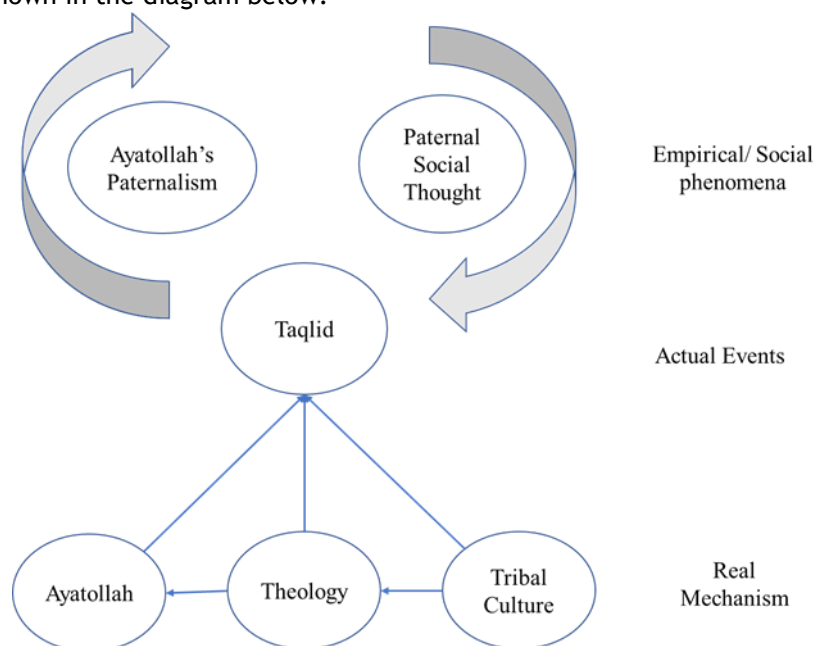


Figure 2: depicts the overlapping of the three domains of the Shi'a paternal culture and their respective ontological layers.

Figure 2 illustrates how the overlapping of mechanisms creates new social structures. Specifically, the paternal tribal culture and the Ayatollahs produced *Taqlid*, which became a mechanism for preserving the paternal social thought and the Ayatollahs' authority. Thus, the three overlapping domains are interdependent.

The paternal social thought was revived after 2003, as previously observed, when the society began searching for a paternal figure to emulate or follow, and when they enthusiastically practiced religious rituals or followed Mahdist and Sadrist movements. This highlights the significance of theology in shaping the political understanding of the Iraqi Shiite community, and how they limit their freedom to maintain their adherence to paternalism and stay on the right path.

Concerning to the second research objective, the research results have confirmed that Al-Sistani played a crucial role in advocating for the establishment of a permanent constitution and parliament. It can be concluded that Al-Sistani was one of the real mechanisms in shaping the new political system after 2003, given his position as the great *Marja'iyah* for Shiites and his status as an agent of theology with a significant number of emulators following his guidance. Consequently, Al-Sistani was instrumental in organizing actual events and exerting immense pressure on the American Bremer administration in Iraq through demonstrations and elections, as depicted in the chart below.

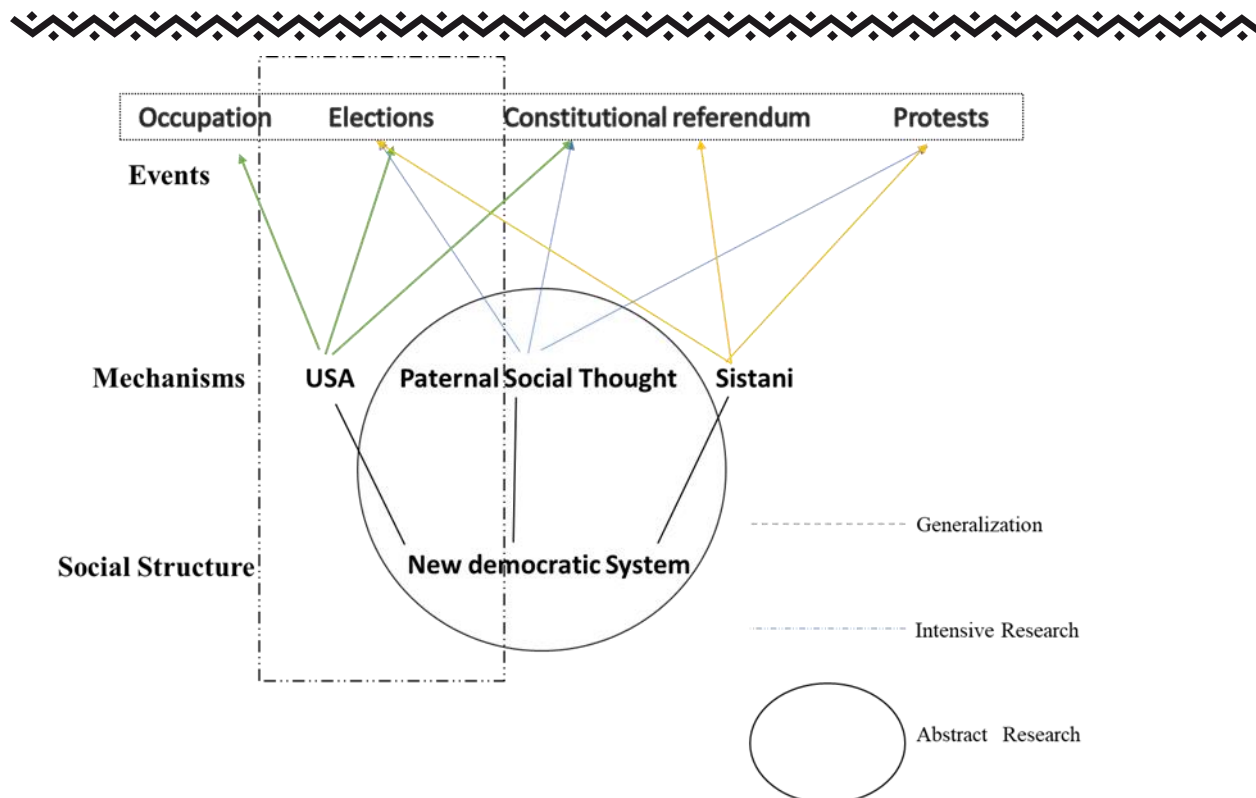


Figure 3: Generative mechanisms of the new democratic system

According to Figure 3, three mechanisms contribute to the generation of events. Firstly, the US administration played a crucial role in introducing the democratic system through the occupation and was the decision-maker at that time. Secondly, Ayatollah Al-Sistani and paternal social thought are two domains that overlap and influence each other through the culture of political theology and the system of Taqlid. However, Sistani's statements regarding the modern political system were effective in guiding society towards a paternal democratic system.

Therefore, the three overlapping domains in the retrodictive research strategy are applicable to the research hypothesis as follows:

1. The real mechanism: In this study, the term "real mechanism" refers to the fundamental causal mechanisms that clarify the relationship between the independent and dependent variables. The real mechanism underlying the historical and cultural context of paternalism among the Shiites of Iraq and how it was revival in the post-2003. The study also examines how Shiite religious leaders contributed to the revival of this paternalism, including the three Sadrist and the Mahdi movements, as well as the involvement of Ayatollah Al-Sistani in shaping the democratic system. Additionally, political instability in the country has also played a role in the revival of paternalism.
2. The actual event: It refers to the specific event or phenomenon that the research is attempting to explain retroactively. In this case, the actual event is the revival of paternalism in the Shia community of Iraq after 2003. The study explored how this phenomenon has occurred and what factors have contributed to it.
3. The empirical: The empirical domain refers to the data and evidence that is used to support the retrodictive explanation of the actual event. In this study, the empirical data would be the historical and cultural context of paternalism in the Shia of Iraq, as well as data on the social and political behaviors of the Shia community in Iraq post-2003. This would include data on voting patterns, participation in democratic institutions, and statement that issued by ayatollah Sistani. By considering these three domains, the study can provide a comprehensive analysis of the revival of paternalism in the Shia community of Iraq after 2003, with a focus on the role of Ayatollah Al-Sistani in the formation of a democratic system. The retrodictive research strategy allows the study to analyze historical data to explain present-day phenomena, which can provide valuable insights into the socio-political dynamics of Iraq.

Al-Sistani's intervention in the state was a new paternal revival in the twentieth-first century. He rejected the application of the Iranian Wilayat Al-Faqih.

In the questions of the New York Times newspaper No. 23 on 28 /J1/ 1424 AH. *Can the idea of Wilayat Al-Faqih be implemented in Iraq?*

*A/ The formation of a religious government on the basis of the idea of an absolute wilayat al-Faqih is not at all possible.*

Sistani's focus on paternalism differed from the political paternalism seen in Iran, and was instead centered on social paternalism, which was shaped by the experiences of the 20th century. His top priority was to maintain the Ayatollah's paternalistic role in society. Although he did intervene politically, it was primarily through his influence on society, and he played a key role in establishing a democratic system in Iraq with a paternalistic framework. Among the questions of the Washington Post No. 41. 27 Shaban 1424 AH. *What is the location of religion in the next Iraqi constitution?*

*A / Islam is the religion of the majority of Iraqi society. If the constitution is written by the hands of those elected by the Iraqis, it will certainly represent the values and tolerant teachings of Islam.* Sistani's political vision remains unclear, but he is known to endorse a form of democracy that is rooted in Islamic principles rather than Western ideals (Al Hawazi 2008). As per the researcher's perspective. He expresses reservations towards certain terms commonly associated with democracy, such as "civil," "secular," and "liberal." This is clear in his answer to the question of the Polish Newspaper Casata Theborca No. 31: 27/C2/1424. *(About the system in Iraq, a democracy or another system? A/ The system that adopts the principle of shura, pluralism and respect for the rights of all citizens).* Al-Sistani employs Islamic terminology that aligns with democratic principles, as many scholars and Islamic schools assert that concepts like elections and pluralism do not conflict with the values of Islam and the Qur'an.

For this reason, the Iraqi constitution was democratic-paternal. *Article (2) states that Islam is the official religion of the state, and it is a basic source of legislation. It is not permissible to enact a law that contradicts the constants of the provisions of Islam, the principles of democracy, and the fundamental rights and freedoms stipulated in this Constitution.*

*As for freedoms, Article (36) stipulates the principle of freedom of expression, publication and demonstration, provided that public order and morals are not violated.*

The constitution was in line with Sistani's paternalistic outlook and the broader paternalistic social ideology of Iraqi Islamic society. However, the constitution did not address the issue of religious interference in politics or the principle of political majority, which resulted in Shiite Islamic parties gaining control of the state. Unfortunately, this imbalanced political scenario led to over two million casualties and injuries from wars and terrorism, in addition to a loss of over \$360 billion due to corruption<sup>(7)</sup> and inadequate services at all levels. This issue was exacerbated by the distribution of the state's resources according to the principle of political consociationalism.

In the social sciences, scholars often draw from Robert Merton's work, which proposes a medium-range theory that focuses on social mechanisms and their application within specific social contexts (Bygstad and Munkvold 2011). It would be erroneous to assume that traditional societies can establish democracy on their own, solely through the lens of paternalistic social thought rooted in religious, tribal, or cultural heritage. Such an approach can result in a fragile democracy. According to Gadeniz's theory, social democracy must come before political democracy, a process referred to as "the democratization of democracy." (Giddens 2013). Giddens argues that newly democratizing states often struggle to establish functioning democratic institutions, as democracy requires fertile conditions for growth, including a strong societal foundation that is nurtured over time (Giddens, 1998).

Thus, it is evident that the constitution serves as a social contract for the nation. However, given the nation's traditional nature and lack of familiarity with democratic principles, religious and tribal parties must be barred from political participation to avoid damage to the governmental system. The constitution should also prioritize support for religious and tribal institutions that serve to preserve the nation and maintain a balance between progressive and permanence forces. As described by Coleridge in the 19th century, the state is secular while society is paternalistic, with both entities working towards the nation's best interests through institutional separation. Paternalistic

<sup>7</sup> Iraq is considered to be one of the most corrupt countries over the world. The Corruption Perceptions Index 2020 ranks Iraq 160 among 180 countries. See Transparency International <https://www.transparency.org/en/countries/iraq>.

perspectives posit that social and economic issues are not solely the individual's responsibility but rather the outcome of misguided policies. Moreover, they consider individual interests to be inseparable from those of the state (Lawes 2017).

Like Plato's philosopher-king, an informed clerisy would act as the nation's paternal guardians - the instructors of moral and social behavior. This is what we find with Al-Sistani when asked by The Washington Post No. 13. *What is the role of Marja'iyah in life? A/ The main role of the marja' is to provide the believers with legal fatwas in various matters of individual and social life.* Regarding the New York Times question No. 6. *Does the religious Marja'iyah demand a position in the future of governance in Iraq? A: This is out of the question for His Eminence.*

Despite this, traditional societies present another obstacle for democracy in the form of voting, as previously noted. J.S. Mill argued that it was unwise to entrust the formation of the government to the unenlightened masses and advocated for a proportional representation system that assigned greater weight to competencies rather than equal voting rights. He also suggested limiting the right to vote to the educated classes. In response, Mill proposed the widespread implementation of compulsory and free education, enabling all individuals to vote (Miller 2003).


Mill's proposed vision is problematic, as it is difficult to determine who is truly qualified to vote. Moreover, even the educated may not possess a thorough understanding of the democratic system. When societal thought is paternalistic, it encompasses all classes, thereby creating a class-based inequality in society that results in conflicts and social problems. Therefore, it would be better to implement a proportional representation system for candidates, rather than for voters. To ensure the success of democracy in traditional societies, it is advisable for the UN or countries with advanced democracies to oversee new democracies. In each electoral cycle, candidates should be subjected to tests of their understanding of state policies, legislative authority, integrity, political and administrative experience, and other relevant factors. This is essential for the state to organize and preserve the future of society. Iraq's experience demonstrates the dangers of allowing ignorant candidates to rule the state.


Through this, we are establishing a successful democratic state in traditional societies by practicing paternalism for the benefit of society. Allowing individuals to make unchecked choices can cause harm in the political system as they may not fully understand the foundations of democratic systems. This form of paternalism can be reconciled with liberal ideals since it is based on society, not on individual paternalism. The decisions made by individuals in the political system may have social consequences, and thus it is crucial to ensure that society remains under the supervision of the UN or similar agents for at least three generations, in order for society to eventually lead itself."

In conclusion, the real mechanisms for building a democratic system in Iraq are paternalistic social thought and the guardianship of Sistani's paternalism. These mechanisms have resulted in events that have led to the creation of a hybrid paternalistic political system, whether in the building of the constitution or in the shaping of the political system. Therefore, to effectively change the political structure, changes must be made to the real mechanisms that led to the production of this system.

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