

Investigating the possibility of converting the Holy Shrines in Iraq into an independent sovereign state like the Vatican دراسة إمكانية تحويل العتبات المقدسة في العراق إلى دولة مستقلة ذات سيادة مثل الفاتيكان

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Abstract

The question: How can the Holy Shrines in Iraq be converted into a state like the Vatican's? The hypothesis: due to

political, social, religious and cross-border variables, it is not viable to convert the Holy Shrines in Iraq into an independent country like the Vatican. The objective: to explain why it does not seem viable to convert the Holy Shrines in Iraq into an independent state like the Vatican.

Key words: Holy Shrines, Iraq , Vatican

الملخص

السؤال: كيف يمكن تحويل العتبات المقدسة في العراق إلى دولة مثل دولة الفاتيكان؟
الفرضية: بسبب المتغيرات السياسية والاجتماعية والدينية والعابرة للحدود، فإنه من غير الممكن تحويل العتبات المقدسة في العراق إلى دولة مستقلة مثل دولة الفاتيكان.

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الهدف: توضيح لماذا لا يبدو من الممكن تحويل العتبات المقدسة في العراق إلى دولة مستقلة مثل دولة الفاتيكان.

الكلمات المفاتيح: العتبات المقدسة، العراق، الفاتيكان

3-1 Introduction

Although the new state in Iraq seems emerging, the country itself had been the capital of many empires that ruled the world. Likewise, it has been occupied by many other countries and empire. Iraq has witnessed various nations, governments, different ethnic groups, as well as a variety of religions and nationalities, which has led into heterogeneity and lack of sense of belonging among the citizens. As the result of that, people seem to be more faithful and committed to their religions, nations, or tribes than their homeland. Therefore, they have relied on the other nations and countries to attract their support and the required legitimacy to impose their perceived authority.

Therefore, Iraq has been suffering from a lack of stability since its establishment in the early 20th century, and the conflicts over the separation of some regions, especially Kurdistan, which is raised from time to time, have not been resolved yet.

The same issue is seen regarding how the Shiite sect and its proponents are treated in Iraq. Since the

establishment of the new government in Iraq until 2003, the Shiites have not been treated fairly, which is partly due to the tyranny of the rulers and their mistakes. So, the same inclination towards separation and imposing power over the others is evident in the Shiite sect, which culminated when Abdul Aziz Hakim, the head of the Islamic Supreme Council of Iraq, called for the creation of central and southern regions.

Therefore, in this chapter, we will examine the viability of converting the Holy Shrines into an independent sovereign state like the Vatican, as well as the international and regional conditions, and its acceptance. It should be noted that the potentials of the Holy Shrines along with the authority of Shia as the basis of religious and political decision-making, and being the official religion of the country, are assumed in this discussion.

This study aims to investigate if the Holy Shrines in Iraq can be converted into a state like the Vatican. It is hypothesized that the conversion of the Holy Shrines into a state like the Vatican seems impossible due to

the political, social, as well as cross-border variables. The main objective of the study is to explain why the Holy shrines in Iraq cannot be converted into a state like the Vatican.

3-2 Independence

The meaning and definition of 'Esteghlal' (Independence) in the Al-Jama'i Encyclopaedia

'Esteghlal' is a noun and the base from of the verb is 'Estaghall'

The independence of opinion: not being open or perceptive regarding other opinions

(Politics) freedom from any foreign domination (Al-Sirvan, 1995: 269)

Independence as a required condition for governance: (terms)

Independence: (terms)

The term "political independence"

Political independence roots in the two following concepts:

1. The emancipation of colonial countries from the yoke of colonialism, which is stated as, "This country was a colony of the British Empire. Then it was emancipated and gained its independence."
2. The country should not be colonized at all, which is stated as, "This country has been independent since the ancient times and never colonialized."

Independence refers to the desire of the members of a group, or their efforts to gain control over their fate. This group varies from a family, a small workshop to a state or country. Anyone has the right to decide for their fate and go on a different path either due to a lack of fair treatment, not common benefits, or solely their emotional inclinations. Seeking independence does not necessarily mean hostility towards the previous group or neglecting it but striving to gain an independent life or activity.

In order to meet the aim of the present study, it will discuss the Vatican, the history and the origin of the Pope, the reasons behind its emergence, the process of its development from the acceptance of Christianity as a religion in Europe in the first century AD, until its peak in the fourteenth century. After that, the administrative development that took place in the church organization will be discussed. Then, the common elements that the Holy Shrines in Iraq and the Vatican have will be examined. Finally, the possibility of these institutions becoming the core of a Shiite religious government in the holy cities will be addressed.

3.3 The Vatican

Before Christianity

The word "Vatican" was previously

used during the Roman Empire to refer to a marshy area on the west bank of the Tiber River, running through Rome, which was filled with many villas. This is after Agrippina the Great drained the area and destroyed its natural gardens in the early 1st century AD. She was the granddaughter of the Roman emperor Augustus and the wife of the military leader Germanicus, and her father is the one who led the army in the famous battle of Actium against Antony and Cleopatra.

In the year 40 AD, Emperor Caligula built a circus, which was later completed by Emperor Nero. Even before the advent of Christianity, this uninhabited part of the Roman city called "ager vaticanus" had been considered sacred or at least uninhabitable for a long time. Even long after the St. Peter's Basilica of Constantinople was built nearby, a shrine attributed to the ancient goddess Sibley still existed and remained an active site. It is said that the water in this area of the Vatican was of such poor quality that it was considered the reason for the failure of the northern army that attempted to attack the city.

3.3.1 The Pope

Christianity emerged early in Europe. Despite the persecution it

faced, the political and administrative conditions dominating the Roman Empire, along with the resources provided by Emperor Constantine, facilitated its rapid expansion. By the fourth century AD, the Roman Empire had embraced Christianity.

The spread of Christianity in European society led to the establishment of stable administrative organizations, so that the Pope gained the most important position among all, which did not substantially exist in Christian doctrines (Al-Sharida, 2018:391). In the case of Shite, the authoritative position, after the major occultation, was delegated to the narrators of his teachings.

After the spread of Christianity in society and the Roman Empire, which led to it being approved as the official religion of this empire in the fourth century AD, the Church, and the pope at its helm, came into existence. Therefore, from its inception, this position has been in charge of one of the power poles in Western Europe. Even after the division of the Roman Empire into East and West, it remained at the forefront of these powers, turning it into an influential religious and political force in Western Europe for several centuries. However, it has taken up a secondary role since 1929 (Faschr, 1953:912-).

The new government of the Vatican

The Vatican, the smallest country in the world and the main seat of the Catholic Church, is located in southern Europe, right in the heart of Italy, on the right side of the Tiber River. Until 1870 AD Popes had full control over the Vatican's territories, known as Papal States. Then, the newly formed united government in Italy tended to take charge of all papal lands outside the Vatican. The conflict between the Church and the Italian government had lasted for sixty years.

The Vatican is still the main seat of the Pope and the Roman Curia. The Roman Curia, which is an administrative institution and its members are directly appointed and discharged by the pope, assists the Pope in his missions. The leader of the Roman Curia is the Prime Minister, a cardinal assigned by the Pope to oversee the Vatican institutions (Mohammad Boubosh, 2019:2).

This country is the smallest independent country in the world. The Vatican has a banking system, a direct telephone, a postal service, a radio station, television, and a newspaper. The Swiss Guard has been a security force responsible for protecting the Pope since 1506 AD.

The Vatican, which was part of Italy, was recognized as an independent state

governed by the pope in 1929. He is the spiritual leader of nearly one and a half billion Catholics around the world. The Vatican is a neutral nation, which has not participated in any wars since its formation (Airoldi, 2022).

Due to maintaining its borders as well as its status que since the Lateran Treaty in 1929, the Vatican has been a unique country. Its diplomacy is also considered unique owing to the fact that it is not attached to the size of the country, economic and human resources, or military power. Instead, it has gained its power and influence from other elements, amongst which billions of the catholic followers all around the world is the most significant one. It has granted the Vatican its current international power (Airoldi, 2022).

Furthermore, its diverse and dynamic population, including different nations, a wide range of languages, races, and set of beliefs, has given the Church the required logistics to maintain it power in an international scale. It also provides the Vatican with the opportunity to stay up to date regarding what is going on in the other nations via the spread of its belief system among various social, developmental, as well as educational institutions. These factors play a crucial role in dealing with social,

political, and/or economic issues, for Catholic groups, bishops, and monks; and they influence how the Pope's representative (Nuncio) acts in a specific country (Salman, 2014: 84).

Another factor that gives the Vatican its current power is its common as well as consistent language. It seeks human religious freedom, respect, maintaining human spirit and their right to enjoy a peaceful life, and finally diplomatic interaction with the other nations. The Vatican owns one of the largest international diplomatic networks, which has succeeded in complying with the Holy see.

So, religious and political diplomacy of the Vatican are closely intertwined, working together to achieve global peace, security, and uphold human values among its followers among different cultures and religions. To fulfill it, some sort of pluralism as well as universal commitment are required. (Sheikhi, 2011:20).

3.4 International laws

The authority owned by the Pope, due to being a representative of the catholic church worldwide, is distinct from the territorial sovereignty in the Vatican. However, it is independent from any other power on earth. Just like other independent institutions, it has had the right to conduct

diplomatic negotiations with other countries through sending its own representatives and approving the ones from other countries.

The Pope's authority was in two forms, including the spiritual one, dominating the catholic church, as well as physical domination over Rome and some other areas, which lasted until 1870, when the Italian army entered Rome. In 1871, the law of Guarantees was set by Italy, based on which the Pope was assured to have the right to preserve himself, and some palaces and private buildings. He was also granted the right to negotiate with other countries, enjoying the same privileges, stated in the international laws (Zainab Sheikh, 2011: 21).

Before 1870, the Vatican had been considered a state with general international rights. After being occupied by Italy, it lost its previous position, though. Consequently, it stopped being considered a separate country, causing problems in its relationships with Italy and other European countries. To deal with the problem, Italy resorted to a law, called the Law of Guarantees. However, the disputes had not been resolved until the Lateran Treaties were signed in 1929, based on which Italy officially admitted to recognize the Vatican as a legally distinct international entity,

and broke off their diplomatic relations (Al-Kurdi, 2011).

To understand the nature of this institution, it is necessary to distinguish between the Vatican and the Holy See:

1. The Holy See is the absolute or supreme authority of the Pope over Catholics, currently count up to one billion and one hundred thousand. In spite of not possessing any land, this institution is officially recognized by all international organizations.
2. The Vatican government, the smallest country in the world with an area of less than half a square kilometer, has the responsibility to support and protect the activities of the Holy See and its religious, artistic, and cultural heritage.

The Pope is the absolute civil and religious power, holding all forms of legislative, judicial and executive powers. In other words, the catholic church relies on the Vatican acts as the means to support their freedom and independence, especially the universal Church the Vatican seeks to establish following Roman Catholic beliefs.

3.5 Lateran Treaty

The Lateran Treaty was one of the agreements signed in 1929 between the Kingdom of Italy and the Holy See to resolve the "Roman Question." It

was called so due to being signed at the Lateran Palace. The treaty was signed on February 11, 1929, and approved by the Italian Parliament on June 7, 1929 (Wala Ali, 2020: 15).

It is worth attending that resolving the issue through the Lateran Treaty, arisen between the Vatican and Italy, was brought up by Benito Mussolini, the leader of Italian Fascism. Being aware of the fact that Italians are strongly attached to religion, Mussolini realized the impossibility to eliminate the Pope, so he Instead, recognized him as a religious figure (Abdulaziz Salman, 2014: 543).

This treaty recognized the Vatican as an independent country, where the Pope, as the head of the Roman Catholic Church, exercises absolute executive, legislative, and judicial powers. The Italian government at the time, led by Prime Minister Benito Mussolini (and King Victor Emmanuel of Italy, and Pope Pius XI) agreed to compensate the Church for the loss of the Papal States by paying 750 million Italian lire, plus consolidated bonds with a nominal value of 1 billion lire at an interest rate of 5 percent. Thus, Italy paid less than what it would have paid under the Guarantee Law, i.e., 3.25 million lire annually, which the Holy See did not accept. In 1947, the Lateran Treaties became part of Italy's

democratic constitution (Abdulaziz Salman, the same).

The Lateran Treaty, which was signed in 1929 between the Pope and Italy, approved the Pope's authority over the Vatican as a separate independent country, denoting him physical as well as spiritual domination. This state owns control over foreign matters, leading Catholic countries and making international agreements to manage the Church's activities in foreign nations regarding religious affairs and rituals.

One of the manifestations of the Vatican's internal governance is its right to rule, legislate, and adjudicate regarding the civil and personal matters of its citizens.

4. Shia Religious Leaders

The distinctive feature of the religious field of Shia is embedded in its overlap with the other political and cultural fields, which enables the religious activist to be still influential applying a way out of religious scope.

Therefore, in societies where there is less varieties, religious figures can experience more influence in not only religious but also non-religious matters, which is embodied in the Shiite authority in Najaf Ashraf.

The majority of Shia Muslims are known as the "Asna' Ashari" or

Imamiyyah, generally sharing common beliefs with other Muslims. However, they have some beliefs that specify their religious faith. They believe that the successors (Imams) of Prophet Muhammad are his family, appointed by God and infallible. These Imams, including Ali ibn Abi Talib and 11 Imams from his descendants, who are the children of his wife Fatimah, the daughter of the Prophet, are considered by the followers of this school as the Twelve Imams. Shia Muslims also believe that the 12th Imam, Mahdi (born in 869 CE), is divinely hidden and is the awaited savior who will reemerge accompanying Jesus in the end of time to set the world free from injustice and tyranny. According to Shia belief, during the major occultation of Imam Mahdi, which began in 939 CE, his followers are referred to religious scholars for guidance in their religious affairs.

Due to the fact that jurists are considered the successors of the Imams until Mahdi reemerges, Asna Ashari Shia Muslims interact with them. So, Shia jurists play a central role among Shiites, unlike the Sunni community who do not believe in the doctrine of Imamate. Sunni scholars assume the stability of Islamic countries under the command of a powerful ruler, regardless of how religious he is; and

as long as the ruler does not deny the Islamic core practices and beliefs, it is on all Muslims, including jurists to obey him. This view puts Sunni Muslim scholars in a less important position (second place) in politics and government and constrains their duty to interpreting Sharia and giving the government legitimacy.

The leadership system among Shia scholars seems to be hierarchical considering their levels. Mujtahids (jurisprudents with the degree of *ijtihād*) form the religious elite who are able to derive rulings and issue fatwas. A mujtahid may reach the rank of *taqlid* authority, in which people who are not mujtahid imitate him. However, being known as *Marja'* does not guarantee having lots of followers. To attain this position, one needs to be both knowledgeable in jurisprudence, and have reputation as pious person in religious matters and life. The center of Shiite leadership today is Najaf in Iraq and then Qom in Iran. While Iranian mujtahids dominate two schools in terms of numbers. Today, there are more than twenty mujtahids in Iraq who are the owners of authority, and among them there are five or six people whose authority is widely acknowledged. There are 30 or more mujtahids in Iran, among whom five or six are superior to others in terms

of the reputation of their authority and the number of their imitators. Most Shia Muslims around the world look up to leaders in Iraq and Iran for both spiritual and legal advice. They also trust them or their representatives with receiving religious obligations like *Khums* and other financial duties.

Shia authority is considered as a traditional power, where personal role is crucial in forming its hierarchical system. It doesn't have a strict bureaucracy. However, it possesses stable framework as well as systematic hierarchy that are based on common logic (Christopher, 2015:147).

The friction between the government as a legal authority and religious authority as a traditional power led to the acknowledgment of religious authorities and their legal validity. This has translated into laws, officially recognizing the supreme role and position of these authorities, like the Endowment Law (2012) and the Religious Endowments Law (2005) passed by the Iraqi Parliament.

The mujtahids did not reach a consensus regarding the limits of that power. Some of them gave the mujtahid a partial guardianship, such as giving fatwa, judging and guardianship over the property of orphans and the insane, and some of them gave the mujtahid a comprehensive guardianship that

includes almost all the powers of the infallible. However, they admitted that their legitimacy is different from that of infallible in terms of oring. (Mozam, 2017:300).

Scholars, by studying religion, gain power and influence. Along with the growth of knowledge, they gain more credibility, which goes on until they reach their highest rank. The collection of basic jurisprudential writings has dedicated a special chapter to determine the attributes of scholarly authority and their qualification to be announced as Mujtahid. The idea/ institution of Marjah al-Alam has contributed to the centralization and hierarchy of the Shia Marjaj, in terms of creating a vertical structure in which the mujtahids are graded and the Aalm of the Marjah is placed at the top (Walbridge, 2011:241).

Traditional methods have highlighted two factors as the main reasons for exercising power.

Firstly, the majority of fundamentalist Mujtahids did not admit the right of a Mujtahid to inherit all the authorities of the infallible Imam.

Secondly, these religious authorities tend to avoid conflicts with political authorities.

This is what may happen if they claim qualifications and privileges for

themselves, including involvement in political and governmental affairs. Therefore, insistence on the customary and inherited form, as one of its strategic dimensions, aligned with survival. This doesn't mean that conservatism is incompatible with some political and social transformations, especially the effects of the emergence of the modern state and the expansion of the legal-rational system of power (Abduljabbar, 2010:270).

Hence, in this context, conservatism doesn't manifest tough action. Rather, it undergoes ongoing changes through the interplay of its intellectual underpinnings and established traditions on one hand, and the determining and changing elements within the socio-political environment on the other – well-illustrated in the case of Ayatollah- Sistani.

4.1 The historical background of the development of cross-border authority

Shiites have diligently followed religious scholars in their communities since the concealment of Imam Mahdi. The concept of a centralized authority was absent in the Shiite community for a considerable period, as it wasn't assumed that all Shia adherents follow a single supreme authority, serving as the focal point for

spiritual and jurisprudential guidance. It is not known exactly when, being knowledgeable became a condition for imitating an authority who had the title of Grand Ayatollah. Dedication to this knowledge criterion resulted in a small group of religious authorities exerting control over the entire Shiite community. This control gave rise to a distinct financial system where Shiite believers are obligated to pay religious taxes (Khums) to these authorities or their local representatives. Consequently, the influx of external funds enables these authorities to attract students of religious sciences. These students, upon returning to their communities, act as agents and representatives of the religious authorities. The financial influence, in turn, transforms into social and potentially political power. It can be argued that without the element of "knowledgeability (Alamiyat)," Shiite scholars would find it challenging to attain their current level of influence (Awaji, 2006:300).

Recent events have made the supreme religious authority even more powerful in religion, giving it a role beyond the role of the Catholic Pope.

The Tobacco Protest in 1891 marked the initial instance of the prominent influence of religious authorities, where the resident religious leader in

Iraq, Ayatollah Sayyid Muhammad Hasan al-Shirazi (1895-1985), forced the Qajar Shah to revoke the tobacco concession granted to the British government. Additionally, both the Constitutional Revolution in Iran (1905-1911) and the 1920 revolution in Iraq were led by the supreme religious authority. These events indicate that the beginning of the twentieth century was a starting point for the political role of supreme religious authority. Another factor contributing to the increased control of supreme religious authority was the growing number of graduates from the religious seminaries in Najaf, who returned to their communities in the early twentieth century, including prominent scholars striving to emulate the most knowledgeable religious authority (often residing in Najaf or Qom).

Based on this, there are three main factors, having contributed to the strengthening of cross-border references:

1. The concept of scientific authority, following the knowledgeable source, i.e., Marjai.
2. The new wave of Najaf graduates.
3. The cross-border political role of Iran and Iraq authorities

It must be noted that identifying the most knowledgeable religious authority among other resources

is challenging for ordinary Shia followers. The fact is that after a jurist reaches the rank of Ijtihad, there are no written or specific criteria to indicate the hierarchy of mujtahids. In this case, the general Shia population turns to experts, scholars capable of choosing the one who is more knowledgeable than others.

These scholars are often graduates of the seminary of mujtahid, who they call to emulate, or graduate from the school of a mujtahid close to them. Nevertheless, the process of presenting a religious authority is highly complex because, in many cases, it goes beyond the academic realm and extends to financial and social influence (Al-Ghraoui, 1425: 35).

The position of religious authority is a combination of an individual and an institution. People follow the religious leader on an individual basis, but the representatives of the authority (administrative staff in their office or representatives in local communities) follow a hierarchical structure based on their position within the authority circle. The relationship between religious authorities and their representatives can be considered as a symbiotic relationship. While the authority establishes its scholarly standing, its representatives engage in promoting the recognized authority,

persuading people in their communities to emulate them.

Local clerics, who are popular in their communities, have gained legitimacy by claiming to represent the absent Imam (according to Shia belief, the Imam who initiated his minor occultation in 874 AD and will reappear to bring justice to the world). While religious authority gets its social legitimacy in various Shia regions through the endorsement of local scholars (representatives or agents), those who propagate his authority. In theory, the supreme religious authority is represented by its agents, but in practice, people follow the recommendations of these agents and representatives. This means that “the most crucial factor for a jurist, aspiring to achieve religious authority and gain numerous followers is to attract capable agents and representatives who can advocate for his authority among the people and propagate his religious authority” (Ibid: 36).

Identifying the earliest widely accepted religious authority is difficult. In the 19th century, Sheikh Ansari (1800-1864) was a prominent Marjii Taqlid, known for his book “Al-Makasib Al-Muharrama,” a significant approved text among Shia seminaries. Many scholars have written commentaries on “Al-Makasib” in

multi-volume books. Since then, Shia Muslims have generally followed a primary religious authority, with Sheikh Ansari playing a key role (Ali Al-Mo'men, 2021).

Religious authority witnessed a significant shift in the political landscape. After its primary goal of liberation from the oppression of the Baath regime, religious authority took control of the entire political scene and even intervened in critical situations. Sistani has become a source of guidance for politicians during crises, as he was a source of adherence for all Shia followers (Hamed Al-Khaffaf: 2019).

This is a realistic assumption, confirmed by the fact that even the Prime Minister of Iraq "needs to take concrete steps towards reforms and resisting corruption to be qualified enough for have a meeting with Grand Ayatollah". Since the occupation of Iraq, the U.S. government has had to interact with Ayatollah Sistani, acknowledging him as the "primary power broker" who doesn't exercise power but holds significant influence in the public sphere, allowing him to intervene if necessary. However, Ayatollah Sistani approaches the political scene in an active, cautious manner consistent with his view of a civil government, differing from

the theocratic model of Khomeini (Guardianship of the Jurist) in this regard (Awaji, 2006: 300).

Despite the immense power he enjoys, Sistani has no interest in using it to impose his will as a ruler or getting involved in governing (Hamed Al-Khaffaf, 2019).

This position reflects his ideology as a religious authority, adopting a religious rather than a political stance. Consequently, the more the religious authority intervenes in the country's affairs, the higher the risk of placing himself in a more constrained position. Moreover, deep involvement in Iraq's political process only leads to putting Najaf's religious authority in a dilemma between either of the following options:

1. Interference in the political issues of other countries with dominant Shia population in order to preserve his role as the supreme authority for the entire Shia community.
2. Avoiding interference in the affairs of other countries, which raises questions about the position of religious authority, of whether he is the supreme authority for the entire Shia community or just for Iraqis.

It is clear that neither of these two options serves religious authority as a formal religious leadership. Based on this, Sistani creates a new principle

in religious authority that is based on balancing his actual power within Iraq and his broader spiritual leadership over Shia communities worldwide. An indication of Sistani's commitment to this principle is that he has not taken a position or issued a fatwa regarding political unrest in a country other than Iraq. This rational position may become a norm or a guideline for future religious authorities in Najaf; otherwise, the Iraqi government and Shia masses worldwide, alongside other regional elements in Arab countries and other regional powers like Iran, India, Pakistan, and Turkey, will face challenging futures.

Following the model that I would call the "Sistani Doctrine" intends to serve as a model for future religious authorities to prevent potential political crises.

One of the most important and effective measures for legitimizing the supreme religious authority is to attract the support of the international charities affiliated with the late authority. This occurred when the mam Khoei's Charitable Foundation, announced shortly after Sayyid Khoei's death, declared its allegiance to Ayatollah Sistani (Al-Azawi, 1425: 35).

Article 5 of the law establishing the Imam Khoi Charity Foundation and its internal statutes stipulate that:

"This institution operates under the supervision of the esteemed Shia supreme religious authority, Ayatollah Grand Imam Seyed Abolqasem Khoi. After him, any supreme religious authority must be officially recognized by the majority of scholars, with at least three-fourths of the central council members issuing a formal endorsement." (Imam Khoi Foundation Law)

Sistani's religious authority was not limited to the Khoi Foundation, where he played a supervisory role similar to an honorary position. He granted legal rights to the foundation through his representation, without delegating real power in managing the institution to the religious authority.

Sistani's representatives have established a network of institutions based on loyalty to the new religious authority. When Sistani introduced his religious authority in 1992, his son-in-law, Seyed Javad Shahrestani (born in 1954), was assigned to represent him as a respected and influential figure in Qom. Shahrestani moved to Qom in 1977 and engaged in various activities, founding the Ahl al-Bayt Institute for the Revival of Shiite Heritage in 1986. During his twelve years in Qom, before his father-in-law, Grand Ayatollah Sistani, declared his religious authority, Shahrestani

successfully built a strong network of connections, enabling him to elevate the authority of Najaf in Iran. The Ahl al-Bayt Institute became a robust arm of Sistani's religious authority in Iran and the Middle East. Shahrestani oversees the office of religious authority, managing 25 institutions and Islamic centers in countries such as Iraq, Iran, Turkey, Lebanon, Syria, Pakistan, Afghanistan, and Germany.

Away from the political scene in Iraq, Sistani's office in Qom, led by Shahrestani, is considered the voice of the supreme religious authority in the world. The activities of Sistani's representatives extend to establishing new institutions, such as the Imam Ali Foundation in London. Managed by the representative of the authority, Seyyed Morteza Kashmiri, who is Sistani's son-in-law, it serves as the center for communication with Ayatollah Sistani. On the other hand, Seyyed Mohammad Baqer Kashmiri, the younger brother of Seyyed Morteza, manages the Imam Mahdi institution in the United States, with branches in Dearborn, Michigan, and Fairfax, Virginia (near Washington, D.C.). Although Seyyed Morteza officially holds the position of management in both institutions, Mr. Mohammad Baqer practically leads the Imam institution in the United States. These institutions under

Kashmiri's control have more power and influence compared to the Khoei Foundation. Therefore, any future candidate for the supreme religious authority will need the support of these institutions. In this regard, what Abbas Kazem and Barbara Slavin argued is noteworthy. They believe that Sistani's extensive network of loyalty will not easily transfer to his successor. Sistani's office in Najaf can be seen as the most influential active element in Iraq's internal equations, as it is responsible for coordinating with the representatives of the authority worldwide (Al-Azawi, 1425: 36).

So far, the Vatican government and the supreme Shia religious authority as formal institutions, the mechanisms for selecting their leaders, the Pope in the Vatican, and the supreme Shia religious authority have been discussed in detail. Moreover, their role and approach to the internal and external atmospheres and their legal status have been addressed. Now, the main question of this study, i.e., "How can the holy shrines adopt a structure similar to the Vatican government?", will be addressed.

To answer this question, the political, social, religious variables, and the regional and international context surrounding Iraq need to be investigated. This will help demonstrate

the impossibility of transforming the holy shrines to a Vatican-like structure, despite their financial, material, and spiritual capabilities and their dependence on the supreme religious authority - which oversees them as an independent institution similar to the Vatican government.

5. Political Variables in Iraq

The international community recognizes the importance of maintaining political stability and security in Iraq, stemming from significant geopolitical and geo-economic factors known by the global community.

Shia geopolitics refers to the Shia communities with a geopolitical nature. Enjoying a Shia geography, it has strategically connected Shia communities to the center of Iran and subsequently has formed a growing international power, which is influencing the international power relations. As Mohammad Javad Larijani stated, Iran is an international pole seeking to reshape the international system based on multipolarity. In this sense, Shia geopolitics is essentially an Iranian geo-strategic project aligning with the assumed geopolitical nature supported by the strategic thinker Halford John Mackinder's Heartland Theory. This

ideology reflects Iran's revolution aiming to establish Shia centrality in the Islamic world, predominantly based on Iran as the "Umm al-Qari theory" and its political system rooted in the theory of absolute guardianship (velayat-e faqih) (Larijani, 2013: 108).

The transnational Shiite movement and maximization of strategic geopolitical areas towards Shia geopolitics after the U.S. occupation of Iraq in 2003 compelled Iran to utilize its national capabilities to achieve a Shia map distinct from the Sunni map in the Islamic world. Despite significant successes across a vast geographical range from Afghanistan to North Africa, Iran's strategy faced major challenges due to its strategic, military, economic, and ideological initiatives, somewhat disrupting Shia geopolitics. The most critical challenge was Iran's role in intensifying sectarian and religious conflicts and its geopolitical competition in the Islamic world. Although Iran's political project seems strategic in form, it is ideological in nature, aiming to dominate the Islamic world with its countries and societies, striving to build Iran's vital sphere of influence (Larijani, 109).

There are some general concerns in this regard, including:

- The general concept of Shia geopolitics encompasses a set of

material, spiritual, and intellectual elements through which Shia leaders outline the nature of their roles and policies in political, military, and economic domains. Position, history, and geography serve as channels enriching the strategic mindset of Shia, allowing them to implement various aspects of Shia geopolitics.

- Shia geopolitics has contributed to the contemporary trend of political mobilization based on religious identity, representing one of the geopolitical tasks undertaken by Shia in the present era.
- Shia geopolitical strategy aims to increase efforts for expansion of influence in Shia regions, starting from Iran as a practical strategy to unify Shia communities and empower them with elements of control.

Considering the strategic developments Iran has witnessed, the Shia geopolitical landscape has undergone three fundamental stages:

1. First Stage: The weakness of Shia geopolitics from the nineteenth century until the Iranian Revolution in 1979.
2. Second Stage: The revival of Shia geopolitics from the Iranian Revolution in 1979 until the occupation of Iraq in 2003.

3. Third Stage: The emergence of Shiite geopolitics from 2003 AD to date, which marked the emergence of Shiite political identity in Iraq and taking the pressure off Shia community, making up two thirds of the country's population, and created an opportunity for Shiites to gain power. This positive development had a ripple effect on all Shia communities in the region, contributing to the expansion of Iran's regional influence following the occupation of Iraq and the increased demands of Shia communities in regional countries influenced by the situation in Iraq.

It can be said that the ultimate goal of Iran's Shia geopolitics is the establishment of a global Islamic government, inherently linked to the concept of the Supreme Leader's governance in Iran, as opposed to the Shia marja'iyya (religious authority) strategy, which does not adhere to the idea of Guardianship of the Jurist or a global religious government. Instead, it has its distinct approach. Although the marja'iyya is transnational, moves towards globalization, and holds elements of a state, its presence is not confined to any specific government. Instead of engaging in conflicts that might hinder the establishment of its government, it prefers to act

impartially. This approach has made its spiritual transnational action more tolerable, as it does not directly disrupt the balance equations in the region and the world. In stark contrast, its strategic neighbor, Iran, with its emphasis on the Guardianship of the Jurist and its approach to expansion and its perception of others, becomes a source of tension in the region and the world.

7. Possibility of Division in Practical Terms

The apparent efforts to eliminate political conflict revolve around this idea that this task is neither a current nor a transient reality. Instead, these efforts reveal a conflict between a specific type of society and traditional forms of political activity. Adhering to this analysis, which seems reasonable under current circumstances, it will remain nothing more than a hypothesis. Therefore, it will inevitably lead to a reconsideration of the concept of the state as an institution, which has been both a dependent as well as an independent actor in political life. In this case, there will be no more competition, so its role as an actor will come forth as the representative of all communities.

A functionalist government is based on an idea rooted in society. However, this idea is not a vision crafted from

individuals' aspirations for a desirable future; rather, it directly emanates from existing social structures that transcend all ideologies. It goes beyond conceptualization, as it is about registering tangible demands that guide the effective functioning of society. While group members can contemplate this idea, expressing their preferences is secondary. Instead, it serves as evidence of members' understanding and acceptance of criteria they have logically imposed to ensure society can provide all its anticipated benefits and goods for everyone. Everyone should have the right to choose their path and exercise control over their fate, land, human and natural resources. If this understanding prevails among politicians worldwide, international relations cannot be guided along their natural course. Ideological and social differences, i.e., disparities in political systems, result from what people have chosen, so using such choices as an excuse to justify conflicts is not fair (Kurd Saman, 2006).

Whenever the country faces political or security problems, division of a part of Iraqi territory has always been on the agenda. Since 2003, we have consistently witnessed such issues in Iraq. Similarly, the rise of Shia as a regional power, due to the growth of Iran's influence in the

region and its transformation into a significant actor in the international balance, has been another reason for the strength of the Shia component in Iraq. The development of the Shia institution and its transformation into a comprehensive and influential entity has also been a factor that propelled writers, scholars, thinkers, and foreign policy theorists to reconsider the idea of dividing Iraq.

Biden and Leslie Gelb, a New York Times columnist and the current President of the United States, have compared the situation in Iraq to Bosnia in an article. They consider Bosnia as a modern model in which “the country is divided into sectarian regions, making it possible for Muslims, Croats, and Serbs to have independent armies.”

It was an equation that they believed could lead to a similar result in Iraq, proposing that “Kurds, Sunnis, and Shiites ought to handle local laws, administrative matters, and internal security, while the central government could oversee border defense, foreign relations, and the oil industry” (Jamili Bui, 2022).

The United States Senate approved the Biden/Gelb plan in 2007, but it was ignored by President George W. Bush. The assumptions outlined in the Biden plan, occasionally revisited, cannot capture attention or rely on ready-

made patterns for shaping the future of nations because, “Biden looked at Iraq through the lenses of the former Yugoslavia but borders cannot be drawn with ink on paper; this division must go beyond the framework of sectarian war.” Emphasizing that “Iraq has always been a government subject to authoritarian rule and it is naive to think it can turn into a federal and democratic country overnight, not only because of its historical and ethnic composition but also due to the nature of the federal system itself, which is a complex administrative structure” (Jamili Bui, Haman).

Among many obstacles facing any attempt at negotiation, it is essential to recognize the ability of Sunni regions to secure their economic finances without obtaining a share of the oil sectors in other areas. These regions are the only ones not floating on the oil lake that Iraq depends on. Iraq also has abundant natural borders, especially in Baghdad and Diyala province, where diverse communities coexist, making Sunnis unwilling to accept Kurds governing over a city with a mixed nature like Kirkuk.

All of these necessitate political negotiations and agreements on disputed regions. However, it is proved to be a tough issue. Furthermore, redrawing the map of Iraq, with or

without conflict, can deeply impact neighboring countries with Kurdish minorities, raising concerns about the emergence of an oil-rich Kurdish country like Turkey, Iran, and Syria. It could also raise concerns about the rise of a powerful Shia state that could create anxiety for Sunni neighboring countries, as its existence would tip the balance in favor of the Islamic Republic of Iran. Similarly, the presence of a Sunni country in case of division will be a source of terrorism and this will increase the power of the extremist axis in the region.

“Without the presence of Sunnis and Shiites as part of the Iraqi society, not much can be done to balance the influence of Iran on the country’s domestic oil policies.”

The project that Biden had outlined, as the most powerful, dangerous, and serious project in terms of impact, was quickly neglected despite its acceptance by the U.S. government. This was due to opposition both from the perspective of U.S. foreign policy theorists on one side and within Iraq on the other, as we will be further discussed in more details.

The collapse of Iraq or its fragmentation can open a gateway to migration and violence, similar to what accompanied the emergence of India and Pakistan, leading the region into a

humanitarian crisis due to the influx of refugees into neighboring countries.

The claim of partition of Iraq has no proponents among the Iraqi politicians, except Kurdish politicians. It was a bargaining chip to take more political advantages. In political terms in Iraq, division is considered evil.

Nouri Maliki, who in addition to his party position, held the position of prime minister and vice president, and is currently the secretary general of the influential Dawa-e-Islami party, said with a threatening tone: “Partition will not be a smooth path.” He cautioned the supporters of partition that this will lead them to a blood bath, asserting that this division would result in the elimination of sectarian and ethnic differences in shared areas (Dr. Majid Zeini, 2023: interview).

On the contrary, Haider al-Abadi, the former Prime Minister of Iraq, expressed a different view, stating that Iraq is not on the brink of division. He argued that the expansion of the terrorist organization ‘ISIS’ and its control over multiple regions in Iraq have actually strengthened the cohesion and unity of Iraqis in response to the imminent threat they face (Dr. Zeini, same source).

Moreover, Bileh Abu Kalal, the official spokesperson for Al-Mowatana, affiliated to the Supreme

Islamic Council in Iraq, apposed division, Yet, he continued to say, “While acknowledging the Kurdish people’s choice, we endeavor to prevent a division into two or three countries” (Abu Kalal, 2023).

Nevertheless, the Kurdish side in Iraq matter no longer conceals their will to detach the region from Iraq. The disagreements between Baghdad and the Kurdistan Region have prompted some local politicians to endorse the idea of Kurdistan gaining independence and evolving into a self-governing entity. Today, this scenario seems far-fetched, given that the central concerns revolve around economic factors, particularly funds and oil. Despite this, political considerations, as a Kurdish politician has commented, are of minimal significance. Lately, there has been a rise in statements and announcements regarding the potential independence of Kurdistan. With escalating tensions between Baghdad and the Kurdistan Region, Kurds have introduced the notion of independence and separation. It is widely known that majority of Kurds actively support the establishment of an independent Kurdish entity, as politicians find it one of the easiest ways to gain support and popularity.

Recently, and consistently during national events, President Masoud Barzani of the Kurdistan Region

has actively promoted the idea of desiring an independent Kurdistan. His statements, international engagements, and the remarks of other Kurdish leaders are laying the groundwork for the formal announcement of the region’s separation, emphasizing “an international acknowledgment of the legitimate right of the region to decide on its own fate.” While this standpoint has provoked significant responses regionally, nationally, and internationally, the Democratic Party and the Patriotic Union of Kurdistan, led by Mam Jalal, the two primary political parties in Iraqi Kurdistan, had previously resisted succumbing to such impulses (Zolal, 2009).

Consequently, the majority of Kurdish politicians continue to discuss a “unified Iraq,” despite the lack of support for this notion among Kurds. While Iraqi Kurdistan may have attained a certain degree of political maturity for independence, such decision requires careful examination, given the Kurds’ bitter history in both regional and global domains. The lingering memory of the March 1975 agreement and the U.S. inclination to support the Kurds reflects an alignment with its interests, acknowledging the Kurds’ past experiences of being misled by certain countries pursuing their political objectives.

8. Religious Perspective on Iraq's Division

Presently, the religious hub in Najaf strongly upholds and supports the unity of Iraq's territory, underscoring the absolute independence of all regions and the avoidance of any external interference in Iraqi affairs. The center asserts the necessity for Iraqis to autonomously govern their matters without any form of foreign intervention.

Tracking the pronouncements issued by the religious authority's office or during the Friday prayer platform, it becomes apparent that Sistani consistently warns about the consequences of Iraq's division and its far-reaching effects on both the region and the global stage.

Sistani's approach towards the problems arising within Iraq is clear, consistently seeking recourse to legal and constitutional solutions. In a Friday prayer sermon at the Imam Hussein Shrine in Karbala, the leader of Shia authority in Iraq emphasized the importance of adhering to the constitution and seeking resolution through the federal Supreme Court in the case of unsolvable matters. However, he issued a warning against any steps towards secession, considering it a realistic threat with undesirable consequences, potentially

harming lives and opening the door to regional and international intervention in Iraq's affairs (Al-Safi, 2014).

He also emphasized the importance of legal solutions for the remaining issues between the region and the central government, as expressed by his representative. He called on the Iraqi government and parliament representatives to prioritize upholding the constitution in their decisions. Additionally, he encouraged his fellow members in the region to use the constitution to address conflicts with the federal government, stressing the need for all citizens to steer clear of actions that could threaten national unity.

In another occasion, the leader of the supreme religious authority stated, "The religious supreme authority, which consistently emphasizes the necessity of saving Iraq's unity, land, and people, and has devoted all its efforts to prevent sectarianism and racism, striving for equality among all Iraqis from different backgrounds, calls on everyone to fully adhere to Iraq's constitution. In conflicts between the federal government and the region, and in unsolvable matters, they should resort to the federal supreme court according to the constitution and adhere to its decisions and judgments" (Al-Safi, 2019).

The high Shia religious authority, who have always emphasized the need for Iraq's unity, people, and land, and strived hard to resist factionalism and racism, and spread justice all around the country, called upon everyone in the country to comply with the everyone to constitution.

9. Decentralization in Iraq and the Possibility of Separating a Part to Form an Independent Country

In 2005, Iraq's constitution embraced a federal system. Article 1 states: "The Republic of Iraq is a unified, independent, federal country with complete sovereignty. Its system of government is a republican, parliamentary, and democratic, and this constitution guarantees the unity of Iraq" (Iraqi Official Gazette, 2005:23).

The Iraqi constitution has approved three types of administrative governance systems, which are used worldwide, including:

First: The regional system outlined in Articles 116 to 121.

Second: The administrative decentralization system for provinces that are not part of a region, as specified in Articles 122 and 123.

Third: The system of local administrations outlined in Article 125. Article 124 also addressed the issue of the capital, Baghdad, not

allowed according to the constitution to be organized regionally.

For example, Law No. 21 in 2008 has granted extensive administrative and financial powers to provinces that are not part of a region. The elected governor (not appointed) is the highest executive authority authorized by the Provincial Council to carry out their duties, without being under the control or supervision of any ministry or other party. Alongside this, there are local councils with various responsibilities.

Considering what was already mentioned, it can be concluded that:

- 1- Iraq transformed from a simple (homogeneous) country into a complex (diverse) one.
- 2- This transformation aligns with the new directions of the system after 92003/4/.
- 3- With the expansion of administrative decentralization, there is a genuine inclination to prevent authoritarianism and dictatorship in the center.

The small size of the country, compared to larger countries like Germany and India, was the main reason to abandon the idea of decentralization in governance since 1921, which led to an emphasis on centralization in government, control, authority, and tyranny.

But after 2003, the legal approval and practical implementation of decentralization were not so to be accomplished. Therefore, in spite of separatist tendencies for national and religious reasons among some components in Iraq, the dream has not been fulfilled.

So, as the idea of decentralization in governance, which has been approved in the constitution, has not been fully implemented so far, expecting to accomplish separatist tendencies to form an independent country is neither legally nor politically justified.

Over the years, Iraq's government has witnessed various governance experiences, based on concepts of centralization and decentralization. After 2003, Iraq also faced the emergence of administrative and political decentralization, not only in the constitutional and legal framework but also in the practical sense. The transitional period led to the transformation of Iraq from a simple (unitary) government structure to a composite (multi-part) country. This new pattern required different laws and procedures, resulting in the establishment of a federal system. Like other diverse countries, Iraq enjoys ethnic, religious, and cultural diversity, with the presence of multiple religious, ethnic, and cultural minorities.

Therefore, a diverse society like Iraq requires a democratic law that preserves the rights of all parts of society and enables their representation. Considering these characteristics, the ideas of centralization and decentralization are not just temporary beliefs, but ongoing trends with significant effects on the geographical scope of government, political and administrative levels, and citizen interactions.

Establishing any state in the current era necessitates a legal framework that legitimizes its existence. As it was mentioned earlier, the Vatican, with its religious nature, would never have emerged as a sovereign entity without the Lateran Treaties, which provided it required legal framework to meet its goal.

Therefore, establishing a religious government led by the Shiite religious authority, relying on the achievements that the holy shrines have gained at all levels, requires a legal basis to legitimize its existence. Since this government is religious in nature, enjoying a religious coverage as well as the legal one seems obliged. Thus, this study has tried to discuss the possibility of transforming the holy shrines into an independent country apart from Iraq, both from a religious and legal perspective.

Typically, a confederation is formed through a treaty between independent and sovereign states, creating a permanent body called an assembly, conference, or congress, which is delegated some common powers and responsibilities, needed to be carried out individually or collectively with other member unions of the union. (Al Jazeera report)

There's a classical school of thought in international law that considers a legal (ethical) personality as a fundamental element for federal governments, unlike a confederation, which is considered as lacking ethical personality by the jurists, because there is not a state in this sense (Al-Attayah, 2006: 589).

Nature of the legal personality of the Vatican City as well as its unique status, resulted from the legal framework created by international treaties, were addressed in the previous sections.

However, regarding Iraq, there is no law or legislation that grants the right of secession to any party, institution, entity, region, or province. Democracy is the only system capable of positively addressing the issue of diversity and pluralism, forming a separate institution from the Iraqi government.

The formation of a separate entity from Iraq is explicitly mentioned in

the Iraqi constitution, recognizing the religious authority and its identity. However, it doesn't grant the right to secede from Iraq. Instead, it acknowledges its spiritual authority and social position within the framework of the Iraqi constitution.

The expansion of the religious authority institution in Najaf and its detailed planning for development in various areas in fulfilling economic and social prosperity, which has outpaced some government facilities, has led to the increase and diversification of the responsibilities of the Al-Atabat (institutions affiliated with the authority). Additionally, Iraq's laws calling for administrative decentralization in the government have weakened the role of the central government over time, but this weakness will by no means allow the fragmentation of any part of Iraq. As it was seen in the case of incidents in Kirkuk and the Kurdistan Region's independence referendum, the government has always approached the issue of partition in a serious manner. In that case, the Prime Minister of Iraq ordered the entry of anti-terrorism forces, the striking force of the Iraqi army, into the city and suppressed the dream of secession before it could be materialized. Therefore, the absence of a legal provision allowing the

separation and division of parts of national reasons – is the main reason the country to create an independent for the illegality of such an act and the nation – whether for religious or difficulty of its realization.

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