

## Najaf Seminary and the Challenges of Civil State in Iraq

Abdul-Wahhab Forati<sup>1</sup> 

Research Article Received:2023/10/06 \* Revised:2023/11/02 \* Accepted:2023/12/04 \* Published Online: 2024/01/02



### Abstract

The present study aims at investigating Najaf seminary center and the challenges of the civil state in Iraq. The research method is descriptive-analytical and we used interview as the tool for gathering data. To do so, we had a dialogue with a considerable number of religious authorities, mujtahids and educators of seminary about the most important components of civil state. The results showed that many of the clerics in Najaf seminary acknowledge the hegemony of the thought of the great Sheikh's pupils over that seminary and analyze the present seminary in Najaf as the extension to that thought. In this way, they maintain that this seminary's opposition to establishment of a Shiite government in Iraq is a foundational opposition. Most of them favored a civil state or parliament system based on constitutional law and considered Ayatollah Sistani's defense of it as the last word in that seminary. Of course, the scholars and clerics in Najaf refrained from using the term 'secular state', and it seems they consider it inconsistent with the religious doctrines. Accordingly, they used the very term of 'civil state'. The clerics in Najaf insisted on the concept of 'citizenship' – containing the legal rights and

---

1. Associate Professor, Department of Politics, Academy of Islamic Regimes, Research Center of Islamic Culture and Thought, Tehran, Iran. forati129@yahoo.com

---

\* Forati, A. W. (2024). Najaf Seminary and the Challenges of Civil State in Iraq. *Journal of Islamic Political Studies*, 6(11), pp. 141-173. <https://doi.org/10.22081/jips.2024.76145>

© The Author (s).



obligations – as the most important common factor among the ethnic and religious group in Iraq. The Najaf clerics' answer regarding the causes for encouraging the Shiites to take part – along with other inhabitants of Iraq – in establishing a government has less religious motivation. In answering the question on why the clerics in Najaf do not demand a Shiite government, most of them prefer to use the phrase 'not necessary'.

**Keywords**

civil state, religious authority, Najaf seminary center, citizenship rights, the Shiite government.

## Preface

Despite the fact that some Islamist Shiites in Iraq speak of the Shiite identity of the future state of Iraq, most seminary scholars in Najaf – headed by Ayatollah Sistani – have kept the Shiites’ special issues silent and, by refraining from proposing the sectarian positions, they have spoken of general demands of the Iraqi people. Many of them consider emphasis on the Shiite special identity as detrimental to both the Shiites’ benefits and the social unity of Iraq, regarding the Shiite sufferings as part of a national problem. In this era, the religious authority of Najaf, instead of proposing religious demands, supported compilation of a perpetual constitutional law by the Iraqi people and requested observing the rights of all Iraqi people. The scholars of Najaf insisted on concepts such as the vote of majority, the role of Islam – not that of Ja’fari jurisprudence – in the private sphere, and non-opposition of the parliament’s enactments with Sharia. Ayatollah Sistani, without speaking of his affirmative plan for the new state of Iraq, has always supported holding free elections and has forced the occupiers to accept his suggestions. Nevertheless, what is of importance is what the clerics of Najaf think, in principle, about the issues related to the modern state and, finally, how it makes them reasonable in its system of legal reasoning. By these elements and concepts, I mean (1) the concept of citizenship, (2) the common points among the Iraqi tribes and denominations, (3) the presence of other minorities and denominations in the political power, (4) the essentials of integration and closeness of various religious and ethnic groups, (5) practicing the Islamic doctrines, (6) conflict between legitimate benefits of Iraqis and Islamic countries, (7) conflict of religious laws and state laws, (8) definition of ‘we’ and ‘others’, (9) the frameworks of convergence with others and the like, whose confluence forms the main categories of the civil state. These were the lines of questions asked from some scholars and personages in Najaf seminary.

### Najaf seminary and the elements of the new state

Despite the fact that the scholars of Najaf city are defendants of the new state of Iraq, they have little to converse affirmatively regarding the structure of nation-state. In particular, in their jurisprudential creeds, they have less dealt with analyzing the context of the state. For information on the views and readings of Najaf seminary on the project of making a nation-state, we asked question from the most important figures in that seminary center and, in several journeys to Najaf, I conversed with some of the clergies there. This polling included some of the religious authorities and some of the masters and activists in Najaf seminary.

*Table 1: Names and information of scholars and clerics*

Religious authority	Ayatollah Sheikh Muhammad Ishaq Fayyaz
Religious authority	Ayatollah Sheikh Bashir Hussein Najafi
Religious authority	Ayatollah Sheikh Muhammad Ya'qubi
Religious authority	Ayatollah Sheikh Muhammad Sanad Bahraini
Master of extra-jurisprudence	Ayatollah Sheikh Hassan Javaheri
Seminary educator and activist	Sayyid Rashid al-Hussaini
Master of extra-jurisprudence	Sheikh Bashar Abu Gilal
Master of extra-jurisprudence	Sayyid Sadei Kharsan
Seminary educator	Sayyid Muhammad Hussein Hakim
President of Dar al-'Ilmayn	Sayyid Muhammd Ali Bahr al-Olum
Seminary educator	Sayyid Javad Khouie
Seminary educator	Sayyid Rahim Abu Raghif Musavi
Seminary educator	Sheikh Farhan Saedi
Educator in Najaf seminary	Sheikh Ihsan al-Fazli

For the study to be more fruitful, we attempted much to preserve the unity of method in it, but the situation of some in Najaf and the nature of their duty before the public sphere hindered the formation of interviews with them in common methods. In particular, some of them behaved with reservations and did not allow us to record their views regarding the state. In those meetings, I sought to find their perception of civil state but could not ask them about the common elements and components of that state. I thought they may be not familiar with these concepts and may take opposing positions with regard to those elements. For instance, instead of asking them about the concept of ‘citizenship’, I asked them whether they know themselves Iraqi or Shiite in defining their identities. No doubt, any answer they gave me would help me in understanding what they thought in regard with that concept. Of course, there were many questions to ask them, but I asked about the matters regarding the modern state in the form of a few questions and almost I got what I wanted.

*Table 2: The answers provided by Najaf scholars to the following question: “Why does Najaf seminary want a Shiite state? What are the reasons for their turning away of this idea?”*

Sheikh Muhammad Ishaq Fayyaz	It is not necessary to establish a Shiite state in Iraq and Najaf clerics can coexist with others in an inclusive state.
Sheikh Bashir Hussein Najafi	Due to their compassion for the health of the dear country of Iraq.
like Sheikh Muhammad Ya‘qubi	The Shiites, naturally, like to have a peaceful coexistence with others. The Sunnites and Christians of Iraq are the skeleton of Iraq and have mutual relations.
Sheikh Muhammad Sanad Bahraini	From jurisprudential viewpoint, establishing a religious state has no problem. The most important

	obstacle is the differences among the views of jurists regarding its form and the internal problems of Iraq.
Sheikh Hassan Javaheri	From the viewpoint of religious foundations, establishing Islamic state in Iraq has no problem, but the most important obstacle is the approach of the great figures of Najaf, who allow interference in political affairs just in necessary cases. By Islamic state, I mean not a Shiite state, but the majority and minority Iraqis' practicing Islam.
Sayyid Rashid al-Husseini	The market of religious state is not prosperous for two reasons: first, our traditional heritage has not given our jurist such a responsibility; and second, the unsuccessful experience of the scholars in the contemporary politics of Iraq.
Sheikh Bashar Abu Gilal	It has some reasons: (1) Establishing a Shiite state in Iraq is setting fire in the Arabic milieu. (2) There are religious and ethnic plurality. (3) America is also an obstacle in forming the Shiite state along with Iran. (4) Reflecting the problems of the Shiite state of Iran in Iraq. (5) The jurisprudential order of Najaf scholars do not believe in it.
Sayyid Sadiq Kharsan	Its main reason is the dominance of the foundations of Sheikh Ansari on Najaf seminary.
Sayyid Muhammad Hussein Hakim	The jurisprudential evidence do not denote the necessity of establishing such a state, and the only duty of the jurists in the Occultation Period is guidance.

Sayyid Muhammad Ali Bahr al-Olum	Apart from jurisprudential foundations, the scholars of Najaf have not sought, historically, to establish a Shiite state in Iraq and just think of establishing an Arab Islamic state.
Sayyid Javad Khouie	The scholars in Najaf substantially disagree on establishing a Shiite state.
Sayyid Abu Raghif Musavi	The Shiites do not want a state in their name.
Sheikh Farhan Saedi	The Shiite state in Iraq is not an end to the Shiites' issues; rather, it starts a crisis of a new type.
Sheikh Ihsan al-Fazli	This unwillingness has some reasons, such as (1) the opposition of the international system with establishment of a Shiite state in Iraq, and (2) fear of defeat of the project of political Islam

This table contains the answers provided to the first question by the clerics in Najaf seminary. Except for Javaheri and Sanad who support Islamic state – not necessarily a Shiite one – most scholars do not consider establishing it in Iraq as a proper idea.

Ayatollah Fayyaz believes that the Shiites do not consider establishing such a regime necessary, because they consider themselves capable of coexisting with others in a powerful government (al-Hamud, 2018, p. 235). As Fayyaz says, the Shiites are ready to present a role model for coexistence with other Iraqi people and denominations in a monolithic government. Integrity of all people in a plural government is, for him, a sign of power, not weakness. Of course, it is contingent upon other's readiness for such an attitude.

Ayatollah Bashir Najafi, like Fayyaz, without speaking of non-necessity of a Shiite government in Iraq, emphasizes that the Shiites do not think of a Shiite state out of compassion for health of Iraq.

Ayatollah Ya'qubi, despite his emphasis on appointed authority of the jurists in general, rejects – practically – the establishment of any Shiite regime and offers three reasons for it: (1) The Shiites naturally like to have coexistence with others in spite of all religious and ethnic differences. (2) Coexistence and plurality are the origins of independence and happiness of all, and grouping or demarcation as well as prejudice will lead to hatred and struggle. This wastes forces and resources. (3) The Sunnites, Shiites and Christians of Iraq are the skeleton of the Iraqi nation and have mutual relations. They are not isolated in their own cantons so that we may imagine ethnic or sectarian countries (al-Hamud, 2018, p. 237). These three reasons cause the Shiites not to accept the establishment of a separate Shiite state in Iraq and stress on the unity of nation-state.

Ayatollah Sheikh Muhammad Sanad considers establishment of a religious government – if possible – as a jurisprudential necessity. If this is not possible, we must infiltrate in the state – even if it is American or British – and perform our duty. Thus, we must say that the Shiite jurists in the religious government disagree in three spheres: (1) in its rational and verbal evidence; (2) in the tools for establishing a religious state, such as revolution, reformation or fighting; and (3) in the form of religious government like monarchy, constitutionalism and Islamic republic. This shows that the Shiite scholars do not disagree on the main idea of establishing a religious government. Rather, they disagree on the evidence, the tools and the form of the government. This also shows that the jurists have not had any disagreement on the necessity of establishing a religious government – if possible – and their disagreements are restricted to those three spheres (Sanad Bahraini, 2022/03/17).

Sheikh Bashar Abu Gilal also, in the middle of major dispute on the applicable evidence, believes that realization of the theory of [religious] authority in Iraq is problematic. From strategic perspective,



Iraq is placed in an Arabic milieu and establishing a Shiite state there is as opening fire in the Arab world; thus, the Americans do not allow such a state to be established alongside Iran.

From the viewpoint of Muhammad Ali Bahr al-Olum, that the scholars of Najaf have not sought to establish a Shiite state is no new thing and has historical roots. After disintegration of Ottoman caliphate, they were seeking to establish an 'Arab Muslim kingdom' that gives them a new identity. Like Syria and Jordan, Iraq was not separated from Ottoman Empire on the basis of religion; rather, it was separated on the basis of homeland. This separation was sufficient for Najaf scholars to shift from an Arab independent state to the monarchy of a Muslim individual, not seeking to establish a Shiite state. Thus, the homeland state based on constitutional laws was a state that got its legitimacy not from religion, but from people. No doubt, Akhund Khorasani's thought and that of Mirza Na'ini were conceived inside this evolution, and they considered the origin of dictatorship to be people's non-interference in managing affairs. This was the idea that became more complete in Ayatollah Sistani's time.

Sayyid Rashid al-Husseini also believes that despite little dialogue about state in Najaf seminary, the market of Islamic state is not prosperous. In his view, this coldness has two reasons: (1) our jurisprudential heritage has given little responsibility to jurists in the Occultation Period, which is related to 'benevolent (*hisbiya*) affairs'. (2) Unsuccessful experience of our clerics' entrance into political affairs like *Thowr al-'Ishrīn* (al-Husseini, 2021).

From the viewpoint of Sayyid Muhammad Hussein Hakim, the son of Sayyid Muhammad Saeed Hakim, in addition to not supporting the establishment of a state, he does not support establishment of a certain state in the name of Shiism. The jurists' duty in the Occultation Period is guiding people and the government, which they state, for expediency, in the form of fatwas and other cultural tools (Hakim, 1400 SH).

Sayyid Sadiq Kharsan also believes that in Sheikh Ansari's view, a jurist does not enjoy the latitude of the Infallibles, and cannot be, by himself, in charge of public affairs. This theory, which is the theory of many scholars of Najaf, emphasizes that the jurists have limited interference in public affairs in the Occultation Period. Their only duty is guidance and encouraging the state to establish justice as well as enjoining good and forbidding evil. These are the very *hisbiya* (benevolent) affairs that the jurist is certainly in charge of them. In a region like Europe, where there is no jurist, this responsibility is on the shoulders of just believers and, in lower levels, the unjust experts. Thus, the jurists' duty is guiding people, which is more important than establishing a state. Of course, this supervision is implementable only if the content of benevolent affairs are inserted in the constitutional law (Kharsan, 2021).

Sayyid Javad Khouie says that a small part of the Shiite history is dedicated to the discussion on the state, a major part of which is related to the Islamic Republic period. The angle from which the Iranians look at this discussion is different from that of people of Najaf. In Iran, it is assumed that the Islamic state must exist and the clerics must be in charge of it, while in Najaf, all these assumptions are questioned (Khouie, 2021). In addition, the Iraqi Shiites have the complex of being oppressed, not of having a government. For us, government is not as valuable as dignified life (al-Hamud, 2018, p. 236).

In Abu Raghif's view, the Shiites have no specified position for establishing a state, because the Shiites are divided into some groups. However, most of them assumed themselves under the government of Iraq; and this means they can coexist based on citizenship foundations (al-Hamud, 2018, p. 236).

Saedi also emphasizes that the Shiites' national memory were not, and is not, seeking to reject others, and has not wish to establish a government. Not only is establishment of a Shiite state not a solution

to the Iraqis' existing issues, but also they may open the way to big ISSUES (al-Hamud, 2018, p. 236).

*Table 3: The answers provided by Najaf scholars to the following question:  
"What is the best type of government in the present situation of Iraq that respect simultaneously people's religion, customs and civil freedoms?"*

Sheikh Muhammad Ishaq Fayyaz	The governmental system proper for a country like Iraq is a government based on civil state.
Sheikh Bashir Hussein Najafi	Islamic regime is the right one.
Sheikh Muhammad Ya'qubi	The current Parliamentary system existing in the constitutional law of Iraq.
Sheikh Muhammad Sanad	I favor the late Na'ini's view on Islamic government, wherein the government is conciliar.
Ayatollah Sheikh Hassan Javaheri	The best government in the current situation of Iraq is the Islamic government, not the civil government that sometimes acts against religion.
Sayyid Rashid al-Husseini	The best government for Iraq is the homeland democratic government, of course provided that the society has grown up and know the concepts of voting, elections and representation. It seems that in Iraq, these conditions do not exist and we need a just dictator.
Sheikh Bashar Abu Gilal	The desired state is the very civil state with no conflict to Iraqi and religious values.
Sayyid Sadiq Kharsan	Speaking of the desired state is not my specialization, but my model is the very state accepted by Ayatollah Sistani.

Sayyid Muhammad Hussein Hakim	I do not support a special form of government in Iraq. Any state that is going to govern Iraq must respect the rights, freedom and religion of the people. The jurist has no duty except guidance. His tool in this regard is fatwa.
Sayyid Muhammad Ali Bahr al-Olum	This current regime is the best political regime and in favor of the Shiites. This system of power has been divided among the Iraqis.
Sayyid Javad Khouie	The best state for the current Iraq is the civil state. By this kind of the state, I mean separation of religion and government.
Sayyid Rahim Abu Raghif Musavi	It is the civil system that distinguishes between religion and government. The basic law of Iraq is clearly civil, but it is not practical now.
Sheikh Farhan Saedi	Democracy is the criterion for circulation of people's power and choice.

The above table contains the views of the scholars in Najaf seminary regarding the best model of government in Iraq that can preserve, in lack of the Shiite state, respect of religion and freedoms. Apart from Sheikh Bashir Najafi, Sheikh Muhammad Sanad and Sheikh Hassan Javaheri, all explicitly believe that a civil democratic regime is the best for the [current] situation of Iraq.

Sheikh Hassan Javaheri believes that the best government in the [current] situation of Iraq is the Islamic government. By the Islamic government, he means something other than what is there now in Iran. [He says] by being Islamic, I do not mean that Ja'fari's jurisprudence must be the criterion of the government. Rather, I mean the state must

respect religion and religion must be the criterion for the state's behavior. In that kind of government, the Shiites, the Sunnites and even the People of the Scriptures (i.e. the Jews and the Christians) act according to their own religions and the Islamic ruler supervise it. Accordingly, a just jurist must be the head of the government to administer the affairs according to religion. In this government, the *Faqih* (i.e. the jurist) is dominant and gives people opportunity to take part in the power in two ways. One is by appointing them to offices and the other is through polling and consultation. By the latter, we mean this state forms a council consisting of all scholars from all denominations and asks them for their opinions. The number of the members of this council is determined based on the number of population. For instance, if the population of the Shiites is %60, the Sunnites are %30 and the People of the Scripture are %10; that is, 6 Shiite jurists, 3 Sunnite jurists and one Scripture scholar participate there respectively to give consultation to the just jurist. Consultation in that council is not merely *ṭarīqī* (by path), but similar to *mowḍūʿī* (by subject)<sup>1</sup> and can change the jurist's opinion. I have not stated this opinion in my jurisprudential views and now recount it for you (Javaheri, 1400 SH). But 'why have I renounced the idea of establishing such a state in Iraq? The answer is because the plan of the jurist's state is not, in principle, a right idea even in the supervisory form, when our Sunnite brethren, parties such as *Ḥizb al-Da'wa*, and some of [the Shiite] scholars in Najaf do not accept it. Ayatollah Sistani's support of the civil state in Iraq – which is the dominant procedure in Najaf seminary – has rational basis, not a jurisprudential one (Javaheri, 2022/03/16). Therefore, in Javaheri's view, civil state has no

---

1. *Ṭarīqī* and *Mowḍūʿī* are two terminologies used in Principles of Jurisprudence in a division of the foundation for legal reasoning of a fatwa on a certain subject.

jurisprudential justification and cannot prepare a support for itself from jurisprudential doctrines. Nevertheless, he maintains – under the influence of the historical and lingual background of Najaf seminary – that the process of decision-making in this Islamic government is conciliar whose composition can further the theory of counselling in Najaf.

Sheikh Muhammad Sanad also considers religious government – if possible – as a necessity for Iraq. In his view, we have a certain political and judicial system, but with no unique model. Any model, which is to be established in Iraq, must make use of human experiences, not oppose the religious fixed laws, and preserve itself in a dynamic form, not insisting on single procedures and structure. Nevertheless, I favor Mirza Na'ini's model. He did not accept individual's power and even proposed the rules, regarding a jurist, that cause equilibrium. His model is different from council model. In the principle of council, the issue of minority and majority is raised, while the Shiites' view on council is similar to databank and its criterion is not based on numerical preponderance. Previously, the human worked with Parliament elections and three powers (separation of governmental powers). However, a system has been newly developed, consisted of statistical, data, research and consultative centers. This refers to the databank of the known things and has nothing to do with majority. This is the Shiite view of council. Thus, the program of the three powers must come from research centers, and this is the very collective knowledge. Here, there is no question of majority and minority. This is the judgment of knowledge and empirical reason. Democracy is the victory of majority over minority. But this model has nothing to do with majority and minority; rather, it is realism, scientism and rational empiricism. Some of the western systems claim to implement this model. A parliament representative or a vizier

cannot know the knowledge of all layers of the society. These scientific centers must present information and road map. If legislation is conducted based on this model, the rule of knowledge runs and this is the true participation of population in government. It is a very ideal model (Sanad Bahraini, 2022/03/17).

Bashir Najafi also, without giving any explanation on the model of Islamic regime, emphasizes that this regime secures the felicity of the nation and protecting it against the foreign and domestic enemies. Nevertheless, Sheikh Muhammad Fayyaz explicitly says that the civil state is the superior governmental system. In a fatwa, he writes, ‘The proper governmental system for a country like Iraq in this era and based on international variables is a civil state that creates, through its executive laws and rules, a general milieu wherein it secures – without conflict with the Islamic Sharia and weakening the essentials of Sharia and the rights originated from its laws in the present and the future – the growth of human community of most of its inhabitants and has, for the followers of other religions and denominations, laws for securing the rights and a life with dignity and personal freedoms. These individuals have representatives of their own and, like other representatives, are selected for entering the legislative assembly’ (al-Hamud, 2018, p. 226).

Indeed, Ayatollah Fayyaz delineates a state not originated from Islam but with no conflict with Sharia. This is the very regime recognized by the current constitutional law in Iraq. In the above statements, Fayyaz emphasizes that demands of time and global variables impose a certain type of governance in Iraq. This statement shows the pragmatic and intellectual aspects not much found in Najaf seminary. Besides, in Fayyaz’s view, this civil system must attempt to create a nation. In addition, this system must observe the citizen rights of various religions and denominations, for whom he does not use the

term minority, because in his view, practicing the rites and the beliefs and freedoms of the citizens is a human right, not a gift from the majority.

Ayatollah Ya'qubi considers this very regime recognized by the constitutional law of Iraq. Nevertheless, he criticizes some of the minor parts of the constitutional law and requests the reformation of the law of elections, increase and expansion of latitude of provinces for decentralization of administration, reinforcing supervisory organizations and the like.

Sayyid Sadiq Kharsan, however, does not support a certain form of the state, but accepts any regime that the scholars consider proper for time and place and, of course, the one that observes the religious fixed laws. This state must be establisher of justice and remover of corruptions. Entering this state requires expertise, which scholars lack. By '*uqalā* (literally 'wise persons'), he means the experts (Kharsan, 1400 SH).

Sheikh Bashar Abu Gilal, who considers civil state as the best state in the current situation of Iraq, emphasizes that after the fall of Saddam Hussein, Iraqi people trusted their scholars for establishing such a state and requested them to support people in establishing it. The religious authorities, especially Ayatollah Sistani, reacted to people's trust and helped them in the years after the fall of Saddam. Ayatollah Sistani never allowed his representatives and associates to seize power and take over a responsibility in the state. In his view, the constitutional law of Iraq must not oppose the religious and cultural fixed laws in Iraq. The moral values, for him, are among religious values that must be respected by the constitutional law (Abu Gilal, 2021).

Sayyid Muhammad Hussein Hakim does not support another form of government attributed to the Shiites beyond the negation of the jurists' government, but he is severely sensitive to the texture of the state that is going to be established in Iraq. In his view, any form of



the state must be far from dictatorship and respect the opinions of all Iraqis. Of course, by publicity of the state, he does not mean acceptance of democracy. This is because he does not consider democracy from religion and considers it, in some cases, even irreligious. Thus, any state that is distant from dictatorship and tribalism and respects the freedoms, rights and religion of Iraqi people is respectable; and the religious authorities have no duty other than guiding him.

Saedi also casts doubts on the idea of ‘theory of government’ in Islam. In his view, there is no evidence for the Shiite government and the majority’s opinion will be chosen for the administration of the society based on the most qualified model (al-Hamud, 2018, p. 224). And finally, Abu Raghif invites everyone to a secular government wherein religion is separated from government. He calls this government a civil one. He also agrees that the regime recognized by the constitutional law of Iraq is quite civil, but it is badly implemented by the Iraqi rulers (al-Hamud, 2018, p. 224).

*Table 4: Answers to the following question: “What are the common points according to which the Iraqi Shiites want to behave others, including Kurds, Sunnite Arabs, religious minorities and seculars?”*

Sheikh Muhammad Ishaq Fayyaz	Democratic civil system; history of coexistence; common interests, such as freedom of belief and economics and services.
Sheikh Bashir Hussein Najafi	Islam’s arms are open for all denominations; People are two groups: they are either your religious brethren or your fellowmen. The Islamic regime can contain all denominations.
Sheikh Muhammad Ya‘qubi	We invite people to establish a government based on citizenship and that all Iraqis are

	equal in their rights and obligations. This is what unites the Iraqis.
Sheikh Muhammad Sanad Bahraini	The constitutional law of Iraq is the factor for our unity.
Sheikh Hassan Javaheri	The expediency of everyone necessitates that we interact with all and make them involved in administration of Iraq.
Sayyid Rashid al-Husseini	The most important factor of our unity is the constitutional law, but our current problem is that the political groups and parties demand more than their rights.
Sheikh Bashar Abu Gilal	We have common points for living together in Iraq. Peaceful living, good character, trustiness, etc., which we have learnt from Ahl al-Bayt, are our foundations in interacting with others.
Sayyid Sadiq Kharsan	Respecting the right to public participation in administering Iraq.
Sayyid Muhammd Hussein Hakim	The necessity of respecting others' rights and freedoms is our foundation in interacting with others.
Sayyid Muhammad Ali Bahr al-Olum	Our criteria for interacting with others in Iraq are two: our being Iraqi and the constitutional law.
Sayyid Javad Khouie	Humanity, morality, fighting with the enemies of Iraq, etc. are all common points. Solidarity of Iraq and preventing the foreigners' interference are also among the common goals among the Iraqis.

Sayyid Rahim Abu Raghif Musavi	Citizenship, equality, faith in plurality, pluralism and human rights.
Sheikh Farhan Saedi	The project of making the state in Iraq is not related to the Shiites, and their being majority has made others accept their demands. All request citizenship or – at least – claim it.

The above table contains the answers of Najaf clerics about the common points based on which the Shiites want to make a government with others. Except for Ayatollah Sheikh Najafi, whose answer was a little far from the question, others have enumerated some common points for making the state in Iraq.

In Ayatollah Fayyaz's view, there is no country in the world with just one religion or one denomination. Accordingly, the society has to accept coexistence. He believes that the societies are not afflicted with schism and conflict except in the light of oppressive regimes, interference of foreigners, lack of clear indices for preserving people's rights or limiting their freedoms. In his view, "taking refuge in democratic civil regimes is a means for protecting the solidarity of the building blocks of the monolithic country and granting peace to the inhabitants of the country through a legal system that prevents conflict and schism." He adds: "coexistence and public history and culture all can be a pivot for making the state. In his view, all Iraqi groups make efforts for fulfilling freedom, education, health and bread; and these are the services and principles we expect from the government and, consequently, they are among the common points that bring together all in making a government."

For Sheikh Muhammad Ya'qubi, citizenship, in the sense of equality of rights and obligations, is the foundation for gathering of all

Iraqi people. In his view, citizenship unites Iraqis and removes ethnic and sectarian prejudices.

Saedi insists that the project of making the state in Iraq is not a Shiite project and just the large population of the Shiites causes some to assume what is occurring is constructing a Shiite government or a government with Shiite parameters. Demanding equal citizenship by all is an issue that unites all Iraqi people. As Abu Raghif believes, citizenship and its foundations such as equality and human rights are common points that can promote the government.

Some others such as Sheikh Muhammad Sanad and Sayyid Rashid al-Husseini maintain that the constitutional law of Iraq – which is the guarantee for the rights and freedoms of all people – is the foundation for behaving with others. Abu Gilal also attempted to consider the moral doctrines as the criterion for such an interaction and state a cultural analysis for coexistence among the Iraqi groups and races.

*Table 5: Answering the following question: “Are the Shiites interested in other Iraqi religions and ethnic groups being part of Iraq and seeking participation in political power? Why?”*

Sheikh Muhammad Ishaq Fayyaz	Yes, because Iraq is the country of all of them.
Sheikh Bashir Hussein Najafi	Yes, and this has its roots in interest in solidarity of Iraq.
Sheikh Muhammad Ya‘qubi	Yes, because these have commonalities in history, geography, sorrows and feelings; and Iraq will not have stability and security or prosperity without solidarity.
Sheikh Muhammad Sanad Bahraini	No answer

Sheikh Hassan Javaheri	Yes, Iraq belongs to all Iraqis and they have the right to live based on their traditions and religion in this country.
Sayyid Rashid al-Husseini	Yes, apart from ethnic and religious differences, Iraq belongs to all Iraqi citizens.
Sheikh Bashar Abu Gilal	Yes, because Iraq is the land of all Shiites, Sunnites, Kurds and Arabs as well as other races and religions. All of us are parts of Iraq.
Sayyid Sadiq Kharsan	Yes, Iraq belongs to all Iraqis and all of them must participate in its destination.
Sayyid Muhammad Hussein Hakim	Yes, Iraq belongs to all Iraqis and we are all brothers.
Sayyid Muhammad Ali Bahr al-Olum	Yes, because the concept of hometown accepts all alongside one another as citizens.
Sayyid Javad Khouie	Yes, because hindering other's presence does not originate from reason and wisdom. We cannot administer the country alone.
Sayyid Rahim Abu Raghif Musavi	Founded in Iraq is the concept of citizenship, not the concept of particles of society. Religion and denomination invite us to commit to citizenship.
Sheikh Farhan Saedi	Yes, because by rejecting others, no problem is solved.

The above table contains the answers provided by clerics of Najaf for reasons of accepting other denominations and races by the Shiites in the process of making the state in Iraq. The answers enumerate various reasons for accepting others in making the state but all

emphasize the presence of Iraqi people as citizens in the process of making the state and breaking off from ethnic and religious belongings.

In Sheikh Bashir Najafi's view, there are various reasons for this. First, the solidarity of Iraq is formed by participation of all Iraqis. Second, the participation of all people guarantees the rights of all. Third, Iraq makes use of all its forces and capacities without considering subsidiary identities. Fayyaz also emphasizes that Iraq is the country of all Iraqi people and Iraq cannot be assumed without them. He says that Iraq is the country of all these. Iraq is the country of all those whose presence in this monolithic country is recognized for the same reasons as all sects have been recognized.

Sheikh Muhammad Ya'qubi defines the reasons for the Shiites' accepting others' participation as follows: "These feel a shared history, geography, sorrows and emotions; and Iraq will not have stability, security and prosperity without synergy of its components, all people's access to their rights, and all people's feeling dignity and citizenship. The rights of all in regard with administering the country must be recognized. Exclusivism and individualism are the cause of struggles."

Sayyid Javad Khouie says that Shiites have no condescending behavior in participating with others or do not feel that they have granted something to others; rather, this is one of the citizenship rights. The experience of preventing political participation of some sects or races in previous states was no useful experience to be repeated. Saedi also believes that rejecting none of the elements of the Iraqi community in the project of making the state does not solve any of the problems of Iraq, just as distancing the Shiites and Kurds from power remained fruitless in the past. Abu Raghif, while stressing on the point that Islam invites us to citizenship [rights], maintains – like Sayyid Javad Khouie and Saedi – that participation requires all

citizens to take part free from ethnic and religious belongings.

Indeed, what is found in Abu Gilal's speeches is the public idea of the clerics of Najaf. "In his view, Iraq is the land of all Shiites, Sunnites, Kurds and Arabs as well as other races and denominations. All of us are parts of Iraq." No doubt, this is the most beautiful statement that can found making the state on a strong basis in Iraq and delineate a bright future for this country.

*Table 6: Answers to this question: "What do Iraqi people need for more integration and closeness of various religious, sectarian and ethnic groups?"*

Sheikh Muhammad Ishaq Fayyaz	The officials are responsible to prevent foreign interference and have a continuous dialogue with other identities.
Sheikh Bashir Hussein Najafi	The politicians have not done their duties and they are responsible for this.
Sheikh Muhammad Ya'qubi	We need the sincere will of politicians for reformation, explicit and open dialogue, giving priority to high benefits, and getting help from experts and capable individuals in all spheres.
Sheikh Muhammad Sanad Bahraini	No answer
Sheikh Hassan Javaheri	Respecting the rights of all minorities and majorities, and participating in political power based on the expediency of all Iraqi people can make them close together.
Sayyid Rashid al-Husseini	Reinforcing the hometown and democratic foundations of the new state.
Sheikh Bashar Abu Gilal	We must refer to the general concepts such as equality, justice, non-observance of personal

	expediencies and refraining from the minor issues that make schism.
Sayyid Sadiq Kharsan	Respecting all Iraqi people's right to participating in political power... besides, we must respect Islam in Iraq and must not support a certain denomination.
Sayyid Muhammad Hussein Hakim	The consensus of all Iraqis on their rights and freedoms.
Sayyid Muhammad Ali Bahr al-Olum	Emphasis on the fact that legitimacy of the state originates from people's will, not from religion or ethnicity, can be uniting.
Sayyid Javad Khouie	The reason for schisms is mostly political and the interests of some continues struggle and schism. The interference of foreigners plays role in schisms. The most important factor is economy so that the hungry citizen does not go towards fanaticism and violence or rupture.
Sayyid Rahim Abu Raghif Musavi	We need a political leadership that has faith in citizenship and plurality.
Sheikh Farhan Saedi	We need a separate management of each group in the form of federalism; of course not in the style of the separatist federalism of Kurdistan. Besides, we need private economy, coexistence culture, democracy and non-interference of foreigners.

The above table contains the answers of Najaf clerics regarding the Iraqis' need for integration and more closeness among themselves. The answers are divided into two. First, those who are seeking not for the factors of separation, but for the foundations of unity among the



Iraqis and put emphasis on issues such as respecting others, reinforcing hometown leanings and deepening the belief in the public legitimacy of the state. Indeed, for this group, the historical and fundamental need of the Iraqi people is getting far from ethnic and religious prejudices and seeking refuge in citizenship rights. The second group contains answers that put the responsibility of convergence on the shoulders of the politicians.

As an example, Sayyid Javad Khouie says, “some politicians feed on schisms.” Abu Raghif also agrees with the view that some parties deepen the sectarian and ethnic schisms for their political purposes. In his view, Iraq needs leaders that believe in plurality and citizenship. Saedi also names numerous factors in creating schisms and considers the role of foreign forces important in this regard. Ayatollah Fayyaz put emphasis on the formation of active leaders and parties that, on the one hand, take over the responsibility for making groups close together and, on the other hand, resists against interference of foreign forces who misuse the domestic discord. Finally, Ayatollah Ya‘qubi maintains that the religious institution is the only one that can force politicians to reform the affairs. In his view, no one except religious authority having the command of affairs is able to play that role.

*Table 7: In answering the following question: “in case there is a conflict between the interests of the Shiites in Iraq, Iran and Kuwait and other countries – like Saudi Arabia – what is our religious obligation?”*

Muhammad Ishaq Fayyaz	The states originated from elections are protectors of the interests of political elements that have chosen them.
Sheikh Bashir Hussein Najafi	The problems are solved through mutual understanding and far from misuse and ethnic or sectarian prejudices.

Sheikh Muhammad Ya'qubi	Any situation demands a certain decision. The human foundations are not different in reason and religion and are not inconsistent or in conflict. The Islamic laws are flexible and the sphere of legal reasoning is widespread in this regard, and the executive atmosphere is versatile.
Sayyid Rashid al-Husseini	The answer to this question depends on whether I give priority to my Iraqi origin or my being Shiite. I may be sensitive to the political expediency of all Shiites and – for instance – denounce their murder in Saudi Arabia, but my Iraqi origin prevents me from setting fire in Saudi embassy.
Sheikh Bashar Abu Gilal	In a hypothetical conflict, one cannot state a general view and must set issues in order of importance. Ayatollah Sistani does not do what may impair Iran.
Sayyid Sadiq Kharsan	We respect the Shiite state in Iran.
Sayyid Muhammad Hussein Hakim	In case of a conflict, one must pay attention to the general expediency of the Shiites and act accordingly.
Sayyid Muhammad Ali Bahr al-Olum	In case of such a conflict, we must support other Shiites without any consideration. If there is a compact between Iraq and other countries, there will be no support. For Ayatollah Sistani, the expediency of Iraqi Shiites is prior to others.
Sayyid Javad Khouie	I am first Iraqi and then a Shiite.

Sayyid Rahim Abu Raghif Musavi	I behave as an Iraqi firstly and essentially, not secondarily and accidentally.
Sheikh Farhan Saedi	Everyone must refer to his own religious authority.

The above table contains the answers of some clerics in Najaf to the hypothetical question. This question aims at discerning the feeling of distinction – in their minds – between Iraqi Shiites and the Shiites in other countries of the region. This mentality can highlight their unthought ideas regarding the project of making the state in Iraq.

The answers provided by Sayyid Javad Khouie and Abu Raghif are somehow political. They stress on their Iraqi origin more than others and, in this way, give priority to the interests of Iraq over any other interest. For Khouie, there is no common point between the Iraqi Shiites and the Shiites in the neighboring countries; and [he says] if a problem arises, I will behave as an Iraqi and give priority to my Iraqi identity over my Shiite identity.

For Sheikh Bashir Najafi, Islam is an overarching umbrella; and if such a problem arises, it will be solved under this umbrella. Clearly, Najafi's answer is a general one with no vivid content. But Ayatollah Fayyaz has a clearer answer. For him, the states originated from elections are protectors of those who have chosen them and must implement the policies of their nation. This shows that Fayyaz's answer is more realistic and he considers the solution to such a conflict dependent on the capability for representation of the nations' interests and, of course, he regards the religious laws flexible in relation to it. Sheikh Muhammad Ya'qubi refrains from answering directly but says clearly that the Islamic laws are flexible in facing this hypothetical situation. Nevertheless, for some educators in Najaf seminary the expediencies of the Iraqi Shiites are, in Ayatollah

Sistani's view, prior to other Shiites and fulfilling the interests of other Shiites must be fulfilled in other ways.

*Table 8: In answering this question: "In defining your identity, do you prefer to introduce yourself as an Iraqi or as a Shiite?"*

Sheikh Muhammad Ishaq Fayyaz	My Iraqi origin has priority.
Sheikh Bashir Hussein Najafi	Introducing myself as an Iraqi has priority for getting far from sectarianism.
Sheikh Muhammad Ya'qubi	We are all Iraqis.
Sayyid Rashid al-Husseini	I am proud both of my Iraqi origin and my Shiite leaning. When I am at home, I'm a Shiite; but when at work, I am an Iraqi and must speak and decide according to the expediency of the whole Iraq.
Sheikh Bashar Abu Gilal	There is no conflict between the Iraqi and the Shiite identities, but I introduce myself a Shiite. Of course, this does not mean the priority of my Shiite identity over my Iraqi identity. My Shiite leaning does not negate my Iraqi origin. Both of them are intermingled, and I defend my hometown as advised by religion.
Sayyid Sadiq Kharsan	I am both Iraqi and Shiite. And I define both in my identity simultaneously.
Sayyid Muhammad Hussein Hakim	In introducing myself, I am first Abdullah (i.e. God's servant), then Shiite and finally Iraqi. If I state vice verse, I will become secular.
Sayyid Muhammad Ali	I prefer to introduce myself initially as an Iraqi.

Bahr al-Olum	Ayatollah Sistani has understood this priority well.
Sayyid Javad Khouie	I am firstly an Iraqi and then a Shiite.
Sayyid Rahim Abu Raghif Musavi	I am an Iraqi and give priority to it over my being a Shiite.
Sheikh Farhan Saedi	Everyone follows his own religious authority.

The above table also has been adjusted in answering the question of whether you introduce yourself as an Iraqi or as a Shiite? No doubt, that most of them introduce themselves Iraqi before a Shiite can prepare a strong foundation for making a nation in Iraq, and fortunately, this idea is predominant among the clerics of Najaf. Except for one or two, who stressed on their being Shiite, the rest preferred to introduce themselves as Iraqis. This preference may be the only way out from problems of making a nation in Iraq; and it is an idea gradually being prevail in literature of Najaf. Even the religious authorities in Najaf seminary defend it. More interestingly, individuals such as Sayyid Rashid al-Husseini, in a delicate distinction, emphasize that they are proud of both their Iraqi origin and being a Shiite. But he says when he is at home he is a Shiite, while at work, he is an Iraqi and must speak and decide on the basis of the expediency of the whole Iraq.

### Conclusion

A review of the above tables shows that

1. The answers of the clerics in Najaf seminary to the questions posed regarding the reason for their reluctance to establish a Shiite government in Iraq and the type of the government proper

for Iraq were very close together. Many of them acknowledged my findings about the hegemony of the thought of the Great Sheikh's pupils in this seminary, and analyzed the current seminary of Najaf as the continuation of that thought. In this way, they considered the opposition of this seminary with establishment of a Shiite government in Iraq as a foundational opposition; and of course, the climate conditions of this country does not allow such an idea. Behind such a denial, most of them favor civil state or parliament system based on constitutional law for their country, considering Ayatollah Sistani's defense of it as the last word in this regard. Of course, the scholars and clerics of Najaf avoided using the phrase 'secular state' as if they considered stating it as inconsistent with the doctrines of religion. Accordingly, they mostly used the term 'civil state'. The emphasis and interest of 80% of them on the civil state and regime shows that they consider such a regime as desirable by relying on the historical and objective experience of Iraq. Other answers that sought Islamic regime were sparse, scattered, and not supported by that seminary. Although the Najaf seminary and clerics' support of the civil state is like the Iraqi intellectuals and politicians, they always emphasized that this state must not oppose the religious fixed laws, so that it saves itself from getting involved in secularism and prevents itself from identification with two other trends. Although the concept of civil state has no seminary foundation and is mostly under the influence of intellectual literature entered into Najaf seminary, they propose it in Najaf seminary in a way that it preserves their religious identity. However, what is of importance is that most of the members in Najaf seminary explicitly speak of civil

regime and do not hide their leaning towards such a regime. Despite the critiques they pose on the constitutional law of Iraq, they consider it as the best governmental system for that country and, of course, they do not like Islam to be a rejecter in that system. One may say that the civil regime is a concept that the clerics of Najaf has entered into the political discourse of Iraq and others have accepted it as the foundation.

2. What is of importance in these dialogues is that the clerics of Najaf insist on the concept of citizenship as the most important common factor among the Iraqi people and denominations that contains the legal rights and laws. Without being afraid of using the concept of citizenship, they prefer it intentionally to terms such as minorities and support it continuously. Perhaps, this concern arises from the Shiites' recent memory that resides inside the clerics.
3. The answers of Najaf clerics regarding the encouragements for Shiites' participation with other inhabitants of Iraq in making the government has less religious motivations. Most of them, without making such an encouragement documented by intrareligious evidence, are more interested in using concepts such as 'common interests', 'their equality in citizenship', 'it is not possible without their participation', and 'solidarity of Iraq demands this'. More interestingly, Iraqi intellectuals emphasize, in encouragement of the Shiites for participation, on religious and cultural motivations, establishing relations between religious reading and social realities of Iraq.
4. In answering the reasons for not demanding a Shiite government by Najaf clerics, most of them preferred to use the statement 'it is not necessary'. Perhaps this answer shows they are confident

that “it is possible that Iraq be administered by the Shiites with others’ participation and establishing a Shiite government is not necessary.” The public atmosphere of Najaf has no belief in creating a Shiite state and people do not pursue their ideal model in such a state.



---

**References<sup>1</sup>**

1. Abu Gilal, B. (2021). *Ayatollah Sistani's School and the New State of Iraq*. Najaf: Dar al-'Ilm Ayat al-'Ilm Ayatollah Khouie (personal interview: Abdul-Wahhab Forati). [In Arabic]
2. Bahr al-Olum, S. M. A. (2021). *Scholars of Najaf and Evolutions of the State in Contemporary Iraq*. Najaf: Ma'had al-'Ilmayn (personal interview: Abdul-Wahhab Forati). [In Arabic]
3. Al-Hussein, R. (2021). *Scholars of Najaf and Politicizing in New Iraq*. Najaf: his majesty's house (personal interview: Abdul-Wahhab Forati). [In Arabic]
4. Hakim, S. M. H. (2021). *Jurisprudence and Religious Government*. Najaf: Maktab Ayatollah Sayyid Muhammad Saeed Hakim (personal interview: Abdul-Wahhab Forati). [In Arabic]
5. Kharsan, S. S. (2021). *Najaf Seminary and Government in Iraq*. Najaf: his majesty's house (personal interview: Abdul-Wahhab Forati). [In Arabic]
6. Khouie, S. J. (2021). *Clerics and Islamic State in Iraq*. Najaf: Dar al-'Ilm Ayatollah Khouie (personal interview: Abdul-Wahhab Forati). [In Arabic]
7. Sanad Bahraini, M. (2021). *Najaf Seminary and the Islamic State*. Najaf: his majesty's office (personal interview: Abdul-Wahhab Forati). [In Arabic]
8. Javaheri, H. (2017). *Dialogue about Najaf School*. Available on <https://fa.shafaqna.com/news/536351>. . [In Persian]
9. Javaheri, H. (2021). *Jurisprudence and the Theory of Islamic State in Iraq*. Najaf: Kashef al-Ghita' Mosque (personal interview: Abdul-Wahhab Forati). [In Arabic]
10. Al-Hamud, A. T. (2018). *The Hot Star of Government, Experience of the Shiites' State-Making in Post-Saddam Iraq* (Trans. Markabi, H.).

---

1. It must be noted that I have the voice file of my interviews with the figures in this article, which will be published in an independent work soon.

Tehran: Arma Publications. [In Arabic]

11. Ya‘qubi, M. (2019). *The Second Sadr and the Theory of Religious State*. Najaf: Hay al-Zahra (personal interview: Abdul-Wahhab Forati). [In Arabic]