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Sabrina Mervin

▶ **To cite this version:**

Sabrina Mervin. Writing the History of Religious Authority in Najaf: The Marja'iyya as Apparatus. Sabrina Mervin, Robert Gleave, Géraldine Chatelard Najaf: Portrait of a Holy City, Garnet and Ithaca Press, Unesco Publishing, pp.163-187, 2017, 978-0863725760, 0863725767. halshs-01859219

HAL Id: halshs-01859219
https://shs.hal.science/halshs-01859219

Submitted on 23 Aug 2018

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Sabrina Mervin, "Writing the History of Religious Authority in Najaf: The *Marja'iyya* as Apparatus", Sabrina Mervin, Robert Gleave et Géraldine Chatelard (eds.), *Najaf: Portrait of a Holy City,* Garnet and Ithaca Press, Unesco Publishing, 2017, pp. 163-187.

Writing the History of Religious Authority in Najaf: The *Marja'iyya* as Apparatus

The *marja'iyya* is the expression of religious authority in *usuli* Shi'ism that is familiar to us today, and it consists of an individual – the *marja' al-taqlid* – at the top of a hierarchy together with an associated network and set of institutions. The use of this word in Najaf, and in the circles that recognise the authority of the leading clerics of the city, can refer to Ali al-Sistani and the group of four leading *marja'* to which he belongs: Ishaq Fayyad, Muhammad Sa'id al-Hakim and Bachir al-Najafi. (Some would also add Muhammad Ya'qubi to this list.)[1] In using this term, actors today are describing the *contemporary* character of the *marja'iyya*.

For observers of Shi'ism today, the character of the *marja'iyya* goes (almost) without saying; therefore numerous works deal with it,[2] and the words *marja'* and *marja'iyya* have become common, at least when used in the media. However, the use of these words within an academic framework presents a variety of problems, beginning with their translation. As a result, they are, for the most part, simply transliterated from the Arabic.[3] Moreover, the terms *marja'* and *marja'iyya* are not part of the technical vocabulary or categories used in Islamic law (unlike *faqih* or *mujtahid*) and discussed by the *'ulama*. The latter did not produce discussions of them before the attempts to reform and modernise the institution that took place in Iran after the death of Grand Ayatollah Hossein Borujerdi in 1961.[4] These attempts were later continued by Muhammad Baqir al-Sadr in Najaf and Muhammad Hussein

1
When talking of the *marja'iyya*, residents of Najaf use the word to refer to one of the four leading *marja'* or to all four at the same time. Muhammad al-Ya'qubi is accepted as a possible fifth *marja'*. There are also other 'junior' *marja'* in the city, such as Muhammad al-Ta'i, as well as those one might call '*marja'* in waiting', sometimes called 'second-tier' (*tabaqa thaniyya) marja',* such as 'Ali Sabzawari or Muhammad Baqir al-Irawani, leading clerics who attract a great many students to their *kharij* classes at the *hawza.*

2
See, for example, Linda Walbridge (ed.), *The Most Learned of the Shi'a. The Institution of the Marja' Taqlid* (Oxford, Oxford University Press, 2001), and Mehdi, Khalaji, 'The Last *marja'*: Sistani and the End of the Traditional Religious Authority in Shi'ism' (*Policy Focus* 59, Washington Institute for Near East Policy, September 2006).

3
The expression *marja' al-taqlid* is often translated as 'source of emulation,' ; I prefer 'reference to follow' instead.

4
Such thinking was explored in a collective work to which *'ulama* like Murtaza Mutahhari and laymen like Mehdi Bazargan contributed (*Marja'iyyat va ruhaniyyat*, Tehran, no publisher, 1341/1962). A translation of the article by Motahhari, 'The Fundamental Problem of the Clerical Establishment', introduced by Hamid Algar, has been published in Walbridge, Linda (ed.), *The Most Learned of the Shi'a. The Institution of the Marja' Taqlid* (Oxford, Oxford University Press, 2001), pp. 161-82.

Fadlallah in Lebanon. Later, Muhammad Sa'id al-Hakim and Muhammad Baqir al-Hakim published works on their own conceptions of the *marja'iyya.*[5]

Furthermore, the word *marja'iyya* is sometimes used in an anachronistic fashion by historians, yet it refers to a *recent* institution, which did not exist in the past in the way that it does today. The noun *marja'* is originally an ancient word, and was not only employed in Shi'i Islam, but also by Sunni writers; it was even used in Saudi Arabia until the early 1950s, when it was replaced by the word *mufti*. (It is worth asking why the term was simultaneously abandoned by the Saudis and adopted in a more systematic way in Shi'i circles. Perhaps this was not a case of simple coincidence: it can be argued that each of these groups – Sunni and Shi'i – wanted to differentiate itself from the other by adopting its own vocabulary.)[6]

Thus the term *marja'* was not ordinarily employed before the 1950s in the sense that it is today. At the beginning of the nineteenth century, it was used as one of the honorific titles given to leading *'ulama* as a way of indicating their rank. Abbas Amanat reports that Fath Ali Shah called Mirza Abu al-Qasim al-Qummi (d. 1815–16) the 'refuge (*marji')* of the East and the West,' the *mujtahid* of the age,' the most learned (*'allama*) of the time, and the 'source of emulation of the people' (*muqtada al-anam*).[7] According to Amanat, the titles *marja'* and *muqtada al-anam* were intended to emphasize al-Qummi's importance: he lived in Qum, and the use of these titles would have undermined the authority of the *mujtahid* who lived in the holy places in Iraq.[8]

Turning to a correspondence between Indian *'ulama* in Lucknow and *'ulama* in Najaf that took place a little later, one cannot fail to be struck by the emphasis placed on titles as forms of mutual compliment, even if this was standard practice among scholars at the time. Thus, Sayyid Muhammad 'Abbas al-Shushtari (d. 1888), who acted as secretary to Sayyid Hussein Nasirabadi in his written exchanges with the *mujtahid* of Iraq, wrote a number of letters to Muhammad Hasan al-Najafi (d. 1850). In one of them, among the various laudatory expressions and polite phrases that the author uses to address al-Najafi, one finds *wahid*

5
Muhammad Sa'id al-Hakim, *al-Marji'iyya al-diniyya wa qadaya ukhra* (Beirut, mu'assasat al-murshid, 2001); Muhammad Baqir al-Hakim, *Mawsu'at al-hawza al-'ilmiyya wa al-marji'iyya*, Vol. 2, 'al-marji'iyya al-diniyya' (al-Najaf, mu'assasat turath al-shahid al-Hakim, 2005). More detailed definitions of the *marja'iyya* can also be found, among them that given by 'Ali al-Gharawi in his commentary on *al-'Urwa al-Wuthqa* in 1413/1992, and cited by Haydar Nizar al-sayyid Salman ('Atiyya) in *al-Marji'iyya al-diniyya fi al-Najaf al-ashraf wa mawaqifuha al-siyasiyya fi al-'Iraq (1958-1968)* (Beirut, dar ihya' al-turath al-'arabi, 2010), p. 18.

6
Nabil Mouline, *Les clercs de l'islam. Autorité religieuse et pouvoir politique en Arabie Saoudite*, *XVIIIe-XXIe siècles* (Paris, PUF, 2011), pp. 175-9.

7
The word *iqtida'* was equivalent to *taqlid*. Shah Tahsmap had already given the title of *muqtada al-anam* to 'Ali al-Karaki. See Said Amir Arjomand, 'Two Decrees of Shah Tahsmap Concerning Statecraft and the Authority of Shaykh 'Ali al-Karaki,' in S.A. Arjomand (ed.), *Authority and Political Culture in Shi'ism* (Albany, State University of New York Press, 1988), p. 253.

8
Abbas Amanat, 'In Between the Madrasa and the Marketplace: The Designation of Clerical Leadership in Modern Shi'ism', in *Apocalyptic Islam and Iranian Shi'ism* (London, I.B. Tauris, 2009), pp. 156-7. It should be noted that the author writes *muqtadi al-anam* and not *muqtada al-anam*, as has also been done here.

'asrihi wa farid dahrihi ('the uniqueness of the scholar and his science'); *mujtahid al-anam*, which indicates al-Najafi's status and his role among believers; and *marja' al-khass wa al-'amm*, which relates to the fact that the latter all refer to him.[9]

The term was later used more precisely to refer to the source of authority as far as religious rulings were concerned. This can be seen in two other examples. In March 1909, the journal *al-'Irfan* in Saida (now in Lebanon) published *fatwas* that authorised the fight against Muhammad Ali Shah, the sixth king of Persia's ruling Qajar dynasty. These *fatwa*s legitimised his removal from power on the basis that he had infringed upon the sacredness of religious law (*hurmat al-shari'a*). The text introducing the *fatwas* explained that they had been issued by four of the greatest Shi'i *'ulama* 'to whom one refers [*wa ilayhim al-marja'*] on religious matters in every country' [*fi al-umur al-diniyya fi kull al-amsar*]', and that they had the same status as those of the *shaykh al-islam* (chief religious authority) of the Ottoman Empire himself.[10] In this example, the word *marja'* is not used to designate the holders of authority themselves, but instead indicates the authority they represent. The commentator draws a parallel with the *shaykh al-islam* in order to indicate the status of the *fatwas* to his readers.

The second example comes from 1935, when Muhammad Hussein Kashif al-Ghita' wrote in an autobiographical account that after the death of his brother Ahmad in 1926, he had become one of the references (*marja')* in relation to rulings and *fatwas* (*fi al-taqlid wa al-fatwa*).[11] Used here, the term designates the holder of authority and gives his area of competence as being the rules of Islamic law. However, it does not refer to the institution that legitimated that exercise and the use of that authority, as it does today. As a result, up until the 1950s, the term was used simply to designate the scholar that should be referred to, even if the latter was more usually called *faqih* or *mujtahid*.

Throughout the history of Shi'ism, religious leadership has been described in different terms and been given different names, including *ra'is dini, ra'is al-mujtahidin*, *mujtahid al-'asr* or, later, *za'im al-hawza.* These terms appear over and over again in the biographical and bibliographical dictionaries of scholars (*tabaqat*), sometimes following each other and showing that the titles are not interchangeable but instead refer to distinct roles or functions. The oldest of the titles, *ra'is dini*,[12] was first used within the study of *hadith* in Sunni and

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9
Al-Shushtari al-Jaza'iri, Muhammad 'Abbas, *Zill mamdud*, p. 22. On the correspondence on the famous Oudh Bequest, see Juan Cole, 'Indian Money and the Shi'ite Shrine Cities', in Cole, Juan (ed.), *Sacred Space and Holy War. The Politics, Culture and History of Shi'ite Islam* (London & New York, I.B. Tauris, 2002), pp. 78-98.

10
These *fatwas* are well-known, as are their authors (Mohammad Kazem Khorasani, Isma'il al-Sadr, 'Abdallah Mazandarani and Muhammad Taqi al-Shirazi). *Al-'Irfan*, Vol. I, N°5, March 1909, pp. 240-1. The journal was published in Saida, today in Lebanon.

11
Muhammad Husayn Al Kashif al-Ghita', *al-'Abaqat al-'anbariyya fi al-tabaqat al-ja'fariyya* (no publisher, 1998), p. 12.

12
It should also be noted that al-'Allama al-Hilli (d. 1325) described the imamat as a *riyasa*. See ''Allama al-Hilli on the Imamate and Ijtihad', a translation of al-Hilli's text by John Cooper, in S. A. Arjomand, *Authority and Political Culture*, p. 240.

Shi'i Islam, and was later extended to jurisprudence (*fiqh*). Until the twentieth century, in order to indicate that a leading cleric was responsible for directing religious affairs, the authors of such dictionaries used the phrase *intahat ilayhi al-ri'asa al-diniyya*, which literally means that the 'religious headship' belonged to the cleric in question – with the implication that it 'ended' with or culminated in him. While the phrase no longer meant that this cleric was the last of his generation able to transmit a *hadith*, or that he was the last in a chain of transmitters,[13] it did retain the idea of culmination, and of transmission that could take place after the deaths of the previous leaders. Moreover, it was possible for a hierarchy to extend from this 'head' (*ra'is*), including a group of scholars. This is indicated in the expression *ra'is al-mujtahidin*, which one finds used, for example, in the title of the biographical account that Hibat al-Din al-Shahrastani wrote of his master Ayatollah Mohammad Kazem Khorasani (d. 1911) after the latter's death.[14]

This idea of hierarchy is also suggested by the expression *mujtahid al-'asr*, as this phrase implies that the one thus named is the best of his time. It seems that the word *za'im* ('leader'), was introduced later as a synonym for *ra'is*, becoming widespread as the twentieth century wore on – as in the expressions *za'im dini* ('religious leader') or *za'im al-hawza* ('head of the *hawza*'). Thus when Iraqi intellectuals pleaded for the reform of the *hawza* with the most senior *mujtahid* in Najaf in the 1930s, they addressed newspaper articles to 'the most senior religious leader [*za'im dini*] Sayyid Abu al-Hasan [al-Isfahani]' and 'the most senior reformist leader [*za'im muslih*] Imam [Muhammad Hussein] Kashif al-Ghita''.[15] Thirty years or so later, Shaykh Muhammad Hadi al-Amini described Akhund Khorasani as having been first of all a religious leader (*za'im dini*) and then an *usuli* jurist (*faqih*) and conscientious scholar (*mutatabbi'*) in the account he wrote about him. He included Khorasani among the greatest teachers of the school (*jami'a*) of Najaf, and wrote that the leadership of the *hawza* 'belonged to him in every place' (*intahat ilayhi za'amat al-hawza fi kulli makan*).

This brief sketch should prevent the anachronism generated by simply 'sticking' a recent word onto an older institution and using a word linked to a contemporary institution to describe the *marja'iyya* of al-Tusi, for example, or that of Shaykh al-Mufid or al-Kulayni. Even so, those authors who write within the framework of religious history do precisely this, using the word to indicate the continuity of a religious tradition and of religious authority

13
See the detailed explanation given by Roy Mottahedeh in *Loyalty and Leadership in an Early Islamic Society* (Princeton, Princeton University Press, 1990, pp. 144ff.), as well as that of Devin Stewart in 'Islamic Juridical Hierarchies and the Office of marji' al-taqlid,' in Clarke, Linda (ed.), *Shi'ite Heritage. Essays on Classical and Modern Traditions* (Binghamton & New York, Global Publications, 2001), pp. 150-1.

14
Chahrastani, Hibat al-Din, Ayat Allah al-Khurasani, akbar 'ulama' al-din wa ra'is al-mujtahidin,' *Majallat al-'ilm* (1910-1912), Vol. 2, Maktabat al-rawda al-haydariyya, silsilat sahafat al-Najafal-achraf (Najaf, January 1912), p. 338.

15
These are the titles of two articles that appeared in the journal *al-Hâatif* in 1937: n° 63 and n° 64 for 12 and 19 February 1937. Cited by Yitzhak Nakash, *The Shi'is of Irak*, (Princeton, Princeton University Press, 1994), p. 265.

since the occultation of the Twelfth Imam that is underlined by the term *marja'iyya.*[16] There are lists of *marja'* organised in this way.[17] However, more academic authors as well as those wishing to write a more objective and critical form of history have tried to avoid the trap of anachronism by being careful not to speak about *marja'iyya* as such before the nineteenth century. Others have also used the established lists of *marja'*, while at the same time adding various comments to them.[18]

Three observations can be made here. First, there is no universally accepted standard list of *marja'*, but there are many lists of greater or shorter length that signal different views regarding the single or plural nature of the religious authority. Some authors include scholars whose authority only extended across their local areas, while others only include scholars working in the major centres, who succeeded each other in the history of Shi'ism.

Second, in the words of Devin Stewart, while the lists of *marja'* beginning in the tenth century are anachronistic, they 'contain a modicum of truth'.[19] Such scholars did indeed exercise a form of religious authority, supreme or not, according to the principles and methods that are, to an extent, still to be found in the exercise of the *marja'iyya* today.

Lastly, one should emphasise the difficulty of identifying the date on which the *marja'iyya* was founded as an institution. While a foundational narrative regarding the establishment of the *hawza* exists – namely, the migration (*hijra*) of Shaykh al-Tusi to Najaf along the lines of the prophetic model (this narrative having been widely discussed by historians)[20] – this is not the case for the *marja'iyya.* The latter is the outcome of doctrinal developments linked to changing political circumstances and to other developments of varied character. In order to write the history of the institution, it is therefore necessary to refer to the history of the religious functions exercised by the clerics; to examine the history of the relations between the clerics and the powers that be; to investigate the history of the title of *marja'* more carefully; and to look at the history of the concepts used by the *'ulama* from the

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16
See, for example, Shaykh Muhammad Ibrahim al-Jannati, 'Tasalsul al-marji'iyya mundhu al-ghayba al-kubra ila al-an', in *Ara' fi al-marji'iyya al-shi'iyya li-majmu'a min al-bahithin (*Beirut*,* dar al-rawda, 1994), pp. 503ff.

17
There are many such lists, and more and more of them are available online. See http://en.wikipedia.org/wiki/List_of_deceased_Maraj

18
Calmard, Jean, 'Marḏjaʿ-i Taḳlid', *EI²*, VI, 1991, pp. 548-56 ; Abdul-Jabar, Faleh, 'The Genesis and Development of *Marja'ism* versus the State', in F. Abdul-Jabar, ed., *Ayatollahs, Sufis and Ideologues: State, Religion and Social Movements in Iraq*, London, 2002, pp. 76-9; Fischer, Michael M. J., *Iran From Religious Dispute to Revolution,* Cambridge and London, Harvard University Press, 1980, pp. 252-4; Hairi, Hairi, Abdul-Hadi, *Shi'ism and Constitutionalism in Iran. A study in the Role Played by the Persian Residents of Iraq in Iranian Politics*, E.J. Brill, Leiden, 1977, pp. 63-4.

19
Stewart, Devin, 'Islamic Juridical Hierarchies and the Office of marji' al-taqlid', in Clarke, L. (ed.), *Shi'ite Heritage. Essays on Classical and Modern Traditions* (Binghamton & New York, Global Publications, 2001), p. 149.

20
See particularly the article by Sajad Jiyad in the present volume.

time of the occultation up until the present day, in order to take over the prerogatives of the Imam and issue rulings in his name. These concepts include those of *wikala, ijtihad,* and *niyaba*, among others. Careful work has been done to take such factors into account,[21] and an examination of this shows the complexity of the development.

Yet, many historians agree that the origins of the *marja'iyya* in its modern form lie in the nineteenth century, owing to the scientific revival (*nahda 'ilmiyya*) that took place after the victory of the *usuli* current over the *akhbari* one, and particularly as a result of developments in legal method – of the science of *usul al-fiqh*. In the view of these historians, this movement – taken together with the progress then underway in transport and communication (e.g. the development of the telegraph) – encouraged the centralisation of religious authority in Najaf and the formation and institutionalisation of the *marja'iyya.*[22] The same process then continued throughout the twentieth century, making the *marja'iyya* a financially independent and transnational institution, above the state and able to exert its authority across the Shi'i world. The *marja'iyya*, considered as a religious authority, became the 'guardian' [*hafiza*] of Islam', defending the rights and protecting the interests of Muslims and setting up religious schools and so on. It thus came to exercise the leadership of the *umma.*[23]

As a result of such developments, the *marja'iyya* today does not have a simple religious function that limits itself to *ifta'*, or the act of issuing a *fatwa*, but is instead a complex institution that brings together many separate functions along with religious leadership (*riyasa diniyya*). It is also a flexible institution, and one that is susceptible to interpretation: each *marja'* sees it in his own way, bringing his own contribution to it, as if adding another stone to an edifice that is forever under construction – in progress and open to new possibilities. The Shi'i religious authority might thus be approached in the spirit of Weber, with the expertise of its religious specialists (the *'ulama* and particularly the jurists) being described by tracing processes of bureaucratisation, routinisation and modernisation. This approach has indeed been a very fertile one,[24] but does not capture all the aspects of the institution. Moreover, in focusing on processes of institutionalisation (even if incomplete), it

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See the work by Amir Arjomand, particularly 'The Office of Mulla-Bashi in Shi'ite Iran', *Studia Islamica,* N° 57 (1983), pp. 135-46; Devin, Stewart, 'Islamic Juridical Hierarchies…', *op. cit.;* Kazemi Moussavi, Ahmad, *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, *passim*.

22
Cole, Juan, 'Imami Jurisprudence and the Role of the 'ulama: Mortaza Ansari on Emulating the Supreme Exemplar', in Nikki Keddie (ed.), *Religion and Politics in Iran. Shi'ism from Quietism to Revolution,* New Haven & London, Yale University Press, 1983, pp. 33-46. Kazemi Moussavi, Ahmad, *Religious Authority in Shi'ite Islam…, op. cit.*

23
'Atiyya al-sayyid Salman, Haydar Nizar, *al-Marja'iyya al-diniyya fi al-Najafal-ashraf wa mawaqifuha al-siyasiyya fi al-'Iraq (1958-1968)* (Beirut, dar ihya' al-turath al-'arabi, 2010, p. 18). Muhammad Bahr al-'Ulum, *Afaq hadariyya li-l-nazariyya al-siyasiyya fi al-islam*, dar al-zahra' (Beirut, 2003), p. 98.

24
See the work of Said Amir Arjomand, particularly the edited volume *Authority and Political Culture in Shi'ism* (Albany, State University of New York Press, 1988).

has tended to conceal the permanently 'organised disorder'[25] (*fawda munazzama*) that reigns in the institutions of the *marja'iyya* and the *hawza*. Far from being just a minor feature of these institutions, it is this 'organised disorder' that gives them their overall character and guarantees their survival by making them difficult to grasp as a whole and thus difficult to control. As a result, the process of institutionalisation has been neither linear nor necessarily linked to modernity as such.

Moreover, while the *marja'iyya* has produced a hierarchy among the clerics, this is a hierarchy that has remained 'floating' and always subject to negotiation – all the more so as it is a plural one. Even if one confines oneself to recent history, it is clear that there has rarely been a consensus around a single *marja'iyya*. All these considerations should lead to the conclusion that if one is to understand the *marja'iyya* fully, then other tools need to be found.

The Apparatus of Religious Authority

The *marja'iyya* is a process that brings together an ensemble of actors, in the sense in which the words are used by the sociologist Norbert Elias.[26] That means it has usages and ways of doing things, norms and rules, and other elements of varied character. It is for this reason that it can be seen in terms of what Michel Foucault called an 'apparatus' or 'device' (*dispositif*), a concept he developed throughout his work. Foucault defined an apparatus as the 'network' of different elements that make up a 'thoroughly heterogeneous ensemble consisting of discursive elements, institutions, architectural arrangements, regulatory decisions, laws, administrative measures, scientific statements, and philosophical, moral and philanthropic propositions – in short, the said as well as the unsaid'.[27] An 'apparatus', conceived in this way, is a historically specific formation that arises from an ensemble of heterogeneous elements. It is formed at first in order to serve 'a dominant strategic function' and often to 'respond to an emergency or urgent situation'.[28] It is then maintained beyond the initial strategic impulse by the reorganisation of its various elements and a continuous process of 'strategic adjustment, which means that it is used to deal with the effects that it has itself produced'.[29]

25
The expression is used in the clerical milieu itself.

26
Norbert Elias, *What is Sociology?* (New York, Columbia University Press, 1978), chapter three.

27
Michel Foucault, *Dits et écrits*, Volume II (Paris, Gallimard, 1994), p. 299.

28
Idem.

29
Jean-Samuel Beuscart and Ashveen Peerbaye, 'Histoires de dispositifs,' *Terrains et travaux*, N°11, 2006/2, p. 4. For a clear presentation of the concept of a system, see Giorgio Agamben, *Qu'est-ce qu'un dispositif?*, translated from the Italian by Martin Rueff, (Paris, Rivages poche, 2007).

In the case of the *marja'iyya*, the apparatus in question answers the need to produce a form of religious authority that makes up for the absence of the Imam. It is periodically revised in order to meet changing circumstances even as the absence of the Imam and the expectation of his return persists. The apparatus allows for the production of religious knowledge to be linked to the power relations that underpin the exercise of religious authority, while at the same time foregrounding the role played by networks made up of many different elements. Each of these elements, whether actor or institution, has its own life and its own individual history, and these have an impact to a greater or lesser extent on the network as a whole. For this reason, it is useful to identify the elements in play in the apparatus, even in a provisional and incomplete way, and to examine the history of each of them. (Indeed, this is the overall aim of this chapter – although, given the size of the task thus sketched out, it cannot do more than offer a way of understanding how the apparatus operates, or a first step in that direction.)

Without citing to the letter the elements of such an apparatus, as given by Foucault, one can nevertheless use the concept to identify the various elements that contribute to the operation of the Shi'i religious authority and form the *marja'iyya*. Some of these elements have influenced the dynamics of the apparatus even though they are located at the margins of it. One such element is the political context, as each time that the Shi'is have had privileged access to power – under the Buyids, under the Safavids particularly, and then under the Qajars – the *'ulama* have used this to reorganise and reinforce the exercise of their authority.

However, the analysis should not only be limited to political matters. Social, environmental and technological contexts should also be looked at, as has been mentioned above. External religious actors should also be taken into account, given their influence on the apparatus, as the interactions and controversies that led the *usuli 'ulama* to confront competing religious currents – whether these were closer (Sunnism, Akhbarism, Shaykhism, Babism, and so on) or further away (Christianity and Judaism) – and helped them to establish their authority. In fact, these interactions were an opportunity for the *'ulama* to define the scope of their doctrines more precisely, in order to impose them on the faithful as the orthodoxy to which the latter had a duty to conform, with or without the assistance of a state.

Defining these doctrines, as much for those within the faith as outside it, allowed the *'ulama* to set limits around the community for which they acted as spokesmen. At the heart of the system lay the religious rules and norms and the usages that ruled the lives of the faithful. These rules also determined their relationship to the religious authority along with the access of the experts, the *'ulama*, to that authority. Some of these usages became norms in due course.

Usages

The authority of the *'ulama* is based on the practice of believers referring to a scholar for guidance – a principle that is not specific only to Shi'ism or to Islam. When the *'ulama* explain the workings of the *marja'iyya* today, they often compare it to the way things are done in other fields, such as medicine, where experts are also referred to. As a result, believers are envisaged as choosing their *marja'* in the same way that patients choose their doctors. The practice of appealing to a scholar to guide the Muslims of a given region is an ancient one; in the past, a local prince or notable would take charge of it. The *'ulama* simply sacralised this

practice by basing it on a text (*tawqi'*) by the Twelfth Imam during the Lesser Occultation that says, 'as for day-to-day events, refer to the transmitter of our *hadith* [*al-hawadith al-waqi'a*]'.[30]

In the absence of a suitable scholar, or in cases where it was impossible for him to be present in person, the practice of referring religious questions to books developed. The famous collection of *hadiths*, *Man La Yahduruhu al-Faqih* (*The One Who Does not Benefit from the Presence of the Jurist*) by Ibn Babuya (d. 991 CE) was put together to meet this need. In the introduction, the author explains how the collection came about. In Ilaq, near Balkh, in what is now northern Afghanistan, he wrote that he had met Sharif al-Din Abu 'Abdullah Ni'ma. The *sharif* had talked to him about a book by Muhammad al-Razi (d. 925 CE) titled *Man La Yahduruhu al-Tabib* (*The One Who Does not Benefit from the Presence of the Doctor*). Sharif al-Din asked him to write a book on jurisprudence (*fiqh*), the licit and the illicit, and laws and rulings (*al-shara'i' wa al-ahkam*), bringing together everything that he had compiled in these areas. The book was to be titled *Man La Yahduruhu al-Faqih*, and the idea was that he could refer to it (*li-yakun ilayhi marji'uhu*). In writing the book, Ibn Babuya did not include the chains of transmission of the *hadiths* in order, he wrote, to reduce its length and increase its benefits.[31] He also added commentaries on the *hadiths* that he had included and extracted rules from in order to instruct readers on the path they should follow.[32] However, the work is still difficult to use for non-scholars wanting to know the legal rules.

Another example of the practice of referring to books is the famous *al-Lum'a al-Dimashqiyya* by the 'first martyr' (*al-shahid al-awwal*), Muhammad ibn Makki al-'Amili (d. 1385). The Sarbadar Sultan 'Ali bin Mu'ayyad (d. 1392) had summoned the scholar to meet him in Khorasan, but he had declined to come or had not been able to travel to Sabzavar, the Khorasani capital.[33] As a result, it is said that in seven days he wrote a summary of the rules of Imami Shi'ism, and this was sent to the sultan.

This use of books became systematic with the development of Islamic law, particularly in its *usuli* version – so much so that these books have now become what are today called *risala 'amaliyya*, or 'practical treatises' of *fiqh* that a jurist produces for his followers to refer to in their everyday lives.

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Quoted by Muhammad Ali Taskhiri, 'Supreme Authority (marja'iyya) in Shi'ism,' in Clarke, Linda (ed.), *Shi'ite Heritage,* p. 1620.

31
Ibn Babuya (al-shaykh al-Saduq), *Man la yahduruhu al-faqih* tahqiq 'Ali Akbar al-Ghifari, 3rd ed., Manchurat Jama'at al-mudarrisin fi al-hawza al-'ilmiyya (Qum, 1392/1972, [ishia n°1149], pp. 2-3).

32
See the account given by Robert Gleave in 'Between Hadith and Fiqh: The 'Canonical' Imami Collections of Akhbar,' *Islamic Law and Society*, Vol. 8, n°3, 2001, pp. 350-82.

33
Accounts differ on this point. Said Amir Arjomand, *The Shadow of God and the Hidden Imam. Religion, Society, Political Order, and Societal Change in Shi'ite Iran from the Beginning to 1890,* (Chicago & London, University of Chicago Press, 1984), pp. 70-1. Heinz Halm, *Shi'ism*, (Edinburgh, New Edinburgh Islamic Survey, 2004). For further details, see Muhsin al-Amin, *A'yan al-shi'a*, (Beirut, dar al-ta'aruf, vol. 10, 1986), p. 60.

Norms and Concepts

Religious authority depends on doctrines, norms and concepts of *fiqh* that have their own histories and fields of application. Only the principles will be reviewed here, without lingering over the stages of their development. The doctrine of the Occultation (*ghayba*) of the Imam is central, as it leads to the impossibility of believers referring directly to the legitimate sacred authority. In order to make up for the Imam's absence, various *hadiths* established the authority of the *'ulama*, and concepts were developed in order that they could exercise it. Above all, the *ijtihad/taqlid* gave rise to a link between the jurist who could practise *ijtihad* if he met the conditions necessary to do so, and the believer (*mukallaf*) who was not licensed to practise it and was obliged to follow the jurist's rulings (*ahkam*) and conform to his opinions (*fatwas*). As a result, a *faqih* became a *mujtahid*,[34] and the seeker of a *fatwa* (*mustafti*) found himself given the status of a *muqallid* (follower) of the rulings of the *mujtahid.*[35]

From here the question arises of when *taqlid* became obligatory. Shaykh Baha' al-Din al-'Amili (d. 1621) clearly says that it is obligatory in his *Jami'-i 'Abbasi*, writing that 'in the context of the occultation of the Imam, the jurist (*faqih*) who meets all the conditions should give legal rulings (*hukm kardan*), and it is obligatory (*wajib*) for men to refer to his legal decisions.'[36] Later, in the works of Wahid Bihbahani (d. 1791), the supremacy of the *usuli* current over the *akhbari* led to the reinforcement of this obligation and thus of the relationship that attaches the *muqallid* to the person of the *mujtahid* and not just to his opinions.[37] However, owing to a lack of sources, it is difficult to know what the practices of believers in different Shi'i areas really were at this time, particularly in rural areas far from the religious centres. Even if one focuses on the theory alone, there is still one question on which jurists disagree: namely, that relating to the possibility of following the opinions of a dead *mujtahid* (*taqlid al-mayyit*).[38] The various forms of *taqlid* give rise to widely differing views,[39] as well as to differences over the scope of its application, notably in political matters.[40]

34
''Allama al-Hilli on the Imamate and Ijtihad,' translation of the text by al-Hilli (d. 1325) by John Cooper in S. A. Arjomand, *Authority and Political Culture,* pp. 243-6.

35
John Cooper, introduction to the text by Muqaddas al-Ardabili (d. 1585) on *taqlid*, in S. A. Arjomand, *Authority and Political Culture*, p. 263) and the text by 'al-Ardabili himself (pp. 263-6).

36
Baha' al-Din al-'Amili, *Jami'-i 'abbasi,* Mu'assasat intisharat farahani, (Tehran, p. 348). Contemporary jurists add that it is reason (*'aql*) that dictates this obligation. See the commentary by ayatullah Muhammad Rida Gulpayegani on the treatise by Abu al-Hasan aI-Isfahani, for example, *Wasilat al-najat*, Vol. 1 (Beirut, Dar al-Mujtaba, 1992), p. 11.

37
Robert Gleave, *Inevitable Doubt: Two Theories of Shi'i Jurisprudence* (Leiden, Brill, 2000), p. 244.

38
For details on the question of *taqlid*, see Linda Clarke, 'The Shi'i Construction of Taqlid,' *Journal of Islamic Studies*, Vol. 12, N°1, 2001, pp. 40-64.

39

Which *mujtahid* should one follow, and what should determine one's choice? Here again, such problems became the subjects of debate. One rule of usage – to follow the scholar who was considered to be the most learned – gave rise to a concept, *a'lamiyya*, that made explicit the qualities necessary for a *mujtahid*.

The concept of *a'lamiyya* was not only dealt with by Imami Shi'i Islam. To a lesser extent, Sunni scholars also dealt with it from the tenth century onwards; they, too, advocated the continuous attachment of a believer to a jurist.[41] As with the other concepts underpinning the *marja'iyya*, it resulted from discussion, debate and continual development. As early as the eleventh century, al-Sharif al-Murtada stated that the believer should consult the most learned jurist and the one who was 'the most pious and observant' (*awra' wa adyan*).[42] A large number of *'ulama* subsequently supported this opinion, as was mentioned by Muhammad al-Tabataba'i, called 'Mujahid' (d. 1827), in his work of *usul* that contains a list of authors who supported the obligation to follow the most learned jurist. This list goes from al-Muhaqqiq al-Hilli (d. 1277) to Muhammad al-Tabataba'i's own father and grandfather ('Ali al-Tabataba'i [d. 1815–16] and Wahid al-Bihbahani, respectively). It includes al-'Allama al-Hilli, the two martyrs, 'Ali al-Karaki (who argued for a consensus [*ijma'*] regarding *a'lamiyya*) and Hasan al-'Amili (d. 1552) and Baha' al-Din al-'Amili (d. 1621). Al-Tabataba'i also added certain Sunni scholars to the list, among them Ibn Hanbal, before he himself also defended the same point of view.[43] The *marja'* Ibrahim al-Jannati later updated the list by adding Ja'far Kashif al-Ghita', Muhammad Ibrahim al-Kalbasi (d. 1845) and Murtada al-Ansari (d. 1864), along with others who came after the latter and up to the present day.[44]

A sense of this can be gained from Muhammad Ali Taskhiri, 'Combining Legal Rulings,' in Linda Clarke (ed.), *Shi'ite Heritage,* pp. 233-42.

40
This question has given rise to more or less radical disagreements among the *'ulama*. For an idea of the contemporary debate, see Robert Gleave, 'Conceptions of Authority in Iraqi Shi'ism. Baqir al-Hakim, Ha'iri and Sistani on Ijtihad, Taqlid and Marja'iyya,' *Theory, Culture and Society*, Vol. 24, N°2, 2007, pp. 70-5.

41
Devin Stewart, 'Islamic Juridical Hierarchies and the Office of marji' al-taqlid,' in Clarke, L. (ed.), *Shi'ite Heritage*, pp. 142-9.

42
Ibid., p. 141.

43
See al-Tabataba'i al-Karbala'i, Muhammad b. 'Ali, called 'Mujahid,' *Mafatih al-usul*, (Qum, Mu'assat ahl al-bayt, http://lib.eshia.ir/13109, p. 626). It should be noted that some *'ulama* use the term *afdal* rather than *a'lam*, but the basic idea remains the same.

44
Shaykh Muhammad Ibrahim al-Jannati, 'al-Masar al-tarikhi li-utruhat luzum taqlid al-a'lam,' in *Ara' fi al-marji'iyya al-shi'iyya* (Beirut, dar al-rawda, 1994), pp. 91-2. See also 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), pp. 179-82.

Muhammad Hasan al-Najafi was less categorical regarding the necessity of *a'lamiyya*, as he considered it permissible to 'present [as an authority] the less learned scholar [*mafdul*] despite the presence of the scholar [*fadil*], without distinguishing them by their knowledge'. However, he also added that the layman (*'ammi*), not having the capacity to think for himself on such questions, should refer to the most learned scholar (*afdal*) and follow his directives (*qawl*) in practice (*'amal*).[45] Murtada al-Ansari is often considered the first to make the underpinnings of the *taqlid al-a'lam* explicit. These were later systematised by his successors holding the religious authority.[46] The debate over *a'lamiyya* was later reopened, particularly after the death of Ayatollah Borujerdi in 1961 and in the 1990s, when some clerics and intellectuals demanded greater pluralism in the *marja'iyya.*[47]

The clerics also raised the question of what the phrase 'most learned' means. The meaning of the word *'ilm*, or knowledge, had itself changed over the history of legal doctrine, and it could vary according to the context. As a result, al-Mujahid asked himself whether the *a'lam* was the one who had best learned by heart the questions (of *fiqh*) to be dealt with, or the one best able to extract them (*istikhraj*), or the one best able to decide (*tarjih*) in cases where things were confused (*ishkal*). When he did not find an answer to these questions in the texts, he wrote: 'In order to identify [the *a'lam*] one should refer to usage, as the person that usage considers to be the most learned should be referred to if it is considered to be obligatory to follow the most learned.'[48] Murtada al-Ansari also put forward answers to the question posed by Mujahid and other *'ulama* of the period. For him, the most learned was 'the one who has the surest faculty [*malaka*] and the firmest [capacity of] deduction in line with the established rules'. In other words, he argued, the most learned was the one who excelled in understanding the *akhbar* [of the *imams*] and the different sorts of contradiction, as well as in identifying linguistic principles and practices and other aspects of *ijtihad.*[49] Moreover, he was

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Muhammad Hasan al-Najafi*, Jawahir al-kalam fi sharh Shara'i' al-islam* (11th ed., Tehran, Dar al-kutub al-islamiyya, 1385/1965), vol. 21, p. 402.

46
Cole, Juan, 'Imami Jurisprudence and the Role of the 'ulama: Mortaza Ansari on Emulating the Supreme Exemplar,' in Nikki Keddie (ed.), *Religion and Politics in Iran. Shi'ism from Quietism to Revolution* (New Haven & London, Yale University Press, 1983), pp. 33-46. 'Ali Akbar Dhakiri, 'al-Marji'iyya wa shurut al-a'lamiyya,' in *Ara' fi al-marji'iyya al-shi'iyya,* p. 198.

47
This was the objective of the collective work *Ara' fi al-marji'iyya al-shi'iyya,* quoted above, which intended to relaunch the debate by showing that it was not necessary to follow the *a'lam*. It was published during the emergence of the *marji'iyya* of Muhammad Husayn Fadlallah of Lebanon (b 1935/ d. 2010) which above all claimed to be in line with developments in the wider society.

48
Al-Tabataba'i al-Karbala'i, Muhammad b. 'Ali, called 'Mujahid,' *Mafatih al-usul,* p. 632.

49
Murtada al-Ansari, *Matarih al-anzar*, *taqrirat* by Abu al-Qasim Nuri Kalantari (Mu'assasat ahl al-bayt, 1404/1983-4), p. 307. Reprint of a lithograph available at http://lib.ahlolbait.com/parvan/resource/39443/

'the most expert [*ustadtar*] in the extraction of God's law and in understanding from signs [*adilla*]'.[50]

The successors of al-Ansari – in other words, the leading teachers in the *hawza* who exercised authority – continued to define the competences of the most learned scholar within a strictly legal framework.[51] Other criteria were introduced more recently, when the debate was extended to take in a larger public, and these considerations included the jurist's knowledge of other sciences, speed in exercising *ijtihad*, age, status as *sayyid*, relationship to modernity, political awareness and so on.[52] Lastly, other qualities besides *'ilm* were required in order to check the strict obedience of the *mujtahid* to the law and indicate the degree of his obedience. These qualities were demanded of jurists, notably because they were able to collect religious taxes. Their definition has not varied much since they were first introduced: moral probity (*'adala*) and piety (*wara'*, *taqwa*).

Such concepts contribute to strengthening the bond that unites the believer with the *mujtahid*. Without belabouring the point, it is also worth noting that Shi'i clerics have developed a concept that links the *mujtahid* to the Imam – the ultimate authority – and, in this way, establishes their legitimacy. This is the concept of *niyaba* (deputyship or vice-regency), under which the *mujtahid*, as the deputy (*na'ib*) of the Imam, may rule in his name and claim some of his prerogatives.[53]

Forms of Writing

The connection between the oral and the written in the transmission of knowledge in Islam is well-known, and is expressed in the verb *qara'a*. The word itself means both to read and to recite, and to study when the verb is followed by *'ala*.[54] This knowledge, produced and transmitted by the clerics, is dealt with in various forms of writing dealing with the different Islamic religious sciences. Among them is law (*fiqh*), which is of particular interest here, as it

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Murtada Ansari, *Sirat al-najah: risala-'i 'amaliyya-i shaykh-i a'zam Ansari*, tahqiq-i Muhammad Husayn Fallahzadah (Qum, Kungrih-i Jahani-i Buzurgdasht-i Davistumin Salgard-i Tavallud-i shaykh-i a'zam Ansari, 1373/1994), p. 31.

51According to Ayatollah Taskhiri, 'Supreme Authority (marji'iyyah) in Shi'ism', p. 166, note 18, it was the disciples of Murtada Ansari who finally established the concept.

52
Muhammad Ibrahim al-Jannati, 'al-Masar al-tarikhi', pp. 92-3.

53
This question has been much studied. See in particular, Said Amir Arjomand, *The Shadow of God,* pp. 141-4 and 224-9.

54
Makdisi, George, *The Rise of Colleges: Institutions of Learning in Islam and the West*, (Edinburgh, Edinburgh University Press, 1981), pp. 141-3 and 242-3. These issues have also been examined in contemporary contexts: see, for example, Dale Eickelman, 'The Art of Memory: Islamic Education and Its Social Reproduction', *Comparative Studies in Society and History*, Vol. 20, N° 4 (Oct. 1978), pp. 485-516; Brinkley Messick, 'Genealogies of Reading and the Scholarly Cultures of Islam,' in S. C. Humphreys (ed.), *Cultures of Scholarship* (Ann Arbor, University of Michigan Press, 1997), pp. 387-412.

is the basis of the clerics' authority. These different forms of writing include treatises (*risala*), commentaries (*sharh*), collections of *fatwas*, marginal annotations (*hashiyya* or *ta'liq*), licences (*ijaza*), and notes made in classes (*taqrirat*),[55] to which should be added the biographical and bibliographical dictionaries (*tabaqat*) that contribute to the legitimation of scholars. All these help constitute the tradition in its written form, keeping it up to date through links in the authenticating chain.

First, there are the treatises of *fiqh* and *usul al-fiqh* together with their commentaries, of which the main examples, produced in Najaf following the *nahda 'ilmiyya*, are cited here. They include *Jawahir al-Kalam* by Muhammad Hasan al-Najafi, the commentary on *Shara'i' al-Islam* by al-Muhaqqiq al-Hilli,[56] *al-Makasib* by Murtada al-Ansari on commercial transactions, the same author's work on *usul*, titled *Fara'id al-Usul*, and *Kifayat al-Usul* by Muhammad Kazim Khorasani. These works are still standard references for Najaf jurists, who continue to teach from them today. To these treatises, which are addressed to *ulama*, should be added works intended to instruct and guide believers in the rules they should follow in order to conform to religious law, as mentioned earlier. These latter treatises were composed in various ways,[57] but were later brought together and standardised in format when their distribution was aided by modern communication methods. It was at this time, too, that they were labelled *risala 'amaliyya* ('practical treatises'). Many works of this kind have served as models for treatises produced today, among them the famous *al-'Urwa al-Wuthqa* by Muhammad Kazim al-Yazdi (d. 1919), which has been reissued in many editions with commentaries by leading *'ulama.*[58] However, the history of this standardisation has yet to be written; as a result, though the treatises of some of the *mujtahid* who exercised the religious leadership (*riyasa diniyya*) are still known today in clerical circles, others are not.

It is striking to notice, for example, that the treatise by Muhammad Hasan al-Najafi, *Najat al-'Ibad fi Yawm al-Ma'ad* (published in 1846 in Tehran), was considered to be a standard reference until the appearance of al-Yazdi's *al-'Urwa.*[59] It was commented upon by Murtada al-Ansari, Hasan al-Shirazi, Muhammad Taqi al-Yazdi and Isma'il al-Sadr, all of

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On *taqrirat*, see Agha Buzurg al-Tihrani, *al-Dhari'a*, Vol. 4, pp. 366-7. The habit of recording *taqrirat* in written form seems to have been developed after Mahdi Bahr al-'Ulum, some of whose courses were transcribed by his pupil Jawad al-'Amili. See the introduction by Fadil Bahr al-'Ulum to Muhammad Mahdi Bahr al-'Ulum, *Ijazat al-hadith* (Markaz turath al-sayyid Bahr al-'Ulum, 2010), p. 59 and Muhsin al-Amin, *A'yan al-shi'a*, Vol. 10, p. 159.

56
On this work, see the article by Robert Gleave, *infra*.

57
See 'Abbas Miri, 'al-Marji'iyya wa al-rasa'il al-'amaliyya,' *Ara' fi al-marji'iyya al-shi'iyya*, pp. 477-501. The article deals with treatises up to Mahdi Bahr al-'Ulum (d. 1797).

58
Today's practical treatises generally begin with a chapter on the obligation of *taqlid* before moving to the classical divisions of *fiqh* according to a predefined order.

59
Meir Litvak, *Shi'i Scholars of Nineteenth-Century Iraq,* p. 92. Devin Stewart, 'Islamic Juridical Hierarchies', pp. 154-5.

whom gave their opinions to make clear or to refute those of al-Najafi. This practice allowed believers to continue to refer to a living *mujtahid* even after his death.[60] Al-Ansari also recommended the book to his followers (*muqallidin*),[61] though it would be more accurate to say that he followed the principle of precaution (*ihtiyat*) in this case and, despite numerous demands, limited himself to writing notes (*hashiyya*) on the treatises of his predecessors rather than writing a new one himself.[62] He also made fewer notes on the treatise by al-Najafi than the other *mujtahids.*[63] A work later presented as a *risala 'amaliyya* by al-Ansari, titled *Sirat al-Najat*,[64] was in fact written by a certain Hajj Mullah Muhammad 'Ali Yazdi. It is a problematic work for the historian, as it consists of a set of questions dealt with orally by the scholar and not written out by him in the form of *fatwas.*[65] Moreover, the compiler of the collection is not among the scholar's known students.[66] While editions of the text did circulate,[67] they did so in the main after his death and with the notes of other *mujtahids*

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Agha Buzurg al-Tihrani, *al-Dhari'a ila tasanif al-shi'a* (Beirut, dar al-adawa', Vol. 24, 1983), pp. 59-60. The manuscript of the part of this treatise dealing with cultural practices (*ibadat)* is in the Mar'ashi Library in Qum (N°684). Other manuscripts of *Najat al-'ibad* are in the Markaz al-Amir Library in Najaf and in the Princeton University Library in the United States. A version of part of the work entitled *Hidayat al-nasikin* and including notes by Yusuf al-Sani'i can be consulted at http://saanei.org/index.php?view=03,01,09,22,0

61 Ibrahim al-Jannati, *Adwar-i fiqh va kayfiyyat-i bayan-i an* (Qum, 1374/1995). http://www.hawzah.net/Per/H/do.asp?a=HJBD.HceTM

62
Al-Ansari also wrote comments on the treatise by Ja'far Kashif al-Ghita', *Bughyat al-talib*, and on that by Muhammad Ibrahim Kalbasi, *al-Nukhba* (in Persian). Ibrahim Jannati, *ibid.,* http://www.hawzah.net/Per/H/do.asp?a=HJBE.HTM. Murtaza Ansari, *Zindigani wa shakhsiyyat-i shaykh Ansari*, (Ittihad, place of publication not given, 1380/1960), p. 132. See also Agha Buzurg al-Tihrani, *al-Dhari'a,* vol. 24, p. 90.

63
Muhammad Hasan Shirazi wrote the most notes on the manuscript in the Mar'ashi Library, followed by Isma'il al-Sadr, Muhammad Taqi Yazdi and Murtada Ansari. The author would like to thank Saeed Jazari for his kind assistance in consulting this manuscript.

64
Murtada Ansari, *Sirat al-najah: risala-'i 'amaliyya-i shaykh-i a'zam Ansari*, tahqiq-i Muhammad Husayn Fallahzadah, (Qum, Kungrih-i Jahani-i Buzurgdasht-i Dawistumin Salgard-i Tawallud-i shaykh-i a'zam Ansari, 1373/1994). See the note by al-Tihrani in *al-Dhari'a*, Vol. 15, p. 37. The original text, in Persian, was later translated into Arabic and reorganised and commented upon. There are many manuscripts of this work in the Markaz al-Amir and al-Hakim Libraries in Najaf.

65
A manuscript in the Ma'rashi Library (n°123/252) dates to 1299/1881-2. As this is a posthumous manuscript, it does not bear the stamp of the author, but instead that of Muhammad Hasan Shirazi who wrote notes on it. I have not been able to consult a manuscript dating to 1855, and thus to the lifetime of al-Ansari, in the Princeton University Library. Juan Cole uses a printed version dating to 1883 in his article 'Imami Jurisprudence and the Role of the 'ulama: Mortaza Ansari on Emulating the Supreme Exemplar,' in Nikki Keddie (ed.), *Religion and Politics in Iran. Shi'ism from Quietism to Revolution*, p. 42.

66
His name, Muhammad 'Ali Yazdi, is not mentioned in the detailed list of students given by Murtaza Ansari in *Zindigani,* pp. 168-322, and I have not been able to identify him in the dictionaries of *'ulama*.

67 Abbas Amanat has noted the existence of a dozen editions in Persian that circulated up to 1910. See 'In Between the Madrasa and the Marketplace', p. 268, note 5.

appended to them.[68] As a result, the work reflects the debates that took place among the *'ulama*, particularly regarding the methods of *taqlid*, and it prefigures the practical treatise of *fiqh* as this developed after the publication of *al-'Urwa al-Wuthqa* by al-Yazdi and *Wasilat al-Naja* by Abu al-Hasan al-Isfahani. A systematic study of the practical treatises and notes from this period until the present day would show the affinities and divergences among the *marja'*, not only on particular questions, but also as a result of the treatise each one chose as a model.

Moreover, chains of transmission also appear in the *ijazas*, or licences. It seems that the practice of according a licence to transmit (*riwaya*) or to practice *ijtihad* to a disciple, widespread in Najaf as in all other centres of Muslim learning,[69] experienced a relative decline in the nineteenth century as the number of students and *'ulama* rose and the value of the *ijaza* fell. Muhammad Hasan al-Najafi was criticised for granting too many such licences; it was even said that he had set up a 'dyeing factory' (*masbagha*) to manufacture *'ulama.* Al-Najafi also authorised others to judge (*qada'*) in his name, thereby producing a network of individuals owing their positions to him and reinforcing his authority. He gave out licences to practise *ijtihad* to his Iranian disciples, who then left Najaf for Iran, where they furthered his teachings.[70]

More generally, the various types of *ijaza* were used both to establish the credentials of the *'ulama* and appoint agents of the *marja'*. Many questions remain regarding their history and different meanings from the nineteenth century to the present day. The *ijaza* to practise *ijtihad*, for example, did not authorise a scholar to exercise *ijtihad*, but rather endorsed his capacity to do so. Today, the senior *'ulama* in Najaf give out very few *ijazas*, as modern communications technology has enabled *'ulama* to make themselves known even at long distances from Najaf, without needing an *ijaza* to testify to their competence. However, in other writings (dedications to books, *taqrirat* and letters, for example), the *marja'* give 'strong indications' (*dalalat qawiyya*) that are more meaningful than an *ijaza* for those who know how to read them.[71]

68
Muhammad Hasan Shirazi, Muhammad Kazim Yazdi, Akund Khorasani, Muhammad Taqi Shirazi, Isma'il Sadr, Muhammad Taqi Isfahani, and Husayn Khalil Tihrani. Cf. Murtada Ansari, *Sirat al-najah,* p. 17.

69
For a detailed study of an *ijaza*, see Robert Gleave, 'The ijaza from Yusuf al-Bahrani (d.1186/1772) to Muhammad Mahdi 'Bahr al-'Ulum' (d.1212/1797-8),' *Iran: Journal of the British Institute of Persian Studies*, Vol. 1994, pp. 115-23.

70
Ja'far Al Mahbuba, *Madi al-Najafwa Hadiruha*, (Beirut, dar al-adawa', Vol. 2, p. 129). Meir Litvak, *Shi'i Scholars of Nineteenth-Century Iraq,* p. 181 and pp. 66-7 and 129.

71
Interview with Jawad al-Khu'i (Najaf, 2011), who used the example of his grandfather Abu al-Qasim al-Khu'i. The latter had only given out three or four *ijaza,* but he had also rewarded some of his disciples by describing them in very meaningful terms, which directly indicated how close they were to him or how much he valued them.

Religious Taxes

The collection of religious taxes (above all the *khums,* the fifth) and the redistribution of the money thus raised by the *mujtahid* forms the economic basis of the *marja'iyya*, and lies at the root of its organisation, institutionalisation and influence in regions that are far from the religious centre of Najaf. The *mujtahid* 'purifies' the money of the believers and decides on the ways in which it should be spent, according to rules laid down by religious doctrines. In addition to the taxes, there are also donations made by benefactors, and these have played an important role throughout the history of Najaf – the Awadh bequest from India is one example.[72] This system guarantees the financial independence of the *hawza*, as the *mujtahid* is responsible for its running costs, the awarding of scholarships to students and the payment of teachers' salaries.

The history of the establishment of this system remains to be written, though there are a few theoretical works that trace the history of doctrinal disputes between jurists on this question.[73] These are useful, if insufficient, in helping one understand the development of practices over the long term. They also explain, to some extent, the relationship between the financial systems of the *imams*, referred to by the *usuli* jurists, and the systematisation of the tax-collection system. What information one can find has to be gleaned from narratives and anecdotes, as well as from written sources and observations of how things are done at the present time, in order to understand this major feature of the *marja'iyya*, which is a part of its unique character. This is particularly the case for the *marja'iyya* of Najaf, which still remains completely independent of the state.

This system is at the root of the power of the *marja'iyya* today, and enables it to create or maintain the associated institutions that propagate its doctrines and guarantee the link between the *mujtahid* and his followers (*muqallid*) and thus between centre and periphery. These institutions form a network that is itself part of the apparatus, while at the same time the latter also contains other networks made up of other groups of actors.

Networks

The *'ulama* are the main actors responsible for the institutionalisation of religious authority. Presenting a united front to the outside world, it is nevertheless characterised by a variety of internal rivalries (between ethnic groups, families, disciples of different teachers, etc.), and is markedly hierarchical and divided by doctrinal disputes. Encouraged by the state, the *'ulama*

72
See the article by Robert Riggs in the present volume on this subject and on the other sources of revenue available to the *'ulama*.

73
See particularly the work by Norman Calder, *The Structure of Authority in Imami Shi'i Jurisprudence* (unpublished PhD dissertation, SOAS, London, 1980), chap. 5, pp. 108-46, and 'Khums in Imami Jurisprudence from the 10th to the 16th Century A.D.,' (*BSOAS*, N°45, 1982), pp. 39-47. See also 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), pp. 218-26, and Isma'il Isma'ili, 'Usus al-tasarruf bi-l-huquq al-shar'iyya,' in *Ara*, pp. 521-59.

was formally structured under the Persian (and fellow Shi'i) Safavids and Qajars, giving individual *'ulama* positions and official functions. However, with the (re)foundation of a religious authority that was independent of the state in Najaf during the nineteenth century, there developed a hierarchy that can appear to be informal or shapeless, as a result of its being constantly renegotiated and determined only by 'the said and the unsaid', in the words of Foucault. Meaningful names and titles are used to identify individual *'ulama* and to distinguish them from each other. Their fame (*shuhra*) within the group does the rest.

The *'ulama*, teachers and students at the *hawza*, mosque *imams*, judges, *muballigh* (preachers) and *majlis* reciters form pressure groups that take part, each at its own level, in the designation or 'emergence' of the *marja'*. Among these groups, the experts (*ahl al-khibra*) are responsible for forming a link between the *marja'* and his followers when the latter request advice on which *marja'* they should follow. Moreover, the religious authority could not operate effectively beyond the centre without a network of agents (*wakil*); these were responsible for representing the *marja'*, disseminating his teachings, collecting taxes and sometimes spending money in local areas. Here again, the origins of this network are to be found in ancient times, with the *'ulama* tracing it back to the era of the Imams, who also had officials responsible for collecting taxes in remote areas.[74] However, there is no historical continuity between this older system and the network of agents that was set up from the end of the nineteenth century onwards. While there are no sources that would allow one to reconstruct the different stages of this process, it is possible to refer to the *wikala* documents for the latter period.[75]

Networks outside clerical circles also make up part of the apparatus in Najaf and wherever the authority of the *marja'iyya* is felt. Financial or political in character (or both), they are made up of small businessmen, local notables (both urban and rural), landowners, bankers, etc., as well as intellectuals and various political actors. They are among the pressure groups that, each in its own fashion, play a role in the *marja'iyya*, or try to influence it.

Lastly, the apparatus is completed by various 'architectural arrangements'; these operate in the religious and teaching institutions, the *madrasas* where the students live and above all in the house of the *marja'* himself, which functions as the centre of the *marja'iyya*. (Najaf today contains many *marja'* houses that function as different centres.) However, all of these are surpassed by another centre – the architectural ensemble in the heart of the city that contains the mausoleum of 'Ali, with its golden dome.

Translated from the French by David Tresilian

74
Hossein Modarressi, *Crisis and Consolidation in the Formative Period of Shi'ite Islam: Abu Ja'far ibn Qiba al-Razi and his Contribution to Imamite Shi'ite Thought (*Princeton, 1993), pp. 12-18, and Liyakat N. Takim, *The Heirs of the Prophet. Charisma and Religious Authority in Shi'ite Islam* (Albany, State University of New York Press, 2006), pp. 140-2.

75
They can be found at the Kashif al-Getaa Foundation (*mu'assasat* Kashif al-Ghita') in Najaf, for example, and at www.kashifalgetaa.com

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