

The Independent
10-8-92

OBITUARIES

Grand Ayatollah Abolqassem al-Khoy

THE SPAN of Abolqassem al-Khoy's life covers the century, and his disappearance comes at a time when the Shia world is at one of the most significant crossroads of its destiny. Khoy's career epitomises, in many ways, the difficult choice which history has forced upon the second largest community of Muslims.

Khoy was born in 1899, in the heyday of European colonial expansion in the Middle East. Brought up in Iran, he followed the scholarship course of the most gifted Shia youngsters, and came, as a *mujtahid* (a legal scholar) to live and to teach law in the colleges of southern Iraq, where he stayed until death. A career as *mujtahid* meant the choice of a traditional legal scholarship, a strictly religious discipline as opposed to the more modern law schools from which lay lawyers and judges graduate. This meant also enrolling in a structure at the top of which sit the *Ayat Allahs* (Ayatollahs, "signs of God", also known as *maraja*, plural of *marja*, "reference"), some of whom have been, since 1979, the masters of Iran. Khoy, much as he would have personally liked to remain outside the turbulent fray of Middle East politics, could not ignore these mighty events. As the most "quietist" religious jurist in an age of turbulence, his very silence was a powerful message.

Khoy was not always so silent, and records show that, born an Iranian, he even preceded his contemporary colleague, Ruhollah Khomeini, in harsh and open criticism of the Shah, whom he strongly admonished in the early 1960s.

But then Khoy's and Khomeini's paths diverged. In the 20 years that separate these positions from the accession of Khomeini to power in Iran, Khomeini and Khoy came to represent the exact opposite poles in their views of the role of the religious jurist in the state. Khomeini's greatest constitutional legacy is known as *Velayat-e-faqih*, the rule of the jurist. In its broad lines, it meant that the political leadership of the state was to be vested with the *faqih* (or *mujtahid*) jurist. It is said that the theory, which first appeared in lectures in the city of Najaf in early 1970, was proffered to counter earlier lectures by Khoy advocating the exact opposite: that the Shia jurists should not get entangled with affairs where they have to compromise with political powers that be and respond to challenges they are unable to control. Leadership was important for Khoy but it was not political. And when Khomeini left Najaf to assume power in Iran in 1979, the traditional telegram of congratulations of Khoy became famous for what it did not explicitly say: Khomeini was addressed as *Hujjat al-Islam*, a degree beneath the top



A quietist religious jurist in an age of turbulence: Abolqassem al-Khoy, spiritual leader of the Shiites

degree, by *Ayat Allah* al-Khoy. The non-political *mujtahid* of Najaf would not recognise that the scholarship of his counterpart in Tehran was equal to his.

The conflict over the role of the jurist must be set also against a structure of Shia scholarship and learning which is encapsulated in the city of Najaf, in south Iraq. Najaf, it must be recalled, was the place where both Khomeini and Khoy lived. Many better-known scholars of the contemporary Shia world also lived in Najaf in the early 1960s, until death, often violently administered by the ruling Baath; or exile scattered them to the four corners of the world.

In a city where repression was rife, the political quietism of Khoy continued. It was paralleled by the building-up, in the name of Khoy, of a huge institution which owns schools, buildings, and "charities" in a world stretching from New York and London to India. In London, it started publishing recently *Noor*, a magazine in English and Arabic. The Khoy Foundation derives its wealth from the financial support to the *marja* by his several-million-strong following in the world. It is said, for instance, that he commands the largest number of followers (or imitators, *muqallids*) in India, Iraq, Lebanon, and even perhaps in Iran. This

support is both a religious and a "social" one. From the religious point of view, the imitators of Khoy turned to him for guidance in the performance of their duties. But they also contributed taxes which Khoy used to perform the spiritual and social duties he considered best for the community and the advancement of Shia scholarship and welfare across the world. Khoy was the most famous teacher of Najaf, and he formed hundreds of *mujtahids* who spread over the world and have carried on the torch of Shia learning.

Not long ago Khoy could be heard on the telephone saying in his slow-paced and elegant literary Arabic to his relatives abroad: "You know that I do not get involved in politics." That was during the heyday of the Iran-Iraq war. Khoy's position was one of wisdom. Neither the zealous revolutionaries in Iran nor the cruel Baath in Baghdad could force from him a statement in support of their stand in the conflict. Khoy remained aloof and retained a respect which allowed his following in the Shia world to be less prone to cyclical political ebbs and flows. Until the Gulf War, Khoy weathered the storm successfully.

The tragedy then caught up with him. The exact developments in the revolt of the south of Iraq in March 1991 are still uncertain, but Khoy nominated a committee of a *mujtahids* to "protect the public interest" when Najaf was freed, briefly for two weeks, from Baath rule. Contact was even made with the US and French headquarters through Khoy's son Majid, but the Allies stood by, watching the forces of Saddam Hussein regain control of the city. As the revolt was subdued, a meeting between him and Saddam Hussein was shown on television in Iraq. Since then, the ailing *mujtahid* is believed to have remained under house arrest.

In the tragic circumstances of Iraq, even the most quietist *mujtahid* could not avoid being forced into the public eye, and Khoy's humiliations of the past 13 months show well how violence catches up, in the Middle East, with people who have no inclination to politics.

Khoy's example will be remembered as a demonstration of the impossibility, as a scholar or religious leader, to stand by in the Middle East. In the longer term, his teaching and writing, disseminated by hundreds of students who graduated under his guidance, and resulting in more than 40 books on law, will remain as his great legacy.

Chibli Mallat

Abolqassem al-Khoy, religious leader, teacher and scholar, born Khu Persia 1899, died Kufa Iraq 8 August 1992.