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The Legal and Spiritual Authority of the *Marāji*'

A dissertation submitted in partial satisfaction of the  
requirements for the degree Doctor of Philosophy  
in Islamic Studies

by

Cameron Zargar

2020

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## ABSTRACT OF THE DISSERTATION

The Legal and Spiritual Authority of the *Marāji'*

by

Cameron Zargar

Doctor of Philosophy in Islamic Studies

University of California, 2020

Professor Khaled Abou El Fadl, Chair

The *marāji'* are the ultimate source of legal reference for tens of millions of Twelver Shī'ī Muslims, and yet the nature of their authority has yet to be understood. *Muqallids* of these jurists have a stronger attachment to them than what is believed to have existed between mufti and *mustaftī*. This attachment is related to both law and spirituality; the *marāji'* have the exclusive right to give fatwas and collect certain religious taxes, and are also spiritual role models. Both Twelver Shī'ī jurists and academic scholars have theorized about the nature of this *taqlīd* and the authority of the *marāji'*. However, these theories generally consist of either legalistic arguments that ignore the actual practice of *taqlīd* or distant observations that borrow from other frameworks that do not necessarily fit due to the particularities of the Twelver Shī'ī context. This exposition engages with previous theory as well as the biographies and hagiographies of the *marāji'* in order to conceptualize *marja'iyya*. It then enhances this understanding with fieldwork

conducted in Iran in order to demonstrate how *taqlīd* operates in practice, which is important considering that the *marāji‘* are only legal and spiritual authorities because they have followers, and the extent of their authority is related to the degree to which they are followed. Ultimately, interviews with *muqallids* reveal that the *marāji‘*'s authority does not really shape everyday practice, as most of it is learned through culture, and there is little contact with the *marāji‘* or reference to their works. And while the *marāji‘* may serve as models of spirituality, idealized notions about them indicate that the idea of a *marja‘* is shaped at an earlier stage and then projected onto these jurists. This means that the *marāji‘* do not so much function as spiritual authorities as much as they represent the identities of their followers.

The dissertation of Cameron Zargar is approved.

Michael Cooperson

Jeffrey Guhin

Devin Stewart

Khaled Abou El Fadl, Committee Chair

University of California, Los Angeles

2020

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## Key terms

*‘ādil* – one who has a clear moral record.

In the context of Twelver Shī‘ī legal manuals, this means one who does not commit major sins and does not persistently commit minor sins.

*Ahl al-Bayt* – the distinguished family members of the Prophet Muhammad

In the context of law and interpretation of the Qur’an, this term usually refers to the Infallible Imams and the Prophet’s daughter, Fāṭima. In other contexts, like practice related to *tawassul* (seeking a connection to these personalities), the meaning can be expanded to include, for instance, the members of the Prophet’s family who suffered on the day of ‘*Āshūrā*’ in Karbala, where the Prophet’s grandson, Ḥusayn, was slaughtered.

*akhlāq* – proper character traits

These are deeply-rooted properties of the soul that can be either positive or negative and are acquired by way of practice. If mentioned without the adjective “bad,” *akhlāq* refers to positive traits.

*‘aql* – intellect

While we may not say “I refer to my intellect” in English, I chose to translate this word literally (as opposed to, say, “reasoning”) in order to convey that *‘aql* is presented as an alternate source of law, or, contrary to *naql* (tradition in the form of the Qur’an or hadith) and the opinions of jurists.

*a‘lam* – the most knowledgeable (jurist, in this context)

*a‘lamiyya* – being the most knowledgeable

This is a requirement for the *marja‘* one selects.

*chādūr* – the traditional black cloak Iranian women use to cover their entire bodies (and sometimes part of their faces)

*dars-e khārij* – the advanced level legal classes taught by jurists

In these classes, students observe (and participate in) the fatwa-making process so that they may become *mujtahids* in the future. A number of *dars-e khārij* teachers are *marāji‘*, but not all of them.

*faqīh* – a jurist of Islamic law

*fiqh* – the study and derivation of Islamic law

*ḥalāl* – permissible

*ḥarām* - impermissible

*ḥawza* – the institution of traditional seminary training for Twelver Shī‘ī scholars

*ḥukm* (pl. *aḥkām*) – legal rulings

These are similar to fatwas. Perhaps the difference is that “fatwa” has an element of recency and specificity, meaning, a fatwa is often connected to the fatwa-giver and identified as an original opinion. Meanwhile, *aḥkām* can often be perceived as rulings that are well known and shared among jurists (past and present).

*iḥtiyāt* - precaution

In the context of abiding by Islamic law, this means observing the multiple opinions (or potential opinions) in order to ensure one has performed one’s duty.

*ijtihād* – deriving legal rulings (fatwas) from the sources of Islamic law

*Jāmi‘a-ye mudarrisīn-e ḥawza-ye ‘ilmiyya-ye Qom* - the Society of Seminary Teachers of Qom

This is a group of traditional scholars of Islamic law who convene on matters of particular significance to the *ḥawza*. Most notably, they produce official lists of jurists who are worthy of *taqlīd* or the *marāji‘*.

*libās* – literally “clothing,” this refers to the traditional turban (*‘amāma*) and cloak (*‘abā*) worn by Twelver Shī‘ī scholars trained in the *ḥawza*

*marja‘* (pl. *marāji‘*) – Twelver Shī‘ī jurists who have reached a high level of *ijtihād*, making them worthy of being followed in their legal opinions

*mujtahid* – one who is qualified to perform *ijtihād*, and thus produce his or her own legal opinions

*mukallaf* - a duty-bound individual

In the context of law, this means a believer who has reached the age of puberty (*bulūgh*) and is legally responsible for observing what is lawful and unlawful (*ḥalāl* and *ḥarām*).

*riwāya* (pl. *riwāyāt*) – traditions or narrations attributed to the Prophet of Islam or the Twelve Imams

*shar‘ī* – related to *sharī‘a*, or, Islamic law

*shaykh* – religious scholar

This term is often used to convey that one is a local scholar without exceptional credentials, meaning, he is not a *mujtahid* or *marja*‘.

*taqlīd* – nominally adhering to the opinions of a jurist

‘*urf* – convention or custom (depending on the context)

*zāhid* – one who is disinterested in the matters of this world that do not positively impact one’s status in the Afterlife

### A note about transliteration

I have generally chosen to adhere to the Arabic transliteration guidelines of the International Journal of Middle East Studies (IJMES) but used Persian transliteration for the endings of words and prepositions that are specific to Persian (like *Imāmzādeh* and *be rūz*) as well as the *idāfa* construct (like *marja‘-ye taqlīd* and *dars-e khārij*). I chose to not transliterate the names of places in Iran (Ahar, Chizar, Tajrish, etc.), but rather maintain the spelling that is found on billboards and in Google maps. However, for clarity, I provided the transliterated spellings in my list of interviewees. I also elected to not transliterate the names of scholars (Khomeini, Khamenei, Khoei, Sistani, etc.) and legal terms (fatwa, mufti, hijab, etc.) that are commonly found in the English language.

### A note about dates

When possible, dates are written in accordance with the Gregorian calendar. In certain cases, it was not clear precisely which year in the Gregorian calendar an event occurred. In these cases, I either wrote the available lunar Hijri date (AH) or the available solar Hijri date (AHS). The latter was only necessary for certain works published in Iran. “Hijri,” of course refers to the calendar that begins with the Prophet Muhammad’s migration (*hijra*) to Medina from Mecca in 622 CE.

### A note about pronouns

I have generally opted for feminine pronouns when possible, but exclusively used male pronouns for the *marāji‘* (as being male is one of the conditions of *marja‘iyya*) and used both male and female pronouns for scholars and charismatic figures in order to avoid confusion.

List of interviewees (in the order in which they are mentioned—all names have been changed)

1. “Sānāz,” female, 32, reporter, Mashhad (*Mashhad*), shrine of Imam ‘Alī b. Mūsā al-Riḍā
2. “Zahrā’,” female, 47, MA in international relations, Jamal Abad (*Jamāl Ābād*) mosque, Tehran
3. “Aḥmad,” male, 63, retired craftsman, mosque of Ozgol (*Uzgul*), Tehran
4. “Murtaḍā,” male, 34, accountant, mosque of Ahar (*Āhār*), from Tehran
5. “Sārā,” female, 55, studied theology, some *ḥawza* training, Jamal Abad mosque
6. “Abū’l-Faḍl,” male, 19, second year *ḥawza* student, mosque of Chizar (*Chīdhar*)
7. “Qāsīm,” male, 21, student of religion, Mashhad
8. “Luṭfullāh,” male, 45, engineer, Jamal Abad mosque
9. “Karīm,” male, 52, farmer, Ahar
10. “Sajjād,” male, 34, mechanical engineer, Jawzistān Mosque, Tehran
11. “Zībā,” female, 52, teacher of Persian literature, mosque of Jamal Abad
12. “‘Abbās,” male, 61, banker, *takīya* of Niyavaran (*Niyāwarān*), Tehran
13. “Ḥamīd,” male, 33, student of law, Imāmzādeh Ṣāliḥ, Tajrish (*Tajrīsh*), Tehran
14. “Jawād,” male, 33, entrepreneur, shrine of Imāmzādeh ‘Alī Akbar, Chizar, Tehran
15. “Ṭāhira,” female, 60, no high school education, mosque of Jamal Abad
16. “Rayḥāna,” female, 61, degree in computer science, mosque of Jamal Abad
17. “Khadīja,” female, 53, degree in societal economics, Jamal Abad
18. “Ruqayya,” female, 30, degree in psychology, Jamal Abad
19. “Ṣiddīqa,” female, 58, MA in theology, Jamal Abad
20. “Ghulām-Ḥusayn,” male, 62, stonemason, mosque of Noor Afshar (*Nūr Afshār*), Tehran
21. “Yāsir,” male, 55, social worker, Ahar
22. “Raḥīm,” male, 52, grocer, Ahar
23. “Kāzīm,” male, 18, high school graduate, shrine of Imāmzādeh Ṣāliḥ, Tajrish, Tehran
24. “Ḥasan,” male, 78, retired entrepreneur, shrine of Imāmzādeh ‘Alī Akbar, Chizar, Tehran
25. “Majīd,” male, 58, lathe turner, southern Tehran
26. “Kubrā,” female, 63, degree in literature, Jamal Abad
27. “A‘zam,” female, 55, high school humanities diploma, religious program coordinator, shrine of Chizar
28. “Ma’šūma,” female, 42, homemaker, participates in *aḥkām* classes, shrine of Chizar
29. “Zuhra,” female, 35, high school architecture degree, Jamal Abad
30. “Manṣūra,” female, 58, MA in philosophy, *ḥawza* training, Jamal Abad
31. “‘Alī,” male, 33, industrial engineer, mosque of Niyavaran, Tehran
32. “Dr. Jawharī,” male, physician, mosque of Kashanak (*Kāshānak*), Tehran
33. “Ṣādiq,” male, 60, electrical engineer, mosque of Niyavaran, Tehran
34. “Shahrzād,” female, 53, high school humanities degree, shrine of Chizar
35. “Sayyid Muḥsin,” male, 59, rice farmer, mosque of Nowshahr (*Nawshahr*), Mazandaran (*Māzandarān*)
36. “Ḥājī Akram,” male, 71, retired teacher, prayer leader, mosque of Noor Afshar, Tehran
37. “Mahsā,” female, 29, degree in accounting, Ahar
38. “Nāṣir,” male, 67, doctorate in project engineering, Jamal Abad
39. “‘Abdullāh,” male, 28, welder (originally from Afghanistan), Mashhad
40. “Muṣṭafā,” male, 32, *khādim* (custodian) at the shrine of Fāṭima Ma’šūma, Qom

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I, of course, must thank my committee. Dr. Abou El Fadl has always been supportive of my work and encouraged me to pursue appropriate opportunities. The same goes for Dr. Cooperson, who has also provided me with invaluable advice about writing and creative ideas over the years. Dr. Guhin guided me toward appropriate discussions about culture and identity in sociology, and helped me shape the questions I asked in my fieldwork. And the backing of Dr. Stewart, an

expert in Twelver Shī'ism (and many other fields), has provided me with the confidence to pursue my own approach to the topic of *marja'iyā*.

Other professors, colleagues, staff and friends from UCLA I would like to thank are: Dr. Stefan Bargheer for helping me refine my understanding of Max Weber's charismatic model and providing guidelines for my fieldwork; Dr. Syed Atif Rizwan, for suggesting I pursue Joseph Raz's theory about the morality of law as a framework for the logic behind *taqlīd*; Faisal Zain Abdullah, for sharing Ibrāhīm b. Mūsā al-Shāṭibī's *Al-Muwāfiqāt*, which elevates the position of the Sunni mufti to something similar to that of *marja'iyā*; Dr. Alireza Youssafi, for proofreading the Persian questions and flyers I prepared for my fieldwork; Isamara Ramirez, for facilitating my advancement as a graduate student; and Dr. Asma Sayeed, for generously putting together a dissertation workshop, which provided me the opportunity to first develop my topic.

I am greatly indebted to my brother, Dr. Cyrus Ali Zargar, and dear friend, Dr. Christopher Pooya Razavian, who have assisted me in seemingly every step of my graduate education (including this exposition), willingly reading my work, providing extensive feedback, and helping me find my way as a scholar.

Lastly, I must thank my family. My wife patiently endured my lengthy pursuit of knowledge in the *hawza* and graduate school. My daughters consistently provided me with love and comedic relief. My late father inspired me with his work ethic, determination, and curiosity. And my mother helped facilitate the numerous transitions of my undergraduate and graduate education.

### Biographical sketch

Cameron Zargar graduated from the University of California, Berkeley in 2003 with a bachelor's degree in Near Eastern Studies. He then pursued *ḥawza* studies in Iran for nine years and obtained another bachelor's degree, this time in Jurisprudence and Islamic Studies, from Al-Mustafa International University. Upon returning to America in 2012, he began his graduate career at the Ohio State University and obtained a master's degree in Near Eastern Languages and Cultures in 2014. He is now in the Near Eastern Languages and Cultures PhD program at the University of California, Los Angeles.

# **Chapter One:**

## **Conceptualizing the Authority of the *Marāji*'**

Imagine if there were no coherent articulation of the authority of a president, a supreme court justice, or the pope. That is the reality of *marja'iyya*, an institution of Twelver Shī'ī jurists that is capable of determining the nature of the practice of tens of millions of Twelver Shī'ī believers in matters related to worship, business transactions, marriage, and even diet. The *marāji'* (sing. *marja'*) also collect and distribute twenty percent of the surplus income of millions of followers. They function as symbolic representations of the highest level of Twelver Shī'ī spirituality, or, a reflection of the piety of the Twelve Infallible Imams. Classifying the authority of these jurists in familiar terms is difficult, as they hold no official office, are not elected, and operate outside the purview of the state, usually with the support of family members and trusted associates. And comparing them to the aforementioned state and religious authorities is not likely to address the particular qualities of the *marāji'* sufficiently. Rather, it is necessary to extract a concept of *marja'iyya* from relevant source material (legal works, history of Twelver Shī'ī scholars, theory about the *marāji'*'s authority, and their depictions in biographies and hagiographies) and explain the hold the *marāji'* have over their followers, who determine when and to what extent a *marja'* is an authority. The latter is accomplished by way of my fieldwork in Iran, in which I interviewed forty *muqallids* (those who perform *taqlīd*) about the reasons they perform *taqlīd* (nominally adhere to the opinions of a *marja'*), how they perform *taqlīd*, the requirements of *marja'iyya*, and other relevant topics. It will be demonstrated that the *marāji'* do not often function as sources of legal reference or practical role models. Rather, for many *muqallids*, the *marāji'* are symbolic representations of Twelver Shī'ism and a reflection of the prototypes of piety imagined by *muqallids* at an earlier stage. In this way, the *marāji'* are an essential part of the identity formation of Twelver Shī'īs, who often state that the abandonment

of *taqlīd* jeopardizes one's spiritual well-being. They thus attach themselves to the *marāji'* in order to gain a coherent sense of self.

### What is a *marja'*?

A *marja' al-taqlīd* (or *marja'-ye taqlīd*) is one of the highest-ranking Twelver Shī'ī jurists considered worthy of being followed in their legal opinions. For the purpose of this exposition, I will rely primarily on the works and opinions of the *marāji'* who currently have or recently had a strong presence in Iran. This is because my fieldwork was conducted in Iran, and thus, relying on the works of *marāji'* in that context facilitates a more reasonable comparison between the *marāji'*'s authority in theory and *taqlīd* as an effective tool for gauging their authority in reality. *Taqlīd*, then, will not be evaluated in its entirety. That is to say, this exposition will not speak to the function of *taqlīd* in all Twelver Shī'ī contexts. Rather, it will explain how *taqlīd* can function as a mechanism for religious identity within one particular context.

The term *marja'* is not generally used in contemporary Twelver Shī'ī legal manuals of these *marāji'*, which provide answers to questions on a wide range of practice from ritual purity to business transactions.<sup>1</sup> Instead, *mukallaḥs* (duty-bound individuals)<sup>2</sup> are instructed to follow the fatwas of the most knowledgeable *mujtahid* (one who can derive rulings).<sup>3</sup> The term *faqīh* (jurist) occurs in these manuals as well.<sup>4</sup> Thus, a *marja'* is a *mujtahid*, a mufti, and a *faqīh*. But

---

<sup>1</sup> An exception is Ali Khamenei's *Ajwibat al-istiftā'āt* (Beirut: Al-Dār al-Islāmiyya, 1420 AH), which uses the term *marja'* frequently in the discussion on *taqlīd*. See: Khamenei, *Ajwibat al-istiftā'āt*, v. 1, pp. 8-10.

<sup>2</sup> In the context of law, *mukallaḥs* are believers who have reached the age of puberty (*bulūgh*) and are legally responsible for observing what is lawful and unlawful (*ḥalāl* and *ḥarām*).

<sup>3</sup> Ali Sistani, *Minhāj al-ṣāliḥīn* (Baghdad: Dār al-Badhra, 2009), v. 1, pp. 6-7, issues #8 and 9.

<sup>4</sup> Sistani, *Minhāj al-ṣāliḥīn*, v. 1, p. 383, issue #1264.

these terms do not distinguish the *marja'* from other Muslim jurists in history. So what are the particular characteristics of a *marja'*?

There are three characteristics of the *marāji'* that could potentially distinguish them from other Twelver Shī'ī jurists: 1. *a'lamīyya* (the requirement of being the most knowledgeable jurist); 2. transregional legal and financial authority; and 3. the embodiment of tradition. At the heart of defining *marja'īyya* is the concept of *a'lamīyya*, or being the most knowledgeable jurist. The *marāji'* recognize other jurists (*fuqahā'* and *mujtahids*). But each *marja'* maintains that he is the most knowledgeable jurist (or at least among the most knowledgeable jurists), which is why he makes himself available for *taqlīd*. And other jurists and scholars believe that the *marāji'* are the most knowledgeable, which is why these non-*marāji'* promote performing *taqlīd* to the *marāji'*. If *muqallids* are expected to follow the opinion that is most likely to be accurate, that of the *a'lam* (most knowledgeable), on each issue, then that generally means they exclusively follow the opinions of one individual, their *marja'*.<sup>5</sup> These opinions can usually be found in formulaic legal manuals.<sup>6</sup> It is largely this attachment to the *marja'* that has provoked questions about his authority.

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<sup>5</sup> This is not always the case, and contemporary *marāji'* have explicitly addressed the idea of *tab'īd*, or splitting *taqlīd* among multiple *marāji'*. See, for instance:

Muḥammad Ḥasan Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji' mutābiq bā fatāwā-ye sīzdah nafar az marāji' mu'azzam-e taqlīd*, v. 1, (Qom: Intishārāt-e Islāmī, 1385 AHS), v. 1, p. 26, #18 and p. 17; Khamenei, *Ajwiba*, v. 1, pp. 9-10, #17; 'Allāma Mūḥammad Ḥusayn Ṭīhrānī, *Risāla-ye ijtihād wa-taqlīd*, transcribed by Ḥusayn Ḥillī, translated by Muḥammad Muḥsin Ṭīhrānī (Tehran: Maktab-e Wahy, 1434 AH), 367; Muḥammad Ḥusayn Faḍlallāh, *Al-Ma'ālim al-jadīda li'l-marja'īyya al-shī'īyya* (Beirut: Dār al-Malāk, 1993), 151-2; Shubayrī-Zanjānī, *Tawḍīḥ*, p. 10, #8. Shubayrī-Zanjānī writes that, "One cannot perform *taqlīd* to one *mujtahid* in some issues and to another in other ones. However, if one *mujtahid* is more knowledgeable in one discussion in *fiqh*, like prayer, and another *mujtahid* is [more knowledgeable] in another, like fasting, one must perform *taqlīd* to the first *mujtahid* in prayer, and to the second *mujtahid* in fasting."

<sup>6</sup> Each *marja'* has a *risāla 'amalīyya* (a treatise of practice). In the Persian speaking world, the *Tawḍīḥ al-masā'il* format, derived from the original work by Ayatollah Ḥusayn Burūjirdī (d. 1961), has come to be an indication of one's *marja'īyya*. Publishing this legal manual is an indication that one has advanced to the status of *marja'*. These *marāji'* adopt the same format as Burūjirdī's work and address the same issues (with few exceptions). However, they insert their particular ruling on matters of difference. For instance, while Burūjirdī considered a particular act obligatory, a later *marja'* will only call for obligatory precaution.

This attachment to the *a‘lam* (most knowledgeable jurist) does not merely mean seeking legal advice but also includes the payment of religious taxes. The *marāji‘* state<sup>7</sup> that *muqallids* should only pay the *sahm al-imām* (the share that belongs to the Twelfth Imam) of their *khums* to the most knowledgeable jurist.<sup>8</sup> This is no small issue, as the *khums* tax is the largest financial responsibility of Twelver Shī‘īs. The money collected is used to promote Twelver Shī‘ism and to fund the training of religious scholars. Thus, the *marja‘* who collects *khums* plays a role in determining the direction of Twelver Shī‘ism. Ayatollah Abu al-Qasim al-Khoei reportedly left two billion dollars in *khums* when he died in 1992.<sup>9</sup> His unofficial successor, Ali Sistani, was reportedly receiving between five hundred million and seven hundred million dollars in *khums* in 2006. His worldwide assets were estimated to be more than three billion dollars at the time.<sup>10</sup> And Ali Khamenei, a *marja‘* who is also the leader of Iran, reportedly collects billions of dollars in *khums* from Kuwait alone.<sup>11</sup>

Considering the great financial responsibility, as well as the legal responsibility of providing answers for millions (or tens of millions, in some cases) of followers, it is clear the *marja‘* must first have a way of disseminating his opinions and collecting religious taxes before he can be considered a *marja‘*. He can do this by building patronage networks that transcend

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Ali Khamenei has not yet published a *Tawdīh al-masā‘il*, which remains a matter of confusion for many. Instead Khamenei offers a two volume collection of questions and answers entitled *Ajwibat al-istiftā‘āt* that is meant to complement Khomeini’s works (his *Tawdīh* and the Arabic *Tahrīr al-wasīla*).

<sup>7</sup> Sometimes in the form of obligatory precaution (*iḥtiyāt wujūbī* or *iḥtiyāt lāzim*).

<sup>8</sup> Banī-Hāshimī-Khumaynī, *Tawdīh al-masā‘il-e marāji‘*, p. 94, #1003; Sistani, *Minhāj al-ṣāliḥīn*, v. 1, p. 383, issue #1265; Ḥusayn Waḥīd Khurāsānī, *Tawdīh al-masā‘il* (Qom: Imam Bāqir al-‘Ulūm, 2012), pp. 324-5, issue #1852. Ayatollah Mūsā Shubayrī-Zanjānī writes that the *a‘lam* can give permission to another *mujtahid* who must then spend the money as the *a‘lam* would. See: Shubayrī-Zanjānī, *Tawdīh al-masā‘il*, p. 369, #1843. Khamenei essentially shares Shubayrī-Zanjānī’s view: Khamenei, *Ajwibat al-istiftā‘āt*, v. 1, p. 313, #210. Nāṣir Makārim Shīrāzī writes that it is permissible to give this to another *mujtahid* so long as the *mukallaf* knows the other *mujtahid* will spend the money in the same fashion as the person’s *marja‘*. See: Nāṣir Makārim Shīrāzī, *Tawdīh al-masā‘il* (Qom: Imam Ali Publications, 1391 AHS), 291, #1571.

<sup>9</sup> Mehdi Khalaji, “The Last Marja: Sistani and the End of Traditional Religious Authority in Shiism”, *Policy Focus* #59 (September 2006), 27.

<sup>10</sup> Khalaji, 9.

<sup>11</sup> Khalaji, 30.

borders in order to gain the financial support of *muqallids*. A jurist will often begin to build his network even before being widely recognized as a *marja'*.<sup>12</sup> Elvire Corboz details the means by which the Khoei family and the al-Ḥakīm family established transregional legitimacy through family and scholarly networks.<sup>13</sup> She writes that Muḥsin al-Ḥakīm (d. 1970) initially made a name for himself in Najaf and then in Lebanon, the Gulf countries, and Afghanistan in the 1950's.<sup>14</sup> After becoming a *marja'*, he dispatched representatives to Iran, Bahrain, Saudi Arabia, and London as well.<sup>15</sup> Ayatollah Khoei established a presence in the aforementioned places as well as Pakistan, India, and New York City.<sup>16</sup> Alternatively, a *marja'* will inherit the patronage network and legitimacy of a *marja'* who has died. Sistani was supported by the Al-Khoei Foundation, which was located in London, and came to be recognized as the head of Najaf after Khoei, and thus the most knowledgeable jurist.<sup>17</sup> Khamenei is recognized as Ayatollah Khomeini's successor, and still calls upon his followers to refer to Khomeini's legal manuals, while observing some slight variances articulated in separate works.<sup>18</sup> It can thus be said that transregional support is another distinguishing trait of the *marāji'*.

The *marāji'* are also perceived to have an exceptional amount of spirituality and are sometimes recognized as the deputies of the Twelfth Imam. It should be noted that the *marāji'* do not make claims about their spiritual station in their legal works. Rather, they argue that a

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<sup>12</sup> It is permissible to perform *taqlīd* to any *mujtahid* a person has determined is the most knowledgeable, even if that scholar is not widely recognized as being among the ten or so scholars worthy of *taqlīd*.

<sup>13</sup> Corboz, Elvire, *Guardians of Shi'ism: Sacred Authority and Transnational Family Networks* (Edinburgh: Edinburgh University Press, 2015).

<sup>14</sup> Corboz, *Guardians*, 22.

<sup>15</sup> Corboz, *Guardians*, 28 and 33-6.

<sup>16</sup> Corboz, *Guardians*, 54.

<sup>17</sup> Linda Walbridge, *Thread of Mu'āwiya: the Making of a Marja' Taqlid* (Bloomington: The Ramsay Press, 2014), pp. 97-102; Corboz, *Guardians of Shi'ism*, 66-7; Sajjad Rizvi, "The Making of a Marja': Sīstānī and Shi'i Religious Authority in the Contemporary Age," *Sociology of Islam* 6, no. 2 (2018), 180-1.

<sup>18</sup> See: both volumes of *Ajwibat al-istiftā'āt*. There is also a work designed for Khamenei's followers that provides them with the specific issues in which he differs with Khomeini: Muḥammad Ḥusayn Fallāḥzādeh, *Rāhnamā-Ye Fatāwā: Barkhī Az Tafāwut Hā-Ye Fatāwā-Ye Āyat'ullāh Al-'uzmā Imām Khumaynī Wa-Maqām-e Mu'aẓẓam-e Rahbarī Āyatu'llāh Al-'uzmā Khāmini'ī* (Qom: Nashr-e ma'rūf, 2001).

*mujtahid* worthy of *taqlīd* must be, among other things,<sup>19</sup> ‘*ādil*, meaning he must refrain from great sins and not persistently commit lesser sins.<sup>20</sup> This, it is worth noting, is not a more elevated spiritual station than that which is expected from the leader of prayer. Legal manuals of the *marāji*’ generally<sup>21</sup> either: define ‘*adāla* precisely the same in the cases of *marāji*’ and prayer leaders;<sup>22</sup> leave it undefined in the case of prayer leaders (since it occurs later in these works);<sup>23</sup> or explicitly state that the ‘*adāla* desired in prayer leaders is precisely what is desired in *marāji*’.<sup>24</sup>

Some *marāji*’ argue for a higher station than this ‘*adāla* by stating that during the occultation of the Twelfth Imam, trustworthy jurists are his general deputies.<sup>25</sup> The extent of this deputyship is largely a reflection of one’s interpretation of *wilāyat al-faqīh* (the guardianship of the jurist), which is beyond the scope of this project.<sup>26</sup> But much of the discussion on the perceived spirituality of the *marāji*’ is not stated in legal terms. Rather it is to be found in Twelver Shī‘ī culture and the biographies of the *marāji*’. This is a matter that will be addressed later. Here it can be said that the *marāji*’ are expected to be examples of piety and asceticism, and that their legal authority is dependent upon this perception. This means that they are not

<sup>19</sup> Like being born in wedlock, being a man, sane, mature (of age), and Twelver Shī‘ī.

<sup>20</sup> This is a way of saying he must have a clean public moral record. Banī-Hāshimī-Khumaynī, *Tawdīh al-masā’il-e marāji*’, v. 1, p. 10, issue #2; Sistani, *Minhāj*, v. 1, p. 10, #20 and p. 12, #29; Makārim-Shīrāzī, *Tawdīh*, p. 16, issue #3, footnote #1; Waḥīd-Khurāsānī, *Tawdīh*, p. 6, #2; Shubayrī-Zanjānī, *Tawdīh*, p. 7, #2.

<sup>21</sup> A prominent exception is Khamenei’s *Ajwibat al-istiftā’āt*, in which he states:

Due to the sensitive nature and significant of the position of *marja’iyya*, based on obligatory precaution, in addition to ‘*adāla*, a *marja’* must also have control over his rebellious inclinations and not be greedy in affairs related to this world.

See: Khamenei, *Ajwibat al-istiftā’āt*, v. 1, p. 8, #12.

<sup>22</sup> Makārim, *Tawdīh*, p. 236, #1268.

<sup>23</sup> Shubayrī-Zanjānī, *Tawdīh*, p. 300, #1462.

<sup>24</sup> Sistani, *Minhāj*, v. 1, p. 247, between issues #806 and #807.

<sup>25</sup> Sistani, *Minhāj*, v. 1, p. 383, #1265; Muḥammad Husayn Faḍlallāh, “Introduction” in *Ārā’ fi’l-marja’iyya al-Shī’iyya* (Beirut: al-Rawḍa, 1994), 7; Kamāl al-Ḥaydarī, *Al-Fatāwā al-fiqhiyya* (Beirut: Al-Thaqalayn, 2012), v. 1, 13.

<sup>26</sup> Khamenei, *Ajwibat al-istiftā’āt*, v. 1, p. 23, #66; Sistani.org *Al-istiftā’āt- wilāyat al-faqīh* <https://www.sistani.org/arabic/qa/0755/>, Accessed: June 13, 2019.

simply legal scholars, but rather, religious legal scholars who are expected to embody the tradition they uphold.

In light of these three potential distinguishing characteristics of the *marāji'*, it is now worth examining previous scholarship about the historical phenomenon of *marja'iyya* and then seeing how and to what extent the question of their authority has been defined by scholars of Shī'ism. It will be revealed that the three characteristics mentioned are not sufficient for understanding why *muqallids* choose to empower the *marāji'*, a matter that is central to understanding their authority.

## ***Marja'iyya in history***

Historians of Twelver Shī'ism recognize a change in the dynamic of the authority of Twelver Shī'ī jurists that occurred in the nineteenth century. They argue that this change is related to the political and social atmospheres of Iran and Iraq at the time, as well as the elimination of competition for religious authority. They argue that the responses of these jurists to their particular contexts helped shape the form of *taqlīd* currently practiced by Twelver Shī'īs, and that there emerged a stronger attachment to jurists that included a financial commitment (paying the *khums* tax to them) and greater awareness of their opinions in the form of widespread legal manuals.

Meir Litvak demonstrates that the shrine cities of Najaf and Karbala in Iraq emerged as the primary location for prominent jurists in the period leading up to *marja'iyya*. He writes that the eighteenth century saw significant migration of scholars from Iran due to the fall of the

Safavids in 1722.<sup>27</sup> Meanwhile in Iran, he writes, the accession to power of the Qajars (1796-1925) created a new religious establishment in which scholars fulfilled roles as chief prayer leaders and chief jurists (*shuyūkh al-islām*).<sup>28</sup> While scholars in Iran gained political and social capital, the scholars of the shrine cities in Iraq gained prestige as pious scholars, and thus, he argues, began to earn the trust of followers in Iran.<sup>29</sup> This trust, along with close ties with the Iranian Bazaar, who provided financial support, allowed these jurists to establish a patronage network of followers and students, according to Litvak.<sup>30</sup> Muḥammad b. Ḥasan al-Najafī (d. 1266/1850) and Mīrzā Ḥasan Shīrazī (d. 1312/1895) are prominent examples of jurists who came to be recognized as *marāji'* in large part due to their exceptional ability to build patronage networks. Their location in the shrine cities was a major factor in the financial independence of the *marāji'* because it meant that they were beyond the influence of the Shī'ī states of the Qajars and of the Oudh State.<sup>31</sup> It also meant that Iranian merchants pursued them as a way to counter the absolute monarchy in Iran.<sup>32</sup> This relationship between the *marāji'* and Iranian merchants would prove key to the centralization of economic and legal authority of Twelver Shī'ī jurists.

Litvak also notes a shift in the legal authority of jurists in both Iran and Iraq in this period as a result of the reemergence of Uṣūlīsm as the dominant form of Twelver Shī'ī law. This occurred after prominent Akhbārī scholars passed away with no successors in place during the plague that hit Iraq in the 1770s, he writes.<sup>33</sup> While both Akhbārīs and Uṣūlīs issued fatwas and acted as judges, Uṣūlīs emphasized the legal authority of scholars due to their practice of *ijtihād*,

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<sup>27</sup> Meir Litvak, *Shi'i Scholars of Nineteenth Century Iraq: the 'ulama' of Najaf and Karbala* (Cambridge: Cambridge University Press, 1998), 16-18.

<sup>28</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 45-6.

<sup>29</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 62.

<sup>30</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 182.

<sup>31</sup> The Oudh state was a princely state in the Awadh region of North India.

<sup>32</sup> Faleh Abdul-Jabar, "The Genesis and Development of Marja'ism versus the State" in *Ayatollahs, Sufis and Ideologues: state, religion and social movements in Iraq* ed. Faleh Abdul-Jabar (London: Saqi Books, 2002), 71-73.

<sup>33</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 15. Robert Gleave, *Scripturalist Islam: the history and doctrines of the Akhbārī Shī'ī School* (Leiden: Brill, 2007), 303.

a practice the Akhbaris rejected in theory, as Robert Gleave's work demonstrates.<sup>34</sup> And, as Juan Cole notes, Uṣūlīs like Muḥammad Bāqir Waḥīd Biḥbihānī (d. 1791) defined *ijtihād* with greater clarity, established the necessity of performing *taqlīd*, and eventually arrived at the concept of *a'lamīyya*, or, the necessity of referring to the opinions of the most knowledgeable *mujtahid*.<sup>35</sup> Litvak observes that Uṣūlīs embraced the practice of collecting *khums* and *zakāt* unlike the Akhbārīs, who denied scholars this right, and he concludes that the financial independence these taxes provided was a major factor in the emergence of the *marāji'*.<sup>36</sup>

Litvak demonstrates that Twelver Shī'ī jurists in this period established a sort of financial independence that provided them with a form of authority that may not have a parallel in the Sunni context. While Sunni scholars in the Ottoman Empire largely relied on state run charitable endowments, Twelver Shī'ī jurists were funded by the religious taxes and donations of followers. The most significant donation was the Oudh Bequest, which was established by the king of Awadh, Ghāzī al-Dīn Ḥaydar, in 1825, and began to operate in 1849. Other donations were in the form of inheritance allocated for the shrine city scholars, fulfillment of vows, money received for performing prayers and fasts for the deceased, and contributions made to the shrines.<sup>37</sup> Litvak writes that this financial independence from government authority created a sort of dependence of students upon teachers, or client system. Students of *mujtahids* in the shrine cities advertised for their teachers elsewhere in Iraq and in Iran in order to establish legal authority for the teachers and secure finances for themselves. And this, he argues, is how these jurists expanded their patronage networks to Iran.<sup>38</sup>

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<sup>34</sup> Gleave, *Scripturalist Islam*, 302.

<sup>35</sup> Juan Cole, "Imami Jurisprudence and the Role of the Ulama: Mortaza Ansara on Emulating the Supreme Exemplar," *Religion and Politics in Iran: Shi'ism from Quietism to Revolution* (New Haven: Yale University Press, 1983), 39-40.

<sup>36</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 15.

<sup>37</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 35-6.

<sup>38</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 37-8.

Litvak's work reveals that the jurists who were able to use these financial means to their advantage the best would often emerge as leaders and representatives of the Twelver Shī'ī community at large, or, *marāji'*. Historians generally agree that the first jurist to establish the patronage networks and transregional following associated with *marja'iyā* successfully is Muḥammad b. Ḥasan al-Najafī (d. 1266/1850), while his student, Murtaḍā Anṣārī (1281/1864), is most often singled out by historians as the first absolute (*muṭlaq*) *marja'*.<sup>39</sup> What Litvak notes about al-Najafī is that, while he was an accomplished scholar and author of one of the foundational works of Twelver Shī'ī law, *Jawāhir al-kalām fī sharḥ Sharā'ī al-islām*, he was believed to be inferior in knowledge to Ḥasan Kāshif al-Ghiṭā' and Ḥasan's brother, 'Alī, before him. What set al-Najafī apart was the leadership he demonstrated in remaining in Najaf during the cholera outbreak of 1830-2.<sup>40</sup> Furthermore, he was particularly successful in garnering support outside Najaf.<sup>41</sup> Litvak argues that al-Najafī's methodical approach to building patronage networks distinguished him from his predecessors.<sup>42</sup> He formed alliances with respected families of scholars, corresponded with scholars in the Awadh region, and maintained close contact with his followers by providing them with opinions, as opposed to calling upon them to observe precaution (*iḥtiyāt*), unlike his rival 'Alī Kāshif al-Ghiṭā'.<sup>43</sup> While Litvak considers al-Najafī the first *marja'* because of his ability to establish patronage networks, he makes clear that he was never without rivals. In other words, al-Najafī and other early *marāji'*, like Anṣārī and Mīrzā Ḥasan Shīrāzī (d. 1312/1895), never enjoyed undisputed authority.<sup>44</sup>

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<sup>39</sup> Meaning, the sole *marja'* for Twelver Shī'īs everywhere. See: J. Calmard, "Mardja '-i Taklīd", in: *Encyclopaedia of Islam, Second Edition*, Edited by: P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs. Consulted online on 25 July 2018 <[http://dx.doi.org/10.1163/1573-3912\\_islam\\_COM\\_0684](http://dx.doi.org/10.1163/1573-3912_islam_COM_0684)> First published online: 2012.; and Abdul-Jabar, 62.

<sup>40</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 57.

<sup>41</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 58.

<sup>42</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 64.

<sup>43</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 67-8.

<sup>44</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 64.

Another historian of *marja'iyya*, Ahmed Kazemi Moussavi, argues that al-Najafī indeed emerged as the first undisputed legal authority. He builds his argument by claiming that *marja'iyya* became an institution during al-Najafī's time, whereas previously there existed the personal office of the chief *mujtahid*. He cites as evidence the consolidation of religious centers as well as the appointment of Anṣārī as successor, which indicates that al-Najafī considered the *marja'* to be one who fulfills certain conditions and performs particular functions.<sup>45</sup> Moussavi also states that the wide circulation of al-Najafī's *Najāt al-'ibād*, made possible by access to printing facilities,<sup>46</sup> was unprecedented, and thus an indication that al-Najafī had exclusive authority. He argues that it was the first legal manual intended for lay people that was mass-produced and well received.<sup>47</sup> Moussavi concludes that al-Najafī was "uncontested by any *mujtahid* who was equal to his prestige, teaching and financing abilities."<sup>48</sup>

Moussavi emphasizes the perceived knowledge of the early *marāji'* in his analysis of the rise of *marja'iyya* in the nineteenth century, as opposed to Litvak, who, as seen above, emphasizes the building of patronage networks. Moussavi argues that: 1. prior to *marja'iyya*, the necessity of following the most knowledgeable did not exist; 2. al-Najafī was uncontested in his authority; and 3. the *marāji'* were perceived to be as knowledgeable as the infallible Imams. In an article from 1985, Moussavi writes: "The concept that the jurist (whose pronouncements set binding patterns for regular *mukallafs*) must be the most learned *mujtahid* has developed within

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<sup>45</sup> It should be noted that at the time of Anṣārī, *riyāsa* (leadership) was the term used to indicate the functions that would later come to mean *marja'iyya*. See: Abdul-Jabar, 72.

<sup>46</sup> Moussavi, "The Struggle for Authority," 27.

<sup>47</sup> Moussavi, "The Struggle for Authority," 26-27. He argues that, while Twelver Shī'ī legal manuals have existed since the time of the *Jāmi' 'Abbāsī* of Shaykh Bahā' al-dīn al-'Āmilī (d. 1621), no legal manual prior to *Najāt* was accessible and well received. However, it is not clear that this is the case, as it is reported that Muḥammad Kalbāsī Iṣfahānī (d. 1261 AH) wrote his concise legal manual, *Al-Nukhba*, in accessible Persian and that it was well received by his *muqallids*. See: Āqā Buzurg Ṭīhrānī, *Al-Dharī 'a ilā taṣānīf al-Shī'a* (Beirut: Dār al-Aḍwā', 1978), v. 24, p. 90.

<sup>48</sup> Moussavi. *Religious Authority*, 200-1.

the Uṣūlī context of the nineteenth-century Twelver Shi‘i community.”<sup>49</sup> He goes on to write that the notion of following the most knowledgeable jurist, the *a‘lam*, did not exist before this period, though the preference for one who is more knowledgeable is rooted in a Twelver Shi‘ī understanding of leadership, or, the Imamate. Then, in the Qajar period, he writes, jurists “established the principle of *taqlīd* in its broad sense” and “started to accept the *marj‘-i* [sic] *taqlīd* as being of the same superior level of knowledge (*‘ilm*) as the Imam.”<sup>50</sup> According to Moussavi, the concept of *a‘lamiyya* was established sometime before the death of Muḥammad b. Ḥasan al-Najafī in 1849, and it was Muḥammad Kāzīm Yazdī (d. 1920) who made it a doctrine and made *taqlīd* obligatory.<sup>51</sup> Moussavi acknowledges that Ḥasan b. Zayn al-dīn al-‘Āmilī (d. 1602), known as “*Ṣāhib Ma‘ālim*,” did use the term *a‘lam*, but claims (without proper supporting evidence) that al-‘Āmilī apparently intended the one who is most precise in narrating traditions.<sup>52</sup> And in his 1996 *Religious Authority in Shi‘ite Islam*, Moussavi writes that the idea of referring to jurists can be traced to reports from the Imams from the fourth (AH) / tenth (CE) century. However, he writes, jurists were not addressed as *marja‘* nor did this reference bear any meaning beyond what is commonly understood before the thirteenth/nineteenth century.<sup>53</sup> Moussavi

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<sup>49</sup> Ahmad Kazemi Moussavi, “The Establishment of the Position of Marja‘iyyt-i Taqlid in the Twelver-Shi‘i Community.” *Iranian Studies* 18, no. 1 (1985): 38-9.

<sup>50</sup> Moussavi, “The Establishment,” 39.

<sup>51</sup> Moussavi, “The Establishment,” 39-40.

<sup>52</sup> What al-‘Āmilī actually writes is the following:

“If there are multiple muftis... and one is greater than another in terms of knowledge and *‘adāla* (having a clear moral record), [the fatwa seeker] must perform *taqlīd* to him. And this is what has reached us from our fellow scholars (*al-aṣḥāb*)... And in cases in which one is greater in knowledge and another is great in piety (*wara‘*), al-Muḥaqqiq – may God have mercy on him – gives preference to the one who is more knowledgeable, because knowledge is the result of knowledge, not piety. And the amount of piety that [the less pious one] does have will prevent him from giving a fatwa about something he does not [sufficiently] know. So there is no reason to give preference to the [greater] piety of the other. And this is [a] proper [opinion.” See: Ḥasan b. Zayn al-Dīn al-‘Āmilī (d. 1011 AH), *Ma‘ālim al-uṣūl* with commentary from Sulṭān al-‘ulamā’ (Qom: Quds, 1376 AHS), 339.

As the process of producing fatwas involves more than narrating traditions, there is no reason to accept Moussavi’s interpretation of his words. In this very work, al-‘Āmilī includes legal discussions on: commands and prohibitions, consensus (*ijmā‘*), abrogation (*naskh*), the law of presumption of continuity (*istiṣḥāb*), legal analogy (*qiyās*), and linguistics (*mabāḥith al-alfāz*).

<sup>53</sup> Ahmad Kazemi Moussavi. *Religious Authority in Shi‘ite Islam: From the Office of Mufti to the Institution of Marja‘* (Kuala Lumpur: International Institute of Islamic Thought and Civilization, 1996), 186-7.

identifies the year 1846 as the start of *marja'iyya*, as that was when al-Najafī was recognized as the only jurist worthy of *taqlīd* following the death of his two remaining “competitors,” Ḥasan Kāshif al-Ghiṭā’ in Najaf and Ibrāhīm Qazwīnī in Karbala.<sup>54</sup>

For Moussavi, as well as Abbas Amanat,<sup>55</sup> the idea that one must follow the most knowledgeable jurist was particular to the *marāji'* and perhaps their defining trait. But Devin Stewart convincingly demonstrates that the concept of *a'lamīyya* was not an innovation of nineteenth century Twelver Shī'ī jurists, even if hierarchies were not as clearly defined previously.<sup>56</sup> This is because, he writes, the ideas that a lay person must consult the most knowledgeable, most pious, and most observant jurist were articulated about eight centuries earlier by al-Sharīf al-Murtaḍā (d. 1044). Al-Muḥaqqiq al-Ḥillī (d. 1276) and al-‘Allāmah Jamāl al-Dīn al-Ḥasan b. Yūsuf b. al-Muṭahhar al-Ḥillī (d. 1325) similarly stated that preference must be given to the most knowledgeable. And, Stewart adds, such ideas were articulated even earlier by Sunni jurists of the tenth century CE, and reportedly even by Aḥmad b. Ḥanbal (d. 855).<sup>57</sup> In fact, hierarchies of jurists, like the leading authority for lay people, existed in the Islamic legal context long before the nineteenth century, he writes. However, he does view the Twelver Shī'ī hierarchical systems of Najaf and Qom as more “rigid and formalized” beginning in the nineteenth and early twentieth centuries respectively.

There are a number of reasons Stewart gives for why the more developed form of hierarchy in Twelver Shī'ī law developed when it did: 1. The improvement of transportation and communication helped centralize the authority of prominent jurists in Qom and Najaf while

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<sup>54</sup> Moussavi, *Religious Authority*, 187-8.

<sup>55</sup> Abbas Amanat, “The Madrasa and the Marketplace,” in *Authority and Political Culture in Shi'ism*, ed. Said Amir Arjomand (Albany: SUNY, 1988), 125.

<sup>56</sup> Devin Stewart, “Islamic juridical hierarchies and the office of *marji' al-taqlīd*,” in *Shī'ite Heritage: essays on classical and modern traditions* (Binghamton: Global Academic Publishing, 2001), 140.

<sup>57</sup> Stewart, “Islamic juridical hierarchies,” 142.

reducing the authority of jurists in other cities; 2. Formalizing features were introduced into Twelver Shī‘ī law as a response to the threat posed by Akhbārīs; 3. A distinct genre of legal manuals that emphasized the necessity of performing *taqlīd* to a living *mujtahid* gained prominence; 4. Licenses for performing *ijtihād* were either issued for the first time or at a far greater rate. However, Stewart argues, we cannot consider this rigid or formalized hierarchy to be unprecedented in the Muslim world. It was not even as stratified as the Ottoman learned hierarchy. And both Sunni and Shī‘ī jurists had transregional authority during the Buyid and Mamluk periods. If, Stewart writes, one were to argue that what separates *marja‘iyya* from previous hierarchies is that it is independent of government, the response is that this can be found in Sunni hierarchies before the Ottoman period as well. Thus, he considers the distinguishing trait of *marja‘iyya* to be its source of income, or, a dependence on the *khums* tax as opposed to charitable religious endowments (*waqf*) in the Sunni context.<sup>58</sup>

Stewart’s analysis provides historical context for one of the essential legal components of *marja‘iyya*: a hierarchy based on knowledge. And just as he effectively demonstrates that the concept of *a‘lamiyya* existed well before the nineteenth century, one can make similar arguments about other legal components of *marja‘iyya*, such as the legitimacy of performing *taqlīd* and the requirement of following a living jurist. The legitimacy of performing *taqlīd* can be found in the work of the aforementioned Sharīf al-Murtaḍā<sup>59</sup> as well as that of his student Shaykh Abū Ja‘far Ṭūsī (d. 1067).<sup>60</sup> The logic they mentioned (that it is impractical to expect lay people to be able to derive their duties from Islamic sources) would be echoed by al-‘Allāmah al-Ḥillī centuries

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<sup>58</sup> Stewart, “Islamic juridical hierarchies,” 156-7.

<sup>59</sup> al-Sharīf al-Murtaḍā ‘Alī b. al-Ḥusayn b. Mūsā al-Mūsawī, *Al-Dhari‘ah ilā uṣūl al-sharī‘ah* (Qom: Imam Ṣādiq Institute, 2008), 536-7.

<sup>60</sup> Shaykh Abū Ja‘far Ṭūsī, *Al-‘Uddah* (Qom: Setāreh, 1417 AH), v. 2, p. 727-30.

later,<sup>61</sup> and continues to be used by the *marāji* ' today.<sup>62</sup> And the idea that one must follow a living *mujtahid* can be traced to at least the time of 'Allāmah Ḥillī, who did not allow one to perform *taqlīd* to a dead jurist.<sup>63</sup> There is a difference of opinion on the matter today. Most allow one to remain a *muqallid* of a jurist after his death, but do not allow one to begin *taqlīd* of a jurist who is already deceased.<sup>64</sup> A minority of *marāji* ' allow one to perform *taqlīd* of a jurist after his death if the *muqallid*'s life overlapped with that of the *marja* ' .<sup>65</sup>

As mentioned earlier, there are two traits of the *marāji* ' other than *a'lamīyya* that could potentially distinguish them from previous jurists: transregional legal and financial authority and their spiritual status. The legal manuals of the *marāji* ' are not a nineteenth century innovation, as both Shaykh Bahā' al-dīn al-'Āmilī and Muḥammad Taqī Majlisī (d. 1659) wrote legal manuals in Persian intended for lay people.<sup>66</sup> And the idea that jurists are to collect *khums* in the absence of the Twelfth Imam is nothing new. Norman Calder has demonstrated that it has existed since at least the time of 'Allāma Ḥillī.<sup>67</sup> Moussavi writes that this theory was clearly put into practice in Safavid Iran.<sup>68</sup> Rather, the financial and legal authority of *marāji* ' differs from those of previous jurists in scope; the *marāji* ' perform the functions of previous jurists to a larger degree,<sup>69</sup> across broader regions and for a greater number of followers. This was made possible by the political and social circumstances outlined above as well as advancements in technology.

<sup>61</sup> al-'Allāmah Jamāl al-Dīn al-Ḥillī, *Mabādi' al-wuṣūl* (Beirut: Dār al-Aḍwā', 1986), 247.

<sup>62</sup> Kāzīm al-Ḥā'irī, *Al-Fatāwā al-wādiḥah* (Qom: Dār al-Bashīr, 1433 AH), v. 1, pp. 111-112; Ḥusayn Waḥīd Khurāsānī, *Tawdīḥ al-masā'il* (Qom: Imam Bāqir al-'Ulūm, 2012), p. 5; Sistani, *Minhāj*, v. 1, p. 5, #3.

<sup>63</sup> al-'Allāmah al-Ḥillī, 248.

<sup>64</sup> al-Ḥā'irī, v. 1, pp. 115 and 120; Sistani, v. 1, p. 6.

<sup>65</sup> Khurāsānī, 6. He also includes the condition that one was *mumayyiz* (able to distinguish between right and wrong) at the time. Zanjānī has the same opinion. See: Muḥammad Ḥasan Banī-Hāshimī-Khumaynī, *Tawdīḥ al-masā'il-e marāji' mutābiq bā fatāwā-ye sīzdah nafar az marāji' mu'azzam-e taqlīd*, (Qom: Intishārāt-e Islāmī, 1385 AHS), v. 1, p. 19.

<sup>66</sup> Moussavi, *Religious Authority in Shiite Islam*, 38, 89, 209 and 233.

<sup>67</sup> Norman Calder, "Khums in Imāmī Shī'ī Jurisprudence, from the Tenth to the Sixteenth Century A.D." *Bulletin of the School of Oriental and African Studies Bulletin of the School of Oriental and African Studies* 45, no. 01 (1982): 39-47. Also see: Moussavi, *Religious Authority in Shiite Islam*, 221-2.

<sup>68</sup> Moussavi, *Religious Authority in Shiite Islam*, 223-4.

<sup>69</sup> Moussavi, *Religious Authority in Shiite Islam*, 175.

The extent of the legal and financial authority of the *marāji* ‘ arguably makes for a stronger attachment to the latter and thus sets these modern jurists apart from previous Twelver Shi‘ī jurists and - in the Sunni context - muftis. To understand the difference between *marja* ‘ and mufti, we can refer to John Cooper, who writes concerning *taqlīd*, as articulated by Mullā Aḥmad (Muqaddas) al-Ardabīlī (d. 993/1585), that it is a “new trend” in which, “The layman is no longer the voluntary seeker of legal advice (*mustaftī*) of the medieval Shi‘ite literature, and he is gradually assigned the fixed legal status of ‘follower’ (*muqallid*) as subject to clerical authority.”<sup>70</sup> Cooper is, in part, referring to al-Ardabīlī’s statement that knowledge produced by a *mujtahid* “is the legal opinion which the *mufṭī* gave; every legal ruling which the *mufṭī* gives is true and must be acted upon.”<sup>71</sup> This would seem to indicate a stronger form of attachment to the legal opinions of a jurist than referring to a mufti for one particular fatwa.

While *mustaftīs* in traditional contexts were not necessarily restricted to performing *taqlīd* to the *a‘lam*, they also were not entirely free to choose whichever opinion worked the most to their advantage. In theory, the layperson was responsible for researching and finding a qualified *mujtahid* or mufti by soliciting the testimony of witnesses.<sup>72</sup> As Khaled Abou El Fadl writes, this selection was not to be made on the basis of personal taste, but rather on the basis of rational thought and conviction, and one was to choose a school only because one believes it most accurately represented God’s law.<sup>73</sup> One example is that the Malikī jurist Ibrāhīm b. Mūsā al-Shāṭibī (d. 790/1388) argues that the *muqallid* does not have the freedom to choose between two *mujtahids* with differing opinions without good reason, meaning that this choice cannot be

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<sup>70</sup> John Cooper, “The Muqaddas al-Ardabīlī on *Taqlīd*” in *Authority and Political Culture in Shi‘ism*, edited by Said Amir Arjomand (Albany: SUNY Press, 1988), 263.

<sup>71</sup> Cooper, 264.

<sup>72</sup> Wael Hallaq, *Shari‘a: Theory, Practice, Transformations* (New York: Cambridge University Press, 2009), 111.

<sup>73</sup> Khaled Abou El Fadl, *Speaking in God’s Name: Islamic Law, Authority and Women* (London: Oneworld, 2014), 111.

based on a whim (*hawā*).<sup>74</sup> He concludes, “So preference should only be given on the basis of *a‘lamiyya* and the like.”<sup>75</sup> Similarly, the Shāfi‘ī jurist Muhyī al-dīn Abū Zakariyyā Yaḥyā b. Sharaf al-Nawawī (d. 676/1277) writes that when it is known who is most reliable, most knowledgeable, or most cautious jurist in performing his religious duties, one must perform *taqlīd* to him.<sup>76</sup> Nawa

In addition to scholarly credentials, the mufti would have to fulfill certain criteria related to piety.<sup>77</sup> For this purpose, a *mustaftī* could rely on his or her own sense of the mufti’s piety.<sup>78</sup> Al-Shāṭibī (d. 790) writes that, in order for the mufti to be honest and for his speech (fatwas) to be true, he must act on his own opinions. This means that, if the mufti tells others to refrain from idle talk or worldly attachment, he should refrain from these as well.<sup>79</sup> This is part of al-Shāṭibī’s larger theory that the mufti is the successor to and representative of the Prophet and assumes his position in the community, and thus he is to be followed not only in his words (legal opinions) but also in his actions (*af‘āl*) and tacit approvals (*taqārīr*).<sup>80</sup> Of course, as Muhammad Khalid Masud, Brinkley Messick, and David S. Powers write, guidelines for piety mainly only existed in theory, as muftis were typically well known.<sup>81</sup> Al-Nawawī indicates this by writing that a mufti’s popularity is sufficient, as his embarking upon the act of providing fatwas means he is announcing that he is qualified.<sup>82</sup> Thus, it is possible that *mustaftīs* would generally refer to a local mufti who was well known to be an authority. While this localized reference differs from

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<sup>74</sup> Ibrāhīm b. Mūsā al-Shāṭibī, *Al-Muwāfiqāt* (Khobar: Dār ibn ‘Affān, 1997), v. 5, pp. 79-81.

<sup>75</sup> al-Shāṭibī, *Al-Muwāfiqāt*, v. 5, p. 81.

<sup>76</sup> Yaḥyā b. Sharaf al-Nawawī, *Muqaddimat al-Imām al-Nawawī li kitāb al-majmū‘ sharḥ al-madḥhab* (Cairo: Al-Balad al-Amīn, 1999), 137.

<sup>77</sup> Wael Hallaq, *Shari‘a*, 111-112.

<sup>78</sup> Muhammad Khalid Masud, Brinkley Messick, David S. Powers (editors), *Islamic Legal Interpretation* (Cambridge: Harvard University Press, 1996), 21.

<sup>79</sup> al-Shāṭibī, *Al-Muwāfiqāt*, v. 5, pp. 267-69.

<sup>80</sup> al-Shāṭibī, *Al-Muwāfiqāt*, v. 5, pp. 253, 261, and 265.

<sup>81</sup> *Islamic Legal Interpretation*, 21.

<sup>82</sup> al-Nawawī, 136.

the transregional legal authority of the *marāji*‘, it also did not seem to allow for much choice in terms of the mufti from whom one could solicit a fatwa. In this regard, the Shāfi‘ī scholar Abū Bakr Aḥmad b. ‘Alī al-Khaṭīb al-Baghdādī (d. 463/1071) and the Shāfi‘ī jurist Abū Ishāq Ibrāhīm b. ‘Alī al-Shīrāzī al-Fayrūz Ābādī (d. 476/1083) held the opinion that if there is only one mufti in one’s region, one must abide by his fatwas.<sup>83</sup> Al-Fayrūz Ābādī elaborates writing that if there is more than one mufti in the region, and it is clear that one is more knowledgeable and more reliable than the other, then one must refer to him.<sup>84</sup>

Fatwas of muftis are often contrasted with those of the *marāji*‘ in the sense that the latter are the only permissible opinion to be followed, while the former are not as such. Muhammad Khalid Masud writes that in most cases, the fatwas of muftis are non-binding. In this regard, he relates the opinion of the Ḥanafī jurist Aḥmad b. ‘Umar Abū Bakr al-Jaṣṣāṣ (d. 370/980), who explains that fatwas are not binding in cases where the mufti performed *ijtihād* (gave his own expert opinion). Rather, in such cases, the *mustafī* is free to accept or reject the fatwa. And if one mufti permits something and another prohibits it, the *mustafī* can choose either opinion. But whichever opinion the *mustafī* chooses, she must act upon it, according to al-Jaṣṣāṣ. This, Masud writes, is in cases where the *mustafī* regards two jurists as equally qualified as opposed to when the more knowledgeable can be determined.<sup>85</sup> However, in the process of *istiftā*‘ (requesting a fatwa), a fatwa can become binding if it is rooted in the words of the Prophet. According to al-Jaṣṣāṣ, when a mufti tells a *mustafī* (the one seeking a fatwa) that the Prophet ruled as such, this becomes binding. Masud writes: “The advice assumed that the *mufti* was more knowledgeable in these matters than the *mustafī*. Later, this assumption was taken as a fact.” It

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<sup>83</sup> al-Nawawī, 140-1.

<sup>84</sup> al-Nawawī, 141.

<sup>85</sup> Muhammad Khalid Masud, “The Significance of *Istiftā*‘ in the Fatwā Discourse,” *Islamic Studies*, v. 48, no. 3 (Autumn 2009), pp. 357-8.

appears he means that because the nature of fatwas is that they are mere opinions, a fatwa that relates the Prophet's authoritative opinion is not actually a fatwa as we commonly perceive it (non-binding).

Still, as Abou El Fadl makes clear, *mustaftīs* are not entirely free to pursue whatever opinion best serves their interests. He writes that evidence from one jurist can only be rejected if another jurist provides contrary evidence, and that most jurists condemned the crossing of legal school lines for the purpose of finding a more lenient opinion or for some worldly gain. Furthermore, one must remain systematic in one's adherence to the law, meaning, one should adhere to the particular principles of one school of thought until it is made evident that another school of thought will better help one fulfill one's religious duties.<sup>86</sup> Al-Nawawī writes that a lay person cannot choose a particular *madhhab* based on whim, personal taste, or leniency, nor can he or she avoid choosing a *madhhab* at all for similar reasons. And, he writes, once one has selected a *madhhab*, one must act in accordance with the opinions of that *madhhab*.<sup>87</sup>

Even if one argues that the fatwas of the *marāji'* are more binding than those of muftis on the basis of the obligation to adhere to the opinions of one *marja'*, this too can be problematized. This is because a large number of legal opinions are, in fact, not actually opinions at all, but rather cases of obligatory precaution (*iḥtiyāt wujūbī* or *iḥtiyāt wājib*). This means that one can refer to the next most knowledgeable (*fa'l-a'lam*) whenever the first *marja'* did not officially give a fatwa but instead called for precaution because he could not reach a firm conclusion on the matter. Also, one can technically split one's *taqlīd* among *marāji'* if various jurists are the most knowledgeable in different topics.<sup>88</sup> But there is evidence (as will be shown) that in

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<sup>86</sup> Abou El Fadl, *Speaking in God's Name*, 111.

<sup>87</sup> al-Nawawī, 138.

<sup>88</sup> See: Muhammad Ali Taskhiri, "Combining Legal Rulings" in *Shi'ite Heritage: Essays on Classical and Modern Traditions*, ed. L. Clarke (Binghampton: Global Publications, 2001): 233-242.

practice, *muqallids* will also pursue more lenient opinions or simply rely upon the well-known opinions of the *marāji'* at large instead of pursuing the fatwas of their particular *marāji'* exclusively. Meanwhile, there is little evidence that *tab'īd* is commonplace among *muqallids*.

In some cases, the fatwas of muftis actually did operate as binding opinions. According to Wael Hallaq, fatwas were commonly accepted as the basis of a court ruling, and only ignored if another fatwa constituted a more convincing and authoritative opinion. By “authoritative,” Hallaq intends a fatwa that received support from the prominent authorities within a particular *madhhab*.<sup>89</sup> In other words, a fatwa was considered authoritative unless it was found to be contrary to the official stance of a particular school. In this way, it can be argued that the most informed opinion reigned supreme, somewhat similar to the concept of a *'lamiyya*, although each *marja'* effectively acts as his own *madhhab* in this analogy.

Another difference between muftis in the Sunni context and the *marāji'* is that the former were, after a certain point in time, state officials, whereas the latter operate independently. While Mehdi Mozaffari is incorrect in stating that, even though *mujtahids* have functioned as fatwa-givers, the term “mufti” has never existed in the Shī'ī context,<sup>90</sup> his argument still holds some value. He writes:

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<sup>89</sup> Hallaq, *Shari'a*, 178.

<sup>90</sup> Mehdi Mozaffari, *Fatwa: Violence and Discourtesy* (Oxford: Aarhus University Press, 1998), 29. The term *mufti al-Shī'a* can be found: as early as the tenth century AH, when it was used by Amīr Abū'l-Faṭḥ al-Jurjānī (d. 976); in the eleventh century AH in the aforementioned *Ma'ālim al-uṣūl* of Ḥasan b. Zayn al-Dīn al-Āmilī; in the thirteenth century AH in the *Mafātīḥ al-uṣūl* of Muḥammad b. 'Alī Ṭabāṭabā'ī al-Mujāhid (d. 1243); in the fourteenth century in the *Ma'dan al-fawā'id wa-makhzan al-farā'id* of Muḥammad Hāshim b. Zayn al-Ābidīn al-Khwānsārī (d. 1318); and in the contemporary period.

See: Amīr Abū'l-Faṭḥ al-Jurjānī, *Tafsīr Shāhī* (Tehran: Nawīd, 1404 AH), Introduction, p. 9; Ḥasan b. Zayn al-Dīn al-Āmilī, *Ma'ālim al-uṣūl*, 337; Muḥammad b. 'Alī Ṭabāṭabā'ī al-Mujāhid, *Mafātīḥ al-uṣūl* (Qom: Āl al-Bayt, 1296 AH), 230, 330, 353 (which mentions Shaykh 'Alī al-Karakī as the mufti of Esfāhan under the Safavids) and 382; Muḥammad Hāshim b. Zayn al-Ābidīn al-Khwānsārī, *Ma'dan al-fawā'id wa-makhzan al-farā'id* (), 6 and 31 (which mention al-Karakī again), and also 88, 110, 171, 180, and 296; Diyā' al-dīn 'Irāqī (d. 1361 AH), *Al-Ijtihād wa't-taqlīd* (Qom: Nawīd, 1388 AH), 70, 81, 90, 181, 267-69, 276, 284, 292, 296, 309, 325-28, 332-38, 340-1, 343, 347-51, 355-57, 360-63, 378, 380, 383, 384, 395, 397-98, 400, 421-22, 440, 448, 450, 451, 455-56, and 459-60; and Ruhollah Khomeini, *Al-Ijtihād wa't-taqlīd* (Tehran: The Institute for Compilation and Publication of Imam Khomeini's Works, 1426 AH), 13 (which mentions “mufti” alongside *marja'*), 75, 93, 119, 157, 160, 162, and 167.

the creation and institutionalization of *mufti* was originally an administrative response to a specific need which comes first and foremost from the Administration itself. By Administration, we mean all forms of government: Caliphate, Sultanate, Emirate, etc. Since the Shi‘a have never really been in power and have not governed a large geographical area until the Safavids, the need for one or more *mufti*(s) has not really come up. Hence the lack of the term *mufti* in the rich Shi‘a literature.<sup>91</sup>

Mozaffari continues by drawing attention to the position of *marja‘iyya*, which lacks any sort of formalized religious institution, but rather, is a spontaneous process in which the number of students and followers plays a crucial role.<sup>92</sup> Thus, there is a stronger form of personal attachment between the *marja‘* and *muqallid* than what is traditionally observed between *mufti* and *mustafti*. Similarly, Meir Litvak writes that, while the *shaykh al-islām* of Istanbul and the *shaykh al-Azhar* in Egypt were official members of the Ottoman religious establishment, Shi‘ī *mujtahids* are “informal leaders,” who, in the words of British historian John Malcolm:

fill no office, receive no appointment [and] have no specific duties but who are called, from their superior learning, piety and virtue, by the silent but unanimous suffrage of the inhabitants... to be their guides in religion, and their protectors against the violence and oppression of their rulers.<sup>93</sup>

Considering the vast legal authority and centralization of authority of *muftis* (in the form of the *shaykh al-islām*) in the Ottoman Empire beginning with the end of the ninth/fifteenth century,<sup>94</sup> it might be said that the *marāji‘*’s authority is different primarily insofar as the *marja‘* is an institution unto himself. Somewhat similarly to this, Morgan Clarke writes that, “Sunni Islam differs [from *marja‘iyya*] in having come to allow the possibility of lesser, non-*mujtahid* *muftis*, not licensed to derive such opinions themselves, but able to relay those of others.”<sup>95</sup> In other words, the function of the *marāji‘* is similar to that of the leaders of *madhhabs*, or legal

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<sup>91</sup> Mozaffari, 28.

<sup>92</sup> Mozaffari, 30.

<sup>93</sup> Meir Litvak, “Charisma and Politics in the Evolution of Modern Shi‘i Leadership,” in *Religious Knowledge, Authority, and Charisma: Islamic and Jewish Perspectives*, ed. Daphna Ephrat and Meir Hatna (Salt Lake City: University of Utah Press, 2014), 206.

<sup>94</sup> Hallaq, *Shari‘a*, 157-8.

<sup>95</sup> Morgan Clarke, *Islam and Law in Lebanon: Sharia within and without the State* (Cambridge: Cambridge University Press, 2018), 250.

schools, in the Sunni context. As these leaders are long deceased, there is a wide spectrum of duties for Sunni muftis, including interpreting the fatwas of previous jurists or the Imams of the *madhhabs*. However, in the Twelver Shī‘ī context, only a *marja‘* may provide a fatwa. Of course, other jurists and lesser scholars are often entrusted with interpreting the fatwas of the *marāji‘*, but their interpretations are not deemed fatwas. In fact, a large portion of interpretation is entrusted to lay people, as will be discussed later.

It is also perhaps due to the stronger legal and financial attachment to the *marja‘* that some have described the relationship between *muqallid* and *marja‘* as a form of allegiance. This “allegiance” can mean different things, but should not be understood in the context of *bay‘a*, or, a particular form of allegiance pledged to the likes of caliphs and Sufi *shaykhs*. This is because Twelver Shī‘īs are only absolutely loyal to the Infallible Imam, and it is for this reason that they came to regard caliphs and others who assume this position to be illegitimate.<sup>96</sup> Lynda Clarke views *taqlīd* as a sort of allegiance in the sense that one professes loyalty to a *marja‘*. She writes:

Such a system would naturally have encouraged a type of authority akin to personal loyalty. Beginning in the nineteenth century in Iraqi and Iranian territory, this loyalty began to accrue to fewer persons. In some periods, the allegiance of all lay persons was focused on a single “*marji‘* [sic] *al-taqlīd*” or “resort for emulation,” on the premise that he was the “most learned” of all.<sup>97</sup>

Faleh Abdul-Jabar writes that the juristic-theological legitimacy of the *marāji‘* was supported by “state patronage and popular allegiance.”<sup>98</sup> It is not entirely clear what he intends by “popular allegiance.” It may be understood to mean either the support of merchants outlined above or

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<sup>96</sup> According to Said Amir Arjomand, Shī‘īs rejected the authority of any leader who claimed to be the successor of the Prophet. However, as early as the eleventh century, they would come to accept the authority of the just ruler (*al-sultān al-‘ādil*), as he did not falsely claim the position of the Imams. See: Said Amir Arjomand, Introduction to *Authority and Political Culture in Shi‘ism*, 3-4. Of course, it is possible one can be both Twelver Shī‘ī and Sufi and thus have a different perspective. But for the vast majority of mainstream Twelver Shī‘ī, *bay‘a* only applies to the Twelfth Imam. Even allegiance to Khamenei is viewed as allegiance to the Twelfth Imam by way of his representative.

<sup>97</sup> L. Clarke, “Charismatic, Epistemic, and Executive Authority,” in *Shī‘ite Heritage: Essays on Classical and Modern Traditions*, ed. L. Clarke, (Binghamton: Binghamton University, 2001), 96.

<sup>98</sup> Abdul-Jabar, 62.

*taqlīd*. Meanwhile, Robert Gleave writes that “many (perhaps the majority) of Iraqi Shi‘ites pledge allegiance” to Ayatollah Ali Sistani, who “inspires a religious devotion which, for many, places him above the political actors.”<sup>99</sup> Again, though, this should not be interpreted to mean *bay‘a*. In this case, Gleave means only that the Iraqi Shī‘a were allied with Sistani and generally obeyed him in matters related to voting and going to war against the Islamic state.<sup>100</sup> In this regard, it can be said that, in certain critical matters related to the general welfare or security of Twelver Shī‘ī Muslims, Sistani was obeyed. This, though, does not necessarily mean that all his fatwas are followed strictly.<sup>101</sup>

Allegiance to the *marāji‘* can also be understood in terms of the contrast between Uṣūlīs and Akhbārīs, as the former commanded greater obedience than the latter. This is the approach of Wael Hallaq, who writes that the *marāji‘* (Uṣūlīs)<sup>102</sup> are distinguished from the Akhbārīs, who believe allegiance is only for the Infallible Imam. He writes:

... although the Uṣūlists/Mujtahids acknowledge the *mujtahid* to be fallible (but not so the Imam), they regard as obligatory the layperson’s obedience to both, and to the same extent... As we have already seen, the Akhbārists by contrast accept allegiance only to the Imam, and refuse to extend that authority to the jurist.

This is because, according to Hallaq, the Uṣūlīs assume certain responsibilities (leading Friday prayer, levying the alms-tax, and executing penal law) that the Akhbārīs did not see as within the

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<sup>99</sup> Robert Gleave, “Conceptions of Authority in Iraqi Shi‘ism: Baqir al-Hakim, Ha’iri and Sistani on *Ijtihad, Taqlid* and *Marja‘iyya*,” *Theory, Culture & Society*, v. 24, No. 2 (2007), p. 64.

<sup>100</sup> I gained this clarification through personal communication with Gleave.

<sup>101</sup> In May, 2018, I interviewed Amina Inloes, an American researcher at the Islamic College of London, and she explained the phenomenon of following Sistani in political matters, saying:

“In a place where Shī‘a are threatened or are in the minority, you need something to hold on to as a flagpole of the community. If I question Ayatollah Sistani in some areas, I’m not just questioning him, but I’m questioning the only thing that keeps us together and maybe keeps out ISIS, that keeps the community afloat and keeps me alive.”

This reinforces the idea that obedience to Sistani in such matters does not necessarily indicate adherence to the fatwas of the *marāji‘* in general.

<sup>102</sup> It becomes clear he applies the label Uṣūlist/Mujtahid to the contemporary *marja‘* when he writes that two centuries after the Akhbārists would lose all ground, the Uṣūlists “would command the spheres of politics and governance as well.” See: Wael Hallaq, *Sharī‘a: theory, practice, transformations* (New York: Cambridge University Press, 2009), 123

jurisdiction of legal scholars. One of those duties is the aforementioned collection of *khums*.<sup>103</sup> At the heart of this difference, according to Hallaq, is the matter of vicegerency (*niyāba*) of the Twelfth Imam.<sup>104</sup>

In addition to a *'lamiyya* and centralized authority, the historians who identify *marja'iyā* as a modern phenomenon also recognize that a change occurred in the dynamic of Twelver Shī'ī jurists' spiritual authority in the nineteenth century, when stories of their piety and asceticism became more prevalent. Minor miracles (*karāmāt*) were attributed to them, and the Imams reportedly appeared to them in dreams.<sup>105</sup> This trend is believed to have been a response to the threats the Shaykhīs and the Bābīs posed to the *'ulamā'*'s religious authority.<sup>106</sup> Moussavi argues that the dismissal and eventual excommunication of Shaykhīs gave nineteenth century *mujtahids* a new sense of solidarity and identity.<sup>107</sup> He writes that terms that indicate the hierarchy of jurists, like *hujjat al-islām* ("the proof of Islam") and *āyat Allāh* ("sign of God"), gained prominence as an Uṣūlī response to Shaykhī scholars, who used the term *hujjat Allāh* ("the proof of God") to associate their charismatic authority with that of the Imams.<sup>108</sup> Litvak argues that resentment toward "worldly" Iranian *mujtahids* was both a reason for the appeal of the Shaykhī and Bābī movements and for the desire to follow the legal opinions of jurists in the shrine cities of Iraq, where *marja'iyā* would first emerge.<sup>109</sup>

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<sup>103</sup> He writes: The jurist not only must be the highest legal authority in the manner of a *mufti* or a *qāḍī*, but must lead Friday prayer (whose attendance by the layperson is mandatory) and is entitled to levy the alms-tax. And as if to affirm the total loyalty of laypersons and indeed the masses to the *Mujtahid-faqīhs*, the Uṣūlists insisted that these *Mujtahid-faqīhs* must execute the *ḥudūd* ("penal law"), conventionally the function of the political sovereign. See: Hallaq, *Sharī'a*, 123.

<sup>104</sup> The latter's competence is not questioned on the grounds of functioning in the capacity of a legist, be it a judge, *mufti*, professor or author-jurist, but rather in the very principle of delegation; or, as the Akhbārists saw it, appropriation of what can belong to no one but the Imam. See: Hallaq, *Sharī'a*, 123-4.

<sup>105</sup> Litvak, *Shi'i scholars of nineteenth-century Iraq*, 6-7. Moussavi, *Religious Authority in Shiite Islam*, 197.

<sup>106</sup> Litvak, *Shi'i scholars of nineteenth-century Iraq*, 148-9.

<sup>107</sup> Moussavi, *Religious Authority in Shiite Islam*, 133-45.

<sup>108</sup> Moussavi, *Religious Authority in Shiite Islam*, 210-13.

<sup>109</sup> Litvak, *Shi'i scholars of nineteenth-century Iraq*, 65.

Furthermore, the challenge posed by Shaykhī claims to direct knowledge of the Imams resulted in the Uṣūlīs emphasizing the role of *mujtahids* as representatives of the Twelfth Imam, an idea that had existed in some form since the tenth century<sup>110</sup> but was only brought to the forefront of legal discussion in the nineteenth century.<sup>111</sup> Moussavi employs the theory of Max Weber when he writes that this was an attempt to “theoretically routinize the charismatic authority of the Hidden Imam.”<sup>112</sup> Litvak similarly writes that the *marāji‘* gained authority by claiming to be general deputies of the Imams who inherited their charisma.<sup>113</sup>

While a greater emphasis on such titles and the deputyship of the Twelfth Imam are to be found in the period leading up to *marja‘iyya*, this does not tell the entire story of the charismatic nature of the *marāji‘*. The history that Moussavi presents can inform us as to the potential motivating factors for a change in the dynamic of the spiritual authority of the *marāji‘*, but it does not precisely identify what that authority is. Scholars have attempted to qualify this authority by making analogies to positions in the Catholic church, employing Max Weber’s model of charismatic authority, or describing the *marāji‘*’s authority as an extension of that of the Twelve Imams. There are problems with each of these approaches, as will be addressed shortly.

The discussion above presents a summary of the history of *marja‘iyya* as represented by authors writing in English. A number of historians writing in Arabic, meanwhile, do not identify

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<sup>110</sup> Moussavi writes that Shaykh Muḥammad b. Muḥammad Mufīd (d. 413/1032) argued that jurists could assume responsibilities related to the collection of *khums* and administering justice. As Raha Rafii writes, early Twelver Shī‘ī jurists, including Ibn Zuhra (d. 585/1189), Ibn Idrīs (d. 598/1202), and al-Muḥaqqiq al-Ḥillī (d. 676/1277), considered worthy judges to be delegated by the Twelfth Imam, even in the sensitive matter of penal law (*ḥudūd*). However, according to Norman Calder, the idea that jurists could be general deputies of the Twelfth Imam was only first clearly elaborated by Zayn al-dīn al-‘Āmilī (d. 965/1558), even though al-Muḥaqqiq introduced the term *niyāba* (deputyship) in relation to jurists (*fuqahā‘*) on the topic of *khums*. See: Moussavi, *Religious Authority in Shiite Islam*, 148; Raha Rafii, “The Judgeship and the Twelver Shī‘ī *Adab al-Qāḍī* Genre, 11-14<sup>th</sup> Centuries” (doctoral dissertation, University of Pennsylvania, 2019), 130-31; and Norman Calder, “The Structure of Authority in Imāmī Shī‘ī Jurisprudence” (doctoral dissertation, School of Oriental and African Studies, 1980), 152 and 167.

<sup>111</sup> Moussavi, *Religious Authority in Shiite Islam*, 153-5.

<sup>112</sup> Moussavi, *Religious Authority in Shiite Islam*, 156.

<sup>113</sup> Litvak, *Shi‘i scholars of nineteenth-century Iraq*, 5.

*marja'iyya* as a rupture in the history of Twelver Shī'ī scholars. Instead, these scholars view it as the continuation of legal reference (with clear changes in the contemporary age) that has existed at least since the Buyid period and not a recent phenomenon that begin with Najafī and Anṣārī. It is not that these authors writing in Arabic are not concerned with the themes of centralization or increased political activity. Rather, they do not treat these as markers of *marja'iyya*, which they view as a form of legal reference that existed very early in Twelver Shī'ī history. Of course, they argue, the nature of this legal reference continues to evolve.

The Iraqi historian Jawdat al-Qazwīnī seems to argue that *marja'iyya* (here: legal reference) began during the formative period of Twelver Shī'ī jurisprudence of the tenth century. He writes:

[Shaykh] Mufīd had *marja'iyya* in fatwas and verdicts (*aḥkām*) in a number of cities. People in Gorgan, Khawarazm, Shiraz, Mazandaran, Nishapur, Mosul, Tabaristan, Ukbura, Raqqa, Ḥarran, and other places would refer (*yarji'*) to him to settle disputes (*al-faṣl*) and receive verdicts (*aḥkām*).<sup>114</sup>

The reason one cannot be certain Al-Qazwīnī is making a historical statement about *marja'iyya* as we know it is that he is apparently describing the process of referring to jurists for legal opinions. It is true that legal reference is the essence of *marja'iyya*, but, as discussed earlier, *marja'iyya* in the modern sense entails other elements as well. Elsewhere, however, al-Qazwīnī makes clear that he has a broader definition of *marja'iyya* than the one in circulation now. He writes that, in the nineteenth century, *marja'iyya* became *marja'iyya munazzama* (an organized form of legal reference), unlike the forms of *marja'iyya* that would follow. By this he means that Sayyid Muḥammad Maḥdī Baḥr al-'Ulūm (1212/1797) was the source of education, Ja'far Kāshif al-Ghiṭā' (1227/1812) was the source of fatwas and *taqlīd*, and Shaykh Ḥusayn Najaf (d.

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<sup>114</sup> Jawdat al-Qazwīnī, *Al-Marja'iyya al-dīniyya al-'ulyā*, (Beirut: Al-Khazā'in li ihyā' al-turāth, 2014), 18.

1251/1835) was the leader of the Friday prayer.<sup>115</sup> There are a few important points here: 1. Al-Qazwīnī does indeed view *marja'iyya* as an institution that began no later than the time of Mufīd; 2. The organized form of *marja'iyya* as he understands it differs from financial and legal centralization because it produces division of labor; 3. He does not (as evident elsewhere in the work) perceive a particular form of *marja'iyya* that began with al-Najafī and Anṣārī.

Ḥusayn Baraka al-Shāmī views *marja'iyya* as an extension of the leadership of the Infallible Imams in the form of legal reference that began with the greater occultation of the Twelfth Imam in 941 CE. He makes this seemingly non-historical argument in his Arabic work on the topic, *Al-Marja'iyya al-dīniyya min al-dhāt ilā'l-mu'assasa*.<sup>116</sup> He also divides *marja'iyya* into four phases. In the first phase, *marja'iyya* depended upon local support for scholars in the lands in which they resided. These scholars would receive questions and provide fatwas. Eventually, al-Shāmī writes, their students would spread to other lands and answer based on the opinions of their teachers, the *marāji'*. “It was in this way,” he writes, “that the average Shī'a came to know the names and legal opinions of their *marāji'*.”<sup>117</sup> The second phase, according to al-Shāmī, was when *mujtahids* began sending representatives to various lands in order to relate their opinions. In this period, he writes, the institution of *marja'iyya* began to take form.<sup>118</sup> But al-Shāmī is not speaking of the nineteenth century transregional authority of al-Najafī or Shīrāzī. Rather, he writes that the most prominent example for this period is Muḥammad b. Makkī al-Āmilī (d. 786/1384), who sent representatives to various parts of al-Shām and instructed them to collect religious taxes. The next phase, according to al-Shāmī, was that of centralization (*al-tamarkuz wa-al-istiqtāb*), in which the *marāji'* expanded their geographical reach to include vast

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<sup>115</sup> Al-Qazwīnī, 194.

<sup>116</sup> Ḥusayn Baraka al-Shāmī, *Al-Marja'iyya al-dīniyya min al-dhāt ilā'l-mu'assasa* (London: Dar al-Islam Foundation, 1999), 35.

<sup>117</sup> al-Shāmī, 36.

<sup>118</sup> al-Shāmī, 36-7.

parts of the Islamic world. In this period, he writes, the *marāji'* assumed leadership in matters related to society, politics and thought. He writes that perhaps the most prominent jurist in this period was Ja'far Kāshif al-Ghiṭā' (d. 1227/1812), whose *marja' iyya* "extended to all of the Shī'a in the Muslim world" and who reportedly resisted the Wahhabi invasion of the noble city of Najaf and ended civil discord in Iraqi society.<sup>119</sup> Lastly, al-Shāmī writes that in the final phase of *marja' iyya*, the *marāji'* came to be leaders of the Muslim community in its struggle against foreign occupation and colonization in Iraq, Iran, and al-Shām. In short, the author views *marja' iyya* as a natural result of losing access to the Twelfth Imam. It existed as soon as legal reference was necessary, and the changes in *marja' iyya* are mostly related to scope, the formalization of representation, and new political contexts.

'Abd al-Karīm Āl Najaf does not provide a date for the beginning of *marja' iyya* at all. Instead, in *Min a'lām al-fikr wa'l-qiyāda al-marja' iyya*, he writes of the "modern *marja' iyya*", which he dates to the first Treaty of Erzurum of 1823, an agreement between the Ottomans and the Qajars.<sup>120</sup> However, he provides no detail about pre-modern *marja' iyya*. While Āl Najaf is less specific about the phases of *marja' iyya* than al-Shāmī and al-Qazwīnī, all three make clear that the institution of *marja' iyya* is not a modern phenomenon.

Meanwhile, Muḥsin Ṣabūriyān makes an argument about *marja' iyya* in a recent Persian work that is similar to what Moussavi and Litvak argue, as he dates *marja' iyya* to around the time of al-Najafī and Anṣārī. He writes that from the end of the Safavid period to the last decades of the Qajar period, Twelver Shī'ī jurists came to be perceived as possessing charisma inherited from the Infallible Imams as a result of the claim that they are the Imams' representatives. It was also during this (rather lengthy) period that *mujtahids* became more organized in terms of

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<sup>119</sup> al-Shāmī, 37.

<sup>120</sup> 'Abd al-Karīm Āl Najaf, *Min a'lām al-fikr wa'l-qiyāda al-marja' iyya* (Beirut: Maḥajjat al-Bayḍā', 1998), 21.

ranking scholars and providing licenses for *ijtihād*.<sup>121</sup> In the nineteenth century, the jurists' authority became more centralized because of faster communication (the telegraph) and the printing press, which allowed them to disperse more easily their legal manuals.<sup>122</sup> And, he writes, the *ḥawzas* of the shrine cities of Iraq gained centralization, while those in Iran declined,<sup>123</sup> and jurists in Iraq developed channels of representation at a time when jurists in Iran were “scattered (far and wide)” (*parākandeh*).<sup>124</sup> Ṣabūriyān also mentions the decline of influence of Akhbārīs, Bābīs and Shaykhīs as contributing to the rise of Uṣūlīs (who would later emerge as *marāji*).<sup>125</sup> Most importantly, though, he mentions the doctrine of *a'lamīyya*, which would not have been possible without the presence of the previous factors, all of which contributed to the emergence of *marja'īyya* in the “second half of the thirteenth century [AH]” (approximately the middle of the nineteenth century), or “from the time of Shaykh Murtaḍā Anṣārī onwards.”<sup>126</sup> He states that *marja'īyya* was “perceptible” during the beginning of the reign of the Qajar king Nāṣir al-dīn Shāh (r. 1848-1896).<sup>127</sup>

Among jurists themselves, the question of the starting date of *marja'īyya* is not often addressed. Those who do address it often trace *marja'īyya* to the time of Abū Ja'far Muḥammad b. Ya'qūb al-Kulaynī (d. 329/940) or even earlier, which Faleh Abdul-Jabar notes is “clearly a myth.”<sup>128</sup> One prominent contemporary jurist to embrace this narrative is Muḥammad Bāqir al-Ṣadr (d. 1980), who divides *marja'īyya* into four stages: the essential (*dhātiyya*) *marja'īyya*, which occurred during the times of the Imams and their deputies (the last died in 939); the

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<sup>121</sup> Muḥsin Ṣabūriyān, *Takwīn-e nihād-e marja'īyyat-e taqlīd-e shī'a* (Tehran: Pejūhishgāh-e farhang, hunar, wa-irtibā'āt, 2019), 408.

<sup>122</sup> Ṣabūriyān, 176.

<sup>123</sup> Ṣabūriyān, 175.

<sup>124</sup> Ṣabūriyān, 409.

<sup>125</sup> Ṣabūriyān, 321.

<sup>126</sup> Ṣabūriyān, 175.

<sup>127</sup> Ṣabūriyān, 321-2.

<sup>128</sup> Abdul-Jabar, 62.

administrative (*idāriyya*) *marja' iyya*, which was instituted by al-Shahīd al-awwal Muḥammad b. Jamāl al-dīn al-‘Āmilī (d. 1374); the central *marja' iyya*, established by Shaykh Ja‘far Kāshif al-Ghiṭā’ (d. 1813); and the popular *marja' iyya* that emerged during the western colonization of the Muslim world.<sup>129</sup> Abdul-Jabar argues that Muḥammad Ḥusayn Faḍlallāh (2010), a student of al-Ṣadr, challenged this “conceptual projection” that is “widespread among the clerical class and their lay emulators.” He then includes the following translation of Fadlallāh’s words:

In past history, there had been no supreme, central *marja' ism* because long distances did not allow scattered communities [of Shi‘is] to refer themselves to religious authorities [residing] in remote locations [presumably in Najaf] although there was a degree of contact... That is why communities consulted the religious authority in their vicinity.<sup>130</sup>

However, while it may appear from Fadlallāh’s words that he rejected the existence of *marja' iyya* from the time of the Imams, that is not the case. In an article published on his official website that includes much of Fadlallāh’s opinions on *marja' iyya*, Ḥaytham Muzāḥim writes, “For Twelver Shī‘īs, *marja' iyya dīniyya* has had a distinguished role in religion, society and politics since the time of the Greater Occultation [of the Twelfth Imam].”<sup>131</sup> In other words, since that time, it has played an important role. However, that does not mean *marja' iyya* did not exist even before that time, which leaves open the possibility that Fadlallāh, like al-Ṣadr, believes it began in the time of the Imams and their deputies. Furthermore, in an anthology dedicated to the topic of *marja' iyya (Ārā’ fī’l-marja' iyya al-Shī’iyya)*, Faḍlallāh writes that throughout history, a *marja' iyya* has simply been the person to whom people refer for legal opinions, to carry out their financial duties, etc. He then writes: “And we can say the following about the nature of the term *marja' iyya* throughout its lengthy history that extends to our current time:

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<sup>129</sup> Abdul-Jabar, 61.

<sup>130</sup> Abdul-Jabar, 62.

<sup>131</sup> Ḥaytham Muzāḥim, “Al-marja' iyya al-dīniyya bayn al-wāqi‘ al-taqlīdiyya wa-ṭumūḥāt al-mu’assasa,” *Bayynat*, 2/24/16, Accessed May 17, 2019, <http://arabic.bayynat.org.lb/ArticlePage.aspx?id=20601>.

*marja'iyya* has been received as *iftā'*, while the *marja'* has been received as a mufti.”<sup>132</sup>

Faḍlallāh still recognizes the transregional dimension that *marja'iyya* has acquired as a result of communication between Muslims and the *marāji'* across continents, as he states in an independent work dedicated to the topic of *marja'iyya*. And this is apparent in fatwas or *ḥukms* in which the *marja'* takes a political stance that affects followers in different regions, like the 1914 fatwa for *jihād* given by *marāji'* in Iraq that applied to all those engaged in war with England.<sup>133</sup>

In an interview on July 30, 2017, a prominent jurist in Qom related to me a similar view of *marja'iyya*; while he sees a disparity between contemporary jurists and those in previous times, he still maintains that *marja'iyya* has existed since the time of the Imams. “Ayatollah Bīdārī” is known for his vast knowledge in the field of hadith criticism, and some of the most prominent scholars in Qom consider him qualified to be a *marja'*. When asked about *marja'iyya*, he explained that there is a great disparity between the nature of *taqlīd* now and how it existed in the times of previous jurists. He claimed that the Shī'a had moved from a system of pure *taqlīd* to a system of multiple *madhhabs*. He said, “The Shī'a have ninety *madhhabs*, not ninety *faqīhs*. People think we've lost our minds. Ninety people, and if you don't follow the right one, you'll go to hell. This isn't *taqlīd*.” The two reasons for this change in the nature of *taqlīd*, in Bīdārī's view, are the collection of religious taxes and being attached to only one jurist. “Shaykh Ṭūsī,” he said, “had a fatwa that you should throw your religious taxes in the ocean.” In other words, jurists in Ṭūsī's time did not see it as within the purview of their authority to collect and redistribute religious taxes. On the topic of *a'lamīyya*, Bīdārī said:

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<sup>132</sup> Muḥammad Ḥusayn Faḍlallāh, “Al-marja'iyya: al-wāqi' wa'l-muqtaḍā” in *Ārā' fī'l-marja'iyya al-Shī'iyya* (Beirut: al-Rawḍa, 1994), 112.

<sup>133</sup> Faḍlallāh, *Al-Ma'ālim al-jadīda*, 14-15.

In practice,<sup>134</sup> scholars say, I'm the *a'lam*, and you can't follow anyone else. This is a *madhhab* [and not a form of true *taqlīd*]... Our scholars are arrogant. They think they know everything, and don't know that Sunnis and others think we're strange. In *taqlīd*, it is not necessary for us to follow one person. In Egypt, they follow whichever opinion they think is most correct [without being attached to one particular jurist].

I mentioned to him that some scholars of Shī'ism consider *taqlīd* to the *marāji'* as a form of pledging allegiance (which I translated as *bay'a*). He agreed, and stated that *taqlīd* plus *wilāya* equals *bay'a*. In his view, this *wilāya* is connected to the collecting of religious taxes and exclusivity of legal reference. And, he stated, if *sulṭa* (political power) is added to this *wilāya*, it becomes *wilāyat al-faqīh*. Of course, Bīdārī clarified, for the *wilāya* (*marja'īyya*) to be effective, the jurist must be accepted by society:

To attain *marja'īyya* or *wilāya*, one must be a *faqīh*, and make clear his legal positions (*mabānī*) related to *wilāya*. He must, at the least, publish his legal arguments so that the people of knowledge can read and evaluate his opinions. He must clarify the limits of *wilāya* and announce that he is qualified to assume such authority. Then he must have the means of establishing *wilāya*, and it must be seen if Shī'a society accepts him. This *bay'a* is for the enactment of *wilāya*, not the *wilāya* itself. And this is determined by people.

Essentially, Bīdārī views the position of a *marja'* to have superseded the duties of a mufti, which is what he appears to believe was the duty of earlier jurists. And yet, despite this explanation of *marja'īyya* as incorporating something innovative (*wilāya*) into the legal process, he believes the first *marja'* lived during the time of the Imams. He said, "The first *marja'* was Abū 'Alī b. Rashīd, or Baghdādī, a great personality. He was a deputy in all affairs for Imam Hādī in Baghdad. The Shī'a brought their wealth to [Abū 'Alī] and received fatwas from him. He is the first instance of a *marja'* who was similar to Ayatollah Burūjirdī." Thus, Bīdārī does see a particular form of authority that we can attribute to the *marāji'*, but we cannot place him in the same category of contemporary scholars of Islamic history, who view the transregional legal and financial authority of the *marāji'* as something particular to the contemporary world.

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<sup>134</sup> As opposed to Twelver Shī'ī legal theory, which states that a *muqallid* is allowed to split her *taqlīd* among various jurists (*tab'īd*), provided each is the most knowledgeable in a particular part of law.

In perhaps the only English-language articulation of the *ḥawza* position on *taqlīd*, Ayatollah Muhammad Ali Taskhiri acknowledges that *marjaʿiyya* has evolved, and must continue to do so, but traces the beginning of this process to the beginning of Twelver Shīʿī *ijtihād*. He writes that *marjaʿiyya* was the natural result of the requirement of *aʿlamiyya* and the structure of Shīʿī authority. He also writes:

In addition, a number of scholars by virtue of their extraordinary prestige and learning become exemplars (s. *marjiʿ* [sic]) for the entire community. Indeed, in a few cases the weight of their authority virtually shut the doors of *ijtihād* for others; that is said to have been true of al-Shaykh al-Mufīd [d. 413/1022], Shaykh Ṭūsī [d. 459-460/1066-7], and al-Shahīd al-Awwal [d. 786/1384].<sup>135</sup>

Thus, *marjaʿiyya* as Taskhiri understands it has existed since at least the tenth century. But the above statement appears to be saying that each of the three aforementioned scholars occupied the *sole* position of *marjaʿ* at one point, while other (and perhaps earlier) scholars did not. It does not necessarily deny the existence of *marjaʿiyya* before the time of Mufīd.

What the Arabic language accounts and views of scholars regarding *marjaʿiyya* do not take into account is the spiritual status of a *marjaʿ*, which is theorized to some degree in the works of Litvak, Moussavi, and other historians. These two approaches articulate the authority of the *marājiʿ* in two different ways: 1. A phenomenon that extends to the time of the earlier Twelver Shīʿī jurists, and has been enhanced in the contemporary world; 2. A new sort of authority, by which the *muqallid* must obey one jurist, whereas previously the *muqallid* referred to muftis only as needed. Nonetheless, both viewpoints recognize the expansion of the scope of the legal authority of contemporary Twelver Shīʿī jurists. But to frame the authority of the *marājiʿ* exclusively in legal terms does not do justice to the reality on the ground. There is a form of unstated charismatic authority that must be explored in order to understand the *muqallid*'s

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<sup>135</sup> Muhammad Ali Taskhiri, "Supreme Authority (marjiʿiyah) in Shīʿism," in *Shīʿite Heritage*, 160.

attachment to the *marja'*. This charismatic authority is left out of the accounts in Arabic works and those by traditional scholars. The reason seems to be twofold: 1. *Marja'* is taken to mean “a source of legal reference,” which technically applies even to the earliest jurists, who did not have such charismatic or spiritual authority; 2. The charismatic or spiritual status of the *marja'* (in the contemporary sense of the word) is not formally articulated or even recognized. Thus, any sort of theory about this charismatic authority must be pieced together from its presence in society, which can be understood by way of fieldwork and interviews, current events in which the *marāji'* exert their authority, or implicit claims made in hagiographies and biographies of these pious jurists.

## **Theories about the spiritual authority of the *marāji'***

Scholars who employ theoretical frameworks in an attempt to define the spiritual authority of the *marāji'* often rely upon familiar models and traditions, and do not sufficiently engage with the manifestations of this authority in culture. By contrast, this exposition will familiarize the reader with the representation of *marja'iyya* both by way of their biographies and by way of interviews that reveal *muqallids'* opinions about the *marāji'*. These interviews demonstrate that perceptions about the *marāji'* are largely reflections of tropes already available in Twelver Shī'ī culture, and thus the spiritual authority of the *marāji'* is more a reflection of the ideas of pious scholars in Iranian culture than it is a demonstration of the particular hold such a jurist has over his followers.

The existing scholarship that considers the spiritual component of *marja'iyya* is far from definitive in nature, demonstrating a need for further research. For instance, Linda Walbridge (d. 2002) dedicated much of her research to the topic of the *marāji'*, producing two major works

about them, *Most Learned of the Shi‘a: the institution of the marja‘ taqlīd* and *The Thread of Mu‘awiya: the making of a marja‘ taqlīd*. She has also addressed the authority of the *marāji‘* in her work on the Lebanese Shi‘a community of Dearborn, Michigan, *Without Forgetting the Imam: Lebanese Shi‘ism in an American Community*. Despite her major contributions, she does not seem to have a clear definition for *marja‘iyya*. She writes in the conclusion of *The Most Learned of the Shi‘a*:

[*Marja‘iyya*] is actually a rather elusive institution, and even to call it an institution is misleading. It is not at all like the papacy. There is no formal election procedure, no ordination, none of the bureaucracy found in the Vatican. The person who is up for consolidation as a *marja‘* is more like a Catholic saint than a pope.<sup>136</sup>

In the sentence that precedes this excerpt, Walbridge writes, “That personal charisma plays a large role in the *marja‘iyya* is obvious.” She later indicates that she is referring to a form of Weberian charisma, specifically the genuine or revolutionary form of charisma, and not its routinized form.<sup>137</sup> Again on the same page she writes, “While it might be difficult for the individual Shi‘ite to describe in detail the exact characteristics of a person qualified to be a *marja‘*, he is able to recognize a legitimate *marja‘* when he encounters one.” Thus, in just one page she mentions Weber, Catholicism, and the intuition of practicing Twelver Shi‘īs as ways of identifying the *marāji‘*.

In the introduction to the same work, Walbridge writes, “An *‘alim*<sup>138</sup> is a *marja‘* by virtue of (a) being acknowledged by at least some of his colleagues and (b) being the recipient of the *sahm al-Imam* religious tax.” She essentially says the same thing in *The Thread of Mu‘awiya*, which was published posthumously, writing: “The *marja‘* is a *marja‘* because he is recognized as

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<sup>136</sup> Linda Walbridge, *The Most Learned of the Shi‘a: The Institution of the Marja‘ Taqlid* (New York: Oxford University Press, 2001), 241.

<sup>137</sup> She makes direct reference to Weber when writing that problems arise when attempts are made to routinize charisma, as in the case of the government of Iran routinizing Khomeini’s charisma in the form of Khamenei. Walbridge is specifically referring to these two men in their capacity as *marāji‘* and not leaders of Iran. See: Walbridge, *The Most Learned of the Shi‘a*, 242.

<sup>138</sup> Scholar.

one and because people pay khums to him.”<sup>139</sup> Like the sentence above about recognizing a *marja‘* when one sees one, these statements from *The Thread of Mu‘awiya* tell us very little. What are these visual indicators or charismatic attributes of the *marāji‘*? Why do their colleagues or followers recognize them as the only individuals worthy of *taqlīd*? Why do people decide to pay *khums* to them?

### Comparing the *marāji‘* to other religious leaders

Like Walbridge, other scholars have attempted to define the authority of the *marāji‘* by comparing them to figures in from the Catholic church and utilizing Weber’s theory of charismatic authority. The former only warrants a brief discussion, whereas the latter will be given more attention. It will be demonstrated that both approaches fall short because they fail to inform the reader about the process by which *muqallids* choose to make the *marāji‘* authorities in their lives. The officials in the Catholic church are not selected by people on an individual basis, and Weber’s theory of genuine or charismatic authority does not apply in cases of jurists, or interpreters of the law of an existing charismatic figure.

Walbridge compares the *marāji‘* to saints because *marja‘iyya* lacks the bureaucratic process involved in the election of a pope. Roy Mottahedeh recognizes this difference as well. He writes there is no election of the *marāji‘* or even a clear hierarchy, but rather the *marāji‘* are chosen by upper level clergy by acclamation. “We have here, in Christian terms” Mottahedeh writes, “many bishops, but no single clearly elected Pope.”<sup>140</sup> Walbridge, Talib Aziz, and

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<sup>139</sup> Linda Walbridge and John Walbridge, *The Thread of Mu‘awiya: The Making of a Marja‘ Taqlid*, (Bloomington, The Ramsay Press: 2014), 42.

<sup>140</sup> Roy P Mottahedeh, *The Quandaries of Emulation: The Theory and Politics of Shi‘i Manuals of Practice*, Seattle, WA: Department. of Near Eastern Languages & Civilization, University of Washington, 2014, 14.

Michaëlle Bowers all compare the transnational authority of the *marāji*‘ imagined by Ayatollah Muḥammad Ḥusayn Faḍl Allāh (d. 2010) to the authority of the pope.<sup>141</sup>

It is important to be careful when comparing the authority of the *marāji*‘ to the aforementioned Catholic figures: popes, bishops, and saints. The *marāji*‘ are not elected (unlike popes), nor appointed (unlike bishops) and they are not dead<sup>142</sup> (unlike saints). They do not speak from a place of infallibility nor are they considered to have a guaranteed place in heaven. Rather, they produce legal opinions that may or may not be what God actually intended, or, *sharī‘a*. Instead, their opinions are considered to be informed interpretations. And their piety and asceticism are not a part of doctrine but rather an unstated element of their authority, which will be given further attention later. And while the *marāji*‘ might be considered deputies or representatives (*nā’ibs*) of the Twelfth Imam, this is different from the sacrament of the Holy Orders, which maintains that a priest is enabled to act as a representative of Christ by way of ordination. The difference is that the sacrament of the Holy Orders “confers an indelible spiritual character.”<sup>143</sup> This means that whatever may happen, a priest will always be a priest. As the CCC states:

It is true that someone validly ordained can, for grave reason, be discharged from the obligations and functions linked to ordination, or can be forbidden to exercise them; but he cannot become a layman again in the strict sense, because the character imprinted by ordination is for ever. The vocation and mission received on the day of his ordination mark him permanently.<sup>144</sup>

Thus, the sacrament effects an ontological change in the recipient of ordination. Meanwhile, there is no such theory in Twelver Shī‘ī law or theology. Jurists may be viewed as having a

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<sup>141</sup> Walbridge, *Most Learned*, pp. 10-11 and 212-13; Michaëlle Bowers, “Fadlallah and the Passing of Lebanon’s Last Najafī Generation,” *Journal of Shi‘a Islamic Studies*, ICAS Press, v. 5, no. 1, Winter 2012: 37; Talib Aziz, “Fadlallah and the Remaking of the Marja‘iya,” in Walbridge, *Most Learned of the Shi‘a*, 213.

<sup>142</sup> In fact, it is required that one’s life overlap with the *marja*‘s in order to perform *taqlīd* to him.

<sup>143</sup> *Catechism of the Catholic Church* (2<sup>nd</sup> ed.) (Washington: United States Catholic Conference, 1997) Article 6: The Sacrament of Holy Orders, #1581-1583: 395-6.

<sup>144</sup> *Catechism of the Catholic Church*, 395-6.

connection with the Twelfth Imam, but that is conditioned upon their spiritual perfection, as stated in the oft-cited hadith attributed to the Eleventh Imam, which tells Twelver Shī'īs to follow only the opinions of righteous scholars:

*Wa-ammā man kāna min al-fuqahā' šā'inan li nafsihi, ḥāfiẓan li dīnihi, mukhālīfan 'alā hawāhu, muṭī'an li amr mawlāhu, fa li'l-'awāmm an yuqallidūh. Wa-dhālika lā yakūn illā ba'd fuqahā' al-shī'a lā kullahum.*

And as for the scholar who guards himself/herself [from temptation], protect his or her religion, opposes his or her lower desires, obeys his or her master [God], it is upon lay people to follow him or her. And this only occurs for some Shī'a scholars, not all of them.<sup>145</sup>

The hadith then states that one should not accept anything about the Imams that comes by way of scholars who commit ugly and vile acts. Thus it is by piety that a scholar becomes worthy of representing the Imam, and when that piety is not present, he or she is no longer a representative. This is quite different from the idea that a form of divine grace is bestowed upon a priest, and that no matter the individual's personal conduct, that grace will remain.

It should be added that the acclamation of the *marāji'* is not as formal as the processes in the Catholic church. There is no one body of upper-level clergy who determine who is or is not a *marja'*. Rather, lists of the *marāji'* vary in different regions and among different scholarly circles. It is true that an organization of *ḥawza* instructors known as *Jāmi'a-ye mudarrisīn-e ḥawza-ye 'ilmiyya-ye Qum* (The Society of Seminary Teachers of Qom) provides an official list that has the support of the Islamic Republic of Iran.<sup>146</sup> But this is not a reflection of the official opinions of upper level clergy. In other words, one can approach any of the *marāji'* or even almost any *mujtahid* and receive different answers as to the hierarchy of scholars. Furthermore, historically, *muqallids* have played a large role in determining who is considered worthy of

<sup>145</sup> Muḥammad b. al-Ḥasan al-Ḥurr al-'Āmilī (d. 1104 AH), *Wasā'il al-Shī'a* (Qom: Mu'assasa Āl al-Bayt, 1414 AH), v. 27, p. 131.

<sup>146</sup> Jameeh Modarresin, "Şafha ašlī," Accessed: June 14, 2019, <https://www.jameehmodarresin.org>.

*marja* ‘*iyya*. And the selection of a particular *marja* ‘ for *taqlīd* is the choice of the individual. Without this selection, the *marāji* ‘ would not wield any power. No such selection by lay people exists for the figures from the Catholic church mentioned.

If one wanted to map another religious tradition onto the Twelver Shī‘ī one, Judaism may work better than Catholicism. Both *marāji* ‘ and rabbis are expected to be legal experts who embody tradition, unlike the aforementioned Catholic officials, who are primarily students of law. And both *marāji* ‘ and rabbis rely heavily on the support of their communities for legitimacy. In *Rabbinic Authority*, Michael Berger writes that rabbis continue the tradition of Talmudic sages, and thus are referred to for their legal expertise<sup>147</sup>, superior knowledge,<sup>148</sup> and exceptional piety.<sup>149</sup> He writes that the authority of rabbis is - like the authority of the *marāji* ‘ - difficult to evaluate. This is because the Jewish community chooses a rabbi,<sup>150</sup> and makes his or her authority possible, somewhat similar to the selection of a *marja* ‘.

Rabbis and *marāji* ‘ both heavily depend on their communities for the application of law. The customs and practice of people shape the trajectory and nature of rabbinic law<sup>151</sup> and can even be binding.<sup>152</sup> Three instances in which custom played a major role in Jewish law are: the transfer of movable property, the creation of obligations, and labor law.<sup>153</sup> According to Rabbi Elliot Dorff, a professor of law at UCLA, a professor of philosophy at the American Jewish University, and the chair of the Conservative Movement’s Committee on Jewish Laws and Standards, the law that is practiced is “a product of the interaction between what the legal

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<sup>147</sup> Michael S. Berger, *Rabbinic Authority* (New York: Oxford University Press, 1998), 22, 27, and 38.

<sup>148</sup> Berger, 73 and 81.

<sup>149</sup> Berger, 9 and 76-82.

<sup>150</sup> Berger, 104-6.

<sup>151</sup> Berger, 102-4.

<sup>152</sup> François-Xavier Licari, *An Introduction to Jewish Law* (Cambridge: University Press, 2019), 53.

<sup>153</sup> Licari, 54.

authorities say and what the people do.”<sup>154</sup> Lastly, Berger concludes by writing that the decision to observe the authority of rabbis is rooted in Jewish communal practice. He writes:

Many factors contribute to the average person's decisions on how to lead one's life, and those choices are "public" in the sense that they appeal to practices which others are doing and arguments they are making at the time. It is this public character of one's choices in observance that forces the question of Rabbinic authority to the level of communities rather than merely the individual.<sup>155</sup>

Similarly, in the Twelver Shī‘ī context, *taqlīd* can arguably function as a form of communal identity, or a symbol of being a member of a community of pious Twelver Shī‘īs. This is a matter that will be taken up below as well.

In the context of *marja‘iyya*, custom is less of an interaction with a particular community, and more of a delegation of certain matters to individual followers; the *marāji‘* recognize that the particular contexts of matters pertaining to culture (like music,<sup>156</sup> dancing,<sup>157</sup> and dress<sup>158</sup>) are beyond their purview, and thus must be evaluated by their followers. Perhaps more significantly, even in matters not related to culture, the *marāji‘* require their followers to apply their fatwas to specific cases (*mawḍū‘āt*).<sup>159</sup> For instance, the *marja‘* will provide an abstract fatwa about Islamic banking, for instance. But he or his representatives will generally avoid getting involved in the application of that fatwa and instead explain the ruling to the follower in conditional sentences. The follower is then to figure out whether a particular type of savings account is permissible or not.

While both depend on their communities for legitimacy, some rabbis, like the *marāji‘*, are to be absolutely followed in their legal opinions. Dorff stated that in Orthodox Judaism, once one

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<sup>154</sup> I interviewed Dorff on April 9, 2018 at the American Jewish University in Los Angeles. We spoke at length about rabbinic authority and how it compares with *marja‘iyya*.

<sup>155</sup> Berger, 152.

<sup>156</sup> Muḥammad Mas‘ūd Ma‘šūmī, *Rawābiṭ-e zan wa-mard* (Qom: Daftar-e Tablīghāt, 1384 AHS), pp. 230-1, footnote for #304.

<sup>157</sup> Ma‘šūmī, p. 219, #284.

<sup>158</sup> Ma‘šūmī, pp. 120-2 (#128-130) and 125-6 (#136).

<sup>159</sup> Muḥammad Ḥasan Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā‘il-e marāji‘*, v. 1, p. 24, issue #5.

selects a rabbi, he or she is “stuck with him,” and must only follow that one rabbi, who is the “teacher of the place” (*marā d’atra* in Aramaic). Similarities can be drawn between this concept and the practice of selecting the most knowledgeable jurist; in theory, one is not stuck with a particular jurist, but the only legal justification for moving on from one *marja’* is the discovery that another is, in fact, the *a’lam*. Meanwhile, in Reform Judaism, Dorff told me, this sort of strong attachment does not exist, as the rabbi is viewed more as an educator. The individual decides whether or not to take the rabbi’s advice. This is not the nature of *taqlīd* as articulated in law, as one is expected to adhere to the opinions of the *marja’* one selects. However, in practice, there is a wide range of adherence, as will be demonstrated by my fieldwork that will be included later. To some degree, the *marāji’* are received as protectors of Twelver Shī‘ī Islam, or guides for the general direction of the community, as opposed to strictly legal authorities whose decrees must be followed absolutely.

There does appear to be one major difference in the dependence of rabbis and *marāji’* on their communities. The *marja’* does not receive the approval of a particular local community but rather the approval of individual *muqallids* spread across the world.<sup>160</sup> Meanwhile, rabbinic authority is usually local, though throughout the history of Judaism, some rabbis have had certain forms of transregional authority. Chief Rabbis in Europe may have held financial authority similar to the *marāji’*, in that they collected religious taxes. However, the position of Chief Rabbi does not seem to have a basis in Jewish law unlike the *marja’*, who is presented as a *faqīh* (qualified interpreter) and *rāwī* (narrator of hadith), both concepts taken from tradition. In this way, a Chief Rabbi might better be compared to a *shaykh al-islām*, or *mullā bāshī*, figures who fulfilled some of the administrative duties of the Safavid government while acting as

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<sup>160</sup> Of course, to first become a *marja’*, one must first develop a following, which usually begins locally. However, a jurist in that position is not recognized as the exclusive authority for that vicinity the way perhaps some rabbis are.

representatives of scholars and the religious community. *Rosh yeshivas*, by contrast to Chief Rabbis, gain transregional support due to the perception that they are the most knowledgeable Torah scholars produced by *yeshivot*.<sup>161</sup> A prominent example is Rabbi Joseph Soloveitchik (d. 1993) of New York's Yeshiva University. Moshe Sokol writes that Soloveitchik “[served] as the master teacher of the great majority of practicing Orthodox rabbis trained in the United States” and had “unmatched credentials.”<sup>162</sup> The *marāji‘* similarly gain followers largely because they are considered the most knowledgeable scholars produced by the *hawza* (the Twelver Shī‘ī seminary). The legitimacy of the most prominent *marja‘* today, Sistani, largely depends on the perception that he succeeded his teacher, Abu al-Qasim Khoei (d. 1992), as the top scholar of the seminary in Najaf.

Perhaps the *rosh yeshivas* who most closely resemble the *marāji‘* in contemporary Judaism are the *gedolim*, or, the most revered *rosh yeshivas*. Like a *marja‘*, a *gadol* is not elected but rather elevated by virtue of his scholarship. Emanuel Feldman writes that the *gadol* is an “heir to the prophets,”<sup>163</sup> an attribute that the *marja‘* arguably shares,<sup>164</sup> in that the *gadol* makes manifest “the way of Torah and Halakhah and, ultimately the way of God.”<sup>165</sup> The authority of the *gedolei Torah* can arguably be extended to every aspect of life - including politics - and require that the Jewish people obey them absolutely.<sup>166</sup> In this way, the *gedolim* could be

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<sup>161</sup> William B. Helmreich, *The World of the Yeshiva: An Intimate Portrait of Orthodox Jewry* (New York: Free Press, 2000), 7-8.

<sup>162</sup> Moshe Sokol, “Joseph B. Soloveitchik (1903-1993),” *The American Jewish Year Book*, v. 95 (1995), 576-77.

<sup>163</sup> Emanuel Feldman, “Trends in the American Yeshivot: A Rejoinder,” *Tradition: A Journal of Orthodox Jewish Thought*, v. 9, n. 4 (Spring, 1968), 61

<sup>164</sup> The *marāji‘* can be considered as such in Twelver Shī‘ī culture on account of being religious scholars. Multiple traditions have been attributed to the Imams that state: “Scholars are the inheritors of the prophets” (*Al-‘ulamā‘ warathat al-anbiyā‘*). See: Muḥammad Rayshahrī, *Mizān al-ḥikma* (Qom: Dār al-Ḥadīth, 1422 AH), v. 7, p. 2740.

<sup>165</sup> Feldman, “Trends in the American Yeshivot,” 61. It is also found in Sunni sources. See: Devin Stewart, *Islamic Legal Orthodoxy* (Salt Lake City: University of Utah Press, 1998), 216.

<sup>166</sup> These are interpretations that Aaron Cohen entertains in claiming that the *gedolei Yisrael*, as the foremost authorities of the Torah, can be understood to occupy the positions previously occupied by the Bet Din ha-Gadol (the High Court) and held by the *nevi'im* (prophets), who led the nation and informed them of the will of God. See:

compared to the *marāji* ‘ who argue for more extensive authority of jurists, or, *wilāyat al-faqīh*, like Ayatollah Khomeini and Ali Khamenei. And the idea that one must follow the opinion of the *gadol* because he is the most knowledgeable scholar is clearly in keeping with the concept of *a’lamiyya* (“the requirement to seek and follow the most knowledgeable jurist”), which is at the heart of *marja’iyya*.

*Rosh yeshivas*, like the *marāji* ‘, can, at times, possess spiritual authority. Sokol describes Soloveitchik as a charismatic teacher and role model.”<sup>167</sup> Meanwhile, Feldman writes that a *gadol* is venerated for his spiritual station and is considered to be the perfect embodiment of the Torah, though he does not claim infallibility.<sup>168</sup> Similarly, my fieldwork in Iran revealed that *muqallids* expect the *marja* ‘ to be more observant of Islamic law and ethics than lay people, but they did not attribute supernatural acts to them. It appears, though, that the *gadol*’s spiritual station surpasses that of the *marja* ‘ and approaches that of the Imam or perhaps even of the Prophet. This is because, as Feldman writes, “The *Gadol* not only knows Torah: his life is Torah, his every word, even his ordinary conversation, is Torah, so that he is in a very real sense the repository of Torah on earth.”<sup>169</sup> In fact, Feldman’s claim that the *gadol* has the ability to “penetrate beyond the surface” and discover “reality in the light of Torah” appears to more closely resemble Sufi authority.

While the authority of the *marāji* ‘ can be better compared to that of rabbis than that of the Catholic figures mentioned earlier, neither exercise explains why the *marāji* ‘ are made authorities in the first place. There is something that motivates a practicing Twelver Shī‘ī to seek

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Aaron Cohen, “The Parameters of Rabbinic Authority: A Study of Three Sources,” *Tradition: A Journal of Orthodox Jewish Thought*, v. 27, n. 4, Rabbinic Authority (Summer, 1993), 103 and 109.

<sup>167</sup> Sokol, “Joseph B. Soloveitchik,” 577.

<sup>168</sup> Feldman, 61-2.

<sup>169</sup> Feldman, 61.

the legal opinions of a *marja'* and, as a result, allow him to help shape her practice. Until that is uncovered, one cannot claim to understand the nature of the *marja'*'s hold over his followers.

More recent scholarship on the *marāji'* does not confine the spiritual authority of the *marāji'* to a particular school of thought (like Weber's model) or to an analogous religion, but rather recognizes the moving parts in and contexts of the societies in which these scholars develop their spiritual capital. In her 2015 work, Elvire Corboz demonstrates how the *marāji'* establish their authority by way of engagement with communities and nation-states.<sup>170</sup> "To put it bluntly," she writes, "without a community recognising its leadership, the Shi'i religious establishment would not have any *raison d'être*."<sup>171</sup> And in a 2015 article, Thomas Fibiger adopted a new approach to understanding the authority of the *marāji'* by viewing the power dynamic from the perspective of their followers. He follows one particular *muqallid* in Kuwait, Ali, as he seeks to find a new *marja'*. Fibiger sees uncertainty, a natural part of any system of belief, at the heart of *taqlid* in Twelver Shi'ism. He writes: "The *marja' iyyah*, I suggest, is a particular institution of this uncertainty, since it is rooted in the uncertainty of the lay Muslim, and this uncertainty is accentuated as the question of who is the right *marja'* and what is the right path is an open question."<sup>172</sup> Fibiger's bottom-up approach is, in fact, essential, and I use a similar approach to understand the authority of the *marāji'* by way of my interviews with *muqallids*. The reason this is essential is that, as mentioned previously, the *marāji'* are selected by their followers and only followed to the extent that the followers choose. Without the followers' willingness to accept the *marja'* as an authority or act upon his fatwas, he has no real

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<sup>170</sup> Corboz, 2.

<sup>171</sup> Corboz, 189.

<sup>172</sup> Thomas Fibiger, "Marja' iyyah from Below: Anthropological Approaches to the Study of Religious Authority," *Journal of Shi'a Islamic Studies*, v. 8, n. 4 (Autumn, 2015), 486.

authority. The reasons *muqallids* choose to perform *taqlīd* are various, and will be explored in the last three chapters of this exposition.

In a 2018 article, Sajjad Rizvi briefly looks at the practical nature of *taqlīd*, or the fact that the *marja*'s functions do not bear any meaning without his followers. In answering the question of how one becomes a *marja*', Rizvi writes the relationship between the *marja*' and the *muqallid* is mutual, as the latter must refer to a specialist for legal advice and pay her *khums* to him, while the former "needs those funds from the lay people to run his organization and he, of course, requires their questions to fulfill his epistemic obligation to provide *responsa*."<sup>173</sup> Rizvi addresses Corboz's work regarding the philanthropy of the *marāji*' before writing that "without popular acceptance their *marja*'*iyya* would be ineffective."<sup>174</sup>

In his 2018 work *Islam and Law in Lebanon*, Morgan Clarke combines the notion of community with that of embodied knowledge to give a more nuanced understanding of how the *marāji*'s authority takes form in real life. He transcends discussions on the knowledge of the *marāji*' to highlight the significance of transferring that knowledge to the *muqallids*. He writes that, in addition to reaching the heights of Twelver Shī'ī legal scholarship, a *marja*' must share his knowledge with the community:

... we can discern the same fundamental principles of the shaykhly vocation that I have stressed throughout: the prestige of learning of course, but also the obligation to share it through pedagogy; the openness to the problems of the community and intense commitment to addressing them; and the courage to speak truth to power, to be a 'real shaykh' and not merely one licensed through paper qualification.<sup>175</sup>

Clarke then again emphasizes the legal authority of the *marāji*' and their ability to perform *ijtihād*.

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<sup>173</sup> Rizvi, 169-70.

<sup>174</sup> Rizvi, 170.

<sup>175</sup> Clarke, *Islam and Law in Lebanon*, 242.

Clarke does not attempt to define the charisma of the *marāji*‘ in terms that are familiar in western scholarship, but rather provides a broad definition of their appeal. He recognizes that there is a certain form of respect or awe (*hayba*) associated with *marja*‘*yya*. However, he writes, there is no one way to achieve this respect. He writes, “One can take different paths, and different *marja*‘s, like different judges, have different styles. Or, as the saying goes, every *marja*‘ is a rose, each with their own perfume.”<sup>176</sup> Clarke notes two distinct approaches to *marja*‘*yya*: the Khomeinist school, which is active socially and politically and engaged with the press; and the traditional, quietist school represented most prominently by Sistani, who is disengaged from “mundane politicking.” Either approach can provide legitimacy if enacted properly. “Distance and closeness, disengagement and engagement, require careful management,” he writes.<sup>177</sup> This contrast in approach will be addressed later, in particular the role of reticence in providing Sistani with legitimacy. What is most significant here is that more recent scholarship takes into account the connection the *marāji*‘ must establish with their communities.

Another framework for understanding the charisma of the *marāji*‘ in the context of their dependence upon their communities is Walter Benjamin’s theory of aura. Pascal Abidor tries to understand the authority of the *marāji*‘ by way of this theory, which states that objects that possess aura remain at a distance even when they are close.<sup>178</sup> Abidor utilizes this idea to explain the dependence of a *marja*‘ upon his community for support. He writes that a *marja*‘’s involvement in society is largely determined by the expectations of lay people, as observed by Abbas Amanat.<sup>179</sup> And Abidor adds that Joseph Eliash demonstrated the *marja*‘ is empowered by his community and depends on societal, economic, educational and military conditions to

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<sup>176</sup> Clarke, 261.

<sup>177</sup> Clarke, 261.

<sup>178</sup> Pascal Abidor, “Jabal ‘Āmil: The production of space in an Islamicate context from the birth of Islam to the nineteenth century” (doctoral dissertation, McGill University, 2019), 167.

<sup>179</sup> See: Amanat, “In Between the Madrasa and the Marketplace,” 98-132.

achieve legal authority.<sup>180</sup> Abidor argues that the existence of a form of negotiation between *marja'* and *muqallid* necessitates a willingness on behalf of the latter to obey the former. He then connects this interdependence between jurist and lay person to aura by arguing that observing the aura of the jurist is a way of beholding his power. It is an element of authority that is not rooted in doctrinal justification (like the legal arguments for *taqlīd*) nor in material means (like patronage networks), but rather in devices that create the aura, like posters and websites.<sup>181</sup> Abidor's proposal is significant in that it begins a conversation about the unstated charismatic authority of the *marāji'* by looking at the observable manifestations of that authority in society.

While recent research has placed greater emphasis on the role of the community in determining the authority of the *marāji'*, some earlier scholarship addressed this phenomenon as well. Walbridge wrote that "the *marja'iyā* is a grassroots institution in which the *muqallids* play a great role"<sup>182</sup> and that the *marja'* is a symbol of one's beliefs, has no authority to dictate and has no authoritarian position due to the *muqallids'* freedom to select whom they want to follow.<sup>183</sup> And in the aforementioned chapter from *Authority and Political Culture in Shi'ism*, Abbas Amanat argues that Shaykh Anṣārī, often regarded as the second *marja'* in history, became the head of the scholarly community in part on account of his popularity.<sup>184</sup> Anṣārī's political quietism, personal piety and asceticism, and the perception that he equally divided religious funds endeared him to merchants, landowners and others who contributed such funds, increasing his religious authority. In conclusion, Amanat writes that in the second half of the nineteenth century, certain scholars were able to achieve a sort of leadership (*riyāsat*) of both

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<sup>180</sup> Abidor, 168.

<sup>181</sup> Abidor, 167-9.

<sup>182</sup> *Most Learned of the Shi'a*, 244.

<sup>183</sup> *Most Learned*, p. 241.

<sup>184</sup> Amanat, "The Madrasa and the Marketplace," 113.

clerics and lay people by successfully combining support of the community with the backing of the state in order to “enhance their popular image as the models of piety and knowledge.”<sup>185</sup>

The ability of a *marja'* to earn the support of the Twelver Shī'ī community is an essential part of his authority. This raises a question about what it is precisely about the *marja'* that appeals to lay people. Religious scholars who wear turbans and are believed to represent the traditional Islam of the *Ahl al-Bayt* (the distinguished family members of the Prophet Muhammad)<sup>186</sup> have a special place in Twelver Shī'ī society, and their words are given considerable weight by a significant number of believers. But this is quite different from the attachment to a *marja'*. The appeal of the *marāji'* can be examined using parallel traditions or Weber's theory of genuine charisma, although, again, it is important to also consider the representation of the *marāji'* in culture, specifically how they are received by *muqallids*.

#### Applying Weber's charismatic model to the case of the *marāji'*

There is, no doubt, a form of charisma that can be attributed to the *marāji'*. This is something mentioned by numerous scholars, such as Said Amir Arjomand,<sup>187</sup> Litvak,<sup>188</sup> Moussavi,<sup>189</sup> Keiko Sakai,<sup>190</sup> Marvin Zonis<sup>191</sup> and Sajjad Rizvi.<sup>192</sup> Oftentimes this charisma is

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<sup>185</sup> Amanat, “The Madrasa and the Marketplace,” 123.

<sup>186</sup> In the context of law and interpretation of the Qur'an, this term usually refers to the Infallible Imams and the Prophet's daughter, Fāṭima. In other contexts, like practice related to *tawassul* (seeking a connection to these personalities), the meaning can be expanded to include, for instance, the members of the Prophet's family who suffered on the day of 'Āshūrā' in Karbala, where the Prophet's grandson, Ḥusayn, was slaughtered.

<sup>187</sup> Said Amir Arjomand, *The Shadow of God and the Hidden Imam: Religion, Political Order, and Societal Change in Shi'ite Iran from the Beginning to 1890* (Chicago: University of Chicago Press, 1987), 138.

<sup>188</sup> Meir Litvak, *Shi'i scholars of nineteenth-century Iraq: The 'ulama' of Najaf and Karbala'* (Cambridge: Cambridge University Press, 1998), 5.

<sup>189</sup> Ahmad Kazemi Moussavi, *Religious Authority in Shiite Islam: from the office of mufti to the institution of marja'* (Kuala Lumpur: International Institute of Islamic Thought and Civilization, 1996), 88-9, 159, 211, 244.

<sup>190</sup> Keiko Sakai, “Modernity in the Islamic movements in Iraq: continuity and discontinuity in the role of the ulama,” *Arab Studies Quarterly*, Vol. 23, No. 1 (Winter 2001), 40-42.

<sup>191</sup> Marvin Zonis, “The rule of the clerics in the Islamic republic of Iran,” in *The Annals of the American Academy of Political and Social Science*, vol. 482, Changing Patterns of Power in the Middle East (Nov., 1985), 102-3.

<sup>192</sup> Rizvi, 167.

described as being derived from the Twelve Imams or a result of acting as the general deputies of the Imams. In at least two cases, this charisma has explicitly been defined in terms of Weber's model of charismatic authority. Walbridge references Weber's theory and claims that the basis of Shi'ism is charismatic. Thus the Shī'a, she argues, are deeply attached to the *marja'*, who bears the "traditional image of the saintly and unworldly man of religious learning."<sup>193</sup> Cole makes his argument regarding the case of Ali Sistani and his involvement in post-Saddam Hussein politics in Iraq. But his case study can be applied to the *marāji'* at large, as Sistani is regarded as a traditional *marja'* by many<sup>194</sup> and "the quintessential traditional *marja'*"<sup>195</sup> by Walbridge.

Cole applies Weber's model to the "quietest"<sup>196</sup> Sistani, who only occupied the position of *marja'*, unlike the "heroic model"<sup>197</sup> of *marāji'*, who occupy political positions as well.<sup>198</sup> Still, Sistani's influence over Iraqi politics is (or at least *was*) undeniable.<sup>199</sup> For this reason, Harith Hasan Al-Qarawee refers to him as an "extraconstitutional" force.<sup>200</sup> In 2003 he issued a fatwa insisting that any permanent Iraqi constitution would have to be drafted by elected representatives of the Iraqi people, thereby vetoing the plans of American civil administrator Paul Bremer.<sup>201</sup> In 2004, Bremer sought to restrict the electorate to members of governing

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<sup>193</sup> Walbridge, *The Most Learned of the Shi'a*, 241 and 244.

<sup>194</sup> John Cappucci, "Selecting a Spiritual Authority: The Maraji' Al- Taqlid among First and Second-Wave Iraqi Shi'a Muslims in Dearborn, Michigan," in *Journal of Shi'a Islamic Studies* 8, no. 1 (Winter, 2015), 5-17.

<sup>195</sup> Walbridge, *The Most Learned of the Shi'a*, 242.

<sup>196</sup> Larry Kaplow, "Iraq's Most Influential Man Gets Pulled Back Into Politics" (NPR, 2014)

<<http://www.npr.org/sections/parallels/2014/06/24/325169087/iraqs-most-influential-man-gets-pulled-back-into-politics>> Accessed April 26, 2017.

<sup>197</sup> Walbridge, *The Most Learned of the Shi'a*, 242.

<sup>198</sup> It should be noted that even "quietist" or "traditional" *marāji'* have, throughout history, involved themselves at certain critical junctures in order to protect the community. See: Mohammad R. Kalantari, "The Shi'i clergy and perceived opportunity structures: political activism in Iran, Iraq, and Lebanon," *British Journal of Middle Eastern Studies*, (April, 2019) DOI: 10.1080/13530194.2019.1605879.

<sup>199</sup> For a summary of Sistani's political involvement, see: Caroleen Marji Sayej, *Patriotic Ayatollahs: Nationalism in Post-Saddam Iraq* (Ithaca: Cornell University Press, 2018), 70-90.

<sup>200</sup> Harith Hasan Al-Qarawee, "The 'formal' Marja': Shi'i clerical authority and the state in post-2003 Iraq," *British Journal of Middle Eastern Studies*, 46:3 (2019): 481-497.

<sup>201</sup> Juan Cole, "The Decline of Grand Ayatollah Sistani's Influence in 2006-2007." *Friedenswarte Die Friedenswarte* 82, no. 2-3 (2007): 69.

councils the U.S. and Britain had helped create. Sistani ruined those plans as well with a fatwa that called for one-person, one-vote elections.<sup>202</sup> Later that year, Sistani called for an end to the fighting between the U.S. military and the Mahdi Army. Following this, Shī‘ī followers marched to Najaf, resulting in the U.S. standing down.<sup>203</sup> In December of 2005, Sistani provided guidelines for his followers regarding the parliamentary elections.<sup>204</sup> In 2006, after terrorists attacked the ‘Askariyya shrine in Samarra, Sistani announced a seven-day mourning period and called for peaceful protests.<sup>205</sup> When sectarian tensions increased, he pleaded for unity. In 2015 Sistani called for all Iraqis to oppose ISIS.<sup>206</sup> Most recently, Sistani met with the head of the UN mission in Iraq, and said, apparently in response to Donald Trump’s mandate of American troops, that Iraq would not serve as a means for harming other countries (in this case, Iran).<sup>207</sup>

In the cases above, Sistani acted in his capacity as a highly respected religious figure who issues legal opinions. Yet he was clearly able to effect change and motivate his followers to action. It is perhaps for these reasons that Cole relied upon Weber’s theory of charismatic authority to explain Sistani’s influence. He refers to a passage from Weber’s *Economy and Society* that contrasts charismatic authority with bureaucratic rationalization. The latter, Weber writes, operates “from without,” and changes material and social orders. Charisma, meanwhile,

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<sup>202</sup> Cole, “The Decline,” 70.

<sup>203</sup> Cole, “The Decline,” 70.

<sup>204</sup> Cole, “The Decline,” 75.

<sup>205</sup> Cole, “The Decline,” 76.

<sup>206</sup> Reuters, “Top Iraqi Cleric Urges Global War Against ISIS,” *NBC News*, 2015, Accessed 17 May 2018, <http://www.nbcnews.com/storyline/isis-terror/grand-ayatollah-ali-al-sistani-urges-global-war-against-isis-n437421>.

<sup>207</sup> Rudaw, “Sistani: Baghdad needs to show progress in fighting corruption,” 2/6/2019, accessed: June 14, 2019, <http://www.rudaw.net/english/middleeast/iraq/060220192>.

Arabic statement: Sistani.org, “Liqa’ samāhatuhu (dāma dhilluhu) ma’ al-mumaththila al-khāssa li’l-amīn al-‘āmm li’l-umam al-muttaḥida fi al-‘Irāq,” Accessed: June 14, 2019, <https://www.sistani.org/arabic/archive/26231/>.

Abbas Kadhim, the director of the Iraq Initiative at the Atlantic Council, wrote that while not a fatwa, Sistani’s statement would play out as one: <http://twitter.com/DrAbbasKadhim/status/1093145809183494145>.

according to Weber, “rests upon the belief in revelation and heroes...”<sup>208</sup> In applying this to Sistani, Cole writes:

Sistani emerged from the seminaries of Najaf to rebuke the American viceroy and to rally the masses, exemplifying the ascetic heroism Weber associated with charisma. Because of his descent from the Prophet Muhammad and because of his extensive training in Shiite law, Sistani can also exercise other kinds of authority, whether traditional or rational-legal. But only charisma would have allowed him to intervene on such a large scale and so effectively. Weber contrasts charismatic authority to bureaucracy and legal rationality, which in Iraq had been gravely weakened by the overthrow of the Baath regime, and this rational-legal authority of government institutions would take a great deal of time to be re-established.<sup>209</sup>

This excerpt conveys that, while Sistani possessed other forms of authority mentioned by Weber (traditional and rational-legal), it was his ascetic heroism and charismatic authority that allowed him to influence Iraqi politics at a time when a lack of government had left a void. To examine whether Sistani is, indeed, an example of this sort of charismatic authority, I will first outline some key elements of Weber’s theory.

Weber writes that the one with genuine charismatic authority demands others obey and follow him by virtue of his mission.<sup>210</sup> “Charisma,” he writes, “is self-determined and sets its own limits.”<sup>211</sup> A charismatic leader’s hold over people, according to Weber, depends on his or her ability to prove himself or herself. The charismatic figure is then recognized as an authority (and thus gains legitimacy), but not by election or choice. Rather, charismatic authority has “a thoroughly authoritarian and dominating character.”<sup>212</sup> In Weber’s thought, a genuinely charismatic figure’s authority is dependent only upon his or her personality, and not an institution. There are no abstract laws, rather only the “highly personal experience of divine

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<sup>208</sup> Max Weber, *Economy and Society: an outline of interpretive sociology* (Berkeley: University of California Press, 1978), 1116.

<sup>209</sup> Cole, “The Decline,” 71.

<sup>210</sup> Weber, *Economy and Society: an outline of interpretive sociology*, 1112.

<sup>211</sup> Weber, *Economy and Society: an outline of interpretive sociology*, 1112.

<sup>212</sup> Sam Whimster (ed.), *The Essential Weber: a reader*, (New York: Routledge, 2004), 140.

grace and god-like heroic strength.” In this way, charismatic authority “transforms all values and breaks all traditional and rational norms...”<sup>213</sup> Instead of relying on sacred tradition, the charismatic leader receives prophetic revelation, an oracle, or some other form of knowledge conferred upon him or her. For this reason, Weber writes that a *kadi* (an Islamic judge) is not a genuinely charismatic figure, as he relies on sacred tradition and its interpretation. Weber then writes, “Genuine charismatic justice does not refer to rules; in its pure type it is the most extreme contrast to formal and traditional prescription and maintains its autonomy toward sacredness of tradition as much as toward rationalist deductions from abstract norms.”<sup>214</sup>

One example of this lack of reliance on rules and institutions is that charisma “rejects as undignified all methodical rational acquisition, in fact, all rational economic conduct” and it “does not know orderly taxation to meet the material demands of its mission...”<sup>215</sup> Weber writes in “Die Drei Reinen Typen der Legitimen Herrschaft,” that, instead of rules, charismatic authority relies on “magical capabilities, prophecies or heroism, spiritual power and oratorical powers”<sup>216</sup> and is “obeyed exclusively for his purely personal, non-everyday qualities and not for his legal position or traditional honour.”<sup>217</sup>

From the above, the following can be said about a genuinely charismatic figure according to Weber: 1. He or she has a mission, the limits of which he or she determines; 2. He or she is not associated with an external institution; 3. He or she does not abide by a set of rules or legal norms; 4. He or she rejects “rational acquisition,” even orderly taxes that support his or her mission; 5. He or she derives authority from his or her appeal, such as the perception of his or

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<sup>213</sup> Weber, *Economy and Society: an outline of interpretive sociology*, 1115.

<sup>214</sup> Weber, *Economy and Society: an outline of interpretive sociology*, 1115.

<sup>215</sup> Weber, *Economy and Society: an outline of interpretive sociology*, 1113.

<sup>216</sup> Whimster, 138-9.

<sup>217</sup> Whimster, 140.

her possessing supernatural powers; 6. He or she is an authoritarian, and does not answer to others. With this, Weber's can be tested on the case of Sistani (and the *marāji'* in general).

The first condition is that the genuine charismatic authority has a mission the parameters of which he or she determines, while the *marāji'* must operate within the confines of the Prophet's mission and interpreting *sharī'ā*. To continue with the case of Sistani, his influence in Iraq can only be attributed to his role as a *marja'*, as he has never held any other position and was entirely absent from the political landscape before being drawn in due to his position as a *marja'*. And a *marja'*, of course, is expected to uphold the tradition and mission of the Prophet of Islam and the Imams, meaning he is simply the most capable of deriving rulings from Islamic sources and by using principles established in Twelver Shī'ī jurisprudence.<sup>218</sup> As mentioned above, Weber did not believe kadis had genuine charismatic authority because they rely upon sacred tradition and refer to rules. This same logic applies to the *marāji'*, who are jurists and interpreters of Imami law. In fact, it might be argued that the *marāji'* are even less likely to have genuine charismatic authority than kadis are. This is because kadis address specific cases and give binding opinions that directly decide affairs that impact people's lives, and thus are more likely to have interpersonal contact with others. The *marāji'*, meanwhile, issue fatwas, or, non-binding opinions that their followers usually find in books or hear from other scholars. It is then the *muqallids*, and not the *marāji'*, who apply these abstract opinions to real life situations. It follows from the discussion above that a *marja'* cannot fulfil the first and third characteristics of

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<sup>218</sup> While there are multiple *marāji'*, to become a *marja'* one must maintain that he is the most knowledgeable *mujtahid* (one who derives legal opinions). Otherwise, it is not permissible to proclaim one's *marja' iyya*. Similarly, a *muqallid* must follow the most knowledgeable *marja'*. In contemporary Iran, a group of *mujtahids* have been declared worthy of *taqlīd* by a group of teachers of the *hawza* known as *Jāmi'a-ye mudarrisīn-e hawza-ye 'ilmiyya-ye Qom* (The Society of Seminary Teachers of Qom): Jameeh Modarresin, "Şafha aşı," Accessed: June 14, 2019, <https://www.jameehmodarresin.org>.

a genuinely charismatic leader, meaning, he does not have his own mission and he must operate within the parameters of Imami law.

The second attribute of a charismatic authority is that he is not associated with an external institution, whereas the *marāji* ' (including Sistani) are clearly associated with the *ḥawza* (the traditional system of legal and religious training). One might also say that they are associated with the institution of *marja* ' *iyya*. However, this simply means that one is among the thirty or more<sup>219</sup> jurists recognized by qualified authorities (known as the *ahl al-khibra*)<sup>220</sup> as being worthy of *taqlīd*.<sup>221</sup> So it is not necessarily an institution. But to achieve the status of *marja* ', one must rise the ranks of the *ḥawza* through teaching and eventually publishing one's legal opinions.<sup>222</sup> In the case of Sistani, he was recognized as the successor to his teacher, Ayatollah Khomeini (d. 1992),<sup>223</sup> only after the passing of a more senior jurist, Muḥammad Riḍā Gulpāyḡānī, in 1993.<sup>224</sup> In addition to achieving status in the *ḥawza*, Sistani was arguably recognized as a *marja* ' in part thanks to the backing he gained from the Al-Khomeini Foundation in London. According to Walbridge, Sistani was "elected" by this foundation in part because his politics (or lack thereof) appealed to certain influential and wealthy members of the Imami community.<sup>225</sup> It is clear that a *marja* ' cannot merely rely on his charisma, but rather, generally needs some sort of financial backing and recognition by people and his fellow high-level

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<sup>219</sup> There is no consensus regarding the number of *marāji* '. The scholarly circles in Qom and Najaf recognize different jurists as *marāji* ', and then within those circles, there are further differences as to who is or is not a *marja* '. For a list of scholars who are recognized as *marāji* ' (at least within their own scholarly circles) see: Andishehha, "Asāmī-ye Marāji'-ye Taqlīd Kunūnī," *Andishehha.com*, <<http://www.andishehha.com/view/24708/>> (December 12, 2012). Accessed: June 18, 2017.

<sup>220</sup> Sistani defines *ahl al-khibra* as those who are either capable of *ijtihād* (deriving legal opinions) or close to this level of scholarship and are familiar with the scholarship of those who are in the discussion for being the most knowledgeable jurists. See: Sistani.org, "Ahl al-khibra," <<https://www.sistani.org/arabic/qa/02082/>> Accessed May 29 2018.

<sup>221</sup> Sistani, *Minhāj*, v. 1, p. 10, #20.

<sup>222</sup> Moussavi, *Religious Authority*, 44.

<sup>223</sup> Walbridge, "The Counterreformation" in *The Most Learned*, 239.

<sup>224</sup> Linda Walbridge, "Sistani: The Imprisoned Marja'," in *The Thread of Mu'awiya*, 101.

<sup>225</sup> Walbridge, "Sistani: The Imprisoned Marja'," 95-108.

scholars. It is for this reason that Elvire Corboz and Meir Litvak have written extensively about the role building patronage networks plays in *marja'iyā*.<sup>226</sup>

Sistani not only benefits from established institutions but also established his own. He has offices in Europe, the Arab world, Iran, Pakistan, Georgia, and Azerbaijan, and founded libraries and a research center for manuscripts, built residential units, an observatory, and institutes that distribute religious pamphlets and books, dispatch preachers, and connect his representatives across the world, allowing them to coordinate the collection of religious taxes.<sup>227</sup> The vast majority of Sistani's tens of millions of followers<sup>228</sup> have never encountered him nor even heard him speak.<sup>229</sup> Instead, they know him through these institutions. Thus Sistani and other *marāji'* do not appear to possess the fifth attribute of charismatic leaders mentioned earlier, meaning, they do not derive their authority from their personal appeal or the perception that they possess supernatural powers. Rather, they rely upon and gain authority from external institutions. The fourth attribute (that the charismatic figure rejects rational acquisition, even taxes in support of his mission) would similarly not seem applicable to a *marja'* like Sistani, who collects hundreds of millions of dollars annually in religious taxes.<sup>230</sup> The *marāji'* and the Imami seminary system

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<sup>226</sup> See: Corboz, *Guardians of Shi'ism* and Litvak, *Shi'i Scholars of Nineteenth-Century Iraq*.

<sup>227</sup> Khalaji, "The Last Marja," 10-11.

<sup>228</sup> Reportedly nearly eighty percent of the world's Shī'a population follows Sistani. See: Khalaji, 7.

<sup>229</sup> Of course, it can be said that silence and lack of accessibility give Sistani a sort of mystique, which provides him a sort of charisma and thus contributes to his authority, though it does not create it. This is because if one were to say Sistani has charismatic authority simply because he is never seen or heard by most, then it might be expected that other silent *hawza* scholars of lower pedigree would have a similar form of authority. Instead, he derives this charisma from the fact that he is both a *marja'* (perceived as the most knowledgeable) and not available to the public. Mere silence is hardly enough to convince others of one's genuine charisma, which Weber defines as "a certain quality of an individual personality by virtue of which he is considered extraordinary and treated as endowed with supernatural, superhuman, or at least specifically exceptional powers or qualities." (Weber, *Economy and Society: an outline of interpretive sociology*, 241). It is possible, though, that this silence allows for followers to more easily impose prototypes of spirituality upon the *marāji'*, a matter that will be discussed later.

<sup>230</sup> Khalaji, 9.

in general are largely funded by such taxes, specifically the *khums*<sup>231</sup> tax on income. This is clearly a form of “rational acquisition,” which is foreign to charismatic figures.

The sixth attribute Weber mentioned was that a genuinely charismatic leader is an authoritarian figure that does not have to answer to others. But to become a *marja'*, one must first earn the respect of his fellow scholars and esteemed teachers in order to achieve any sort of status in the *hawza*. And then after having become a *marja'*, a particular scholar must be chosen for *taqlid* from among a number of *marāji'*. Even Walbridge wrote that this freedom of choice “mitigates against any authoritarian position.”<sup>232</sup> In fact, a layperson does not even have to perform *taqlid* at all, and can practice *iḥtiyāt* (precaution) or become a *mujtahid* (one who derives legal opinions) instead, the latter option being strongly encouraged by Twelver Shī'ī jurists and, in fact, the ultimate achievement for *hawza* scholars. Also, technically, one can split her *taqlid* among multiple *marāji'*. *Tab'īd*, or what Roy Mottahedeh refers to as “the cut and paste method,” essentially means that one follows multiple *marāji'*, each in the realm of knowledge in which he is deemed the most knowledgeable.<sup>233</sup> Lastly, a large number of Imamis do not follow any of these guidelines,<sup>234</sup> demonstrating that the *marāji'* do not have any sort of authoritarian grasp over potential followers from among Imami believers.

In the case of Sistani, one must also consider his involvement in politics in Iraq. But as mentioned earlier, while Sistani's opinions were impactful, it is difficult to argue that they were coercive or authoritarian. As Cole writes, “Sistani has neither a standing grassroots organization nor a substantial militia of his own.”<sup>235</sup> Rather, he writes, “In the realm of moral action, Sistani

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<sup>231</sup> Literally “one-fifth,” this is a tax of one-fifth of surplus income.

<sup>232</sup> Walbridge, *The Most Learned of the Shi'a*, 241.

<sup>233</sup> Roy P. Mottahedeh, *The Quandaries of Emulation: The Theory and Politics of Shi'i Manuals of Practice*, 2014, 13.

<sup>234</sup> Linda Walbridge, “The Role of the *Marji' Taqlid* in a New Shi'i Community,” in *Without Forgetting the Imam: Lebanese Shi'ism in an American Community* (Detroit: Wayne State University Press, 1997), 78.

<sup>235</sup> Cole, “The Decline,” 81.

offered self-restraint, long-suffering, forbearance and an almost Gandhian commitment to calm and social peace...<sup>236</sup> Cole repeatedly points out that, according to Sistani's understanding of *wilāyat al-faqīh*,<sup>237</sup> he (or any other jurist) is only allowed to intervene in societal affairs when he is accepted by the majority of believers.<sup>238</sup> And by all accounts, Sistani adhered to his own legal opinion, as he removed himself from political involvement after 2006,<sup>239</sup> when his calls for unity following sectarian violence fell on deaf ears.<sup>240</sup> This legal stance seems to stand in direct contrast with the sixth attribute of a charismatic ruler, or, authoritarianism.

While it may be difficult to identify the source of Sistani's authority (or the authority of any such *marja'*, for that matter), it does not appear that it fulfills the conditions of Weber's model of genuine charisma. Rather, Sistani's authority, like that of other *marāji'*, would better be classified as *routinized* charisma.<sup>241</sup> Routinized charisma in Weber's thought occurs after charismatic authority is turned into an "institution."<sup>242</sup> This institution can consist of the later followers of a charismatic figure, like scholars writing about their prophet. But this form of charisma is not particular to religious institutions; rather, it exists in secular institutions and

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<sup>236</sup> Cole, "The Decline," 81. Emphasis mine.

<sup>237</sup> Often translated as 'guardianship of the jurist,' this refers to societal matters in which the jurist may involve himself. Ayatollah Khomeini re-imagined this theory as applying to Muslim society at large. But Imami jurists both before and after Khomeini generally viewed this authority as applying only to specific groups of people (such as orphans) who require, but no longer have, a guardian. See: Murtaḍā Dizfūlī Anṣārī, *Al-Makāsib* (Qom: World Congress of Shaykh Anṣārī's Works, 1415 AH), v. 3, p. 545.

<sup>238</sup> See: Cole, "The Decline," pp. 68, 78, and 80. The awkward phrasing of the sentence above is due to the ambiguity of Sistani's fatwa, which Cole translates as follows:

"As for a wider sort of guardianship over general matters on which the structure (*nizām*) of Islamic society (*al-mujtama' al-Islami*) depends, it is for a qualified jurisprudent. But it has additional requirements for its implementation, among them that the jurisprudent enjoy a general acceptance among the believers."

This "general acceptance" is not made entirely clear. It could refer to a sort of democratic process or perhaps to a popular movement.

<sup>239</sup> Cole, "The Decline," 67.

<sup>240</sup> Cole, "The Decline," 80.

<sup>241</sup> Other scholars have applied routinized or office charisma to the cases of Twelver Shī'ī religious scholars. See: Rainer Brunner, "Sleeping Mullas: Dreams and Charisma in Shiite Islam," in *Quaderni di Studi Indo-Mediterranei*, Jg. 2 (2009), edited by Daniela Boccassini, p. 299. And Ashraf Ahmad distinguishes between Ayatollah Khomeini's genuine charisma and the office charisma he acquired as a result of being a *marja'*. See: Ashraf Ahmad, "Theocracy and Charisma: New Men of Power in Iran," *International Journal of Politics, Culture, and Society*, v. 4, no. 1 (Autumn, 1990), 113-152.

<sup>242</sup> Weber, *Economy and Society: an outline of interpretive sociology*, 1121.

among popularly elected officials as well.<sup>243</sup> Routinization occurs when charismatic rule moves from having a non-everyday character to an everyday one, and authority is passed on to a community of believers, warriors, disciples, etc. This routinization occurs as soon as rule is secured and has taken on a mass character.

While Cole did not address the routinization of charisma when writing about Sistani, he is not the only scholar to overlook this aspect of Weber's theory. Marta Calás argues that organizational literature creates a "suspicion of charisma" by disregarding charismatic routinization. Instead, she writes, only the wildest forms of charismatic authority are upheld in an effort to normalize bureaucratic authority, failing to address the extraordinary and charismatic elements of bureaucracy. According to Calás, these reductive readings of Weber, in which charisma becomes a few psychological attributes, help exclude from the organizational definition of "leadership" social phenomena represented women, blacks, and others who are not white, heterosexual men.<sup>244</sup> Seeing that Sistani came from a different system of authority (the *hawza* as opposed to a secular government) and challenged the American agenda in Iraq, it might make sense for western writers to delegitimize his authority by labeling it as genuinely charismatic.

Cole also appears to limit charisma to the religious sphere, a common pitfall in applying Weber's model. In the long excerpt included above, Cole contrasted Sistani's charisma in the form of ascetic heroism with the bureaucracy and legal rationality of government institutions that had been weakened by the overthrow of the Baath regime, implying that the latter are devoid of charisma. But Weberian charisma in its routinized form also extends to the rational and legal realms, as charisma "cannot remain stable, but becomes either traditionalized or rationalized, or a

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<sup>243</sup> See: Weber, *Economy and Society: an outline of interpretive sociology*, 266-71.

<sup>244</sup> Marta Calás, "Deconstructing Charismatic Leadership: Re-reading Weber from the Darker Side," *Leadership Quarterly*, 4 (3/4), 1993, 305-328.

combination of both.”<sup>245</sup> As mentioned earlier, Weber argued that even democratic institutions have routinized charisma, and he specifically wrote that modern nation-states have a sort of “office charisma.”<sup>246</sup> Thus charismatic phenomena for Weber are not confined to the religious or supernatural realms.<sup>247</sup>

This misreading of Weber is actually fairly common, according to David Norman Smith, who argues that many readers confuse Weber’s definition of charisma with that of Rudolph Sohm, and thus restrict charisma to the religious realm. This is because, Smith writes, it was Sohm, in his affirmation of the purely charismatic nature of early Christianity (as opposed to the legal rationalism of the Catholic Church), who gave “an ideal-typically clear account of charisma *as a form of authority*,”<sup>248</sup> thus providing a framework for Weber. But immediately after Weber explicitly acknowledges his indebtedness to Sohm in *Economy and Society*, he makes clear that Sohm’s model is incorrectly restricted to the realm of religion, specifically the early Christian church and, in the modern context, Pietism and Puritanism. In response, Weber wrote that charisma applies to all religions and even outside the religious realm.<sup>249</sup>

Another important difference between the theories of Sohm and Weber, and a point that escaped Cole, is that Weber did not necessarily view charismatic figures as shaping their society, but rather being an indication of their society. For Sohm, charisma was a miraculous force<sup>250</sup> and a gift from the Almighty.<sup>251</sup> In his thought, the authoritative ruler, by way of charisma, impels recognition and obedience.<sup>252</sup> The proletariat, he argued, must then submit to this authority. The

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<sup>245</sup> Weber, *Economy and Society: an outline of interpretive sociology*, 246.

<sup>246</sup> Weber, *Economy and Society: an outline of interpretive sociology*, 1140-1.

<sup>247</sup> Weber, *Economy and Society: an outline of interpretive sociology*, 1112.

<sup>248</sup> David Norman Smith, “Faith, Reason, and Charisma: Rudolph Sohm, Max Weber, and the Theology of Grace,” in *Sociological Inquiry*, v. 68, no. 1 (Feb. 1998), p. 37. (Emphasis in the original.)

<sup>249</sup> Weber, *Economy and Society: an outline of interpretive sociology*, p. 1112.

<sup>250</sup> Smith, “Faith, Reason, and Charisma,” 35.

<sup>251</sup> Smith, 41.

<sup>252</sup> Smith, 43.

social construction of authority and office charisma are both a form of sin for Sohm.<sup>253</sup> Furthermore, Sohm believed the depersonalization of charisma was impossible.<sup>254</sup> Weber, on the other hand, saw charisma as a social force. Charismatic leaders in his thought were indicative of their own social context. “Charismatic rulership,” according to Weber, “always results from unusual, especially political or economic situations, or from extraordinary psychic, particularly religious states, or from both together.”<sup>255</sup> And, as noted earlier, the legitimization of the authority of the charismatic individual requires that he or she is recognized as such by his or her followers. Thus Smith notes that, on the basis of Weber’s charismatic model, it is important that we study the faithful followers to learn why they assign charismatic status to certain groups and individuals.<sup>256</sup>

In the context of the Christian Charismatic Renewal, Thomas Csordas has similarly attempted to detach charisma from the locus of the leader’s personality,<sup>257</sup> arguing that “charisma is a rhetorical self process instead of a quality, trait, or substance.”<sup>258</sup> He proposes that charisma can be viewed as rhetoric, or a “collective, performative, intersubjective self process.”<sup>259</sup> Charisma, he writes, “originates in a mobilization of communal symbolic resources that are realized in a mode of discourse or performed in a genre of ritual language within particular social settings.”<sup>260</sup> Csordas argues that the fact that Weber framed charisma as “the quality of an individual,” as opposed to the “quality imputed to an individual,” has caused great confusion and

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<sup>253</sup> Smith, 45.

<sup>254</sup> Smith, 51.

<sup>255</sup> Weber, *Economy and Society: an outline of interpretive sociology*, 1121.

<sup>256</sup> Smith, 53.

<sup>257</sup> Thomas J. Csordas, *Language, Charisma, and Creativity: the ritual life of a religious movement* (Berkeley: University of California Press, 1997), 142.

<sup>258</sup> Csordas, 144.

<sup>259</sup> Csordas, 140.

<sup>260</sup> Csordas, 141.

the reification of charisma, elevating the role of the leader and diminishing the social processes involved in the formation of charisma.<sup>261</sup>

In the case of Sistani, we might argue that political instability in Iraq and years of oppression under the secular Saddam Hussein impelled people to look toward religious legal authority, and it was not that Sistani's ascetic heroism allowed him to "rally the masses," as Cole writes. It is difficult to imagine it was Sistani "[e]xercising charismatic authority" that "pushed the Americans into allowing open elections...<sup>262</sup>," or that he "used his charismatic authority to midwife a new rational-legal order for Iraqi politics,"<sup>263</sup> as Cole claims. Cole's application of Weber's model to Sistani is particularly problematic considering, on the one hand, the role of society in Weber's theory of charismatic authority and, on the other, the fact that Sistani's authority was received by the public through representatives and in the form of written fatwas and declarations, and not by way of moving speeches or displays of his physical attributes. Thus, Sistani did not likely display the "highly personal experience of divine grace and god-like heroic strength" that was a condition for Weber's genuinely charismatic figure.<sup>264</sup> Furthermore, in case of *taqlīd* to the *marāji'* in general, it will be demonstrated that they are expected to fit certain prototypes of piety, and often function as symbolic representations of religious ideals. If we are to take Smith's idea that it is more important to study why followers assign charismatic status to leaders, we can move beyond the perceived power of the *marāji'* and instead consider the function *taqlīd* serves or the needs it fulfills. It may be that people decide to follow them on account of preconceived ideas about religious scholars and leadership, and that the actual

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<sup>261</sup> Csordas, 136.

<sup>262</sup> Cole, "The Decline," 80.

<sup>263</sup> Cole, "The Decline," 81.

<sup>264</sup> Weber, *Economy and Society: an outline of interpretive sociology*, 1115.

personalities or the opinions of the *marāji'* are not as significant of factors in *taqlīd* as is the role *taqlīd* plays in identity formation.

Thus far it has become clear that the only charisma Sistani (or any other *marja'*) possesses as a jurist is “routinized.” Of course, certain *marāji'*, like Khomeini, arguably had genuine or revolutionary charisma, but that is because they combined *marja'īyya* with political leadership (like *wilāyat al-faqīh* or the position of *rahbar* in Iran).<sup>265</sup> Additionally, as argued above, the *marāji'* generally do not have any sort of means of legal enforcement. Lastly, it has been demonstrated that Twelver Shī'ī faithful are free to select a *marja'*, and that their acceptance is critical for the *marja'*'s legitimacy. For these reasons, Weber's concept of the authoritarian who has genuinely or revolutionary charisma is not a good fit for the *marāji'*. In fact, perhaps the most pressing question concerning the authority of the *marāji'* is, “Why do *muqallids* choose to obey the legal authority of a *marja'?*”

#### Weber-inspired theories about leadership

As clear from the discussion above, the *marāji'* do not have genuine Weberian charisma, but arguably have a form of what Weber considers “routinized” charisma. However, as mentioned earlier, elected officials in secular governments can have this charisma as well. Thus, viewing the authority of the *marāji'* as routinized charisma does not necessarily tell us much. Later theorists of leadership, though, have taken elements of Weber's theory about charisma and identified certain perceptions of the followers of extraordinary leaders in organizational settings. These studies attempt to explain why people are followed for their charisma even when there is no sort of perceived supernatural ability or separate mission, unlike cases of genuine charismatic

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<sup>265</sup> See: Ahmad Ashraf, “Theory and Charisma: New Men of Power in Iran,” *International Journal of Politics, Culture, and Society*, Vol. 4, No. 1 (Autumn, 1990): 113-152.

authority. It will be demonstrated that such research provides an appropriate framework for understanding *marja'iyya*. Furthermore, it will be shown that the *marāji'* can be classified as distant charismatic leaders and figureheads of a romanticized vision and are only minimally involved in everyday affairs. Thus, their actual role in leadership is not nearly as significant as initially thought. Rather, it is the followers and society that create space for a leader that fits a particular prototype, and a qualified scholar is called upon to fill the gap. Of course, another qualified scholar could have just as well filled that gap. In other words, it is not the particular traits of the leader that constitute the deciding factor.

Before exploring the extraordinary characteristics of charismatic leaders in organizational settings and applying it to the case of *marja'iyya*, it is first worth summarizing Weber's types of rule briefly in order to locate properly such charisma in his model. In Weber's thought, legitimate rule is of three types: legal (or rational), traditional, and charismatic. Legal rule occurs in modern institutions, where there is an agreed-upon set of abstract rules, and the administration simply carries out these laws impersonally. In such systems, one can appeal or register grievances with respect to the decisions of their superiors. In traditional rule, the ruler exerts his or her influence through bonds of reverence with kinsmen, slave, clients, and those who owe the ruler personal loyalty. Thus, the administrative staff in traditional rule lacks definite competence or a fixed rational hierarchy. The primary kinds of traditional rule are gerontocracy (rule of the elders, not based on economy or kinship) and patriarchalism (rule within a domestic organization, based on economy or kinship). In charismatic authority, meanwhile, there is no appointment, no election, and no real role for followers other than accepting the (miraculous) proof that an individual (the charismatic leader) has some sort of supernatural or superhuman power. Unlike legal authority, it is not rational or structured around a hierarchy based on merit.

And unlike traditional authority, its structure is not based on social rank and is not bound to the past. As mentioned earlier, genuine charismatic authority has a non-everyday nature until it is routinized and placed in the hands of a “community” of believers or other later followers of the mission’s founder. It is in this way that, over time, charismatic rule becomes more traditional or more rational (legal),<sup>266</sup> meaning that it can take the form of patrimonial rule (often hierarchized by social rank) or bureaucracy.<sup>267</sup>

The extraordinary leader in an organizational setting, in Weber’s thought, would have to fall under the category of charismatic rule and not legal or traditional rule.<sup>268</sup> This can be understood by way of Weber’s discussion of the charisma of elected officials whose legitimacy derives from the trust of the ruled, and who can be removed if this trust is lost. Weber specifically cites the form of democracy in America in this regard. Such elected officials for Weber are not bureaucratic figures (legal rule) because they have an independent source of legitimacy, are not strongly integrated into a hierarchical order, and cannot receive promotion from their superiors.<sup>269</sup> They are also not part of a traditional form of rule, which is formed around elites, kinsmen, and the like. However, the charismatic authority of elected officials, as opposed to that of genuinely or revolutionary charismatic figures, is antiauthoritarian. According to Weber, in such a “plebiscitary democracy,” legitimacy is derived from the will of followers and can only be sustained by way of them. An anti-authoritarian charismatic leader thus requires the devotion, trust, and recognition of his or her followers, and is a “servant” of the ruled.<sup>270</sup>

Weber writes:

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<sup>266</sup> Max Weber, *Economy and Society: A New Translation*, trans. Keith Tribe (Cambridge: Harvard University Press, 2019), 379.

<sup>267</sup> Weber, *A New Translation*, 386.

<sup>268</sup> Of course, a hybrid is possible. But if we want to place the charisma of leaders in organizational settings into one category, charismatic rule would be most appropriate.

<sup>269</sup> Weber, *A New Translation*, 406.

<sup>270</sup> Weber, *A New Translation*, p. 409.

Leadership democracy is therefore generally characterized by a naturally emotional dedication to and trust in the leader, which tends to result in an inclination to follow the most extraordinary, most promising leader who deploys the most attractive means of persuasion.<sup>271</sup>

This kind of rule does see a move toward rationality (economic organization, working more efficiently with the help of an official staff), but it is incomplete because of the role of emotion and appeal, belief, and devotion of the masses. Most importantly, the leader is perceived to be extraordinary. With this understanding, we can now consider theories about charismatic leadership in modern organizational settings.

Investigating why people choose to follow charismatic leaders in organizational settings can provide answers about why people choose to perform *taqlīd*. Jay Conger, Rabindra Kanungo, and Sanjay Menon conducted a study of 252 managers in “a large manufacturing conglomerate based in the Northeast”<sup>272</sup> in order to assess the particular form of leadership in organizational settings. They begin their article with a reference to Weber’s notion that individuals choose to follow charismatic figures because of the perceived extraordinary character of those leaders.<sup>273</sup> They do not reference a particular page in *Economy and Society*, but it can be understood that they are referring to the anti-authoritarian form of charisma mentioned in the previous paragraph or what is shared with elected officials. Conger *et al.* recognize three stages of the leadership process particular to managers and their followers. In the first stage (the environmental assessment stage), charismatic leaders (managers) are perceived by their followers to have a great desire to change the *status quo*. They are also perceived to have great sensitivity to the relevant needs, opportunities, and constraints. In the second stage (the vision formulation stage), charismatic leadership stands out in that it produces a shared and idealized vision of the future,

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<sup>271</sup> Weber, *A New Translation*, p. 408.

<sup>272</sup> Jay A. Conger, Rabindra N. Kanungo, and Sanjay T. Menon, “Charismatic Leadership and Follower Effects,” *Journal of Organizational Behavior*, 21: 753.

<sup>273</sup> Conger *et al.*, 748.

something articulated in “an inspirational manner.” They argue that it is this vision, along with its potential to fulfil the needs of followers, that forms “the basis of attraction to the charismatic leader,” and makes the leaders “admirable persons deserving of respect and worthy of identification and imitation by followers.”<sup>274</sup> In the third stage (the implementation stage), charismatic managers are perceived as performing exemplary acts that subordinates see as involving great personal risk and self-sacrifice. These acts arguably help leaders build trust with their followers (although the findings of this particular study indicated that leader reverence played a more direct role in charismatic leadership than either trust or satisfaction). Also at this stage, managers are seen as using innovative and unconventional means for achieving their visions.<sup>275</sup> It is argued that charismatic leadership produces high levels of collectivist identity among followers, meaning, charismatic managers promote cooperative behavior by their own conduct, and they strengthen the collective task of competence and commitment to task goals. The lofty goals of the group are articulated by the manager, and the internalization of these goals creates a sense of shared values.<sup>276</sup>

The attributes of charismatic managers mentioned by Conger *et al.* seems to map well onto the case of the *marāji*‘. For many, the *marāji*‘ function as symbols of their followers’ faith and thus help to promote a collectivist identity. They help articulate a shared idealized vision of Twelver Shī‘ī salvation, which provides the basis for attraction to a leader at the vision formulation stage, according to Conger *et al.* The *marāji*‘ are also generally perceived as having sacrificed comfort in this world for the sake of their communities. In the case of *marāji*‘ who engaged in political protest, they are considered to have risked their lives as well, which helps them build trust at the “implementation stage.” A number of the *muqallids* I interviewed also

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<sup>274</sup> Conger *et al.*, “Charismatic Leadership and Follower Effects,” 749.

<sup>275</sup> Conger *et al.*, 748-9.

<sup>276</sup> Conger *et al.*, 762.

mentioned that a *marja'* must be up to date (*be rūz*) and aware of society, meaning that he must take into consideration the requirements of his specific time and place, which also falls under the implementation stage, when leaders are to provide innovative means of achieving their goals. This is also related to the environmental assessment stage, when leaders are expected to be the needs of their potential followers and be willing to change the *status quo*.

The symbolic value of *marja'iyya* can be framed in terms of the impact role models have in shaping the values of followers. According to Boas Shamir, Robert J. House, and Michael B. Arthur, leaders motivate followers by providing symbolic value and moral purpose for their followers. Drawing upon previous research into leadership in organizations, they write that one means by which they achieve this motivation is role modeling; followers learn by observing the behavior, lifestyles, and reactions of leaders. The leader then becomes a “representative character,” or a symbol of how people organize and give meaning to their lives in a particular environment, and one that defines acceptable traits, values, beliefs, and behaviors. Leaders become credible role models by sacrificing their interests for the cause of the mission, and demonstrating courage and conviction in the mission. Leaders can then affect frame alignment, or schemata of interpretation, that enable followers to locate and label events in their lives and the world, link occurrences to the past, and imagine the future. Leaders will emphasize certain values and identities in accordance with a particular vision, and thus provide followers with a sense of identity with the collectivity as well as a sense of efficacy as a result of being a part of that collectivity. Through their behavior, leaders increase the salience of the collective identity by defining its boundaries and distinguishing it from rival groups.<sup>277</sup> The lifestyles and behavior of the *marāji'*, including their sacrifices in the pursuit of knowledge and their firm convictions in

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<sup>277</sup> Boas Shamir, Robert J. House, and Michael B. Arthur, “The Motivational Effects of Charismatic Leadership: A Self-Concept Based Theory,” *Organization Science*, v. 4, n. 4 (Nov., 1993): 577-594.

the tenets of faith, as well as their opinions concerning orthodoxy, help shape the identities of *muqallids* as a collectivity distinguished from others.

There is, of course, one major issue with using examples from organizational settings: the *marāji* are distant, and not close, leaders, unlike many managers. The *marāji* are not nearly as involved in the day-to-day affairs of their followers as most managers are in the affairs of their subordinates. Thus, for instance, the attribute of fulfilling the needs of their followers is something that must be, to some degree, romanticized, as there cannot possibly be the kind of coordination between *marja* and *muqallid* required to address truly the religious needs of the individual. This distance, though, may actually contribute to the spiritual authority of the *marāji*. As mentioned above, Morgan Clarke and Abidor include two concepts in connection with the authority of the *marāji* that capture the idea of distance: awe (*hayba*) and aura, respectively. Theory about distant leadership may thus provide an understanding of how the *marāji* maintain charismatic authority without interacting with the vast majority of their followers.

If it is true that the *marāji* are distant leaders, this would mean that they do not generally have an impact on the day-to-day actions of *muqallids* and are less likely to be obeyed, even if they do guide them in some form or another. In a study of thirteen large Korean companies (which included Hyundai Motors and Samsung SDI), Jae Uk Chun, Francis J. Yammarino, Shelly D. Dionne, John J. Sosik, and Hyoung Koo Moon differentiated between the charismatic effects managers had on close followers and distant followers. Their findings reveal that distant followers tended to be receptive toward symbolic actions, like slogans, sagas, and storytelling. However, these distant followers clearly did not observe the leader in day-to-day affairs, nor did the leader observe them. As a result, a strong follower commitment is unlikely to emerge in such

distant relationships. This is not the case in close follower-leader relationships where there is regular observance of the leader and direct interpersonal experience with him or her.<sup>278</sup> Regarding performance of *taqlīd* to a *marja'*, it might be theorized that actual obedience and observance of the edicts of a *marja'* occurs when the individual has close contact either with the *marja'* (which occurs rarely) or one of his representatives (which is far more likely). We might even consider engagement with legal manuals and fatwas to be a form of close following. Meanwhile, those who do not maintain contact with the *marja'*, his representatives, or even his opinions, are more likely to perform a sort of symbolic *taqlīd*.

Furthermore, the distance between *marja'* and *muqallid* also impacts how the former is perceived by the latter. Borrowing from N. Liberman and Y. Trope's Construal Level Theory, Micha Popper writes that psychological distance<sup>279</sup> from a leader results in a higher level of abstraction of his or her attributes; distant leaders are characterized by fewer adjectives and less daily behaviors than close leaders.<sup>280</sup> This idea led D. Katz and R.L. Kahn to conclude that charismatic leadership requires distance and thus is only applicable at the top echelons of organizations. Close leaders and supervisors are perceived to be human and fallible because of the fact that they cannot hide their weaknesses from their followers and their subordinates do not build an aura of magic around them, as is possible in the case of distant leaders.<sup>281</sup> In response, Boas Shamir writes that social distance should no longer be considered essential for charismatic authority. Rather, what is significant in charismatic leadership is the *perception* of distance. And,

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<sup>278</sup> Jae Uk Chun, Francis J. Yammarino, Shelly D. Dionne, John J. Sosik, and Hyoung Koo Moon, "Leadership across hierarchical levels: Multiple levels of management and multiple levels of analysis," *The Leadership Quarterly*, 20: 691-2.

<sup>279</sup> In other words, what is important is the perceived distance, and not physical distance of the leader. This is largely related to direct contact between leader and follower, but even the nature of that contact can be a factor in perceived distance. See: Popper, 2.

<sup>280</sup> Micha Popper, "Leaders perceived as distant and close. Some implications for psychological theory on leadership," *The Leadership Quarterly*, 24 (2013), 2-3.

<sup>281</sup> Boas Shamir, "Social Distance and Charisma: Theoretical Notes and an Exploratory Study," *Leadership Quarterly*, 6(1) (1995), 22.

Shamir proposes, leaders who are perceived by their followers to be distant are believed to have superhuman or “larger than life” qualities.<sup>282</sup> In the case of the *marāji*’, one finds that distant following can result in attributing to them idealized attributes from Twelver Shī‘ī religion (radiant, pure in appearance, etc.) and Iranian culture (modern, aware of society, concerned with the rights of women, etc.).

In accordance with Weber’s idea that it is the particular political, economic, psychic, or religious circumstances that result in charismatic rulership, and Smith’s opinion that this shows it is more worthwhile studying why followers assign charismatic status, it can be said that distant leaders like the *marāji*’ may actually represent the values of their followers more than they represent their own outstanding personalities. A similar phenomenon can be observed in Csordas’ study of the Christian Charismatic Renewal. He writes that when the Word of God community grew in size and structure, and leaders became less accessible to rank and file members, these leaders became imbued with greater office charisma, which compounded their apparent personal charisma. “In addition,” he writes, “the figure of the leaders was incorporated into the body of symbolic discourse generated by the community,” and the leader was transformed into a “symbolic object, the bearer of charisma.”<sup>283</sup>

Greater distance results in more symbolic leadership, which suggests that, as distant leaders, the *marāji*’ are not necessarily pursued because of their particular virtues but rather because they are perceived to possess characteristics that are predetermined by their followers. This is supported by Shamir’s study of 320 Israeli students, in which he writes that distant leaders are more likely to be selected based on prototypes. He notes several differences in the

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<sup>282</sup> Shamir, “Social Distance and Charisma,” 23.

<sup>283</sup> Csordas, 144-5.

perceptions of close and distant leaders related to symbolism, visions, and practical leadership.<sup>284</sup>

He writes of the role of implicit leadership theories or frameworks that influence the perception of information about leaders. One key concept in such theories is that people have leadership prototypes in mind that they use to select or evaluate a particular leader. People from the same culture often share a prototype for a charismatic leader. And, most relevant here, this process is more likely to happen among distant followers than among close followers; individuals are more likely to follow distant leaders based on schemas and prototypes, while followers of close leaders rely on more information about the leader, including his actions and behavior. In the context of *marja' iyya* we might consider the prototype of an *'ālim rabbānī*, or, a pious scholar who acts upon and shares his knowledge,<sup>285</sup> something that is shared among religious members of many given Muslim societies. A *marja'* may receive support based on the perception of his fitting this prototype, as opposed to an evaluation of his particular behavior or actions.

The *marāji'*'s distance from their followers affects how they are able to earn the trust of their followers. Shamir writes that trust in distant leaders is likely dependent upon the perception that they have “pure” motives, meaning, they seek to serve the common interest of their followers, and not simply serve themselves. Relying upon the work of Conger and Kanungo, he writes that behaviors that demonstrate self-sacrifice and personal risk-taking often increase such trust in distant leaders. Meanwhile, close leaders were expected to demonstrate honesty and

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<sup>284</sup> Shamir, “Social Distance and Charisma,” 30. Distant leaders in Shamir’s study were primarily (81%) political leaders (like David Ben-Gurion and Menachem Begin), but also included religious or spiritual leaders (eight percent), and military leaders (four percent). Close leaders consisted of teachers and educational leaders (28%), military leaders (26%), and informal leaders.

<sup>285</sup> Muḥammad b. Ya‘qūb Fīrūz Ābādī (d. 817 AH), *Al-Qāmūs al-muḥīṭ* (Beirut: Dār al-Kutub al-‘Ilmiyya, 1415 AH), v. 3, p. 57; Muḥammad b. Muḥammad al-Murtaḍā al-Zabīdī (d. 1205 AH), *Tāj al-‘arūs min jawāhir al-qāmūs* (Beirut: Dār al-Fikr, 1414 AH), v. 11, p. 240. Two similar definition givens are that an *'ālim rabbānī* “seeks God by way of his or her knowledge” and is “deeply rooted in knowledge and [the practice of] religion.” See: Maḥmūd b. ‘Umar al-Zamakhsharī (d. 538 AH), *Al-Fā‘iq fī gharīb al-ḥadīth* (Beirut: Dār al-Kutub al-‘Ilmiyya, 1417 AH), v. 2, p. 10; Mubārak b. Muḥammad Ibn Athīr (d. 606 AH), *Al-Nihāya fī gharīb al-ḥadīth wa’l-athar* (Qom: Ismā‘īlīyān, 1367 AHS), v. 2, p. 181.

trustworthiness in their direct interactions with their followers.<sup>286</sup> Shamir writes that while distant leaders do not have direct contact with most of their followers, they can have an effect on distant leaders by engaging in symbolic acts that reinforce and image of being considerate, like visiting a sick child or writing a personal reply to a follower.<sup>287</sup> In the religious context, an example might be the pope's washing the feet of worshippers. Only a small percent of *muqallids* have met their *marāji'*, but these meetings are shared in communities and sometimes publicized. For instance, Sistani's official website features a lengthy letter of advice for a group of young Muslims, in which he encourages them to guard their faith, increase their religious knowledge, and pursue a livelihood.<sup>288</sup> Lastly, Shamir proposes that distant leadership is more likely to be visionary leadership, meaning that distant leaders are in better position to provide idealized images of the future. He writes concerning visions "... they are like pictures better appreciated at a distance. Like the idealized image of the leader which can only be maintained from a distance, the idealized image of the future also requires a distance to have an effect."<sup>289</sup> This makes language more important for distant leaders, as they must be able to articulate their visions. This is also why rhetorical skills are important for distant leaders, as it enhances the articulation and presentation of that vision. Meanwhile, Shamir proposes, the charisma of close leaders is derived from personal example and observable behaviors.<sup>290</sup> As will be seen below, the distant *marāji'* may engage in symbolic acts and powerful statements (largely related to defending the faith), while local religious figures (including family) may have more of a role in guidance of practice and the shaping of religious behavior.

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<sup>286</sup> Shamir, "Social Distance and Charisma," 26.

<sup>287</sup> Shamir, "Social Distance and Charisma," 27.

<sup>288</sup> <https://www.sistani.org/arabic/archive/25237/> Accessed June 27, 2019

<sup>289</sup> Shamir, "Social Distance and Charisma," 28.

<sup>290</sup> Shamir, "Social Distance and Charisma," 28-9.

As distant leaders, the *marāji*‘ are more likely to be credited with shaping the identity and direction of their followers. They are also expected to project leadership in their words and activism. Shamir’s findings confirm that distant leaders were more often associated with greater rhetorical skills, courage, social courage, and the ability to affect political attitudes and behaviors.<sup>291</sup> And a sense of shared vision, while not prominent overall, is almost exclusively associated with distant leaders.<sup>292</sup> This may indicate a greater sense of ideological orientation and commitment among distant leaders than what is associated with close leaders. Among the current *marāji*‘, rhetoric and courage are most often applied to the case of Khamenei. But all the *marāji*‘ provide Twelver Shī‘īs with the vision of achieving success in the Afterlife, in addition to other cultural pursuits (a sense of community, a feeling of piety, and religious validity). Shamir’s study also demonstrates that distant leaders are slightly more likely to earn “blind” trust. This is relevant to a discussion of *taqlīd*, in which the *muqallid* is expected to act upon the opinion of an expert jurist without knowing or understanding his reasoning. Shamir theorizes that this may be due to the fact that greater distance allows for illusory and idealized perceptions of the leader.<sup>293</sup> He cites the claim made by J.R. Meindl, S.B. Ehrlich, and J.M. Dukerich, that the role of salient leaders in large organizational events are more likely to be romanticized and associated with more influence than they actually deserve.<sup>294</sup> In the case of *taqlīd*, this can mean attributing religious education to the *marāji*‘ (especially in non-legal matters) even when it is acquired from other resources in culture.

It is clear that the distant *marāji*‘ cannot have the same sort of impact as close leaders, who have a much stronger presence in society. This is confirmed by Shamir’s study, which

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<sup>291</sup> Shamir, “Social Distance and Charisma,” 37-8.

<sup>292</sup> Shamir, “Social distance and Charisma,” 37.

<sup>293</sup> Shamir, “Social Distance and Charisma,” 39.

<sup>294</sup> Shamir, “Social Distance and Charisma,” 24.

demonstrates that the actual emulation of leadership traits and behavior patterns was more often associated with close leaders than distant leaders.<sup>295</sup> Followers in his study more often perceived close leaders as being energetic, dynamic, and possessing high levels of competence, performance, intelligence and originality.<sup>296</sup> In other words, when followers view the activities of leaders for themselves, they are more likely to recognize their particular skills and abilities. In my interviews, *muqallids* often criticized the *marāji*‘ for their lack of awareness of relevant matters and their minimal engagement with society. *Muqallids* articulated appreciation for the *marāji*‘s expertise in *fiqh*, but did not really demonstrate an understanding of what such expertise entails or how it applies to real life cases. Also, *muqallids* often praised the *marāji*‘ for their ideal behavior, but gave little detail concerning what that means. Shamir also finds that followers more often credited close leaders with possessing interpersonal skills, being sensitive to followers’ needs, and engaging in supportive behavior.<sup>297</sup> In my interviews, followers sometimes considered the *marāji*‘ to be unaware of or insensitive to issues related to women or the youth. Sometimes they considered other scholars or leaders more appropriate resources for such matters.

To return to the ideas of Smith and Csordas, it can be said that the role of the *marāji*‘ as leaders has been overstated and the role of followers in shaping the conversation about the *marāji*‘ has not been given its due attention. These ideas fit well with James R. Meindl’s follower-centric view of leadership, or what he calls the “romance of leadership perspective.” In his view, there has been an overemphasis of the personality of the leader as a “significant, substantive, and causal force on the thoughts and actions of followers.” Meindl argues that followers are more likely influenced by the images of leaders that they construct for themselves.

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<sup>295</sup> Shamir, “Social Distance and Charisma,” 39.

<sup>296</sup> Shamir, “Social Distance and Charisma,” 38.

<sup>297</sup> Shamir, “Social Distance and Charisma,” 38.

Instead of trying to understand the behaviors and actions of leaders that influence followers, he wants to understand the social processes and contextual and situational factors that produce the constructions of leader images. This is because he believes that charismatic relationships are created in the minds of followers and reflect the broader series of relationships present in the cultural context of followers. Followers are thus drawn to leaders as a result of the leader's embodiment or exemplification of the mission and goals to which they are committed, which have been social constructed in particular circumstances. Thus, different circumstances will produce different collective goals, and thus different leaders.<sup>298</sup> Meindl's framework can provide insight into the authority of the *marāji'*; instead of viewing these jurists as having some sort of irresistible attributes that draw *muqallids* to them, one might consider the *marāji'* to be reflections of the goals and aspirations of pious lay people.

The roles the *marāji'* play in the lives of their followers is also shaped by the purpose for which people perform *taqlīd*. In this regard, the further nuance that Jane Howell and Boas Shamir provide for Meindl's theory is valuable. They distinguish between followers with low self-concept clarity and those with high self-concept clarity. The former, they write, are those who have a *relational* identity orientation and "seek direction and self-validation from their relationships with the leader." The latter, they write, have a *collectivist* orientation and are "susceptible to a socialized leader who seeks power for social purposes and emphasizes collective identity and collective values."<sup>299</sup> Those with low self-concept clarity are more likely to be drawn toward leaders who appear powerful and attractive, since this will provide them with more clarity and self-esteem. Thus they idealize or romanticize and leaders, overemphasizing

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<sup>298</sup> James R. Meindl, "The Romance of Leadership as a Follower-Centric Theory: A Social Constructionist Approach," *Leadership Quarterly*, 6(3) (1995): 329-341.

<sup>299</sup> Jane M. Howell and Boas Shamir, "The Role of Followers in the Charismatic Leadership Process: Relationships and Their Consequences," *The Academy of Management Review*, v. 30, n. 1 (Jan., 2005), 103

their positive attributes and allowing themselves to be influenced by them, even to the point of “blind” faith and unquestioning obedience. Meanwhile, those with high self-concept clarity fit Meindl’s theory better, as they have self concepts to which the leader must appeal. And they will only follow a leader to the extent that he or she embodies the salient identities and values and demonstrates how his or her mission is in accordance with them. Their association with the leader is based on social identification, and not personal identification. They are less likely to become dependent upon the leader and are less likely to be affected by the leader’s absence or departure.<sup>300</sup> The low-high self-concept clarity dichotomy is useful in understanding the differences between *muqallids* who maintain a sort of independence of thought and refuse to follow fatwas they do not understand and those who state that they must follow the fatwas of their *marja’* no matter what. Both tendencies were present in my interviews.

One final matter that deserves consideration in connection with the charismatic appeal of the *marāji’* is that of age. Younger jurists, no matter how accomplished or intelligent they are, must wait their turn, in part because other scholars have established more of a name, but also because a *marja’* is perceived as someone who has spent at least forty years in the *hawza*, whereas one can become a jurist after twenty years in the *hawza*. This might be because in such high stakes positions, age is associated with competence. Mark Van Vugt *et al.* write that older individuals are more likely to have specialized knowledge, and thus age and leadership are connected in roles that require such specialized knowledge.<sup>301</sup> And in a study of facial recognition of congressional candidates, Alexander Todorov *et al.* demonstrate that age is likely

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<sup>300</sup> Howell and Shamir, “The Role of Followers in the Charismatic Leadership Process,” 103-5.

<sup>301</sup> Mark Van Vugt, Robert Hogan, and Robert B. Kaiser, “Leadership, Followership, and Evolution: Some Lessons From the Past,” *The American Psychologist*, v. 63, n. 3 (2008), 190.

to be associated with competence, and thus is an indicator of how people will vote.<sup>302</sup> Thus if the *marja'* is expected to be an absolute authority in religion, then he may be expected to have spent enough time studying Islam that he has explored every possible topic in depth. This is obviously not the case, as the *marāji'* are constantly researching new issues and revising fatwas. But that could be the perception.

The discussion above provided ideas about charisma that originated with Weber but relied on more recent, concrete examples that are supported by statistical evidence. The purpose was to find appropriate frameworks for thinking about the spiritual authority of the *marāji'*. It is also important, though, to know the real examples these theories look to frame. In other words, various manifestations of the spiritual authority of the *marāji'* are present in the Twelver Shī'ī culture of Iran. Gaining familiarity with these provides a reference point for the spiritual authority articulated by *muqallids*, which will be used to frame the *marāji'*'s authority in the context of identity later in this exposition.

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<sup>302</sup> Alexander Todorov, Anesu N. Mandisodza, Amir Goren, and Crystal C. Hall, "Inferences of Competence from Faces Predict Election Outcomes," *Science*, v. 308 (June, 2005), 1625.

**Chapter Two:**  
**The Charisma Specific to the *Marāji*'**

This chapter is an evaluation of the content of the biographies and hagiographies of the *marāji*‘ with the purpose of providing context for the representation of their spiritual authority in the performance of *taqlīd*. While these works were not specifically cited in my interviews, there was a clear thematic overlap with my fieldwork. This means that the reader can be further informed about the origins and nature of the perceived spirituality of the *marāji*‘ by considering how they are depicted by their representatives and fellow scholars, who are the sources for these biographies and hagiographies. The most prominent theme shared between these works and my fieldwork is that the *marāji*‘ are expected to be the true embodiment of Islamic law, or, dedicated scholars who practice what they preach. However, there was a slight difference in how these two different sources articulated this. In my interviews, *muqallids* generally framed piety as the logical outcome of acquiring specialized knowledge of religious sources. In the biographies and hagiographies, *marāji*‘ were presented as inheritors of the religious leadership of the community from the Prophet and the Imams.<sup>1</sup> And both sources emphasized the *marāji*‘s connection with their communities and being in touch with society. However, in the written works, this meant they were better prepared to apply their tools of *ijtihād* in various contexts, while in my interviews, it meant being aware of the societal values of contemporary Iran.

#### The scholar who acts on his knowledge

All *marāji*‘ are expected to embody the religious knowledge they bear. While this is not a concept particular to Twelver Shī‘ism,<sup>2</sup> it is worth noting that in traditions of the Imams, a true scholar is often defined as one who acts on his or her knowledge. The idea that knowledge must

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<sup>1</sup> Multiple traditions have been attributed to the Imams that state: “Scholars are the inheritors of the prophets” (*Al-‘ulamā’ warathat al-anbiyā’*). See: Muḥammad Rayshahrī, *Mīzān al-ḥikma* (Qom: Dār al-Ḥadīth, 1422 AH), v. 7, p. 2740.

<sup>2</sup> *Islamic Legal Interpretation*, p. 22.

be accompanied by actions is apparent in reports in Twelver Shī‘ī collections of hadith. And a hadith attributed to the Prophet reads, “A [true] scholar is one who acts on [their] knowledge...”<sup>3</sup> Also not acting on one’s knowledge is depicted as dangerous.<sup>4</sup> Imam ‘Alī is reported in *Nahj al-balāgha* to have said, “A scholar who does not act on his/her knowledge is like one who is ignorant and perplexed, and never realizes his/her ignorance. Rather, God’s punishment for him/her is greater [than that of non-scholars], his/her regret will follow him/her longer, and he/she will be more worthy of blame before God.”<sup>5</sup> In the context of the *marāji‘*, this embodiment of knowledge does not merely mean refraining from prohibited actions and performing obligatory ones but also leading an austere lifestyle. This, too, is supported by certain hadith: for example, “One who grows in knowledge and does not increase in *zuhd* (detachment from worldly things), only distances themselves from God.”<sup>6</sup> And Imam Ṣādiq (the Sixth Imam) reportedly said, “One who increases their knowledge in the way of God but also increases in their love for this world, only distances themselves from God. And God’s anger for them increases as well.”<sup>7</sup> The biographies and hagiographies of the *marāji‘* emphasize *zuhd*.<sup>8</sup> Similarly, my interviewees articulated that they must live at the standards of average people though they did not emphasize this matter for scholars of lesser status. This could be related to

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<sup>3</sup> See: Rayshahrī, *Mīzān al-ḥikma*, v. 7, pp. 2779-81. It is worth noting that the word used (‘*ālim*) could simply mean one who knows or has knowledge of a religion, and not a traditional scholar of the *ḥawza* or even one who dedicates his or her life to knowledge. However, in Twelver Shī‘ī culture, it can be said that ‘*ālim* in these hadith is almost always interpreted to mean a traditionally trained scholar of the *ḥawza*.

<sup>4</sup> Rayshahrī, *Mīzān al-ḥikma*, v. 7, pp. 2782-3, 2791-2.

<sup>5</sup> Rayshahrī, *Mīzān al-ḥikma*, v. 7, p. 2782.

<sup>6</sup> Rayshahrī, *Mīzān al-ḥikma*, v. 7, p. 2791.

<sup>7</sup> Rayshahrī, *Mīzān al-ḥikma*, v. 7, p. 2792.

<sup>8</sup> In the context of Twelver Shī‘ī hadith culture, *zuhd* might best be defined as “disinterest in the matters of this world.” This definition is understood from hadith like the following attributed to Imam Ali:

All of *zuhd* is contained between two sentences in the Qur’an. God, Exalted is He, said, “So that you are not disappointed by that which escapes you and do not become overly joyous regarding that which comes your way.” So one who is not disappointed about the past and not overly joyous about the future is a *zāhid*. (Rayshahrī, *Mīzān al-ḥikma*, v. 4, p. 1066, #7695.

the fact that the *marāji*‘ oversee great amounts of wealth. Or it could be that the *marāji*‘ occupy positions as leaders in the community and are considered representatives of the religion.

I will now provide examples of the piety and dedication to Islam attributed to the contemporary *marāji*‘ found in their biographies and hagiographies. Some of the shared themes in these works are: scholarly erudition, *zuhd*, the great hardship suffered in becoming a successful scholar, awareness of the community’s concerns, understanding of relevant legal issues, dedication to worship, and forming a spiritual connection with the Imams and family of the Prophet. This section is only concerned with prominent contemporary *marāji*‘, primarily those with a strong presence in Iran.<sup>9</sup> Earlier *marāji*‘ will not be the focus simply because the goal is to explore how this charisma works in action, and to do so sufficiently requires a study of how this charisma is received, something that is quite difficult in the cases of *marāji*‘ who are no longer followed. The reception of this charisma will be presented in the form of my fieldwork, interviews I conducted with Iranian *muqallids* in the summers of 2017 and 2018.

#### Mīrzā Jawād Tabrīzī: the *marja*‘ who connected with the *Ahl al-Bayt*

On his official website, Ayatollah Mīrzā Jawād Tabrīzī (d. 2006) is portrayed as a brilliant scholar who dedicated his life to his studies and turned his back on the pleasures of this world. However, perhaps what distinguishes Tabrīzī’s biography from those of other *marāji*‘ is the emphasis on his relationship with the *Ahl al-Bayt* (the distinguished family members of the Prophet Muhammad), or, his connection with them (*tawassul*).<sup>10</sup> Tabrīzī, like other *marāji*‘, is described as a scholar who embodied his knowledge: “Religious scholars not only received

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<sup>9</sup> This is because the interviews were all conducted in Iran, and the observations made and conclusions reached here will be referred to in the interview section.

<sup>10</sup> In popular Twelver Shī‘ī culture, the idea of *tawassul* to the Ahl al-Bayt is related to the Qur’anic concept of seeking a means (*wasīla*) to God (Q;5:35).

knowledge from him,” it states, “but they acquired spiritual stations and perfection from him.”<sup>11</sup> He is described as the model *‘ālim rabbānī*, a term taken from the Qur’an<sup>12</sup> that has been interpreted to mean a scholar who “acts upon and shares his or her knowledge,”<sup>13</sup> “seeks God by way of his or her knowledge,” and is “deeply rooted in knowledge and [the practice] of religion.”<sup>14</sup> According to his website, Tabrīzī was always aware of God’s presence, and did everything with the intention of seeking closeness to God. His *zuhd*, patience and humility were exceptional. He was also particular about connecting (*tawassul*) with the family of the Prophet at every opportunity.

Tabrīzī’s website describes him as a genius in the fields of law, legal hermeneutics, theology, and *rijāl* (the study of the individuals in a hadith’s chain of narration).<sup>15</sup> What set him apart, according to his official biography, was his precision and depth, which helped him attract motivated students with great potential.<sup>16</sup> His biography attributes his success as a researcher and teacher to his great dedication. He reportedly said, “For forty years, I never took a day off. I gave up everything and distanced myself from a great deal of life’s pleasures in order to reach my goal.”<sup>17</sup> I can attest to such stories being shared about him. Shortly before Tabrīzī’s death, I moved into a home that I later learned was two homes up from Tabrīzī’s residence. For months I

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<sup>11</sup> “Zindigī nāmeḥ āyat Allāh al-‘uzmā Mīrzā Jawād Tabrīzī,” *Tabrizi.org*, accessed: June 14, 2019, <http://portal.tabrizi.org/?p=9383>. The website features an excerpt from his official biography: *Zindigīnāmeḥ Āyat’ullāh Tabrīzī* (Qom: Dār al-Şiddīqa al-Shahīda, 2007). No author is listed.

While the legitimacy of Sufī practice is rejected by Twelver Shī‘ī jurists, spiritual perfection is not. It is sometimes situated under the category of *‘irfān* but more often in the case of the *marāji’* it is simply presented as part of the embodiment of religious knowledge received from the *Ahl al-Bayt*, which is the form of spirituality that applies to the case of Tabrīzī.

<sup>12</sup> See: Qur’an, 3:79, 5:44, and 5:63.

<sup>13</sup> Fīrūz Ābādī, *Al-Qāmūs al-muḥīṭ*, v. 3, p. 57; al-Zabīdī, *Tāj al-‘arūs*, v. 11, p. 240.

<sup>14</sup> al-Zamakhsharī, *Al-Fā’iq fī gharīb al-ḥadīth*, v. 2, p. 10; Ibn Athīr, *Al-Nihāya fī gharīb al-ḥadīth wa’l-athar*, v. 2, p. 181.

<sup>15</sup> This field is important in deriving law because one must first determine the soundness of a hadith before one can determine how much legal weight it carries. This soundness is largely related to the trustworthiness of the individuals mentioned in its chain of narration.

<sup>16</sup> “Zindigī nāmeḥ āyat Allāh al-‘uzmā Mīrzā Jawād Tabrīzī,” <http://portal.tabrizi.org/?p=9383>.

<sup>17</sup> Ja‘far al-Dajīlī, *Mawsū‘at al-Najaf al-ashraf* (Beirut: Dār al-Adwā’, 1997), v. 12, p. 199.

anticipated seeing him, but I never did. I was told that this was because Tabrīzī did not sleep at home but was rather so preoccupied with the duties of a *marja'* that he slept at his office.

Other biographical sources on Tabrīzī also mention that he: avoided promoting his *marja' iyya* for a long period of time; went against his family's desires in order to pursue *ḥawza* studies to fulfill a perceived duty; learned from the greatest teachers of ethics (*akhlāq*)<sup>18</sup> and Islamic law in Qom and Najaf; constantly advanced the causes of Islam and Muslims “in humble fashion,”; and continued to live in a humble abode even after becoming a *marja'*.<sup>19</sup>

The most outstanding attribute of his biography, though, may be that a great number of pages are dedicated to his relationship with the *Ahl al-Bayt*. A brief account of Tabrīzī's life is followed by a series of short speeches, advice, and opinions attributed to Tabrīzī that mostly pertain to his love and respect for the *Ahl al-Bayt*. The first speech is from when Tabrīzī was on his deathbed, which happened to coincide with the death anniversary of the sixth Imam, Ja'far al-Ṣādiq. Tabrīzī took the opportunity to remind those gathered around him that the Sixth Imam, like the First and Fourth Imams, was handcuffed and taken away while barefoot and without his turban. And the Sixth Imam's heart (*qalb*) was destroyed, piece by piece, as a result of being poisoned, just as the heart of the Third Imam, Ḥusayn, was destroyed, piece by piece, as a result of being shot by arrows.<sup>20</sup> Thus, with his last breath, Tabrīzī was not concerned with his own health, but rather mourning the loss of the Imams, even though the events in question occurred more than a thousand years prior.<sup>21</sup> This is an example of what the unnamed biographer

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<sup>18</sup> *Akhlāq* effectively means deeply-rooted inward traits, or, the qualities the soul develops as a result of repeated actions.

<sup>19</sup> “Āyat Allāh al-‘uzmā Tabrīzī,” *Portal Anhār*, <http://portal.anhar.ir/node/5509/#gsc.tab=0>. Accessed April 11, 2019.

<sup>20</sup> Unknown author, *Sira Āyat Allāh Tabrīzī* (Qom: Markaz Taḥqīqāt Dār al-Ṣiddīqa al-Shahīda, 1428 AH), 15.

<sup>21</sup> This is articulated on p. 191 as well.

describes as Tabrīzī being subsumed (*fānī*) in his love for or connection with (*walā'*) the *Ahl al-Bayt*, such that he would regularly cry in lecture upon mention of the oppression they endured.<sup>22</sup>

Tabrīzī is given credit for creating a tradition of ten days of mourning for the death of Fāṭima, the daughter of the Prophet, similar to the ten days of mourning for Imam Ḥusayn.<sup>23</sup> Tabrīzī's mourning for the *Ahl al-Bayt* was so loud that it would surprise and inspire younger students seeing it for the first time. He famously wiped his tears with a black handkerchief that he stipulated be buried with him.<sup>24</sup> Even on an auspicious occasion like the birthday of the Twelfth Imam, Tabrīzī insisted that mourning poetry (*rawḍa*) be recited for Fāṭima, since the enemies of the *Ahl al-Bayt* "left us with no joyful days."<sup>25</sup>

Tabrīzī is described as one who was sincere in his love for the *Ahl al-Bayt* and one who would always observe etiquette when mentioning their names, correcting others for using language that did not sufficiently convey their elevated stations.<sup>26</sup> He would even reprimand preachers who praised other scholars (including himself) by name as opposed to praising the *Ahl al-Bayt*, because he believed these scholars only achieved what they did by way of their love for the family of the Prophet.<sup>27</sup> Prior to becoming ill, Tabrīzī would reportedly never lean on anything in gatherings dedicated to the *Ahl al-Bayt*, and conveyed to others that these gatherings were not to be considered a form of recreation.<sup>28</sup>

Tabrīzī's love for the *Ahl al-Bayt* is framed as a way of defending the Twelver Shī'ī school of thought,<sup>29</sup> and thus can be viewed as what makes him a qualified, or even the most qualified, *marja'*. He strongly opposed inappropriate forms of celebrating the birthdays (like

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<sup>22</sup> *Sira Āyat Allāh Tabrīzī*, 39.

<sup>23</sup> *Sira Āyat Allāh Tabrīzī*, 35 and 41-2.

<sup>24</sup> *Sira Āyat Allāh Tabrīzī*, 53-4.

<sup>25</sup> *Sira Āyat Allāh Tabrīzī*, 58.

<sup>26</sup> *Sira Āyat Allāh Tabrīzī*, 44.

<sup>27</sup> *Sira Āyat Allāh Tabrīzī*, 49.

<sup>28</sup> *Sira Āyat Allāh Tabrīzī*, 51-2.

<sup>29</sup> *Sira Āyat Allāh Tabrīzī*, 63.

clapping and using musical instruments) of the *Ahl al-Bayt* and mourning for them. In fact, he emphasized this when on his deathbed,<sup>30</sup> which coincided with the death anniversary of Imam Ṣādiq mentioned earlier. And he is said to have spent his life responding to questions and removing doubts about the school of thought of the *Ahl al-Bayt*.<sup>31</sup> A section is then included in his biography on the ways in which he removed such doubts and defended the high status (*wilāya*) of the *Ahl al-Bayt*. For instance, he dismissed a *ḥawza* student as an impostor for questioning the authenticity of *ziyārat ‘Āshūrā’* (a lengthy series of salutations recited for Imam Ḥusayn).<sup>32</sup> And after he learned that the *marja’* Muḥammad Ḥusayn Faḍlallāh questioned the accepted account of how Fāṭima was oppressed and the fact that she was martyred, Tabrīzī became so upset that he fell extremely ill.<sup>33</sup> He then tried to persuade Faḍlallah (who is not mentioned by name), but to no avail.<sup>34</sup> Tabrīzī then had to resort to giving what his biography describes as a “fiery” speech asserting that Fāṭima was indeed oppressed. He stated, “I have no problem with spending my whole life defending her Eminence, Fāṭima.” After this speech, Faḍlallāh is said never to have set foot in Iran again during Tabrīzī’s lifetime.<sup>35</sup> Tabrīzī’s official biography, *Sira Āyat Allāh Tabrīzī*, continues for more than two hundred pages, much of which pertains to: the spiritual value and rewards of loving, respecting and visiting the *Ahl al-Bayt*;<sup>36</sup> Tabrīzī’s connection with and dedication to the *Ahl al-Bayt*<sup>37</sup> or defenses of the history of their

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<sup>30</sup> *Sira Āyat Allāh Tabrīzī*, 29.

<sup>31</sup> *Sira Āyat Allāh Tabrīzī*, 63.

<sup>32</sup> *Sira Āyat Allāh Tabrīzī*, 77-8.

<sup>33</sup> *Sira Āyat Allāh Tabrīzī*, 91.

<sup>34</sup> *Sira Āyat Allāh Tabrīzī*, 91. Muḥammad Ḥusayn Faḍlallāh (d. 2010) is not accepted by a great number of *ḥawza* scholars due to his statements regarding the death of Fāṭima, the daughter of the Prophet Muḥammad, as well as certain unconventional fatwas. See: Talib Aziz, “Faḍlallah and the Remaking of the Marja’iya,” in Walbridge, *Most Learned of the Shi’a*, 208-212

<sup>35</sup> *Sira Āyat Allāh Tabrīzī*, p. 81.

<sup>36</sup> *Sira Āyat Allāh Tabrīzī*, p. 68-73, 112, 124, 131-154, 158-174, 265.

<sup>37</sup> *Sira Āyat Allāh Tabrīzī*, pp. 103, 115-120, 128, 156, 174, 176, 179, 189, 206, 249.

oppression (in particular the death of Fāṭima); and the practices that pertain to visiting or remembering them.<sup>38</sup>

Tabrīzī is well known in the *ḥawza* for his precise legal opinions but is most prominently presented to his followers in his biography as a man with a deep spiritual connection with the *Ahl al-Bayt*. A number of potential future *marāji*‘ (such as my own teachers, Ayatollah Mahdī Ganj-‘Alī and Ayatollah Muḥammad Taqī Shahīdīpūr) were top students of Tabrīzī. Yet his official biography emphasizes *tawassul* and mourning for the family of the Prophet perhaps because Tabrīzī viewed his *marja*‘*īyya* as a defense not just of the school of thought of the *Ahl al-Bayt* but of the *Ahl al-Bayt* themselves. In other words, the argument goes, he was driven by his love and commitment to the family of the Prophet, which resulted in him achieving the ultimate success of becoming a *marja*‘.

#### Nāṣir Makārim-Shirazi: the brilliant *marja*‘

In his biography on his official website, Nāṣir Makārim-Shīrāzī (b. 1927) is described as a genius (*nābigha*) and modern jurist who is well aware of his temporal and spatial context, and a prolific author of works that are relevant to the lives of Twelver Shī‘īs. The biography states that he was born to a noble and religious family in Shiraz. His father, Ḥājī Muḥammad Karīm, was a merchant who consistently participated in the congregational prayer at the Mawlāy Mosque of Shiraz, wore clothing that resembled that of religious scholars, and formed a close relationship with them.<sup>39</sup> Thus, while Makārim-Shīrāzī, unlike many *marāji*‘, cannot claim descent from religious scholars, his biography apparently attempts to give him a similar form of legitimacy. At the same time, it appears that his biography suggests that coming from a family of merchants

<sup>38</sup> *Sira Āyat Allāh Tabrīzī*, pp. 74, 91, 107, 120, 201, and 215-61.

<sup>39</sup> “Zindīgī nāmeḥ: Nubūgh va isti‘dādāt,” accessed: June 14, 2019, <https://makarem.ir/main.aspx?lid=0&typeinfo=22&catid=30399&pageindex=0&mid=72798>.

gives Makārim-Shīrāzī a greater understanding of the needs of his followers and makes him more aware of the concerns of Iranians.

In his official biography, Makārim-Shīrāzī is described as a prodigy who began his studies at age fourteen, and completed the three major levels of *hawza* education (introductory, intermediary *sutūh* and advanced *sutūh*) in just four years.<sup>40</sup> These studies usually take ten to twelve years to complete. He spent just a day and a half reading (and thoroughly understanding) a challenging grammar text (the *Ṣamadiyya* of Shaykh Bahā'ī).<sup>41</sup> At the age of eighteen, he wrote a commentary on Ākhūnd Khurāsānī's *Kifāyat al-uṣūl*, the most advanced textbook on legal hermeneutics. Makārim-Shīrāzī was reportedly encouraged in his studies by prominent jurists like Ayatollah Muḥammad Ḥujjat (d. 1952) and Ayatollah Ḥusayn Burūjirdī (d. 1961). Today, Makārim-Shīrāzī's *dars-e khārij* is attended by over two thousand students, and is thus one of the largest in Qom.

Makārim-Shīrāzī is a prolific writer whose “creative mind, strong memory and close relationship with the verses of the Qur'an and the words of *Nahj al-Balāgha*”<sup>42</sup> are said to have prepared him for addressing concerns on all sorts of religious issues. The biography lists one hundred works attributed to Makārim-Shīrāzī (though he is more the head editor of many of these works) on topics pertaining to *fiqh*, its principles, *tafsīr*, doctrine, history, and philosophy.<sup>43</sup>

Other *marāji'* do not produce nearly as much writing as Makārim-Shīrāzī, especially on the last

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<sup>40</sup> “Zindīgī nāmeḥ: ḥayāt ‘ilmī,” accessed: June 14, 2019, <https://makarem.ir/main.aspx?lid=0&typeinfo=22&catid=30407>.

<sup>41</sup> “Zindīgī nāmeḥ: Nubūgh va isti'dādāt.”

<sup>42</sup> “Zindīgī nāmeḥ: khallāqiyat va ibtikār,” accessed Jun 14, 2019, <https://makarem.ir/main.aspx?lid=0&typeinfo=22&catid=30400>.

<sup>43</sup> Eleven works are related to commentaries of the Qur'an (taken from his twenty-seven volume *tafsīr* work, *Tafsīr-e Nimūneh*); ten works are related to supplication (*du'ā*) and visiting shrines (*ziyāra*); six works are related to the philosophy of Islamic laws; three works pertain to the lives of the Infallibles, or, the Prophet and the Imams; eleven works concern *akhlāq*; ten works concern philosophy; nineteen work on the tenets of belief; nineteen works concern *fiqh* and its principles; four works concern *Nahj al-Balāgha* (a collection of sermons and sayings attributed to Imam Ali that has become part of Twelver Shī'ī canon); and ten works concerning *tafsīr*, including the aforementioned twenty-seven volume *Tafsīr-e Nimūneh*.

three topics. Furthermore, the biography claims that, in addition to having the tools for providing fatwas, Makārim-Shīrāzī also has “abundant intelligence,” which allows him to understand the questions, cases, and subject matters with which he is presented (*tashkhīṣ-e mawḍū‘āt*) from all across the world.<sup>44</sup> An example provided of his understanding of the global economy is a work he authored, *Pāyān-e ‘umr-e Mārksīsm* (“The Demise of Marxism”), which predicted the fall of Marxism “years before the Iranian Revolution.”<sup>45</sup>

An entire section of Makārim-Shīrāzī’s official biography is dedicated to support he received from the unseen realm (*ta’yīdāt-e ghaybī*). But these stories do not attribute minor miracles (*karāmāt*) or other forms of spiritual power with Makārim-Shīrāzī. Rather, this section is presented as evidence that he struggled in the path of God in order to become a proper scholar. For instance, Makārim-Shīrāzī is quoted as saying that soon after he began his studies in Qom, the month of Ramadan fell in the summer, making it very difficult to fast. He and his roommate in the dorms were so poor that one night they could not even afford bread for *ifṭār* (the meal by which one breaks one’s fast). His roommate was forced to sell his books just so that they could eat. Similarly, in Najaf, Makārim-Shīrāzī was constantly indebted to the bakery. Once, he recalls, he needed to take a shower but could not afford to do so, and was forced to offer his watch in exchange for the right to use a public bath.<sup>46</sup> It is implied that by remaining patient during such difficult tests, Makārim-Shīrāzī became a worthy scholar, and that those who desire to pursue a similar path must embrace such hardships as well.

Makārim-Shīrāzī’s biography does not emphasize his spirituality, but rather his intelligence, commitment to people, and his ability to write practical works on all topics related

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<sup>44</sup> “Zindīgī nāmeḥ: dark-e muqtaḍiyyāt-e zaman,” accessed: June 14, 2019, <https://makarem.ir/main.aspx?lid=0&typeinfo=22&catid=30403>.

<sup>45</sup> “Zindīgī nāmeḥ: dark-e muqtaḍiyyāt-e zaman.”

<sup>46</sup> “Zindīgī nāmeḥ: Ta’yīdāt-e ghaybī,” accessed: June 14, 2019, <https://makarem.ir/main.aspx?lid=0&typeinfo=22&catid=30405>.

to the lives of believers. This last attribute is something I have observed in Iranian religious culture as well. His *Tafsīr-e Nimūneh* is one of the most widely read Persian *tafsīrs*. And he gives a great number of speeches that are understandable for the majority of the population, and often appears on Iranian state television right after the time of breaking one's fast (*iftār*) during the month of Ramadan. Thus, his followers perceive him as being in touch with Iranian culture and having vision about the direction of the community. This was also supported by what many of my interviewees told me.

#### Ali Sistani: the quiet *marja'*

Sistani has the most followers of all the *marāji'*, and this is largely due to the fact that he inherited the position of head of the *hawza* of Najaf from Ayatollah Abu al-Qasim Khoei. This means that a good amount of Sistani's legitimacy is derived from the fact that he is perceived to be the most prominent student of Khoei and his successor and thus the most knowledgeable scholar in Twelver Shī'ī Islam.<sup>47</sup> Sistani is considered knowledgeable about world affairs, and thus well-equipped to provide fatwas on all matters. This is particularly important in his case because of the great number of scholarly institutes in his name and the number of *muqallids* he has, the largest number of any *marja'*. In his official biography, Sistani is presented as a forward-thinking jurist with a flexible mind who historicizes his hadith research and even considers contemporary secular research when forming opinions.<sup>48</sup>

There is no denying that Sistani's immense knowledge is a major (perhaps the greatest) reason he is viewed as an authority. His charisma, meanwhile, can be attributed to his sagacity and austere lifestyle. As mentioned above, Sistani is often contrasted with Khomeini, Khamenei,

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<sup>47</sup> Sistani's supposed successorship to Khoei is mentioned on his official website: <https://www.sistani.org/english/data/2/>, accessed April 9, 2019.

<sup>48</sup> <https://www.sistani.org/english/data/2/>.

and other more politically active *marāji*'. Sistani avoided politics until the fall of Saddam Hussein, and after that only involved himself at critical junctures as he saw fit. Thus, he is known as "the quiet *marja*" by scholars and supporters, and it might be said that much of his charisma is derived from the dignity this attitude brings. Furthermore, being the most popular *marja*' in war-torn Iraq arguably resulted in Sistani's great emphasis upon an austere lifestyle and living like the average Iraqi citizen.

Sistani is described by those close to him as a man of the people who leads by example. The sixteenth issue of the Iranian magazine *'Asr-e Andīsheh* is dedicated to Sistani and his particular traits as a *marja*'. In multiple articles in the issue, he is praised for his asceticism, which is presented not as spiritual exploration, but rather as a necessity for anyone who represents the Iraqi people. The head of Sistani's research center for matters of doctrine (*Markaz al-abhāth al-'aqā'idīyya*), Muḥammad al-Ḥassūn, relates that Sistani is beloved by his people because of his insistence on asceticism. One example he gives is that Sistani has never purchased a home, even though he receives billions of dollars in *khums*. Instead, he rents a small eighty-square-meter home in Najaf. He also wears simple attire and has only basic necessities. And Sistani imposes the same standards upon his children. Al-Ḥasūn provides one anecdote concerning electricity in Najaf to demonstrate Sistani's asceticism:

In Najaf, the electricity goes out [regularly]. A lot of people of average social standing will have a personal power generator [for when the electricity goes out]. But the Ayatollah does not have one for his home. Each area has a generator, but it does not work when the power goes out. For instance, from morning until noon or the afternoon, when the power is out, that generator provides electricity for the entire area for just a few hours, and Mr. Sistani shares this generator like everybody else. I remember that once I went to his home at ten in the morning and saw there was no electricity. It was very hot. I asked his son, Muḥammad Riḍā, why they had not bought their own generator. He said because [his father] would not have any of it, and that they should live like everyone else. The electric company of Najaf even offered to provide a power line just for Mr. Sistani's home and office, but he wouldn't accept their offer, and said, "We are just like everyone else in Najaf. Are you going to provide electricity for all the people of Najaf?" They said

they would not. “Then I won’t accept this from you.” It is in this way that his asceticism stands out.<sup>49</sup>

Thus, Sistani is not an ascetic simply for the purpose of continuing the tradition of scholars or acting upon certain religious teachings. Rather, he would not consider himself an appropriate leader of Iraqis were he to depart from their standard of living.

Al-Ḥassūn also mentions that Sistani will not accept religious taxes (specifically *khums*) from the Iraqi people on account of their difficult situation, instead insisting that people spend it themselves. If he is brought *khums*, he asks, “Why did you bring me this? Do you not know any poor people?”<sup>50</sup> It must be mentioned that this is a surprising, perhaps even shocking, stance, since the requirement of paying *khums* to the office of one’s *marja’* is a foregone conclusion, and one of the acts that defines *taqlīd*. *Muqallids*, unlike those who do not perform *taqlīd*, are willing to part with their wealth and entrust it with the *marāji’* and their representatives. Because the amount of *khums* can be large, many *muqallids* take steps to ensure that they have properly fulfilled their duties. Thus, if they pay their *khums* to a religious scholar who claims to represent a *marja’*, they expect a receipt or letter with the official stamp of the *marja’* in return. Sistani’s approach, therefore, challenges a major notion about *taqlīd*. But because he is such a highly regarded *marja’*, there is no doubt that acting upon his opinion fulfills one’s duty. This is why his statement about paying one’s *khums* to the poor one knows apparently endeared him to the Iraqi people.

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<sup>49</sup> “The Model of Asceticism, Genius and Humility: an interview with Ḥujjat’ul-Islām wa’l-muslimīn Dr. Muḥammad al-Ḥasūn,” in Murtaḍā Mufīd-Nijhād, Amīr-‘Alī Ja‘farī, Ḥanīr Ghaffārī, Sa‘īd Aḥmadī, Šābir Allāh-Dādyān, Ḥasan Šadrā’ī-‘Ārif (editors), *Aṣr-e Andīshe*, no. 16, February, 2018.

<sup>50</sup> “The Model of Asceticism,” 68.

According to Shahristānī, though, Sistani does not see his lifestyle as particular to himself or scholars in the Iraqi context. Shahristānī says that Sistani reprimanded scholars in Tehran for not observing the decorum appropriate for religious scholars, reportedly saying:

People get their religion from religious scholars (*'ulamā'*). It was the scholars who established religion and spirituality in society. But in what way? By way of how you interacted with them and how you behaved. It was your actions that left an imprint on society and attracted people to scholars and religion. I have recently heard that you ride in the newest and most expensive cars, and that you reside in grand homes. I'm not saying your money was not acquired by permissible (*ḥalāl*) means. You most certainly acquired your wealth in accordance with *sharī'a*. I don't want to cause doubt in this regard. But a scholar shouldn't live like this. A scholar must observe the living standards of the common man.<sup>51</sup>

This should not be read as a slight toward other *marāji'* and an attempt to make an exclusive claim to legitimacy. This is because, with the exception of Khamenei, the other (widely-accepted)<sup>52</sup> *marāji'* reside in Qom, not Tehran. Furthermore, the luxurious lifestyles of scholars with positions of political power is a matter of great concern in Iran.<sup>53</sup> Those who only occupy positions as teachers, researchers, and religious jurists (like the *marāji'*) would not remain authorities for very long were they to pursue such luxuries. Rather, Sistani's words can be interpreted as advice given in order to protect the image of Islam and the faith of believers. The last line reaffirms his decisions regarding his own lifestyle, and the fact that he believes that living according to the "standards of the common man" is required of all religious figures in positions of leadership. Thus, his philosophy concerning the lifestyles of scholars is universal:

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<sup>51</sup> "The Model of Asceticism," 65-6.

<sup>52</sup> Technically, a *marja'* is a jurist to whom others refer to for legal opinions. In Tehran, such jurists exist even though their followers may be in the hundreds and they remain relatively unknown to the rest of the Twelver Shī'ī world. Such individuals are unlikely to be the target of Sistani's criticism. Mojtaba Tehrani (d. 2013) was one such Tehrani *marja'*. His legal manual is available here: "Risāla-ye tawdīh al-masā'il," <http://www.mojtabatehrani.ir/resale/masael>. Accessed April 10, 2019. Another was Mīrzā 'Alī Gharawī 'Alīyārī (d. 2018): "Āyat'ullāh Mīrzā 'Alī Gharawī 'Alīyārī," <https://article.tebyan.net/121014/علیاری-غروی-علی-میرزا-الله-آیت>. Accessed: April 11, 2019.

<sup>53</sup> Mahmoud Pargoo reported in March 13, 2019 that Khamenei shuffled Friday prayer leaders throughout Iran over the previous two years. Pargoo mentions that the Friday prayer leaders of Ahvaz and Ilam were forced to resign as a result of misappropriating public funds and/or the discovery of their luxurious lifestyles. See: <https://www.atlanticcouncil.org/blogs/iransource/supreme-leader-shuffles-friday-prayer-leaders-in-iran>. Accessed: April 10, 2019.

they should all live like the common person. However, his location in Iraq demands that he sacrifice certain basic necessities (like a reliable source of electricity) that may not be required of scholars in Iran. Furthermore, his decision to return *khums* to people to spend on those in need is not a known practice among the *marāji‘* of Iran. His awareness of his particular context and his willingness to adapt to it have endeared him to millions in Iraq.

Another major component of Sistani’s charisma is his ability to remain quiet. The *‘Asr-e Andīsheh* issue dedicated to Sistani is entitled “The Logic of Reticence: A Look at the Personality and Thought of Ayatollah Sistani.” This issue features interviews with prominent scholars who know Sistani in one way or another. ‘Alī al-Kūrānī al-‘Āmilī is a former student of Ayatollah Khomeini and a former classmate of Sistani. He says that Sistani’s ability to remain quiet is “astonishing,” and that he is the model for leadership by way of reticence.<sup>54</sup> Additionally, Sistani has never pursued his own interests and has had no political agenda. Rather, al-Kūrānī states, “His only priorities were God and the best interests of [the people of] Iraq.” Al-Kūrānī once asked Sistani why he did not issue statements about politicians who create problems because of their selfishness. He quotes Sistani as saying in response, “What I ask myself is: if I were to speak to the people, would what they take from it? How do others use my speeches against each other? So I consider the effect of each word that I want to say and how it might be manipulated. Sometimes I see it’s better not to say anything at all.”<sup>55</sup> It is arguably Sistani’s measured words and perceived wisdom that give him a sort of otherworldly aura or charisma.

Another prominent scholar who mentions Sistani’s reticence is Jawād Shahrīstānī, Sistani’s son-in-law, highest representative outside Iran, and chief propagandist, since he is responsible

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<sup>54</sup> “The Paternal Aspect of *Marja‘iyya*: an interview with Hujjat’ul-islām Shaykh Kūrānī,” in Murtaḍā Mufīd-Nijhād, Amīr-‘Alī Ja‘farī, Ḥanīr Ghaffārī, Sa‘īd Aḥmadī, Šābir Allāh-Dādyān, Ḥasan Šadrā’ī-‘Ārif (editors), *‘Asr-e Andīsheh*, no. 16, February, 2018.

<sup>55</sup> “The Paternal Aspect of *Marja‘iyya*,” 81.

for developing Sistani's cultural and scholarly institutes and advancing his *marja'iyya*. Shahrīstānī emphasized the political power in Sistani's reticence and rooted the practice in the example of the Imams. He said, "Yes, he's reticent, but he kicked out the Americans with this reticence, and gave his fatwa for jihad [against ISIS]. How do you think our Imams spoke? The *marāji'* are continuing that path." This statement hints at something crucial to the conception of leadership among many Twelver Shī'īs. From the perspective of Twelver Shī'īs, the Imams generally avoided political involvement for the sake of the greater good or in order to preserve the true practice of Islam. They are believed to have lived under what they considered illegitimate governments, and had to practice *taqiyya* (dissimulation) when their practice or beliefs differed from those of the forms of Sunni Islam that were prominent in their societies. This practice of *taqiyya* was so widespread during the times of the Imams that it has greatly affected the study of hadith in the Twelver Shī'ī tradition. To return to Sistani, he, like the Imams, was faced with what Twelver Shī'īs would deem an oppressive and illegitimate government, that of Saddam Hussain. Because the model of the Imams is accepted in traditional Twelver Shī'ī circles, Sistani, like his predecessor, Ayatollah Khomei, was not blamed by his supporters for abstaining from political involvement and for not pushing for a form of government that would be deemed legitimate by Twelver Shī'ī standards.<sup>56</sup> His approach to politics after the fall of Saddam Hussein has been a bit different. Sistani's involvement in critical junctures, as outlined in the discussion about Weberian charisma earlier, was in keeping with his view of *wilāyat al-faqīh*, and the idea that a jurist can only represent the people when it is requested of him.

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<sup>56</sup> By contrast, Twelver Shī'īs who accept Ayatollah Khomeini's broader authority for the jurist might argue that Sistani should have overtly opposed Saddam Hussein, even if it would have cost him his life (and violated *taqiyya*).

Sistani's voice has not been heard by the vast majority of his scholars, and he does not provide riveting speeches or even traditional sermons that can be broadcast on Iraqi television. And yet he is regarded as a pious ascetic whose voice carries weight among his followers, including political weight among his followers in Iraq. It is clear that his reticence is embraced and emphasized by his representatives, as seen above. Thus this is part of the image of him that a follower is to take away. In this way, we can say that Sistani's charisma is related to a sort of mystique, or, the wisdom and spirituality that can be associated with one who does not expose himself to criticism by speaking.<sup>57</sup>

#### Muhammad Taqī Bahjat: the mystic *marja'*

Ayatollah Bahjat (d. 2009) is perhaps the only *marja'* who was better known for his spirituality than for his scholarship. A large number of his followers selected him as a *marja'* on account of the strict nature of his fatwas, which is associated with a sort of exaggerated piety (*wara'*). Many *muqallids* selected him as a *marja'* because they believed that by doing so, they would acquire some of his piety as a result of being more cautious in the performance of their rituals than what was required by other *marāji'*. But even those who did not perform *taqlīd* to Bahjat were well aware of his spiritual status, as will become clear in the interview portion of this exposition. Scores of books have been published to disseminate Bahjat's spiritual advice or stories he would share about pious figures. While he did not officially endorse such books, a series of responses he gave regarding spiritual wayfaring<sup>58</sup> are available. In perhaps the most lengthy such work available in print, Bahjat advises the following: 1. Act on what you know, and

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<sup>57</sup> Dr. Babak Rahimi of the University of California, San Diego first mentioned to me this particular approach to understanding Sistani's charisma.

<sup>58</sup> Meaning, progressively improving one's relationship with God by way of performing acts of worship and refraining from more and more sins.

practice precaution when you do not know how to act; 2. Read, understand, and apply the legal manual in your life; 3. Look to those you believe in, and behave as they do; 4. Every day one should read the Qur'an, recite supplications, and visit holy places; 5. Spend time with those who remember God, and avoid those who forget God; 6. Avoid sins in both action and beliefs, since this will increase good deeds and diminish evil deeds.<sup>59</sup> This advice may seem apparent to one familiar with the culture of Islamic spirituality. Furthermore, other than the second piece of advice (about adhering to the legal manual), the others are either bolstered with supporting evidence from the Qur'an or hadith. In other words, Bahjat's spiritual advice does not resemble the specific instructions given by Sufi *shaykhs* or other guides of spiritual wayfaring. His approach was essentially to remind believers of the obvious (but most pressing) elements of religion, and to encourage them to act persistently upon what they know to be right. This is apparent in other works that collect his sayings.<sup>60</sup>

Even more prominent than these books are legends about Bahjat, nearly all of which have not been corroborated, and many of which are challenged by his students. Perhaps the most firmly established aspect of Bahjat's piety, though, may be witnessed in person: his weeping and even shrieking in prayer. Devout Twelver Shī'ah who visited Qom during his lifetime knew to visit his mosque at the specific time of the prayer he would pray in congregation, which alternated over the years. It is believed that Bahjat's state would change dramatically as he progressed in prayer on account of his awe of God and fear of the punishments of the Afterlife.<sup>61</sup> Riḍā Bāqīzādeh Pulāmī, who wrote a biography of Bahjat that is included on the deceased *marja'*'s official website, writes, "His prayer was so spiritual that sometimes, especially on

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<sup>59</sup> Sayyid Mahdī Sā'ī, *Be Sū-ye Maḥbūb* (Qom: Shafaq, 2002), 32-5.

<sup>60</sup> See, for instance: Muḥammad Ḥusayn Rukhshād, *Dar Maḥdar-e Ḥaḍrat-e Āyat'ullāh Bahjat* (Qom, Samā': 2016), v. 1.

<sup>61</sup> "Namāz-e subḥ-e āyat'ullāh Bahjat" ("The morning prayer of Ayatollah Bahjat"), <https://youtu.be/Z63F6H-SNwc?t=195>

Thursday nights, Ayatollah Bahjat's crying, combined with the lamenting and wailing of those participating in the prayer, would cause [prayergoers'] souls to soar. Tears would gather in people's eyes, and their hearts would be filled with light."<sup>62</sup>

On Bahjat's official website, his spiritual station is expressed by way of stories from other scholars. The renowned teacher of *akhlāq* (proper character traits) and spiritual purification, 'Alī Ṭabāṭabā'ī (known as Marḥum Qāḍī, d. 1947), said, "I know of his [spiritual] stations, but have promised him to not share them with anyone."<sup>63</sup> Ayatollah Mišbāḥ Yazdī (b. 1935) speaks of Bahjat's ability to see the unseen realms and even people's inner states, though Bahjat chooses not to know the latter.<sup>64</sup> Khomeini's son, Muṣṭafā (d. 1977), reports that his father said that one of Bahjat's spiritual merits or stations was that he possessed the ability to separate his soul from his body whenever he liked (*mawt-e ikhtiyārī*).<sup>65</sup> An unnamed student of Bahjat remembers that during the month of Ramadan of 1405 AH, when he was just beginning his studies in Qom, he did not even have enough money to buy bread. Meanwhile, he had a baby who required milk. He went to the shrine of Fāṭima Ma'sūma<sup>66</sup> in a state of distress. While sending salutations and supplicating he saw a man across from the grave. The man then put his hand in the narrator's pocket and walked away. The narrator later passed by the man and saw it was Bahjat. When he put his hand in his pocket, he found three hundred *tūmāns*,<sup>67</sup> enough to cover his expenses for the month.<sup>68</sup> It should be mentioned that, like Tabrīzī, Bahjat is also presented as a scholar who formed a strong connection with the *Ahl al-Bayt*. He reportedly began

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<sup>62</sup> Riḍā Bāqīzādeh Pulāmī, *Bargī az daftar-e āftāb* (Mīrāth-e Māndīgār), 26-7.

<sup>63</sup> Pūlamī, 28.

<sup>64</sup> Pūlamī, 28.

<sup>65</sup> Pūlamī, 41-2.

<sup>66</sup> The sister of the Eighth Imam, 'Alī b. Mūsā al-Riḍā. Her shrine plays a prominent role in the city of Qom, and the perceived value of visiting it is a major reason for the development of scholarship there.

<sup>67</sup> The currency known in Iran, even though the official currency is *riyāls* (which are ten times as valuable as *tūmāns*).

<sup>68</sup> "Irtibāt-e ma'nawī bā Ḥaḍrat Ma'sūma" ("Spiritual connection with Ḥaḍrat Ma'sūma"), *Bahjat.ir*, accessed: June 14, 2019, <http://bahjat.ir/fa/content/10522>.

each day by visiting the shrine of Fāṭima Ma‘ṣūma and stood before her grave “in the humblest state imaginable.” He would then send salutations to Imam Ḥusayn by reciting *ziyārat ‘Āshūrā’*.<sup>69</sup> Of course, such a connection is expected of any religious Twelver Shī‘ī. It is Bahjat’s prayer that stands out and still resonates with his followers and other devout Twelver Shī‘īs.

Bahjat is not generally mentioned by scholars or *muqallids* as being the most knowledgeable of the *marāji’*. His precision in *fiqh* certainly did not exceed that of Tabrīzī or Sistani. Rather, those who choose to follow Bahjat do so largely because they believe it will help them improve spiritually. This is for two reasons. The first, mentioned earlier, is that it is believed that he practices precaution more than the other *marāji’*, making his fatwas stricter. While this sort of strictness can make life more difficult, it is sometimes welcomed by those who decide to pursue a path of spiritual purification and not suffice themselves with the basic practices of Twelver Shī‘īs. The second reason is that the levels of knowledge of the *marāji’* are considered indistinguishable by a large contingent of *muqallids*, in part because they are presented as being equal in knowledge by religious educators. And if all are equal, and piety is the next criterion, then Bahjat becomes the obvious choice for many.<sup>70</sup>

### Mūsā Shubayrī-Zanjānī: the reluctant *marja’*

In a narrow alley behind the *ḥaram* (shrine) of Fāṭima Ma‘ṣūma in Qom, one might see turbaned scholars shuffle into what looks like a small, humble home. On the door, though, a printout reads:

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<sup>69</sup> Pūlamī, p. 27.

<sup>70</sup> Of course, this depends on the definition of *awra’*. For Bahjat and Muḥammad Fāḍil-Lankarānī (d. 2007), it means one who is more pious (See: Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā’il-e marāji’*, 12). For Sistani, it means “the one who is more meticulous and cautious in that which is related to giving a fatwa.” (See: Sistani, *Minhāj*, v. 1, p. 6, #8).

The hours of the office of the Grand Ayatollah Shubayrī-Zanjānī, may his great presence be extended  
Mornings: 9:30 A.M. – 1:30 P.M.  
Evenings: 5 P.M. – 9 P.M.

As will be demonstrated, this office offers a good representation of Shubayrī-Zanjānī as a *marja'*. When studying with him from 2011-2012, I was immediately struck by how Shubayrī-Zanjānī actively avoids fame and reverence. He does not attempt to attract junior scholars by explaining matters that are obvious to more advanced scholars or by adopting the oratorical devices of religious speakers in Iran. As a result, our *dars-e khārij* class was perhaps one hundred or so people on most days, even though Shubayrī-Zanjānī is regarded by other prominent jurists as the most knowledgeable *marja'* in all of Iran. In fact, a number of those attending his lectures were *mujtahids* who had held their own *dars-e khārij* classes earlier in the day. By comparison, Makārim-Shīrāzī's classes would have well over 1,000 students,<sup>71</sup> even though his particular opinions in *fiqh* are not often held in high esteem by other jurists. Shubayrī-Zanjānī's students would share with me the fact that, despite the urgings of his colleagues and supporters, he shunned the position of *marja' iyya* and requests to publish a legal manual for many years. Eventually he accepted the position of *marja' iyya* but decided to maintain a low profile, hence his inconspicuous office. His primary identity is that of a scholar and researcher, though, of course, a religious one who embodies tradition.

Shubayrī-Zanjānī does not present himself as a spiritual leader. He is matter of fact in his speech, and, unlike Waḥīd-Khurāsānī, for instance, does not begin lectures with *tawassul* to the *Ahl al-Bayt* or digress from the topic at hand to mention their status or the oppression they faced. Even when young believers approach him seeking spiritual advice after his lectures, Shubayrī-

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<sup>71</sup> As mentioned earlier, his official biography put the number of students who attend his lectures at 2,000. I have attended his lectures, and would estimate the number of students present was over 1,000, but am not sure if it reached 2,000.

Zanjānī keeps his speech succinct and broad. In more personal, nightly gatherings (*julūs*) held in his office before the evening prayer, he would answer questions about recent lectures, issues in interpreting and applying fatwas, and random opinions of previous jurists posed by advanced students who would sit on the floor around him. The nature of these conversations were hardly spiritual or motivational.

Shubayrī-Zanjānī's biography on his official website similarly reflects his matter-of-fact approach to *marja'īyya*; it emphasizes his accomplishments and identity as a scholar, but says little about his role as a spiritual guide. The biography mentions his father, Sayyid Aḥmad Ḥusaynī Shubayrī-Zanjānī, a deeply pious, enlightened, and accomplished jurist. It mentions that Shubayrī-Zanjānī's two grandfathers were both noble scholars, and that his maternal uncle reached the level of *ijtihād*.<sup>72</sup> The biography also mentions: Shubayrī-Zanjānī's teachers;<sup>73</sup> an overview of his trajectory as a student and a scholar;<sup>74</sup> the fact that he has taught *dars-e khārij* for over forty years; and his current teaching schedule.<sup>75</sup> Shubayrī-Zanjānī's biography provides elaborate detail about his pedagogical method<sup>76</sup> and research method,<sup>77</sup> including his precision in evaluating sources of Islamic law, considering every previous work on *fiqh*, finding the original sources for hadith, using manuscripts and unpublished works, and contextualizing Twelver Shī'ī hadith by way of Sunni traditions. The biography includes Shubayrī-Zanjānī's nineteen published works in Islamic law and legal hermeneutics,<sup>78</sup> and six published works related to the sciences of hadith and *rijāl* (the individuals in a chain of narration of hadith),<sup>79</sup> which are the two

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<sup>72</sup> <http://zanjani.net/index.aspx?pid=99&articleid=54357&itemid=70536> Accessed: March 6, 2019.

<sup>73</sup> <http://zanjani.net/index.aspx?pid=99&articleid=54359&itemid=70536> Accessed: March 6, 2019.

<sup>74</sup> <http://zanjani.net/index.aspx?pid=99&articleid=54364&itemid=70536> Accessed: March 6, 2019.

<sup>75</sup> <http://zanjani.net/index.aspx?pid=99&articleid=54366&itemid=70536> Accessed: March 6, 2019.

<sup>76</sup> <http://zanjani.net/index.aspx?pid=99&articleid=54369&itemid=70536> Accessed: March 6, 2019.

<sup>77</sup> <http://zanjani.net/index.aspx?pid=99&articleid=54360&itemid=70536> and

<http://zanjani.net/index.aspx?pid=99&articleid=252278&itemid=70536> Accessed: March 6, 2019.

<sup>78</sup> <http://zanjani.net/index.aspx?pid=99&articleid=54370&itemid=70536> Accessed: March 6, 2019.

<sup>79</sup> <http://zanjani.net/index.aspx?pid=99&articleid=54372&itemid=70536> Accessed: March 6, 2019.

areas in which he is believed to be the most knowledgeable living *marja'* and, according to some, the most knowledgeable Twelver Shī'ī scholar in history.<sup>80</sup>

While Shubayrī-Zanjānī's biography does not emphasize his spirituality, it still establishes that he is a scholar who embodies tradition by including advice he provided that contains spiritual messages (apparently addressed to *hawza* students). Some of his messages are that: God, the Prophet and the *Ahl al-Bayt* are the ones who truly resolve problems; sincerity plays a crucial role in one's scholarly success; a *hawza* student must spread religion by way of acting upon religion; proper recreation is necessary, and an example of such recreation is reading the biographies of other scholars, which helps dramatically improve one's spiritual development; and supplication is necessary, and one should supplicate for his or her partner in studies (*ham-baḥth*)<sup>81</sup> and friends.<sup>82</sup> Two points can be understood from this: 1. Shubayrī-Zanjānī's emphasis is on being a proper scholar; 2. his biography does not need to make an argument for his spirituality, as it is understood that one who has achieved the status of *marja'* embodies the spiritual values he mentions.

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<sup>80</sup> Waḥīd-Khurāsānī's official site similarly attempts to outwardly belittle his spiritual status while maintaining his scholarly achievements. The site lists twenty-four books he has authored. And yet, his entire biography (*zindigī nāmeḥ*) consists of the following words:

*Sharḥ-e ḥāl az zabān-e mu'aẓẓam lahu:*

*Juz quṣūr wa-taqṣīr chīzī nadāram.*

"A biography in the words of the great personality [Khurāsānī] himself:

I have nothing but shortcomings [rooted in ignorance] and mistakes [I made knowingly]."

See: <http://wahidkhorasani.com/زندگینامه/فارسی/>, Accessed August 3, 2019.

Of course, Waḥīd-Khurāsānī, unlike Shubayrī-Zanjānī, is well known for his spiritual wayfaring. Still, downplaying spiritual status is shared between the two, and stands in contrast to the proclamations of spiritual station of, for instance, a Sufi *shaykh*.

<sup>81</sup> In the *hawza*, students will work with a classmate before the next class. They will take turns teaching the previous class to each other. The one who is not teaching will try to find faults in the other's logic and reading of the text. This discussion is called *mubāḥatha*. Sometimes these discussions begin between two ambitious students who later develop into prominent jurists. A recent example about which I am aware is the *mubāḥatha* between two of my teachers, Ayatollah Mahdī Ganj'alī (or Ganjī) and Ayatollah Muḥammad Taqī Shahīdīpūr.

<sup>82</sup> <http://zanjani.net/index.aspx?pid=99&articleid=54373&itemid=70536> Accessed: March 6, 2019.

## Ali Khamenei: the leader-*marja*'

When considering personalities like Ali Khamenei or Ayatollah Khomeini, it is important to distinguish between the position of *marja*' and that of *rahbar*. Unfortunately, earlier research on the *marāji*' has not always done so.<sup>83</sup> In accordance with the constitution of the Islamic Republic of Iran, the *rahbar* (translated as "Supreme Leader" in English) is elected by a council of scholars, the Assembly of Experts (*Majlis-e Khubrigān*), to serve as the *waliyy-e faqih*, or, the one jurist who acts on behalf of all other jurists in certain matters of great political and social concern. It is important to note, though, that the scholars who choose the *rahbar* of Iran are not *marāji*', and that the selection process as well as the interpretation of *wilāyat al-faqih*<sup>84</sup> that legitimizes it are only accepted by a minority of *marāji*'.<sup>85</sup> It is also worth noting that Khamenei was the leader of Iran before he was a *marja*'. He later made himself available for *taqlid*, but noted that the *marāji*' available in Iran were sufficient for the people of Iran. Khamenei has, to date, not produced a version of *Tawdīh al-masā'il* with his opinions, even though doing so has served as an unstated requirement for *marja*'iyya for about half a century. There are three key points to consider in this regard: 1. Khamenei's *marja*'iyya is called into question more than any other *marja*' listed by the Society of Seminary Teachers of Qom;<sup>86</sup> 2. His role as *rahbar* is not a

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<sup>83</sup> For instance, Walbridge claims that Khomeini "remained within acceptable boundaries" of *marja*'iyya in assuming leadership of Iran (Walbridge, *Most Learned of the Shi'a*, 242), a statement that is only accurate according to a minority view of *wilāyat al-faqih*.

<sup>84</sup> Often translated as "guardianship of the jurist," this refers to one particular jurist assuming control over societal matters. Ayatollah Khomeini re-imagined this theory as applying to Muslim society at large. But Imami jurists both before and after Khomeini generally viewed this authority as applying only to specific groups of people (such as orphans) who require, but no longer have, a guardian. See: Murtaḍā Dizfūlī Anṣārī, *Al-Makāsib* (Qom: World Congress of Shaykh Anṣārī's Works, 1415 AH), v. 3, p. 545.

<sup>85</sup> For an explanation of how Khomeini's view is a break from the views of previous and most present Twelver Shī'ī jurists see: Hamid Mavani, *Religious Authority and Political Thought in Twelver Shi'ism: From Ali to Post-Khomeini* (Abingdon, Oxon; New York, NY: Routledge, 2013), 178-210. Also see: Said Amir Arjomand, "Ideological Revolution in Shi'ism," in *Authority and Political Culture in Shi'ism*, 191-98.

<sup>86</sup> Mohsen Kadivar dedicated an entire book to the topic of Khamenei's being unqualified to be a *marja*': *Ibtidhāl-e marja*'iyyat-e shī'ah: istīdāh-e marja'iyyat-e maqām-e rahbarī, *hujjat al-islām wa'l-muslimīn Khāmini*'ī (2014). Electronic edition taken from:

result of his *marja' iyya*, but rather the opposite is true; 3. His functions and power as *rahbar* are not to be considered part of *marja' iyya*.

Khamenei embodies attributes that no other *marja'* does, and thus, he is usually the only possible option for many of his followers. Many cultural, societal, and religious considerations can factor into the selection of a *marja'*. A *marja'* might be chosen at random, because his fatwas are more lenient, because family members chose him, because he is perceived to be the most knowledgeable, etc. But Khamenei is often chosen based on a different set of criteria. His perceived sociological insight and expertise in matters related to culture, politics, and economics set him apart from the other *marāji'* in the minds of many of his followers. In terms of charisma, Khamenei is perceived to have a particularly close relationship with the Twelfth Imam and to have a spiritual aura (a number of my interviewees said that his face is radiant, *nūrānī*). Khamenei's official biography does not convey his connection with the Twelfth Imam and his particular spiritual station as much as do billboards, chants, and the rhetoric of Iranian state media.

Khamenei's official biography emphasizes his role in contemporary Iranian politics more than the essential elements of *marja' iyya* seen in the biographies above. Only three and a half pages of the Persian biography and seven pages of the English biography are dedicated to his family background, education, and scholarly output. Meanwhile, eighteen pages in the Persian

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<http://kadivar.com/wp-content/uploads/2014/03/%D8%A7%D8%A8%D8%AA%D8%B0%D8%A7%D9%84-%D9%85%D8%B1%D8%AC%D8%B9%DB%8C%D8%AA-%D8%B4%DB%8C%D8%B9%D9%87.pdf>

(Accessed: April 5, 2019). In this work, he mentions prominent jurists involved in the Iranian government and in the Society of Seminary Teachers of Qom who questioned or dismissed Khamenei's *marja' iyya*. See: Kadivar, *Ibtidhāl-e marja' iyyat*, 141-201.

Kadivar also wrote an article entitled "The Diluted *Ijtihād* of the Illegitimate Leader" (*Ijtihād-e ābakī-ye rahbar-e ghayr-e qānūnī*): <https://kadivar.com/14278>. Accessed: April 5, 2019.

Kadivar, a student of Ayatollah Montazeri, who was set to be the successor of Khomeini before being dismissed for his dissenting views, essentially argues that Khamenei and the other selecting members of the next *rahbar* recognized that he was not qualified as a jurist as a result of his commitments to political activity. For instance, according to Kadivar, Khamenei's only scholarly output in the field of jurisprudence was limited to one article on *rijāl* (the study of the individuals in a hadith's chain of narration).

biography and thirty pages in the English biography are concerned with his role in contemporary politics. It is worth providing an overview of Khamenei's political involvement with an eye toward how it contributes to the particular form of *marja'iyya* that he embodies. Khamenei is credited with laying the groundwork for the Iranian Revolution of 1979 by way of: delivering messages to *hawza* scholars on behalf of Ayatollah Khomeini; organizing opposition to Khomeini's arrest; propagating the message of Khomeini's movement in Zahedan; training revolutionaries; overseeing the publication of pamphlets in support of Khomeini; and giving numerous speeches against the Pahlavi regime, in the process getting arrested six times and exiled within Iran twice. His credentials as a revolutionary scholar are significant, as they indicate to his followers that he is a worthy successor to Khomeini, on account of the fact that he takes matters of politics seriously and is not merely concerned with ritual worship and the private practice of Islam. After the Revolution, Khamenei would be a key figure in shaping the trajectory of Iran. Very early in the history of the Islamic Republic, Khamenei: was a member of the Council of the Islamic Revolution (*Shūrā-ye Inqilāb-e Islāmī*); the leader of the Islamic Revolutionary Guard Corps (*Sipāh-e Pāsdārān-e Inqilāb-e Islāmī*); one of the founders of the Islamic Republic Party and later its Secretary General; the Friday prayer leader in Tehran (appointed by Khomeini); and a member of Islamic Consultative Assembly (*Majlis*) and the head of its committee on defense. He also played a critical role in the Iran-Iraq War, reporting the conditions of troops on the front line (only with the permission of Khomeini),<sup>87</sup> participating in several military operations, training troops, and serving on the Council of Defense as Khomeini's counselor. He is presented as a brilliant tactician who could have prevented the temporary loss of Khorramshahr to Iraqi forces, if only then-president Aboulhassan Banisadr had taken his advice.

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<sup>87</sup> As will be made clear below, this is significant because Khamenei's legitimacy is largely connected to the perception that he was a loyal follower of Khomeini and is now a continuation of his legacy.

Khamenei was the victim of an assassination attempt on June 27, 1981. His right hand is still not functional as a result of the blast from a tape recorder placed in front of him while he was delivering a sermon in Tehran. His handicap is on full display for Iranians to see on state television, and it has come to endear him to his people. Despite his initial reluctance to run for office, Khamenei would eventually become the third president of Iran, winning a reported ninety-five percent of votes. He would serve two terms from 1981 to 1989. As president, he is credited with establishing strong relations with Shia political groups in Afghanistan, Iraq, and Lebanon. He traveled to various provinces of Iran, met with people from various social backgrounds, especially the underprivileged, gained awareness of their problems, and attempted to resolve them. Khamenei also served as the first head of the Expediency Discernment Council of the System (*Majma' tashkhiṣ-e maṣlahat-e niẓām*),<sup>88</sup> which was established to resolve differences between bodies of government and advise the *rahbar* (Khomeini at the time). This council deals with the concept of *maṣlahah* (greater good, or, benefit). This is a major concern in addressing newly-occurring issues in *fiqh*, and Khamenei's experience exploring this concept at the highest level of government would arguably later contribute to the perception that he is a *marja'* who has engaged with practical *ijtihad* and pressing matters for society at large. His appointment as the *rahbar* after Khomeini's death is believed to be with the official approval of Khomeini. Throughout his biography, Khamenei's activities and various roles are presented as being endorsed by Khomeini.<sup>89</sup> All across Iran, the two are depicted next to one another, often as intimate friends. Chants of "Khamenei is another Khomeini" (*Khāmini 'ī Khumaynī-ye dīgar ast*)

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<sup>88</sup> Officially translated as "system," what is intended by *niẓām* here is the Islamic Republic of Iran.

<sup>89</sup> "Detailed biography of Ayatollah Khamenei, Leader of Islamic Revolution," *Khamenei.ir*, <http://english.khamenei.ir/news/2157/Detailed-biography-of-Ayatollah-Khamenei-Leader-of-Islamic-Revolution> Accessed: December 29, 2018.

Persian: "Niḡāhī gudhār be zindigīnāmeḡ-ye ḡadrat Āyat Allāh al-'uzmā Sayyid 'Alī ḡusaynī Khāmini'ī," *Khamenei.ir*, <http://farsi.khamenei.ir/memory-content?id=26142> Accessed: March 14, 2019.

are common at Friday prayer and other speeches. Thus, it is not surprising that, after his death, Khomeini's *muqallids* would eventually see performing *taqlīd* to Khamenei as the obvious thing to do; Khomeini redefined *marja'* for his followers, and Khamenei was the only jurist qualified to fulfill all that was expected of a leader *marja'*.

As mentioned above, Khamenei still has not published a *Tawdīh al-masā'il* with his opinions. Among *hawza* students, it has been rumored to be in the works for over fifteen years. It is possible Khamenei chooses not to publish one (which would be a rather easy task, considering the scholarly resources at his disposal and the formulaic nature of such legal manuals)<sup>90</sup> because of the potential backlash from rival *marāji'*, or perhaps because adhering to a new and original format speaks to his awareness of the needs of people and his ability to address practical matters more effectively. This matter of not having a traditional legal manual is addressed in *Ajwiba*. Khamenei responds to a question asking about performing *taqlīd* to a *mujtahid* who is not formally known as a *marja'* and does not have a legal manual (which was the case for Khamenei at the time of writing this, his first, legal manual). He responds that if it is established for the duty-bound individual that he is a *mujtahid* who meets all the necessary requirements (*jāmi' li'l-sharā'it*), then there is no problem.<sup>91</sup> Khamenei, of course, initially made himself available as a *marja'* to those outside Iran. It is perhaps for this reason that his legal manual, first published in Beirut, addresses a question about performing *taqlīd* to a *marja'* who resides in another country. He responds that it is permissible so long as the jurist fulfills all the conditions, announcing his availability to supporters in Lebanon and elsewhere.<sup>92</sup>

The content of *Ajwibat al-istiftā'āt* establishes that Khamenei is a *marja'* in accordance with Khomeini's particular definition of *marja'iyya*. In other words, he is the only qualified

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<sup>90</sup> Khamenei is reported to have a council of *mujtahids* (*lajna*) who collectively perform *ijtihād* on his behalf.

<sup>91</sup> Khamenei, *Ajwibat al-istiftā'āt*, v. 1, p. 7, question #9.

<sup>92</sup> Khamenei, *Ajwibat al-istiftā'āt*, v. 1, p. 8, question #11.

leader-*marja'*. Similar to how his legitimacy as *rahbar* is established by constant reference to Khomeini, Khamenei depicts his *marja'iyya* as an extension of that of Khomeini and regularly refers his followers to the latter's books. *Ajwibat al-istiftā'āt* essentially complements Khomeini's works; it provides answers to questions either not previously addressed or essential enough to deserve further emphasis. Thus, dedicated *muqallids* possess both Khomeini's works as well as Khamenei's. And they also consult a treatise that clarifies the points of divergence between the opinions of the two jurists, *Rāhnamā-ye Fatwā*.<sup>93</sup> As Khamenei states, it is entirely permissible (arguably, preferable) to continue performing *taqlīd* to Khomeini and refer to Khamenei regarding newly-occurring issues.<sup>94</sup>

Khamenei's definition of a proper *marja'* is similar to the particular definition given by Khomeini.<sup>95</sup> Khamenei tells his followers they can find these conditions in Khomeini's *Tahrīr al-wasīla*.<sup>96</sup> Khomeini elevates the expectations one should have of a *marja'* in terms of spirituality and piety, writing, "On the grounds of obligatory precaution, a *marja'* must not be infatuated with this world, nor greedy for wealth and status in this world."<sup>97</sup> Traditionally, and in the cases of most other *marāji'*,<sup>98</sup> the degree of piety expected of a *marja'* is similar to that

<sup>93</sup> Available: <http://www.leader.ir/fa/book/5/%D8%B1%D8%A7%D9%87%D9%86%D9%85%D8%A7%D9%89-%D9%81%D8%AA%D8%A7%D9%88%D8%A7> Accessed: March 15, 2019.

<sup>94</sup> Khamenei, *Ajwibat al-istiftā'āt*, v. 1, p. 17, #45.

<sup>95</sup> It is rare to see jurists explicitly distinguish the form of piety required of a *marja'* from that required of a prayer leader. One of the exceptions is to be found in the *Minhāj al-ṣāliḥīn* of Mahmoud Hashemi Shahroudi (d. 2018), the former Head of the Judiciary in Iran, and a proponent of Khomeini's interpretation of *wilāyat al-faqīh*. In defining proper outward appearance (*ḥusn al-zāhir*), one of the means jurists have permitted for determining whether a *marja'* or prayer leader is upright (*ādil*), he writes:

"What it is intended is that he is well known for being religious, good deeds and for traversing the path of religion that is appropriate with the responsibilities that come with being a *marja'*."

See: Mahmoud Hashemi Shahroudi, *Minhāj al-ṣāliḥīn* (Qom: Mu'assasat al-Fiqh wa-Ma'ārif Ahl al-Bayt, 2012), v. 1, p. 15, issue #20, part 3.

<sup>96</sup> Khamenei, *Ajwibat al-istiftā'āt*, v. 1, pp. 9-10, question #14.

<sup>97</sup> Ruhollah Khomeini, *Tahrīr al-wasīla* (Damascus: The Ministry of the Islamic Republic of Iran, 1998), v. 1, p. 8, issue #3.

<sup>98</sup> Not including Muḥammad Fāḍil-Lankarānī, who was a strong supporter of Khomeini and Khamenei. See: Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji' muṭābiq bā fatāwā-ye sīzdah nafar az marāji'-ye mu'azzam-e taqlīd*, v. 1, p. 10, issue #10, footnote #4.

expected of a prayer leader: *'adāla* (having a clean moral record).<sup>99</sup> This means that a person must refrain from major sins and not persist in committing minor sins, something Khomeini mentions elsewhere in *Tahrīr* as a condition for a mufti or judge, meaning that they are requirements for issuing fatwas and verdicts.<sup>100</sup> But a *marja'*, for Khomeini, is more than this. It appears that Khomeini's words and political role would pave the way for a *marja'* to be perceived as a leader and religious guide in addition to being a legal expert. Even though Khomeini refers his followers to that which is written in *Tahrīr*, he includes this new condition in his own work as well, writing: "Considering the sensitive nature and significance of the position of *marja'*, in addition to *'adāla*, it is a condition – based on obligatory precaution – that a *marja'* be in control of his lower desires and be absent of greed for worldly matters."<sup>101</sup> As the charisma attributed to the *marāji'* is largely absent in legal theory and legal manuals, this new condition provided by the two leader-*marja'*s speaks volumes about how they view the position. In the case of Khomeini, it is worth noting that he is praised in Iranian society for avoiding luxury in his life.

Numerous stories circulate in Iranian culture and media about Khomeini's simple lifestyle, and the fact that he does not allow his children any material comfort not available to the average Iranian. His asceticism has a slightly different dynamic from that of other *marāji'*, in

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<sup>99</sup> Muḥammad Bāqir al-Ṣadr (d. 1980) framed *'adāla* somewhat differently. In his *Al-Fatāwā al-wāḍiḥa*, he writes that the *'adāla* (uprightness) expected of a *marja'* is the same as that which is expected of a judge, prayer leader, witness, and even the one who undertakes matters of interest for Muslims in general (*al-wilāya al-'amma 'alā al-muslimīn*). He adds that, when the responsibility is greater, the *'adāla* must be more deeply rooted and perfected. Thus, a *marja'* must have a higher degree of piety and *'adāla*, and must be able to persist and remain sincere to God. In this way, al-Ṣadr, who was killed by Saddam Hussein in part for his support of Khomeini, expresses something similar to the view of Khomeini (and Khomeini). See: Muḥammad Bāqir al-Ṣadr, *Al-Fatāwā al-wāḍiḥa* with commentary by Muḥammad al-Ṣadr (Qom: Al-Muntaẓar, 2013), v. 1, p. 145.

Two prominent students of al-Ṣadr and current *marja'*s, Kāzīm Ḥā'irī and Kamāl al-Ḥaydarī, reiterated this position in their works. See: Kāzīm Ḥā'irī, *Al-Fatāwā al-wāḍiḥa*, pp. 130-1, issue #32, taken from: <http://www.alhaeri.org/main.php?p=ahkam&bid=1&pid=130#ahkam>. Accessed April 8, 2018. And see: Kamāl al-Ḥaydarī, *Al-Fatāwā al-fiqhiyya* (Beirut: Al-Thaqalayn, 2012), v. 1, p. 23. It is important to note that both Ḥā'irī and al-Ḥaydarī argue for a sort of Khomeinist *wilāya* for jurists.

<sup>100</sup> Khomeini, *Tahrīr*, v. 1, p. 12, issues #27 and #28.

<sup>101</sup> Khomeini, v. 1, p. 8, question #12.

that Khamenei is praised for withstanding the great temptation that comes with being in charge of the wealth of an entire nation. In a 1993 interview with the English-language magazine *Mahjoubeh*, perhaps the only interview she has given, Khamenei's wife, whose first name and face are not known to the public, revealed that the Khamenei home does not have what would be considered decoration. Rather, they have simple rugs and curtains, but no couches or sofas. This was the lifestyle of Khamenei's parents. It was adopted by his wife and passed on to their children.<sup>102</sup> Similarly, in a 2011 interview, Ayatollah Abū'l-Ḥasan Mahdawī, a member of the Council of Experts, said that Khamenei's home has one threadbare rug, and is otherwise carpeted.<sup>103</sup> In a 2012 interview with the Fars News Agency, Ayatollah Rasūlī, one of Khamenei's closest friends and an administrator in his office, said that Khamenei's bravery and asceticism (*zuhd*) resembled those of Khomeini, whom Rasūlī knew for fifty years. In particular, the two leader-*marja*'s were exceptionally cautious in their use of treasury funds (*bayt al-māl*). He narrates that he once brought a letter to Khamenei, who then looked for a pen to add notes. Rasūlī handed him his own. Khamenei said, "This is a nice pen." Rasūlī told him to keep it. Khamenei asked, "Is it yours or does it come from *bayt al-māl*?" He replied, "It's from your office." Khamenei then refused to keep it for himself. And when he learned his children would use the copy machine in his office for their schoolwork, he reprimanded them and told them to pay for the copies they made. Khamenei's personal room has only an old rug from Tabriz that his in-laws gave to the couple upon their marriage. His wife uses a meat grinder (a common household appliance in Iran) from the early days of their marriage. Rasūlī also reveals

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<sup>102</sup> "Guft wa-gū bā hamsar-e Rahbarī dar bāreh-ye āshnāyī bā āyat'ullāh Khāmini'ī, zindigī khāniwādigī, wa-ḥijāb" ("An interview with the spouse of the Rahbar about meeting Ayatollah Khamenei, family life, and hijab"), <https://aftabnews.ir/fa/news/136021/> Accessed: March 15, 2019.

<sup>103</sup> Carpet in Iran is generally much thinner (and cheaper) than what one would find in western nations, and it is often covered with rugs, only apparent in the gaps between rugs. See: "Khāṭirāt-e khāndanī-ye āyat'ullāh Mahdawī az āyat'ullāh Khāmini'ī" ("Ayatollah Mahdawī's memories of Ayatollah Khamenei that are worth reading") <http://bayena.blogfa.com/post/187> Accessed: March 17, 2019.

Khamenei's sources of income: rent from an old home he owns, gifts, and *nudhūrāt* (money paid in the fulfillment of vows) that people take to God to give money to Khamenei if a certain thing happens in their lives. In other words, Khamenei does not use the two forms of wealth that he oversees in his capacities as *marja'* and *rahbar*: *khums* and *bayt al-māl* (the treasury).<sup>104</sup> Both Rasūlī and Mahdawī spoke about how Khamenei's income was so little that he would have to borrow money from associates on occasion. Mahdawī adds that Khamenei did not even save money for his children to get married, and once asked in a group conversation if anyone would give his daughter's hand in marriage to a religious young man who had nothing. When one man agreed (only after ascertaining the young man was pious), Khamenei told him the young man was his son.<sup>105</sup> What emerges from these stories is that Khamenei is precisely the *marja'* he describes: in control of his lower desires and devoid of greed. As the leader of Iran, he has been tested in ways unlike any other *marja'* and exceeded even the expectations of scholars around him because of his meticulousness in refraining from using public wealth.

In addition to promoting a higher standard of piety than *'adāla*, Khamenei's two-volume *Ajwibat al-istiftā'āt*, which has come to serve the purpose of *Tawdīh al-masā'il* for his followers, makes clear that a *marja'* is expected to know about more than ritual worship and transactions (*'ibādāt* and *mu'āmalāt*). This work employs a question-answer format, indicating that the questions recorded were actually posed to Khamenei's office. It includes separate sections on: *wilāyat al-faqīh*; *jihād*; abortion; artificial insemination; sex changes; theater and motion pictures; magic, sleight of hand, and summoning the dead and *jinn*<sup>106</sup>; hypnosis; smoking and drug use; working for an oppressive government; interacting with non-Muslims; copyrights;

<sup>104</sup> <http://aftabnews.ir/vdcauin6649new1.k5k4.html> Accessed: March 15, 2019.

Also see: <https://www.rferl.org/a/frugality-iran-supreme-leader/24775971.html> Accessed: March 15, 2019.

<sup>105</sup> <http://bayena.blogfa.com/post/187> Accessed: March 17, 2019.

<sup>106</sup> A life form mentioned in the Qur'an. Like human beings, they are able to either believe in or reject the messages of prophets.

clapping on joyful occasions; and dressing like non-Muslims and westerners whose values contradict those of Islam.

While his model of *marja'iyya* reflects his position as a leader involved in society, Khamenei is careful to distinguish officially between the two positions he holds, that of leader and that of *marja'*. A very long question was apparently posed to his office about Khomeini's particular standards for a *marja'*, and whether believers were right to refer to Khamenei in observing those standards. The questioner states that Khomeini's view is that a *marja'* must be aware of political, economic, military, societal, and leadership affairs, in addition to knowledge of worship (*ibādāt*) and transactions (*mu'āmalāt*). The questioner then states that, based on the guidance of other prominent scholars, he or she desires to refer to Khamenei in order to "combine leadership and *marja'iyya*." Khamenei simply states that the conditions for a *marja'* are included in *Tahrīr* and other works, and determining who fulfills those conditions is the responsibility of the duty-bound individual.<sup>107</sup> However, as mentioned earlier, Khomeini does not include the added conditions the questioner mentions. Thus, Khamenei subtly dismisses the notion that he is the most worthy (or perhaps only deserving) *marja'* based on his position as leader.<sup>108</sup> At the same time, he makes clear that, in certain matters of great importance, the *waliyy-e faqīh*'s opinion overrides the opinions of the rest of the population.<sup>109</sup> When asked what one is to do when the *waliyy-e faqīh*'s opinion on societal, political, or cultural affairs differs from that of another *marja'*, Khamenei replies that the opinion of the *waliyy-e faqīh* must be obeyed in matters that pertain to administrating the country, and general matters for Muslims,

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<sup>107</sup> Khamenei, *Ajwiba*, v. 1, pp. 8-9, #14.

<sup>108</sup> Of course, it is perhaps worth asking why Khamenei included the question in the first place, and did not dismiss the portion that incorrectly attributed added conditions to Khomeini, conditions that Khamenei fulfills more than any other *marja'*.

<sup>109</sup> *Ajwiba*, v. 1, p. 23, #66.

like defending Islam and Muslims from onslaughts from disbelievers and oppressors.<sup>110</sup> A *marja'*, he writes, can be followed in purely personal matters.<sup>111</sup> Elsewhere he writes that punitive laws in Islam are only to be enacted by the *waliyy-e faqih*.<sup>112</sup> Furthermore, Khamenei writes that all Muslims, including other jurists, must submit to the authority of the *waliyy-e faqih* for such affairs.<sup>113</sup> In other words, there is no problem with referring to another jurist in the traditional topics of *taqlid*. But all Twelver Shī'īs are responsible for obeying Khamenei in matters of great social and political significance. This is a position that is not often elaborated in legal manuals, though certain politically active jurists have mentioned it as well. Kāzīm Ḥusaynī Ḥā'irī (b. 1938), a proponent of Khamenei's leadership, does echo this sentiment in his *Kitāb al-ijtihād wa't-taqlid wa'l-wilāya*.<sup>114</sup> Meanwhile, Bāqir al-Ḥakīm (d. 2003) argued something slightly different. Al-Ḥakīm was the head of the Iranian-backed Supreme Council for the Islamic Revolution in Iraq, and was killed in a terrorist attack after returning to Iraq following the fall of Saddam Hussein. In an interview, he drew a clear distinction between *marja'iyya* in religious matters related to law (*marja'iyya dīniyya fiqhiyya*) and that which is related to religious political leadership (*marja'iyya dīniyya siyāsiyya*) without separating traditional *ijtihād* and *marja'iyya*

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<sup>110</sup> This elaboration for what he means by general matters for Muslims is given in v. 1, p. 20, #57.

<sup>111</sup> *Ajwiba*, v. 1, p. 19, #55.

<sup>112</sup> *Ajwiba*, v. 1, p. 24, #69.

<sup>113</sup> *Ajwiba*, v. 1, p. 22, #65.

<sup>114</sup> Kāzīm Ḥā'irī, *Al-ijtihād wa't-taqlid wa'l-wilāya*. Taken from:

<http://www.alhaeri.org/main.php?p=lib&bid=4&pid=51#lib>. Accessed: April 5, 2019.

On pp. 61-2, issue #40 he essentially argues that one should perform *taqlid* to her own *marja'* in all matters (including politics), but then adds on that on political matters and those related to *wilāya*, one should follow the opinion of the *waliyy al-faqih*, provided one accepts its legitimacy.

And on pp. 69-70, issue #74, Ḥā'irī draws a more clear distinction, writing:

“Conditions for [the one who is to be followed in] *taqlid* include: the ability to derive *fiqh* (*faqāha*), uprightness (*‘adāla*), and being the most knowledgeable, if it is known one [*marja'*] is more knowledgeable [than the rest]. Being qualified to address political and societal affairs, issues related to sacrificing [wealth or persons, *masā'il taḍhiyya*], and other such matters, meanwhile, are conditions of *wilāya*, and not *taqlid*. So if we suppose that the most knowledgeable is one person, and the one suited [for the aforementioned matters] is another person, *taqlid* is to be separated from *wilāya*, with *taqlid* being for the first person and *wilāya* for the second.”

from the position of *waliyy-e faqīh*.<sup>115</sup> Finally, Mahmoud Hashemi Shahroudi (d. 2018), the former Head of the Judiciary in Iran, apparently combines the two positions of *marja'* and leader, but only as a last resort when determining the most knowledgeable is difficult (which, in the contemporary context, is usually considered the situation).<sup>116</sup>

Khamenei's position as *waliyy-e faqīh* naturally results in a sort of association with the infallible Twelfth Imam, the man he is believed to represent. He states as much when he writes, "And we do not consider it possible to separate being bound by *wilāyat al-faqīh* from being bound by Islam and the *wilāya* of the Infallible Imams, peace be upon them."<sup>117</sup> It is then not surprising that Khamenei is often described by lay people (as will be seen later) and even fellow high-ranking scholars<sup>118</sup> in terms that befit the Imams, like "radiant" (*nūrānī*). Mahdawī also says that Khamenei has great charisma or charm (he is *pur jādhība*), such that he gives one the impression that he is eager to be in his or her presence. Unlike asceticism, great worship, or connecting with the *Ahl al-Bayt*, the specific spiritual attributes associated with Khamenei indicate a sort of spirituality one would expect of a leader, and not merely a scholar.

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<sup>115</sup> Robert Gleave. "Conceptions of Authority in Iraqi Shi'ism: Baqir al-Hakim, Ha'iri and Sistani on Ijtihad, Taqlid and Marja'iyya." *Theory, Culture & Society* 24, no. 2 (2007): 71-2.

<sup>116</sup> Shahroudi writes:

"When it is possible that any of [the *marāji'*] could be the most knowledgeable, or they could all be equal, one is allowed to choose whom she wants to follow, except when one of them is more qualified to undertake matters of public interest (*akfa' fi al-taṣaddī li'l-umūr al-'amma*). In this scenario, it is obligatory precaution to select [the one most qualified for such matters]."

See: Shahroudi, *Minhāj*, v. 1, p. 11, issue #8.

<sup>117</sup> *Ajwibat al-istiftā'āt*, v. 1, p. 22, #65.

<sup>118</sup> <http://bayena.blogfa.com/post/187> Accessed: March 17, 2019.

Muhammad Fāḍil-Lankarānī (d. 2007): the everyday revolutionary *marja*'

Fāḍil-Lankarānī's identity as a *marja*' is largely related to his loyalty to Khomeini, Khamenei and the revolution<sup>119</sup> in Iran. His biography also depicts him as a down-to-earth scholar who humbly served the Muslim community. Like the other *marāji*', Fāḍil-Lankarānī is described in his biography as being of great scholarly and familial lineage.<sup>120</sup> His father was a respected scholar and student of Ayatollah 'Abd al-Karīm Ḥā'irī, known as the founder of the modern *ḥawza* in Qom.<sup>121</sup> From a young age, Fāḍil-Lankarānī demonstrated great ability to *ḥawza* scholars. He attended Ayatollah Burūjirdī's *dars-e khārij*<sup>122</sup> lectures at nineteen and transcribed his lectures by twenty-five.<sup>123</sup> As a teacher, he reportedly had six to seven hundred students attend his lectures on legal hermeneutics, long before he was a *marja*'. Scholars used recordings of his lectures in the following decades. He began an institute of advanced Islamic legal studies, A'imma al-Aḥbār in, Qom. Fāḍil-Lankarānī, like other *marāji*', is depicted in his biography as having had a strong relationship with the *Ahl al-Bayt* and crying for Imam Ḥusayn in mourning rituals.<sup>124</sup>

Fāḍil-Lankarānī is distinguished from most other *marāji*' in the sense that he was clearly aligned with the interests of the Islamic Republic of Iran. Like Khamenei, he is remembered as a

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<sup>119</sup> By "revolution," I intend both the establishment of the Islamic Republic of Iran as well as its preservation (and even its cultural expansion), which is how the term is used by the revolution's proponents in Iran. This broader meaning of "revolution" is not particular to the Iranian context. For instance, the *shabāb al-thawra* ("revolutionary youth") of the 2011 revolution in Egypt did not see their revolution as being limited to the uprising but rather understood it to mean the struggle for achieving revolutionary ideals. See: Sarah Anne Rennick, "The Practice of Politics and Revolution: Egypt's Revolutionary Youth Social Movement" (doctoral dissertation, Lund University, 2015), 183.

<sup>120</sup> *Marja*'-ye wāristeh: *Āyat*'ullāh al-'uzmā Aqā-ye Ḥājj Shaykh Muḥammad Fāḍil-Lankarānī (Qom: Nashr-e Nuvid-e Islām, 2005), 35-50 and 165-186

<sup>121</sup> *Marja*'-ye wāristeh, 36.

<sup>122</sup> The studies after completing the essential *ḥawza* curriculum in which one works under a prominent jurist in order to learn the process of *ijtihād* and producing fatwas.

<sup>123</sup> *Marja*'-ye wāristeh, 124.

<sup>124</sup> *Marja*'-ye wāristeh, 107.

strong supporter of Khomeini<sup>125</sup> and a politically-active scholar who earned the latter's admiration.<sup>126</sup> Also like Khamenei, Fāḍil-Lankarānī is known for the sacrifices he made to establish Islamic rule.<sup>127</sup> According to Ayatollah Riḍā Ustādī, Fāḍil-Lankarānī was one of the very few prominent scholars willing to face the dangers of supporting Khomeini's protest against the Shah's government. In fact, Ustādī states, Fāḍil-Lankarānī would even welcome such danger as a sort of resistance to pressure from the Shah. According to Ustādī, this kind of dedication from such an established scholar was extremely effective in rallying support for Khomeini's cause.<sup>128</sup> Fāḍil-Lankarānī backed Khomeini in declaring Salman Rushdie an apostate who deserved the death penalty.<sup>129</sup> He also supported Iran's foreign policies and criticisms of America.<sup>130</sup> Even Fāḍil-Lankarānī's support for Khamenei presented in his biography as a form of obeying the "station of Imam [Khomeini]"<sup>131</sup> as opposed to obeying Khamenei's personality.

Fāḍil-Lankarānī is reported to have said:

Only Imam [Khomeini's] personality is [a reflection of] reality. The personalities of others are [derived from] transient and arbitrary [sources], even though they may be the heads of the most powerful nations in the world. [The sources of] their personalities are temporary and arbitrary and not related to religion. But the personality rooted in the truth, related to religion and belief, is that of the noble Imam.<sup>132</sup>

Fāḍil-Lankarānī, also described as an *'ālim rabbānī* in his biography, is depicted by his contemporaries as exceedingly pious, but not in a way that is beyond the capabilities of the average believer. Ayatollah Bujnūrdī praises him for his generosity,<sup>133</sup> his night vigils (*tahajjud*),<sup>134</sup> and for refraining and restraining others from backbiting.<sup>135</sup> Ayatollah Nūr Mufīdī

<sup>125</sup> *Marja'-ye wāristeh*, 62 and 147.

<sup>126</sup> *Marja'-ye wāristeh*, 85 and 189.

<sup>127</sup> *Marja'-ye wāristeh*, 147, 151-2, 161.

<sup>128</sup> *Marja'-ye wāristeh*, 100-101.

<sup>129</sup> *Marja'-ye wāristeh*, 154-7.

<sup>130</sup> *Marja'-ye wāristeh*, 151, 153, 198-202, and 215-220.

<sup>131</sup> The term *maqām-e mu'azzam-e rahbarī* (the great station of leadership) is often used as a name for Khamenei.

<sup>132</sup> *Marja'-ye wāristeh*, 150.

<sup>133</sup> *Marja'-ye wāristeh*, 88.

<sup>134</sup> *Marja'-ye wāristeh*, 87.

remembers Fāḍil-Lankarānī as exceedingly humble and clement; austere in his lifestyle; kind, especially toward his students, many of whom he helped find residence;<sup>136</sup> and dedicated to resolving the problems average people face and relieving them of everyday hardships.<sup>137</sup> Ustādī says that Fāḍil-Lankarānī's humility and down-to-Earth nature produced a certain kind of charisma (*jādhība*).<sup>138</sup> Mufīdī distinguishes him from other great scholars by saying that one did not feel there was any veil between oneself and Fāḍil-Lankarānī. He recalls:

While one felt one must observe a form of respect (*ḥarīm*) in Ayatollah Fāḍil's presence, at the same time, one felt a sort of personal and casual relationship, as if one was sitting with his or her family, one's brothers or sisters. He would laugh and tell jokes and make people feel close to him. And yet, they would still afford him a particular form of respect.<sup>139</sup>

Similarly, Fāḍil-Lankarānī's son, Jawād, relates that his father did not change after becoming a *marja'* and was like a friend to his children, who nevertheless still had complete respect for him and "observed perfect etiquette" in his presence.<sup>140</sup> Mufīdī compares this attribute to the character of Imam 'Alī, who is reported to have been "like us" (*ka-aḥadinā*) though those in his presence would sit up straight and refrain from fidgeting or talking (*ka 'anna 'alā ra'sinā al-tayr*). Thus, Fāḍil-Lankarānī is perceived as the truest of religious scholars who embody the tradition; he is pious, knowledgeable, and yet still attached to his community.

#### The biographies and hagiographies of the *marāji'* as a window into their spiritual authority

The biographies and hagiographies of the *marāji'* begin to inform the reader as to the spiritual authority these jurists and their representatives present to laypeople. When one considers the theme of the embodiment of knowledge, one can see that the *marāji'* – like the

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<sup>135</sup> *Marja'-ye wāristeh*, 87.

<sup>136</sup> *Marja'-ye wāristeh*, 131.

<sup>137</sup> *Marja'-ye wāristeh*, 83-6.

<sup>138</sup> *Marja'-ye wāristeh*, 105.

<sup>139</sup> *Marja'-ye wāristeh*, 83.

<sup>140</sup> *Marja'-ye wāristeh*, 131-2.

charismatic managers in modern organizational settings discussed above - set a standard that reflects certain values, and others are to attain virtue merely by imitating them. This embodiment of knowledge can take different forms. For Tabrīzī, it was connecting with the *Ahl al-Bayt*; for Makārim-Shīrāzī, it is using knowledge for the benefit of the community; for Sistani, it is sagacity and asceticism; for Shubayrī-Zanjānī it is humility and shunning accolades; and for Khamenei it is sacrificing everything for the sake of the societal needs of the Muslim community. Another common theme is fulfilling the requirements of the community, which can take the form of innovative research (like the published works of Makārim-Shīrāzī), adjusting protocol (like Sistani's decision to allow Iraqis to spend *khums* as they see fit), or introducing into one's *ijtihād* expertise from socially relevant fields (Khamenei). Of course, there are many other *marāji* with their own particular attributes. These depictions of jurists, however, do not inform us as to the spiritual authority people actually associate with them, which is key to understanding how and why lay people make them authorities in their lives. The remainder of this exposition will present the results of asking such questions.

## **Chapter Three:**

### **The Authority of the *Marāji‘* as Manifested in the Performance of *Taqlīd***

## The Methodology and Background of My Fieldwork

Determining the authority of the *marāji*‘ by way of theories of charisma, comparisons to other religious traditions, or examinations of their biographies has its limitations, since there is no way of testing the conclusions they provide. A more accurate understanding of this authority would be one that informs the reader as to why *muqallids* choose to endow the *marāji*‘ with such authority. This is because, as mentioned above, the structure of the *marāji*‘s authority rests upon people’s determination to follow them. And their legal opinions are only relevant to the extent that people choose to act upon them. For these reasons, I pursued the topic of the authority of the *marāji*‘ by conducting fieldwork during the summers of 2017 and 2018 in the following cities in Iran: Tehran, Mashhad, Qom, Mazandaran, and Ahar.

I conducted primary ethnographic interviews in mosques, shrines, and other religious settings<sup>1</sup> in order to access the meso-level public culture of *taqlīd*, a culture among a certain subset of religious Iranians that is in between the macro-level public culture of national or global values and the micro-level culture of individual cognition and self-representation.<sup>2</sup> Rachel Rinaldo and Jeffrey Guhin describe how ethnographic interviews, or formal interviews conducted within a specific social location, fill the gap between macro and micro culture. They

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<sup>1</sup> I found all but three of my interviewees in mosques or shrines. The only exceptions are “Yāsir,” “Majīd,” and “Mahsā,” whom I interviewed at an Eid al-Fitr celebration in Ahar.

<sup>2</sup> Over ninety percent of the individuals I approached professed to performing *taqlīd*. Forty such interviews will be presented here. There were three instances in which individuals I approached were non-*muqallids*. The first was in May of 2018, outside the shrine of Imāmzādeh Šālīh in northern Tehran, where I sought an interview with an elderly man. It was a Friday, and he was upset that there was no congregational prayer at the shrine because of the official Friday prayer. He refused my interview and urged me to think about why the *marāji*‘ enacted this policy, not aware that such matters are in the hands of the Iranian government and not the *marāji*‘ at large. Another time, in the same shrine, a young man initially told me he performed *taqlīd* but later revealed he meant that he performed *taqlīd* to his father. Lastly, I approached one man in a gathering for Eid al-Fitr in Ahar. He gave an immediate disclaimer that he did not perform *taqlīd* to a *marja*‘ (but rather, his father), and, seeing that this was toward the end of my time in Iran, we mutually decided it might be best for me to ask someone else.

It should also be mentioned that I excluded interviews with two *hawza* students from Columbia, another from Denmark, and an Iraqi man who was visiting Qom. This is because I did not interview a large enough sample size of non-Iranians to do a comparative study. However, I decided to include an interview with a resident of Iran who is originally from Afghanistan.

argue that ethnographic interviews help scholars access the intersection and interaction of the declarative and nondeclarative modes of culture.<sup>3</sup> Interviews reveal the declarative in that they are related to speech and symbols. In the case of *muqallids*, this includes professing attachment to the *marāji'*. Ethnography reveals the nondeclarative in that is rooted in bodily practice. Here that could mean the *muqallids'* location in mosques and shrines that promote the opinions of the *marāji'*. It could also mean observing their laws in the performance of rituals. The interaction between these modes could make manifest cases in which speech is not entirely declarative but rather the result of habituated practices, like repeating the rhetoric for the justifications of *taqlīd* that are prominent in Iranian religious culture. Thus, ethnographic interviews can provide information about how and whether ideas translate into action.<sup>4</sup> Rinaldo and Guhin also write that ethnographic interviews demonstrate the interaction of meso-level public culture with other cultural modes.<sup>5</sup> My interviews demonstrate how the meso-level culture of *taqlīd* interacts with macro-level culture in Iranian society and conversations about modernity and human rights.

I first immersed myself in the culture of *taqlīd* while studying in the seminary system of Qom, Iran from 2003-2012. I visited mosques and shrines almost every day, gaining extensive knowledge of such sites and those who frequent them. I became aware that the legal opinions of the *marāji'* are strongly represented both explicitly (read aloud in between prayers) and implicitly (acted upon in rituals). During this period, I became deeply familiar with the cultural schemas or scripts of *taqlīd*, taken from the legal opinions of the *marāji'*, and the shared mottos and aphorisms, like the reasons religious scholars give for the necessity of *taqlīd*. I also learned about the process of approaching the *marāji'* for legal advice. While in Qom, I spent a great deal

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<sup>3</sup> Rachel Rinaldo and Jeffrey Guhin, "How and Why Interviews Work: Ethnographic Interviews and Meso-level Public Culture," *Sociological Methods & Research*, XX(X) (2019), 3.

<sup>4</sup> Rinaldo and Guhin, 5.

<sup>5</sup> Rinaldo and Guhin, 4-5.

of time at the offices of the *marāji*’, in particular the office of Sistani. Initially, I would convey questions for which American Twelver Shī‘ī Muslims had requested I obtain an official response from the office. After studying under the two most prominent scholars involved in fatwa interpretation,<sup>6</sup> the head of the office asked me to translate questions sent through Sistani’s English website into Persian and then translate the Persian responses into English.

In addition to my immersion in the culture of *taqlīd* prior to my doctoral research, I spent hours in the specific mosques and shrines in which my interviews occurred. For instance, I visited the shrine of Imamzādeh ‘Alī Akbar in Chizar a number of times before interviewing six people there and became further acquainted with this site when I chose it for my fieldwork. One of the custodians of the shrine gave me a tour of the kitchen where food is prepared in fulfillment of vows made at the shrine, a museum dedicated to the memory of those who fought in the Iran-Iraq War, and a graveyard for those who died in the recent civil war in Syria. She also introduced me to a veteran of the Iran-Iraq War who gave a talk for elementary students on a class trip and a woman who makes dolls of women in chador that are then sold by the shrine. Meanwhile, the Jamal Abad mosque, where I conducted thirteen interviews, was a short walk from my place of residence in Tehran. I would spend hours there on a daily basis, participating in the congregational prayer, speaking with local scholars and leaders, and patiently waiting to find someone who would agree to an interview. I learned about the classes offered to women, which included classes on Islamic law that featured the legal opinions of the *marāji*’.

Before beginning my interviews, I was aware of the limitations of conducting such fieldwork in the Islamic Republic of Iran, which is headed by a *marja*’ (Khamenei), and actively promotes the scholarship of the *marāji*’. Rather than always expressing their own opinions, *muqallids* are prone to sharing what Allison Pugh deems “honorable” information, or answers

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<sup>6</sup> The aforementioned Ayatollah Mahdī Ganj-‘Alī and Ayatollah Muḥammad Taqī Shahīdīpūr.

given to present one in the best possible light.<sup>7</sup> They would provide answers that represent a concept of the self that is in keeping with piety and religious obedience as outlined and embodied by religious scholars. The reasoning given for performing *taqlīd* to a *marja*‘ (the necessity of referring to a specialist) and the analogies shared (referring to a physician) were clearly derived from the *marāji*’s legal works and the words of their official and unofficial representatives in mosques and other religious gatherings. Interviewees sought to represent *taqlīd* in its ideal form as articulated by religious scholars, often without considering the potential discrepancies between that form and its existence in culture and practice. They generally did not understand – at least not initially - that the idea behind my research was to gain the perspectives of *muqallids* and to observe *taqlīd* in practice. Several people declared that they did not know enough about *marja*‘*yya* to provide “correct” answers, and that I should ask a particular knowledgeable person they knew. Others assumed I knew nothing about the subject and sought to educate me on the basics of Twelver Shī‘ī law. While I attempted to make clear that I was searching for each individual’s perspective and not a right or wrong answer, I am not sure the extent to which I was successful in doing so.

Being American and a man also posed problems in securing interviews. I would initially explain to potential interviewees that I was a student from UCLA writing my thesis. This would raise a certain amount of suspicion due to the strained relationship between the governments of the United States and Iran. Still, a number of individuals agreed to interviews because they wanted to help me complete my research, apparently viewing me as a fellow Iranian. However, I was initially limited in terms of interviews with females. Approaching traditionally dressed

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<sup>7</sup> Allison J. Pugh, “What good are interviews for thinking about culture? Demystifying interpretive analysis,” *American Journal of Cultural Sociology*, v. 1, 1 (2013), 50-1. It is one kind of information she categorizes, the other three being: schematic (verbal and non verbal cues that operate on a semi-conscious level), visceral (missteps and contradictions), and meta-feelings (feelings about feelings).

women in the Islamic Republic of Iran is no small matter, especially when they are located in a separate part of the mosque. And to chase after them as they exited would raise eyebrows. I saw an opportunity in July, 2017 when visiting the shrine of Imam ‘Alī b. Mūsā al-Riḍā, as men and women do not have separate spaces in the courtyard. I approached a group of women, figuring that would be less intimidating, hoping that at least one would agree to an interview. Indeed, a thirty-two-year-old reporter, “Sānāz,”<sup>8</sup> agreed. What she revealed was quite different from my previous interviews with men, as she demonstrated stronger independence of thought and an unwillingness to abide by the fatwa of a *marja’* if it was not in accordance with her “disposition.” Her responses would later lead me to restructure my questions. Unfortunately, immediately after the conclusion of our interview, the shrine police whisked me away to an administration office. They asked me what I was doing. I explained, showed them my flier and consent form, and even offered to play back the interview for them. They paid no attention, and simply escorted me to the shrine police station. After about two hours of essentially hearing the same response, their supervisor told them to release me, as they could not think of any actual charge. Apparently it was a shrine policy to allow interviews only for official media members. But clearly a young man approaching a young woman with whom he had no marital or familial relation (*ajnabiyya*) was problematic in such a setting. I became resigned to the fact that I would not be able to interview any more women. Then in May, 2018, when visiting the mosque of Jamal Abad in the north of Tehran, I noticed they had a number of religious programs, almost entirely for women. I happened to run into the director of the religious programs outside the prayer hall of the mosque, and explained my situation. She was eager to help. She returned to the prayer hall and encouraged the women present to participate in my research. Shortly after I interviewed “Zahrā’,” a forty-seven-year-old woman with a masters degree in international

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<sup>8</sup> All names have been changed for the sake of privacy.

relations. I interviewed another nine women at the same mosque over the course of the following two weeks. These women generally expressed more of a sense of intellectual independence than the men I interviewed and introduced standards for the *marāji'* related to society and modernity. A number of the major conclusions drawn here would not have been possible without the participation of Sanāz and the women of the Jamal Abad mosque.

After assessing my data, I decided to organize my discussion on the culture of *taqlīd* into the following categories: 1. The reasons for performing *taqlīd*; 2. The limits of the *marāji'*'s legal authority; 3. The non-legal authority of the *marāji'*; 4. The requirements for being a *marja'*; 5. The sources of reference available to *muqallids*; 6. The perceived status of one who does not perform *taqlīd*; 7. *Taqlīd* as a form of identity. These topics will be evaluated with reference to the works of the *marāji'*, my fieldwork, and theories of law, culture, and identity.

I begin with the reasons for performing *taqlīd* because that is one of the first topics that I raised in my interviews. Furthermore, interviewees often initially presented these reasons in the form of honorable information but later mentioned or implied other purposes to performing *taqlīd*. I maintained this chronology in this exposition for clarity. Because the *marāji'* are jurists and their most obvious authority is in law, it is only appropriate to then mention the nature or scope of their legal authority. Their non-legal authority is to be understood in this context. In other words, questions about the spiritual or political authority of the *marāji'* are really questions about whether they are entitled to such authority as a result of their legal authority and expertise.

After I have provided *muqallids'* views of the nature and scope of the authority of the *marāji'*, I will present their descriptions of the *marāji'* themselves. This is related to the discussions that precede it in the sense that *muqallids* would frame the *marāji'*'s authority as rooted in his expertise of Islamic legal sources but then articulate that a *marja'* must also be up-

to-date. And the reasons *muqallids* gave for performing *taqlīd* echoed that which the *marāji‘* include in their legal works. However, the conditions for *marja‘iyya* that interviewees mentioned were more likely to be taken from other elements of Iranian religious culture. In at least some cases, *muqallids* did not give any indication that the current *marāji‘* fulfill these conditions. In other words, *muqallids* articulated idealized concepts of *marja‘iyya* and not conditions that had been fulfilled or were even necessarily expected to be fulfilled. This contrast hints at the difference between the stated purpose of *taqlīd* (legal reference) and *taqlīd* as identity.

In addition to not always fulfilling the conditions mentioned by *muqallids*, the *marāji‘* are not the only source of legal reference for them. Rather, my interviewees indicated that they generally gain knowledge of religious laws and doctrines from other elements present in Iranian religious culture. These sources can be found at home, at school, or in local mosques. Meanwhile, the *marāji‘* and their offices are most often a last resort for legal questions of particular difficulty or exceptional circumstances (like preparation for performing the hajj pilgrimage). The multitude of sources of reference available to each *muqallid* – as opposed to the exclusive authority of her *marja‘* – is also related to the theme of identity; *muqallids* choose to attribute their practice and sometimes even their beliefs to the *marāji‘* in order to distinguish themselves from non-*muqallids*. This is why my interviewees were generally concerned about the salvation of those who do not perform *taqlīd* and often did not think that they took religious ordinances very seriously. These themes collectively led me to conclude that *taqlīd* often functions as a form of identity, meaning the primary function of *taqlīd* is not legal reference. Rather it is that it associates each *muqallid* with a particular *marja‘*. Performing *taqlīd*, then, provides a sort of authenticity in action and can be considered part of the fulfillment of religious responsibility.

## The reasons for performing *taqlīd*

As a person with *hawza* training, I thought, before conducting the interviews that follow, the answer to why people perform *taqlīd* was rather simple: they want to perform their duties properly. After all, *hawza* studies are framed in terms of *wazīfa* (duty), and determining what one's *wazīfa* is, as opposed to achieving the impossible (in many cases): determining with absolute certainty what God, the Prophet or the Imams legislated on every issue. In discussions of *uṣūl al-fiqh* (legal hermeneutics), God or His representatives are often referred to as *al-Shāri‘ al-muqaddas* (“the sacred legislator”). And the pinnacle of *hawza* studies was to become a *marja‘*, that is, one who dictates to others their duties. My experiences studying with *marāji‘*, future *marāji‘*, and the students of the two aforementioned groups, and frequenting the offices of the *marāji‘* gave me a strong grasp of how the *marāji‘* view themselves—they are legal experts.

If one confines oneself to the representation of *marja‘iyya* in legal works – that is, one ignores the spiritual authority of these jurists as well as the cultural and societal factors that result in the performance of *taqlīd* – one will reach the conclusion that lay people perform *taqlīd* to the *marāji‘* because the latter are specialists in law and thus the best possible resources for acting upon one's religion.<sup>9</sup> This is rooted in the logic of *a‘lamiyya*, or, the necessity of selecting the *marja‘* whose fatwas have the greatest chance of being in accordance with God's law on the grounds that he is the most learned jurist available.<sup>10</sup> The ultimate justification given by the

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<sup>9</sup> Ali Sistani, *Tawḍīḥ al-masā‘il jāmi‘* (1435 AH), v. 1, 35-8. Available here: <https://www.sistani.org/persian/book/25103/>, accessed June 21, 2019.

<sup>10</sup> For instance, Sistani states that the *a‘lam* is he who, “is the most capable of deriving rulings, such that he has more encompassing knowledge of [Islamic legal] sources and their application, such that the probability that his fatwas are in accordance with the reality [of God's law] is greater than the probability of the fatwas of another [being in accordance with reality].” (See: Sistani, *Minhāj*, v. 1, p. 6). Of course, Sistani's teacher, Ayatollah Khomei, did not agree with this view. He argued that there is no basis for saying the fatwas of the *a‘lam* are closer to reality, as it is possible a lesser scholar could reach a more accurate opinion. And, he argues, the idea that their opinions tend to potentially be closer by nature might be true, but this sort of natural proximity cannot be the basis

*marāji* ‘ for the permissibility of *taqlīd* (which, in turn, becomes a requirement when the options of *ijtihād* and observing precaution, *iḥtiyāt*, are assumed to be beyond the capabilities of lay people) is that it is the practice of rational people, even if it is not something that can be realized independently by the intellect.<sup>11</sup> After finding the various hadith reports and verses of the Qur’an used to prove the permissibility of *taqlīd* to be insufficient, Sistani writes:

The *mujtahid* is an expert (*min ahl al-khībra*), and rational people refer to experts in worldly and religious matters. The basis of this [argument] is the [observed] division of labor and professions, for it is not possible for each individual to undertake every form of work. This division of labor is accepted in every society. One such form of work is *tafaqquh*.<sup>12</sup> And it is well known that Islamic law (*al-fiqh al-islāmī*), which is expansive, has a great number of sources, has prerequisites and theory, and requires a great deal of time. It thus resembles other fields in which one refers to experts, like medicine, engineering, astronomy, etc. So if the Holy Legislator (*al-Shāri‘ al-Muqaddas*) did not approve of *taqlīd* in religious law (*al-aḥkām al-shar‘iyya*), He would have very strongly inhibited<sup>13</sup> it. This is because the Legislator must inhibit any action of which He does not approve. And whenever the danger is greater, the inhibition must be greater. Referring to experts is something that has a great impact on people’s lives. And yet, the Legislator did not inhibit people from it. The previously mentioned reasons for the impermissibility of *taqlīd* are extremely weak, and this explanation is the correct one.<sup>14</sup>

Additionally, Sistani’s overall analysis of hadith culture, meaning, his observation that certain companions narrated matters related to law and asked specialized questions, leads him to argue that there has always been a certain group of followers of the Imams who stood out for their ability to derive the law.<sup>15</sup> In other words, this sort of specialization and this sort of reference to specialists for fatwas were well established even in the presence of the Imams. Sistani then uses this to argue that the Imams referred lay people to legal specialists (*fuqahā’*), which makes

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for *taqlīd* of the *a‘lam*. See: Muhammad Ali Taskhiri, “Supreme Authority (Marjī‘īyah) in Shī‘ism,” in *Shī‘ite Heritage: Essays on Classical and Modern Traditions* (Binghamton: Global Academic Publishing, 2001), 176.

<sup>11</sup> Muḥammad ‘Alī Rabbānī, *Al-ijtihād wa ‘t-taqlīd wa ‘l-iḥtiyāt*, transcriptions of the lectures of Ayatollah Ali Sistani (Jadd Ḥafṣ, Bahrain: Mu‘min Quraysh, 2016), 252.

<sup>12</sup> “Comprehension,” though it is most often used to mean *fiqh* (law).

<sup>13</sup> The word used is *rada‘* and not *ḥarrama*. Thus, I am using “inhibition” as opposed to “prohibition” to clarify that what is intended is not necessarily deeming something *ḥarām* (impermissible) in the legislative sense, but rather could include preventing it from occurring in society, perhaps by way of guiding the intellect (*irshād*).

<sup>14</sup> Rabbānī, *Al-ijtihād wa ‘t-taqlīd wa ‘l-iḥtiyāt*, 238.

<sup>15</sup> Rabbānī, 238-241.

certain weak hadith on the matter – which happen to be widely circulated in Twelver Shī‘ī culture - acceptable as a form of supporting argument.<sup>16</sup>

*Taqḷīd* as articulated by the *marāji‘* and their representatives is then a form of legal reference. However, there remains the question of why lay people agree to forego a certain degree of autonomy and enable jurists to be authorities. The internal process of embracing the logic of *taqḷīd* can be framed in terms of two concepts from Joseph Raz’s theory about the morality of law, his “normal justification thesis” and “exclusionary reasons.” The normal justification thesis claims:

the normal way to establish that a person has authority over another person involves showing that the alleged is likely better to comply with reasons which apply to him (other than the alleged authoritative directives) if he accepts the directives of the alleged authority as authoritatively binding and tries to follow them, rather than by trying to follow the reasons which apply to him directly.<sup>17</sup>

Thus a person first identifies certain “reasons” for action. She then recognizes that she is more likely to achieve these reasons by obeying authority. This is because it is assumed that the government has already considered the subject’s reasons for action in its commands, and because it has the authority to fulfill this purpose. For instance, in the case of taxes, subjects obey the government because there is a better chance that by doing so, they will accomplish the original reason for action (helping the common good) than there would be if they instead attempted to calculate how much was owed and coordinate its distribution.<sup>18</sup> In the case of *taqḷīd*, can see that the *muqallid* has original reasons for action: gaining closeness to God and/or success in the Afterlife. She believes that abiding by the fatwas of the *marja‘* makes it more likely that she will

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<sup>16</sup> Rabbānī, 241-2.

<sup>17</sup> Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1988), 53.

<sup>18</sup> This example used to explain Raz’s thesis is taken from: Tom Christiano, *Authority* (The Stanford Encyclopedia of Philosophy, 2013) <<https://plato.stanford.edu/archives/spr2013/entries/authority/>> Accessed May 18 2018.

act in accordance with these reasons than if she were to pursue means of addressing the reasons on her own (and not perform *taqlīd*).

Raz's normal justification thesis raises questions about morality and autonomy, which can then be applied to the case of *taqlīd*. In turn, responses to such questions can also be found in the legal justifications for *taqlīd*. Robert Paul Wolff argued that for an action to be moral, an individual must act autonomously, meaning that she should not see her actions as the responsibility of someone else (here the authority figure).<sup>19</sup> In Raz's theory, the subject does not attempt to discern the virtues of an act, but rather defers to authority. This matter has been mentioned in criticisms raised about *taqlīd* in the Muslim world.<sup>20</sup> Patrick Durning responds to Wolff by arguing that although the subject is not autonomous, she *does* use her own discernment in realizing that obeying authority is most likely to help her achieve what she ought to do.<sup>21</sup> Arguably, this characterization applies to a *muqallid* making an informed decision regarding whom to follow. Furthermore, Durning argues, even if a subject thinks she can better judge regarding a matter, actually doing so would take her away from other important responsibilities. In other words, he writes, "no one could take every consideration into account all the time, and, perhaps, no one could ever take into account every possible consideration for any particular

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<sup>19</sup> Patrick Durning, "Joseph Raz and the Instrumental Justification of a Duty to Obey the Law," *Law and Philosophy*, v. 22, no. 6 (Nov., 2003), 607.

<sup>20</sup> For instance, in 2002, Hashem Aghajari, a professor at Tarbiat Modares University in Tehran, criticized *taqlīd* (and was sentenced to death as a result), arguing that it is opposed to reason. Aghajari first quoted Ali Shariati, saying that the relationship between scholars of religion and others is that of teacher and student, not *muqallad* (one who is followed) and *muqallid* (one who follows). Aghajari then said, "In education, the student understands, then acts, and then tries to improve her understanding until she no longer needs the teacher and can research, perceive, understand, and arrive at conclusions on her own." His death sentence was later reduced to five years in prison. See: Hawzah.net, Gozīdeh-ī az sukhanrānī-ye Hāshim Aghājārī (Bāztāb-e Andīsheh, 2010) <<https://hawzah.net/fa/Article/View/90223>> Accessed May 22 2018.

<sup>21</sup> Durning, 608.

action.”<sup>22</sup> Similarly, jurists have argued that *taqlīd* is a necessity of life because most people are not in a position to undergo the rigorous training required to become a jurist.<sup>23</sup>

Raz's concept of exclusionary reasons can be used to demonstrate why lay people choose to suspend their own judgment about God's law in favor of the opinions of legal experts (Muslim jurists), which is how Khaled Abou El Fadl has used it. Exclusionary reasons create justifications for choosing one reason over other reasons, or, choosing the most compelling reason, which causes one to ignore other reasons.<sup>24</sup> Abou El Fadl explains why lay people, to whom he calls “common agents,”<sup>25</sup> choose to defer to special agents (jurists):

The common agents consider the determinations of the special agents as exclusionary reasons for disregarding alternative courses of action that, in the absence of the exclusionary reasons, would have been reasonable alternatives to discharge their obligations towards the Principal.<sup>26</sup>

In other words, lay people recognize that jurists are more competent for the purposes of interpreting God's law. But (says Abou El Fadl) this competence depends on the fulfillment of certain conditions. These are: honesty (the jurist presents all the information he finds about God's law without intentionally concealing anything); diligence (he has spent sufficient time investigating and studying legal sources); comprehensiveness (he has been thorough and has tried to acquire all relevant information); reasonableness (his interpretation must make sense to the communities of interpretation and communities of meaning); and self-restraint (he should know his limitations as an interpreter and being careful not to usurp God's position as lawmaker by reaching conclusions without sufficient evidence).<sup>27</sup>

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<sup>22</sup> Durning, 609.

<sup>23</sup> See, for instance, Sayyid Kamāl Haydarī, *Minhāj al-ṣāliḥīn* (Beirut: Imam Jawad Institute, 2013), 10.

<sup>24</sup> Abou El Fadl, *Speaking in God's Name*, 57.

<sup>25</sup> Since, he writes, according to the Qur'an, God has made all of mankind agents (*khalīfa*) of God. See: Abou El Fadl, *Speaking in God's Name*, 65-70 and 114-15.

<sup>26</sup> Abou El Fadl, *Speaking in God's Name*, 115.

<sup>27</sup> Abou El Fadl, *Speaking in God's Name*, 115-120.

The logic articulated by Raz for the acceptance of legal authority not only applies to *taqlīd* as articulated in legal manuals but it also agrees with what I found in my fieldwork. My interviewees borrowed the logic of jurists as stated in their legal manuals and then shared in religious gatherings and religious programming by articulating that: *taqlīd* is referring to an expert because such reference is rationally more likely to achieve the desired result. At the start of each interview, after a person would state that he or she performs *taqlīd*, I would ask very simply: why? Most referred to this idea of specialization, often comparing the *marja'* to a physician (a commonplace analogy in Iranian religious culture). For instance, "Aḥmad," a sixty-three-year-old retired craftsman I interviewed at the mosque of Ozgol in the north of Tehran, said:

It's specialization. The *marja'* are the masters of religious specialization, you know. They spent many years studying, examining all the different meanings in religion, just how a doctor researches. If my eye bothers me, I go to the doctor. It's the same in religious issues.

Similarly, "Murtaḏā," a thirty-four-year-old accountant I interviewed in the mosque of Ahar (a village outside Tehran) but who resides in Tehran, said:

When I get sick, I could potentially go to the pharmacy and say give me this pill and this shot. But I don't do this. I go to a doctor to diagnose me, even though ninety percent of the time I know that the doctor will prescribe what I had already been thinking would be the proper treatment. But, I still go to the doctor, because I believe he studied, researched, looked into it from every angle. He has experience. When he tells me to take this pill or shot, I know it is a more correct opinion than my own... He studied, worked hard, and acquired knowledge about every religious matter.

Some would also convey the idea that the burden of researching every issue in Islamic law is far too great for the lay person. For instance, Aḥmad said, "*Taqlīd* means I don't have to spend eighty years in the *ḥawza* to learn these things. I just open the legal manual of Imam [Khomeini], and it's quite easy [to determine my duty]. I understand the issue immediately." And one of the

women I met at the Jamal Abad mosque, “Sārā,” a fifty-five-year-old who studied theology and received some *ḥawza* training, explained the matter as follows:

For instance, suppose, for every *fiqh* ruling there are tens of relevant hadith and narrations (*riwāyāt*) and one has to derive a ruling by way of them. Those narrations have to be evaluated from all angles, in terms of *rijāl*,<sup>28</sup> *dirāya*,<sup>29</sup> and other fields. Well, that’s very difficult. If I want to know the reasoning for every *ḥukm* (ruling), I would have to, for instance, study an entire cycle of *uṣūl al-fiqh* (legal hermeneutics).<sup>30</sup>

The burden can also be perceived as too great for students of the *ḥawza*. “Abū’l-Faḍl,” a nineteen-year-old in his second year of study at the *ḥawza* in Chizar, Tehran said:

Now that I’m in the *ḥawza*, I see that, for a *marja’* to give an opinion, he might read more than twenty books just to write one line. There might be four or five different books on one matter. You come to understand how great the *marja’*’s knowledge is for him to find all these different books. In my opinion it’s something impossible. It’s very difficult.

“Qāsim,” a twenty-one-year-old student of religion in Mashhad, said that he does not believe he could resolve issues in *fiqh* better than the *marāji’* because, “The *marāji’* are so old that I don’t think I could ever reach their level of expertise.” Age, of course, has been described by Van Vugt *et al.* and Todorov *et al.* as an indicator of specialized knowledge and competence.

In addition to borrowing the logic for *taqlīd* from the *marāji’*, *muqallids* recited directly from legal manuals the three permissible options for performing one’s religious duties, that is, *ijtihād*, *iḥtiyāt* (precaution), or *taqlīd*, making it even clearer that the arguments for *taqlīd* to a *marja’* are derived from the *marāji’*’s explanations for the necessity of *taqlīd*. For instance, Sārā said, “I’m not a *mujtahid* and I can’t act upon precaution [since it is too burdensome]. We have three options: either you must be a *mujtahid*, or act upon precaution, or perform *taqlīd* to a specialist.” “Luṭfullāh,” a forty-five-year-old engineer, essentially said the same thing, only

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<sup>28</sup> The study of the transmitters of oral reports attributed to the Prophet and the Imams.mentioned in a chain of transmission.

<sup>29</sup> The study of the content of hadith reports.

<sup>30</sup> Which generally lasts between ten and twenty years.

beginning his statement with “Our religious laws say this...” He describes the opinions of the *marāji‘* as established religious law and sees them as sufficient justification for the form of *taqlīd* the *marāji‘* deem obligatory for lay people.

The fact that some explicitly cited the legal manuals as a reason for performing *taqlīd* indicates that these individuals did not arrive at this logic for *taqlīd* on their own. It also indicates trust in the *marāji‘*, meaning that if they determine one should perform *taqlīd*, that is enough reason to do so, as they are representatives of Twelver Shī‘ī orthodoxy. And this trust is not afforded just any scholar of religion, a topic that will be explored further in the discussion on the requirements for being a *marja‘*. One can observe the convergence of trust in jurists and perceiving the logic of *taqlīd* as one’s own in the words of “Karīm,” a fifty-two-year-old farmer in the village of Ahar:

We perform *taqlīd* to obey our religious laws. I belong to the Shī‘ī school of thought, and one of its principles is that you either have to be a *mujtahid* or you have to perform *taqlīd* to someone who understands more than you do, like a doctor. We refer to a doctor when we are sick. Similarly, we refer to one who has more knowledge than us in religion in order to understand religious issues... What they’ve told us is that we either have to be *mujtahids* ourselves – and I’m not one – or we have to practice precaution. It’s written in the legal manual.

And while Sārā directly cited legal manuals in outlining the three options for performing one’s legal duties (*ijtihād*, *iḥtiyāṭ*, and *taqlīd*), later in our interview she emphasized the fact that *taqlīd* is natural and logical:

It’s natural. It’s both logical and rational, because when you want to refer to an authority, like a doctor, you don’t go to just any doctor who puts up a sign. That’s not what people normally do. Normally, especially if you have an illness, you go ask five or ten people which doctor is better. Or, for instance, [you ask] which structural engineer’s work is better. First you see ten of her projects, and then you entrust her with building your home. This is something logical and rational. When you want to refer to someone who has specialization, you look for one who has more specialized knowledge, knows more about her time, knows more about her environment, and the demands of the time.

Some did not even attempt to frame the logic of *taqlīd* as their own, but rather presented it as part of being a Twelver Shī‘ī. For instance, when asked why he performs *taqlīd*, “Sajjād,” a

thirty-four-year-old mechanical engineer I met at the Jawzistān Mosque in northern Tehran, replied, “It’s because of the education we received. It’s from the Shī‘ī school, which states that, during the occultation, one should follow a worthy *marja*’.” He explained the logic of *taqlīd* in accordance with what he had learned from *hawza* scholars, saying:

Because we don’t have the time or knowledge, in order to learn our *aḥkām* (legal rulings) – not the principles of religion – we have to trust a person whose attributes have been mentioned in hadith. The person with these attributes – being the most knowledgeable, upright, and a lot of other attributes – is a *marja*’, and we must get our *aḥkām* and a lot of other religious matters from him.

When asked why she performs *taqlīd*, “Zībā,” a fifty-two-year-old Persian literature teacher I met at the mosque of Jamal Abad, said:

Because we’re Shī‘ī, and based on the laws of the Shī‘a, we have to perform *taqlīd* to a *marja*’ during the occultation of Twelfth Imam. We must perform *taqlīd* to a jurist that fulfills all the conditions [outlined in hadith or by jurists].

I then asked her how she arrived at this conclusion, and she responded, “Based on, uh... our beliefs in *fiqh*, you know. Because we refer to these [laws], we have such dictates.” And “‘Abbās,” a sixty-one-year-old banker I interviewed in the *takīya*<sup>31</sup> of Niyavaran, insisted that *sharī‘a* dictates one must be a *muqallid* (follower) or *muqallad* (one who is followed), and that to stray from this dichotomy would necessitate changing religious laws. “Ḥamīd,” a thirty-three-year-old student of law I interviewed at the shrine of Imāmzādeh Šāliḥ in Tajrish, Tehran, not only deferred to the logic of religious tradition but also dismissed his own ability to reason in such matters. “Our intellect is deficient,” he told me. “Based on the fatwa and the hadith of the *Ahl al-Bayt*, they’ve said, the Imam of the Age<sup>32</sup> said, when we are not available, refer to narrators of hadith<sup>33</sup> and those who explain the meaning of the Qur’an (*mufasssirs*). This is the

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<sup>31</sup> A center dedicated to mourning rituals for Ḥusayn b. ‘Alī b. Abī Ṭālib, the Third Imam.

<sup>32</sup> The Twelfth Imam.

<sup>33</sup> Apparently a reference to a phrase in the famous letter attributed to the Twelfth Imam often used to justify *taqlīd*: “As for newly occurring incidents, refer to those who narrate our sayings, for they are my proof over you, and I am

original reason for *taqlīd*.” And “Jawād,” a thirty-three-year-old entrepreneur I met at the shrine of Imānzādeh ‘Alī Akbar in Chizar, responded to the question of “why perform *taqlīd*” with, “It’s part of *sharī‘a*, obviously. There’s no ‘why’ about it.” He then compared *taqlīd* to prayer and called it one of the principles of religion.

Thus the reasons for performing *taqlīd* can be the desire to arrive at the most accurate opinion, orthodoxy, or a combination of the two. It is not easy to separate the first two from each other, as the logic of *taqlīd* – while compatible with Raz’s justification thesis and exclusionary reasons – is firmly rooted in Iranian religious culture. It is unlikely that all of those who proclaimed to have arrived at such logic on their own truly did so. But it is quite possible that they evaluated the arguments for *taqlīd*, found them reasonable, and adopted the logic as their own.<sup>34</sup> It is also possible that they were presenting “honorable information.” Regardless, my interviewees did not necessarily accept the reasons for *taqlīd* that they professed. This will become evident in the discussion of *taqlīd* as identity, for it will be shown that some do not actively pursue legal opinions but rather embrace *taqlīd* as a sort of identity marker.

## The limits of the *marāji‘*’s legal authority

It is expected that the *muqallid* strictly adhere to the fatwas of her *marja‘*.<sup>35</sup> However, the *marāji‘* do not claim authority over specific cases (*mawḍū‘āt*). Rather they endow *muqallids*

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the proof of God.” See: Muḥammad b. ‘Alī b. Bābawayh, known as “Shaykh Ṣadūq” (d. 991-2), *Kamāl al-dīn wa-tamām al-ni‘ma* (Tehran: Islāmiyya, 1395 AH), v. 2, p. 483-4, the fourth letter attributed to the Twelfth Imam (*bāb al-tawqī‘ ‘āt al-wārida ‘an al-Qā‘im*). The hadīth is also reported in: al-‘Āmilī, *Wasā‘il al-shī‘a*, v. 27, p. 140, chapter #11, hadīth #33424.

<sup>34</sup> This is a method that is recognized and deemed permissible in the case of non-foundational beliefs (like the reality of the Day of Judgment or of the infallibility of the Imams). See: al-Ḥaydarī, *Fatāwā fiqhīyya*, 17-18.

<sup>35</sup> Muḥammad Ḥasan Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā‘il-e marāji‘ mutābiq bā fatāwā-ye sīzdah nafar az marāji‘ mu‘azzam-e taqlīd* (Qom: Intishārāt-e Islāmī, 1385 AHS), v. 1, pp. 16-17, #7.

with the authority to determine when a fatwa applies to a particular real life example.<sup>36</sup> In my interviews, though, *muqallids* articulated a different sort of autonomy. They imposed their own standards upon fatwas instead of embracing their role as interpreters. Of course, most did not go so far as to act upon their own interpretations. Still, *muqallids* generally had a different notion of the scope of a *marja*'s legal authority. They saw his fatwas as valid only insofar as they accord with the values of society.

In theory, the *muqallid* is to receive a fatwa and then decide where and when it applies to her life. For instance, if the *marja*' says wine is forbidden, it is up to the *muqallid* to figure out whether the drink before her is wine or not. Even in something like determining the start of the lunar month (an important matter that affects practice, especially in the months of Ramaḍān and Dhū'l-Hijja), the *marja*' is not an authority in terms of being a jurist, but rather he is relied upon because his word, on account of his access to reliable resources, gives one confidence that the new moon has been sighted.<sup>37</sup>

It should be said that the authority of *muqallids* applies to *mawḍū'āt ṣirfa* (pure cases) as opposed to *mawḍū'āt mustanbaṭa* (cases used as part of rulings).<sup>38</sup> The latter includes cases like the definition of *ghinā'* (a forbidden form of singing). In other words, the *marja*', who is familiar with the language of hadith and the Qur'an, must determine the cases to which a particular word applies.<sup>39</sup> But other than in such matters, the *muqallid* is responsible for applying fatwas in her life. In fact, even in something like *ghinā'*, after the *muqallid* has received the *marja*'s

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<sup>36</sup> Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, p. 24, issue #5.

<sup>37</sup> Rabbānī, 275.

<sup>38</sup> Previously, Sayyid Muḥammad Kāzīm Yazdī held the view that *taqlīd* is not permissible in *mawḍū'āt mustanbaṭa* either. See: Muḥammad Kāzīm Yazdī, *Al-'Urwa al-wuthqā* with commentary by Sayyid Ali Sistani (Qom: Office of Ayatollah Sistani, 1425 AH), v. 1, p. 24, #67. But this view is not expressed by current *marāji'* like Khamenei and Sistani.

<sup>39</sup> Khamenei, *Ajwibat al-istiftā'āt*, v. 1, p. 6, #5.

definition, it is upon the *muqallid* to determine whether a particular case fits that description or not.<sup>40</sup>

In certain issues, instead of simply determining when a particular case (like a food item containing gelatin) fits the specific description given in a legal manual (the gelatin cannot be from an animal known not to have been slaughtered according to Islamic law) the *muqallid* may be required to read her society in order to determine whether a *mawḍū‘* broadly applies to a particular context. In other words, the *muqallid* must be able to identify *‘urf* (custom or convention). Much of what might be classified as culture is not the domain of the *marja‘*, but rather of the people who live in that culture. Just as music, dress and recreation vary across time and space, the legal rulings that apply to them do as well. For instance, Sistani writes concerning forbidden forms of ornamentation (*zīna*) for recently-widowed women, that *zīna* is to be determined by the perception of people in the society in which one lives. “And it is clear,” he adds, “that this differs according to different times, places and cultural traditions.”<sup>41</sup> The fact that *zīna* is to be determined by *‘urf* is something often mentioned by the *marāji‘*.<sup>42</sup> Another *‘urf* issue that pertains to clothing is the prohibition of *libās al-shuhra*. According to Sistani, if most people in a particular place (*balad*) view certain clothing as disgraceful, it is not permissible to wear.<sup>43</sup> Other *marāji‘* agree that *libās al-shuhra* (clothing that draws abnormal attention) is forbidden, but do not always mention the condition of bringing about disgrace.<sup>44</sup> The *marāji‘* have also forbidden clothing that induces sexual attraction, as determined by the *‘urf*.<sup>45</sup>

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<sup>40</sup> For instance, see Sistani’s insistence that the *muqallid* determine whether something is or is not *ghinā‘*: <https://www.sistani.org/persian/qa/0985/page/2/>.

<sup>41</sup> Sistani, *Minhāj al-ṣāliḥīn* v. 3, pp. 176-7, #581

<sup>42</sup> Muḥammad Mas‘ūd Ma‘šūmī, *Rawābiṭ-e zan wa-mard* (Qom: Daftar-e Tablīghāt, 1384 AHS), pp. 120-2 (#128-130) and 125-6 (#136).

<sup>43</sup> <https://www.sistani.org/arabic/qa/02169/>

<sup>44</sup> Ma‘šūmī, pp. 135-8, #153 and #154.

<sup>45</sup> Ma‘šūmī, pp. 144-6, #164 and #165.

On certain matters of *'urf*, the *marāji* insist that *muqallids* apply fatwas themselves. For instance, *muqallids* often request that the *marāji* provide further elaboration concerning the forbidden forms of music, since there are a variety of interpretations of the matter among those who constitute *'urf* collectively. In response, the *marāji* have written that the individual should either arrive at certainty or (they reiterate) refer to *'urf*, and that if one doubts whether a particular form of music is permissible or not, it is permissible.<sup>46</sup> Luṭfullāh Ṣāfi Gulpāyḡānī does not accept this opinion, as he deems all music impermissible, but he still relies on *'urf* in order to define what music is.<sup>47</sup> On the matter of *ghinā*, Sistani writes that it is “the modes of singing that are custom among the people of frivolous entertainment (*ahl al-lahw wa'l-la'ib*).” He then adds, “and our intended meaning is clear,”<sup>48</sup> seemingly as a response to the countless requests from *muqallids* for the *marja* to clarify his fatwa further. In other words, in matters of *'urf*, the *muqallid* is expected to know her society and be able to apply relevant fatwas accordingly. Seeking elaboration from the *marja* on such matters is not likely to result in further clarification.

*Muqallids* can be required to apply *'urf* to cultural matters, like dancing,<sup>49</sup> instruments of gambling, and providing for one's wife (*nafaqa*), as well as cases that do not depend upon culture, like: purifying something by way of a river, the rain, or the sun;<sup>50</sup> determining whether a container is to be considered gold or silver;<sup>51</sup> and determining when sexual intercourse has occurred.<sup>52</sup> They can also be requested to look to *'urf* on matters of worship, like bowing and recitation in prayer, situating the prayer leader and followers, and washing the arms in ritual

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<sup>46</sup> Ma'sūmī, pp. 225-6, #298.

<sup>47</sup> Ma'sūmī, pp. 230-1, footnote for #304.

<sup>48</sup> <https://www.sistani.org/arabic/book/17/967/>

<sup>49</sup> Ma'sūmī, p. 219, #284.

<sup>50</sup> Sistani, *Minhāj al-ṣāliḡīn*, v. 1, pp. 19-21 and 147, #39, #42, #45, #47, and #482.

<sup>51</sup> Sistani, *Minhāj al-ṣāliḡīn*, v. 1, pp. 151-2, #494.

<sup>52</sup> Sistani, *Minhāj al-ṣāliḡīn*, v. 1, p. 56, #172.

ablution (*wuḍūʿ*).<sup>53</sup> Thus, the role *muqallids* play in determining *ʿurf* is extensive in the application of Islamic law.

The above examples pertain to what is called *al-ʿurf al-ʿāmm*, meaning, the common perception or conventions of people in general. In *taqlīd*, though, interpretation of the *marājiʿ*'s fatwas can also depend upon *al-ʿurf al-khāṣṣ*, or, the perceptions and conventions of specialists and experts. This can include physicians, appraisers, and those who specialize in fields other than *fiqh* but which can be used to determine the legality of a particular case. For instance, in his online fatwas, Sistani states that abortion is only permissible if seeing the pregnancy to term causes the mother harm or unbearable difficulty,<sup>54</sup> such that she would not be able to maintain and raise the child.<sup>55</sup> And even then, this abortion must be done before the soul enters the body (*qabla wulūjiʿ-r-rūḥ*). But, contrary to what the term “soul” might suggest, there is no *sharʿī* definition for this stage in pregnancy. When asked when the soul enters the body, Sistani replied:

If it is possible to know [when the soul enters] by way of modern technology (*al-wasāʿil al-ḥadītha*) prior to the movement in the womb that is known to all,<sup>56</sup> then [such technology should be used to decide when the soul enters the body]. Otherwise, [it will be determined by way of] the movement mentioned.<sup>57</sup>

Meanwhile, Khamenei states concerning the permissibility of abortion:

Concerning the danger [abortion] poses to the mother's life should she carry on with the pregnancy, there is no objection to aborting the fetus prior to the soul entering the fetus provided that it is based on the advice of a reliable doctor who is a specialist.<sup>58</sup>

Another example in which Twelver Shīʿī jurists must rely upon the judgment of experts is that of sex change operations. In his fatwa on the matter, Sistani writes in conditional sentences: If what

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<sup>53</sup> Sistani, *Minhāj al-ṣāliḥīn*, v. 1, pp. 31-2, 195, 203, and 244, #75, #620, #642, and #795.

<sup>54</sup> <https://www.sistani.org/arabic/qa/0255/> fatwa #4

<sup>55</sup> <https://www.sistani.org/arabic/qa/0255/page/2/> fatwa #20.

<sup>56</sup> In a separate fatwa, he writes that the soul enters the body in the fourth month of pregnancy, unless modern technology confirms its existence prior to that. See: <https://www.sistani.org/arabic/qa/02793/> fatwa #3.

<sup>57</sup> <https://www.sistani.org/arabic/qa/0255/page/2/> fatwa #13

<sup>58</sup> <http://www.leader.ir/en/content/18061/Abortion-advised-by-a-physician>

is meant is surgery on the outer sex organs and receiving the appropriate hormones, then this does not change one's sex. But if what is intended is that one also changes his or her internal sex organs (like a uterus and ovaries), then this can hypothetically be permissible (assuming no other sinful acts, like inappropriate touching or glances—and even the prohibition of these can be removed by way of secondary rulings, like great difficulty). And while he does believe most cases are of the former description, he acknowledges that there can be cases of the latter, such as when one is born with the internal sex organs of one sex but also possess the external sex organs of another sex.<sup>59</sup> Somewhat similarly, Makārim-Shīrāzī writes that sex change is only permissible in cases of intersex individuals.<sup>60</sup> Khamenei allows this as well, but believes it is also permissible if the outcome of the operation would be determining the true sex of the person.<sup>61</sup> In these fatwas, it is expected that a physician diagnose the patient, and if the patient fulfills the conditions mentioned, then he or she can perform the operation. The *marja'* cannot get more involved than this.

The legal discussion above makes clear that, according to the opinions of the *marāji'*, *muqallids* are granted a sort of authority in applying clearly stated laws as appropriate when faced with real examples. However, *muqallids* are not entitled to reinterpret laws based on values and standards they gather from their own society or independent reasoning. In other words, it is not such that if a *muqallid* finds a particular ruling to be contrary to what she views as Islamic or “right,” that she can abandon her *marja'*'s fatwa. *'Urf* only applies in situations that, from the start, relied on an understanding taken from society. And the cases of *'urf* are to be taken from the *marāji'*, meaning that if a fatwa does not dictate that one refer to one's society, there is not

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<sup>59</sup> <https://www.sistani.org/arabic/qa/0407/>

<sup>60</sup> <https://makarem.ir/main.aspx?reader=1&pid=61769&lid=0&mid=1062>

<sup>61</sup> <http://www.leader.ir/en/book/135/Medical-Issues>

much room for inserting one's own values or the values of society.<sup>62</sup> Yet, I observed far more of such independent thinking than any sort of freedom in determining *mawḍū'āt*.

Instead of viewing themselves as interpreters of fatwas, a number of the *muqallids* I interviewed introduced their own standards for fatwas they receive from the *marāji'*, among them: 1. The fatwa must be in accordance with the *muqallid's* own opinion or put one at ease; 2. It must be reasonable or rational 3. It must be "modern"; 4. It must take society into consideration; 5. It must not violate the rights of women.

Sānāz, the previously-mentioned reporter I met in the shrine of Imam 'Alī b. Mūsā al-Riḍā in Mashhad, was the first person I interviewed who seriously challenged my understanding of *taqlīd*. She professed that she performed *taqlīd*, and yet in no way did she feel bound by the fatwas of her *marja'*. Rather, she viewed them as advice to be taken or left in accordance with her own personal inclinations. Our conversation took an interesting turn when I asked if she had ever had a problem understanding the legal manual of her *marja'*.

"It's never been difficult to understand, but sometimes I haven't been able to accept what it says because it didn't give me the response I expected," she said.

"And then what did you do?" I asked.

"I didn't act on it," she responded.

"Did you ask anyone...?"

"I'm being honest so that this is accurate."

"Did you ask anyone for help or did you pursue another response?"

"No, no."

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<sup>62</sup> Otherwise, according to jurists, *fiqh* would become *'urfī*, meaning, it would adopt the values of this world, as opposed to religious values. This is quite different from the elasticity traditional *fiqh* provides by employing *'urf* in *mawḍū'āt*. See: 'Alī Jabbār Gulbāghī Māsūleh, *Dar āmadī bar 'urf* (Qom: Daftar-e Tablīghāt, 1378), 110-114.

Sānāz later told me concerning the legal manual, “I don’t accept the parts that are not in keeping with my disposition (*rūḥiyya*). But the parts that are correct and I think will help me, yeah.” She also stated that she will not act on something if it creates difficulty for her.

Sānāz is an interesting case study because she feels she must perform *taqlīd* even though she does not believe the *marāji‘* are necessarily the most qualified to give opinions about law. “I thought it was something imposed upon me, that I had to choose one...,” she said. This is related to the theme of *taqlīd* as a form of identity, which will be discussed later. But for the purposes of this section, it is worth noting that her dismissal of the fatwas of the *marāji‘* could very well be shaped by her perception that they are not aware of their own societies and are motivated by religious bias. Concerning the differences between jurists and academics, she said:

I think jurists are a bit more biased (*ta‘aṣṣubī*), while a professor more thoroughly considers all aspects of a subject matter. I also think [a professor] is more up to date, and isn’t narrow-minded, whereas a jurist is narrow-minded, in that he only considered religion. In theological discussions and so forth, a jurist can give a much better answer [than a professor]. But in discussions of law and so forth, jurists don’t consider new developments. They don’t have a very good understanding of society.

When I asked Sānāz if she had any alternatives to following a *marja‘*, she replied, “No. Myself. I’d use my own intellect (*‘aql*).” And when I asked her how she selected a *marja‘*, she said:

I tried to choose a person who is deeply familiar (*‘ajīn*) with the requirements of today, someone who gives me more freedom in my actions, such that I can be a modern girl while also preserving my faith.

I then asked, “So you want the answers you receive to be in accordance with these values you mentioned?”

“Yes, they should be that way.”

Sānāz introduced a number of conditions for fatwas that I would hear from later interviewees as well, particularly from women: namely, that fatwas must be up to date, be rational or reasonable, consider society, agree with one’s own thinking or give one peace of mind, and be free of bias and patriarchy.

About a year later, I would encounter the themes Sānāz mentioned in my interviews at the Jamal Abad mosque, a traditional mosque with vibrant classes for women. In the month or so I frequented the mosque, I did not notice any women without *chādūr* (the long, black cloak that covers the entire body worn in Iran). Thus they were more conservatively dressed than Sānāz, who was adorned with makeup, had some of her hair showing, and was wearing one of the white *chādurs* provided in the shrine of Imam Riḏā, indicating that she did not wear *chādūr* in general. This is an important detail, as the criticisms and intellectual independence articulated by Sānāz might be expected but are certainly not what one would expect from more traditionally-dressed women dedicated to the study of religion that largely centered around the study of the fatwas of the *marāji*'.

The first woman I interviewed at the Jamal Abad mosque was the aforementioned Zahrā'. A number of her responses helped me rethink and reshape my questions. For instance, she introduced the dichotomy of societal and personal, or, public and private, laws. And after challenging certain fatwas, she still professed loyalty to the *marja*'. "I might say I could analyze this issue better or get a better result than the *marja*'," she said. "But these things are to be asked of the *marja*', because normally he has comprehensive knowledge." As seen in the case of Sānāz, this seems to be a way of forming a coherent identity, or, professing loyalty to the *marja*' that does not necessarily exist for the sake of belonging to the group of pious Twelver Shī'īs. This can be understood from other responses Zahrā' gave that similarly touch upon themes of reasonableness, bias, and patriarchy in fatwas. I asked her if she has the right to know the reasoning (whether it is from a verse of the Qur'an, a hadith, a legal principle...) for a particular fatwa, to which she responded:

You see, I don't think much about the [legal] source. But I have thought to myself, "Why did this fatwa need to be issued?" For instance, we have a lot of issues that pertain to bank transactions. Me personally, I have a lot of issues with the opinions of, say,

Ayatollah Sistani, or other *marāji'* who have similar opinions. Even though they consider the bank system in place to be usurious, they still create a loophole. Or take the differences between men and women. These are problems for me. I have a critical approach to these. I can't accept that the opinion given in our current situation is very just or even comprehensible.

I related her response back to the original question, "So you know their reasoning, but don't find it acceptable...?"

Acceptable, not reall-... if you consider the reality of the situation or what is reasonable, [some opinions] do not comply. I will understand [the questionable opinion of the *marja'*], but then have a problem with the conclusion he reached by going through a specific process.

The broader theme of her issue with these fatwas was that of society. "There are some societal issues in Islamic law that are extremely relevant [today] and are hotly contested," she said. And the *marāji'*, she would argue, have not dedicated enough time to rethinking them. Her examples all (indirectly) pertained to women. She began, "There are differences of opinion concerning inheritance. We see that our scholars don't provide fatawas on many issues explicitly stated in the Qur'an, like cutting the hand of a thief. And yet, concerning the rules of inheritance, they aren't willing to compromise." By this she means, the *marāji'* provide fatwas in keeping with the explicit text of the Qur'an, resulting in women being provided a smaller share of inheritance than men. Another example she provided was the care of children (*ḥaḍāna*), which is the right of the mother (and father) until the child reaches two years of age, and then becomes the father's right exclusively.<sup>63</sup> A third example, concerning *nushūz*, or disobeying one's husband, reveals that Zahrā' partially takes issues with scholars at large, or the religious culture produced in Iran:

Ayatollah Sistani has said - I've seen it in his legal manual - that getting permission from one's husband only pertains to making oneself available sexually. [This does not mean a wife requires permission for] just anything she wants to do. However, we see in some scenarios that scholars say a wife must obey her husband on all matters, meaning she needs his permission for anything she wants to do. This simply isn't comprehensible for today's society. Some women might be the heads of their households. Perhaps this is tough to swallow.

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<sup>63</sup> <https://www.sistani.org/arabic/qa/0450/page/3/> Accessed June 25, 2019.

The fact that Zahrā’ placed this issue related to “scholars” alongside two issues directly related to fatwas of the *marāji’* tells us something about the nature of *taqlīd* and how people receive their religious guidance. This is a matter that will be taken up further below. For now, the relevant point is that, for Zahrā’, fatwas are expected to be reasonable, in accordance with the demands of society, and considerate of the needs of modern women. And clearly the *marāji’* are not fulfilling those conditions. “I don’t know why they don’t try to create some sort of balance on these issues,” she said. “I have an issue with [how they are addressed]. [The responses] are not acceptable.”

While critical of certain fatwas, Zahrā’, unlike Sānāz, was hesitant to state that she would depart from the *marja’*’s opinions. A number of other interviewees, however, did not have such qualms. I will begin with examples from the women of the Jamal Abad mosque. I asked “Tāhira,” a sixty-year-old woman without a high school degree, about the nature of a proper answer (fatwa). She replied:

An answer that accords with the religion of Islam, what God and the Prophet have made permissible, and what the Imam of the Age (*imām-e zamān*) said. But even here we have to use our own intellect. If you still have a small problem [with the response], you go ask elsewhere, do research, and [only] then can you accept it. We don’t accept it with our eyes closed, even if [the response comes from] our own *marja’*. If we think something has even a small problem, we have to ask a lot about it.

“So if something doesn’t seem rational to you, it’s possible you refer to another *marja’*?” I asked.

“Yes.”

“And then, let’s suppose you don’t get a satisfactory answer from him. Then what do you do?”

“I go to someone higher up than him.”

“Until you find a *mujtahid* whose answer is...”

“[Until] I am convinced. And if a number of such questions occur for me, I must change my *marja’*. Like I said, if we don’t understand [an opinion] or we can’t act upon it, we

research and ask a number of imams higher than our imam, so that we can understand and then act upon it. We don't go forward with our eyes closed."

It is a bit difficult to determine what Ṭāhira truly means. After all, it is expected that one performs *taqlīd* to the most knowledgeable scholar. This would make her search for higher and higher scholars meaningless. In other words, if she believes other scholars are higher (at the very least, higher than the second *marja'* she asks), then seemingly she would have pursued them initially. Furthermore, she says *muqallids* should "ask a number of imams higher than our imam." This could indicate that she is not relying on the *marāji'* at all but rather on local religious leaders. Nonetheless, her interview reveals that a fatwa must be thoroughly comprehensible before it can be accepted. "Rayḥāna," a sixty-one-year-old with a degree in computer science, expressed a similar sentiment, saying that she would (hypothetically) refer to a scholar she considered more knowledgeable if her own *marja'* gave a fatwa that did not seem rational to her. In other words, *a'lamīyya* is not something determined by jurists alone, but rather it must be established for the individual in the form of reasonable fatwas.

Ṭāhira and Rayḥāna articulated that, if presented with unreasonable fatwas, they would search for more appropriate responses from among other *ḥawza* scholars. Meanwhile, "Khadija," a fifty-three-year-old with a degree in societal economics, who covered half her face with her *chādūr* (*ye chishmī*, or "one-eyed," as the look is called) during the interview,<sup>64</sup> was willing to rely on her own intellect instead. I asked her to give the attributes of a proper fatwa, to which she replied:

Other than what the *marja'* replies, it's related to my own intellect and understanding, my own intellect and research. I look at the matters related to a particular issue until I find an answer that convinces me. If it doesn't convince me, I look for a better answer.

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<sup>64</sup> As previously mentioned, all the women I interviewed at the mosque of Jamal Abad wore the traditional *chādūr*, and a number of them were *ye chishmī* as well, though many were not as strict about covering their faces during the interview.

As in the previous cases, though, she did not seem willing (at least in our interview) to depart from the *marja*'s opinion. As she continued to describe her process for evaluating a fatwa, she said:

“I weigh it and see... of course, first what he says is preferred. But if I don't think something is logical, I won't accept it. I act in accordance with my intellect.”

“And then what do you do if you don't accept it?” I asked.

“It's never occurred that I didn't accept it. Until now, [the *marja*'s opinion] hasn't disagreed with my opinions as such.”

What Khadīja shares in common with Tāhira is that she is only hypothetically willing to depart from the *marja*'s opinion, but she does not state that she has done so in practice. It is not clear whether these individuals seek to protect their religious honor by nominally adhering to the *marja*'s opinion or want to project a sort of intellectual independence, something perhaps valued in contemporary Iranian culture, even among traditional believers.

Unlike the previous women from the Jamal Abad mosque (and similar to Sānāz), others explicitly articulated that they ignored the fatwas of the *marāji'* when they found they did not fulfill the necessary conditions as determined by their society. “Ruqayya,” a thirty-year-old with a degree in psychology, was willing to search outside the *ḥawza*, like Sānāz. “Sometimes I consider my own thinking and say [a particular fatwa] is not right,” she said.

“And then what do you do?” I asked.

“I go my own way.”

“You act based on your own opinion?” I asked.

“Precisely, precisely. I act based on my own ideas. Because every day, methods change, ideas change. We can't continue with the old, traditional method. There are some more modern approaches. Of course, we should only use those approaches in accordance with the broader principles [of religion].”

“Can you give an example?”

“An example, for instance, considering the society we live in, some styles, some actions, some methods, people want them to be in accordance with society. But we kind of separate [religious matters from society].”

“Like matters of hijab?” I asked.

“Basically, yeah. In social interactions, in cultural areas, fashion, these things.”

I then asked her how she finds religious legal rulings, and whether she uses the legal manual of her *marja'*. She repeatedly mentioned that the legal manual may not be accessible, and instead mentioned the internet, “research that comes to mind,” and books, before saying, “It’s a little bit of an eclectic approach. I can’t say it’s just the *marja'*, no.” I asked if she believes the legal manuals fulfill the needs of people, to which Ruqayya replied:

No. The needs of people are a little more advanced, a little more modern (*be rūz*). Because most people now are modern. Despite what they say, in addition to the *marāji'*, they take from the media, society, culture, or books that exist on a particular topic. They search the internet, and act in accordance with this [modern] method [of resolving legal issues]. [Only] fifty percent use the opinions of the *marāji'*, because society is becoming more modern. In the old days, there wasn’t a lot of communication, and [laws came] mostly from the books that were available. Now everything is different.

Ruqayya also stated that she considers a proper fatwa to be one that is contemporary and does not confine the individual. Unfortunately, she said, this is not the case for the majority of fatwas:

Some of [the *marja'’s*] ideas aren’t in accordance with the ideas that exist now, with my own ideas. They aren’t right. Maybe forty percent of cases he says are right. They used to give better answers than they do now, meaning, you used to be able to act on them.

The few examples given by these women largely pertained to dress and the social status of women. It is implied that the repeated theme of modernity largely concerns the *marāji'’s* lack of awareness of the needs of modern women and thus the hindrance of their active participation in society. Another woman from the Jamal Abad mosque, “Šiddīqa,” a fifty-eight-year-old principal with an MA in theology, explicitly stated that certain laws of the *marāji'* violate women’s rights. I asked her whether available fatwas of the *marāji'* fulfilled the needs of the youth, to which she replied that they did not, because many issues are now global. And, she

argued, many of the rulings of the *marāji'* apply only to a particular setting. Like Zahrā', Şiddīqa gave the example of usury in the banking system in Iran.<sup>65</sup> And then she said:

Of course, I should say something here. I think this is a really good opportunity. Our *marāji'* have worked really hard, really. But I have a particular request of our *marāji'*, and that's that they need to revise many of their rulings. Nowadays, both the man and the woman work. The economic burden is equally on both of them. Here there should be a revision:<sup>66</sup> a woman who works is different from a woman who is a homemaker. This is something the *marāji'* must change.

She then stated the “scholars and *marāji'* in Lebanon” (Faḍlallāh) have put in more effort in this regard than “our *marāji'*” (in Iran). This lack of effort, she argues, results in a sort of prejudice toward women:

“I'm a high school principal myself, and I have girls who are in their second or third year of pre-college preparation. They're not inclined [toward religion, or, perhaps the *marāji'*] because they give them answers that violate their rights.”

“Like what?” I asked.

“For instance, the fact that a man can have four wives. Even though the Qur'an said ‘then one,’<sup>67</sup> they don't mention this part. Why is it like this, that they can have four? By God, there are a lot of things the youth don't accept.”

This statement that certain laws violate the rights of women is stronger in tone than what was shared above. This does not mean that other women would not agree (in fact, this topic will be taken up again in the discussion on the requirements of *marja'iyā*). But rather, it could be that there is a certain decorum observed among *muqallids*, meaning that they frame their criticism of the *marāji'* as a sort of lack of awareness and faulty legal methodology, as opposed to bigotry.

Of course, the conditions of modernity and social relevance for fatwas were not exclusively mentioned by women. “Ghulām-Ḥusayn,” a sixty-two-year-old stonecutter I met at the mosque of Noor Afshar in northern Tehran, stated that his expectation from fatwas is that

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<sup>65</sup> Albeit, her issue was slightly different. Whereas Zahrā' had a problem with the legal loophole she associated with Ayatollah Sistani, Şiddīqa did not like that the fatwas of the *marāji'* prohibiting such banking transactions were not enforced by the government of Iran.

<sup>66</sup> Perhaps related to inheritance or obedience of the husband.

<sup>67</sup> A reference to Qur'an, 4:3, which, after apparently permitting men to marry up to four wives, instructs them to only marry one if they fear they cannot treat multiple wives justly.

they answer questions about modern life (*rūz*). And “Yāsir,” a fifty-five-year-old social worker I met in Ahar, responded to a question about matters that are inappropriate to ask a *marja‘* by saying:

Some issues you can understand yourself, you know. Like in the old days, we had laws about praying broken and full<sup>68</sup> because travelling was difficult or modern vehicles didn’t exist or were rare. Now going and coming is easy. Vehicles, science and technology have advanced. These [fatwas] need to be updated in my opinion. They need to be looked at again, read again.

Other men mentioned conditions of reasonableness or acceptance by the *muqallid*. “Raḥīm,” a fifty-two-year-old grocer in Ahar, gave the following attributes for an appropriate fatwa: “It has to appeal to your heart. Your heart has to be at peace. It must be clear such that you accept it easily.” Sitting next to Raḥīm was his friend, the aforementioned Karīm, who added, “In addition to the comfort in your heart, one must be able to accept it. I don’t have to necessarily be happy nor does it have suit my personal taste. Rather, if he says what is right, I will accept it.” At least in the case of Karīm, this sort of intellectual independence may be more of an ideal. In other words, there may be a desire to convince oneself that the *marja‘*’s fatwa is actually reasonable, regardless of how one finds its logic. Others, though, used stronger language to convey a form of intellectual independence. “I don’t want to say I accept everything from him like a parrot,” said ‘Abbās. “I have to act in accordance with research,” he added.

Some men expressed an actual willingness to depart from the fatwas of the *marāji‘* if they did not fulfill the aforementioned conditions. “Kāzīm,” an eighteen-year-old, recent high school graduate I met at the shrine of Imāmzādeh Šāliḥ in Tajrish, Tehran, said that his approach when receiving a fatwa is as follows: “If it’s in accordance with society, and it’s good, I do it. If it’s not, I try to do it less.” But Kāzīm claims he has never come across a fatwa that did not fulfill

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<sup>68</sup> In Twelver Shī‘ī law, one prays “full” (*tamām*) when not traveling, meaning four prayer-cycles (*rak‘as*) for the noon (*zuhr*), afternoon (*‘aṣr*) and night (*‘ishā*) prayers, and “broken” (*qaṣr*) when traveling, meaning two prayer-cycles for the aforementioned prayers.

this condition. “It was all in accordance with today’s (*imrūzī*) society. It was all good,” he said. “Ḥasan,” a seventy-eight-year-old retired entrepreneur I interviewed at the shrine of Imāmzādeh ‘Alī Akbar in Chizar, stated that his approach to legal manuals is: “You take those things you need to take.” He mentioned referring to other *marāji* ‘ to check the opinion of one’s own *marja* ‘, before saying, “And of course you refer to your intellect to see what the times say. [You ask yourself], this opinion of his, is it appropriate for your time?” He stated he would resolve things on his own if he did not find a fatwa to be rational. Finally, “Majīd,” a fifty-eight-year-old lathe turner in southern Tehran, provides us with a lengthy example of departing from the fatwas of the *marāji* ‘ when they seem unreasonable. Majīd is another interesting case study, since he does not appear to adhere to the opinions of any particular *marja* ‘, though he does profess to perform *taqlīd* to Ayatollah Muḥammad Riḍā Gulpāygānī (d. 1993). It is in this light that we can understand this example, a response to my question asking about the fields of knowledge in which he performs *taqlīd*. Majīd responded:

In 1388 AHS, I went to Mecca [to perform either the *hajj* or, more likely, the *‘umra*]. [Before leaving,] I wanted to first make my money *ḥalāl* (permissible). I went to, uh, a sayyid,<sup>69</sup> Sayyid Ayatollah Muqaddam. I went to make my money *ḥalāl*. He said, “What do you own?” He said the inheritance from my father and the car I use don’t need to be made *ḥalāl* [i.e., are exempt from *khums*]. He then said, “What else do you have?” I told him I have two homes. And then, without even doing the math, he said [I owed] 1,500,000 [tomans<sup>70</sup>]. I was surprised. How did he decide 1,500,000? I mean, he has to take the time to add things up. He said “1,500,000,” just like that.

Here the apparent lack of precision of this scholar (whom Majīd substitutes for his *marja* ‘) led Majīd to doubt the answer he received. It is apparently for this reason that he would seek independence in acting upon this legal interpretation. He continued:

“I asked him if it’s possible that I give some of this money that I made *ḥalāl* to someone I know. At first, I wanted to give all of it to him. [The scholar] said, “No, you can only

<sup>69</sup> A descendant of the Prophet. Scholars who have this distinction wear black turbans.

<sup>70</sup> The currency known in Iran, even though the *riyāl* (worth one-tenth as much as the *tūmān*) is the official currency. In the year 1388 AHS, approximately 1,200 tomans was equal to one dollar. So 1,500,000 tomans was worth about \$1,250.

give 300,000 tomans.” I then said, “Make it a little more. He’s in need.” He said, “Okay, 400,000 tomans.” As I set out to leave, I gave him 200,000 tomans, and then, when I got back from Mecca, I gave [the scholar] another 200,000 tomans. So I gave 400,000 tomans to them<sup>71</sup> and 400,000 tomans to the poor person I know. Then it didn’t really feel right to me to give [the remaining] 700,000 tomans to this scholar (*ākhūnd*). My heart told me to give it to the poor person.”

“So you did your own thing?” I asked.

“Yeah.”

“You didn’t listen...” I began.

“No.”

The remainder of this discussion with Majīd distinguishes it from the previous examples, because he clearly was not criticizing a particular fatwa from one particular *marja’*, but rather the application of broader fatwas on *khums* given by the *marāji’* collectively. Nonetheless, I choose to place his example here because, as will be shown, this sort of *taqlīd* to the *marāji’* collectively is a large part of the performance of *taqlīd* in general. I asked Majīd, “Was the scholar a representative of the *marja’*?”

“Representative... I don’t know--,” Majīd started. But he did not address this problem of representation of the *marāji’*, instead clarifying that he trusts his own judgment more than what he perceives to be the judgment of the *marāji’*, responding:

I doubt about this *khums* that he is taking, who he wants to give it to, how he wants to spend it... I didn’t really interact with [this scholar]. Of course, I knew him [to some degree]. But [giving him the remaining *khums*] didn’t feel right to me, just based on my opinion. I decided it is better used here, and doing so would put my mind at ease. We’re talking about a poor person. In my own opinion, based on my level of understanding, my own view, I thought it was better used on him. It’s my own opinion, whether right or wrong.

Majīd demonstrates a strong form of independence from the legal decision he receives, in that, he is not entirely sure of his own reasoning for (partially) rejecting it, and yet chooses to do so. And, as mentioned earlier, according to the *marāji’*, *khums* must be paid to a *mujtahid*, in

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<sup>71</sup> Apparently he means the *marāji’*.

particular the most knowledgeable one. In fact, *khums* is one of the biggest issues for which *muqallids* refer to the offices of the *marāji'*, based on my own observations, which are presented below. Thus, Majīd's willingness to trust his heart on this matter is a prominent example of the restrictions on the legal purview of the *marāji'*.

The expectations *muqallids* have of fatwas and the conditions they place on them have apparently influenced the fatwa-making process itself. In his famous criticism of the *hawza* (*Mushkil-e asāsī dar sāzmān-e rūḥāniyyat*, or, "The Essential Problem of the Institution of Religious Scholarship"), part of his *Dah Guftār* ("Ten Discussions"), Morteza Motahari argues that scholars' reliance on *khums* (in particular the *sahm-e Imām*) produces a sort of '*awāmm-zadigī*' (being at the behest of lay people), preventing scholarly innovation, as scholars must try to appease lay people.<sup>72</sup> Another effect of this '*awāmm-zadigī*' is that *marāji'* are not completely free to give opinions in accordance with their research. Motahari narrates that Ayatollah Burūjirdī (d. 1961) expressed that he had to practice *taqiyya* (dissimulation) in the company of the Shī'a.<sup>73</sup> Burūjirdī reportedly said:

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<sup>72</sup> Motahari narrates that Abd al-Karīm Ḥā'irī-Yazdī, the founder of the modern *hawza* in Qom, decided that a number of *hawza* students should learn foreign languages in order to spread Islam to other countries. It was then that a group of '*awāmm wa-shibh-e 'awāmm*' (those uneducated in *hawza* studies) from Tehran headed to Qom and stated that the money from *sahm-e Imām* is not to be used for learning the "language of non-Muslims," and then proceeded to make threats. Ḥā'irī-Yazdī learned that to proceed any further would bring about the destruction of the *hawza* he had worked to build. Motahari also narrates that in the time of Abu'l-Ḥasan Isfahānī, a group of prominent scholars decided to change the curriculum of the *hawza* so that it more appropriately addressed the needs of Muslims, including more of an emphasis on the theology and less of an emphasis on jurisprudence. According to Motahari, Isfahānī, recalling the fate Ḥā'irī-Yazdī suffered for doing something similar, stated that the curriculum was not to change so long as he was alive, and that *sahm-e Imām* was only to be spent on those studying jurisprudence. See: Morteza Motahari, *Dah Guftār* (Tehran: Intishārāt-e Ṣadrā, 2003), 306. Perhaps it was for a similar reason that, as Allamah Ṭabāṭabā'ī narrates, Ayatollah Burūjirdī famously threatened to discontinue the *shahriyya* (stipends) of seminary students who attended Ṭabāṭabā'ī's class on the philosophical text *al-Asfār al-arba'a* by Ṣadr al-Dīn Muḥammad Shīrāzī (d. 1640), known as Mullā Ṣadrā. These stories are supported by Litvak's historical analysis of nineteenth-century *marāji'* in Iraq, as he writes that the "[m]ujtahids who engaged in *fiqh* had the strongest prospect of emerging as religious leaders since their work had greater relevance to lay constituents and lower-ranking 'ulama'. Experts in auxiliary fields of learning such as ethics or philosophy were less likely to establish the sufficiently wide basis of patronage necessary for leadership." (See: Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 182)

<sup>73</sup> This is noteworthy because *taqiyya* is usually practiced in the company of Sunnis.

Initially upon becoming a *marja'*, I thought that we (the *marāji'*) were to derive rulings, and people would follow them. People would follow whatever fatwas we issued. However, in the cases of fatwas that are not to the liking of the lay people, I learned that such is not the case.<sup>74</sup>

Similarly, Ayatollah Bahjat (d. 2009) quotes Ayatollah Muḥammad Ḥujjat (d. 1953) as having said, “In the past, people would perform *taqlīd* to someone with the intention of following him. But now, they want to perform *taqlīd* to someone who will follow them and perform *taqlīd* to them!”<sup>75</sup> The power of public opinion arguably has even factored into the political decisions of the *marāji'*, including the famous tobacco boycott of Mīrzā Ḥasan Shīrāzī, one of the strongest displays of power by a *marja'* in history.<sup>76</sup>

Thus, in theory, the *marāji'* are empowered to provide opinions on any matter for which it is possible to perform *ijtihād*. However, in reality, it appears that (at least some) followers place other conditions on fatwas, complicating the reception and enactment of fatwas that are not perceived to sufficiently consider the particular social context or thinking of their audience. Of course, other followers professed to follow the fatwas of the *marāji'* unconditionally. Some even presented their loyalty to the *marāji'* as a form of loyalty toward religion, even though the

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<sup>74</sup> Motahari, *Dah Guftār*, 305.

<sup>75</sup> Rukhshād, *Dar Maḥḍar*, 288.

<sup>76</sup> In *Religious Authority in Shiite Islam*, Ahmed Kazemi-Moussavi identifies the bazaar-mosque connection as the key to the emergence of the *marāji'* and their influence in society. He writes that the “power of public opinion of Iranians under the influence of the Shiite intelligentsia and other dissatisfied groups” paved the way for the social involvement of the *marāji'* (Kazemi-Mousavi, *Religious Authority*, 4). One example Moussavi uses is that of Mīrzā Ḥasan Shīrāzī, whose famous ruling calling for a boycott of tobacco in 1308/1891, which overruled the decision of a sovereign king (Nāsir al-dīn shah), was only possible due to the relationship between scholars and merchants in Tehran, Tabriz, Isfahan, Mashhad and Shiraz (*Religious Authority*, 259). And according to Abbas Amanat, Mīrzā Shīrāzī came from a “family of petty clerics with long-established links with the closely woven networks of merchants of southern Iran” (Amanat, *Authority and Political Culture in Shi'ism*, 116).<sup>76</sup> Amanat writes that merchants, specifically tobacco producers from Lar, promoted Shirazi and pressured scholars to get him involved in the tobacco crisis (Amanat, *Authority and Political Culture in Shi'ism*, p. 119-20). Amanat also depicts the *marāji'*'s positions concerning the Iranian Constitutional Revolution of 1905-1911 as being a “contest for popularity and support of the laity that determined the political orientation of the ulamā.” As a result of the expectations of *muqallids*, “political participation rather than customary practice became the norm in the way funds were located and students were attracted.” (Amanat, *Authority and Political Culture in Shi'ism*, 122)

*marāji* ‘ do not present their opinions as religious truth, but rather address the fact that they change their opinions in their legal works.<sup>77</sup>

The interviewees’ major concerns with ignoring some of the fatwas of the *marāji* ‘ are related to the original reasons for performing *taqlīd*, especially *taqlīd* to the *a‘lam* (most knowledgeable). Some *muqallids* felt that, after deciding to perform *taqlīd* to a *marja* ‘, they were obliged to abide by his fatwas and that to do otherwise would be preferring their own lowly desires over that which is rationally required (following the opinion of a specialist, especially the most qualified specialist, the *a‘lam*). “Kubrā,” a sixty-three-year-old with a degree in literature I met at the Jamal Abad mosque, said that *muqallids* cannot expect fatwas to be in accordance with their “desires.” “It’s not about what we like or don’t like to do,” she said. She cited the expertise of the *marāji* ‘ in this regard, saying:

They speak with authority, and their opinions are [legal] proof, making it obligatory on us to act on them... We might not understand the philosophy behind some laws, but we know they are taken from the Qur’an, consensus, and the Sunnah. These scholars are great experts, and what they say is [legal] proof. We must accept [their opinions] as a form of devotion (*ta‘abbud*).

Similarly, Luṭfullāh said, “Whatever answer he gives, we must act on it because we are *muqallids*. Whatever the answer is, whether we like it or we don’t like it, we have to act on it.” I asked what he would do if he found a fatwa irrational. He responded, “Well, I’m a *muqallid*, meaning, when I’m in a situation I have to act on my duty, you know.” He then mentioned *iḥtiyāt* (precaution) as the only other alternative, indicating that his thinking is derived from the framework presented in legal manuals. Abū’l-Faḍl emphasized the element of *a‘lamiyya* in explaining why *muqallids* should not reject fatwas:

When we say a particular *marja* ‘ is the *a‘lam*, that means he studied *fiqh* such that he can access all of *fiqh*, and give one the best answer. One can’t really say, “In my opinion, this

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<sup>77</sup> Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā’il-e marāji* ‘, v. 1, p. 15, #6.

isn't good." When one does *taqlīd*, to some degree one can say that this person might make a mistake, but when a *marja'* is knowledgeable to that degree, *a'lam*, then you can't insert yourself into the discussion, unless you realize that *marja'* isn't the *a'lam* or can't properly [explain] his opinion or has a very strange opinion... On detailed matters in *fiqh*, in my opinion, one must entrust these to the *marja'*. We entrusted the *marja'* [with our legal obligations], and [accepted] that he has more complete knowledge. If one really has faith that he's the *a'lam* and the highest knowledge of books of *fiqh* in this time, then must truly accept [what he says].

"A'zam," a fifty-five-year-old who helps coordinate the religious programs at the shrine of Imamzādeh 'Alī Akbar in Chizar, said it would be a "contradiction" for one to accept the *marja'*'s opinion on some issues and not on others. "Ma'sūma," a forty-two-year-old homemaker who participates in a class on legal rulings (*aḥkām*) at the shrine of Imamzādeh 'Alī Akbar in Chizar, said her trust and faith in the *marja'* means she will always receive the best answers. Qāsim said, "When you accept your *marja'*, you accept the fatwa he gives you as well." And "Zuhra," a thirty-five-year-old with a high school architecture degree I met at the Jamal Abad mosque, said:

I chose my *marja'* because I am certain that he would not say anything that disagrees with *'urf* or religion. If, let's suppose, I have doubts, I have to doubt my own religion, my own beliefs, and ask, "What did I want? Was it something worldly? Why did I have doubt about that issue?" Of course, it's never occurred for me. Never in the times I've called [Ayatollah Khamenei's] office did I hear something that was not in accordance with my reasoning... Even if did [find something irrational], I would have to listen to what the *marja'* says, because, as I said, it's a matter of religion, one of our obligations. We must follow whatever the *marja'* says based a reliable source. Because of this, even if it is [not something I find rational], I'll do research and look at what other *marāji'* said. But in the end, I'll go to what my own *marja'* says and act upon that.

'Abbās and Zībā both mentioned that it is possible that the *marja'* understands more than they do. "They are more knowledgeable," said Zībā. "Perhaps my intellect isn't sufficient. Perhaps it's weaker than theirs... When we follow religion, we have to accept all of it." Sajjād emphasized the element of trust, saying, "If you act within the framework of law, you should trust your *marja'*, because you trusted him in the beginning. You determined he is the *a'lam*, so

trust him.” He then compared following fatwas that one finds irrational to a child’s trusting her parent that a vaccine is in her best interests even though it seems irrational at the time.

*Muqallids* sometimes present this strict adherence to fatwas as a form of unconditional loyalty. After changing his *marja’* multiple times, Jawād said he found a *marja’* in whom he has “complete faith.” “I decided years ago that, the *marja’* I chose, whatever he says, that’s it,” he said. Now that he has made this decision, he feels he must be completely loyal. Jawād said this is the attitude of one who obeys the authority of the *marja’*, or is *wilāyat-madār*, which he believes is the essence of *taqlīd*. When I asked him to explain this *wilāya*, he said:

[It means you listen to] whatever the *marja’* says. If he says throw yourself into a well, we throw ourselves into a well. [I chuckled, which prompted him to say:] I’m serious. A mountain climber ascends a mountain. His rope becomes unfastened. He says, “O God, catch me!”

A cry comes out, “Catch him.”

He is suspended in the air. He says, “God, help me.”

[God] says, “Cut your rope.”

“Cut my rope?”

“Cut it.”

It was foggy and it was impossible to see anything. “Cut my rope?”

“Cut it.”

He doubts and doesn’t cut the rope. In the morning they find his dead body and see he was just one meter from the ground. The *marja’*’s vision compared with mine is like the distance between the ground and the seven skies. I can’t pursue anything. The *marja’* put in the work, with one question he resolves it.

In some cases, *muqallids* articulated a kind of unconditional loyalty to the *marāji’* while contradicting this by also saying that they must be able to accept the reasoning of fatwas. For instance, when asked if he’s encountered fatwas that seem irrational, Karīm responded with an extreme example. He said:

It hasn’t occurred for me, but if it occurs, I’ll accept what the *marja’* says. I’m not concerned with what my own reasoning dictates. If my *marja’* says the moon is black, even though I know the moon is white, [I know] there’s some greater good (*maṣlaḥa*) in his speech. It might be the greater good (*maṣlaḥa*) of the society of Muslims, based on the conditions of today or of society or the country, that he gives this ruling. I accept what the *marja’* says, even though I know [something else], I accept what he says. I trust

him. I trust him and the greater good that is behind his speech, which I would not be able to determine.

However, Karīm also stated that for a *muqallid* to accept what a *marja'* says, the *muqallid* must feel comfort in her heart and recognize that what the *marja'* says is “right.” That is quite different from accepting whatever the *marja'* says even when knows it is as blatantly wrong, such as declaring that the moon is black. Raḥīm also said that fatwas must appeal to the *muqallid's* heart, and yet he said concerning fatwas that he found somewhat irrational, “I accepted the opinion of the '*ulamā'* (religious scholars), but it was a little difficult to digest.” This apparent contradiction can be understood to mean that these *muqallids* have expectations of fatwas, and if fatwas do not fulfill these conditions, they do not believe they should be accepted but are still not willing to protest them openly.

Kāzīm, Şiddīqa, and Yāsir provide even stronger examples of the conflicted state of *muqallids* who set certain standards for fatwas but shy away from disobeying fatwas and relying on their own reasoning. Kāzīm said concerning fatwas, “If it's in accordance with society, and it's good, I do it. If it's not, I try to do it less.” Meanwhile, when asked about the process of performing *taqlīd*, he responded, “You have to act on all their fatwas, in relation to prayer, fasting, *hajj*, *zakāt*, anything that the *marāji'* say, you have to act on it.” Şiddīqa, who stated that many rulings needed to be revised and that some violated women's rights, said concerning the possibility that some fatwas seem irrational:

Look, my intellect isn't the standard. I consider the intellect of my *marja'* to be the standard, because, at any rate... and it's not just intellect. In addition to intellect, there must be revelation, you know. It's possible my intellect doesn't agree with revelation. Or it's not pure. The desires of the soul, well, I'm still human. I don't claim [to be more than that], and it's possible my intellect in some places, no, it isn't sufficient. When I was in the beginning of my youth, the reasoning behind [laws in] *sharī'a* was very important to me. In the end, one acts on [these rules] because she is a servant. But if she knows the reason, it is more enjoyable, right? But, in some places, it's hard for me [to act on the rules]. I [just] want to fulfill my duty, so I do it.

And Yāsir, who declared that he could understand some fatwas on his own and that some need to be updated, was the only interviewee who stated that the *muqallid* should not ask the *marja*'s reasoning for a particular fatwa. All others who were asked stated that one has such a right. (Of course, many did not think asking would be particularly productive, since such advanced legal discussions are beyond the comprehension of non-specialists.) I reminded Yāsir that he stated earlier that he does not accept some of the fatwas of the *marāji*'. He then adjusted his answer about asking the reasoning of a fatwa and said that because one has faith in the *marja*', it is better to not ask, though one can do so for clarity. Here is what he said when I mentioned the fact that he earlier questioned certain fatwas:

“Look, sometimes you go to the doctor, and you know what to do yourself, so you don't go to the doctor [anymore]. When I've read medicine, and I have mastery of it, there's no longer a need for me to go to the doctor.”

“No, you said you haven't reached the level of *ijtihād*, but that in some issues...” I began.

“In some things, just like it's possible that you, anyone, it's possible they are infallible. But one isn't infallible in all things.”

“But that's different. You're saying some issues are so clear that...” I began.

“One can see them for himself.”

“... you know the opinion of the *marja*' is wrong. Issues that aren't clear like this, you don't have the right to ask the *marja*' about them,” I continued.

“Issues that aren't clear?” he asked.

“Yeah. Now, prayer of the traveler is clear for you.”

“Yes,” he said.

“Other issues, it's possible you could say, ‘I don't understand why he gave this fatwa.’ But you say you don't have the right to ask.”

“When a person doesn't know, yeah, it's not necessary for one to ask.”

“No, not that it's not necessary. No, I'm asking if you have the right. For instance, the doctor says to take this pill...” I said.

“In a friendly way one can ask the doctor, but when you trust the doctor, have faith in the doctor, one doesn’t ask him what this is for.”

“It’s not necessary, but does he have the right?”

“The right? In my opinion, there’s no problem in asking for the sake of his own knowledge and awareness so that it can become clear for him.”

Yāsir’s mention of infallibility was apparently an attempt to demonstrate that certain things are so clear, the way sins are made apparent for the infallibles such that they are not inclined toward them,<sup>78</sup> that there is no need for legal reference. Yāsir believes that he can simply reject the fatwas of the *marāji’* when he is certain they are wrong. However, in other matters, even when he doubts the reasoning or nature of the fatwa, it is inappropriate even to ask the *marja’* for an explanation, let alone to reject his fatwa, because the *muqallid* decided to trust the *marja’*, just as the patient trusts the doctor. Whether or not this is actually Yāsir’s approach to fatwas is entirely unclear. This is because there is clearly an attempt among some *muqallids* to present themselves as loyal adherents to the fatwas of the *marāji’*, even though they might strongly disagree with and challenge (or disobey) some of them.

The legal works of the *marāji’* allow for *muqallids* to act as interpreters of legal rulings (*aḥkām*) in the sense that they are to apply them as appropriate. This is natural in matters related to culture, for the *marāji’* are only experts in law and do not know the particulars of every society. And it does not diminish the stated authority of the *marāji’* as lawmakers. However, in my fieldwork, some *muqallids* would act as interpreters of the law itself and, in some cases, prefer their own reasoning to that of the *marāji’*. This is a departure from the form of *taqlīd* presented in legal manuals, which state that a *muqallid* must adhere to the opinions of her *marja’* on all legal matters. Furthermore, some *muqallids* indicated a strong opposition to certain fatwas

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<sup>78</sup> For a discussion on this matter, see: Kamāl al-Ḥaydarī, *Al-‘Iṣma: baḥṯ taḥlīlī fī ḍaw’ al-manhaj al-Qur’ānī*, speeches by al-Ḥaydarī transcribed by Muḥammad al-Qāḍī (Qom: Dār al-Farāqid, 1999), 134-156.

only to later profess their loyalty to the *marāji*’, suggesting that the legal authority of the *marāji*’ is largely symbolic. Thus, while the *marāji*’ are not limited in the scope of their ability to interpret the law in theory, they are confined by the expectations of their followers in practice. If the *marāji*’s opinions still carry legal weight even when they conflict with societal standards, it is largely because of the role they play in providing *muqallids* with a coherent identity. This concludes a brief discussion about the nature of the legal authority of the *marāji*’. But certain questions remain about the scope of their authority and whether it extends beyond law to the realms of spirituality and doctrine.

## **The non-legal authority of the *marāji*’**

The *marāji*’ are jurists by trade. Thus, their legal authority is a foregone conclusion. A more challenging question is whether their authority extends to other realms of Islamic and secular knowledge, like ethics, doctrine, spirituality, politics, and economics. This can be explored both in the works of the *marāji*’ and in the professed *taqlīd* of their followers. The *marāji*’ make clear that their expertise is in law. While they do provide spiritual advice, the *marāji*’ do not generally provide official opinions that are to be widely circulated on such matters. Thus, it is difficult to frame this as *taqlīd*, even though *marāji*’ outside the mainstream may view it as such. Followers, meanwhile, recognize that *taqlīd* is generally restricted to law. However, they sometimes carve out a role for the *marāji*’ in ethics and doctrine (and even politics) in order to project them as guardians of the faith.

In the legal theory and legal manuals of the *marāji*’, it is made very clear that *taqlīd* is only permissible in law, and not in theology. For instance, Sistani states that the guidelines revealed to the Prophet for the purpose of the salvation of mankind can be divided into: 1.

doctrine and the roots of religion; 2. matters of *akhlāq* (character traits);<sup>79</sup> and 3. laws of practice and the branches of religion. The legal manuals of the *marāji‘* fall into the third category. According to Sistani, this includes all laws related to the actions of people in the fields of worship, economics, personal space, family, society, courts, punishment, and other such laws.<sup>80</sup> This is essentially what other *marāji‘* have written.<sup>81</sup>

In practice, though, the *marāji‘* do provide guidance on spiritual matters as well. “Zayn Ḥasanī,” a Londoner of Pakistani origin who studied nine years in the *ḥawza* and currently teaches Islamic law, said of his experiences taking caravans of Muslims from the West to visit *marāji‘*:

If you look at the questions people ask the *marja‘* when they visit him, even though they [only] follow this person in *fiqh* and *ahkām* (legal rulings), the majority of questions they ask him are about increasing spirituality in prayer. They’re spiritual questions. Or sometimes [they ask] how to deal with society. They’re practical in a sense, but they’re not legal. They’re about lifestyle, spiritual questions. Sometimes they’ll even ask them *‘aqā‘id* [theological] questions.

Similarly, Ayatollah Muṣṭafā Ḥusayniyān, an Iraqi-Iranian jurist in Qom, told me that *muqallids* will often approach the *marāji‘* with spiritual questions or request a particular *dhikr* (phrase for invoking God’s name) in order to resolve their problems. Sayyid Hossein al-Qazwini, a jurist raised in California and currently teaching in Karbala, said that those who cannot produce children or are diagnosed with cancer will approach the *marja‘* to supplicate on their behalf. He also said that all *muqallids* believe that the *marja‘* must have a say “even in ideology, even in *‘aqā‘id* (doctrine).” Similarly, Zayn said, “The *marja‘*’s identity is based on the concept of referring to a specialist, and yet they answer with authority without disclaimers on matters related to philosophy or theology, areas in which they do not specialize.” And there is written

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<sup>79</sup> *Akhlāq* effectively means deeply-rooted inward traits, or, the qualities the soul develops as a result of repeated actions.

<sup>80</sup> Sistani, *Tawdīḥ al-masā‘il jāmi‘*, 36.

<sup>81</sup> See: Ḥaydarī, *Fatāwā fiqhiyya*, v.1, 16-18; Makārim-Shīrāzī, *Tawdīḥ al-masā‘il*, 14, #1; Waḥīd Khurāsānī, *Tawdīḥ al-masā‘il*, 5, #1; Shubayrī-Zanjānī, *Tawdīḥ al-masā‘il*, p. 7, issue #1.

confirmation that the *marāji'* are aware of the fact that they are received as more than legal scholars. For instance, in a lengthy letter on his official website, Sistani encouraged a group of young believers to guard their faith, adopt proper character traits (*akhlāq*), including taking their deeds into account, create families, fulfill the needs of society, gain professional skills, seek knowledge and wisdom, and contemplate the Qur'an, *Nahj al-balāgha*, and *al-Ṣaḥīfa al-Sajjādiyya*.<sup>82</sup> And in March, 2020, Sistani, Shubayrī-Zanjānī, and Waḥīd-Khurāsānī encouraged their followers to respond to the coronavirus outbreak of 2020 by seeking a connection (*tawassul*) with the Imams, in particular the Twelfth Imam, and reading the thirty-sixth chapter of the Qur'an.<sup>83</sup>

A number of scholars outside the circle of mainstream *marāji'* who are rejected by Iranian scholars at large have expanded the authority of the *marāji'* beyond the purview of law. Ayatollah Muḥammad Ḥusayn Shīrāzī (d. 2001), a jurist from Karbala, was controversial in terms of his credentials, his opinions, and his political activity.<sup>84</sup> He was a prolific author who wrote a 111 volume work on *fiqh* and well over 300 works total. Shīrāzī attempted to reach a global audience and to address directly topics and issues that other *marāji'* had not. He has independent fatwa collections for believers in France, Lebanon, Damascus, and Qatif, Saudi Arabia, and he has authored works on the colonization of Muslim nations, economics, and Islamic societies. His official website, which now functions as the official website of his brother, Ṣādiq, is available in Persian, Arabic, English, Urdu, Turkish, Azerbaijani, Norwegian, Hausa, Bengali, Portuguese, Swahili, Hindi, Russian, Kurdish, Tamil, Indonesian, and Chinese. He had

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<sup>82</sup> *Nahj al-balāgha* is a collection of speeches and short sayings of the Second Imam, 'Alī b. Abī Ṭālib. *Al-Ṣaḥīfa al-Sajjādiyya* is a collection of supplications attributed to the Fourth Imam, 'Alī b. Ḥusayn Zayn al-'Ābidīn. See: <https://www.sistani.org/arabic/archive/25237/>. Accessed June 27, 2019.

<sup>83</sup> See: <https://www.sistani.org/persian/archive/26387/>; <http://www.qomnews.ir/news/86646/>; and <http://zanjani.ir/index.aspx?pid=99&articleid=266532>. All were accessed March 12, 2020.

<sup>84</sup> "Khāstgāh-e mukhālifāt-e khāndān-e Shīrāzī bā nizām-e Jumhūrī-ye Islāmī chīst?" ("What are the origins of the Shīrāzī family's opposition to the Islamic Republic?") <https://iranintl.com/مخالفت-خاستگاه/سیاست> [سیاست-خاستگاه/سیاست](https://iranintl.com/سیاست-خاستگاه/سیاست), February 20, 2018. Accessed June 21, 2019.

(and now his brother has) offices and foundations in Iran, Iraq, Kuwait, Lebanon, Syria, Afghanistan, the United Arab Emirates, and Canada.<sup>85</sup> In a treatise dedicated to the topic of *marja'iyya*, he writes that a legal manual must discuss not only Islamic laws but also the principles of faith, proper character traits (*akhlāq*), etiquette (*ādāb*), and short admonitions.<sup>86</sup>

Another controversial *marja'* is Iraqi philosopher and jurist Kamāl al-Ḥaydarī (b. 1956), who has been critical of other *marāji'* (including his teacher, Ayatollah Khomeini) for confining *fiqh* to the realm of rituals and for not adopting Khomeini's theory of absolute authority of the jurist (*wilāyat al-faqīh al-muṭlaqa*). He has also called into question the hadith sources of the Shī'a, ascribing Jewish origins to much of the literature. For these and other statements, he has been criticized by prominent scholars,<sup>87</sup> and he is not recognized as a *marja'* by *Jāmi'a-ye mudarrisīn-e ḥawza-ye 'ilmiyya-ye Qum* (The Society of Seminary Teachers of Qom) or other prominent *mujtahids*. Concerning the scope of *marja'iyya*, al-Ḥaydarī writes that the *marja'* is “he upon whom others depend for all religious knowledge, not just what is permissible or impermissible.”<sup>88</sup> He clarified this further in an interview with Ḥusayn Dihbāshī, in which al-Ḥaydarī stated that a *marja'* must be a representative of the Twelfth Imam in all matters, including spirituality, proper character traits, philosophy, doctrine, and in private, public, political, and international law.<sup>89</sup>

The *muqallids* I interviewed generally fell under four categories: those who restricted the scope of the *marja'*'s authority to law; those who considered the *marāji'* to be useful resources in fields other than law but did not see this as a matter of (obligatory) *taqlīd*; those who considered

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<sup>85</sup> <http://www.english.shirazi.ir/works/>. Accessed June 21, 2019.

<sup>86</sup> Muḥammad Ḥusayn Shīrāzī, *Al-Marja'iyya al-islāmiyya* (Beirut: Al-Wa'y al-islāmī, 1424), 40.

<sup>87</sup> 'Alī Ashraf Fathī, “Mārtīn Lūtīr-e Shī'a? Āyat'ullāh Sayyid Kamāl Ḥaydarī chī mī gūyad wa-chī mī khāhad?” (“Martin Luther of the Shī'a? What does Ayatollah Sayyid Kamāl al-Ḥaydarī say and want?”) <http://mobahesat.ir/13056>, January 7, 2017, accessed June 21, 2019.

<sup>88</sup> Kamāl al-Ḥaydarī, *Minhāj al-ṣāliḥīn* (Beirut: Al-Huda, 2013), 11.

<sup>89</sup> “Muṣāḥaba Ḥusayn Dihbāshī bā Āyat'ullāh Sayyid Kamāl Ḥaydarī, *Tārīkh Ānlāyn*, [https://www.youtube.com/watch?v=MUNdcyO\\_jw](https://www.youtube.com/watch?v=MUNdcyO_jw), accessed June 21, 2019. Watch at the 36:51 and 38:51 marks.

the scope of the authority of the *marāji'* to be broader than what Sistani and mainstream *marāji'* articulate; and those who, in theory, thought that the *marja'* was a source of all (or many) forms of religious knowledge (similar to Shīrāzī and al-Ḥaydarī), but often could not produce examples and, as a result, adjusted their answers. This final category hints at a discrepancy between the *marja'* as a symbolic figure and the *marja'* as active provider of religious opinions, one of the topics that will be discussed in the final section concerning identity.

The largest number of *muqallids* I interviewed considered *taqlīd* to be confined to what is in the legal manuals or the area of specialization of the *marāji'* (law). The phrase “branches of religion” (*furū'-e dīn*) was often employed to describe the realm of *taqlīd*. Some said *taqlīd* is for “religious” matters, but later clarified they intended law. For instance, Jawād initially said he performed *taqlīd* in “all of religion,” but later said there is no need for *taqlīd* in doctrine. Many would simply list categories in the Persian legal manual *Tawdīh al-masā'il*. And if something was not included in this work, they did not consider it part of *taqlīd*. For instance, Zahrā' said that *taqlīd* included both personal issues (like prayer) and societal issues (like business transactions, marriage and the religious implications of the price of gold). I then asked her if *taqlīd* applied to education, raising children or *akhlāq* (proper character traits), matters the *marāji'* generally only address in broad terms. She replied:

You see, normally legal manuals don't discuss these. Legal manuals aren't concerned with *akhlāq*. Because [they discuss] *fiqh*, legal rulings where a *marja'* derives something and gives a fatwa. But he's not concerned if some consider [a particular opinion] unjust or unethical. Rather, it's legal (*qānūnī*), it should be looked at more from this perspective. Regarding other topics, I don't think so...

These *muqallids* did not perform *taqlīd* in *akhlāq* or doctrine, but for two different reasons: *akhlāq*, they told me, is something that can be gathered from other sources, and does not require *taqlīd*; doctrine, meanwhile, is something that one should understand oneself, and *taqlīd*

in such matters is not appropriate. Rather, one should investigate theological issues until one is convinced. Zuhra said concerning teaching her son ethics:

There's a lot in the Qur'an. I tell my son that the Imams were very good people, with good character and good behavior. For instance, the Prophet of Islam would leave his hands on the ground [during prayer] so his children could ride on his back.<sup>90</sup> This was because he was such a noble and humble person. [The Imams] were very friendly and endearing with children. Children can learn how to behave from the Imams.

“So it's not a matter of *taqlīd*?” I asked.

“Absolutely not. Most of the times, I'll read my children stories about the Imams. And they listen. The *marja'* hasn't written about what the Prophet did or how Imam 'Alī treated the poor.

Meanwhile, concerning *taqlīd* in doctrine, Zuhra said:

Each person's beliefs are related to herself and the amount of knowledge she has. The amount she researched. I can only teach my child what I've learned in terms of doctrine and what I believe. But my child must go research himself, read 1,001 books, speak with 1,001 knowledgeable people, consult them until he finds an answer.

Murtaḍā similarly saw *taqlīd* in *akhlāq* as unnecessary and *taqlīd* in doctrine as wrong, saying:

“Maybe jurists aren't more worthy [of answering non-legal questions]. If one has studied a particular subject, that person can give you a much better answer... In *akhlāq* it's not necessary to refer to a *marja'*. It's very clear that one act is good and another is bad. Each person's conscience is sufficient. But for other things, like, we pray, but to determine how to pray...”

“So *aḥkām* (legal rulings)?” I asked.

“Yes, *aḥkām*.”

“What about doctrine?”

“Doctrine, you have to do research. It's forbidden to perform *taqlīd* in doctrine. It's a mistake.”

I received a somewhat more elaborate answer concerning the problem with *taqlīd* in doctrine from “Manṣūra” a fifty-eight-year-old with an MA in philosophy and some *ḥawza* training, who

I met at the Jamal Abad mosque. She said:

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<sup>90</sup> Apparently a reference to a story in which the Prophet prolonged his prostration for an abnormal amount of time in congregational prayer because one of his grandsons (either Ḥasan or Ḥusayn) was on his back. See: Aḥmad b. Shu'ayb b. 'Alī b. Sanān Abū 'Abd al-Raḥmān al-Nasā'ī, *Sunan al-Nasā'ī* (Riyadh: Al-Ḥadāra, 2015), p. 161, “*Bāb hal yajūz an yakūn sajda aṭwal min sajda,*” hadith #1141.

The principles of religion are something you must research. Each person has to arrive at conclusions regarding monotheism, prophethood, and resurrection, the three main discussions [in doctrine]. This is to determine one's worldview and ideology, because one's actions are in accordance with one's worldview, making it necessary that one's worldview is in accordance with reason.

The *muqallids* who clarified that they did not perform *taqlīd* in *akhlāq* (proper character traits) often mentioned the issue of specialization, and the fact that there were other (more) qualified individuals readily available to them. “I don't think it's necessary to refer to a *marja'* on these,” said “‘Alī,” a thirty-three-year-old industrial engineer I met at the mosque of Niyavaran. “You can go ask someone who holds a PhD, for instance.” “I ask [the *marāji'*] things that are in the realm of their field,” said Zībā. Şiddīqa stated she only performed *taqlīd* in *fiqh* (Islamic law) and the “branches of religion,”<sup>91</sup> and even rejected the idea of *taqlīd* in politics. When I asked about *taqlīd* in spirituality, she replied, “No, no, no.” She said it is “preferred” to refer to scholars who have experience in spiritual wayfaring, like Ayatollah ‘Abdullāh Jawādī-Āmulī (b. 1933).<sup>92</sup> Sārā said that *taqlīd* applies to the branches of religion, and not the roots of religion, before saying the following about *akhlāq*:

Oh, that's not something you perform *taqlīd* in, no. It's something where you benefit from the guidance of authorities on those issues, and these authorities don't have to be *marāji'* to help in matters of religion.

She then mentioned two websites to which she refers, neither of which states the opinions of the *marāji'*, but rather those of other religious scholars or scholars in academia. Sajjād said concerning imitating the *marja'* in *akhlāq*:

It's not that the *marja'*'s personal life is something in which we perform *taqlīd*. We're not supposed to imitate the way he dresses or speaks, or live where he lives. Even some of his beliefs, okay? You don't go to a cardiologist to get an opinion on your eye. It's the same with *marja' iyya*. It's not such that we must imitate his specific lifestyle, his form of income, how he marries, the number of children he has. Rather, the *marja'* has to acquire certain things and teach some of those to us.

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<sup>91</sup> By that she intended everything but doctrine, which forms the “roots of religion.”

<sup>92</sup> Who happens to be a *marja'*, but was well known for his philosophy, spiritual wayfaring and commentary on the Qur'an decades before he reached the station of *marja' iyya*.

Manšūra mentioned the theme of specialization multiple times in our interview. As someone with *hawza* training, she believed she had an understanding of the strengths and weaknesses of jurists, and thus was strong in her criticism of the *marāji*'s shortcomings. She said concerning performing *taqlīd* in matters related to childrearing:

No. Because [the *marāji*'] haven't worked on this matter, meaning we refer to a specialist on raising children because the *marāji*' have not sufficiently researched the matter. We try to find an Islamic [therapist], like Dr. Afrūz or Dr. Qā'imī, because we think they observe both Islam and matters related to raising children. It's even possible we can benefit from specialists in the west, because they've examined some issues much better. It's not necessary to follow them absolutely, but we can read [what they write] and choose what is right. In the end, we have our own intellects, so we can find what's right.

Concerning *akhlāq* she said, "It's the same. In my opinion, in discussions on *akhlāq*, raising children, in modern issues, the work of the *marāji*' is very weak." While he did not outright criticize the *marāji*' on the matter, "Dr. Jawharī" a sixty-year-old physician I met at the mosque of Kashanak in Tehran, implied that *taqlīd* to the *marāji*' in the matter of childrearing is not possible simply because they have not written or said much about it. He said:

Raising children, well, it rarely occurs that you ask the *marja*'. Why? I don't know. At any rate, one consults one who is religious, a religious scholar. We wouldn't pursue a western psychologist, [but rather] a religious psychologist that one can trust. But referring to a *marja*' about raising children... no. Unless we use the *akhlāq* speeches that have been recorded. People listen to CDs of famous speakers in these fields, those who teach *akhlāq* of religion. They listen to these and it helps one perform these tasks. And then if a question still occurs, then, normally we don't ask the *marja*', no. We refer to those who are educators (*murabbī*) of raising children and have a religious dimension as well.

It is worth noting that Dr. Jawharī transitions from speaking about the *marāji*' to *akhlāq* speeches given by "famous speakers" (most likely not the *marāji*') without clarifying the distinction. This speaks to the idea that the *marāji*' are perceived as the ultimate sources of religious knowledge, but that, upon contemplation, *muqallids* realize that there are other resources available in Iranian religious culture.

Confining *taqlīd* to law does not mean that the *marāji*‘ are not valuable resources in *akhlāq* and doctrine. A number of interviewees conveyed that even though there was generally not a necessity to perform *taqlīd* in such matters or that such opinions of the *marāji*‘ were not binding, the *marāji*‘ are still available as guides and consultants. Dr. Jawharī said that there is not generally much difference of opinion in *akhlāq*, and thus it is not required that one refer to a particular jurist in such matters. Still, he saw *taqlīd* as being available as a last resource for *akhlāq*. He said:

It’s obvious that anything related to religion, whether doctrine or practice, if a *marja*‘ is necess-- If I have a question, I’ll ask... [But] it’s never such that one [*marja*‘] says, based on *akhlāq*, you should do one thing, and another says you shouldn’t do that thing. This kind of contradiction never occurs. If it occurs, then I can ask the *marja*‘. But it never occurs.

Concerning doctrine, Dr. Jawharī apparently views reference to the *marja*‘ not as *taqlīd*, but rather preferring knowledgeable scholars over less qualified individuals. In other words, it is not such that one must refer only to one’s *marja*‘ and can only accept that opinion. He said:

These, the roots of faith (doctrine), *taqlīd* doesn’t apply... Of course, even in this, a person can run into problems and might be forced to ask, yes. One has to ask even about this, yes. You can’t ask one who, for instance, just read a few books.

After Sajjād stated that *taqlīd* only applies in the branches of religion, and not its roots (doctrine), *akhlāq* or raising children, he explained that *muqallids* can still learn a lot about the details of doctrine from the *marāji*‘, though one is not obliged to adopt her *marja*‘’s opinion. He said:

At the same time, we learn a lot of the particulars of monotheism and divine justice from them, you know? But it’s not obligatory to perform *taqlīd*. Meaning, if he says, suppose, that the infallibility of the Prophet was from the beginning of his birth, and another *marja*‘ says it was, for instance, from six years of age, another *marja*‘ says four years old, it’s not obligatory for me to listen and obey him. Meaning, that’s something where I go learn about it and arrive at a belief on my own.

Ḥamīd said concerning the possibility of performing *taqlīd* in *akhlāq*, “Yes, if it gets to the point that it’s necessary.” And after denying *taqlīd* in doctrine, he said that *muqallids*, especially foreigners with little Islamic knowledge, may seek the *marja*‘’s help in researching matters of

doctrine. “Such a person can’t arrive at these matters completely on her own,” he said. “She has to refer to someone, have a guide to get help on these issues.” However, he clarified, the individual must then comprehend the reasoning given. “He opens the path,” said Aḥmad concerning doctrine. “I understand the rest.” Aḥmad mentioned that his first source of knowledge was the Qur’an, but that the *marja’* was a good secondary option. He said:

When my own thinking can’t resolve something then yes, I refer to [the *marja’*]. A problem comes up, a question, like I said, for the kids, the youth, there might be a discussion. When they can’t get an answer, they call, like, the office of *āqāyūn*<sup>93</sup> and ask.

Abū’l-Faḍl made clear that a *marja’*’s opinion on *akhlāq* is different from a legal opinion, as the former is not binding:

Āqā Khamenei has an opinion, and it’s his personal opinion, that in *hay’ats*,<sup>94</sup> he doesn’t like for those beating their chests<sup>95</sup> to take their shirts off. He prefers they beat their chests with their shirts on. But it’s not a *fiqh* ruling. The person who does *taqlīd* to Āqā Khamenei, it’s not such that if he takes his shirt off he’s committed a sin. This is because when God prohibits something, it will never become permissible, meaning, a *marja’* can’t come and declare lying, which God has always said is bad, is good, or declare good any other sin that was always bad. It’s not like this. But he can say this is better or that is worse. Still, it’s not such that if you don’t listen, you’ve committed a sin.

Abū’l-Faḍl argued that when Khamenei related that he does not like beating one’s chest while shirtless, he did not frame his statement in the context of law (by, for instance, saying it is *ḥarām* or that caution must be observed). Rather it was mere advice or preference, and thus does not carry the same weight carried by rulings that create obligation or prohibition. Ma’šūma gave an example that also indicates the non-binding nature of the *marja’*’s opinions in *akhlāq*. After stating that the *marāji’* have given *muqallids* “some awareness” concerning *akhlāq* and raising children, she gave an example related to hijab, saying:

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<sup>93</sup> Literally “the gentlemen,” which is often used to refer to religious scholars or other authorities. Here apparently Aḥmad is referring to the *marāji’* specifically. This is an example of the reality of *taqlīd* as a sort of following the collective *marāji’* and not just one specific jurist.

<sup>94</sup> “Societies” in which people gather to mourn the deaths of the Imams.

<sup>95</sup> A form of mourning in Twelver Shī’ī culture.

Our *marāji*‘ haven’t announced that your clothing must only be a *chādūr*. They said *chādūr* is superior clothing. But if you wear clothing that covers, there’s no problem. They didn’t say you have to wear *chādūr*. I’m using *chādūr* as an example.

In other words, the *marāji*‘ see some value in women wearing *chādūr*, but do not frame their statements on the matter as legal obligation. Thus, as in the case of beating one’s chest shirtless, in this example, the *marja*‘ is merely a moral advisor and not a legislator.

The *marāji*‘ were presented by some to be role models of *akhlāq* (proper character traits) without being the object of *taqlīd*. This means that their *akhlāq* is considered the standard, but not presented in the form of legal rulings to be followed. Aḥmad said:

The behavior, the actions of Imam [Khomeini]... we can’t be like that. We can’t. We have our own capacity. If one disrespects us, we won’t remain patient. But in accordance with my capacity, meaning... I can’t say that I am a reflection of the *marja*‘ [in behavior], no. But, well, I follow him, you know?

Karīm expressed a similar sentiment, saying, “There’s no *taqlīd* in *akhlāq*. The *marāji*‘ have to be role models from the start. And we can copy them and try to behave exactly how they behave.” Meanwhile, Karīm’s friend, Raḥim, was (initially) certain that there is no *taqlīd* in *akhlāq*, but also identified the *marja*‘ as a role model, conveying the complicated nature of the matter. He said:

“*Akhlāq* are clear. There’s no need for the *marja*‘. Of course, religion itself is *akhlāq*.”

“I see. There’s no need for a *mar*—,” I began.

“No, religion is—a *marja*‘s *akhlāq* must be complete, you know, though not at the level of an infallible. But when one becomes a *marja*‘, his *akhlāq* must be complete. If it isn’t, it won’t work,” he said.

“Okay, the *akhlāq* of a *marja*‘ must be complete, and then you learn *akhlāq* from him?” I asked.

“Yes, of course.”

“But it’s not necessary that he writes it or anything.”

“No.”

“But from his personality you...” I began.

“It’s something very clear, you know.”

Raḥīm apparently views the *marja’* as an inspiration for proper *akhlāq*, but, unlike in legal matters, the *marja’* does not provide specific dictates for others to follow. ‘Abbās seemed to be saying the same thing, though he framed the *marja’*’s position as a role model as a form of *taqlīd*. He said concerning the *marja’*’s status as a spiritual leader:

As a guide, yes. As a guide he, at any rate, is a *marja’*. He has the title of *marja’*. We can’t ever be like our leaders. But it has always been the case that we follow their path. In no way can we say... but we have to follow the path of our leaders. And he is, at any rate, higher than me because of *marja’iyya*, in terms of *fiqh*, he has more oversight and I must now, of course, after researching, this all must be researched, but now I must follow him and be his follower. In terms of lifestyle, I might not be able to [follow him] but I must be willing to [do so]. He’s living properly. But I might not reach that level. In raising children, he might be ahead of me... This is what it means to be a *muqallid*. I have to perform *taqlīd* to him. These *akhlāq* issues that he observes in his life, if I don’t observe them, it’s not right. I have to observe them. This is one of my flaws.

While he used the phrase *taqlīd*, he also spoke of guidance and observing the lifestyles of the *marāji’*. Indeed, ‘Abbās seems to be ascribing some sort of broader authority to the *marāji’*, though it is difficult to imagine that he intends that the examples set by the *marāji’* carry the same weight as their legal opinions.

Followers of Khamenei tended to believe that the scope of *taqlīd* is broader than just that which might be labeled “law.” For instance, “Şādiq,” a sixty-year-old electrical engineer I met in the mosque of Niyavaran, said that, in addition to *fiqh*, *a’lamiyya* (the condition of a jurist being the most knowledgeable) applies to politics, society, economics, the military, and culture. He is a *muqallid* of Ayatollah Khomeini and follows Ayatollah ‘Abdullāh Jawādī-Āmulī (b. 1933), a politically-active *marja’* and former member of Iran’s Council of Experts for Constitution (*Majlis-e khubrigān-e qānūn-e asāsī*), in newly occurring issues.<sup>96</sup> Şādiq also mentioned the

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<sup>96</sup> This is called *baqā bar mayyit*, or remaining a *muqallid* of a deceased *marja’* with the permission of a living *marja’*.

position of *wilāyat al-faqīh* and the fact that the *waliyy-e al-faqīh* has “a position of superiority over the other *marāji*’.” It thus may not be appropriate to place Ṣādiq’s answer concerning the role of the *marja*’ alongside those who speak of *marja*’iyya independently of *wilāyat al-faqīh*. Ḥamīd, a follower of Khamenei, provided more concrete examples of his broader understanding of *marja*’iyya:

You see, from my perspective, I consider Ḥaḍrat-e Āqā [Khamenei] to be a comprehensive (*jāmi*’) *mujtahid*, in terms of politics, society, culture. I consider him a knowledgeable person in all of these. So I ask all kinds of questions. For instance, an issue that is related to society, there was a demonstration in a certain place, something happened. Of course, some things are obvious, like demonstrating on the Day of Quds.<sup>97</sup> In my opinion, it’s obligatory for any Muslim to support the oppressed... But some things you have doubt, so you refer to [the *marja*] to remove the doubt. My opinion is that [*taqlīd*] is comprehensive, and includes politics, society, and culture. But some don’t think this way. They say you only need a *mujtahid* for legal (*shar*’ī) issues.

Ḥamīd is aware of the discrepancy between followers of *marāji*’ that have been in positions of political authority (like Khomeini and Khamenei) and those who have not.

Other *muqallids* would initially believe that *taqlīd* applied to a particular realm of knowledge, only to later reverse their position when they could not think of examples to support their claims. In some cases, respondents were eager to claim that they performed *taqlīd* in every religious matter but quickly retracted their answers when they realized their mistakes. Ḥasan would not even allow me to finish my question about the scope of *taqlīd* before responding, “Everything, everything.” He then said, “Everything is connected. When a societal issue occurs, it is inevitable that it will impact religion... I ask the *marja*’ about *akhlāq*. Why wouldn’t I?” But just a little later he said:

“We learn *akhlāq* from society.”

“So you don’t learn *akhlāq* from a *marja*’?” I asked.

“No,” he replied, “*akhlāq* doesn’t require a *marja*’.”

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<sup>97</sup> A tradition created by Khomeini, such that, on the last Friday of the Month of Ramadan, Iranians (and other Muslims) are called upon to protest oppression in Palestine and elsewhere.

And Khadīja initially responded in the affirmative when asked if she performs *taqlīd* in *akhlāq*, raising children, education, and self-development. But when I asked for examples, she said, “I haven’t seen issues about raising children in the legal manual as such, can you give an example?” I then asked if she performs *taqlīd* in self-development, to which she also replied, “Yes.” When I asked for an example, she said, “*Taqlīd*, well, I haven’t encountered anything in the *aḥkāṃ* of the *marāji‘* about this, but [rather we learn from] reading and how we were raised...” Finally, I asked about performing *taqlīd* in doctrine, and once again, she replied that she performs *taqlīd* in the matter. I then listed specific tenets of beliefs, and she said, “I don’t understand your que--, these, I more refer to the Qur’an.” It appears that her initial reaction to any question about *taqlīd* is to assume it applies. It is only after a bit of reflection that she realizes that it does not encompass all of religion. There was a sense among some *muqallids* that the legal manuals contain all of one’s religious needs. This was stated without sufficient reflection upon the contents of these legal manuals. However, upon being pressed for examples, *muqallids* would adjust their answers. Here is such an example, a lengthy exchange with Kāẓim concerning *taqlīd* in doctrine:

“Do you get [clarification on] matters of doctrine from the *marja* ‘?’” I asked.

“Yes, yes,” he said.

“Like you learn your beliefs from the *marja* ‘?’”

“Beliefs that are related to religion, not any beliefs...”

“No, like, monotheism, prophethood, resurrection, do you get these from the *marja* ‘?’”

“Yes.”

“How?”

“Like, based on what they say. They’re are all there, monotheism, prophethood, divine justice.”

“In their books?”

“Yes, it’s there,” Kāzīm said.

“In *Tawḍīḥ al-masā’il*?”

“Yes, yes.”

“It’s there for all the *marāji*’?”

“It’s in the one I have. Now, I haven’t read the [legal manuals] of the [other *marāji*].”

“Can I ask you who your *marja*’ is?”

“Ayatollah Khamenei.”

“And his book says what beliefs are like...”

“To be honest, I haven’t read his book entirely. But whenever I had a problem, whenever I needed something, I referred to it. I haven’t read the book completely.”

I asked Kāzīm the identity of his *marja*’ simply because among the prominent *marāji*’ currently in Iran, only Ayatollah Waḥīd-Khurāsānī has written anything more than the most basic information on the topic of doctrine in his legal manual. At the end of this exchange, Kāzīm related that he is able to find answers for any problem he faces. This is apparently what led him to initially claim that even doctrine is contained in Khamenei’s legal manual.

I will provide one final example to demonstrate the discrepancy between the vision of the *marja*’ as an authority in all religious matters and the reality of the opinions they have made available. In a (very lengthy) exchange, “Shahrzād” and the aforementioned A’zam, sisters-in-law in their mid-fifties with high school humanities degrees I interviewed at the shrine of Imāmzādeh ‘Alī Akbar, go back and forth on their positions concerning the scope of *taqlīd*. Initially they state that *taqlīd* applies to *akhlāq* (proper character traits), before deciding that such matters are derived from the Qur’an. They then try to depict the *marja*’s behavior and legal opinions as being in accordance with the Qur’an. When I gave a concrete example of *taqlīd* (the rules of a traveler), they claimed such rulings exist for *akhlāq* as well, but then conditioned that

statement by saying that *akhlāq* must be *understood* from the legal manual, and is not explicitly addressed. On the matter of doctrine, they initially indicated that beliefs are a prerequisite for *taqlīd*. Shahrzād then said that the *marāji‘* are distant, and mentioned a woman who is apparently more qualified to give opinions on doctrine. However, Shahrzād and A‘zam quickly returned to their position that everything (including doctrine) is in the legal manual. And yet, A‘zam felt it relevant to mention the dichotomy of the roots and the branches of religion, seemingly recalling the clear distinction made between the two in the matter of *taqlīd*. The last part of this exchange is the most confusing. Shahrzād began reiterating the centrality of the Qur’an, which I understood as pertaining to doctrine, as we had moved on from the topic of *akhlāq*. I then said (concerning doctrine), “So you don’t need to perform *taqlīd*...” A‘zam replied that *taqlīd* was, indeed, necessary, but gave an example related to prayer. Meanwhile, Shahrzād continued with her sentiment about the Qur’an, making clear she was speaking about *akhlāq* once again. In other words, A‘zam seemingly accepted what she thought was Shahrzād’s idea about doctrine (almost immediately after saying doctrine is in legal manuals), and then rushed to the defense of *taqlīd* as a whole by mentioning an example in law (prayer). Here is the exchange:

Me: “Can you perform *taqlīd* in *akhlāq*?”

A‘zam: “Yes.”

Shahrzād: “Yes.”

A‘zam: “Yes.”

Me: “Like what?”

A‘zam: “You see, one who is Shī‘ī, whoever one’s *marja‘* may be, it doesn’t matter. One who is Muslim must first, when they’re a *muqallid*, must first have good *akhlāq*.”

Me: “I want to know if you can perform *taqlīd* in *akhlāq*. If you can, what is that like?”

Shahrzād: “*Tawḍīḥ al-masā‘il* doesn’t talk about what your *akhlāq* should be like.”

A‘zam: “If one accepts the Qur’an, when they look at the Qur’an, they see that the Prophet was a mercy for all the worlds,<sup>98</sup> the one with the best *akhlāq*<sup>99</sup>.”

Shahrzād: “They derived the *Tawdīh al-masā’il* from the heart of the Qur’an and then explained it. Since I pray, I must know a lot of things about prayer. But one who doesn’t pray doesn’t need the *Tawdīh al-masā’il*.”

Me: “I want to know if you perform *taqlīd* in *akhlāq* and spiritual matters. Do you get *akhlāq* matters from your *marja*?”

Shahrzād: “They’ve gotten to a certain point where they can publish a *Tawdīh al-masā’il*.”

A‘zam: “No, I want to say something. When you have a *marja*, [and observe him] in the media or indirectly, or you enter their offices and interact with them, you come to know their manner of thought and behavior, whether they have proper character, whether they have [the ability to perform] *karāmāt*.<sup>100</sup>”

Me: “Okay, [let’s say] he has proper character, but, for instance, in the case of traveling, you know you’re a traveler after you’ve gone eight *farsakhs* (leagues),<sup>101</sup> and thus you implement [the relevant fatwa from the *marja*] in your life. Now suppose the *marja* says in a discussion on greed (*hirs*), or on trusting God (*tawakkul*), you should behave in this particular manner. Is it such that you must act upon what he says in *akhlāq*?”

A‘zam: “Yes, this exists.”

Shahrzād: “It exists.”

A‘zam: “It might not be [addressed] direct[ly], but these things can be found in between the lines of their fatwas.”

Me: “So you can find *akhlāq* issues in between the lines of their fatwas.”

A‘zam: “Yes, yes, in between the lines [of their fatwas], *akhlāq* issues are entirely clear.”

Me: “What about issues of doctrine?”

A‘zam: “When we perform *taqlīd*...”

Shahrzād: “We have to believe.”

Me: “So you don’t perform *taqlīd* in doctrine?”

Shahrzād: “We first have to believe to perform *taqlīd*.”

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<sup>98</sup> A reference to Qur’an, 21:107.

<sup>99</sup> Perhaps a reference to Qur’an, 33:21.

<sup>100</sup> Minor miracles associated with those who achieve a particular closeness to God, but are still not prophets.

<sup>101</sup> The distance by which one becomes a traveler (*musāfir*) according to the prominent Twelver Shī‘ī opinion. A round trip of eight *farsakhs* requires that one shorten her prayers and break her fast.

Me: “No, I’m saying, do you perform *taqlīd* to a *marja’* in matters of doctrine?”

Shahrzād: “You see, we don’t see the *marja’* himself. He is distant from us. For instance, I heard that this woman is more worthy (*aṣlah*). We can perform *taqlīd* to her. I heard about this woman. They explained to me that she’s like this or that. But I don’t see this woman twenty-four hours a day. However, what she has written and said, I do those.”

Me: “Okay, so have they written about doctrine, like monotheism and prophethood, for you to be able to act upon them?”

Shahrzād: “They’re in the legal manual.”

A‘zam: “Yes, they’re there. Knowing God, the Prophet, etc.”

Shahrzād: “Like I said, they’re in the form of an issue (*mas’ala*), and they’ve explained it.”

A‘zam: “These are part of the roots of our faith, monotheism, prophethood, the fourteen Infallibles, resurrection, [divine] justice. Prayer and fasting are the branches of religion.”

Shahrzād: “In my opinion, we need to learn a lot of things from the Qur’an...”

Me: “So you don’t need to perform *taqlīd*...”

A‘zam: “No, we do [need to perform *taqlīd*].”

Shahrzād: “... when we accept the Qur’an and act on it, we then get to *Tawḍīḥ al-masā’il*, and we find a lot of things there.”

A‘zam: “Suppose we have doubt about prayer.”

Shahrzād: “*Akhlāq* is in the Qur’an. It’s not in *Tawḍīḥ al-masā’il*. Like, [the *marāji’*] said *akhlāq* is like this or that.”

In the exchange above, there are two clear examples of associating a greater role of *taqlīd* in one’s life than what actually exists: Shahrzād and A‘zam agree that *akhlāq* can be understood from the legal manuals of the *marāji’*, and they state that in these manuals, matters of doctrine are stated in *mas’ala* form, the same format used for legal issues, which simply is not the case. There appears to be (to some extent) a desire for the role of *taqlīd* to extend beyond its actual scope, so as to give the *muqallid* a sort of reassurance in non-legal matters of religion that are of great significance. There is also the possibility that these two *muqallids* initially professed a great form of attachment to the *marāji’* in order to demonstrate religious commitment.

*Taqlīd*, in theory and in practice, is generally restricted to law. It is difficult to perform *taqlīd* to the mainstream *marāji'* in other important religious matters, like *akhlāq* and doctrine, due to a lack of official opinions. For this reason, many of the *muqallids* I interviewed realized that they must refer to other resources on non-legal issues. But this does not mean that the *marāji'* play no role in such matters. Followers view them as guides and role models of piety, yet they obtain knowledge of spirituality and ethics from elsewhere in religious culture. And while *taqlīd* in doctrine is impermissible (or even impossible) from the point of view of these jurists, it is possible for followers to use the *marāji'*'s articulations of doctrine as a starting point for their own discovery. This was stated by Dr. Jawharī and is evident in the legal manual of Waḥīd-Khurāsānī.<sup>102</sup> These roles of the *marāji'* are clearly different from their position as fatwa-givers. Some *muqallids* attempted to merge the two concepts by claiming to perform *taqlīd* in *akhlāq* or doctrine and then failing to provide evidence. As is the case in the legal authority of the *marāji'*, the non-legal authority of the *marāji'* appears to be far less than it is often imagined. Instead, *muqallids* largely rely upon resources in Iranian religious culture and ascribe much of their religious guidance to the *marāji'*, who function as symbolic figureheads of Twelver Shī'ism.

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<sup>102</sup> His interpretation of doctrine has been published as a separate volume. See: Ḥusayn Waḥīd-Khurāsānī, *Āshnā'ī bā uṣūl-e dīn* (Qom: Madrasa Bāqir al-'ulūm, 2007).

## **Chapter Four:**

### **The requirements for being a *marja*'**

Just as it is difficult to articulate the authority of the *marāji*‘, it is difficult to delineate the conditions of *marja*‘*iyya*. Legal works are clear in that regard. The *marja*‘ must meet certain requirements of knowledge and piety. However, it is apparent in Twelver Shī‘ī religious culture that there are a number of other unstated conditions for *marja*‘*iyya*. One who meets the basic requirements is not automatically elevated to the position as a result of being ‘*ādil* and the *a‘lam*. Rather, he must gain support from both peers and lay people. Support from the latter requires that the *marāji*‘ meet their expectations. These expectations are sometimes related to their legal expertise, which, from the perspective of *muqallids*, naturally requires training in the *hawza* and is represented by their traditional attire. Piety, a condition in legal theory, was also mentioned by followers. However, they more strongly emphasized that the *marja*‘ act upon his knowledge and exceed his followers in practice. Other expectations are related to the functions of the *marāji*‘ in society, in particular being aware of and fulfilling the needs of their followers. *Muqallids* are not alone in this regard, as *marāji*‘ outside the mainstream have added conditions for *marja*‘*iyya* that seem to accord with lay people’s expectations.

According to legal manuals, a *marja*‘ must be: male, mature (*bāligh*), sane, Twelver Shī‘ī, of legitimate birth, the most knowledgeable *mujtahid*, living,<sup>1</sup> and ‘*ādil*, which means he performs his obligatory duties, refrains from major sins, and does not persist in minor sins.<sup>2</sup> It was mentioned above that in addition to requiring that a *marja*‘ be ‘*ādil*, Khomeini and Khamenei state that a *marja*‘ must not be greedy or infatuated with worldly matters.<sup>3</sup> Determining who is the most knowledgeable jurist can be a bit more difficult. Legal manuals

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<sup>1</sup> As mentioned earlier, a minority of *marāji*‘ only require that one’s life overlap with the *marja*‘ worthy of *taqlīd*, not that one performed *taqlīd* to him while he was alive. See: Khurāsānī, 6 and Banī-Hāshimī-Khumaynī, v. 1, p. 19.

<sup>2</sup> Banī-Hāshimī-Khumaynī, *Tawdīh al-masā’il-e marāji*‘, v. 1, p. 10, issue #2; Makārim-Shīrāzī, *Tawdīh al-masā’il*, 16, #3 and 4; Sistani, *Minhāj*, v. 1, p. 6-7, #6 -#9; Waḥīd-Khurāsānī, *Tawdīh*, pp. 6-7, #2.

<sup>3</sup> Khomeini, *Tahrīr al-wasīla*, v. 1, p. 8, issue #3 and Khamenei, *Ajwibat al-istiftā’āt*, v. 1, p. 8, question #12.

instruct duty-bound individuals to refer to experts (*ahl al-khbra*)<sup>4</sup> in law to find the *a'lam*.<sup>5</sup> However, before a scholar is mentioned as being among the most knowledgeable, he must first be recognized as a jurist. This requires the approval of his superiors. A scholar must demonstrate that he is a qualified *mujtahid* by his outstanding presence in the classrooms of his teachers. He will often then be given permission (*ijāza*) to perform *ijtihād*.<sup>6</sup> This distinction is sometimes mentioned in the biographies of the *marāji'*.<sup>7</sup>

There is also an unstated condition of *marja'iyā*: providing a legal manual.<sup>8</sup> Legal manuals are not original works. Rather, they are works by previous jurists that are changed slightly by the contemporary *marāji'* to reflect their differences of opinion.<sup>9</sup> In the Iranian context, this legal manual is almost always the *Tawdīh al-masā'il*.<sup>10</sup> Only Khamenei from among the *marāji'* has not produced one. In Iraq, *Minhāj al-ṣāliḥīn*<sup>11</sup> and *al-Fatāwā al-wāḍiḥa*<sup>12</sup> are

<sup>4</sup> Sistani defines *ahl al-khbra* as those who are either capable of *ijtihād* (deriving legal opinions) or close to this level of scholarship and are familiar with the scholarship of those who are in the discussion for being the most knowledgeable jurists. See: Sistani.org, "Ahl al-khbra," <<https://www.sistani.org/arabic/qa/02082/>> Accessed May 29 2018.

<sup>5</sup> Banī-Hāshimī-Khumaynī, *Tawdīh al-masā'il-e marāji'*, v. 1, p. 12, #3.

<sup>6</sup> Khalid Sindawi, "Ḥawza Instruction and Its Role in Shaping Modern Shī'ite Identity: The Ḥawzas of al-Najaf and Qumm as a Case Study," *Middle Eastern Studies*, v. 43, no. 6 (Nov., 2007), 845.

<sup>7</sup> See: <https://www.sistani.org/english/data/2/> and <https://makarem.ir/main.aspx?lid=0&typeinfo=22&catid=30407>.

<sup>8</sup> The origin of the legal manual in the Twelver Shī'ī context is debatable. It might be argued that early canonical hadīth compilations like *Al-Kāfī*, by Muḥammad b. Ya'qūb al-Kulaynī (d. 328/939), and *Man lā yaḥduruhu al-faqīh*, by Abū Ja'far Muḥammad b. Bābawayh al-Qummī (d. 381/991-2), widely known as "Shaykh Ṣadūq, were written with the purpose of enabling the lay person to resolve religious matters on her own. [See: Muḥammad b. Ya'qūb al-Kulaynī, *Uṣūl al-Kāfī* (Beirut: Dār al-Murtaḍā, 2005), v. 1, pp. 6-9 and Muḥammad b. Bābawayh al-Qummī, *Man lā yaḥduruhu al-faqīh* (Beirut: Al-Aalami Institute, 1986), v. 1, p. 12.] It might also be argued that the first legal manual was that of Shaykh Bahā'ī, *Jāmi' 'Abbāsī*, which was written in Persian in order to make it more accessible. As mentioned in Chapter One, this argument been refuted by Moussavi, who claims that it was al-Najafī's *Najāt al-'ibād* that was the first legal manual, in the sense that it was the first such manual to be mass produced and well received. (See: Moussavi, "The Struggle for Authority," 26-27.) It was also mentioned that al-Najafī was likely preceded by Muḥammad Kalbāsī Iṣfahānī (d. 1261 AH) in this regard. [See: Āqā Buzurg Ṭīhrānī, *Al-Dharī 'a ilā taṣānīf al-Shī'a* (Beirut: Dār al-Aḍwā', 1978), v. 24, p. 90.]

<sup>9</sup> The *marāji'* do not write these works themselves. Rather, their offices gather their opinions from their fatwas, often found in commentaries on Yazdī's *Al-'Urwa al-wuthqā*, in order to compose these works.

<sup>10</sup> The original work was written by the Iranian jurist Ḥusayn Burūjirdī (d. 1961), who helped develop the *ḥawza* of Qom beginning in 1944. See: Devin Stewart, "The Portrayal of an Academic Rivalry: Najaf and Qum in the Writings and Speeches of Khomeini, 1964-78," in *The Most Learned of the Shi'a*, 219.

<sup>11</sup> The original work was written by the Iraqi jurist Muḥsin al-Ḥakīm (d. 1970). Many of the most prominent *marāji'* have their own *Minhāj*, including Khomei, Sistani, and Tabrīzī.

widely-used. It is a practical requirement that a *marja'* publish his fatwas, since the *marāji'* do not generally have contact with their followers. However, the standardized legal manuals mentioned have become a sort of tradition and a source of legitimacy; the *marāji'* must demonstrate that they have opinions on all the matters about which previous prominent jurists have written, even when such issues are no longer the most relevant.

Scholars who are outside the circle of mainstream jurists in Iran have provided additional criteria for *marja' iyya*. In *Al-Marja' iyya al-Islāmiyya*, the aforementioned Ayatollah Muḥammad Ḥusayn Shīrāzī provides great detail concerning the expectations of *marāji'*. According to Shīrāzī, a *marja'* must: prefer public (or broader) interests to personal (or particular) interests;<sup>13</sup> consider public opinion;<sup>14</sup> be a leader and pioneer for society;<sup>15</sup> have certain principles to which he refers in cases of doubt, like: bravery, the preference of people over political or other interests, and generosity;<sup>16</sup> guide people to good deeds and salvation;<sup>17</sup> be *zāhid*,<sup>18</sup> as the *marja'*'s behavior directly impacts people's beliefs;<sup>19</sup> be critical of himself and aware of his flaws;<sup>20</sup> not turn people down or say "no" very often;<sup>21</sup> always have a smile on his face, as this shows the strength of the *marja'*'s personality;<sup>22</sup> be contemplative and address political, social, cultural issues appropriately;<sup>23</sup> announce his *marja' iyya*;<sup>24</sup> put a system in place for his

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<sup>12</sup> The original work was written by the Iraqi jurist and philosopher Muḥammad Bāqir al-Ṣadr, who was assassinated by the Ba'athist regime in 1980.

<sup>13</sup> Shīrāzī, *Al-Marja' iyya al-Islāmiyya*, 14.

<sup>14</sup> Shīrāzī, *Al-Marja' iyya*, 41.

<sup>15</sup> Shīrāzī, *Al-Marja' iyya*, 15.

<sup>16</sup> Shīrāzī, *Al-Marja' iyya*, 38.

<sup>17</sup> Shīrāzī, *Al-Marja' iyya*, 33.

<sup>18</sup> Disinterested in the matters of this world that do not positively impact one's status in the Afterlife.

<sup>19</sup> Shīrāzī, *Al-Marja' iyya*, 15.

<sup>20</sup> Shīrāzī, *Al-Marja' iyya*, 17.

<sup>21</sup> Shīrāzī, *Al-Marja' iyya*, 16.

<sup>22</sup> Shīrāzī, *Al-Marja' iyya*, 16.

<sup>23</sup> Shīrāzī, *Al-Marja' iyya*, 16-17.

<sup>24</sup> Shīrāzī, *Al-Marja' iyya*, 31.

succession;<sup>25</sup> only select knowledgeable, pure, capable, and brave individuals to represent him; hold his representatives accountable, since corrupt representatives will cause people to hate the *marja* ‘;<sup>26</sup> protect Islam from its outside enemies;<sup>27</sup> spread a message of peace;<sup>28</sup> find innovative and effective ways to give people the answers they require;<sup>29</sup> use modern technology and media;<sup>30</sup> fulfill the needs of people;<sup>31</sup> earn people’s approval;<sup>32</sup> not contradict himself in speech (fatwas) or in his actions;<sup>33</sup> act upon his own fatwas;<sup>34</sup> be lenient in his rulings;<sup>35</sup> avoid being judgmental or negative about people;<sup>36</sup> embrace difficulty (hungry, fatigue, etc.) for the sake of the goal: serving Islam, spreading monotheism, and preparing Muslims to face the Twelfth Imam;<sup>37</sup> dispatch scholars to spread Islam in non-Muslim countries;<sup>38</sup> spread Islam in multiple languages;<sup>39</sup> and propagate Islam by way of supporting speakers, publishing books, increasing charitable endowments for knowledge, starting Islamic channels, building new Islamic schools, and raising the level of scholarship in the *hawza*;<sup>40</sup>

Shīrāzī’s treatise on *marja* ‘*iyya* articulates much of what *marja* ‘*iyya* means to the *marāji* ‘ in general, but it also expands the role of the *marja* ‘, or, combines it with elements of *imāma* or *wilāyat al-faqīh*. The *marja* ‘ is depicted as a leader who must be followed but also must protect his community from deviation and harm, and be responsive to their needs and interests. In this

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<sup>25</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 25.

<sup>26</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 19-20.

<sup>27</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 22.

<sup>28</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 51.

<sup>29</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 22.

<sup>30</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 51.

<sup>31</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 41.

<sup>32</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 42.

<sup>33</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 22-3.

<sup>34</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 27.

<sup>35</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 24.

<sup>36</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 25-6.

<sup>37</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 31.

<sup>38</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 49.

<sup>39</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 50.

<sup>40</sup> Shīrāzī, *Al-Marja* ‘*iyya*, 29.

regard, the *marja* ‘ shares many of the traits of charismatic managers in organizational structures, as outlined in detail in Chapter One. It is because of this prominent status that the *marja* ‘ becomes, in Shīrāzī’s mind, not just a representative of the Imam, but a representative of God. For instance, Shīrāzī calls an attack on the *marāji* ‘ an attack on Islam, and cites a hadith in which the Imam is reported to have said “one who rejects them, rejects God.”<sup>41</sup>

‘Allāma Muḥammad Ḥusayn Ṭīhrānī (d. 1995) was a philosopher, gnostic, and jurist who was not accepted as a *marja* ‘ by other prominent jurists, and whose works on mysticism and theology are considered controversial for their emphasis on inner dimensions not explicitly supported by hadith of the *Ahl al-Bayt* (the distinguished family members of the Prophet Muhammad). In his work on *ijtihād* and *taqlīd*, Ṭīhrānī mentions conditions similar to those which Shīrāzī lists for *mujtahids* and *marāji* ‘. But his tone is more spiritual, since Ṭīhrānī was a sort of Sufi *shaykh*, though within the Twelver Shī‘ī context of *‘irfān*.<sup>42</sup> He mentions that *mujtahids* must: not contradict their words or the *sharī‘a* with their actions, so as not to create hatred toward religion;<sup>43</sup> have a compassionate, fatherly outlook toward other members of society;<sup>44</sup> and pay attention to the differences among people in their ability to accept and act upon *aḥkām* (legal rulings), meaning that laws should not be strictly enforced for all.<sup>45</sup>

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<sup>41</sup> It is not entirely clear which hadith Shīrāzī intends or how he is able to apply it to the case of the *marāji* ‘. According to the Persian translation of this work, he is referring to a hadith attributed to the Sixth Imam, in which he was asked, “Do you consider one who rejects this matter to be like one who rejects you (pl.)?” The Imam reportedly responded, “One who rejects this matter is like one who rejects the Messenger of God and God, mighty and glorious is He.” See: al-Ḥurr al-‘Āmilī, *Wasā‘il al-shī‘a*, v. 1, p. 38, hadith #59. And the Persian translation of Shīrāzī’s work indicates this is the hadith that is intended: Muḥammad Ḥusayn Shīrāzī, *Marja‘iyya dīnī*, translated by Mahdī Ḥusayniyān Qumī (Tehran: Purūhān, 1392 AHS), 58.

<sup>42</sup> A term used to avoid the negative connotations of Sufism. *‘Irfān*, like Sufism, is a form of mysticism that involves invocations of God’s name and asceticism. Of course, *‘irfān* generally does not include the same sort of attachment to a spiritual guide found in Sufism, as Twelver Shī‘ism maintains that the Imam guides the hearts of believers, and thus this is not a role that can be assigned to a fallible person (like a Sufi *shaykh*). An exception to this is Ṭīhrānī’s form of *‘irfān*, which allows for the spiritual guide to occupy a position similar to a Sufi *shaykh*.

<sup>43</sup> Ṭīhrānī, *Risāla-ye ijtihād wa-taqlīd*, 375.

<sup>44</sup> Ṭīhrānī, *Risāla-ye ijtihād wa-taqlīd*, 376.

<sup>45</sup> Ṭīhrānī, *Risāla-ye ijtihād wa-taqlīd*, 377-8. This is similar, though more explicit and liberal, to Shīrāzī’s statement that a *marja* ‘ must be lenient in his interpretation of the law.

Meanwhile, the *marāji* ' specifically are required to: be exceedingly patient;<sup>46</sup> know of the needs and expectations of society and the world;<sup>47</sup> accept responsibility for the honor, wealth, and blood of Muslims;<sup>48</sup> and possess inner light and be clever.<sup>49</sup> This last attribute means that the *marāji* ' must be able to recognize and avoid the plotting of Satan. This requires a certain kind of spiritual guidance (an inner light) by which the *marja* ' can see things others cannot, and thus avoid falling into Satan's traps. In this regard, Ṭīhrānī's son, Muḥsin, writes that his father was able to see the future and thus avoid Satan's plotting.<sup>50</sup> Later in this work, Ṭīhrānī elaborates on the spiritual requirements for *marja* 'iyya:

Thus, considering the conditions and matters related to *marja* 'iyya mentioned, there is no way out of saying that a *marja* ' must have a higher, spiritual faculty (*malaka qudsī*), and purity of the soul, the [spiritual] secret, and the heart. And his inner eyes (*chishmān-e malakūtī*) must be able to clearly see all the angles of what is hidden, unseen matters, issues behind the curtain, future events, inner intentions within souls, people's goals and ultimate pursuits, and what is in their best and worst interests (*maṣāliḥ wa-mafāsīd*). And until one reaches this station, one will have to face God's justice concerning the effects and outcomes of one's private and public dictates.<sup>51</sup>

Ṭīhrānī may be alone among the *marāji* ' in requiring this sort of spiritual station from the *marja* ', although al-Ḥaydarī, as previously mentioned, has said that he believes that the *marja* ' should represent the Twelfth Imam in spirituality as well.

Muḥammad Ḥusayn Faḍlallāh (d. 2010) is another controversial *marja* ' who expanded the qualifications of a *marja* ' beyond what is stated in the legal manuals of the mainstream *marāji* '. Faḍlallāh, like Shīrāzī and Ṭīhrānī, had his credentials called into question by other *marāji* '.<sup>52</sup> He is perhaps best known for his controversial fatwas<sup>53</sup> and unorthodox opinions

<sup>46</sup> Ṭīhrānī, *Risāla-ye ijtihād wa-taqlīd*, 388. The term used is *si'a-ye ṣadr* (expansion of the chest). On p. 16 of *Al-Marja 'iyya al-islāmiyya*, Shīrāzī used a similar term, *inshirāḥ al-naḥs* (expansion of the soul).

<sup>47</sup> Ṭīhrānī, *Risāla-ye ijtihād wa-taqlīd*, 390-2.

<sup>48</sup> Ṭīhrānī, *Risāla-ye ijtihād wa-taqlīd*, 385.

<sup>49</sup> Ṭīhrānī, *Risāla-ye ijtihād wa-taqlīd*, 387-8.

<sup>50</sup> Ṭīhrānī, *Risāla-ye ijtihād wa-taqlīd*, 388.

<sup>51</sup> Ṭīhrānī, *Risāla-ye ijtihād wa-taqlīd*, 398.

<sup>52</sup> Clarke, *Islam and Law in Lebanon*, 244 and 255-6.

concerning the death of Fāṭima al-Zahrā', the daughter of the Prophet.<sup>54</sup> Faḍlallāh more explicitly states the importance of community in *marja'iyā*. He writes that the *marja'* gains his authority from two things: community (*umma*) and religion.<sup>55</sup> He reaches this conclusion based on the global nature of religion and hegemony, which resulted in Muslims having greater religious needs (economic, cultural, security) compared with before.<sup>56</sup> These changes, he argues, require that the *marja'* be more involved in society and enter the realm of politics.<sup>57</sup> Thus, according to Faḍlallāh, a *marja'* must now assume a sort of general leadership (*qiyāda 'ammā*),<sup>58</sup> and be involved in culture, politics, and public matters.<sup>59</sup> In an interview, Faḍlallāh stated that the *marja'* must be involved in all matters that pertain to the community, the oppressed, or Muslims at large,<sup>60</sup> and one of the greatest obligations upon a *marja'* is confronting the religious challenges posed by modern technology.<sup>61</sup> Because the *marja'* is the deputy or representative (*nā'ib*) of the Twelfth Imam, states Faḍlallāh, he must have the intellectual capacity to assume the responsibilities that come with this duty.<sup>62</sup> And, he states, the *marja'* fills the vacuum left by the Imam in spirituality, thought, politics and society, such that people are not left without leadership in any of these.<sup>63</sup> Like his teacher, Muḥammad Bāqir al-Ṣadr (d. 1980), and like

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<sup>53</sup> For instance, he did not require that women receive the permission of their fathers for marriage, he considered female masturbation permissible (with certain conditions), he advocated the use of astronomy to cite the new moon, and he permitted women in the west to wear wigs if it helps them avoid discrimination. See: Clarke, *Islam and Law in Lebanon*, 252-5.

<sup>54</sup> Talib Aziz, "Fadlallah and the Remaking of the Marja'iyā," in Walbridge, *Most Learned of the Shi'a*, 208-212.

<sup>55</sup> Faḍlallāh, *Al-Ma'ālim al-jadīda*, 14-15 and 128-9.

<sup>56</sup> Faḍlallāh, *Al-Ma'ālim al-jadīda*, 127.

<sup>57</sup> Faḍlallāh, *Al-Ma'ālim al-jadīda*, 61-64.

<sup>58</sup> Faḍlallāh, *Al-Ma'ālim al-jadīda*, 98.

<sup>59</sup> Faḍlallāh, *Al-Ma'ālim al-jadīda*, 66-7 and 86.

<sup>60</sup> Faḍlallāh, *Al-Ma'ālim al-jadīda*, 86.

<sup>61</sup> Faḍlallāh, *Al-Ma'ālim al-jadīda*, 97.

<sup>62</sup> Faḍlallāh, *Al-Ma'ālim al-jadīda*, 95.

<sup>63</sup> Faḍlallāh, *Al-Ma'ālim al-jadīda*, 94.

Shīrāzī, Faḍlallāh insists that *marja' iyya* must be an institution,<sup>64</sup> such that it continues after the death of a *marja'*.<sup>65</sup>

Shīrāzī, Ṭīhrānī, and Faḍlallāh all explicitly require that a *marja'* pay attention to the needs of the community, something that scholars of Twelver Shī'ism like Corboz, Fibiger, Amanat, and Clarke have recognized as significant as well. Here it is in order to give this matter more attention, since it is not stated in the legal manuals or legal theory of the mainstream *marāji'*. Litvak writes that there were three major prerequisites for being a *marja'*: scholarship; close ties with the Iranian Bazaar (financial support); and the ability to establish a patronage network of followers and students.<sup>66</sup> He demonstrates that certain jurists, like Muḥammad b. Ḥasan al-Najafī (d. 1266/1850) and Mīrzā Ḥasan Shīrāzī (d. 1312/1895), had an exceptional ability to establish relations with Twelver Shī'ī communities, and it was largely for this reason that they came to be recognized as *marāji'*. Al-Najafī, widely regarded as the first *marja'* in history, broke from his predecessors and contemporaries in his “conscious and apparently methodical efforts to build a patronage network...”<sup>67</sup> And unlike ‘Alī Kāshif al-Ghiṭā’ (d. 1253/1837), a rival jurist from a prominent family of scholars, al-Najafī did not shy away from issuing fatwas that directly addressed the concerns of his followers, as opposed to asking them to

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<sup>64</sup> Al-Ṣadr outlined five goals for “The Righteous *Marja' iyya*” (*al-marja' iyya al-ṣāliḥa*): 1. Dispersing Islamic laws and training (*tarbiya*) people in religion so that they adopt these laws in their behavior; 2. Creating a movement of thought within the community such that people gain a concept of politics, and Islam’s ability to address all aspects of life; 3. Fulfilling people’s needs in terms of Islamic thought by way of sufficient discussion in fields like economics and politics; 4. Evaluating what others produce concerning Islam across the world, endorsing certain ideas and correct others; 5. Establishing a sort of communal leadership for scholars of all ranks in international centers, where importance is given to the interests and concerns of people. See: Faḍlallāh, *Al-Ma'ālim al-jadīda*, 166-8.

<sup>65</sup> Faḍlallāh, *Al-Ma'ālim al-jadīda*, 64-5.

<sup>66</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 182.

<sup>67</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 64.

practice precaution (*iḥtiyāt*). In fact, al-Najafī devoted considerable attention to this endeavor, since it allowed him to establish close contact with his followers.<sup>68</sup>

In some cases, popular support for jurists can outweigh the support they receive from their fellow jurists. Litvak demonstrates that while a certain threshold of knowledge was necessary for *marja'iyya*, it was not always the jurists with the highest recognition from their peers who became *marāji'*. Mīrzā Ḥasan Shīrāzī, for instance, came the closest of the nineteenth-century *marāji'* to being universally recognized as the most knowledgeable jurist, even though his scholarly output was far less than other *marāji'* and consisted mostly of commentaries on the works of Shaykh Anṣārī.<sup>69</sup> According to Litvak, Mīrzā Ḥasan gained recognition as a *marja'* by earning the admiration of and paying attention to the needs of the Twelver Shī'ī community. Mīrzā Ḥasan Shīrāzī had connections with merchants in Shiraz, who admired him for his refusal to receive bribes.<sup>70</sup> These merchants served as his agents in numerous towns and channeled religious dues his way. And while his works of legal theory were not noteworthy, Mīrzā Ḥasan, like Najafī, took great care to personally answer questions from all across the Twelver Shī'ī world, knowing that fulfilling the practical needs of the community did more to build a following than did elaborating abstract law. In the contemporary context, al-Ḥaydarī, who was regularly featured on a popular snel but is not considered a *mujtahid* (let alone a *marja'*) by other prominent jurists, is an example of the value of popular support.

Similar observations concerning the role of community in determining one's status as a *marja'* have been made in contemporary contexts. In her top-down approach concerning the establishment of authority of the Khoei and al-Ḥakīm families, Corboz identifies three domains that account for the prominent status of the *marāji'*: networks, philanthropy, and participation in

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<sup>68</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 68.

<sup>69</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 84.

<sup>70</sup> Amanat, "The Madrasa and the Marketplace," 118.

politics. She demonstrates that paying particular attention to the needs of the community helped these families gain social capital and establish and maintain authority.<sup>71</sup> In *The Thread of Mu‘awiya*, Walbridge writes that Sistani was able to achieve his prominent status among jurists in part because he was “elected” by the Al-Khoei Foundation and because he gained the support of one particular group of Twelver Shī‘ī believers, the Khojas. The World Federation of Khojas preferred the “quietist” Sistani and subsequently published the English version of his legal manual.<sup>72</sup> Walbridge includes a letter Sistani wrote for then president of the World Federation, El Hajj Mulla Asghar ‘Ali M.M. Jaffer, in which Sistani grants Jaffer permission to spend freely from the Imam’s share of the *khums* (*sahm-e Imām*). Sistani’s letter closes with a request that Jaffer pray for the *marja‘*, as Sistani will pray for him.<sup>73</sup> In a recent article, Sajjad Rizvi writes that Sistani’s supporters cite the “modernity” and efficiency of his organizations as well as his awareness of the contemporary world as reasons they chose to follow him from among the *marāji‘*.<sup>74</sup> Lastly, we find in the case of one of Sistani’s contemporaries, Ishāq Fayyād, an example of a *marja‘* who did not achieve particularly prominent status due to his lack of public support. Rizvi writes that Fayyād is widely considered the most knowledgeable *hawza* scholar in Najaf, and yet he is not well known because of “his inability to develop a social constituency for himself, since he comes from a simple, peasant background in Afghanistan and does not have the family or class connections of others.”<sup>75</sup>

Fayyād’s case is a contemporary example of yet another factor in determining who becomes a *marja‘*: ethnicity. The ethnic identities of *muqallids* can be a determining factor for whom they support among jurists and thus help position to become a *marja‘*. Amanat writes that

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<sup>71</sup> Corboz, *Guardians of Shi‘ism*, 6.

<sup>72</sup> Rizvi, “The Making of a Marja‘,” 182.

<sup>73</sup> Walbridge, *Thread of Mu‘awiya*, 108.

<sup>74</sup> Rizvi, “The Making of a Marja‘,” 182.

<sup>75</sup> Rizvi, “The Making of a Marja‘,” 171.

Anṣārī was able to achieve a position of leadership because of his ability to appeal to Twelver Shī‘īs from multiple ethnicities, for Anṣārī was from Dizful, a Perso-Arabic environment, and taught in both Persian and Arabic.<sup>76</sup> Rizvi provides more contemporary examples of the role of ethnicity in determining who becomes a *marja’*, writing that Iraqis did not follow Khomeini, and Iranians did not follow the Iraqi Muḥammad Ṣādiq al-Ṣadr.<sup>77</sup> It is this matter of ethnicity, and not place of education (Qom or Najaf),<sup>78</sup> that explains why certain *marāji’* are not known or followed in Iran or Iraq. The prominent *marāji’* of Qom - Shubayrī-Zanjānī, Waḥīd-Khurāsānī, and (to a lesser extent) Makārim-Shīrāzī - all studied in Najaf in their youth. But they are Iranian, which means they can communicate better with their followers, even if by way of impersonal fatwas and representatives. Even Sistani, who has resided in Iraq for nearly seventy years, is followed by a large number of Iranians. Meanwhile, prominent Iraqi jurists located in Qom, like the *marja’* Kāzīm Ḥā’irī, do not have a following in Iran.

The *muqallids* I interviewed all recognized legal expertise as a requirement for the *marāji’*. Of course, they were divided on whether that expertise must be acquired in the *hawza*. But the requirements for *marja’iyya* from the perspective of these interviewees were not restricted to knowledge. Rather, a *marja’* was generally expected to be aware of society and to establish good relations with people in order to be accepted by them, provide reasonable opinions, and embody the laws and tradition he represents. The idea that the *marja’* is a representative of the Twelfth Imam was not a major factor in the acceptance of the *marāji’*, as will be demonstrated shortly. Some accepted this notion based on hadith widely circulated in

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<sup>76</sup> Amanat, “The Madrasa and the Marketplace,” 113-4. His succession to Najafī was clearly strategic, for, as Najafī stated, Anṣārī was the “point of union between the two seas and the one chosen by the two factions” (*majma’ al-bahrayn wa-pasandīde-ye fariqayn*).

<sup>77</sup> Rizvi, “The Making of a Marja’,” 173.

<sup>78</sup> The scholarly prestige of a *marja’* is not dependent upon studying in Qom or Najaf. Studying in either of the two is sufficient. Rather, what is significant is the teacher from whom one learned. Sistani, Waḥīd-Khurāsānī, Tabrīzī, Shubayrī-Zanjānī, and Makārim-Shīrāzī derive a certain degree of their legitimacy from having studied under Khoei and not from simply having studied in Najaf.

Iran, but others did not or were unsure. And these *muqallids* did not generally see the traditional clothing of scholars (the turban and cloak) as a requirement for *marja' iyya*, but many could not imagine a *marja'* without one. Of course, this can be traced back to the requirement that a *marja'* be accepted by his society.

#### Requirement #1: Hawza training

The fact that the *marāji'* have all been produced by the *hawza* was not lost on these *muqallids*. Many embraced this as a sort of condition, as opposed to seeing it as incidental. Others were fine with a non-*hawza* scholar being a *marja'* in theory. The tendency to confine proper *taqlīd* to scholars of the *hawza* can be understood as a form of trust derived from tradition. *Taqlīd*, as it is imagined in Twelver Shī'ī culture, has certain conditions that can only be fulfilled by traditional jurists. When I asked Ḥamīd if he could refer to specialist of religion who was not a jurist, he replied, “You see, everything of ours is from hadith. We have to refer to jurists (*fuqahā'*).<sup>79</sup> Our religion, our hadith, our Ahl al-Bayt said you should refer to a jurist who fulfills all the conditions...” Sajjād similarly cited the attributes mentioned in hadith, but said that anyone who fulfills these conditions, whether from the *hawza* or not, can be a *marja'*.

Others indicated that the study of Islamic law outside of the *hawza* is not as developed as what one finds in the *hawza*. “The specialization in the *hawza* is deeper, especially in *fiqh*, because it's been researched a lot,” said Khadīja. She continued:

You must be certain that the *marja'* is the most knowledgeable. And I have the greatest confidence that the *marāji'* meet this qualification for *taqlīd*... Trust is the most important thing. When some centers that we trust, like the *hawza*, give a ruling that a

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<sup>79</sup> Apparently a reference to the popular hadith attributed to the Eleventh Imam (Ḥasan al-‘Askarī), which reads: *Fa ammā man kān min al-fuqahā' šā'inan li nafsihi, ḥāfiẓan li dīnihi, mukhālīfan 'alā hawāhu, muṭī'an li amri mawlāhu, fa li'l-'awāmm an yuqallidūhu*.... Translation: “As for those jurists who keep pure, guard their faith, oppose their lowly desires, and obey their master (God), it is upon lay people to follow their opinions.” (See: al-Ḥurr al-‘Āmilī, *Wasā'il al-Shī'a*, v. 27, p. 131, hadith #33401.

person is a *marja'*, that he has acquired a particular level of knowledge, we accept this based on the trust we have in those centers.

Kubrā said that those who do not study in the *hawza* have not mastered all that is necessary. She said she believes the process by which one becomes a *marja'* is perhaps more difficult than becoming a neurosurgeon or cardiologist, because the *marāji'* have sacrificed sleep, comfort, nutrition, and pleasure in order to understand deeply matters of religion. Meanwhile, while Qāsim believes that “deep understanding of *fiqh*” can better be achieved in the *hawza*, he said there is no problem if one acquires this outside the *hawza*.

The perceived superiority of *hawza* studies is based in part on its comprehensiveness. Or, to be more specific, all the relevant discussions about Islamic legal sources are explored, as opposed to universities that may introduce one to theoretical or historical discussions that are not directly related to *ijtihād*. Yāsir stated that one who did not study in the *hawza* cannot be a *marja'*, because “a *marja'* must be comprehensive.” Karīm elaborated on this topic, saying:

We can only perform *taqlīd* to *marāji'* who use Shī'ī sources, like the Qur'an, lessons from the *Ahl al-Bayt*, and are able to navigate these for the purpose of deriving a ruling. One who holds a PhD in *fiqh* does not refer to hadith, the Qur'an, and the actions and conduct of the *Ahl al-Bayt*, or compare three or four different sources to get a result. Using only one of these sources is not sufficient.

Abū'l-Faḍl connected this comprehensiveness to the “thirty or forty years of one's life spent in the *hawza*.” In other words, one does not study for nearly that long in universities.

Another factor contributing to the trust in the *hawza* is its system of checks and balances. The fact that other jurists must approve of a *marja'* provides reassurance that he is qualified. This is something that is not particular to the Twelver Shī'ī context. Khaled Abou El Fadl writes that fear of censure of other jurists was the main force against negligent jurists in traditional

Islamic legal environments.<sup>80</sup> “Other *marāji‘* must endorse him,” said Jawād. “There’s a hierarchy.” Raḥīm mentioned something similar. A‘zam said:

The *marāji‘* studied in the *ḥawza* for years. They spent their lives [in this path], they researched. Let’s say someone just studied [on his own] and wants to put the cloak and turban on and be accepted as a *marja‘*. There must be a group of experts who have mastered this field and have the appropriate knowledge... they must choose this person.

And when discussing how he selected a *marja‘*, Dr. Jawharī said, “There are some people the *ḥawza* informs us have the proper qualifications for *marja‘iyya*, and I chose one from among them.” I then asked if a specialist in Islamic law with a university education could become a *marja‘*. He responded:

In my opinion, no, it’s not possible. Because someone has to endorse him. A scholarly group has to endorse him. One can’t announce his *marja‘iyya* in a closed environment. He must be with others who challenge his thinking, with whom he consults, discusses, and arrives at conclusions, and resolves problems. That group must then decide who is worthy of being a *marja‘*. Otherwise, anyone who claims to have studied enough to be a *marja‘* can come forward [and present himself as a qualified expert], but we won’t know if we can trust him... If I wanted to determine the conditions for being a *marja‘*, I would have to be a [religious] scholar. But because I don’t have the time to do these things, I refer to a group that considers these individuals [the *marāji‘*] to be worthy [of *taqlīd*], like the *ḥawza* of Qom.

It is worth noting that Dr. Jawharī does not consider the university system sufficient for effectively checking the credentials of a scholar. This could be because he does not believe the relevant committees in universities observe religion properly. Or it could be a criticism of the nature of checks and balances in the university (where knowledge is highly specialized) as opposed to the *ḥawza* (where scholars are largely studying the same topics, reading the same works, and have the same ultimate goal of deriving Islamic law). Sārā believes this endorsement can come from anywhere in theory, but that it is not evident that universities are qualified:

It’s not about whether one is in the *ḥawza* or not. The thing that’s important is that the person I select must be completely accepted by a source in which you have confidence. A reliable source must endorse his ability to derive rulings (*aḥkām*) from [Qur’anic] verses and hadith. Some people study in universities and get PhDs in Qur’anic studies, or in

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<sup>80</sup> Abou El Fadl, *Speaking in God’s Name*, 107.

hadith or *tafsīr*. But it's not clear they've gotten to the level of being able to derive [legal rulings] from the depths of verses and hadith. This is a particular methodology that a *marja'* usually acquires by way of his studies in the *hawza*. And he must be endorsed by scholars for us to be able to refer to him. Then we select the most knowledgeable from among [those who receive endorsement].

These discussions of the scholarship produced by the *hawza* indicate that there is a perception that the universities have not caught up to the *hawza* in fields related to *ijtihād*. It is not, however, that there is something sacred or mystical about the *hawza*, such that *ijtihād* cannot be acquired elsewhere in theory.

There is another perceived issue with non-*hawza* scholars: a lack of piety. The idea is that, even if a scholar from outside of the *hawza* acquires the necessary knowledge to be a *marja'*, he cannot be trusted because he is not a proper believer. "Sayyid Muḥsin," a fifty-nine-year-old rice farmer in Mazandaran I interviewed in the mosque of Nowshahr, told me that he knows of "very intelligent" people who have PhDs in Islamic law, become *mujtahids*, and are at the level of the *marāji'*. However, they are "weak in their religion," which affects how they respond to questions. Muḥsin believes that this is because they, unlike *hawza* scholars, will insert their own opinions into their responses, as opposed to accurately representing God's law. "Hājj Akram," a seventy-one-year old retired teacher and current prayer leader in the Noor Afshar mosque in northern Tehran, answered the same question about referring to a specialist outside the *hawza* as follows:

You see, one who is a *mujtahid* must know the rules of religion. The rules of religion are taught by the *marāji'* and in the *hawza*. In the university in Los Angeles, for instance, there's no discussion of Islam. And if it exists, it's different. It's not correct Islam. So if one wants to become a *mujtahid*, he or she must seek the *hawza* and the *marāji'*, and the *marāji'* must recognize him or her, and approve of him or her. Imam Khomeini became a *mujtahid* at age nineteen by studying with Ayatollah Burūjirdī. Nineteen years old! Do you follow? Some are even younger, seventeen years old, when they become *mujtahids*. But they're true *mujtahids*! Meanwhile, one might be eighty-years-old, a professor, respected in his or her own field, but in terms of *hawza* [studies], he or she doesn't know anything.

In addition to the aforementioned point about checks and balances, Akram's statement indicates that only *hawza* scholars can be trusted to pursue "correct" Islam. And if one is in such a proper milieu for studying Islam, one can advance quite quickly, unlike one who studies in secular institutions and cannot arrive at the goal of *ijtihād* even after a lifetime of scholarly pursuit.

The general sentiment is that, in practice, a *marja'* must have *hawza* training, since there is currently no other institution that studies Islamic sources with a similar form of dedication. Knowledge is perhaps the defining feature of the *marāji'* according to *muqallids*. But there is no formal degree or certification that proves one's credentials. Rather, decades of training and endorsement from other jurists is required, and these two elements are not perceived to exist among academics.

#### Requirement #2: Awareness of society

For *muqallids*, legal training is far from sufficient. It might give a jurist the status required to be considered for *marja'iyya*, but being accepted as a *marja'* is a different matter entirely. One requirement *muqallids* have created for the *marāji'* is that they must be aware of the nature and requirements of their society, and adjust their opinions accordingly. One thing often mentioned was the theme of modernity, or the idea that fatwas must be up to date (*be rūz*). Also mentioned were reasonableness and leniency, meaning, fatwas should not be so strict that *muqallids* are discouraged from acting upon them. Murtaḍā said that a *marja'* must be up to date (*be rūz*) so that he can understand the problems of his people. "Maḥsā," a twenty-nine-year-old with a degree in accounting I interviewed in Ahar, said that a *marja'* must be inquisitive, and "update (*be rūz*) his knowledge, his self, and his religion every day, so that people can trust him to answer any question they have." Aḥmad said that a jurist must progress with modern

knowledge (*'ilm-e rūz*) so that he can convince those who refer to him, and so that “others can’t say he is backwards.” Zahrā’ said “the most important factor in a *marja*’s success is that he understands, with the depths of his existence, the realities of his society and gives opinions in accordance with them.” She mentioned the possibility of updating legal manuals multiple times a year. Akram stated that he expects the *marāji*’ to use secondary rulings to “change certain things because of the issues in today’s society” or to “bend the rules” to satisfy the needs in society. And Yāsir’s opinion about updating fatwas was mentioned earlier. Manşūra was critical of the *marāji*’ for not consulting qualified experts and for being reactive instead of proactive, saying, “A criticism I have of this whole matter of *taqlīd* is that the people the *marāji*’ consult are weak or nonexistent, because in newly occurring issues, [the *marāji*’] are really late to provide proper rulings.” She mentioned fatwas related to banks artificial insemination, and improper wealth accumulation as examples that must be updated to be in accordance with the times (*rūz*). She said:

It shouldn’t be such that we encounter problems, and then the *marāji*’ start to think about them. Rather, they should have a great number of people who are up to date (*be rūz*) available to consult regarding new knowledge and older knowledge that has now changed. They have to be modern (*be rūz*) and ahead [of their time] so they can resolve people’s problems, because one of the issues that has weakened *marja*’*iyya* is that they are not aware of modern (*rūz*) issues.

Reaching the youth was a major concern for *muqallids* who mentioned modernity as a requirement for the *marāji*’. At the end of her claim that the *marāji*’ are not proactive, Manşūra said that the youth are somewhat justified in their criticism of the *marāji*’, because they prohibit certain things (using cell phones or watching certain television channels), only to engage in those activities themselves later. “They lose credibility,” she said. Manşūra believes that society and (in particular) the youth would be more accepting of the *marāji*’ if they provided more nuanced opinions about modern problems, like saying, “this device is perfectly fine, but such and such act

[performed using it] is *ḥarām* (impermissible).” Şiddīqa agreed that being modern is key to earning the trust of younger *muqallids*, saying a *marja’* must be “very clean and up to date (*be rūz*) so that the youth can accept him.” And Sānāz stated:

The first condition for a jurist or religious scholar is – especially in our current (*rūz*) social climate – that he must be able to establish social relations. [I look to see] how he – in accordance with the conditions of the day (*rūz*) – establishes a relationship with the youth, how he can communicate despite differences in age and gender. This is very important in determining whether I accept him or not.

Zuhra stated that the opinions the *marāji’* currently give are, in fact, *be rūz*, including their opinions on hijab, which makes them successful in appealing to the youth. She said:

The *marāji’* have really accommodated our youth, preventing them from getting sick (*zadeh*) of religion or abandoning it altogether. All contemporary (*be rūz*) issues are evaluated, and usually it’s such that it is [in accordance with] *’urf*, and liked and accepted by the youth. [It’s all] very nice and beautiful, really. Our religion is a beautiful religion. Without a doubt, the *marāji’* eloquently explain things for us in a modern (*be rūz*) way.

There is disagreement among these *muqallids* concerning the degree to which the *marāji’* are modern, but it is clear that being so is a requirement for *taqlīd*. This is because, they believe, it results in more accurate and relevant fatwas. *Marāji’* who have held political positions were more likely to be perceived as fulfilling the condition of being “modern.” Ḥamīd referred to Ayatollah Khamenei as a “complete” *marja’* who “knows religion completely, knows society... is knowledgeable in politics, society, and culture.” And Abū’l-Faḍl used the phrase *fiqh-e pūyā* (dynamic jurisprudence), made popular by Khomeini, before mentioning that Khamenei understands issues related to the current time (*rūz*).

It is perhaps natural that this awareness of society should be reflected in the opinions of the *marāji’*. The fatwas provided should take the appropriate audience into consideration. This could mean that they must be reasonable, lenient, or considerate of women. Jawād stated that the reason he changed his *marja’* multiple times was that he found the *marāji’* to be unreasonable or

extreme (*ifrāt wa-tafrīt*)<sup>81</sup> before settling on Khamenei. Akram mentioned bending the rules, as included earlier, and also said, “Perhaps my expectation [of a *marja* ‘] is that he be more flexible on some things and not be unyielding in everything.” “Nāşir,” a sixty-seven-year-old with a doctorate degree in project engineering whom I met at the mosque of Jamal Abad, said he chose his *marja* ‘ because he is less strict on some issues. He then said:

I think, for me, it’s a problem performing *taqlīd* to those who make issues very complicated. God sent the Qur’an and the Prophet for the purpose of people pursuing religion and doctrine with ease, without all this complication. I know some who act on a lot of precaution, meaning they observe precaution a lot in their lives. They place a burden on both themselves and those around them.

Ḥamīd said he followed Ayatollah Makārim-Shīrāzī because he is “more lenient” than other *marāji* ‘. Shahrzād decided she could not perform *taqlīd* to Ayatollah Bahjat because he ruled a woman cannot ride in a taxi alone with a man. “So because he was very strict, I don’t accept him,” she said. “I accept one whose opinions and fatwas are appropriate for my particular situation.” And Murtaḍā said he might pursue the opinions of two or three different *marāji* ‘ on an issue to find a *marja* ‘ who is “less strict, or his logic is closer to your logic.” And Ḥasan did not like the idea of a *marja* ‘ presenting his fatwas in absolute terms, saying, “If he wants to speak to me like he’s my boss, I won’t accept that (or, perhaps, “him”).”

Previously it was mentioned that Şiddīqa believes certain rulings violate the rights of women. She also said that a problem with the *marāji* ‘ is that they view religion through the lens of patriarchy (*sālāriyyat-ye mard*), which she attributes to Islam’s having originated in the Arabian peninsula. When explaining to me why a *marja* ‘ must have piety, she said:

“Gender shouldn’t be a factor in making a ruling. Their own gender, and the fact that they’re men, shouldn’t play a role.”

“But you are saying that is currently the case,” I said (referring to previous statements not included here).

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<sup>81</sup> Literally “going too far” and “not going far enough.”

“For some [*marāji*’], yes.”

“And yet they’re still *marāji*’,” I said.

“They’re still *marāji*’. But [this bias] exists. Meaning, if this weren’t the case, we’d see different results in our society. I use this to say that the displeasure in my society in terms of violating some of the rights of women is due to a lack of effort by the *marāji*’. I can’t say this lack of effort is the absence of piety. I can’t accuse them of this. But there are some things that are disregarded.”

“But I want to know how one becomes a *marja*’. You say there must be a kind of piety. This piety, as you explained it, means they must not be bigoted on account of their being men. However, you say [this bigotry] exists among the *marāji*’...” I said.

“It exists.”

“But still you say they’re *marāji*’.”

“Yes, unfortunately. Unfortunately,” she said sadly.

“So you think the *marāji*’ could’ve been more complete than this.”

“They could, yes.”

“But they’re still *marāji*’.”

“Yes, yes, yes.”

While this exchange was exceptional, in that Ṣiddīqa was more critical of the *marāji*’ than others, it does speak to the ideal vision of a *marja*’ or one who represents the current social dynamics in society, and the fact that the *marāji*’ do not always reach this ideal. Still, it appears that *muqallids* do, to some degree, make their decisions about *taqlīd* in accordance with such ideals.

### Requirement #3: Mass Appeal

If the *marāji*’ are perceived to have awareness of their society, they are then capable of being received by potential *muqallids*. Some of the reasons given for a *marja*’s being accepted are that he is well known, good with people, attracts people with his behavior, and provides answers. Knowing the *marja*’ can be either at the macro level or the micro level. In describing

the ways in which one recognizes a *marja'*, Kubrā mentioned referring to honest scholars with knowledge, but also “popularity on the global scale.” Ḥasan said that before one can perform *taqlīd*, one must “get close” to the jurist, get to know him, and interact with him. Zahrā' told me that she and her family selected Khomeini as their *marja'* because he was “so well known that the people of Iran were generally inclined to choose him.” She explained that it was only after Khomeini that *marāji'* were chosen for their knowledge and “not just their popularity in politics or society.”

Once a *marja'* is known, it is up to people to accept him or not. In this regard, Khomeini and Khamenei had great advantages, due to visibility and opportunities to demonstrate virtue in public and political settings. According to Zahrā', the most important characteristic of a *marja'* is that “the people of our society accept him.” Zuhra said a *marja'* must “speak in such a way that people can accept his words in their hearts.” When describing the appearance of a *marja'*, Qāsim said it is one that all, or most, will accept. Sajjād said a *marja'* is one who “learns the religious sciences, is intellectually capable, and earns a lot of trust from people because he is upright.” Similarly Sārā said concerning the requirements for a *marja'*:

Well, the first step is completing all those studies. But the next is that he must be accepted by people. To what degree do people have a relationship with him? How much have they determined he knows his environment and the requirements of his time? And how much have they determined he has knowledge and faith? However much his relationship with people increases - and they can determine these things - well, it's obvious that their relationship will grow deeper.

The relationship she speaks of is apparently more than just legal reference. Rather, it seems that it is expected for the *marja'* to be perceived as interacting with and caring about his followers. Ghulām-Ḥusayn said that after hearing Khamenei's speeches and watching him on television, he saw that everything about Khamenei (his knowledge, behavior, and even appearance) appealed to him, and thus he accepted him. Zuhra said that society accepts Khamenei, which is why he

must be followed. When describing why she selected Khamenei, she said, “I love him from the bottom of my heart.” Zuhra also said, “Āqā Makārim-Shīrāzī is a *marja*‘, but I don’t see him a lot in the media. But because Āqā [Khamenei] is the leader and because, as I said, I have a certain kind of affection for him, I chose him as my *marja*‘.” Previously it was mentioned that Shamir emphasizes the role of rhetorical skills in the charisma of distant leaders, since they are largely expected to articulate a vision.<sup>82</sup> Mahsā said she accepted Khamenei as her *marja*‘ because, like Khomeini, he was trusted by people. This trust in these two leaders could be related to Shamir’s idea that demonstrations of self-sacrifice and personal risk-taking increase trust in distant leaders.<sup>83</sup> Akram and Aḥmad cited bravery as a reason for Khomeini’s appeal. “When [the *marāji*‘] have to be patient, they’re patient. When they have to show bravery, they show bravery. We saw these attributes in Imam [Khomeini],” said Aḥmad. Such bravery is one of the ways in which leaders gain credibility, according to Shamir, House, and Arthur.<sup>84</sup>

Being good with people was often mentioned as a means by which the *marāji*‘ gained the trust and acceptance of *muqallids*. When asked to describe the piety that sets the *marja*‘ apart, Jawād said, “He has to be good with people (*mardum-dār*).” Šiddīqa answered the same question about the piety particular to the *marāji*‘ by saying, “They must be good with people (*mardumī*). They must have a great relationship with the poor, the weak members of the society and be among people.” Of course, she felt this element was a bit faint (*kamrang*) among the current *marāji*‘, but, at the same time, did not believe she could have become a *marja*‘ because she did not have the same capacity (*si‘a-ye šadr*) they do for such things. I asked Šādiq to explain the behavior of the *marāji*‘, to which he said:

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<sup>82</sup> Shamir, “Social Distance and Charisma,” 28-9.

<sup>83</sup> Shamir, “Social Distance and Charisma,” 26.

<sup>84</sup> Shamir, House, and Arthur, “The Motivational Effects of Charismatic Leadership: A Self-Concept Based Theory”: 577-594.

“Well, like I said, it’s related to being accepted in society.”

“No, but what attributes must they have in terms of behavior?” I asked.

“The same attributes I mentioned, being aware of society, politics, and culture.”

“No, their behavior,” I said.

“Behavior, well, is it even possible for one to be accepted by society but not be good with people (*mardum-dār*)?”

“So they must be good with people,” I said.

“Yes!” she exclaimed.

It is perhaps natural that the expected interactions between *marja* ‘ and people are accommodated by a deep sense of concern. When I asked why some jurists became *marāji* ‘ and others did not, Ḥasan said, “Piety without love never gets you anywhere... A *marja* ‘ must consider all his *muqallids* to be like family.” Aḥmad referred to *mardum-dūstī*, or, “love for people.” “A *marja* ‘ must like people. Perhaps the entire reason he became a *marja* ‘ is because he likes people and wants to resolve their problems.”

In addition to being known by people and being good with people, the *marāji* ‘ are expected to conduct themselves in a way that is deemed acceptable by people. “His behavior must be the best,” said Kubrā. “He must be dignified, noble, calm, kind and only speak with [people] using proofs and logic,” she said. In describing the behavior of the *marāji* ‘, Kāzīm said, “Well, he has to have good conduct in order to be able to establish relationships with people and have them want to establish relations with him in return. Not every person will pursue one who is ill tempered or rude.” In other words, he must appeal to people, which is what Ḥasan said more explicitly: “When I go to see him, he has to behave in such a way that he attracts me.” A major way a jurist can attract potential *muqallids* is by demonstrating that he is sincere and not power hungry. Zahrā’ said that a jurist who is not overly pursuant of worldly matters attracts people. Ḥasan said he chose Ayatollah Burūjirdī as his *marja* ‘ because he initially suggested that Khoei

be the next *marja'*, and only accepted the position when it was determined that Burūjirdī would fulfill the duty in Iran, and Khoei would do so in Iraq. "I accept him because he wasn't eager to become a *marja'*," he said. This distaste for power is one indication of piety, which is the larger reason people approve of a *marja'*. Murtaḍā considered people's approval an exceptional way in which the piety of a person can be determined. He said:

Belief [in the tenets of Islam] and piety are between a person and his god. They're something I don't understand, something I'm not supposed to understand or investigate. Except, it can be said that in society, [the *marja'* must be] a person who is considered a scholar known for his piety. If one is a good person, somehow people will know him. If one isn't a good person, he can't gain prominence in society.

In describing the *marja'*'s outward appearance, Rayḥāna said, "It must be such that whoever sees him says that he is a good person, that he behaves well, [approves of] his *akhlāq* and how he treats people, [and relate that] he performs all the obligatory actions of Islam." She then mentioned he must also be endorsed by two *marja'*'s.<sup>85</sup> And in describing the requirements of *marja' iyya*, Nāṣir said:

Before you can perform *taqlīd* to someone, he has to go through complete his studies, and certainly, most definitely, he has to be advanced in age, [such that he has] experienced a lot of things, acted upon them himself, and his characteristics, what he observes and doesn't observe are all known in society what things he observes, what he doesn't observe.

Similar to Rayḥāna, Nāṣir added that a "group must determine this person is a *marja'*." The placement of these conditions at the end of their speech perhaps indicates that they sensed they were making the conditions of *marja' iyya* too dependent upon mass appeal, and reverted to the conditions stipulated by religious scholars.

After earning trust initially, a *marja'* must maintain that trust by fulfilling the needs of his followers. "[A *marja'*] is good when he fulfills my needs," said Murtaḍā. Zahrā' mentioned

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<sup>85</sup> Apparently a reference to the rule about determining that one is a *mujtahid* or the most knowledgeable *mujtahid*, which provides the option of referring to two informed people with a clear moral record (*'ādil*). See: Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, p. 12, #3.

Sistani as an example of such a jurist. She said, “When it’s necessary, when people really needed it, like Ayatollah Sistani in Iraq, [the *marāji* ‘] issued laws that were necessary. And, you know, they had appropriate answers for the questions of their time.” Ruqayya believes that a *marja* ‘s credentials must be apparent when *muqallids* refer to him, saying, “He has to be reliable, such that you know he’s really a *marja* ‘ and one with understanding and knowledge. He can’t be like average people, where you can’t ask them basic questions.” Ḥasan said a *marja* ‘ must prevent laws that are not in accordance with *sharī’a*, enforce justice, provide services, and be dedicated to his *muqallids*. In selecting a *marja* ‘, he said, one should ask, “What has he done [to improve] the conditions of today, for his *muqallids*... What kind of acts has he prevented them from doing?” Maḥsā believes that being a *marja* ‘ requires one to have the patience for the day-to-day tasks of answering questions. She said:

[The *marāji* ‘] must have patience. People have different questions. They can’t say they don’t feel well today [and excuse themselves from such duties]. Each moment, each hour, you must have the patience to treat each person who chose you as a *marja* ‘ delicately, regardless of how one speaks. One might ask [a question] in a rude tone, another might ask nicely. Whatever the situation, [the *marja* ‘] has to be warm and gentle in tone, such that he can provide a convincing answer for the person across from him.

In addition to fulfilling the needs of his *muqallids*, some required the *marja* ‘ to provide comfort, like physicians and fathers. Akram, Dr. Jawharī, Ṣiddīqa, Yāsir, and ‘Abbās all compared the *marja* ‘ to a physician. Yāsir called the *marāji* ‘ “spiritual doctors.”<sup>86</sup> Ṣiddīqa said, “Just as one is *maḥram*<sup>87</sup> and comfortable with a doctor, it is the same [with a *marja* ‘].” And Dr. Jawharī compared the need to trust a physician before taking medicine to the necessity of

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<sup>86</sup> They used the Persian *duktur*, but it is understood that they intended “physician” or “medical doctor,” and not merely one with a doctorate degree. Nonetheless, I am leaving the translation as “doctor” for accuracy.

<sup>87</sup> A *maḥram* is one with whom marriage is forbidden. In Islamic law, this means that skin to skin contact is permissible with such a person, and women are not required to wear the hijab in front of him. It is popular in Iranian culture that a physician is *maḥram*, meaning, he can see and touch a woman to whom he is not married or closely related, due to the necessity of treatment. Here, Ṣiddīqa uses this analogy apparently to convey that a woman can discuss certain personal matters she would not discuss with a strange (*ajnabī*) man.

trusting the fatwas of the *marāji*’. Meanwhile, Ḥasan said, “A *marja*’ must consider all of the people who perform *taqlīd* to him to be like his family.” And Sayyid Muḥsin said, “The *marja*’ is like the elder of a family, like a father, such that one can ask [him questions] comfortably.” In other words, it is not simply that the *marja*’ provides a legal opinion without any consideration of the emotional repercussions of his decision. Rather, he must be reassuring and demonstrate that he cares. This is one reason the *marja*’ is often compared to a physician. James McCormick categorizes medicine as a caring profession, and argues that it is for this reason that it is accompanied by a greater ethical responsibility. He writes:<sup>88</sup>

Medicine is different from most other professions not by virtue of the length of training (which is extremely long), or the depth of knowledge but by its code of behaviour and by its concern with people, rather than buildings, structures or accounts. This involvement with people is shared with priests, nurses, teachers, social workers and to some extent with lawyers. It is not characteristic of architects, actuaries, accountants and engineers... Medicine, in common with other caring professions – with the priesthood and to some extent with teachers – inherits a further and different sort of ethical responsibility which is concerned with service, a commitment to people or pupils which transcends any written contract of duties and responsibilities.<sup>89</sup>

And he writes elsewhere that when a medical doctor enters a room, he provides calm and alleviates suffering by his mere presence.<sup>90</sup> Similarly, a number of *muqallids* were attentive of the fact that *marja*’*yya* is a “caring profession,” and a *marja*’ must not only provide rulings that take his audience into consideration, but also embrace his commitment to society and demonstrate behavior that puts the concerns of others to rest.

These descriptions of the *marja*’s responsiveness to his followers depict a constant negotiation between the *marja*’ and *muqallid*. The initial attraction to or approval of the *marja*’ is apparently not sufficient for maintaining legal authority. Rather, a *marja*’ is one who appropriately engages with the *muqallid* and resolves her problems. This is what Conger *et al.*

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<sup>88</sup> His research was specific to the United Kingdom, but this excerpt seems to apply elsewhere.

<sup>89</sup> James McCormick, *The Doctor: Father Figure or Plumber* (London: Croom Helm, 1979), 13-14

<sup>90</sup> McCormick, *The Doctor*, 99.

referred to as the "vision formulation stage," in which a charismatic leader provides a vision that provides the potential for fulfilling the needs of followers. Of course, it is not clear whether these *muqallids* actually found their *marāji'* to be as they describe or simply articulated certain standards they expect. It is also not clear whether they would abandon their *marja'* should they find him to be disengaged or disrespectful, for instance. For the *marāji'* to be actually put to the test would require that their *muqallids* interact with them or their representatives and actively engage with their fatwas, which, as will be demonstrated, is not necessarily always the case.

#### Requirement #4: Embodiment of tradition

A certain degree of piety is required of the *marāji'* by Islamic law. As mentioned earlier, they are expected to be *'ādil*, or refrain from major sins and not persist in minor sins.<sup>91</sup> This, though, is expected of prayer leaders as well. Khomeini and those with similar political leanings particularized this piety somewhat by adding the condition that the *marja'* not be overly pursuant of worldly matters<sup>92</sup> or that he must possess a level of piety appropriate for the position of *marja'iyya*.<sup>93</sup> But there is still much that is left unsaid. The overall theme of the piety that *muqallids* articulated as a requirement of the *marāji'* is that of embodying tradition. This means two things: 1. the *marāji'* are expected to act upon that which they demand of others, or, perfectly observe their own fatwas in their lives; 2. they are expected to be living examples of piety and spirituality as it is defined by these Twelver Shī'īs. Much of these expectations are

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<sup>91</sup> Banī-Hāshimī-Khumaynī, *Tawdīh al-masā'il-e marāji'*, v. 1, p. 10, issue #2.

<sup>92</sup> Khomeini, *Tahrīr al-wasīla*, v. 1, p. 8, issue #3; Khamenei, *Ajwibat al-istiftā'āt*, v. 1, p. 8, question #12; Muḥammad Ḥasan Banī-Hāshimī-Khumaynī, *Tawdīh al-masā'il-e marāji' mutābiq bā fatāwā-ye sīzdah nafar az marāji' mu'azzam-e taqlīd*, v. 1, (Qom: Intishārāt-e Islāmī, 1376 AHS), v. 1, p. 10, issue #10, footnote #4.

<sup>93</sup> Muḥammad Bāqir al-Ṣadr, *Al-Fatāwā al-wāḍiḥa* with commentary by Muḥammad al-Ṣadr (Qom: Al-Muntazar, 2013), v. 1, p. 145; Mahmoud Hashemi Shahroudi, *Minhāj al-ṣāliḥīn* (Qom: Mu'assasa al-fiqh wa-ma'ārif Ahl al-Bayt, 2012), v. 1, p. 15, issue #20, part 3; Kāzīm Ḥā'irī, *Al-Fatāwā al-wāḍiḥa*, pp. 130-1, issue #32, taken from: <http://www.alhaeri.org/main.php?p=ahkam&bid=1&pid=130#ahkam>. Accessed April 8, 2018; Kamāl al-Ḥaydarī, *Al-Fatāwā al-fiqhiyya* (Beirut: Al-Thaqalayn, 2012), v. 1, p. 23.

derived from Islamic sources, but some of them may be related to culture (both Islamic and Iranian).

The most prominent form of piety expected of the *marāji'* mentioned in my interviews was that they act upon their knowledge, or, do what they say. Simply being scholars is not sufficient. "A *marja'* could read every book, but if he doesn't act on it, it has no value," said Abū'l-Faḍl. Nāṣir declared that it must be apparent to the public that the *marja'* observes religion. Rayḥāna stated that a *marja'* has to refrain from sin and observe the dictates of Islam. A'zam said the *marja'*'s appearance must be like that of the Prophet, who "did the things that he said." There is a certain logic evident in the words of these *muqallids*. Contrary to secular law, the religious legal studies often have salvation as the goal. The law the *marāji'* research and produce applies to them and non-legal scholars equally. For this reason, the scholar who is more aware of the path to salvation than any other should naturally strictly adhere to the laws he produces, as one is expected to pursue that which is in one's best interests. In this regard, Sārā said, "It's only natural that one who wants to explain God's rulings acts upon them himself." Ma'sūma said, "If the *marja'* says watching a certain television program is *ḥarām*, it must be because he considers it *ḥarām* for himself." And Karīm said, "If he tells me to not lie or not be arrogant in my interactions, my way of walking, my glances, my actions, he should do all that as well." It was also expressed that if the *marja'* does not act on what he knows, his words lose value. Ṣiddīqa said the *marāji'* can better resolve matters with their actions than with their words. "I can't smoke and then tell a young person not to smoke," she said. According to Kāzīm, a *marja'* who does not do the right thing is not trustworthy. Earlier it was mentioned that Shamir writes that trust in distant leaders is likely dependent upon the perception that they have "pure"

motives.<sup>94</sup> There what was intended by purity was serving the community, and not just oneself. In this context, it might be said that purity is related to spiritual purification and serving God as opposed to serving one's lowly desires.

Acting upon religion for the *marāji'* was often connected with financial matters. This is understandable, since the *marāji'* are entrusted with a great amount of wealth in the form of *khums*. "Living simply is very important," said Raḥīm. "Our *marāji'* have adopted the way of life of Imam 'Alī, the way of the Prophet," said Ma'sūma. "They have very simple lives," she added. "[A *marja'*] has to live simply and wear simple clothes," opined Şiddīqa. She later clarified that this does not mean that the *marja'* must live more simply than his followers, saying, "A *marja'* must have a normal standard of life. I'm not saying he should live lower than others. But at the most, he should be like an average person. And his wealth should be for others... How can a *marja'* be good with people while living luxuriously?" Implicit in these words is the idea that a *marja'*, unlike others, does not acquire wealth for his own purposes, but rather for the advancement of Islam. In describing a *marja'*, Majīd made this idea clear. He stated that a *marja'* is one who is an accomplished scholar, tries not to sin, and "tries not to take what belongs to others, [and does] not take their wealth." In this regard, Muḥsin mentioned Ayatollah Aḥmad Khwānsārī (d. 1985) as a *marja'* who achieved success because of his financial integrity. He said:

When people gave him religious taxes in the mosque, he would put it on the *minbar* (pulpit). After prayer concluded, he would distribute [the taxes] among the poor, and wouldn't spend any of [the wealth] on himself. This was a sign that he was pure. When someone doesn't spend money and distributes it right in front of you, there's no room for doubt.

And when I asked Karīm if a *marja'* must live more simply than others, he replied, "No, no, no." Thus it is not always necessary that the *marja'* live at a lower standard, but rather that he not

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<sup>94</sup> Shamir, "Social Distance and Charisma," 26.

abuse his power and wealth and live in luxury. This idea of resisting the urge to embezzle funds was the most specific example given by *muqallids* for the embodiment of tradition. As will be seen shortly, most other descriptions of the piety of the *marāji‘* are less clear.

Embodying tradition for the *marāji‘* also means they are expected to be spiritual role models. But this does not necessarily mean that their piety can be replicated by *muqallids*. Rather, it often means that they are to represent an unachievable religious ideal and that there must be a distinct difference between *marja‘* and *muqallid*. Interviewees did not provide great elaboration about what this ideal means, instead mentioning words like “complete” or “perfect” (*kāmil*) when describing the *marja‘*’s behavior. These high levels of abstraction are what Micha Popper writes are part of the nature of distant leadership.<sup>95</sup> Shamir’s argument that distant leaders are more likely to be perceived as possessing superhuman or “larger than life” qualities by their followers applies here as well.<sup>96</sup>

The *marāji‘* were often depicted as leaders far ahead of their followers on the path to God. “In terms of spirituality, a *marja‘* has to be higher [than average people],” said Dr. Jawharī. “He has to trample his lower inclinations. He can’t be like us,” he added. Ḥamīd declared, “He who wears the clothing of the *Ahl al-Bayt* and shares the words of the *Ahl al Bayt*... must be superior to others [in *akhlāq*] in order to teach them *akhlāq*.” He then stated that if the *marja‘* wants to help people achieve a certain level of *akhlāq*, he must first surpass that level himself. “‘Abdullāh,” a twenty-eight-year-old welder originally from Mazar-i-Sharif, Afghanistan whom I met at the shrine of the Eighth Imam, said, “[*Marja‘iyya*] is one hundred percent at a level higher than ours. Because their worship and deeds are different. They’re focused on the Qur’an,

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<sup>95</sup> Micha Popper, “Leaders perceived as distant and close,” 2-3.

<sup>96</sup> Shamir, “Social Distance and Charisma,” 23.

prayer, commanding the good, prohibiting the evil... [*Marja' iyya*] is something our minds can't understand."

Others mentioned that the *marja'* was a role model, but later contradicted this by making a clear distinction between *marāji'* and *muqallids*, indicating that the latter can never truly embody the virtues of the former. When asked if the conduct of the *marāji'* must be different from that of others, Zībā replied, "Yes, yes," while adding, "They have to be role models in every sense." This apparent contradiction was made clearer in other interviews. Karīm initially stated, "The *marāji'* are automatically role models. And we can copy them, and try to behave exactly how they behave." But when asked if there was a difference between the conduct of the *marja'* and that of others, he replied, "Yes, because he's reached the highest level of knowledge, and there has to be a difference between normal people and educated people."<sup>97</sup> Hasan said, "The one to whom a person performs *taqlīd* becomes a role model. He has to be better than all others, and I saw [Ayatollah Burujirdi] was better than others, so I followed him." And Sārā remarked, "[A *marja'*] has to be ahead of others on all issues for others to be able to perform *taqlīd* [to him], because whenever one wants to make another her role model on any issue in life, naturally she has to accept him in terms of disposition, ethics, and spirituality." In other words, a *marja'* is a role model who is more a representative of religion than any sort of practical guide, like a parent or teacher.

The spiritual elevation of the *marja'* above *muqallids* was often mentioned in association with the former's superior knowledge. "When you reach greater heights [in knowledge], your behavior changes as well," claimed Qāsim. Ma'sūma mentioned that a *marja'* has the "best attributes" because he can "distinguish good from bad." "We can't ever be like our leaders,"

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<sup>97</sup> Perhaps an idea understood from Qur'an, 39:9, which rhetorically asks if those who know and those who do not know are equal.

asserted ‘Abbās. “But we’ve always followed their path... And he is higher than me because of his *marja’iyya* and [knowledge of] *fiqh*,” he said. In explaining why a *marja’* cannot do certain things that are permissible for others (like chewing gum), Luṭfullāh argued, “A *marja’* has a high level of knowledge and education. However much [one’s knowledge] reaches greater heights, his actions become more special (*khāṣṣ*).”

The superiority in spirituality and knowledge of the *marja’* over *muqallids* is often framed in terms of the Imam’s superiority over his followers. This suggests that the definition of the leadership of the *marāji’* is taken from that of the Imams, where the highest forms of knowledge and piety make them the only ones qualified to lead the community. These two elements, knowledge and piety, are tied together in the sense that it is believed that the more one knows, the more apparent the adverse effects of sin become. Thus, those at the highest level of knowledge are naturally inclined toward obedience and disinterested in sin.<sup>98</sup> The oft-used example is the certainty an average person has in the harm of poison. As a result, one has no desire to consume poison. Similarly, the Infallible is certain of the negative outcomes of sinning, and thus is disinclined from violating the laws of God.<sup>99</sup> Abū’l-Faḍl said concerning the *marāji’*, “Sometimes their level [of knowledge, or, perhaps piety] is so high that they don’t even commit the sins that are *makrūh* (merely discouraged, and not prohibited).” Raḥim said a *marja’*’s *akhlāq* “must be complete, though not at the level of an infallible.” After explaining that most *marāji’* perform their religious duties properly, Ṭāhira said, “Of course, we all make mistakes. You can’t say [the *marāji’*] are prophets. We can’t say one hundred percent, but they go ninety percent of the way.” And Maḥsā said:

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<sup>98</sup> For a brief discussion on the relationship between knowledge and ignorance and obedience and disobedience to God, see: Muḥammad Ḥusayn Ṭabāṭabā’ī, *Al-Mīzān fī tafsīr al-Qur’ān* (Beirut: Al-A‘lamī, 1973), v. 11, p. 154.

<sup>99</sup> See: al-Ḥaydarī, *Al-‘Iṣma*, 134-156.

The *marja'* reaches such a high level of knowledge that he becomes a complete person, though not more complete than God, because no one is more complete than God. He becomes a little more complete than others.

Of course, these comparisons do not necessarily mean that these *muqallids* associate some sort of supernatural authority with the *marāji'*. Rather, it appears they are simply mapping the criteria of leadership in the Twelver Shī'ī context onto the case of scholars, meaning that they are saying that the *marāji'* are lesser versions of the Imams in knowledge, piety, and leadership, and thus deserving of being followed to the degree they embody certain virtues. When explaining how a *marja'* is different from others, Yāsir said it is in abstaining from sins, which is something technically achievable for anyone with a strong enough will. Sajjād said that the *marāji'* achieve their distinction by restraining themselves from temptation and remaining upright. And Manšūra clarified the difference between Imams and *marāji'*, saying, “We should never consider [the *marāji'*] to be of the same status as the Infallibles. We should know they are different from them, and that they make mistakes.” And Ḥamīd said, “By rule [the *marja'*] won't get to that level of the *Ahl al-Bayt* and the Infallibles.”

The embodiment of tradition depicted thus far did not include minor miracles (*karāmāt*),<sup>100</sup> which Litvak and Moussavi included among the contributing factors to the establishment of the charismatic authority of the *marāji'*.<sup>101</sup> This is because these *muqallids* generally did not view such miracles as essential to the position of *marja'iyya* and only addressed the matter upon being asked. Kāẓim, Majīd, 'Abbās, Ruqayya, Ṭāhira, Sārā, Zuhra and Yāsir all outright denied the possibility of *marāji'* being able to perform minor miracles. “*Marja'iyya* is related to specialization and knowledge,” said Sārā. “It has nothing to do with

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<sup>100</sup> *Karāmāt* are similar to *mu'jizāt* (miracles) in that both are a sort of supernatural acts. The two differ in that the former is not particular to prophets and thus does not serve as evidence of the veracity of a message attributed to God unlike the latter. See: Erik S. Ohlander, “*Karāma*,” in *Encyclopedia Iranica* ed. Ehsan Yarshater (London: Routledge and Kegan Paul, 2010), Vol. XV, Fasc. 5, pp. 547-549.

<sup>101</sup> Litvak, *Shi'i scholars of nineteenth-century Iraq*, 6-7; Moussavi, *Religious Authority in Shiite Islam*, 197.

[minor miracles],” she said. “A *marja* ‘ is just for answering my questions, and I don’t feel he has supernatural powers,” said Kāzīm. Zuhra exclaimed, “No, no, no such thing exists! Not at all. These are things foreign countries fabricate in order to diminish the personalities of the *marāji* ‘. No one other than God and the Imams have such powers. Not at all, never.” The vast majority of interviewees were either unsure or believed that certain *marāji* ‘ could possess the ability to perform minor miracles, depending on their personal spiritual status. “I haven’t heard or seen anything [about minor miracles] so far, but it’s possible,” reflected Ḥamīd. Yāsir stated that all miracles are particular to the Prophet, but “the actions of one who makes God his focus become godly,” meaning certain supernatural abilities are possible for anyone. Jawād said that *karāmāt* are only for the ‘*urafā*’ (sing. ‘*ārif*), or those with a deep understanding of God),<sup>102</sup> but that a *marja* ‘ could incidentally also be an ‘*ārif* (singular of ‘*urafā*’). “One or two of our *marāji* ‘ reached this level of spiritual wayfaring (*sayr wa-sulūk*),” opined Ma‘šūma. “[But] it’s not a condition [of *marja* ‘*yya*],” she added. The only *marja* ‘ mentioned as possessing minor miracles was Ayatollah Bahjat. “[Minor miracles] are not a condition for *marja* ‘*yya*,” declared Karīm. “Some *marāji* ‘ might have it, like Āqā Bahjat, and some might not,” he said. Luṭfullāh agreed that minor miracles are not necessary for the *marāji* ‘, but also said, “I heard that Āqā Bahjat had this power where he could leave this world whenever he wanted, which was a certain form of

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<sup>102</sup> The term has often been translated as “saints,” but this is inaccurate. An ‘*ārif* is one who has achieved a certain spiritual station by way of constant remembrance of God, which includes observing God’s laws very strictly. But while the ‘*urafā*’ mentioned in Iranian culture are often scholars, an ‘*ārif* cannot be correlated with a Sufi *shaykh* or master. This is because the position of ‘*ārif* does not make one a leader and guide. It is believed that most ‘*urafā*’ are lay people. However, since only the ‘*urafā*’ who can properly articulate the path toward God for others are followed, it is usually scholars with great spiritual stations who are pursued for such matters. Even then, the attachment of a person to an ‘*ārif* who provides guidelines for *akhlāq* is usually quite different from the attachment of a *murīd* (follower) to a Sufi *shaykh*. For examples of the teachings of scholars who were ‘*urafā*’, see: ‘Alī Shīrwānī, *Barnāmeḥ-ye sulūk dar nāmeḥ hā-ye sālikīn* (Qom: Dār al-Fikr, 1385 AHS); and Morteza Motahari, Muḥammad Ḥusayn Ṭabāṭabā’ī, and Ruhollah Khomeini, *The Light Within Me* (Qom: Ansariyan, 2001).

*karāma*.” Of course, Luṭfullāh also mentioned Rajab-‘Alī Khayyāt (d. 1961),<sup>103</sup> who was not a *marja*‘, as one who possessed *karāmāt*, indicating a sort of blurred line between *marja*‘ and popular religious figure. Similarly, Raḥīm declared that the *marāji*‘ possess *karāmāt*, but then listed Bahjat alongside non-*marja*‘s ‘Abd al-Ḥusayn Dastghayb-Shīrāzī (d. 1981)<sup>104</sup> and ‘Abd al-Karīm Ḥaqqshinās (d. 2007).<sup>105</sup> And A‘zam’s example for a *marja*‘ who possessed *karāmāt* was also a non-*marja*‘, Muḥammad Taqī Buhlūl (d. 2005). In other words, *karāmāt* were not something associated with the *marāji*‘ in particular. Bahjat was perceived as possessing such a station, but this was from the perspective of being an ‘*ārif*, and not a *marja*‘.

*Karāmāt* were expressed as something that is achieved by gaining closeness to God, and not as a requirement for being a *marja*‘. This supports the idea that, while the *marāji*‘ are expected to exceed *muqallids* in piety, they are only required to do so within the parameters of everyday practice and worship. It is not such that they must possess supernatural powers or reach the status of saints. “[*Karāmāt*] don’t depend on being a *marja*‘,” said Khadīja. “They’re related to his *akhlāq* and progress on the spiritual path (*sayr wa-sulūk*) ... [The *marja*‘] is a normal person, just like everybody else,” she commented. Similarly, Manṣūra opined, “There’s nothing particular about being a *marja*‘ that gives you *karāmāt*. It requires piety. Anyone who has [a certain level of] piety, in my opinion, has *karāmāt*. If the *marja*‘ has piety, he can achieve this. People who aren’t *marāji*‘ can [also] have these *karāmāt*.” “Miracles, it depends on if [the

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<sup>103</sup> A tailor who is well known in Iran for his asceticism, reticence, minor miracles, and spiritual stations. See: Muḥammad Muḥammadī-Ray-shahrī, *Kīmīyā-ye maḥabbat: yādnāmeḥ-ye Marḥūm Shaykh Rajab-‘Alī Khayyāt* (Qom, Dār al-Ḥadīth, 1381 AHS).

<sup>104</sup> Though he was not a *marja*‘, Dastghayb-Shīrāzī was an accomplished scholar and *mujtahid*, political activist, and representative of Khomeini in Shiraz. He wrote a number of accessible works that are still widely-read and utilized in religious lectures in Iran. Dastghayb-Shīrāzī was a skilled orator and considered a man of the people. He was assassinated on his way to lead Friday prayer on December 12, 1981. Dastghayb-Shīrāzī had insisted on walking to the prayer so that those who had private questions and personal issues could accommodate him and ask and receive answers and consultation. See: “Sharḥī bar zindigī-ye Shahīd Āyatullāh Dastghayb,” November 22, 2015, accessed September 11, 2019, <https://www.tasnimnews.com/fa/news/1394/09/20/938941/دستغیب-الله-آیت-شہید-زندگی-پر-شرحی>.

<sup>105</sup> A respected jurist, philosopher, and teacher of *akhlāq* in Tehran.

*marja* ' is sincere and good," said Rayḥāna. "It's possible he [possesses them]. God determines that," she stated. "It's [also] possible that an average person who is very connected with God could possess *karāmāt*," remarked Kubrā. What follows is that, because *karāmāt* are not particular to the *marāji* ' , they should not be considered part of their authority, unlike *mu'jizāt* (miracles) in relation to the prophets of God. *Mu'jizāt* were a means of affirming the veracity of the claims of prophets that they had special connections with God. As a result of these miracles, these prophets are believed to have deserved to be followed. *Karāmāt*, though, are not accompanied by a claim, but rather should be viewed as blessings bestowed upon one who has achieved particular closeness to God. Thus, the possessor of *karāmāt*, whether a *marja* ' or lay person, does not deserve obedience as a result of such supernatural acts. "It's possible that someone who sold textiles was a good person and had *karāmāt*," commented Abū'l-Faḍl. "It's possible some *marāji* ' possess [*karāmāt*], but we don't pursue them because of this, because they have some power," he said. Sajjād provided the following elaboration:

If they do have miracles, they can't be followed in them. Miracles, in our beliefs, were for the times of the last prophet and the Imams, and were by God's permission, so that we could know the Imams. After the Imams, we don't have any cases where one performs a miracle and makes a claim to *marja* ' *iyya* on that basis. It's possible they have [*karāmāt*]. We've heard such stories about great personalities, not necessarily *marāji* ' , especially in the last few hundred years. But these aren't a proof that we must follow them. The ascetics of India can do certain things, like heal the sick. But does that mean we must follow him in everything? We don't have to follow anyone who does something supernatural...

On the basis of the statements given concerning *karāmāt*, it does not appear that minor miracles are a prominent form of embodying tradition according to *muqallids*, nor do they contribute in any significant way to the charismatic or spiritual authority of the *marāji* ' .

One spiritual source of authority for the *marāji* ‘ mentioned by historians<sup>106</sup> and jurists<sup>107</sup> is that they are believed to be the deputies or representatives of the Twelfth Imam. According to Norman Calder, the idea of general deputyship (*niyāba* ‘*amma*) was first elaborated by Zayn al-dīn al-‘Āmilī (d. 965/1558), who argued that the jurist can essentially fulfill the roles of the Imam except in the case of offensive *jihād* (the religious obligation to advance the territories of Muslims).<sup>108</sup> The results of my fieldwork, however, suggest that this concept of *niyāba* (representation), like minor miracles, does not make a major contribution to the authority of the *marāji* ‘. This is because there is clearly no consensus among *muqallids* on whether the *marja* ‘ is a representative or what that means exactly. Furthermore, only one individual (Yāsir) mentioned the idea of deputyship without being prompted.

Before mentioning *niyāba*, I asked whether the *marja* ‘ has a different relationship with the Twelfth Imam than do other believers. A number of *muqallids* said that one who claims to have a relationship with the Imam is a liar. This is apparently a reference to a hadith in Shaykh Ṣadūq’s *Kamāl al-dīn wa-tamām al-ni‘ma*, in which it is related that the Twelfth Imam wrote to ‘Alī b. Muḥammad al-Samurī: “Know that one who claims to have seen [me] prior to al-Sufyānī’s appearance and the Great Shout (*al-Ṣayḥa*)<sup>109</sup> is a liar and fabricator.”<sup>110</sup> In this regard,

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<sup>106</sup> Litvak, *Shi‘i scholars of nineteenth-century Iraq*, 5; Moussavi, *Religious Authority in Shiite Islam*, 148 and 159; Moojan Momen, *An Introduction to Shi‘i Islam* (New Haven: Yale University Press, 1985), 140; Joseph Eliash, “Misconceptions regarding the Juridical Status of the Iranian ‘Ulama’,” *International Journal of Middle East Studies*, v. 10, no. 1 (Feb., 1979), 11-12; Abdul-Hadi Hairi, “The Legitimacy of the Early Qajar Rule as Viewed by the Shi‘i Religious Leaders,” *Middle Eastern Studies*, v. 24, no. 3 (Jul., 1988), 282-3; Calder, “The Structure of Authority in Imāmī Shī‘ī Jurisprudence,” 83, 123, 152 and 167.

<sup>107</sup> Sistani, *Minhāj*, v. 1, p. 383, #1265; Faḍlallāh, “Introduction” in *Ārā’ fī’l-marja’iyya al-Shī’iyya*, 7; al-Ḥaydarī, *Al-Fatāwā al-fiqhiyya*, v. 1, 13.

<sup>108</sup> Calder, “The Structure of Authority,” 167 and Devin Stewart, *Islamic Legal Orthodoxy*, 11-12. Elsewhere Stewart argues that, prior to the sixteenth century, there were only theoretical justifications for the religious authority of jurists in the absence of the Twelfth Imam without use of terms that indicate such delegation (such as *safīr*, *wakīl*, or *bāb*). See: Devin Stewart, “An Eleventh-Century Justification of the Authority of Twelver Shiite Jurists” in *Islamic Cultures, Islamic Contexts: Essays in Honor of Professor Patricia Crone* (Leiden: Brill, 2015), 468-97.

<sup>109</sup> Two signs that will precede the reappearance of the Imam.

<sup>110</sup> *Kamāl al-dīn wa-tamām al-ni‘ma* v. 2, p. 516, hadith #44.

Dr. Jawharī stated that it is not necessary for a *marjaʿ* to have a relationship with the Twelfth Imam, and that “they say one who has a relationship should close his mouth and not say anything [about it] while he is alive.” Šādiq said it is not possible for the *marjaʿ* to have such a relationship because “we know in our religion that if one announces a relationship with the Imam of the Age, he is a liar.” Manšūra said, “In my opinion, there isn’t such an outward relationship, and anyone who says so is lying.” Meanwhile, Kāẓim, ‘Abbās, and Khadīja said that they did not know how to answer a question about a relationship between the *marjaʿ* and the Imam.

The general consensus was that a closer relationship is determined by one’s own spiritual merit, which means some of the *marājiʿ* may be closer as a result of living pious lives. Kubrā said it is not such that the *marjaʿ* is closer than others, and that “it’s possible a poor person you see wearing tattered clothes is a helper of the Imam of the Age, while an ayatollah you see on the *minbar* is not a helper of the Imam.” Similarly, Luṭfullāh claimed, “A lot of normal people established relationships with the Imam of the Age, while a lot of *marājiʿ* don’t have relationships with the Imam of the Age.” Aḥmad asserted that anyone who lives appropriately and does not violate the rights of others can establish a relationship with the Imam. “It depends on the person,” said Rayḥāna concerning the *marjaʿ*’s relationship with the Imam. “I can’t judge that,” she remarked.

Sajjād opined:

The relationship is the same for all of us, even a Christian living in Italy. The belief of the Shīʿa is that the Imam of the Age is not just for the *marjaʿ* or even just for the Muslim Shīʿais. Any person can establish a relationship with the Imam of the Age, okay? We don’t have anything that says the *marjaʿ* has a [particular] relationship with the Imam of the Age... If the Imam of the Age wants, he will guide [the *marjaʿ*] in certain cases. It’s possible he sees a dream, or [the Imam] puts something in his path. [But] that kind of guidance can include any of us.

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Shaykh Tūsī narrates this as well. See: Muḥammad b. al-Ḥasan al-Tūsī, *Al-Ghayba* (Qom: Dār al-Maʿārif al-Islāmiyya, 1411 AH), 395.

He also cited the same hadith about false claims of such a relationship:

The Imam of the Age himself explained in a letter that anyone who claims to have a direct relationship with me, whether a *marja'* or anyone else, such that he says I connect with the Imam of the Age every day, that person is a liar. You see, we don't have anything about a *marja'* having a direct relationship with him.

Of course, even though a particular relationship with the Imam was not perceived as a requirement, it was expected that the *marja'* be able to establish such a relationship. Şiddīqa said that the relationship of the *marja'* to the Imam is not different, but that the *marja'* does have a greater responsibility. Similarly, Karīm said that it is possible average people have a stronger relationship than the *marja'*, but that it is expected that the *marja'* form a stronger relationship with the Imam. Tāhira denied any sort of relationship between the *marja'* and the Imam, but said, "It's possible that he can get close to him better." Zahrā' said the *marja'* has a greater chance of establishing such a relationship as a result of greater piety and sincerity. And Ghulām-Ḥusayn said the *marja'* has a better opportunity because of "he can comprehend the matter better."

Because this relationship is rooted in merit, certain *marāji'* are believed to be capable of forming it. Ruqayya said that this relationship is not related to *marja'iyya*, but also that, "Some have strong relationships, while some haven't gotten to this level of *'irfān* (knowing, particularly in the spiritual sense)." Zībā mentioned Ayatollah Bahjat as one of the *marāji'* who has a "higher station" and thus forms such a relationship. Abū'l-Faḍl said that such a relationship was not particular to the *marāji'*, and that one who makes such a claim is a liar, but also that, "In my opinion, one who is a proper *marja'*, a true *marja'*, definitely has a special relationship with the Imam of the Age." A'zam, Qāsim, and Ḥasan gave similar responses. Meanwhile, Zuhra, Jawād, Ma'sūma, Yāsir, Raḥīm, and Majīd all stated that the *marja'* does indeed have a closer relationship to the Imam as a result of his piety and knowledge.

The issue of representing the Twelfth Imam was more contested than was the relationship between *marja'* and Imam. A number of *muqallids* were adamant that the Imam does not have representation, some were unsure, and some stated that the *marja'* is the Imam's representative, but were divided on what that means. Some of those who denied the *marja'*s being a representative had an issue with absolute representation, that is, the claim that the *marja'* represents the Imam on all matters. For instance, Ḥasan said, "The Imam of the Age doesn't have representatives," and that, "Those who say they are true representatives are lying." But he then said, "It's possible the Imam of the Age tells them to do or not do something." When asked about the *marja'* being a representative, Tāhira replied, "No." She then paused and reflected:

He is a representative from one perspective: what he says, his speeches, his legal rulings, from this perspective. But he is not a complete representative. It's like one who received power of attorney to do a specific job. They can be representatives in this way. Otherwise, the Imam of the Age watches over everyone himself.

In other words, there are multiple responsibilities that the Imam has in terms of guiding the community. The *marja'* only fulfills certain basic duties (in comparison with the broad duties of the Imam) related to law. What Sajjād saw as problematic was placing the *marāji'* in the same category as the representatives specifically appointed by the Imam. He said:

No, he can't be a deputy in any—you see, we have the specific conditions of the [Greater] Occultation, where we don't have a deputy of the Imam of the Age. You see, we had four deputies of the Imam of the Age,<sup>111</sup> and the last one announced that he is the last direct deputy of the Imam of the Age. "After me," he<sup>112</sup> wrote in a letter, "it's your *marāji'*."<sup>113</sup> But we can't say they're deputies, meaning people who make decisions in place of the Imam where their rulings are one hundred percent in accordance with the Imam's opinion.

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<sup>111</sup> For a brief discussion on the "four agents of the twelfth imam Hidden Imam" during the Lesser Occultation, see: Momen, *Introduction*, 162-5.

<sup>112</sup> Apparently Sajjād intends the Imam.

<sup>113</sup> Apparently a reference to the aforementioned letter attributed to the Twelfth Imam often used to justify *taqlīd*: "As for newly occurring incidents, refer to those who narrate our sayings, for they are my proof over you, and I am the proof of God." See: *Kamāl al-dīn* v. 2, p. 483-4, letter #4.

A‘zam apparently held a similar view to that of Sajjād, as she said, “Represe- no! [The *marja* ‘] is not [a representative] at all... the Imam of the Age has his own particular representatives.” Meanwhile, Manṣūra, Khadīja, Ruqayya, and Shahrzād denied that the *marja* ‘ is a representative without any such conditions. “I don’t think we have anyone at that level,” opined Shahrzād. And Manṣūra declared, “I don’t accept this.” Their words seem to suggest that such representation would be problematic in terms of Twelver Shī‘ī doctrine, and perhaps that there must be a distinction between the elevated station of the Imam and a fallible human being like the *marja* ‘.

There is certainly a lack of clarity on the issue of representation, as evidenced by the *muqallids* who did not know how to answer the relevant question. “It’s possible,” replied Qāsim. “I don’t know,” confessed Rayḥāna. “This has certain conditions,” said ‘Abbās. “I don’t know how to answer something like that,” he added. When I asked Ghulām-Ḥusayn about the *marja* ‘s being a representative, he responded, “*Inshā’llāh* (God willing) he is.” He then clarified what he meant, saying, “This [question] requires the opinion of a specialist, and I’m not a specialist.” Ṣiddīqa initially denied such representation, then asked for clarification. I mentioned the idea of general deputyship (*niyāba ‘amma*) present in Twelver Shī‘ī tradition and Iranian culture. She then responded:

Yes. Well, they are general deputies, but, uh...if they can perform their duties completely. Deputyship is something very, very particular. Deputyship, not just anyone can be the deputy of someone else. He must be like him (*sinkhiyya*) to some degree. For instance, when a principal leaves a school, he or she appoints his assistant so that he or she undertakes all the important tasks of [the principal], right? Not any *marja* ‘ can be a representative.

Similar to Shahrzād, Ṣiddīqa sees the problem of representation as one related to the spiritual station of the *marāji* ‘; because not all *marāji* ‘ have the attributes of the Imam, only some can be true representatives. Majīd and Kāzīm gave hesitant responses that indicate a lack of certainty. “Representative of the Imam of the Age... [hesitantly] they are the deputies, yeah,” responded

Majīd. And Kāzīm’s response indicates the strong presence of the concept of *niyāba* in culture, but not any sort of personal belief in the matter, as he attributes the idea to others (“they say”).

He replied:

Based on what I studied in school, *they say*, yes, he is [the representative of the Imam]. *They say* the Twelfth Imam is in occultation, and you can ask the *marja’* whatever question you have. Because previously, each time had its own particular prophet or own particular Imam, such that one could ask [the Prophet or Imam] whatever question one had, mention any problem one had. But in our time, because the Imam is in occultation, *they say* the *marāji’* can resolve one part of that problem. (Emphasis added)

Apparently the problem to which he refers at the end of this excerpt is related to the broader religious concerns of the community, meaning, the *marja’* can fulfill some of the duties of the Imam related to law. Again, though, Kāzīm does not express this as his own belief, but rather, what is said in Iranian religious culture.

Those who did consider the *marja’* a representative of the Imam generally did so because they saw the former to be worthy of representing the latter. As mentioned above, Yāsir was the only individual to initiate a conversation about this representation. When I asked for clarification, he said that the *marja’* is a representative on religious and legal (*shar’ī*) issues. Yāsir then explained that, unlike the Prophet and the Imams, the *marja’* does not have “perfect intellect” (*‘aql-e kull*),<sup>114</sup> and thus, “In some issues, by way of the Imam of the Age, that issue, he does, what’s it called, like, discover it, get to the level of... that issue, ask it of him, from the Imam of the Age, establish a relationship with him.” In other words, Yāsir still sees a great disparity between the understanding of the *marja’* and that of the Imam. However, he believes that by way of a close relationship with the Imam, the *marja’* can compensate for his deficiencies in understanding. Others expressed that the position of *marja’iyya* requires that the *marja’* be qualified to represent truly the Imam. Zībā said, “[The *marja’*] must be [a representative of the

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<sup>114</sup> Apparently a reference to the thought of the popular Iranian philosopher Mullā Ṣadrā (d. 1640) as articulated by ‘Allāma Muḥammad Ḥusayn Ṭabāṭabā’ī (d. 1981). See: Muḥammad b. Ibrāhīm Ṣadr al-dīn Shīrāzī, *Al-Ḥikma al-muta’āliya fī al-asfār al-‘aqliyya al-arba’a* (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, 1981), v. 7, pp. 23-4.

Imam]. His station must be very high for him to be a *marja'*. One who becomes a representative, he must try to basically have all of the attributes of the Imam of the Age.” As a result of the station of *marja'iyya*, some *muqallids* imagine that the *marja'* represents the Imam on all matters. Raḥīm said that the *marja'* is a representative of the Imam in “all of religion.” Jawād said he is a representative “in everything... all [matters] of society.”

Some framed representation of the Twelfth Imam in terms of areas of specialization of the *marāji'*: law and hadith. In this sense, it is another way of stating their original purpose as interpreters of the words of the Imams as opposed to a new role that involves a special relationship with an infallible figure in occultation. Sārā stated that the *marāji'* are representatives in the sense that they provide fatwas. Dr. Jawharī reasoned, “Anyone who reaches the level of *marja'iyya* is a general representative to some degree, in that he’s articulating the opinions of religion and the Imam.” Reference was also made to words from the Imams that are believed to indicate that those with such specialization are worthy of representing the Imam. When asked to explain why she believes the *marāji'* are general representatives of the Imam, Zahrā’ replied, “We have in hadith that, during the [Greater] Occultation, one must refer to narrators, and we generally consider jurists to be examples of such narrators.” This is a reference to a hadith in Shaykh Ṣadūq’s *Kamāl al-dīn*, in which the Twelfth Imam is reported to have written in a letter, “As for newly occurring incidents, refer to those who narrate our sayings, for they are my proof over you, and I am the proof of God.”<sup>115</sup> This phrase is widely circulated in popular Twelver Shī‘ī culture as a justification for *taqlīd*. Luṭfullāh may have referenced this same hadith when, after stating that the *marāji'* are representatives, he declared, “When the Imam of the Age isn’t here, you have to refer to jurists, the *marāji'*.” Although it is more likely

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<sup>115</sup> *Kamāl al-dīn wa-tamām al-ni'ma*, v. 2, p. 483-4, the fourth letter attributed to the Twelfth Imam (*bāb al-tawqī'āt al-wārida 'an al-Qā'im*).

that he was referring to a widely-circulated hadith attributed to the Eleventh Imam (Ḥasan al-‘Askarī), which reads, “As for those jurists who keep pure, guard their faith, oppose their lowly desires, and obey their master (God), it is upon lay people to follow their opinions.”<sup>116</sup> While there is no clear indication in these two hadith reports that either the hadith narrator or jurist is an actual representative of the Imam, it might be said that this understanding is taken from contemporary Iranian religious culture, where the *waliyy-e faqīh* is considered to act on behalf of the Twelfth Imam.

The only *marāji‘* believed to be representatives of the Imam mentioned by name were Khamenei and Khomeini. Furthermore, it was clear that some *muqallids* drew a distinction between the two leader-*marja‘*s and the rest of the *marāji‘*. This should not be surprising, as the two inherit a broader set of responsibilities from the Imam based on Khomeini’s particular interpretation of *wilāyat al-faqīh*. Karīm made direct reference to this connection when he responded to my question about leadership by saying, “Yes, we consider the *marāji‘* to be representatives of the Imam of the Age, especially the most knowledgeable and *waliyy-e faqīh* (jurist in a position of authority).” Aḥmad stated that he considers Khomeini and Khamenei to be representatives of the Imam. When asked for clarity, he replied that a representative must be accepted in terms of knowledge of issues that pertain to Iran and the world as a whole. If other *marāji‘* are accepted as such, he reasoned, they, too, can be representatives. Abū’l-Faḍl simply responded to my question about *niyāba* by saying, “The *rahbar* (Khamenei) is [a representative of the Imam].” Ma‘šūma responded, “In my opinion, the Great Station of Leadership (*maqām-e mu‘azzam-e rahbarī*, meaning Khamenei) is the representative of the Imam of the Age.” I then asked if this applies to the other *marāji‘*, and she said, “I can’t give an opinion about the rest of the *marāji‘*.” Zuhra provided an unsure response grounded in the opinions of others, similar to

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<sup>116</sup> al-Ḥurr al-‘Āmilī, *Wasā’il al-Shī‘a*, v. 27, p. 131, hadith #33401.

Kāẓim’s response about the *marāji’* being representatives, only she mentioned Khamenei by name, saying:

By God, I don’t know [if the *marja’* is a representative of the Imam], but I know they say that Āqā Khamenei is in place of Āqā (the Twelfth Imam). They say, they said this since the old days, they say that Āqā Khamenei will hand over the flag to the Imam of the Age. This is how I think, but still, I don’t know.

Finally, Ḥamīd provided a lengthy response to the question at hand, beginning by saying that a *marja’* must be the recipient of the particular attention or grace (*‘ināya*) of the *Ahl al-Bayt*, who then inspire him to provide a particular ruling. When I asked about this spiritual component, he gave an example of an incident in which Khomeini told people to take to the streets, and Ayatollah Maḥmūd Ṭāliqānī (d. 1979)<sup>117</sup> questioned the decision. In response, Ḥamīd reports, Khomeini said, “What if the Imam of the Age dictated this?” He used this as an example of, what he calls, “help from the unseen realm” that Khomeini received. He then added, “Ḥaḍrat-e Āqā (Khamenei) has communication [with the Imam]. He has a connection. Judging by these spiritual states that he has, it’s very clear. When Imam said that was the command of the Imam of the Age, it means he’s seen a lot of true visions in his dreams...” Ḥamīd gave an example from his life to demonstrate that Khamenei receives help from the unseen realm. In 2004, Ḥamīd’s mother saw her martyred son in a dream, and her son predicted, “Tomorrow, you’ll have a great guest, a son of Ḥaḍrat [Fāṭima] Zahrā’, the representative of the Imam of the Age.” The next day, Khamenei came to visit Ḥamīd’s mother. But when I asked whether the other *marāji’* were representatives of the Imam, he replied, “I haven’t really explored the other *marāji’*’s spirituality

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<sup>117</sup> One of the leading ideologists of the religious opposition to the Shah who later played a pivotal role in the Islamic Revolution in Iran. Ṭāliqānī was imprisoned several times under the Shah’s government, became a founder of the Freedom Movement of Iran, and, after the Revolution, was designated by Khomeini to be the leader of Friday prayers in Tehran in 1979. He had great mass appeal and was considered to be one of the most liberal and progressive of the ayatollahs. In addition to authoring accessible works on the Qur’an and *Nahj al-Balāgha*, Ṭāliqānī wrote about economics, capitalism, and Marxism. See: Nikkie R. Keddie, *Modern Iran: Roots and Results of Revolution* (New Haven: Yale University Press, 2006), 195-8.

to see what their [spiritual states] are like” and “I’m [only] talking about Ḥaḍrat-e Āqā [Khamenei].”

The embodiment of tradition expected of the *marāji‘* might best be contained in the phrase “practice what you preach.” The *marāji‘* should be pious observers of the laws they produce, and (according to many *muqallids*) even surpass others in practicing these laws. But there are not necessarily any sort of supernatural powers that are inherently a part of *marja‘iyya*. Some *marāji‘* may possess such powers as a result of their spiritual purification. Bahjat was mentioned in this regard. And some may have a stronger relationship with the Twelfth Imam. Both attributes, though, were largely viewed to be related to the piety of the individual and not to the station of *marja‘iyya*. Lastly, some *marāji‘* could be said to be true representatives of the Twelfth Imam. In this regard, Khamenei and Khomeini were prominently mentioned, perhaps on account of their visibility and assumption of political power. Nonetheless, it appears that at the heart of the spiritual authority of *marja‘iyya* is the concept of *al-‘ālim al-rabbānī* (the pious scholar who acts upon his knowledge), and that the other elements mentioned are not as essential.

#### Requirement #5: Appropriate attire

The *marāji‘* all wear turbans (*‘amā‘im*, sing. *‘amāma*) and cloaks (*a‘bi‘a*, sing. *‘abā‘*), as do all of their representatives, and the majority of students who attend (or attended) their advanced lectures (*dars-e khārij*). It is clear that this *libās* (“clothing”), as it is called, is a sort of norm and functions as a uniform, not just for the *marāji‘* but for religious scholars active in the propagation of Islam. What perhaps is less clear is whether this attire contributes to the *marāji‘*’s authority, such that lay people would not perform *taqlīd* to them were they to abandon the turban

and cloak. When I initiated questions about the appearance of a *marja'*, I expected answers to be given related to this *libās*. However, in most cases, I was met with confusion. Many initially stated that the *marja'*'s appearance is no different from any other, apparently under the impression that I was asking if he looks like an ordinary human being or not. Others took "appearance" to mean his outward demeanor and behavior. The initial responses I received pertained to things like observing Islam (specifically having a beard). However, when I directly asked about the *marja'*'s attire, there was a mixture of results. The overall consensus was that the *marāji'* do wear the *libās*, but that it is not an inherent part of *marja'iyya*. If anything, it has become a norm, something expected in society, or an indication of their scholarly pedigree. In *The Most Learned of the Shi'a*, Linda Walbridge writes, "While it might be difficult for the individual Shi'ite to describe in detail the exact characteristics of a person qualified to be a *marja'*, he is able to recognize a legitimate *marja'* when he encounters one."<sup>118</sup> In my fieldwork, I found that the first part of this sentence to be accurate, but remain skeptical about the second part.

The *muqallids* I interviewed expected, first and foremost, that the *marja'*'s appearance reflect his dedication to, and embodiment of, Islam. Qāsim responded to my question about the *marja'*'s appearance by saying, "An Islamic appearance... an appearance that all accept. Maybe not what all accept, but what most accept." Shahrzād similarly opined, "He must have an outwardly Islamic appearance." "Islamic" here does not necessarily refer to the *libās*, but rather could refer to what is considered the dress of a pious man. I was dressed in short sleeves and pants during interviews, and asked if my appearance was acceptable for a *marja'*. A'zam responded to this question by saying, "No, first you have to have faith. And those things that Islam asks of you, you must observe. If I come and tell a woman to fix her hijab, she must see

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<sup>118</sup> Walbridge, *The Most Learned*, 249.

me observing this in my appearance for her to accept it... If I want her to accept what I say, I have to observe it myself.” Rayhāna also maintained that the *marāji* ‘ may not wear short sleeves. “Some things that all must observe, they must observe as well,” she said. I asked Kāzim whether a *marja* ‘ could dress like me, and he replied, “He has to be neat... Islamically.” I asked if this meant he must wear long sleeves, and he replied that it did. Kāzim also mentioned that priests have particular clothing, but shied away from requiring a *marja* ‘ to wear the *libās*. He stated, “He should wear good clothing and be neat. Like, how do you say... he doesn’t have to wear the turban and cloak every single moment... By ‘neat,’ I mean, like you said, wearing long sleeves... His beard is trimmed. [A *marja* ‘] can’t just be any messy person.” Karīm also said a *marja* ‘ does not have to wear the *libās*, but he may not shave his beard (something forbidden by the *marāji* ‘ based on obligatory precaution).<sup>119</sup> Shahrzād asserted, “Their outward appearance doesn’t need an explanation. The clothes they wear must be clean, and they should have a beard...” She then asked rhetorically, “If he shaves, can we rely on him? Such a person wants me to follow his *Tawdīh al-masā’il*?” These depictions are related to the outward observance of Islam, which might be expected considering the requirement that a *marja* ‘ embodies Islam as much as (or more than) any of his *muqallids*.

Others “Islamic” requirements for the appearance of the *marāji* ‘ were more idealized and not necessarily descriptions of outward appearance. Manšūra said that Khamenei is radiant (*nūrānī*), and that light is reflected in his face, but she said that this was not necessarily the case with the other *marāji* ‘. Still, Manšūra said, the appearance of the other *marāji* ‘ must reflect purity, cleanliness, self-restraint, and simplicity. Raḥīm said the *marja* ‘s face is “spiritual, radiant, and appeals to the heart (*dil nishīn*).” Zībā said the *marāji* ‘ have a certain grandeur that not all can perceive, but still, “most of the *marāji* ‘ you see, they have a special kind of light.”

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<sup>119</sup> Banī-Hāshimī-Khumaynī, *Tawdīh al-masā’il-e marāji* ‘, v. 2, pp. 1013-14, issues #1409-1418.

When asked to describe the appearance of a *marja'*, Ḥasan said that when Ayatollah Burūjirdī would walk, “you thought there were four lamps around him.” Majīd described a *marja'* as follows:

In terms of outward appearance, a *marja'* is radiant, he has a pure face (*sifid rū*), very good behavior, and he speaks with a smile on his face. His interactions with others are good. He is radiant. This is very clear. If one drinks alcohol, you can tell from his appearance. [A person's] appearance completely shows what kind of person he is and what he is not... Normally a *marja'*, well, he more wears clean, pure, white clothing. If there is a stain on his clothing, it is quickly recognizable. He changes [stained clothing immediately]. They more wear white. They don't wear different colors.

And perhaps the most abstract definition given for the *marāji'*'s appearance was that given by Maḥsā, who, after stating that particular clothing is not a requirement for them, said, “They always have a question mark above their heads, meaning, no matter how much they learn, they still think it isn't very much... They're always looking for answers. They have goals, they search, and they persevere.” Previously it was mentioned that Shamir theorizes that greater distance allows for illusory and idealized perceptions of the leader.<sup>120</sup> For instance, the imagery of pure, white clothing seems to be not based in actual encounters with the *marāji'*, but rather in certain religious ideals, as the *marāji'* generally wear darker cloaks (brown or black). And descriptions about radiance or inquisitiveness are even harder to substantiate.

Perhaps because of the centrality of the “Islamic” attributes of a *marja'*'s appearance, some denied the requirement of particular clothing. After describing the radiance of Burūjirdī, Ḥasan said, “[The *marja'*'s] clothing isn't important.” I asked if a *marja'* could wear clothing like what I was wearing. He replied, “Yeah. [Whispering] Clothing doesn't make one a *marja'*. [Louder] Clothing doesn't make one a *marja'*. Piety makes one a *marja'*.” And after he said the face of the *marja'* is “spiritual, radiant, and appeals to the heart (*dil nishīn*),” Raḥīm stated, “His clothes aren't any different... If my *marja'* doesn't wear the *libās* and wears normal attire, he's

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<sup>120</sup> Shamir, “Social Distance and Charisma,” 39.

still a *marja'*.” Yāsir mentioned “Islamic” standards for the appearance of the *marja'* that were deeply rooted in standards determined by society. He mentioned that the *marja'* cannot commit actions that are considered “ugly” by society or not in accordance with *'urf* or what God and the Prophet said. The *marja'*, he said, should be sober in demeanor and refrain from sinning. While Yāsir did not consider a turban necessary, he stated that a *marja'*’s clothing should be simple and accepted by society. Khadīja similarly framed her “Islamic” standards in terms of society’s acceptance. She declared that a *marja'*’s outward appearance must be “in accordance with the conventions (*'urf*) of society, in accordance with what is rational, and agree with what he claims.” I asked if there is a particular form of clothing he must wear, and she responded, “No. There’s no particular clo—clothing that is... dignified, normal, and custom (*'urf*) in society. It’s not necessary that it’s [the clothing of] a religious scholar... From all aspects it has to be respectable and acceptable. I don’t maintain that there’s a particular style.” It is not that these *muqallids* did not view the *marja'*’s appearance as important, but rather that they maintained that the appearance should reflect the spiritual and societal requirements of being a *marja'*, and the *libās* is not the only form of clothing that does so.

Others did not refer to the “Islamic” element, but rather noted that the *libās* does not contribute to the legal qualifications of the *marja'*. Nāsir said that it is not necessary for a *marja'* to wear the *libās*, and that it is possible for one to be a *marja'* without it. While he did see the clothing as an indication that one is “involved in religious matters,” Nāsir observed that there are other scholars without the *libās* who have the necessary knowledge to derive religious laws. Similarly, Manšūra stated that the clothing or location (for instance, in shrine cities) of a *marja'* was not important for her. Rather, it was the *marja'*’s training with which she was concerned. And Aḥmad said the *marja'* can wear “normal attire,” and then mentioned two non-*marja'*’s who

do not wear the *libās* but “speak very well.” And while Zahrā’ initially said she found it difficult to imagine a *marja’* without the *libās*, when I asked her if that meant she would not accept a *marja’* who wears a suit, she answered:

No, I would. There are such cases, like Āqā, I don’t know if you know him, Āqā Sayyid Mujtabā Ḥusaynī, who is a *marja’*, but is [also] an engineer. He studied both in a university and the *ḥawza* and reached the level of *ijtihād* and produced a legal manual. However, he [almost] never wears the clothing of scholars. He only wears it during the first ten days of Muḥarram<sup>121</sup>. He is a *sayyid*<sup>122</sup> and he wears a black turban. However, he always, we’ve always seen him wearing a suit and the like. Since I saw him, [a *marja’* without the *libās*] was no longer something strange for me... Now, of course, in our current context, I don’t think anyone, if, for instance, one is a *marja’* and doesn’t wear the clothing of scholars, I think at first it might be, what do you call it... but now it’s become more acceptable in our society.

Zahrā’ changed her answer entirely upon remembering a particular example of a *marja’* without the *libās*. At the end of her answer, she implies that it is still a bit difficult for society to accept such a *marja’*, but that progress is being made in that regard. Her answer is a microcosm of the uncertainty surrounding the *libās* from the perspective of *muqallids*.

Some *muqallids* wavered on their opinions on the matter of *libās*, initially stating that the *marja’* wears the *libās*, but then denying that it is a requirement when asked if it is. “Yes, yes, the clothing of schola- a *marja’* must definitely wear it,” asserted Kubrā. I then asked if the *marja’* can wear “normal” attire, and she admitted, “I don’t know a lot about this.” She then added, “I think he must wear this clothing.” Similarly, Ruqayya remarked, “[The *marja’*] is like normal people, but he has more knowledge and he has an outward appearance basically like... like religious scholars.” I then asked if the *libās* is a must, and she responded, “He doesn’t have to have a turban on his head for one to accept him. He can be normal [in his attire].” And when I asked Jawād about the *marja’*’s appearance, he initially replied, “I swear to God I don’t

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<sup>121</sup> The first month of the Islamic calendar. The first ten days in particular are a period of mourning for the Third Imam, Ḥusayn b. ‘Alī b. Abī Tālib.

<sup>122</sup> Descendant of the Prophet.

understand” and called my question “very strange.” He then said, “They’re people, you know?” I asked about particular clothing. He answered:

“[Their clothing is] the clothing of religious scholars.”

“So they must have this?” I asked.

“No, it’s not a must. In my opinion, it’s not necessary. Even in terms of religious scholars, I don’t know if they always have to have it or not. I don’t know.”

“Is it possible one could be a *marja* ‘ and wear clothing like me and you?”

“There are a lot of them now,” said Jawād.

“There are *marāji* ‘ like that?” I asked.

“*Marja* ‘... there are a lot now.”

“So it’s possible...” I began.

“There are a lot... *Marja* ‘, no,” he remarked.

“I’m talking about a *marja* ‘, not just a jurist or scholar,” I clarified.

“No, I don’t know. I don’t think so,” he said.

Jawād demonstrated even more confusion than Kubrā or Ruqayya, since, at one point, he stated there are a lot of *marāji* ‘ who do not wear the *libās*, and then retracted his answer upon reflection. In the end, he was unsure about this requirement.

The uncertainty concerning the requirement of *libās* can be partially attributed to the fact that this particular clothing has become a sort of norm or uniform, though the logic or necessity of it is not always clear for *muqallids*. “From when I was a child, [the *marāji* ‘] always wore the *libās*,” said Rayḥāna. “Now... I don’t know if his clothing is important or not. I don’t know a lot about that,” she confessed. Abū’l-Faḍl observed that religious scholars wore this clothing “since the old days” and declared that it was necessary if one wants to be “present in society.” When I asked if a *marja* ‘ could dress like he was dressed, he responded, “To be honest, I don’t know the

ruling in *fiqh*, but I don't think that a *marja'* can— It's never been a question I've asked." Zuhra stated that the *libās* is the normal attire of a religious scholar from the *hawza*, and that "it's not a condition, but in practice this is what occurs." Luṭfullāh provided perhaps the most elaborate description of a *marja'*'s outward appearance, saying, "usually they have a turban, a long beard, are usually somewhat older..." I asked if they must wear a particular form of attire, and he answered, "There are some religious scholars who wear normal attire when they preach, but usually they wear the clothing of the Prophet. You see, in Iran, that's how it is. They all wear the clothing. But it's possible for one to not wear the clothing and be a *mujtahid* or even a *marja'.*" The phrase "in Iran, that's how it is," placed immediately after the mention of the clothing of the Prophet appears to reveal a sort of negotiation between cultural and religious demands.

A few *muqallids* seemed to waver between saying that the *libās* was dictated by religion and simply something that has become the norm in Iranian society. Ghulām Ḥusayn said that he has "come to know" it is better that the *marja'* wear the *libās* because it is the practice (*sunna*) of the Prophet. Qāsim remarked that the *marāji'* "wear the clothing of the Prophet," but said that it is not a condition, and only "preferred," by which he meant, "It's better from the perspective of people." Zībā similarly mentioned that the *libās* the *marāji'* wear is the clothing of the Prophet. I then asked if a *marja'* could wear clothing like mine. She responded, "Now that is something we haven't seen in our custom (*'urf*). It might be possible, but there is a particular spirituality to their clothing, this clothing that they wear, meaning, it's a particular form of hijab." Majīd initially asserted that the *libās* is something "God commanded," but then provided a different sort of response, saying, "Well, the clothing you wear shows you are [qualified]." This implies that he views it as a sort of uniform, and not necessarily grounded in God's dictates. Karīm and Ḥamīd both explicitly addressed this matter. Karīm began by saying that the *marja'*'s appearance

is “the natural appearance of human beings” and that “our prophet and the Imams were humans.”

He then addressed the matter of clothing:

You see, every profession has a standard, a, what do you call it, a symbol. Doctors wear a lab coat (*rūpūsh*), and thus we understand that they’re doctors and active in that field from their appearance. It is the same with any other field. A *marja’* similarly has to wear a turban, a cloak, etc. to show he is a religious scholar.

And Ḥamīd mentioned that “they said” that the *marāji’* should wear the *libās*. I asked if it is a condition for *marja’iyya*. He replied, “No, no, it’s not a condition for a *marja’*, but... as they say, this topic, uh, we can consider it one of the conditions, but it’s not obligatory. I haven’t come across anything saying this is definitely obligatory...” I then asked if a *marja’* could wear clothing like we were wearing. He responded, “Each person, like a doctor, when you see him, he has particular clothing.” By this he intended the *marja’* wears the “clothing of the *Ahl al-Bayt*” because his profession involves representing them.

Three *muqallids* saw the *libās* as a requirement precisely because it is a social marker of their qualifications. Dr. Jawharī considered the *libās* necessary for placing trust in a *marja’*, since it provided a sign that he received the *ḥawza*’s endorsement. Meanwhile, when I asked Ṣādiq to describe the *marja’*’s physical appearance, he was, like others, confused by my question initially. He laughed and remarked, “There’s no reason for [the *marāji’*] to have a particular appearance... People aren’t different in our religion.” He then said that no one would recognize Ayatollah Bahjat if he were hiking, implying that he looks like every other human being. When I asked if a particular kind of clothing was necessary, Ṣādiq answered:

“Oh, clothing... well, the clothing of the *marja’*, that’s in our religion, such that those who study in the *ḥawza* for a number of years put on this traditional clothing. But this isn’t obligatory. We have some *mujtahids* [who wear normal attire].”

“So a *marja’* can wear normal attire?” I asked.

“You see, people... A *marja’*?! No. Remember, there is a difference between a *marja’* and a *mujtahid*. A *mujtahid* means one [can perform] *ijtihad*, and doesn’t have to perform *taqlīd* [to another]. He is a *mujtahid* himself. But the *marāji’*, how many do we have in

this world? This clothing demonstrates [their special status]... Consider how that [the *marāji*] use this clothes in *hawzas* and in our society. There is a point where you must observe the status of a person. If one is a *marja'*, part of his status is that he wears this clothing. Remember, I'm just giving an example. Now, suppose centuries later other things occur. We can't speak about the future."

Şādiq initially said that it is not obligatory for a *marja'* to wear the *libās*. However, it appears the question about "normal attire" prompted him to remember the difference between a *marja'* and a *mujtahid*. He then made clear that there are certain distinctions in society, and the current state of society requires that the *marja'* be recognizable. Şiddīqa also saw the *libās* as a sort of social marker, but her answer contained a number of other cultural elements. She initially asserted that a *marja'* must wear "the clothing of the Prophet." However, she took issue with the yellow slippers (*na'layn*) that some scholars wear, as the "culture and traditions of today necessitate" that one wear shoes. I pointed out the apparent contradiction between this statement and her original statement about wearing the traditional clothing of scholars. She replied, "Oh, yeah, they have to [dress like] religious scholars, yes, yes... That must be there, because even Christian priests, the clothing they have is that of their religious scholars..." I asked if there was some sort of wisdom behind this. She responded, "You see, just as we say women have clothing that serves as hijab, I think of [the *libās*] as a form of hijab for our scholars, meaning, it's something that's been justified...It's their uniforms." When I asked if one could be *marja'* dressed like me, she answered, "No, because we know in hadith that the Prophet's clothing was long and white, uh, and then, these men wear a cloak, and we know that it's one of the recommended things in prayer." Thus Şiddīqa combines the practicality of a religious uniform with the tradition of the Prophet, the recommended acts during prayer, and appropriate dress for women (hijab). In short, it does not appear that the *libās* plays a major role in the perceived authority of the *marāji'*. However, it is clear that it has become a norm, and it is quite possible that a *marja'* who does not wear the *libās* would cause confusion among *muqallids*.

### Requirements and what is expected of the *marāji*'

There are discrepancies between the conditions for *marja'iyya* as articulated in legal works – such as *a'lamiyya* and *'adāla* - and the expectations people have of the *marāji*'. While *muqallids* accept the former, they often reframe piety so that it is in keeping with their expectations, which are related to mass appeal and serving the best interests of and properly representing their followers. This condition exists among *muqallids* in the form of an official condition when, in reality, it is a reflection of yet another of their expectations. And the presence of idealized notions of piety (being radiant, wearing all white, etc.) suggests that a number of the conditions articulated are, in fact, prototypes derived from Iranian religious culture. Thus it is not clear to what extent lay people require the *marāji*' to fulfill such expectations.

Furthermore, the fact that *marāji*' outside of the mainstream are more attentive to matters of community and ethics speaks volumes about the relevance of such expectations. It is possible such scholars see an opportunity to attract more followers by demonstrating awareness of their needs. This would be similar to Muḥammad b. Ḥasan al-Najafī's and Mirzā Ḥasan Shīrāzī's rise to the position of *marja'iyya* in part by way of going to great lengths to answer the questions of their followers.<sup>123</sup> A question can then be raised concerning the mainstream *marāji*' and their relative lack of attention to such expectations. It might be argued that maintaining the traditional formats and contents of legal works reinforces their legitimacy, as it places them at a greater distance from their followers. This works well with the previously-mentioned research into the mechanisms and effects of distant charismatic leadership.

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<sup>123</sup> Litvak, *Shi'i Scholars of Nineteenth Century Iraq*, 64, 68 and 84.

**Chapter Five:**  
***Taqlīd* in Society**

It is clear that the *marāji*‘ impact the practice of *muqallids*. What is less clear is how and to what degree they do so. If we are to take *taqlīd* at face value, or, the definition of legal reference given in legal works, the process is as straightforward as followers absolutely obeying the edicts of legal authorities. However, my fieldwork reveals that this is rarely the case. Rather, as demonstrated above, *muqallids* have their own standards for both fatwas and *marāji*‘. Furthermore, as will be shown below, they have multiple resources for religious knowledge available to them in society. While the *marāji*‘ have legislated some of these resources – like referring to the next most knowledgeable jurist on matters of obligatory precaution – more often than not, *muqallids* do not feel limited in their pursuit of Islamic law by the parameters delineated by the *marāji*‘. This is related to both the prevalence of such knowledge in Iranian religious society and the perception that there are no major differences between fatwas of various *marāji*‘. The common perception among my interviewees was that there were no real consequences for following the opinion of one *marja*‘ over the opinion of another. And the opinions presented in mosques and schools are representative of the *marāji*‘ collectively. Therefore, so long as one obtains religious knowledge from a religious culture that is shaped by the *marāji*‘ and the *hawza*, one can feel secure in one’s religion. This is quite different, however, from how these *muqallids* perceived those who do not perform *taqlīd* at all. My interviewees described non-*muqallids* as being lost and as jeopardizing their salvation. This is despite the fact that many of those who described their counterparts in such harsh terms did not actually pursue legal opinions of specific *marāji*‘. In other words, *muqallids* and non-*muqallids* may receive their knowledge of Islamic law from the same sources and their practice may be quite similar. But the fact that the latter do not identify with *taqlīd* allows the former to disassociate themselves

from them. It is in this way that *taqlīd*'s primary purpose appears to be the shaping of identity for *muqallids* and not legal reference.

## The sources of reference available to *muqallids*

In the discussion of the legal purview of the *marāji'*, it was revealed that *muqallids* often refer the fatwas to their intellect, and accept or reject them appropriately. In this section, both the *marja'* and non-*marja'* options for legal reference in Iranian society will be explored. What is intended by “non-*marja'*” is any person or source of learning other than one's own *marja'*. This includes family members, teachers, local religious leaders and even *marāji'* other than one's own *marja'*. In the previous discussion on *mawḍū'āt*, it was mentioned that the *marāji'* provide a space for the authority of *muqallids* in the application of fatwas. There are also legal means by which a *muqallid* may ignore the opinion of her *marja'*. However, my interviews reveal that *muqallids* rarely refer to the *marāji'* or their official representatives. Instead, they pursue a variety of other sources available to them in their religious culture.

In Twelver Shī'ī law, a *muqallid* may refer to other than her *marja'* by way of *tab'īḍ* (dividing one's *taqlīd*).<sup>1</sup> This means that, when the *muqallid* discerns that in certain issues another *marja'* is more knowledgeable than the *marja'* to which she performs *taqlīd*, she may (or must) refer to the other *marja'*.<sup>2</sup> Other than in such cases, a *muqallid* is expected to adhere strictly to the fatwas of her *marja'*.<sup>3</sup> However, in certain instances, a *marja'* will not even

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<sup>1</sup> Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, p. 26, #18 and p. 17; Khamenei, *Ajwiba*, v. 1, p. 9, #17; Ṭīhrānī, *Risāla-ye ijtihād wa-taqlīd*, 367; Faḍlallāh, *Ma'ālim*, 151-2; Shubayrī-Zanjānī, *Tawḍīḥ*, p. 10, #8. Shubayrī-Zanjānī writes that, “One cannot perform *taqlīd* to one *mujtahid* in some issues and to another in other ones. However, if one *mujtahid* is more knowledgeable in one discussion in *fiqh*, like prayer, and another *mujtahid* is [more knowledgeable] in another, like fasting, one must perform *taqlīd* to the first *mujtahid* in prayer, and to the second *mujtahid* in fasting.”

<sup>2</sup> Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, p. 26, #18 and p. 28, #30.

<sup>3</sup> Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, pp. 16-17, #7.

provide a fatwa, but rather require that one observe precaution. In such instances,<sup>4</sup> a *muqallid* is free to refer to the opinion of the next most knowledgeable jurist (*fa'l-a'lam*). If that *marja'* has similarly not provided a fatwa, but rather called for precaution, one can continue down the chain until one arrives at a fatwa of permissibility.<sup>5</sup> But naturally if the chain results in a fatwa that prohibits something, the *muqallid* must continue to treat that act as prohibited.

Not only does each individual *marja'* provide space for reference to other *marāji'*, but the *marāji'* collectively recognize (in theory)<sup>6</sup> the legitimacy of performing *taqlid* to non-*marāji'*. At the beginning of this exposition, it was mentioned that the *marāji'* use the term *mujtahid* in their legal works more than *marja'*. Here it might be added that the *marāji'* do not require one to perform *taqlid* to a *marja'* per se, but rather a *mujtahid* who fulfills the necessary requirements, even if that *mujtahid* is not widely accepted as a *marja'* and has not published a legal manual.<sup>7</sup> It is up to the *muqallid* to determine his qualifications by referring to specialists, as outlined in legal manuals.<sup>8</sup> In fact, the *marāji'* even state that it is permissible to perform *taqlid* to who is only capable of performing *ijtihād* in certain legal issues or areas of the law (*mujtahid mutajazzī*).<sup>9</sup>

The sources of legal reference that the *marāji'* recognize are all within the strict confines of Twelver Shī'ī law, or, referring to the most knowledgeable expert or one who represents his official view. However, the *muqallids* I interviewed drew from various elements from their

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<sup>4</sup> There is a difference between calling for precaution because the *marja'* has not arrived at a conclusion and providing a fatwa that one must observe precaution (*fatwā bi'l-iḥtiyāṭ*). In the latter, the *muqallid* may not refer to another *marja'*. The instances of these two categories are not always clear. However, the office of Sistani explained to me that fatwas of precaution occur when there is “partial knowledge” (*ilm ijmālī*), meaning, it is clear that a religious responsibility (*taklīf*) exists, but it is not clear to which of the potential limited options it applies.

<sup>5</sup> Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, p. 25.

<sup>6</sup> It is only in theory because it is somewhat unlikely that a *marja'* will recognize another *marja'* as more knowledgeable (a requirement) than himself, let alone a scholar who is not a *marja'*.

<sup>7</sup> Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, p. 25, #7.

<sup>8</sup> See: Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, pp. 12-13, issue #3; and Sistani, *Minhāj*, v. 1, p. 10, #20.

<sup>9</sup> Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, p. 25, #10.

culture, including family members and various local religious figures. In this way, Ann Swidler's theory about cultural toolkits can be a useful way to understand *taqlīd*. This theory states that people draw from the various elements in their culture that help them determine strategies of action, and use these "tools" as they see fit. Instead of viewing *taqlīd* as an absolute form of legal obedience or as responding to the call of a charismatic figure, we can frame it as one of the elements present in the religious culture of these Twelver Shī'īs. Swidler's theory can also help explain how individuals consider themselves to be *muqallids* despite neglecting the opinions of their particular *marāji'*, or even the opinions of the *marāji'* at large, something Sānāz and Ruqayya said that they do. Swidler writes that in settled periods of culture, people will profess ideals they do not follow. She gives the example of a woman who uses birth control and insists that she is a good Catholic. The influence of culture here, she writes, is that it is "*facilitative* rather than determinative," unlike ideology, which directly shapes action. Instead, this kind of culture helps fine-tune established life strategies, "makes some patterns of action more enactable than others and provides a ritual vocabulary in which such social transactions can be negotiated."<sup>10</sup> It might then be said that *taqlīd* provides the practice of *muqallids* with a sort of coherence, even when they do not strictly adhere to the fatwas of a particular *marja'*.

While the majority of *muqallids* interviewed indicated that they learn their practice of Islam from various elements in religious culture, only a minority demonstrated that they actively pursue the fatwas of their *marāji'* in their legal manuals or from official representatives. Most of the limited examples I heard were related to exceptional circumstances. Six of the nine *muqallids* who demonstrated that they have visited or called the offices of their *marāji'* did so for financial matters, and five of the six who called for financial matters did so for the payment of *khums*.

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<sup>10</sup> Ann Swidler, *Talk of Love* (Chicago: The University of Chicago Press, 2001), 103-7.

Rayḥāna, Raḥīm, and Karīm all referred to the offices of their *marāji* ' to pay *khums* prior to traveling to Mecca, Saudi Arabia to perform either the *ḥajj* or *'umra* pilgrimage. This is a common practice, as such journeys can be a turning point for many Muslims, from which point they intend on abiding by Islamic law more strictly. Furthermore, performing the *ḥajj* or *'umra* with illicit wealth (which can include one's savings from which the *khums* has yet to be paid) can invalidate these difficult and costly rituals.<sup>11</sup> 'Abbās also referred to his *marja* 's office to pay *khums*, but he did not mention the *ḥajj* pilgrimage. Nāsir said he refers to the office for "yearly accounting," which indicates paying the *khums* on his surplus income each year. Sajjād referred to the office when he received questionable wealth and did not know how to proceed. Abū'l-Faḍl asked about purchasing reproduced copyrighted material. Kāzīm called to ask about the permissibility of body tattoos. Zuhra called the office of Khamenei days before our interview to ask if fake eyelashes invalidate *wuḍū* ' (the lesser ritual ablution). And Şiddīqa had a falling out with her son-in-law, who would not allow her to visit the home he shared with her daughter. An eighth *muqallid*, Kubrā, did not give a specific example, but explained the process of calling the office and receiving a notification that she was the sixtieth or seventieth person in line.

These findings were pretty much consistent with what I observed in my years of frequenting the office of Ayatollah Sistani in Qom from 2004-2012. I found that at least half of the questions asked related to financial matters. Most of these pertained to laws of *khums*, which both have a great impact on the life of a *muqallid* and can be rather confusing. In July, 2017, I visited the office of Sistani three times for the purpose of my fieldwork. I found that, among the forty-nine questions I could distinguish, thirty-four were related to financial matters: twenty-four were related to *khums*; two were related to interest received from banks in Iran; two were related

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<sup>11</sup> See: Murtaḍā Mūsawī Shāhrūdī, *Jāmi* ' *al-fatāwā-ye Manāsik-e ḥajj* (Tehran: Mash'ar, 1385 AHS), p. 118, issue #437; Muḥammad Riḍā Maḥmūdī, *Manāsik-e ḥajj muṭābiq bā fatāwā-ye Ḥaḍrat-e Āyatullāh al-'uzmā Imām Khumaynī wa-marāji* '-ye mu 'azzam-e taqlīd (Qom: Dār al-Ḥadīth, 1386 AHS), pp. 617-622, issues #1346-1357.

to the penance for breaking the fast (*kaffāra*); two were about business and rental contracts; one was related to blood money (*diyya*); one was related to the religious tax for those who were unable to fast in the month of Ramaḍān (*fiḍya*); one was related to the religious tax due after the month of Ramaḍān (*zakāt al-fiṭra*); and one was related to the financial compensation for unintentionally taking another's cloak. The remaining fifteen questions were related to non-financial matters: five were related to ritual purity; five were related to marriage and divorce; two were related to prayer; one was related to burial; one was related to the clear moral record (*'adāla*) of a prayer leader; one was related to breaking the fast at the same time as Sunnis on account of dissimulation (*taqiyya*); and one was related to one's legal ability to perform the *ḥajj* pilgrimage (*istiṭā'a*). It should be noted that the month of Ramaḍān ended in late June, about a week before my first visit to the office, which explains why five of the questions pertained to fasting. Also of note is that twenty-two of these questions were asked by turbaned scholars, and a line of such scholars awaited the top scholar in the office (Ayatollah Mahdī Ganj'alī) when he arrived. This speaks somewhat to the nature of *muqallids* who refer to the office of Sistani in Qom, who are perhaps more actively pursuant of precise legal opinions than most *muqallids*.

In most of the nine specific cases of referring to the offices of the *marāji'* from my interviews, it is apparent that such practice is not the norm. Rayḥāna said she has called the office "one or two times." Abū'l-Faḍl said that the only example he could think of was reproduced copyrighted material, and that he asked this "a number of years ago." Sajjād said "a particular set of circumstances" occurred that led him to call the office about the questionable wealth. Both Raḥīm and Rayḥāna stated that the last time they referred to the office was prior to traveling Mecca, a once in a lifetime event for most. And Nāsir did not indicate that he refers to the office more than once a year. Furthermore, immediately after mentioning paying his *khums* in

the office, he said that he referred to a scholar at the local mosque for payment of *khums*, casting doubt upon his referring to the office at all.

There was some evidence that *muqallids* refer to other *marāji'* on occasion. Dr. Jawharī seemed to indicate that he performs *tab'īd*, saying it was “natural” that some would refer to Khamenei in economic and political matters, the implication being that Khamenei is more knowledgeable in these than other *marāji'*. Others indicated that they refer to other *marāji'* in cases of obligatory precaution. Khadīja stated that, on matters of obligatory precaution, she will perform *taqlīd* to a *marja'* whose “ruling is easier” so long as his opinion does not “oppose [her] *marja'*.” Sārā said that she would refer to the opinion of another *marja'* on the issue of prayers of a traveler when she was a *muqallid* of Khomeini. Abū'l-Faḍl said that in cases of obligatory precaution, one can refer to Sistani, because he is “a great *marja'*,” and treat the act as permissible. Şiddīqa stated that she did refer to the offices of other *marāji'*, but could not remember the particular issue, only mentioning it was “more about the rights of women.” Mahsā said she searched to see what other *marāji'* say “out of curiosity,” but, in the end, agreed with the opinion of her own *marja'*, Khamenei. These examples could or could not be instances of seeking the next most knowledgeable in cases of obligatory precaution.

Others appeared to indicate that they abandoned the opinion of their *marja'* in favor of that of another *marja'* in the pursuit of leniency. Ṭāhira said that she will refer to “a different *marja'*” when she “can't follow [her] own *marja'*.” Murtaḍā said that he will sometimes ask the opinions of two or three other *marāji'*. “Just to know,” he said. “Perhaps one will be less strict or his logic is closer to your logic, at least on that issue,” he said. And Qāsim stated that he will sometimes refer to Khamenei because Sistani is “very strict about *khums*.” “So if there's a problem, like it's too strict or one can't accept a fatwa, you can refer to another,” he said. The

language employed by these *muqallids*, in particular Murtaḍā and Qāsim, does not suggest that they necessarily sought more lenient opinions on matters of obligatory precaution. Rather, it suggests that if they found the opinion of their *marja'* too difficult or illogical, they would abandon it. As stated above, one may refer to the fatwa of the second most knowledgeable (and so forth down the chain) specifically only when one's own *marja'* has elected not to give an opinion (fatwa) and has instead instructed followers to either practice precaution or pursue another fatwa. This is different from seeking a more lenient fatwa outright.

Other instances of referring to other *marāji'* may at first appear to be cases of obligatory precaution, but ultimately cannot be classified as such. “Muṣṭafā,” a thirty-two-year-old *khādim* (custodian) at the shrine of Fāṭima Ma'sūma in Qom, said that his father referred to another *marja'* when he could not afford to sacrifice a sheep (*qurbānī*) during the *hajj* pilgrimage. However, the *marāji'* do not disagree on this matter, stating that one who cannot afford to sacrifice an animal may fast ten days instead.<sup>12</sup> It may have been that he was only familiar with the fatwa calling for obligation of sacrifice from his (or his father's) *marja'*, and then his father asked and received an opinion that permits fasting, only it came from a scholar who represented another *marja'*. Accessibility was the reason Ma'sūma sought the opinion of other than her *marja'*. She explained, “If a problem occurs for me and I can't get an answer from the office of my *marja'*, I call another one of the great religious scholars.” There is no indication that the lack of an answer was due to the official opinion of the *marja'* (which is the case in obligatory precaution). Furthermore, she did not explicitly mention the *marāji'*, but rather “great religious scholars,” implying she could have pursued a fatwa from another *mujtahid*, even though he is not the next most knowledgeable (*fa'l-a'lam*). Maṣūra, meanwhile, gave a clear example of pursuing a fatwa from a non-*marja'*. She took issue with the opinions of Sistani and Khoei

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<sup>12</sup> Shāhrūdī, *Jāmi' al-fatāwā-ye Manāsik-e hajj*, p. 202, issue #765.

concerning menstrual bleeding, and the burdensome duties for a woman who descends from the Prophet's tribe (*qurashiyya*) and is above fifty.<sup>13</sup> Manṣūra said:

I referred to another *marja'*, [Ayatollah Zahrā'] Şifātī with Dr. Lawwāf, who is the head of the Zahrā' Hospital in Qom. These two researched the matter and then received the endorsement of a number of *marāji'*. Their opinion is that *sayyids* (a descendant of the Prophet) and non-*sayyids* are not any different so long as the attributes [of blood] are the same. So I relieved myself of the stress of performing *ghusl* [the greater ablution] five times a day<sup>14</sup>... In this issue, [Şifātī] is the most knowledgeable because she has medical knowledge working in her favor. Modern science helped her determine this [opinion]. Why would we do something more difficult when reason dictates we do something easier?

As I tried to understand her process, I asked, "So, from the beginning, you knew the opinions of all the *marāji'* but decided..." She replied:

They all said *sayyids* and non-*sayyids* are different. [The age of infertility is] fifty years [for the former] and sixty years [for the latter]. But [Şifātī] proved there is no difference. Of course, since long ago, Āqā Khoei and Āqā Sistani were the only ones who held this opinion. She explained [this] when forming this opinion.

It is not clear why Manṣūra referred to a non-*marja'*<sup>15</sup> when she believed that only Khoei and Sistani held this opinion.<sup>16</sup> Thus this appears to be a case of a *mujtahid* (Şifātī) researching a matter and confirming one of the opinions given by the *marāji'*. As a result, Manṣūra felt comfortable accepting one existing opinion of the *marāji'* over another.

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<sup>13</sup> The issue pertains to the blood a woman sees that either resembles menstrual blood or is emitted during her normal menstrual cycle. When one sees either of these two and is between fifty and sixty, she must, based on the stricter opinion, both perform the duties of one who has bleeding without the attributes of menstruation (*istiḥāḍa*) and also refrain from the things forbidden for one with menstrual bleeding (*ḥayḍ*). Thus, she must, for instance, pray (after performing her particular duties related to ritual purity), but also not remain in a mosque or engage in sexual intercourse.

<sup>14</sup> This would be obligatory if her non-menstrual bleeding was heavy (*istiḥāḍā kathīra*) and she prayed each of the five prayers separately. See: Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, pp. 232-3, issue #396.

<sup>15</sup> Even though Manṣūra calls her a *marja'*, Şifātī has not produced a legal manual and does not have *muqallids*. This could be, in part, because one of the conditions of *marja' iyya* is being male. See: Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, p. 10, issue #2.

<sup>16</sup> The actual opinions of the *marāji'* are actually somewhat different from what Manṣūra presented. Makārim-Shīrāzī writes that there is no difference between *sayyids* and non-*sayyids* in this regard. However, he writes, if a woman is considered a member of the tribe of Quraysh, she becomes infertile at sixty. Shubayrī-Zanjānī similarly emphasizes that there is a difference between *sayyida* and *qurashiyya*, and the longer age of fertility only applies to the latter. Even Sistani accepts this opinion. Meanwhile, Khoei and Tabrīzī write that it is obligatory precaution for all women, *sayyid* or non-*sayyid*, to observe precaution (perform the duties of *istiḥāḍa* and refrain from what is forbidden in *ḥayḍ*) between the ages of fifty and sixty should they see blood with the attributes of menstrual blood, or blood during their normal menstrual cycle. See: Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, pp. 249-50, issue #435.

The sources of legal reference available to *muqallids* are not restricted to the *marāji'*. Rather, local leaders and scholars fulfill many of the needs of those who seek legal opinions. In some cases it does appear that differences of opinion among the *marāji'* are addressed in their answers. I asked Rayḥāna how she finds answers that are not in the legal manuals. She replied that she has only called her *marja'*'s office one or two times and usually relies on local figures. She explained, "I ask women who know, the woman who teaches us Qur'an, our teacher of *aḥkām*..." I asked if these women provide opinions specific to her *marja'*. Rayḥāna responded that previously they would provide just one view, but now give the opinions of several *marāji'*. Shahrzād said that the scholar at the Chizar shrine explains one legal issue in between prayers. I asked if his explanations were in accordance with her *marja'*. "From the mouths of a number of *marāji'*," she replied. A'zam similarly responded, "From all the *marāji'*." Murtaḍā said that he asks the scholar in the mosque questions, and that in some cases the scholar will ask about one's *marja'*, for there are differences of opinion. Šādiq mentioned that *muqallids* gain awareness about Islamic law from the scholar in the Niyavaran mosque, who explains one legal issue a day. When I asked if he gives general answers or ones specific to different *marāji'*, Šādiq answered, "He tries to first look at all the legal manuals... and if there's a difference he mentions it." Sārā said, "We ask questions, big and small, of different people we're close to in our mosques who perform *taqlīd* to [a particular *marja'*]." The fact that she mentioned these individuals share a *marja'* with her indicates that her answers are specifically in accordance with the opinions of her *marja'*. Muḥsin stated that when he runs into a problem, he first inquires at the mosque, and then pursues "the next level, in the city, the head of the *ḥawza*..." He disclosed that he cannot understand legal manuals very well on his own, and that local scholars help him understand the fatwas of his *marja'*, Sistani. Luṭfullāh, meanwhile, revealed that in most cases, there is no need

to know the specific opinion of one's *marja'*. I asked him about the last time he had a legal question or wanted to perform *taqlīd*. He responded:

"I asked from, you see, from, from, uh, scholars of religion, associated with the *marja'*. I asked my *marja'*. Some *aḥkām* is, you see, the same among the *marāji'*, they all give the same fatwa. You see, for instance, concerning *wuḍū'*, how to make *wuḍū'*. You see, when a detailed question comes up, I ask."

"From, say, the scholar at the mosque, or from..." I began.

"Yeah, from friends of ours who are scholars. Our friends, I ask them," he said.

"You don't look at *Tawḍīḥ al-masā'il*?" I asked.

"I haven't referred to it recently, no. I haven't referred to it recently."

While it does not seem that obtaining the specific opinion of one's *marja'* is perceived as a necessity in most cases, certain *muqallids* stated that they have access to such knowledge when it is necessary.

Other *muqallids* more strongly indicated that much of the legal knowledge they acquire reflects general opinions, and not necessarily the specific views of their *marāji'*. Yāsir claimed that most prayer leaders are not qualified to represent the *marāji'*, but mentioned that it is possible to find such representatives at mosques. Karīm stated that prayer leaders at mosques are "normally informed about new fatwas," and thus he asks them about such matters. He did not include any detail about representation of his *marja'*. Similarly, I asked Kubrā about the last time she had a legal problem and needed an answer. She replied:

The last case, we have a woman in our mosque... who has mastered and explains the *aḥkām* that scholars have provided. And we ask her [our questions]. Today, I asked about traveling and intending on staying somewhere for ten days. I did this when I traveled to the north [of Iran]. I didn't leave the city [I was visiting] so that I wouldn't have to break my fast or shorten my prayers. She [had previously] said that after the time for noon prayer, you can leave [and not affect your ten-day stay]. [But] she asked and now says it's not permissible. What I had performed was correct. When you intend to stay somewhere ten days, you have to stay there [without leaving for another city and coming back] if you want to fast and pray full.

The opinion she received is not a contested one, but rather, is agreed upon by the *marāji*‘.<sup>17</sup> And Ruqayya told me how she sometimes approaches religious scholars in the subway station or elsewhere to ask her questions. She said, “I do this sometimes. I’m not going to lie. I had a question about a family issue or societal issue in the subway station. There was a religious scholar there, so I went and asked a question and my problem was resolved. I said, ‘Wow, my own *marja*‘ couldn’t even give me the kind of guidance you provided.’” Clearly, the answer Ruqayya received was not specific to her *marja*‘.

Some attempted to project an image of seeking a fatwa specific to their *marāji*‘, but may have instead revealed that they actually receive general laws agreed upon by the *marāji*‘. I asked Mahsā to share precisely what she did the last time she had a question about Islamic law. She answered:

The last issue was that for my prayer and fasting, uh, because I’m always on the move, I wanted to know if [traveling a certain] distance from my home means I must shorten my prayers and break my fast... I searched online and then I asked the prayer leader at the place where I pray, so that I could complet-, because, in the end, he knows the distance better. I asked him if I should pray full or broken.

I then asked her if the opinion he gave was in accordance with the opinion of Khamenei or simply a general ruling.

“Khamenei,” she replied.

“You told him he’s your *marja*‘?” I asked.

“I already knew [the answer], but I had a little doubt, so I asked, and then I searched...” she explained.

“No, I’m saying, you told this *shaykh* you want to know in terms of Khamenei’s opinion,” I clarified.

“Precisely. Because, he asked who my *marja*‘ is ...” she said.

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<sup>17</sup> Banī-Hāshimī-Khumaynī, *Tawdīh al-masā’il-e marāji*‘, v. 1, pp. 715-717, issues #1337 and 1338.

The inconsistencies in Mahsā's story (she switched the order of asking a scholar and searching herself, and she only included Khamenei after my insistence) are not the only reason to doubt that the answer she received was specific to her *marja'*. Rather, her question (about the distance of a traveler) was more about applying a fatwa essentially agreed upon by the *marāji'*<sup>18</sup> to her specific situation. Similarly, I asked Sārā about the last time she had to acquire a jurist's opinion and act upon it. She responded:

I wanted to pray in congregation and didn't know what to do if I arrive during the second *rak'at* (prayer cycle), meaning, how to follow the prayer leader. Well, when I sought an opinion, they told me to start my prayer in the second *rak'at*, and during the *tashahhud* (portion recited while sitting) of the prayer leader, sit in the state of *tajāfī* (crouching with one's fingertips touching the ground), and then continue prayer. Then after [he says] the *salām* (salutations) of prayer [and ends his prayer], perform another *rak'at*. I wouldn't know these if the *marja'* didn't tell me. My *marja'* tells me to do this, and [as a result] I know my prayer is correct.

Sārā did not say to whom she referred for her question. For that reason, I asked how she obtained this opinion from her *marja'*. She replied:

“Like I said, you can either refer to *Tawḍīḥ al-masā'il* or the site.”

“So in this case...” I began.

“Normally I use the internet, it's easier. I go to the site of [Khamenei], my *marja'*, and find my question,” she explained.

Her evasiveness suggests that she did not in fact refer to her *marja'* for this specific question, but rather, either referred to a local figure or perhaps recently asked this issue in the *aḥkām* class at the mosque of Jamal Abad (she mentioned congregational prayer earlier in the interview as well). Furthermore, the method she mentioned for joining congregational prayer in the second

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<sup>18</sup> The *marāji'* agree that the distance for a *shar'ī* journey is eight *farsakhs*. However, there is a slight difference of opinion as to how many kilometers that is, forty-three, forty-four (the majority opinion) or forty-five kilometers. See: Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, p. 680, the first condition of the prayer of the traveler.

*rak'at* is not specific to Khamenei or disputed among the *marāji'*.<sup>19</sup> And when I asked Majīd why he performs *taqlīd*, he said:

Well, there are some religious issues that one should know like prayer, fasting, the times for prayer. For instance, [you might wonder] at what point your prayer is shortened, at what point it's full. Or fasting [the fact that] you have to stay ten days for your fasting to be correct. These are just examples. Because if you stay five days, your prayer is shortened. Or suppose when I come to Ahar, my prayer is shortened, because it's far away, so my prayer is shortened. But when I go to my own area, Lavasan, no, I pray full and my fasting is valid. Of course, some say that because your wife is from here, [it is as if] you have a [second residence] in Ahar, [thus] your fasting is valid. But the person I performed *taqlīd* to says it's not correct, so I pray broken.

The examples he gives (the distance required to be a traveler, the amount of time one must stay to not be considered a traveler) have only slight variations in the fatwas of the *marāji'*. Like with Mahsā, the issue is about applying the opinion of the *marāji'* to a particular case (traveling to Ahar). The “some” who say Ahar might count as his second residence because his wife has a residence there are clearly not other *marāji'* or *ḥawza* scholars, as no such opinion exists. Rather, what is mentioned is that a wife has the option of adopting her husband's place of residence as her homeland (*waṭan*). In other words, Majīd asked around and received an answer in accordance with the opinions of the *marāji'* collectively, and then attributed that to his *marja'*, who had passed away over twenty-four years before our interview and currently does not have offices or official representation.<sup>20</sup>

A major reason *muqallids* do not insist upon receiving answers that specifically reflect the opinions of their *marāji'* is that these opinions are perceived to be essentially the same, with differences occurring only in fine details, which are not of concern to the average *muqallid*. “The *marāji'*’s opinions are mostly the same,” claimed Raḥīm. “They’re mostly the same, except in rare cases,” he clarified. He then gave the example of Khomeini's particular view on traveling

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<sup>19</sup> Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, pp. 782-3, issue #1439.

<sup>20</sup> Rather, Gulpāygānī's former *muqallids* are encouraged to refer to the office of his son-in-law, Luṭfullāh Šāfi Gulpāygānī (b. 1919), which was not something Majīd indicated he does.

previously mentioned by Sārā. “Their fatwas are basically the same,” stated Shahrzād. “The *marāji*’ all agree on the main points of religion,” remarked Qāsim. “They have difference in some less essential things, very fine points,” he added. Šādiq similarly said, “The legal manuals are the same in general things, but different in particulars.” Muṣṭafā explained, “The deeds [they call for] are the same, there’s no difference [among them], and they [only] differ on some minute details.” Murtaḍā, Abū’l-Faḍl, and Karīm expressed this sentiment as well. “In the end, what [the *marāji*] say is Islam and religion,” declared Abū’l-Faḍl. ‘Alī reasoned that scholars are able to explain legal manuals because “the source is the same” and “legal manuals are similar in ninety percent of their content.” Luṭfullāh mentioned that, “Some *aḥkām* is the same among the *marāji*’, such that they all give the same fatwa.” He gave the example of *wuḍū*’ and added, “But when a detailed question comes up, I ask.” “In essence, their opinions are basically the same, though there are differences in their explanations,” noted Ghulām-Ḥusayn. “In prayer, fasting, *khums*, *zakāt*, all the obligations about which the Imams told us, they all have the same opinion,” claimed A‘zam. And ‘Abbās agreed the *marāji*’ are “all the same in general,” but, in keeping with the concept of *tab‘īd*, recognized that one *marja*’ may be stronger on political issues.

Other *muqallids* also viewed the opinions of the *marāji*’ as essentially the same, but saw differences as pertaining to leniency. Jawād said, “Most of the *marāji*’ have the same opinions on everything.” He then explained that he selected his *marja*’ because he was more moderate. Sārā said that the *marāji*’ are “basically the same,” but that “some are stricter, some are more lenient.” And while Zuhra recognized that differences occur in leniency, she stated that she selected her *marja*’ (Khamenei) because of her affection for him, saying:

The *marāji*’ have the same opinion on a lot of issues. We were just talking about doubt in prayer [in the women’s class at the mosque], and a number of the *marāji*’ whose opinions they read were basically the same. Their opinions are basically the same. But because of the affection I have for Āqā [Khamenei], I chose him as my *marja*’. It wasn’t because his opinions are easier to act upon or anything like that, no. Because they’re all basically the

same in explaining legal issues... Look, all of our *marāji'* have sworn to speak in accordance with the Qur'an and religion. None of them give [personal] opinions or say something because it benefits them. All of them speak in accordance with religion and deduce conclusions from it. Of course, some are a little more particular, a little more strict. One might be more lenient. But as a whole, they're all basically the same in the opinions they give.

Thus, whether differences are framed in terms of fine details or leniency, *muqallids* conveyed that the *marja'* one selects does not have a major impact on one's deeds. It is for this reason that *muqallids* agreed that there is no reason to insist that others perform *taqlīd* to one's own *marja'*.

If *taqlīd* is viewed as a sort of strong attachment to the *marja'* due to his particular legal and spiritual qualifications, it might be assumed that a *muqallid* of one *marja'* would be critical of those who perform *taqlīd* to other *marāji'*. However, this was not apparent in my fieldwork. And it is the acceptance of the *marāji'* collectively that facilitates *muqallids'* willingness to accept fatwas without ascertaining that they are specific to their particular *marāji'*. In other words, because the *marāji'* are equally worthy of *taqlīd* and because there are only minute differences of opinion, the source of a fatwa is not particularly important, so long as it reflects the opinion of the *marāji'*.

When I asked *muqallids* what they thought of one who performs *taqlīd* to a *marja'* other than their own, they often replied that there was “no problem” and that “they're free [to perform *taqlīd* to whomever they like].” Dr. Jawharī shared that many people he knows select *marāji'* “based on personal taste and opinion, not *a'lamīyya*.” This was reflected in the words of other *muqallids*. “They're free, you know,” said Yāsir. “Each person is free and can refer to anyone they like,” he added. “Each person has the freedom of choice to select the *marja'* she thinks is right,” opined Shahrzād. “This is something in our hands,” she declared. “There's no force at play,” said Jawād. “[*Muqallids* can select] anyone they want, and do whatever they like,” remarked Ṭāhira. “They're free,” she added. Raḥīm and Zībā expressed this sentiment as well.

Others explicitly reduced the differences in *taqlīd* to personal opinion. Khadīja called *taqlīd* a matter of “personal preference.” ‘Abdullāh referred to it as a matter of “personal taste.” Zahrā’ asserted that, “It’s entirely up to the individual.” Kāzīm said, “Each makes his own interpretation and is free in selecting a *marja’*.” Muḥsin stated, “They’re free to [follow other *marāji’*]. It’s a way of thinking. This is my opinion. Someone else has a different opinion. You have an opinion. I have an opinion.” These responses indicate that those who perform *taqlīd* to *marāji’* other than one’s own are not perceived to be deviant nor are their deeds considered invalid. This could be because all *marāji’* are considered equally qualified and that the condition of *a’lamiyya* is considered irrelevant. These reactions were quite different from the responses I received concerning those who do not perform *taqlīd* at all.

The matter of following different *marāji’* is apparently of such small religious consequence that some thought to point out that their closest family members perform *taqlīd* to different *marāji’* from their own. “In our home, I perform *taqlīd* to one [*marja’*], my wife to another, my son to another,” remarked Nāṣir. “There’s no problem,” he opined. “Even my children have different *marāji’*,” noted Ṣiddīqa. Of course, family can also be a determinant of *taqlīd*, as Majīd, Zībā, Aḥmad, Zahrā’, and Abū’l-Faḍl all mentioned how they initially selected a *marja’* because he was the *marja’* of their family. ‘Abbās claimed that one’s *marja’* is, to some degree, “inherited.” “You can’t deny it,” he added. However, even these individuals did not express any sort of intolerance for *muqallids* of other *marāji’*. Instead, it appears that performing *taqlīd* to the family *marja’* was a matter of convenience. ‘Abbās said he cannot say a *muqallid* of another *marja’* is “on the wrong path,” and added that “there are multiple [acceptable] *marāji’*.” He also described his parents’ *taqlīd* as an “ignition” that “made things easier.” When explaining how he selected his *marja’*, Aḥmad told me that his family “always had Imam [Khomeini]’s

book in the home.” He also declared that it is “not a problem” to perform *taqlīd* to other *marāji‘*. Majīd simply laughed before saying he performed *taqlīd* to his parents, and thus selected Ayatollah Burūjirdī. When I asked if there were a problem if one selected a *marja‘* other than his own (Gulpāygānī), he replied, “No. What problem? Each person is entitled to her own opinion.” Similarly Abū’l-Faḍl explained that each selects the *marja‘* she thinks is best. Zībā said, “Each person is free and can perform *taqlīd* to any *marja‘*.” Zahrā’, as mentioned earlier, opined, “It’s entirely up to the individual.” Following a *marja‘* because of one’s family could also be due to trust, something Karīm stated. Thus it does not appear that individuals or families view *taqlīd* of other *marāji‘* as problematic.

The *marāji‘* are all accepted in large part because they have received the endorsement of the *ḥawza*, specifically the group of scholars known as *Jāmi‘a-ye mudarrisīn-e ḥawza-ye ‘ilmiyya-ye Qom* (The Society of Seminary Teachers of Qom), who provide a list of approved *marāji‘*. Ma‘šūma explained, “Each person can select a *marja‘* for herself. We have about five or six really good *marāji‘*, who all have legal manuals, and the legal manuals they wrote... are all approved and endorsed.” Similarly, Abū’l-Faḍl said that there are “like eight *marāji‘*,” and thus one is to read their opinions and select the *marja‘* she thinks is best. A‘zam stated that there are ten or twelve *marāji‘* who are respected. “We can’t force someone or say, ‘My *marja‘* is better than yours,’” she said. “Aḥmad reasoned that it is not problematic to follow other *marāji‘* because, “They’ve announced it’s okay to follow them.” He was likely referring to the Society of Seminary Teachers of Qom. Sārā apparently referred to this concept when she noted that “there are multiple *marāji‘*.” Dr. Jawharī repeatedly referred to the endorsement of the *ḥawza* and said *muqallids* are free to choose among those the *ḥawza* considers worthy of *taqlīd*. In Iranian schools, the *marāji‘* approved by the Society of Seminary Teachers of Qom are all presented as

acceptable to students who recently reached puberty and must perform *taqlīd*. Zahrā' related that her students are inclined to select Makārim-Shīrāzī among these options because his fatwas are clearer and easier, and not because he is perceived as superior to the other *marāji'*. It can be said that this officially sanctioned legal authority of multiple scholars enables a sort of tolerance in *taqlīd*.

The interchangeability of the *marāji'* in theory can sometimes be observed in practice. In addition to the pursuit of more lenient opinions (sometimes, though not always, in cases of obligatory precaution) mentioned earlier, *muqallids* may pursue fatwas from multiple *marāji'* because they see no restrictions in this regard. For instance, Qāsim, as mentioned earlier, explained that he refers to Khamenei on *khums* because he found Sistani's opinions too strict. This implies that his *marja'* is Sistani. However, when I asked him how he finds relevant laws, he mentioned a recent work by Makārim-Shīrāzī. He also mentioned voting as a societal issue in which he performs *taqlīd*. "They say voting is obligatory," he said. Here Kāzīm did not draw upon the authority of his own *marja'* (Sistani), but rather that of Khamenei or another *marja'* who supports his view about participating in Iranian elections. And when I asked Kāzīm how he resolves difficult matters, he mentioned calling "the offices of the *marāji'*," as opposed to mentioning one specific office. Similarly, Aḥmad mentioned he has his children call the "offices of the gentlemen (*āqāyūn*)," or, the *marāji'*. He also mentioned that, "If we run into a problem, they call the office of Āqā Makārim-Shīrāzī or the office of Āqā Lankarānī, may God forgive him." Sārā shared that she refers to her *marja'*'s legal manual or "the fatwas available on the sites of the *marāji'* that contain their opinions." Others used plural pronouns when explaining how they receive an opinion, implying that they refer to multiple *marāji'*. For instance, when asked how she receives answers, Mahsā replied, "Their offices are there. You can even call the

operator and get the numbers for their offices. They also have representatives... We have their books as well, but it's easier to find answers on the internet than in books... I first look online, then I call their offices, and yeah, I have their books [too].” Yāsir answered a question about referring to his *marja*’s office with, “It’s now possible to call, and they have books.” And Kāzīm said that he acquires opinions from “their books” and “their offices.” Of course, it may be possible that Maḥsā, Yāsir and Kāzīm simply wanted to explain the phenomenon of *taqlīd*, meaning, *muqallids* in general refer to the offices of the *marāji*’. It is also possible that they used the plural in Persian out of respect for the great personalities of the *marāji*’. And specifically in the case of Yāsir, there is reason to believe (as will be explained later) that he does not refer to his *marja*’ (or to any other *marja*’), but rather sought to give “honorable information.”

Reference to one’s own *marja*’ may also be limited because of the prevalence of Islamic law in Iranian society. In accordance with the idea that the *marāji*’s opinions are essentially the same, *taqlīd* was often presented as an occasional need, since many of the *aḥkām* are common legal rulings learned through culture and during childhood. Thus in keeping with Swidler’s theory, *taqlīd* functioned as a tool in the cultural toolkit of these *muqallids*. Many *muqallids* gave the impression that the legal manual was not a necessity in their lives. When asked to explain the process of *taqlīd*, Rayḥāna remarked, “In issues I don’t know a lot about, I look at the legal manual...But most things they taught us when we were children, so we know them.” Şiddīqa explained that she does not refer to the legal manual because, “it’s some routine things that we’ve read and know.” Ghulām-Ḥusayn stated that, “We first got our knowledge from the issues they share in the mosque, speeches, and *Tawdīḥ al-masā’il*, but more from speeches and mosques.” Qāsim said, “You live your life, and you refer to books when you run into problems.” ‘Abdullāh clarified that he does not use the legal manual very often, instead only referring to it

when doubts arise. And Muṣṭafā mentioned the legal manual before saying, “There are things we learned as children... other things that occur that cause doubt, we go ask these.” Because direct access to one’s *marja’* (or even his representative) is not convenient, the legal manual is the most likely way *muqallids* can learn a *marja’*’s legal opinion on a particular issue. However, in the examples above, the legal manual is not perceived as a necessity because the information it contains is well known. Other *muqallids* articulated that they do not use legal manuals because they are too difficult to understand, and thus pursue other means. Thus, there are clearly other sources for arriving at fatwas in Iranian culture.

There are a number of resources available to *muqallids* in Iran that are not directly related to the *marāji’*. Earlier, it was mentioned that Karīm, Mahsā, Sārā, Kubrā, Luṭfullāh, Muḥsin, Rayḥāna, Shahrzād, A‘zam, Murtaḍā and Ṣādiq all receive knowledge of *aḥkām* (legal rulings) from local scholars and teachers of religion. Similarly, Ghulām-Ḥusayn said he received most of his knowledge of *aḥkām* from speeches and mosques. And when I asked Khadija how she resolved matters related to *taqlīd*, she said she asks “those who have done more research on this matter.” When I asked if they are affiliated with her *marja’* she said, “It’s possible. It’s possible they’re from the *ḥawza*.” Sānāz stated an opinion on *marja’iyya* that she learned from the women who speak at religious gatherings. ‘Abbās said that when he cannot understand a fatwa, he asks his brother-in-law. I asked Ruqayya what she did when she could not understand a fatwa. She said she asked “the *marja’* who was there, or looked in a book, or, like, asked an elder.” It is far-fetched that *marja’* actually refers to her *marja’-ye taqlīd* in this context, in part on account of the phrase “who was there.” Thus, there are individuals with various scholarly credentials who are available, and even perhaps more actively involved in answering questions about *aḥkām* than the *marāji’* or their representatives.

Prior to the stage of searching for legal opinions, many *muqallids* resolve matters on their own or with the help of their family. The example was given of Majīd, who decided how to appropriate his *khums* on his own, despite the decision of the scholar to whom he referred. And, as mentioned above, Sānāz and Ruqayya both stated that they relied on their own intellect and were willing to depart from the *marja*'s opinion when it conflicted with their own reasoning. Other *muqallids* indicated that their own reasoning can serve as a source of legal reference as well. Mahsā disclosed that she sometimes relies upon her own opinions in "small things" and gave an example related to ritual purity, saying, "If I have a cut on my hand, I'll say [purifying it for prayer and the like] is not that big of a deal. Perhaps it's problematic according to my *taqlīd*. But at that moment, I won't pay much attention to it." Zahrā' admitted that she finds the legal manuals difficult and lengthy, and simply resolves issues on her own. And 'Abdullāh stated that he performs *taqlīd* in certain business transactions, before saying, "If he gives a correct answer, and it's reasonable, we listen." Meanwhile, Rayḥāna and Muṣṭafā both mentioned learning much of Islamic law as children, which suggests some sort of learning in the home. Others explicitly prioritized the opinions of their families. "I don't have to ask a lot because I am in a religious family," remarked Kāzīm. "They mostly help [me figure out] what to do and what not to do," he added. When I asked Khadīja if her faith would have been in danger had she chosen to not perform *taqlīd*, she answered:

No, because since the beginning, our ancestors were Muslim. They presented principles of faith to us, as well as principles for raising children. Our elders, our parents, they showed us the straight path, and we read the Qur'an. From the Qur'an, from supplications, from the way we were raised we find correct matters.

Jawād mentioned his father as his first source of reference (after his own intellect) before adjusting his answer based on my response. When I asked how he performs *taqlīd*, he responded:

"Sometimes I have a doubt and my own intellect isn't sufficient."

“What did you do?” I asked.

“I ask someone higher than me.”

“Who is higher than you?”

“My father.”

“No, I mean *taqlīd* of the *marja‘*, not *taqlīd* in general,” I clarified.

“When my intellect isn’t sufficient, I ask the *marja‘*,” he explained.

And Mahsā stated she relies on her intellect and the intellect of her parents, before saying, “Sometimes my parents say a particular act is okay, it’s correct. I didn’t think it was necessary to see what my *marja‘* says. I accepted what my parents said and continued doing it.” Thus, it is conceivable that such *muqallids* rarely sense the need to pursue legal expertise outside the home, and that when they do, they may search for opinions from prayer leaders, teachers of religion, or knowledgeable friends.

The sources of legal reference available to *muqallids* encompass almost all spaces of religion, including the offices of the *marāji‘*, *hawza* scholars, educators of religion, local leaders, family members, the critical thinking of the individuals themselves, and the internet. The facts that *muqallids* view the *marāji‘*’s opinions as being essentially the same and the legal manuals as being of little need suggest support the idea that they rarely refer to the specific opinions of their particular *marāji‘*. Rather, it appears that knowledge of the legal rulings produced by the *marāji‘* collectively permeates the religious culture of Iran and finds its way to *muqallids* through a variety of channels.

## The perceived status of one who does not perform *taqlīd*

*Taqlīd* is unlike other religious obligations in that other deeds depend on the performance of *taqlīd* for their (guaranteed) validity. Both jurists and *muqallids* express this. However, there is a difference in what this means to the two groups of people. Jurists intend that one cannot be certain that one's deeds are acceptable in God's eyes without first pursuing the most knowledgeable opinion. While some *muqallids* articulated this as well, they would more often present *taqlīd* as the symbolic association with a *marja'*. Thus, they equated abandoning *taqlīd* with abandoning the *marāji'* and not abandoning their legal opinions. This follows from the discussion above, in which it was demonstrated that very few *muqallids* refer to their *marāji'* for legal opinions. When these two discussions are taken together, it can be understood that simply having a *marja'* – whether or not one follows him – is what distinguishes a *muqallid* from non-*muqallids* and gives her a greater sense of fulfilling her religious duties.

The *marāji'* state that the deeds of the non-*muqallid* who neither performs *ijtihād* nor observes precaution (*iḥtiyāt*) are invalid, in the sense that such a person cannot treat her acts as being valid (unless it is somehow known that these deeds are in accordance with the opinions of the jurist deserving of *taqlīd*). Rather, for such a person to ensure that she has relieved herself of her duty, *taqlīd* is a necessity.<sup>21</sup> If an individual does not perform *taqlīd* and later realizes that her deeds were not in accordance with the opinions of a qualified jurist, this may require her to repeat the performance of these deeds.<sup>22</sup>

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<sup>21</sup> Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, p. 10; Sistani, *Minhāj*, v. 1, p. 5, #2; Shubayrī-Zanjānī, *Tawḍīḥ*, p. 7, #1; Waḥīd-Khurāsānī, *Tawḍīḥ*, p. 5, #1.

<sup>22</sup> Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, pp. 22-3, #14.

Ahmad Kazemi Moussavi claims that the idea that deeds not accompanied by *taqlīd* are invalid was introduced by Ayatollah Muḥammad Kāzīm Yazdī (d. 1919) and had a profound impact on the trajectory of Twelver Shī‘ī law. He writes:

They declared that all actions of Muslims, including performances of Islamic duties (such [*sic*] prayer and fasting) are void if they are not rendered according to the instructions of a superior *mujtahid*. This prerequisite not only changed the character of juristic *fatwas*, but proposed an intermediary position between God and Muslims unknown in non-Imāmī Muslim tradition... it was Ayatollah Yazdī who articulated the obligation of *taqlīd* (in the introductory chapter of his treatise) into which the Shi‘ite milieu must be initiated.<sup>23</sup>

He then refers to this as the turning point in which *taqlīd* become known as “the initial step for approaching religiosity.” The opinion of Yazdī that Moussavi cites is the following: “The deeds of a lay person who does not perform *taqlīd* or practice precaution (*iḥtiyāṭ*) are invalid.”<sup>24</sup> This is explained by Sistani, Khoemini, Khoei, Makārim-Shīrāzī, and Gulpāygānī in their commentaries on this fatwa to mean that one cannot treat one’s deeds as valid without knowing that they are in accordance with the opinions of a jurist worthy of *taqlīd*, meaning that if it is later revealed that one’s deeds were in accordance with the opinions of an appropriate *mujtahid*, then they will be deemed valid.<sup>25</sup> This interpretation is in keeping with what the fatwas of contemporary jurists on the invalidity of the deeds of the non-*muqallid*.<sup>26</sup> If this is indeed what Yazdī intended, Moussavi’s claim that this opinion made the *mujtahid* an intermediary between God and Muslims is unsubstantiated. While Fāḍil-Lankarānī adopts this opinion as well, he entertains the possibility that Yazdī indeed intends that one’s deeds are invalid in the literal sense, which Fāḍil-Lankarānī argues is unsubstantiated.<sup>27</sup> Even if Yazdī intended that such deeds should be deemed

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<sup>23</sup> Moussavi, *Religious Authority*, 271-2.

<sup>24</sup> Muḥammad Kāzīm Yazdī, *Al-‘Urwa al-wuthqā* with commentary by Ali Sistani, v. 1, p. 8, #7.

<sup>25</sup> See: Muḥammad Kāzīm Ṭabāṭabā‘ī Yazdī, *Al-‘Urwa al-wuthqā ma‘ al-ta‘līqāt* (Qom: Madrasat Imām ‘Alī b. Abī Ṭālib, 1428 AH), v. 1, p. 14, #7; and Yazdī, *Al-‘Urwa al-wuthqā* with commentary by Ali Sistani, v. 1, p. 8, footnote to #7 and v. 1, p. 16, footnote to #16, which Gulpāygānī uses to explain the relevant fatwa, #7.

<sup>26</sup> Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā’il-e marāji‘*, v. 1, p. 10; Sistani, *Minhāj*, v. 1, p. 5, #2; Shubayrī-Zanjānī, *Tawḍīḥ*, p. 7, #1; Waḥīd-Khurāsānī, *Tawḍīḥ*, p. 5, #1.

<sup>27</sup> Muḥammad Kāzīm Ṭabāṭabā‘ī Yazdī, *Al-‘Urwa al-wuthqā ma‘ ta‘līqāt al-Fāḍil* (Qom: A’imma Aṭḥār, 1422 AH), v. 1, p. 8, footnote to issue #16, which Fāḍil-Lankarānī uses to explain the relevant fatwa, #7.

invalid absolutely, he was not the first prominent jurist to articulate this opinion. Aḥmad b. Muḥammad Narāqī (d. 1245/1829), who briefly taught Shaykh Anṣārī, wrote that “the deeds of one who does not perform *taqlīd* are invalid,”<sup>28</sup> and clarified that he includes cases in which it is later revealed that the deeds were performed in accordance with the opinions of a *mujtahid* worthy of *taqlīd*.

From the perspective of *muqallids*, one who does not perform *taqlīd* is potentially jeopardizing her faith. This is contrary to the perception of those who perform *taqlīd* to *marāji‘* other than one’s own *marja‘*. In that case, there was no anticipated problem, because *taqlīd* to one *marja‘* is considered just as valid as *taqlīd* to another one. But the idea of not doing *taqlīd* at all is often viewed as stepping outside the boundaries of acceptable Islamic practice. This is despite the fact that, as indicated previously, many common legal rulings are learned through family and Iranian religious culture, and are not necessarily *marja‘*-specific. While many *muqallids* were careful not to condemn their non-*muqallid* counterparts, and a few did not see abandoning *taqlīd* as something consequential, others saw non-*muqallids*<sup>29</sup> as being misguided, lackadaisical about their religion, weak in faith, in danger of having their deeds rejected in the Afterlife, and sometimes even outside the scope of Twelver Shī‘ism.

*Taqlīd* was often compared to “the straight path” mentioned in the Qur’an,<sup>30</sup> such that stepping outside the boundaries of *taqlīd* results in going astray. A number of *muqallids* used the term *gum* (“lost”) and its derivatives when describing non-*muqallids*. “If I didn’t perform *taqlīd*,

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<sup>28</sup> The issue he discusses is related to one who performed her deeds in a way that was invalid according to the *mujtahid* she followed but valid according to the *mujtahid* she now follows. Narāqī writes that this individual was not truly performing *taqlīd* to the first *mujtahid*, and the deeds she performed occurred before she performed *taqlīd* to the second individual. Furthermore, he adds, this individual was not ignorant about *taqlīd*. Thus, he concludes, her deeds are invalid, as they were not accompanied by *taqlīd*. See: Aḥmad b. Muḥammad Narāqī, *Rasā’il wa-masā’il* (Qom: Congress of the Narāqayn, 1422 AH), v. 2, p. 105. Elsewhere Narāqī writes that *taqlīd* is one of the parts of worship without which one’s worship is invalid. See: Narāqī, *Rasā’il wa-masā’il*, v. 2, p. 131.

<sup>29</sup> This, of course, means those who do not perform *taqlīd*, practice *iḥtiyāt*, and are not *mujtahids*. In other words, those who abandon the three means for knowing one’s duty as articulated by the *marāji‘*.

<sup>30</sup> Qur’an, 1:6.

I'd be lost (*sardargum*)," said Zībā. "I wouldn't know what to do," she said. Ḥasan called non-*muqallids* "stubborn" and said they are "neither here nor there." I asked if he meant "lost (*gumrāh*)," and he said, "yes." Şādiq said, "Those who don't perform *taqlīd* are usually lost (*gumrāh*), like a person walking while blindfolded." He then clarified that this means that one would not know how to perform her duties. Others placed emphasis on the performance of duties as well. Zuhra explained that a *marja'* is necessary for resolving contemporary issues not mentioned in the Qur'an. She said:

We must perform *taqlīd*. Otherwise we'll be confused (*dīgargūnī*)... Those who don't perform *taqlīd*, you can be sure that they are confused (*gung*) in religion. They make a lot of mistakes... They think all issues are in the Qur'an, but this is wrong. If one has a *marja'*, she can go to the site or look at his book, find the answer to her question, [whereas the non-*muqallid*] will be in a state of confusion because she can't find the answer to her question. They will be lost (*sardargum*) and turn to this person or that person asking anyone they can a thousand and one different questions. For this reason, this person will never be successful in the religious and *shar'ī* issues of everyday life... [Without *taqlīd*] I would've always been lost (*sardargum*) in my religion. I'd never choose the right path... We'd make a thousand and one mistakes in our religion... because we'd be on the wrong path. But if we do everything properly, we'll definitely be on the well-lit path, never run into a dead end, neither in this world nor in our afterlives.

Zuhra imagines non-*muqallids* as being both lost, in the sense that they make mistakes, and confused, in the sense that they search for answers from various non-authoritative sources. Lastly, *taqlīd*, according to Zuhra, guarantees that one will have clarity in religion. Similar to the concept of being lost, Kubrā stated that non-*muqallids* are confused (*sargardān*), and gave the example of performing the rituals in Mecca (either *ḥajj* or *'umra*). "No one can guide you but the *marja'*," she said.

Being on the right path (*rāh*) is a theme that was also mentioned by *muqallids* who saw *taqlīd* as guidance. "I perform *taqlīd* so that I know which path is right, which is wrong," stated Ruqayya. Mahsā remarked that one who does not perform *taqlīd* will "fall behind in life" because of her lack of consultation. "It's possible [the non-*muqallid*] might not choose the right path. Most of her life will pass in vain (*alaktī*)," she opined. Muḥsin viewed *taqlīd* as structure,

and compared it to entering a mosque from its proper door, as opposed to the window. “They laid down a path,” he said of *taqlīd*. Akram implied that *taqlīd* is the path to religious success by saying that a *mujtahid* is one who is at the level of knowledge where he or she “can find the straight path from the Qur’an and the *sunna* without performing *taqlīd* to a *marja’*, and ensure bliss (*sa’āda*) in this world and the Afterlife.” Ṭāhira explained that, without *taqlīd*:

We’d live in chaos (*harj wa-marj*). We wouldn’t know what to do, what’s permissible, what’s forbidden, good or bad. [Chaos in] our lives, the religion of Islam, even in how we eat. *Taqlīd* is something that prevents mistakes. It draws a red line for us, [and tells us we can] do things to this point... We choose it. We want to traverse this path... We want to be on the right path. The path that is good. In addition to religion, the path that is right and good.

Mahsā similarly expressed that *taqlīd* is “not just a religious thing,” and that one who does not accept *taqlīd* will “run into problems” in other aspects of Islam, like society, politics, and *akhlāq*. She also mentioned that the non-*muqallid* will make mistakes, something Sārā mentioned as well. Ṣiddīqa predicted that non-*muqallids* will “suffer losses” that “can’t be compensated.” “It’s like I waste my life or live a life of ignorance,” she added.

Some *muqallids* expressed concern for non-*muqallids*, and hoped that they would be guided. “Our worship must have a goal, so each person must have a *marja’*,” declared Karīm. Though he stated that non-*muqallids* are free to do what they like, he then said:

But I just want for God to guide them to the right path. Of course, they’re not committing a particular sin. It’s just that *taqlīd* makes the worship and other things you do goal-oriented. Just as we read in religion, in school, in our studies, it results in one having a good life, a goal, her worship has a goal in God’s eyes...

“We try to guide those who don’t perform *taqlīd*,” explained ‘Abdullāh. A’zam said, “In my opinion, [the non-*muqallid*] will be tested for her mistake. God will wake her up somehow. Maybe it happens, maybe it doesn’t.” She then told a story of how in the shrine of ‘Alī Akbar in Chizar, someone treated a Zoroastrian with kindness and, as a result, the Zoroastrian embraced

Islam and returned with a bus of converts. In this way, she compared *taqlīd* to the very faith of Islam.

The abandonment of *taqlīd* was often perceived to be the result of weak faith and lackadaisical practice. “Either their faith is weak, or they don’t believe, or they consider themselves the *a’lam* and don’t need a *marja’*,” Yāsir said of non-*muqallids*. I asked Shahrzād if the legal manuals available are sufficient for the needs of the youth. Her reply framed the problem as one of faith. She said, “If they pursue [the legal manuals], yes [they are sufficient]. If they pursue God, the Prophet, *Tawḍīḥ al-masā’il*, these things, yes, [the legal manual] is sufficient. But if they don’t believe, then no.” And Aḥmad called non-*muqallids* “lackadaisical” (*lā ubālī*) and said that they “don’t comprehend” that they can learn from one who is more knowledgeable. “From the beginning, when God created [the world], creation was based on the fact that you must follow one who knows better,” he asserted.

Some interviewees divided non-*muqallids* into two categories: those who do not have any concern for religion and those who believe but choose to abandon *taqlīd*. Kubrā labeled them “those who don’t observe *sharī’a*” and those who are “confused” (*sargardān*). Qāsīm explained that some non-*muqallids* “don’t accept religion at all,” while others “just don’t accept these *marāji’*.” “They perform their deeds, they pray, etc.,” he added. He then said that by not making their deeds in accordance with the opinions of a *marja’* they run the risk of being questioned by God on the Day of Judgment. Zahrā’ claimed that non-*muqallids* either do not have religious beliefs or believe that they can resolve issues on their own. She said of the second group:

They say that knowledge has advanced so much that there is no longer a need for performing *taqlīd* to a *marja’*. Each individual should, by using her own intellect, give a ruling for any problem she faces... And there is no need for a *marja’*. They use the idea of scientific progress, and say that knowledge has made us free of the need [for *taqlīd*].

Zahrā' shared what she thought was the logic of non-*muqallids*, but did not see the need to judge their deeds. A'zam, however, felt strongly that abandoning *taqlīd* directly impacts one's actions.

She explained:

Either one doesn't know [about *taqlīd*] or her faith is weak, or she grew up in a family where they were Muslim in appearance only and their deeds were weak ('*alā bakhtakī*). These [individuals], according to me, no, not according to me. I speak in accordance with [the dictates of] God and the Prophet. None of their deeds are correct, because God, the Prophet and the fourteen Infallibles said so.

Kubrā, Qāsim, Zahrā', and A'zam drew a distinction between one who does not observe religion at all and one who practices without legal reference. They are not particularly concerned with the former group. And they perceived a form of confusion or doubt in the latter group. Of course, they had different ways of articulating these issues and the impact they have on one's faith and deeds.

Perhaps the greatest concern interviewees voiced about not performing *taqlīd* was that it results in one's deeds being performed incorrectly. Meanwhile, *taqlīd* was perceived as a means by which the responsibility of one's deeds performed in accordance with *taqlīd* were placed on the shoulders of the *marja'*. As mentioned above, contemporary jurists simply maintain that one who does not perform *taqlīd* may not treat her deeds as correct.<sup>31</sup> They do not write that the burden of one's deeds become the responsibility of the *marja'*.<sup>32</sup> This appears to be the understanding that a number of *muqallids* had about *taqlīd*, although some did not articulate the nuance present in the works of jurists, namely that non-*muqallids* are at a (albeit high) risk of

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<sup>31</sup> Banī-Hāshimī-Khumaynī, *Tawḍīḥ al-masā'il-e marāji'*, v. 1, p. 10; Sistani, *Minhāj*, v. 1, p. 5, #2; Shubayrī-Zanjānī, *Tawḍīḥ*, p. 7, #1; Waḥīd-Khurāsānī, *Tawḍīḥ*, p. 5, #1.

<sup>32</sup> Sistani prefers defining *taqlīd* as "following [the opinions of another]," but mentions that other scholars, like Muḥammad Ḥusayn Iṣfahānī-Kumpānī (d. 1361 AH) defined it as "placing the burden of one's deeds on another." See: Rabbānī, *Al-ijtihād wa't-taqlīd wa'l-iḥtiyāt*, 225-7. Iṣfahānī-Kumpānī argues that *taqlīd* means placing something (like a neck or chain, a *qilāda*) on the neck of another (human or animal), and thus *taqlīd* to a *marja'* cannot simply mean acting in accordance with his opinions, learning them, or receiving his legal manual. Rather, he argues, it must mean "placing one's actions on the neck of another, like a *qilāda*." See: Muḥammad Ḥusayn Iṣfahānī-Kumpānī, *Al-Ijtihād wa't-taqlīd* (Qom: Intishārāt Islāmī, 1416 AH), 14.

bearing the responsibility of performing their deeds incorrectly, but there is still a possibility their deeds are correct.

A number of *muqallids* interviewed thought that non-*muqallids* would have to answer to God yet refrained from explicitly passing judgment on them. Qāsim stated that non-*muqallids* are “taking risks,” in the sense that they may be asked why they did not perform their duties in accordance with the opinions of a *marja’*. Meanwhile, *muqallids*, he said, can tell God, “We did our duty.” Ma‘šūma claimed that a non-*muqallid* will experience harm in this world and will have to answer in the next world. “They have to answer to God themselves,” declared Zībā. “We can’t say anything about them,” she added. And Sajjād essentially used the entire process of selecting a *marja’* and adhering to his opinions to explain how one act can entail responsibility or not entail responsibility based on *taqlīd*, saying:

We have some responsibilities... If we want to make laws for ourselves, that responsibility remains on our necks. [But] if my prayer is in accordance with a particular *marja’*, on the Day of Resurrection, if I’m asked why I did not perform a particular thing, I’ll say, based on what I knew, I learned to perform *taqlīd*. And in that process I found this *marja’*, whose opinion was this... If one doesn’t use this method and makes the same mistakes, then the responsibility of her actions is upon herself.

Others mentioned the theme of *taqlīd* being the means by which one fulfills one’s obligations. Sārā and Dr. Jawharī similarly stated that performing one’s deeds in accordance with *taqlīd* relieves one of responsibility. And Muṣṭafā claimed that, “If you don’t perform *taqlīd*, you can’t do certain things. You’ll be stuck.” He then added, “Each person has to know how to perform her duties, and if she doesn’t, she will walk with a limp (*lang*).” While these *muqallids* mentioned that non-*muqallids* would have to answer or be responsible for their deeds, they did not say they will be punished, meaning what they articulated is in accordance with the opinions of the *marāji’*.

Some *muqallids* framed their opinions about non-*muqallids* in the context of the original reasons for performing *taqlīd*, indicating that non-*muqallids* could be held responsible for not pursuing the most accurate opinions about religious practice. “Nothing will happen [to non-*muqallids*] right now, but they will have to answer on the Day of Resurrection,” predicted A‘zam. “In that world, God will say to us, ‘We sent people for you to ask [about God’s law], but you didn’t pursue it,’” she said. Similarly, Kāzīm commented, “A lot of people don’t perform *taqlīd*, and nothing happens to them. It’s just, because one doesn’t know what happens in that world. In that world, perhaps they’ll ask, ‘Why didn’t you do this? You should have done this. Were there not *marāji*?’ Perhaps such things will be said.” A‘zam and Kāzīm both view the questioning on the Day of Judgment as being related to not pursuing available knowledge and thus suffering the consequences of willful ignorance of God’s laws.<sup>33</sup> Nāšir initially stated that the non-*muqallid* “must look to others to learn how to pray and fast,” perhaps implying that no one is free from some degree of *taqlīd* (even if it means adopting the religious culture produced by *hawza* scholars as manifested in the actions of people). He then continued:

It’s possible in some issues that [a non-*muqallid*] might perform a deed with a major flaw in it. For instance, it’s possible that she might do something she thinks is logical, but that it is actually *ḥarām*. This create problems... Many say they read books, like the Qur’an and hadith from the Prophet and Imams, and think because they’re familiar with them, they know what to do. But it’s possible in some places that they don’t have that experience, that knowledge, that perspicacity of the *marāji*, to derive rulings from legal sources...

In other words, according to Nāšir, adhering to the opinion of a *marja*‘ is less likely to result in performing a deed with a major flaw in it. These *muqallids* agree that deeds performed without

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<sup>33</sup> This sentiment may be a reference to a hadith often used in *hawza* culture to explain the requirement of *taqlīd*. Shaykh Mufīd relates that the Sixth Imam said about Qur’an, 6:149: God will ask His servant on the Day of Resurrection, “Were you of those who know (*‘ālim*)?” If he says “yes,” He will say, “Why did you not act upon what you knew?” And if he says, “I was of the ignorant ones,” He will say, “Why did you not learn so that you could act [upon your knowledge]?” So He will argue with him, and that is the *ḥujja bāligha* [mentioned in the verse]. See: Muḥammad b. Muḥammad Mufīd (d. 413/1032), *Al-Amālī* (Qom: Kungreh-e Shaykh Mufīd, 1413 AH), 227-28.

*taqlīd* are not guaranteed to be sufficient. Thus, these *muqallids* appeared to frame their discussions about non-*muqallids* in accordance with what they learned from religious scholars.

A number of *muqallids* did not express any sort of concern for the consequences of the actions of non-*muqallids*, apparently because they believed there are enough resources in Iranian religious culture for one to stay on the right path. Raḥīm and Jawād both said that “nothing in particular will happen” to non-*muqallids*. “Nothing changes,” said Jawād. “What would happen?” he asked rhetorically. Three of the women I interviewed at the mosque of Jamal Abad did not consider non-*muqallids* to be doomed because of the individual’s ability to discern right from wrong. Ruqayya indicated that *taqlīd* provides one with more confidence in one’s actions, but is not an absolute necessity, and its avoidance does not place one in danger, on account of the knowledge (apparently of religion) each individual possesses. She said:

I wouldn’t be concerned about anything in particular, or serious harm, happening to me if I didn’t perform *taqlīd*, no. Rather, I think the path I’m traversing is on stronger ground when I perform *taqlīd*. Otherwise, I don’t think there’s a major difference in performing *taqlīd* or not, because each person knows certain things... but there’s a need for experience and those who have greater knowledge, in my opinion.

When asked about those who do not perform *taqlīd*, Khadīja initially asserted, “They must do it.” However, when I asked what her concern would be if she did not perform *taqlīd*, she replied, “I wouldn’t have a particular concern. I’d refer to my own thinking, my own intellect. If I didn’t have a *marja*’, I’d do this.” It is possible she was replying to a hypothetical situation in which *taqlīd* was not an option. However, my previous question was about those who do not perform *taqlīd*, and she simply stated “some are committed to the idea they must have a *marja*’” and others “don’t accept it.” In other words, she avoided passing judgment on non-*muqallids*. Furthermore, as mentioned above, when I asked Khadīja if her faith would have been endangered had she chosen not to perform *taqlīd*, she answered:

No, because since the beginning, our ancestors were Muslim. They presented principles of faith to us, as well as principles for raising children. Our elders, our parents, they showed us the straight path, and we read the Qur'an. From the Qur'an, from supplications, from the way we were raised, we find correct matters.

Thus it appears Khadīja does not consider the abandonment of *taqlīd* to be particularly consequential on account of the religious teachings available in culture as well as the ability to interpret religion. Manṣūra said that non-*muqallids* are free to find answers using their own reasoning, but that *taqlīd* was “less work,” in that it would save them the time they would have to dedicate to researching every legal issue. Of course she did say there is potential harm (*ḍarar muḥtamal*) for those who neither perform *taqlīd* nor research themselves. These three women thus do not view *taqlīd* as the only path to salvation but rather a more convenient or sturdy path.

Other *muqallids* were firm in their assessments of the deeds of non-*muqallids*, stating that they are invalid. This thinking is possibly the result of comparing *taqlīd* to the authority of the *Ahl al-Bayt*, since it is related in a hadith report that the deeds of one who does not accept the latter will be invalid.<sup>34</sup> I asked Rayḥāna what would happen if she did not perform *taqlīd*. “I think our acts of worship wouldn't be correct,” she said. Yāsir said that “God has some duties on our neck” and that one who does not perform *taqlīd*, and thus does not perform these duties, “must pay the price.” He added that “if one doesn't perform his duties, he will have spiritual and psychological problems.” Luṭfullāh declared, “They're making a mistake. [Not performing *taqlīd*] means they won't perform their duties correctly... It's like if someone doesn't drive properly, she will get in an accident. [The non-*muqallid*'s] deeds won't be recorded.” And Abū'l-Faḍl asserted that “if one doesn't have a *marja'*, her deeds will be invalidated (*ḥabṭ-e 'amal*),” though he then added, “this means one might run into problems for not performing

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<sup>34</sup> One of the Imams (unclear from the original text) is reported to have said, “The deeds of one who does not accept the *wilāya* of Amīr al-Mu'minīn (the First Imam, 'Alī b. Abī Tālib) are invalid.” See: 'Alī b. Ibrāhīm al-Qummī (d. 3<sup>rd</sup> c. AH), *Tafsīr al-Qummī* (Qom: Dār al-Kutub, 1404 AH), v. 1, p. 368. Elsewhere *wilāya* is mentioned as the condition for deeds (prayer, fasting, pilgrimage, and other obligations) being accepted. See: 'Allāma Muḥammad Bāqir Majlisī (d. 1110), *Biḥār al-anwār* (Beirut: Dār Iḥyā' al-Turāth al-'Arabī, 1403 AH), v. 27, p. 167.

*taqlīd*.” So while he initially appears to have passed judgment on the deeds of non-*muqallids*, it may be more accurate to place him in the category of *muqallids* above, or, those who consider non-*muqallids* at risk but not destined for certain punishment.

For some *muqallids*, non-*muqallids* are not only in danger of having their deeds rejected but are also lacking in proper belief. The rejection of *taqlīd* was perceived as a rejection of God’s commands, and thus a sign that one was not a proper Twelver Shī‘ī Muslim. “They must not believe,” said Rayḥāna. Karīm said about choosing not to perform *taqlīd*, “From the perspective of the Shī‘a, it’s not right. [A non-*muqallid*’s] faith isn’t complete.” He then said, “One might not accept religion at all. One is free to do so.” I clarified that I intended only non-*muqallids* who accepted religion. Karīm stated they would be on “shaky ground,” and then explained that to mean: “In this world, a lot of people don’t perform *taqlīd*. Some have a different religion. They don’t perform *taqlīd*. Jews, Christians, others, their lives go on. Their life in this world isn’t different. Perhaps they are better off materially. But in terms of the Afterlife, they’ll be lacking something.” His use of non-Muslims as examples of non-*muqallids* is telling, as are his previous statements about their incomplete faith and rejection of religion. While he does not say that non-*muqallids* will be punished in the Afterlife (instead saying that they are on “shaky ground”), this is not because he perceives them to be on equal footing as *muqallids* in terms of belief. Rather, he implies that the beliefs of non-*muqallids* have as much value as those of non-Muslims. ‘Abbās said that the non-*muqallid* is like one who is ill and never recovers, and three times mentioned that non-*muqallids* are still Muslim, perhaps indicating that their faith is deficient, though not so deficient to take them beyond the pale of Islam. Sajjād stated that religion can be thought of as consisting of twenty parts, with *taqlīd* being the last part. If the other parts are not present, he

reasoned, one will not accept *taqlīd*. Conversely, he said, if one rejects *taqlīd*, it may be revealed that the person “doesn’t even accept *imāma* or prophethood.”

Some *muqallids* compared the rejection of *taqlīd* to the abandonment of prayer, which is significant because abandoning prayer is mentioned in Twelver Shī‘ī hadith in association with disbelief (*kufr*) and the voiding of deeds (*ḥabṭ al-a‘māl*).<sup>35</sup> “It’s a mistake,” Majīd said of abandoning *taqlīd*. He then declared, “You have to accept some things from God. It’s something in religion they must know... They’ve cast God’s commands to the side, trampled something God commanded. When you’re not a *muqallid*, you might, suppose, not pray either.” ‘Alī stated, “[Not performing *taqlīd*] is a problem, in my opinion. It’s like someone saying that they don’t pray.” I then told him to suppose an instance of a non-*muqallid* who prays. “I know, but it’s as if they don’t pray,” he said in reply. “*Taqlīd* is like praying,” remarked Jawād. “Why do we pray? It’s one of the principles of faith,” he continued. This comparison to prayer again frames *taqlīd* in the context of doctrine or, at the very least, places it among the most important deeds for a Muslim.

Sānāz and Shahrzād viewed *taqlīd* as related to faith apparently because they combined it with other elements of Twelver Shī‘īsm present in Iranian religious culture. Sānāz seemed to have conflated the idea of rejecting the *wilāya* or *imāma* of the Imams with abandoning *taqlīd*. “I heard that, I don’t know, I heard that one who does not perform *taqlīd* dies as an unbeliever,” she said.<sup>36</sup> And Shahrzād combined *marja‘iyya* with *wilāyat al-faqīh* (and *wilāyat al-faqīh* with the

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<sup>35</sup> The Prophet is reported to have stated, “One who abandons prayer until the time passes without an excuse will find that her deeds have been voided” and that “abandoning prayer is what separates a servant from disbelief.” See: Majlisī, *Bihār*, v. 79, p. 202. And the Sixth Imam (Ja‘far al-Ṣādiq) is reported to have said, “One who abandons prayer is a disbeliever.” See: Al-Ḥurr al-‘Āmilī, *Wasā’il al-shī‘a*, v. 4, p. 42, hadith #4465.

<sup>36</sup> It is reported in both Sunni and Twelver Shī‘ī collections that the Prophet said, “One who dies without knowing (or “without”) the Imam of his age dies the death of one from the Age of Ignorance.” See: Ibn Bābawayh, *Kamāl al-dīn*, v. 2, p. 410, ch. 38, #9; and Aḥmad b. Ḥanbal (d. 241 AH), *Musnad al-Imām Aḥmad b. Ḥanbal* (Beirut: Al-Risāla, 1416 AH), v. 28, p. 88, hadith #16876. It is also reported that the Fifth Imam (Muḥammad al-Bāqir) said, “One who denies an Imam, and disassociates himself from God and has been disassociated from Him and His

*wilāya* of the Imams) in her assessment of the faith of non-*muqallids*. “If one doesn’t have a *marja’*, she doesn’t believe,” she declared. She then asserted, “If we’re truly Muslim and Shī‘ī we must have a *waliyy-e faqīh*. During the time of Imam ‘Alī, he was our *waliyy*, the guardian of Muslims.” These responses indicate the difficulty involved in extrapolating an understanding of *taqlīd* from Iranian society, as it develops alongside a wide range of religious themes, and not simply what is produced in legal manuals.

The ideas that *taqlīd* is part of faith and part of being a Twelver Shī‘ī Muslim indicate that it has come to function as a sort of identity for these individuals. We may categorize *taqlīd* as presented in legal manuals as a sort of insurance that relieves one of responsibility should one make a mistake in practice. But this is different from the claim that it is one of the principles of faith, or like prayer, or that it is the difference between dying as a believer or unbeliever, all responses given above. The symbolic function of *taqlīd* is even more evident in these cases when we consider that the vast majority of the *muqallids* interviewed were not able to indicate that they actively pursued or engaged with the fatwas of a particular *marja’*, the process that is at the heart of *taqlīd* in theory.

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religion, is a disbeliever and has left Islam...” See: Aḥmad b. Muḥammad b. ‘Uqda al-Kūfī (d. 332 AH), *Faḍā’il amīr al-mu’minīn* (Qom: Dalīl-e mā, 1424 AH), 151. And it is reported that the Sixth Imam said, “The Imam who must be obeyed is from among us, so one who denies him dies as a Jew or Christian.” See: Aḥmad b. Muḥammad al-Barqī (d. 274 or 280 AH), *Al-Mahāsīn* (Qom: Dār al-Kutub al-Islāmiyya, 1371 AH), v. 1, p. 92, hadith #45.

On the topic of *wilāya*, it has been narrated that the Eighth Imam said, “...one who rejects our *wilāya* is a disbeliever...” See: al-Qummī, *Tafsīr al-Qummī*, v. 2, p. 104.

Of course, it is also possible that she conflated *taqlīd* with the obligation of performing the *ḥajj* pilgrimage. It is narrated that the Sixth Imam said, “One who dies without performing the *ḥajj* (*hijjat al-islām*) - not because something harmful prevented him, or illness rendered him incapable, or an authority prohibited him - can die as a Jew or Christian.” See: al-Barqī, *Al-Mahāsīn*, v. 1, p. 88, hadith #31. And it is narrated that the Prophet said, “One who dies without performing the *ḥajj* can either die as a Jew or a Christian.” This concept is widely circulated in Iran. See: al-Ḥurr al-‘Āmilī, *Wasā’il*, v. 11, p. 32, hadith #14166.

## ***Taqlīd* as a form of identity**

The culture of *taqlīd* is well-established among Twelver Shī‘īs who attend mosques and visit shrines, even when there is not much activity in terms of legal reference to specific *marāji‘*. It is for this reason that it might be said to be a form of identity. In other words, *taqlīd* to a particular *marja‘* has become one of the requirements of faith, something believers must profess, even if they have little or no engagement with his opinions. It provides the believer with a coherent concept of the self by way of attachment to a powerful symbol (the *marja‘*) and association with a larger group (*muqallids*, or, proper Twelver Shī‘īs). In his work on identity in the Moroccan context, Gary Gregg writes that identity is not just propaganda one presents to others (as Erving Goffman demonstrated), but also internal propaganda, which functions “at times as self-justification, at times as a moral self-critique, at times as an exhortation to strive, endure, or resist temptation.”<sup>37</sup> In other words, the individual may embrace *taqlīd* because she wants to convince herself that she is or should be the type of Muslim whose every action is aligned with the opinion of a qualified jurist.

Projecting this image of being a proper *muqallid* to others or oneself carries greater symbolic value than simply that of one who strictly observes what is lawful or unlawful (*ḥalāl* and *ḥarām*). Rather, when *taqlīd* is associated with belief or salvation as demonstrated above, it can be said to function as a part of one’s worldview, or, in this case, one of the elements of being a proper Twelver Shī‘ī. Borrowing from the identity theory of Erik Erikson, Gregg writes that identity is not just the images or qualities one attributes to oneself, but also a “global value system that requires construction of a world enlivened with personal relevance.”<sup>38</sup> Gregg writes that Erikson successfully demonstrated that identity tends to be structured as a system of

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<sup>37</sup> Gary S. Gregg, *Culture and Identity in a Muslim Society* (New York: Oxford University Press, 2007), 24.

<sup>38</sup> Gregg, 23.

generally positive self-representations, “Me,” set in opposition to generally negative self-representations, “not-Me.”<sup>39</sup> In the present case, the *muqallid* - a proper Twelver Shī‘ī - is set in opposition to the non-*muqallid* - a lackadaisical Twelver-Shī‘ī.

I related the idea of *taqlīd* as identity, as opposed to active legal reference, to Zayn Ḥasanī, the aforementioned teacher of Islamic law in London, and he expressed that he had reached a similar conclusion:

I agree that most people aren’t practicing or acting according to the *marja*’s rulings. They’re doing what they think they know or how they were taught in their local schools. That’s the Islam that they’re practicing. But the label that they have is that they’re followers of so-and-so, and so I agree with that idea it’s more about *taqlīd* itself and believing you have the responsibility of actually following those laws [rather than the active engagement with and the actual obedience of those laws]... You’re following the *marja* ‘*yya* rather than the person. Slowly because you develop an identity, you follow a *marja*’. They become part of your identity.

What Zayn seems to be saying at the end of this excerpt is that, a *muqallid* follows the idea of a *marja*’, and not the *marja*’. Over time, though, this association with the *marja*’ becomes part of one’s identity, even if it is only insofar as placing the label of being the *muqallid* of a particular *marja*’ on oneself. Amina Inloes, an American researcher at the Islamic College of London, framed this identity as follows:

There isn’t much difference in the *marja*’ one selects. But nonetheless it gives one a means of self expression, and also, in a lot of areas, belonging. Look at London, [where there is a] Shīrāzī<sup>40</sup> club. It’s very much a strong dynamic of belonging. “You’re with us or against us.” And it makes you feel good. People want that. And they get it in a lot of different ways.

In other words, Amina sees the selection of a particular *marja*’ as largely inconsequential. However, attachment to a particular *marja*’ allows one to distinguish oneself from others. Of course, her particular example does not seem to fit with what I found in my fieldwork. In other words, the *muqallids* I interviewed did not express a sentiment of being on the team of one

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<sup>39</sup> Gregg, 24 and 294-95.

<sup>40</sup> Referring to the *muqallids* of the aforementioned Muḥammad Ḥusayn Shīrāzī and his brother, Ṣādiq Shīrāzī.

*marja'*. Rather, their identities were formed by way of becoming a *muqallid* to a qualified *marja'*, and not specifically to the “right” *marja'*.

The *marja'*, then, comes to function as a symbol of piety, or, a symbol of strict adherence to Twelver Shī'ī law. This was something that both Amina and Hossein al-Qazwini mentioned in my discussions with them. After saying, “it’s all about what you symbolize,” Amina stated that real authority in Twelver Shī'ī communities cannot be reduced to *marja' iyya*. She said:

Sometimes the local small scholars have, in practice, more authority because they’re there with the people, people know them and they say things to them that are actually [relevant]. Or, you know, people who run educational institutions. If you want to talk about women in authority, that’s another issue. But we wield authority differently. I mean, I can do it in the name of a *marja'*, but usually it’s going to be different because I don’t have the symbolism.

Amina then mentioned as an example the famous poet and eulogy reciter Basim Karbalaei (b. 1966), since he “has a tremendous amount of authority, perhaps even more than the *marāji'*.” Thus the *marja'* acts as a figurehead, but does not necessarily shape practice or action more than other religious leaders.

The symbolic significance of *taqlīd* was manifest in a number of my interviews. For instance, Muḥsin declared, “Islam must have a *standard*, a leader that is a *marja' taqlīd*, such that if I run into a problem in religion, I can follow him... [The *marja'* is] the source of our being Shī'a.” He attributes the very faith of believers to the *marja'*, even though, clearly, there is minimal interaction between a *marja'* and his *muqallids*, even those who actively pursue his opinions. Sānāz, meanwhile, presented *taqlīd* as an inevitable part of being a Twelver Shī'ī, saying:

The fact that I have a *marja'* is like a birth certificate, like saying I was born in Iran, something beyond my control. I think having a *marja'* is because of the same thing. I thought it was something imposed upon me, that I had to choose one, because I heard that, I don’t know, I heard that one who does not perform *taqlīd* dies as an unbeliever...

I asked who imposed *taqlīd* upon her. She replied, “my religion.” As mentioned earlier, Sānāz does not feel she is obligated to follow the *marja*’s opinions. But she does feel that her religion, as she would later clarify, imposed *taqlīd* upon her, and by that she means that she “had to choose one,” which strongly supports the idea that her *taqlīd* is largely a symbolic gesture. One must select a *marja*’ nominally, even if one does not strictly adhere to his fatwas. Furthermore, this indicates that *taqlīd* gives her a coherent identity, one without which she might feel she is not a Twelver Shī‘ī Muslim. And she was not alone. As mentioned above, a number of *muqallids* questioned the faith of non-*muqallids*. Also A‘zam articulated that *taqlīd* is part of Twelver Shī‘ism. And as mentioned earlier, Abū’l-Faḍl declared “... what [the *marāji*] say is Islam and religion.” Lastly, Zībā, Karīm, Muṣṭafā, and A‘zam articulated the view that *taqlīd* is part of the *sharī‘a*, or, what God legislated.

While *taqlīd* provides a sort of identity for *muqallids*, it may be difficult to say that it provides a form of *social* identity unless we consider *taqlīd* to be to the *marāji*’ as a whole, and not to specific scholars. This is because, as Peter Burke and Jan Stets write, there is generally a uniformity of perception and action among people who take on a group-based identity.<sup>41</sup> And if each were to follow the opinions of her *marja*’ – which is the entire point of selecting one *marja*’, or, ideally, following the most knowledgeable – then their actions would not be the same. Thus, it can be said that the actions of these individuals are shaped by the interpretation of Islam produced by the *hawza* (or the *marāji*’ specifically), which is to be found in religious gatherings and at home. Following this form of *hawza* Islam might be called *taqlīd*. The motivation for this

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<sup>41</sup> Peter J. Burke and Jan E. Stets, *Identity Theory* (New York: Oxford University Press, 2009), 118-19

kind of identity, based on the theory of Stets and Burke, would be that it provides self-esteem<sup>42</sup> and a feeling of authenticity in action.<sup>43</sup>

Even then, though, there is a problem, in that regarding *taqlīd* as a form of social identity assumes much about the practice of these individuals. It is unclear to what extent they adhere to the ordinances of the *ḥawza* or the *marājiʿ* as a whole, and it is even clear that some, such as Sānāz, Ruqayya, and Mahsā, depart from such ordinances when it contradicts their own reasoning. It could also be that some believe even nominally accepting one as a *marjaʿ* provides a form of authenticity to their actions. In this way, *taqlīd* could be compared to *wilāya* or *imāma*, as mentioned earlier, in that it can be perceived as a condition for faith, even when just nominally professed. This is similar to what Sānāz mentioned about dying as an unbeliever for not performing *taqlīd*.

Because the degree to which the practice of *muqallids* is in accordance with the opinions of the *marājiʿ* (or *ḥawza*) collectively is also unknown, it may be more appropriate to frame *taqlīd* in terms of identity theory, and not social identity theory. In other words, it is one's role, and not one's placement in a group, that provides the basis of this identity. This would not require coordinated action among group members, but would still provide self-efficacy as a result of performing a role well, according to Burke and Stets.<sup>44</sup> It is then necessary to investigate that role. Individuals who do not actively engage with fatwas do still acknowledge the legitimacy of a *ḥawza* Islam and reject non-*ḥawza* approaches, even if their actions are dissimilar. This is evidenced by the fact that *muqallids* generally expressed they could not

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<sup>42</sup> Burke and Stets, 121.

<sup>43</sup> Burke and Stets, 125.

<sup>44</sup> Burke and Stets, 160-61.

perform *taqlīd* to one not trained in the *hawza*, like a college professor who specializes in Islamic law - a hypothetical scenario I presented in each interview. Women who openly disagreed with the opinions of the *marāji'*, like Sānāz and Şiddīqa, still would not accept alternative forms of authority. This indicates that, at least on certain matters, *muqallids* prefer the opinion of the *marāji'* to other opinions. The degree to which one feels that *taqlīd* binds the individual to the opinions of the *marāji'* defines that role for that particular person. In other words, *taqlīd* may mean different things to different people. Some may feel that they are free to disregard certain fatwas. Some may feel they do not need to pursue the differences among the *marāji'*. And some may religiously pursue opinions from their specific *marāji'*. Each feels that she is performing *taqlīd*, and thus fulfilling her role as a proper Twelver Shī'ī.

My fieldwork provided a number of reasons why it may be more appropriate to consider *taqlīd*'s role in shaping identity than to attempt to define the charismatic or legal authority of the *marāji'*. 1. Only a minority of *muqallids* interviewed demonstrated that they actively engaged with the fatwas of their *marāji'* by reading their legal manuals or referring to their offices. 2. Some openly challenged the legal authority of the *marāji'*, stating that they disregarded their fatwas when they found them to be unreasonable. 3. *Muqallids* did not consider to be problematic the *taqlīd* of those who selected *marāji'* different from the ones they selected, and stated that there are no real differences between the *marāji'*, as their opinions are nearly identical. 4. Many gained their knowledge of Islamic law from other elements present in Iranian religious culture, including their parents, communities, scholars, and local religious leaders. 5. Some of those who did not actively engage with the legal opinions of their *marāji'* still saw *taqlīd* as a requirement for faith. The observations above were manifest in the cases of Majīd, Ḥasan, and Yāsir, which will be examined below.

Majīd gave no indication that he actively engages with the fatwas of a *marja'*, whether through legal manuals or consultation of his office. He performs *taqlīd* to a *marja'*, Muḥammad Riḍā Gulpāygānī (d. 1993), who had been deceased for over twenty-four years at the time of our interview and was without official representation or offices. Instead, former *muqallids* of Gulpāygānī are encouraged to refer to the office of his son-in-law, Luṭfullāh Ṣāfī Gulpāygānī (b. 1919). This is something Majīd would have known had he been actively pursuing fatwas. When asked how he finds the legal opinions of his particular *marja'*, Majīd responded, “It’s in their ordinances, their books, that kind of stuff.” I then asked what he does when he cannot find an answer in the legal manuals. He responded:

I mean, there’s really no other way to... it’s possible that I might ask others. For instance, I went to [the shrine of] Imāmzādeh Hāshim, and I asked a scholar a question. I asked, “What is the proof for this act of putting your foot above your knee when wiping the feet during *wuḍū'*?” He told me the leg moves the least above the knee, making it the best area to place the foot. So if one doesn’t know something or has forgotten it, one can ask prominent personalities or scholars.

Not only does he explicitly mention “prominent personalities or scholars” as his first source of legal reference, but the issue he presented is not one addressed in legal manuals, but rather a practical approach to performing *wuḍū'*. Similarly, when explaining that he cannot fast in the month of Ramadan because of a stroke he suffered, Majīd told me that “they say” that he does not have to pay *kaffāra*, or, the expiation for breaking one’s fast, indicating, again, that he refers to multiple sources but does not pursue any sort of official opinion of his *marja'*. When asked why he performs *taqlīd*, Majīd said it is required for certain religious issues. However, the examples he gave concerning the distance required to become a traveler or the amount of time one must remain to not act as a traveler, are essentially the same among the *marāji'*. “Of course, some say that because your wife is from here, [it is as if] you have a [second residence] in Ahar, [thus] your fasting is valid,” he said. “But the person I performed *taqlīd* to says it’s not correct,

so I pray broken,”<sup>45</sup> he continued. As mentioned earlier, the residence of the wife is not something addressed by the *marāji‘*, indicating that the “some” are not other *marāji‘*, but probably friends, family, or perhaps local scholars. And finally, Majīd demonstrated that he favors his own reasoning over the legal opinions he receives. When asked about the scope of *taqlīd*, Majīd shared an example in which he referred to a *shaykh* for the purpose of calculating his *khums* before performing the *hajj* or *‘umra*.<sup>46</sup> He then disagreed with the decision of the *shaykh* and decided to spend his *khums* on an impoverished person he knew.

While Majīd may not feel he must actively pursue the opinions of his *marja‘*, he was critical of non-*muqallids* and had an idealized view of the *marja‘*. “It’s a mistake,” Majīd said of abandoning *taqlīd*. He then declared, “You have to accept some things from God. It’s something in religion they must know... They’ve cast God’s commands to the side, trampled something God commanded. When you’re not a *muqallid*, you might, suppose, not pray either.” As mentioned earlier, the abandonment of prayer can be perceived as an indication of the loss of faith as well. Thus he has a negative image of non-*muqallids*, while he maintains that one is free to select the *marja‘* one likes. In other words, it is important that one be a *muqallid*, regardless who one’s *marja‘* might be. Meanwhile, Majīd gave the following description of the *marja‘*:

In terms of outward appearance, a *marja‘* is radiant, he has a pure face (*sifid rū*), very good behavior, and he speaks with a smile on his face. His interactions with others are good. He is radiant. This is very clear. If one drinks alcohol, you can tell from his appearance. [A person’s] appearance completely shows what kind of person he is and what he is not... Normally a *marja‘*, well, he more wears clean, pure, white clothing. If there is a stain on his clothing, it is quickly recognizable. He changes [stained clothing immediately]. They more wear white. They don’t wear different colors.

He also stated that the *marja‘* has a closer relationship to the Twelfth Imam as a result of his piety and knowledge. When one considers the fact that Majīd, who does not really perform *taqlīd*

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<sup>45</sup> As mentioned above, in Twelver Shī‘ī law, one prays “full” (*tamām*) when not traveling, meaning four prayer-cycles (*rak‘as*) for the noon (*zuhr*), afternoon (‘*aṣr*) and night (‘*ishā*’) prayers, and “broken” (*qaṣr*) when traveling, meaning two prayer-cycles for the aforementioned prayers.

<sup>46</sup> As mentioned earlier, he simply said “Mecca,” which in Persian can refer to either the greater or lesser pilgrimage.

as outlined in legal manuals, believes that non-*muqallids* have a lowly spiritual status and that the *marja'* represents some sort of religious ideal, it is fair to say that *taqlīd* functions as a form of identity for him, and the *marja'* functions as a symbol as opposed to an actual legal or spiritual authority.

Ḥasan's *taqlīd* appeared to be nominal and a reflection of his respect for his *marja'* more than any sort of legal reference. He performs *taqlīd* to Ayatollah Burūjirdī, who passed away fifty-seven years before our interview, and has long been succeeded by his students and other *marāji'*, and, like Gulpāyḡānī, no longer has official representation. Ḥasan could not provide any indication that he actually refers to his *marja'*. When I asked him about the matters in which he performs *taqlīd* he responded:

For instance, the government now says, "Give us your gold." Did you hear this, or no? Āqā Nawbat, the speaker for the government, says, "The government doesn't have anything, so come give us your gold and your dollars." I go over there and say, "I don't have any, but if I did, is it correct for me to do this, give my wife's gold, my own gold, my own dollars, go give them to the government? Huh?"

It is not clear what he means by "over there" or who he asked, but he certainly did not ask his *marja'* or one of his representatives. Furthermore, Ḥasan expressed a sort of intellectual independence from his *marja'*'s legal manual, explaining that, "You take those things you need to take... And of course you refer to your intellect to see what the times say. [You ask yourself], this opinion of his, is it appropriate for your time?" Ḥasan also stated he would resolve things on his own if he found a fatwa to be irrational.

While Ḥasan may not perform *taqlīd* as it is articulated in legal manuals, he was similarly critical of non-*muqallids* and held an idealized view of his *marja'*. He referred to them as stubborn and "neither here nor there," or lost. Meanwhile, with regard to knowledge, he viewed his *marja'* as a source in "[e]verything, everything," but then revealed that he learns *akhlāq* (proper character traits) from society and pursues doctrine on his own. In terms of spirituality,

Ḥasan maintains that a *marja'* must have both piety and love, and “consider all his *muqallids* to be like family.” “When I go to see him, he has to behave in such a way that he attracts me,” he mentioned. Ḥasan stated that a *marja'* becomes a role model and the *marja'* one selects must be “better than all others.” He found this to be the case with Ayatollah Burūjirdī, who Ḥasan said appeared to have “four lamps around him” when he walked. Lastly, Ḥasan views the *marja'* as a sort of protector of Muslims, one who must prevent the appearance of laws that are not in accordance with *sharī'a*, enforce justice, and “provide services.” In selecting a *marja'*, he said, one should ask: “What has he done [to improve] the conditions of today, for his *muqallids*... What kind of acts has he prevented them from doing?” Ḥasan views the *marja'* as a grand figure with radiant appearance who watches over the community, but does not necessarily have to be called upon for practical everyday issues (as evidenced by his lack of active legal reference). In this way, like Majīd, *taqlīd* for Ḥasan is largely symbolic and a part of his identity as a Twelver Shī'ī.

Yāsir expressed strong independence of thought in his *taqlīd*, questioned the requirement of *taqlīd* in general and did not demonstrate that he actively pursues fatwas at all. And yet, he was similarly critical of non-*muqallids*. He performs *taqlīd* to Khomeini, who passed away twenty-nine years before our interview, but is still followed by way of permission from Khamenei (something Yāsir did not mention doing). At the beginning of our interview, I asked whether he performs *taqlīd*, and Yāsir responded, “*Taqlīd* in everything, no. But when I think I can't understand something or I don't know what the issue is, yes, I perform *taqlīd*.” He later said, “Some issues you can understand yourself...” He then explained that modern technology has made it such that fatwas about duties while traveling must be updated. I asked him how he resolves matters when he finds the fatwa of his *marja'* unreasonable, and he answered, “I both

consult people and based on the visions (*shuhūdī*) that I perceive, my own interpretation. I feel because traveling was difficult during those times [the fatwas should be changed]. God isn't strict, you know.”

Yāsir was not able to produce any concrete examples of performing *taqlīd*. When I asked for a specific example of legal reference, he responded, “I... the last time... I, by way of that representative who, there's one in, what do you call it, our administration. I asked him.” Later in the interview, when Yāsir was explaining how he performs *taqlīd* in raising children, he attempted to give an example, but instead raised questions about how he performs *taqlīd*. The interaction was as follows:

“Have you gotten an answer from the *marja'* for questions related to raising children?” I asked.

“I asked the question that I had, yeah. And, like, for a child, for instance, in the old days, incidentally this issue came up for me some days ago, in the old days, for raising children, they even used physical discipline. But it isn't effective in today's society,” he remarked.

“So you asked [the *marja'*]?”

“No, myself, for the question that came up for me in relation to my child, incidentally, the kids,<sup>47</sup> they said that, uh, it's no longer necessary to admonish or say... Children have to arrive at...”

“So you asked the *marja'*?”

“Now, no, this issue recently came up for me and I want to ask. I want to, as they say, refer to a *marja'* and ask.”

The fact that he initially claims he asked the *marja'* his question before revising his statement at the end, along with the fact that he could not provide a single example of legal reference, suggests Yāsir does not refer to his *marja'* very often, if at all. Furthermore, when I asked him if

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<sup>47</sup> In colloquial Persian *bachche-hā* (“kids”) can be a reference to a person or group of people with whom one is close, like friends, co-workers, etc. It might be translated to English as “the guys.”

he refers to their offices, he replied, “It’s now possible to call, and they have books,” apparently avoiding the answer.

Like Majīd and Ḥasan, though, Yāsir was critical of non-*muqallids* and even the questioning of a *marja*’s reasoning. These suggest that his *taqlīd* is largely symbolic. “Either their faith is weak, or they don’t believe, or they consider themselves the *a’lam* (most learned jurist) and don’t need a *marja*’,” Yāsir said of non-*muqallids*. Also like Majīd and Ḥasan, he did not perceive a problem in performing *taqlīd* to different *marāji*’. “Each person is free and can refer to anyone she likes,” he declared. Again, what is significant is being a *muqallid*, and not necessarily how one performs *taqlīd*. And while Yāsir said that he ignores the *marja*’s fatwa and does not shorten his prayer while traveling but rather follows his “own intellect” and interpretation, he said *muqallids* should not ask the reasoning behind a fatwa. “If one doesn’t ask it’s better,” he said. “Because [the *muqallid*] has faith in [the *marja*] for him to be able to perform *taqlīd* to him and ask him,” he continued. Yāsir thus demonstrates the difference between *taqlīd* in action and faith in the *marja*’. The latter is apparently more significant to him, which reflects the symbolic significance of the *marja*’. As mentioned earlier, Yāsir was the only interviewee to mention that the *marja*’ is the deputy of the Twelfth Imam unprompted. He also said that the *marja*’ has a closer relationship to the Twelfth Imam than do rank and file believers as a result of his piety and knowledge. And he explained how a *marja*’ can compensate for being at a lower station of knowledge than the Prophet and the Imams by direct contact with the Twelfth Imam, saying, “In some issues, by way of the Imam of the Age, that issue, he does, what’s it called, like, discover it, get to the level of... that issue, ask it of him, from the Imam of the Age, establish a relationship with him.” In short, Yāsir trusts his own reasoning on certain matters more than that of his *marja*’ even though he believes that a *marja*’ has direct access to

the Infallible Imam. He highly values being a *muqallid* in theory, but is not nearly as stringent about adhering to a *marja'*'s actual opinions in practice.

These three examples support the idea that *taqlid* can be representative of one's dedication to what is perceived to be orthodoxy as opposed to a practical solution to confronting religious problems; from the perspective of some *muqallids*, it is an essential part of one's identity as a Twelver Shī'ī, even when legal reference to one's specific *marja'* is not a significant part of one's life. Majīd, Ḥasan, and Yāsir all perform *taqlid* to *marāji'* who passed away decades ago, and none of them coherently articulated how they obtain fatwas, nor were they able to give actual examples of legal reference. Furthermore, they all expressed a sort of intellectual independence from the fatwas of the *marāji'* and arguably only refer to the *marāji'* when they feel it is appropriate, meaning that they do not treat it as an absolute religious duty in all cases of doubt. And yet, despite their apparent lack of actual *taqlid* (as outlined in legal manuals), they were critical of non-*muqallids*, and considered the *marāji'* to be superior in terms of piety. *Taqlid*, then, has come to function in Iranian society as a requirement for the pious, or, as Sajjād said, the “twentieth part” of faith that exists alongside belief in God, the Prophet, the Imams, and Resurrection.<sup>48</sup>

### The *marāji'*'s presence in Iranian society

Categorizing the *marāji'* as legal authorities or religious leaders in society is a complicated task. While it is true that their opinions impact the nature of religious practice in Iran, it is largely through a culture that these scholars – and the *hawza* in general – produce

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<sup>48</sup> As mentioned in the section of this chapter entitled “The perceived status of one who does not perform *taqlid*,” Sajjād stated that religion can be thought of as consisting of twenty parts, with *taqlid* being the last part. If the other parts are not present, he reasoned, one will not accept *taqlid*. Conversely, he said, if one rejects *taqlid*, it may be revealed that the person “doesn't even accept *imāma* or prophethood.”

rather than demonstrations of authority or direct obedience. The requirement of having a *marja'* is well-established in Iranian religious culture. It is for this reason that *muqallids* often view non-*muqallids* with a certain degree of disdain; the latter abandon something that has come to be part of Twelver Shī'ī practice, which naturally produces a sort of uneasiness in the former. However, the requirement of performing *taqlīd* does not seem to necessitate that one actively refers to one's *marja'* or even accept the validity of all of his legal opinions. Instead, one can be a *muqallid* and still refer to one's own judgment or to other resources at home, school, or local religious centers. But the *marja'* remains an important figure, a representation of authenticity in action and a spiritual role model. It is in this way that he helps shape the identity of his followers.

# Conclusion

A look at the historical development of *marja'iyā* demonstrates that it is distinguished from previous forms of legal reference in Islam because of the strong attachment of followers (*muqallids*) to the jurist (*marja'*). This attachment has sometimes been categorized as allegiance. Even if we do not label it as such, we can say that *taqlīd* involves financial dedication (paying one's *khums* to the *marja'*) and absolute dedication in fatwas, meaning that one cannot refer to another jurist when one's *marja'* has provided a fatwa. However, a problem occurs when one reviews the fieldwork presented, as no such dedication to fatwas is observed in most cases. The general trend actually appears to be that most acquire their knowledge of religious law from sources other than their specific *marāji'*, even if that means by way of a trickle-down process that originates with the *marāji'* collectively as the symbolic figureheads of the *hawza*. In other words, the *marāji'* may produce fatwas, and the popular opinion will eventually become what is shared in mosques and other religious circles. A *muqallid* can then learn such popular opinions from her social environment and perceive that there is no need to find the specific view of her *marja'*. The attachment to one jurist is essentially non-existent in such cases. In fact, the attachment to one's *marja'* may even be less strong than the attachment to a local mufti in the classical period, as one would now be referring to a group of ten or so jurists (the *marāji'*) as opposed to the limited number of muftis available in one's city. Meanwhile, the degree to which there is actually financial attachment is unclear. While it is clear that a significant percentage of those who refer to the offices of the *marāji'* do so to determine whether they must pay *khums* or how much they should pay, it is not clear what percentage of *muqallids* overall actually pay their *khums*. Only five interviewees mentioned visiting the *marja'*'s office to do so, and a sixth (Majīd) paid (part of) his *khums* to a scholar not associated with his *marja'*.

If the *marja'* is not a source of legal reference for a large number of *muqallids*, the question becomes: so what, then, is his authority? Clearly the *marja'* provides a sense of relief that one is performing one's duties and is a proper Twelver Shī'ī. This is evident in the many cases presented in which not performing *taqlīd* was perceived as being anything from misguidance to a sign of weak faith. And the deeds of non-*muqallids* were considered questionable by most. Similar to *wilāya* or *imāma*, *taqlīd* can be understood as a marker of faith or one of the requirements for faith. As Gregg writes, identity allows for both propaganda and internal propaganda, such that one can form a positive representation of the self ("Me"), and distance oneself from a negative representation of the self ("not-Me"). One may not be a very active *muqallid*, but simply nominally adhering to *taqlīd* provides one with the potential of achieving spiritual perfection or, at the very least, the justification required to feel confident in one's actions.

The *marja'*, then, must bear some resemblance to the Infallible Imam, in that both are leaders who allow Twelver Shī'īs to identify with their religion. It is for this reason that the *marja'* is expected to be a sort of perfect embodiment of faith. He is expected to represent the highest levels of both knowledge and piety, as the latter is understood to follow from the former. The *marja'* is not only to act on his own fatwas but also to be ahead of *muqallids* in practice or to lead the way by his actions, which is the point of a leader (imam) in the first place. However, the lack of contact between *marja'* and *muqallid* problematizes this leadership. The *marja'* does not appear actually to lead by example, but rather, he represents a religious ideal. He has symbolic authority, which can be compared to the charisma of distant leaders, in that it does not generally impact day-to-day life as much as the authority of local (close) leaders. The shaping of practice or spiritual guidance associated with the *marāji'* might better be attributed to family members,

local scholars, and others who contribute to religious culture. This is in accordance with Shamir's finding that the emulation of leader traits and behavior patterns was more often associated with close leaders than with distant leaders.

The *marāji'* thus engage in symbolic gestures and provide idealized visions even if they do not directly affect practice. As demonstrated in the fieldwork presented above, there is much of Islamic practice that is not learned by referring to the legal manual of one's *marja'* or by calling his office. Rather, those are essentially last resorts when one runs into a problem, even for the most dedicated *muqallids* interviewed. And yet the *marāji'* are credited with shaping practice and even *akhlāq* (proper character traits), which supports the idea that they carry great symbolic value. Of course, their symbolic authority can be manifested in the form of practice in certain moments of particular significance, when the very existence of Twelver Shī'ism is threatened. This is how, as Amina Inloes indicated, the obedience to Sistani in Iraq should be understood. Similar is the case of Mīrzā Ḥasan Shīrāzī. This is why it is difficult yet important to separate the dedication to Khamenei and Khomeini from the dedication to *marja'iyya* in general. These two leaders are perceived to be guardians of Islam, and thus, as demonstrated above, obedience to them is often intended as obedience to the *waliyy-e faqīh*, and not the *marja'*. In other words, if the *marja'* is a symbol of Twelver Shī'ism, his authority is most likely to be implemented in situations in which the identity of Twelver Shī'ism is at stake.

The symbolic authority of the *marāji'* is also manifested in the ideals they represent. For instance, interviewees expected the *marāji'* to be modern and aware of society. But even when they found them not to be as such, *muqallids* maintained that these jurists were still *marāji'*. The *marāji'* were described as being radiant (*nūrānī*) or as wearing pure or white clothing, which appear to be more religious tropes than anything grounded in actual observation. Some

considered the *marāji* ' to be like the elders of a family or a comforting doctor. This is despite the fact that there does not appear to be much interaction between most *muqallids* and their *marāji* '. Meanwhile, the more visible a *marja* ' is, the more likely he is to be accepted by society as a *marja* ', again indicating that what a *marja* ' represents is perhaps of more value than his actual legal rulings. This was observed in the support Khamenei and Khomeini received as well as their perceived spiritual stations.

The *marāji* ' were perceived to represent ideals that *muqallids* consider valuable, suggesting that they fit a prototype previously known to *muqallids*, which is in accordance with Shamir's findings about distant charismatic leaders. This is also in accordance with what Meindl *et al.* write regarding leaders in large organizations, and with what Meindl writes about the images followers construct of leaders as having more influence than leaders. Meindl writes that followers are drawn to leaders because they embody the socially-constructed goals to which they are committed. At times it was shown that *muqallids* attempt to force the *marja* ' into a prototype (being modern, aware of society, or concerned with women's rights) even when it clearly does not fit. The *marāji* ' are then fulfillments of a prototype (or at least perceived to be so), perhaps what can be called the '*ālim rabbānī*' prototype, or scholar who embodies tradition and piety, with the definitions of "tradition" and "piety" left to *muqallids*. Thus the spiritual authority of the *marāji* ' may be more of an indication of the societies in which they live than of their particular traits. This is supported by Weber's idea that "charismatic rulership" is the result of the particular social context of followers, and by Csordas' research concerning the Christian Charismatic Renewal. Thus *muqallids*' construction of the spiritual authority of the *marāji* ' arguably reveals much about their own values and culture and little about the role of the *marāji* ' in society and religion.

The *marāji* have legal and financial authority over their *muqallids* to the extent that those followers view them to be the exclusive source of authority on a matter. For those with more legalistic understandings of *taqlīd*, a *marja* must decide any legal matter, and *khums* must be paid to him every year. For a larger group of people, the *marja* is a source of reference in rare cases that are not obvious from the religious culture one gathers as a believer. And for yet others, the *marja* is a symbol, and his opinions only carry weight when one agrees with them. For all of these *muqallids*, though, the *marja* is a necessity. He provides reassurance that one's deeds are performed properly, even when he is not consulted. And he represents, by his actions, the ideal embodiment of Islam. The *marja*'s distance from his followers is central to understanding his authority, as it is what limits his impact on everyday practice and ethics but also provides him with a larger-than-life personality.

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