Shi'i 'Ulama and *Ijāza* during
the Nineteenth Century

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Following the triumph of the Uṣūlīs over the Akhbārīs in the eighteenth century, the political and social status of the Shi'i 'ulama was reinforced by the Uṣūlī theory. According to the theory, the *mujtahid*s who can exercise *ijtihād* guide the *muqallid*s or the non-*mujtahid* believers, who must emulate (*taqlīd*) them (i.e. the *mujtahid*s). Although the theory has been well studied and well-known, the direct impact of the Uṣūlīs' triumph on the Shi'i community has never been fully examined in the field of social history. The biggest questions are who was a *mutjahid* in the community, and how one became a *mujtahid*. In this paper, I will examine the Shi'i licensing (*ijāza*) system that prevailed during the nineteenth century, analyze the relations between *ijāza*s and the status of *mujtahid*, and attempt to demonstrate the direct impact of the Uṣūlī doctrine on the Shi'i community.

There were two types of *ijāza*s: an *ijāza* of *ijtihād* and an *ijāza* of *riwāya*. Modern researchers maintain that an *ijāza* of *ijtihād* permitted the holder to exercise *ijtihād*, and that attaining the *ijāza* was a prerequisite to being a *mujtahid*. Further, they suppose that an *ijāza* of *riwāya* permitted the holder to transmit traditions in teachers' name, and was the less prestigious than an *ijāza* of *ijtihād*. However, my detailed analysis of the texts pertaining to the *ijāza*s, and their backgrounds demonstrates that the grounds for these assumptions are weak. First, an *ijāza* of *ijtihād* did not permit the holder to exercise *ijtihād*, but rather certified that the holder had achieved the stage of *ijtihād*. Therefore, it was possible that 'ulama would exercise *ijtihād* without having an *ijāza* of *ijtihād* when he had the ability. Second, there is no proof that *ijāza*s of *ijtihād* were systematically issued, or that every *mujtahid* had acquired an *ijāza* of *ijtihād* before becoming a *mujtahid*. I will propose a new concept of *ijtihād* and *mujtahid* that reflects the actual practices of the nineteenth century and attempt to show what the real prerequisites for becoming a *mujtahid* was in the nineteenth century.

Keywords: Shi'ism, *mujtahid*, *ijtihād*, *riwāya*, licensing

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Introduction

The triumph of the Uṣūlīs over the Akhbārīs in the eighteenth century has been considered as one of the most important turning points in Shi'i history. Giving preference to reason over tradition, the Uṣūlīs insists that the *mujtahid*s who can exercise *ijtihād* guide the *muqallid*s or the non-*mujtahid* believers, who must emulate (*taqlīd*) them (i.e. *mujtahid*s). It is well known that the Uṣūlī doctrine has confirmed the leading position of the *mujtahid*s in the Shi'i community, paving the way for the emergence of *marji' al-taqlīd*, the supreme authority in the Shi'i world, in the nineteenth century, and has formed the basis for Khumayni's theory of *vilāyat-i faqīh* (the Guidance of Jurists).[1]

However, focusing on the doctrine and the theory, the previous studies have never fully examined the direct impact of the Uṣūlī triumph on the Shi'i community from aspects of social history. When we read sources from the nineteenth century, there is sometimes confusion with regard to determining who was an actual *mujtahid*. Most of modern studies cite John Malcolm's *History of Persia*, which claims that there were only five *mujtahid*s in Iran in the early nineteenth century (Malcolm 1829, Vol. 2, 315). On the other hand, Christoph Werner points out that, at that time, all the leading 'ulama in Tabriz, who amounted to more than ten people, were considered to be *mujtahid*s and engaging in the authorization of the legal documents (Werner 2000, 233, 239). However, we still hesitate to recognize these Tabrizi 'ulama as real *mujtahid*s who could exercise *ijtihād*.

According to the modern text books, the two prerequisites for being a *mujtahid* are as follows: first, the person should have acquired an *ijāza* (an *ijāza* of *ijtihād*), which implies that a professor has permitted the person to exercise *ijtihād*, and second, the person should have been recognized as a *mujtahid* by the public. A *mujtahid* who has acquired an *ijāza* but is not publicly recognized as a *mujtahid* is called a *mujtahid muḥtāṭ* (*mujtahid* in abeyance or reserve) (Momen 1985, 203-204; Jamālī 1960, 19; Litvak 1998, 104-106).[2] Therefore, the focus of my discussion is *ijāza*s that are considered to be indispensable for becoming a *mujtahid*. In this paper, I will examine the Shi'i *ijāza* system during the nineteenth century, analyze the relations between *ijāza*s and the status of *mujtahid*, and try to show the direct impact of the Uṣūlī doctrine on the Shi'i community.

I. *Mujtahid* in the Society

Before analyzing the *ijāza*s, it is necessary to examine the term "*mujtahid*" as it is described in contemporary sources. I will now discuss some documents that

have good examples of the nineteenth century definition of *mujtahid*.

The first document is a waqf deed dated 1849, related to the waqf of Ustād 'Abbās in Tehran.[3] The file preserved in the Waqf Organization in Tehran contains three waqf deeds and the one referred to here is the second one; a certain individual had tried to deny the first one. The person claimed, "The contract of the waqf was arranged and accepted by a person who was obviously not a *mujtahid* or deputy of a *mujtahid*." In order to avoid any confusion, the second deed was drawn up. This obviously implies that only a *mujtahid* or his deputy could arrange the contract. This fact coincides with the case of Tabrizi 'ulama, which is described by Werner.

The second document (dated 1844) is a *ḥukm* (legal judgment), and related to the case of "Doubled Waqf," which is a rather long-term record on the conflict regarding a village in Tehran Province (see Kondo 2004). This judgment was made by a certain Ḥājjī Mullā 'Alī Aṣghar, who certificated that the entire village of Bordābād in Shahriyār was waqf on behalf of Imam Ḥusayn; the waqf-administrators were late Mullā Ḥasan Yazdī and his descendants. The most important feature of the document is that it contains a note in Arabic, written by Shaykh Muḥammad Ḥasan Najafī Ṣāḥib al-Jawāhir (d. 1850), who is said to be the first *marji' al-taqlīd* in Shi'i history. He wrote in Arabic, "Ākhund Mullā 'Alī Aṣghar is a qualified *mujtahid* whose *ḥukm* is valid (*mujtahid muṭlaq al-sharā'iṭ nāfidh al-ḥukm*), and if one goes against his *ḥukm*, he goes against Allah, the Prophet and the holy Imams." The note appears highly authentic since all the six other notes confirmed that the hand writing and seal of the note were, no doubt, those of Ṣāḥib al-Jawāhir, thereby confirming that the document was valid. On the basis of this document we can assert that only *mujtahid*s were permitted to issue legal judgments, and they used to confirm a person's status as a *mujtahid* when required.

The third document (dated 1868) is a *ḥukm* containing a question and is included in the shari'a court register of Sayyid Muḥammad Ṣādiq Sangilajī (d. 1883), a famous *mujtahid* in Tehran. An anonymous questioner asked Sangilajī whether Ākhund Mullā 'Alī Zanjānī—who had issued a *ḥukm* that a murderer must be punished by *qiṣāṣ*—was a fully qualified *mujtahid* whose *ḥukm* was valid (*mujtahid-i jāmi' al-sharā'iṭ va nāfiẓ al-ḥukm*). After examining the *ḥukm*, Sangilajī confirmed Zanjānī's status as a *mujtahid* and the validity of the *ḥukm* (Riżā'ī 1387 A.H.S., 75). In this instance, again, we can see a strong relation between *mujtahid*s and issuance of *ḥukm*s.

In addition to these documents, there is an episode in a descriptive source. According to *Nāmah-'i Dānishvarān-i Nāṣirī*, Mullā Abū al-Ḥasan Ṭahrānī (d.

1855-6), who had studied in 'Atabat and Isfahan, returned to Tehran and began to administer the law (*ḥukūmat va qażāvat*). However, some denied the legitimacy of his *ijtihād* and the residents of Tehran came to doubt it. Therefore the residents sent a letter to his professor, Ḥājjī Muḥammad Ibrāhīm Kalbāsī (d. 1845) in Isfahan, enquiring about Ṭahrānī's *ijtihād*. The professor sent a reply and confirmed Ṭahrānī's *ijtihād* in it. After receiving the reply, the people came to believe in Ṭahrānī's *ijtihād*. Both the notables and the commoners accepted his authority, and most of the disputes and lawsuits were brought to his court. It is clear that *ijtihād* was indispensable for jurisdiction (*Nāmah-'i Dānishvarān*, Vol. 1, 424-425).

There is a large amount of evidence showing that, at that time, only *mujtahid*s were able to issue *ḥukm*s and arrange legal contracts. It is true that even a medieval Sunni jurist, al-Māwardī (d. 1058) states that a *qāḍī* (judge) must be a *mutjahid* (al-Māwardī 1978, 73-74; al-Māwardī/Yukawa 2006, 157-159). However, the usage of the term *mujtahid* had more prevailed and had acquired more importance than ever in the Shi'i community in the nineteenth century. When we compare a Shi'i *fiqh* book from the thirteenth century with its nineteenth-century Persian translation, we find other evidence: the former stipulates that a *qāḍī* must have the ability to issue *fatwā*s independently (*mustaqill bi-ahliyyati al-fatwā*) without using the term *mujtahid* directly (al-Muḥaqqiq al-Ḥillī 1377 A.H.S., 59), while the latter added a phrase to the original, "or [a *qāḍī*] must be a *mujtahid* (*ya'nī mujtahid būdan*)" (Muḥaqqiq Ḥillī/Yazdī 1374 A.H.S., 1624).

There are two reasons why the sources mention the status of *mujtahid*s so much concerning the issuance of *ḥukm*s or arrangement of contracts: first, under the Uṣulī doctrine, people must accept the guidance of the *mujtahid*s. In other words, at that time, people had to find a true *mujtahid* that would guide them in their dairy life and deal with their legal affairs. If they accepted the guidance of a fake *mujtahid*, all their deeds of faith and legal contracts would become invalid. Hence, we find some examples in contemporary narrative sources that people asked a renowned *mujtahid* if someone was qualified to be a *mujtahid* or not. Secondly, the office of *qāḍī* appointed by the state almost disappeared under the Qajars (Arjomand 1984, 233; Werner 2000, 238-239). This implies that the state would not determine who should be a *qāḍī*. Only *mujtahid*s, whose status was confirmed by other *mujtahid*s, assumed the role of *qāḍī*. Therefore, in this sense, it is difficult to accept Malcolm's description of *mujtahid*s even if he described the situation in the early nineteenth century, since five *mujtahid*s were too few in order to cover the jurisdiction of the whole of Iran, as Werner points

out.

II. Examples of *Ijāza*s
1. *Ijāza of ijtihād*
Let us now examine the texts of *ijāza*s. According to Meir Litvak, the attainment of *ijāzat ijtihād* was the culmination of the learning process at the *dars al-khārij*, i.e., the highest stage of learning in ʿAtabat, during the nineteenth century. The *ijāza* authorized a student to exercise *ijtihād*, or an independent judgment. It combined the two medieval *ijāza*s—the *ijāza* of issuing *fatwā*s and the *ijāza* of teachings (Litvak 1998, 41).[4] However, although Litvak often mentions the *ijāza*s as a key term in his book, he does not appear to have examined the texts of any *ijāza*s; therefore, the grounds of his argument are unclear.

i. *Ijāza* from Ibrāhīm Qazwīnī to Muḥammad Tunikābunī
The first *ijāza* that I wish to discuss is the *ijāza* issued by Sayyid Ibrāhīm Qazwīnī (d. 1847-8), one of the most prominent professors in ʿAtabat, to Mīrzā Muḥammad Tunikābunī (d. 1885). It is included in the latter's biographical work, *Qiṣaṣ al-ʿUlamā'* (Tunikābunī 1383 A.H.S., 10-11). Written in Arabic, it is not dated probably because it was omitted at the time of transcription. However, we can be certain that it was issued before 1844.[5]

It starts with *basmalah*, and is followed by words of praise to Allah. Next, the name of the student, Mīrzā Muḥammad Tunikābunī, is mentioned, accompanied by lengthy honorable titles. What follows is the description of Tunikābunī's life. He had left his family and hometown to study under Qazwīnī for some years. He has made every effort to acquire knowledge, and studied hard to reach a high stage of learning; he also wrote books and articles on *fiqh* and *uṣūl* in an elegant style of prose and verse. He has reinforced his arguments by preventing his rules and proofs from being used with shameful and corrupted intentions. In this manner, he surpasses his outstanding colleagues, excels at distinguishing between legal and illegal matters, and has become proficient at correctly deducing rules from proofs. It is a matter of great pleasure to acknowledge that at this phase of his life he has reached the stage of deduction and *ijtihād*.

Although it is called permission (*ijāza*), it does not permit anything including the exercises of *ijtihād* in the precise words of the text. In fact, Tunikābunī also calls it *taṣdīq*, which means "certificate." Another notable point is that the stage of *ijtihād* is a synonym for the stage of deduction (*martabat al-istinbāṭ*). Therefore, an *ijāza* certifies that the student is capable of deducing

legal rules from legal sources.

ii. *Ijāza* from Mudarris Iṣfahānī to Muḥammad Bāqir Khwānsārī dated 1854

The second *ijāza*, dated 1 Jumada I 1270/30 January 1854 is the *ijāza* that was issued by Mīr Sayyid Ḥasan Mudarris Iṣfahānī (d. 1857)[6] to Mīrzā Muḥammad Bāqir Khwānsārī Iṣfahānī, the author of another well-known biographical work, *Rawḍāt al-Jannāt* (Khwānsārī 1393 A.H.). Though Khwānsārī's own work does not contain any text of *ijāza*, a facsimile of the text was published in a modern biographical work (Mahdī b. al-Riḍā 2003, Vol. 1, 436. Cf. al-Ṭahrānī 1408 A.H., Vol. 1, 173).

Compared to the first *ijāza,* this *ijāza* is shorter and not formalized with regard to the text. Mudarris wrote that he attentively read through Khwānsārī's books and discussed all legal issues with him. He found that Khwānsārī had reached the state of complete *ijtihād* and could deduce detailed legal rules from legal sources.

However, the concluding part of this *ijāza* is very different from that of the first *ijāza*. Mudarris wrote, "I have permitted him to transmit from me (*ajaztu la-hu an yarwiya 'an-nī*) all of what came down to me from my professors on the books of hadith, *fiqh* and other sciences." This is a typical expression of an *ijāza* of *riwāya*, which will be discussed below. Although the *ijāza* from Mudarris lacks an *isnād*, a chain of transmission, the fundamental structure of the *ijāza* is very similar to that of the *ijāza* of *riwāya*. Khwānsārī himself describes the *ijāza* as "I also transmit knowledge by the *ijāza* (*arwī ayḍan bi-al-ijāzati*) from Mīr Sayyid Ḥasan al-Ḥusaynī al-Iṣfahānī [Mudarris]," the same expression as that for an *ijāza* of *riwāya* in Arabic biographical sources (Khwānsārī 1393 A.H., Vol. 2, 107).

From this it is evident that Litvak's explanation on the *ijāza* of *ijtihād* is not sufficient. This *ijāza* did not permit the holder to exercise *ijtihād*. It was just a certificate for attainment to the stage of *ijtihād* and deduction. Muḥsin al-Amīn (d. 1952), who studied in 'Atabat in the late nineteenth century, also describes the *ijāza* as follows:

> [Among the *ijāza*s] there is the *ijāza* of *ijtihād*, and it is a certificate (*shahāda*) that states that the conferred has acquired the ability to deduce the legal rules (*al-furū'*) from the legal sources (*al-uṣūl*) and the conferred is a fair, trustworthy person from whom one can learn about the regulations correctly. It is known as practice mostly in the

cases where the conferred is a student of the conferrer. (al-Amīn 1998, Vol. 15, 326)[7]

The difference between the two *ijāza*s of *ijtihād* indicates that this type of *ijāza* was not systematically issued by the *mujtahid*s.

2. *Ijāza* of *riwāya*

Another type of *ijāza*s is that of *riwāya*. According to Litvak, it was an additional, somewhat less prestigious *ijāza* in which the teacher gave the student permission to transmit traditions (*hadīth, akhbār*) in the teacher's name (Litvak 1998, 41-42; Sindawi 2007, 846; Ṣadr Ḥājj Sayyid Javādī et al. 1380 A.H.S., 471).[8] However, when one examines the texts of these *ijāza*s, one will find that Litvak's explanation is not adequate.

i. *Ijāza* from Muḥammad Taqī Baraghānī to Tunikābunī

The first *ijāza* of *riwāya* to be examined is the *ijāza* that was issued by Muḥammad Taqī Baraghānī known as Shahīd al-Thālith (d. 1847) to Tunikābunī, which is included in *Qiṣaṣ al-'Ulamā'* (Tunikābunī 1383 A.H.S., 29-30). The text does not mention the date of issue like the *ijāza* of *ijtihād* issued by Qazwīnī and included in the same work; however, we can ascertain that it was also issued before 1844 (See Chapter III). The text starts with *basmala*, and is then followed by the praise to Allah, Prophet Muḥammad, Imam 'Alī, and the Prophet's family and descendants. Then, it states that the student, Mīrzā Muḥammad Tunikābunī, who has clear knowledge and is proficient at climbing the ladder of the divine law, asked Baraghānī to issue an *ijāza*. Therefore, Baraghānī hurriedly accepted Tunikābunī's demand in accordance with the custom of 'ulama and followed the path of his predecessors.

This is followed by the typical expression found in an *ijāza* of *riwāya*, which is as follows: "I have permitted him to transmit from me (*ajaztu la-hu an yarwiya 'an-nī*)." Barāghānī permitted Tunikābunī to transmit the following:

(1) Among the traditions of Imams, what Baraghānī read and listened to, i.e., four Shi'i hadith books[9] and three new Shi'i hadith books[10].

(2) Baraghānī's prominent works in the field of *uṣūl* and *fiqh*, i.e., some volumes of *'Uyūn al-Uṣūl*[11] and *Manhaj al-Ijtihād*[12], and other short treatises on supererogatory prayers and Friday prayers.

(3) Other hadith books and works of 'ulama.

Here, we find that the *ijāza* was not restricted to the transmissions of hadith. *Uṣūl*, *fiqh* and other works are also mentioned in the *ijāza*, and Tunikābunī was permitted to transmit the content and teachings of these works.

The last part of the *ijāza* is an *isnād* or a chain of transmissions, following the expression "I have permitted him to transmit from me and from my professors in *ijāza*." The first professor mentioned is Sayyid 'Alī b. Sayyid Muḥammad 'Alī Ṭabāṭabā'ī, also known as Ṣāḥib al-Riyāḍ (d. 1815). The *isnād* that is connected by the Arabic preposition "*'an*" is as follows:
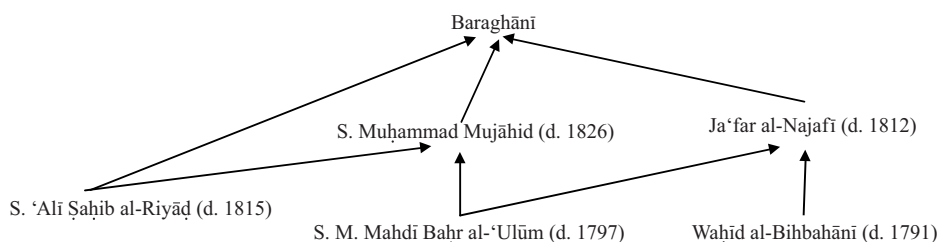

Fig. 1 The *Isnād* of Baraghānī

Moreover, the *isnād* continues further in an abridged way. These professors transmitted to their students the knowledge that they gained from their professors through generations. The professors acquired this knowledge from holy Imams, and the holy Imams obtained this knowledge from their ancestors, who, in turn, gained it from Prophet Muḥammad. The Prophet received this knowledge from Angel Jibr'īl (Gabriel), and Jibr'īl acquitted it from Allah at the end of the *isnād*.

Here, the *isnād* is a mere summary and does not include all the details of the professors before Ṣāḥib al-Riyāḍ, Sayyid Muḥammad Mahdī Baḥr al-'Ulūm[13], and Āqā Muḥammad Bāqir Waḥīd al-Bihbahānī. However, the *isnād* at least reaches the Imams, the Prophet, the Angel, and Allah. Consequently, the *isnād* links the student with the Prophet and Allah. The text of the *ijāza* ends with the name of the professor, i.e., Baraghānī.

ii. *Ijāza* from Aḥmad Narāqī to Murtaḍā Anṣārī dated 1829
The next *ijāza* of *riwāya* that is examined is the *ijāza* issued by Mullā Aḥmad Narāqī (d. 1829) to Shaykh Murtaḍā Anṣārī (d. 1854), dated Shawwāl 1244/ April-May 1829.[14] The basic content composition of the *ijāza* is the same as the *ijāza* issued from Baraghānī to Tunikābunī, although the name of the professor, Narāqī, appears soon after the praise to God, the Prophet and the Imams. This is

followed by the name of the student, Anṣārī, who asked Narāqī to issue an *ijāza*. Next comes the sentence "I have permitted him to transmit from me (*ajaztu la-hu an yarwiya 'an-nī*)." The contents that Narāqī permitted Anṣārī to transmit are as follows:

(1) *Nahj al-Balāgha*[15] and *Ṣaḥīfat al-Sajjād*[16].
(2) The four Shi'i hadith books and the three new Shi'i hadith books.[17]
(3) Other books on hadith, *tafsīr*, *fiqh*, logic (*istidlāl*), Arabic lexicography (*lugha*), Arabic syntax (*naḥw*), *uṣūl al-fiqh*, *uṣūl al-dīn*, and *rijāl*.
(4) His own works and those of his father, Mullā Mahdī Narāqī (d. 1794).

At this point, we again confirm the fact that the content that was transmitted concerns not only with hadith, but also with all the religious sciences.

What follows next is the *isnād*. It is much longer and more complicated than that in the *ijāza* issued by Baraghānī, although still some chains are summarized, for example those between Ibn Bābūyah (d. 991-2) and Imam Ja'far al-Ṣādiq (d. 756). On the other hand, the *isnād* goes back only to Imam Ḥusayn or "holy imams," and not to the Prophet or Allah, which is the case in Baraghānī's *ijāza*. The key persons, such as Waḥīd al-Bihbahānī, Ṣāḥib al-Riyāḍ, and Baḥr al-'Ulūm are common to both *isnād*s. However, a famous Akhbārī Scholar, Shaykh Yūsuf al-Baḥrānī, has been mentioned in Narāqī's *isnād*,[18] and we can gather that, at least in this *isnād*, there was little effect of the Uṣūlī-Akhbārī conflicts.

After the *isnād*, is the sentence "I have permitted him to transmit the content (*riwāya*) that was transmitted by the great professors," which is followed by the name of the professor, Narāqī, and the date.

As far as I have examined, almost all the *ijāza*s of *riwāya* from the nineteenth century was permission granted for not only transmitting the traditions of Imams, but also for transmitting all religious sciences.[19] Undoubtedly, the *ijāza* system and *isnād* are originated from the transmission of hadith. However, just as William A. Graham pointed out in his discussion on traditionalism in Islam (Graham 1993, 511), the Shi'i *ijāza* system has also served for the transmission of all kinds of texts.

If one refers to *ijāza*s from the eighteen century or earlier, one will find that the form and content of the *ijāza*s are not different from those of the nineteenth-

Mullā Aḥmad Narāqī

M. Mahdī Narāqī
(d. 1829)

S. ‘Alī Saḥib al-Riyaḍ
(d. 1815)

M. Mahdī
Shahristānī

M. Ja‘far Najafī
(d. 1812)

M. Mahdī Baḥr al-‘Ulūm
(d. 1797)

Shaykh Yūsuf Baḥrānī
(d. 1772)

Waḥīd al-Bihbahānī (d. 1791)

Shaykh M. Mahdī Futūnī

Mullā Rafī‘ā Gīlānī

Mullā M. Ja‘far Kāshānī
M. Isma‘īl Māzandarānī
M. Mahdī Harandī
Shaykh M. Kāshānī

Sayyid Ḥusayn Qazwīnī
‘Abd al-Nabī Yazdī

‘Allāma Majlisī (d. 1699)

M. Taqī Majlisī (d. 1659)

Shahīd al-Thānī, d. 1558

Wā‘iẓ Iṣfahānī

Shaykh ‘Alī Karakī (d. ca 1533)

Muḥammad b. Da’ūd

Shaykh Ḍiyā’ al-Dīn

Shahīd al-Awwal (d. 1384)

Shaykh Jalāl al-Dīn Ḥasan

‘Allāma Ḥillī (d. 1325)

Shaykh Najm al-Dīn

Sayyid Fakhkhār

Shaykh Abū al-Faḍl Qummī

Shaykh Abū ‘Abd ullāh Dūristī

Shaykh al-Ṭā’ifa Ṭūsī (d. 1067)

Shaykh al-Mufīd (d. 1022)

Ibn Bābūyah (d. 991)

Imām Ja‘far al-Ṣādiq (d. 756)

Imām Muḥammad al-Bāqir (d. 735)

‘Abd ullāh Ja ‘far Ḥamīrī

a’immat al-ma‘ṣūmīn

Hārūn b. Muslim

Mas‘ada b. Ziyār

Imām Ḥusayn (d. 680)
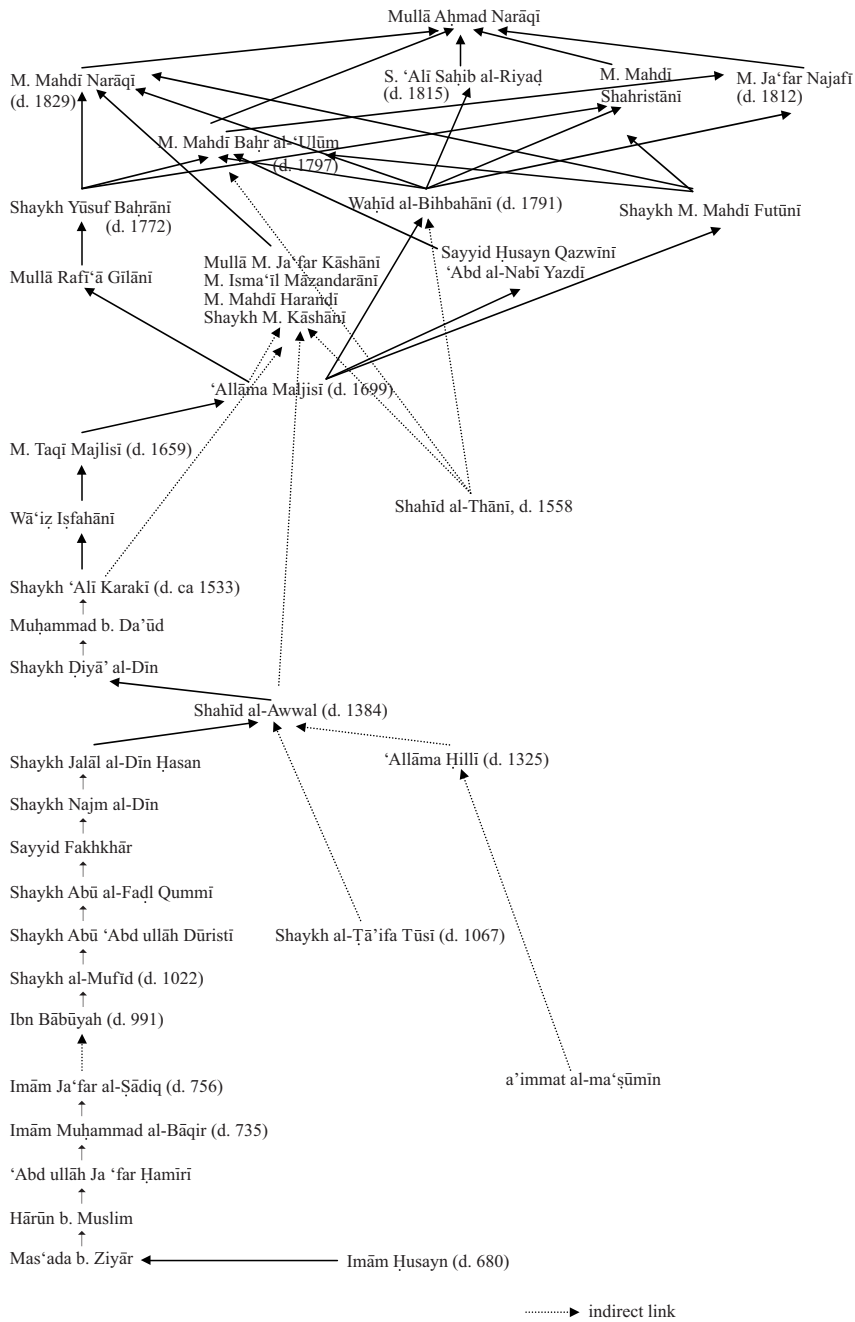
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Fig. 2 The *Isnād* of Narāqī

The persons who are disposed directly under other persons without arrows have the same positions
as the upper persons in the *isnād*, and are not the professor of the upper.

century *ijāza*s of *riwāya*. For example, the *ijāza* issued by Yūsuf al-Baḥrānī (d. 1772) to Baḥr al-‘Ulūm has almost the same contents as the nineteenth-century *ijāza*s, though the part pertaining to *isnād* came before the list of works. In addition, we can find at least a few works on *fiqh* and prayer that show that what was transmitted was not restricted to hadith (Gleave 1994). We can refer to the text of another *ijāza*, issued by Muḥammad Taqī Majlisī (d. 1659) to his son Muḥammad Bāqir Majlisī (Tunikābunī 1383 A.H.S., 266-281). Its contents and composition are identical to those of the nineteenth-century *ijāza*s of *riwāya*. The content is not restricted to hadith; it also included books on *tafsīr*, hadith, *fiqh*, *kalām*, and *uṣūl*, the recitation of Qur’an (*al-qirā’a*), the Arabic lexicography (*al-lugha*) and literature (*al-adab*), Muḥammd Taqī’s works, and other works. The only difference between this *ijāza* and the nineteenth-century ones is that Majlisīs’ *ijāza* has far more complicated and lengthy *isnād*s.

Therefore, it can be said that an *ijāza* of *riwāya* was a traditional type of *ijāza* and it did not change much from the seventeenth-century ones, nor did the triumph of Uṣūlīs affect its style. The *ijāza* of *riwāya* was the permission for transmitting not only hadith but all the religious sciences through centuries.

The question that arises pertains to what the relation between the *ijāza* of *riwāya* and the status of *mujtahid* was. According to Muḥsin al-Amīn,

> [Among the *ijāza*s] there is an *ijāzat al-riwāya*. The only condition it has is that the conferred should be a *mujtahid*. (al-Amīn 1998, Vol. 15, 326)[20]

If one interprets the sentences literally, one can interpret it as the condition that only a *mujtahid* was able to acquire an *ijāza* of *riwāya*. Further, if an *ijāza* of *ijtihād* was perquisite for becoming a *mujtahid*, a student must have acquired the *ijāza* first, before he acquired an *ijāza* of *riwāya*. This raises a doubt on the claim that an *ijāza* of *riwāya* was less prestigious.

III. Background of *Ijāza*s

We now understand the contents of the *ijāzas*. But on what occasion was an *ijāza* issued? To answer this question, it is important to examine the background of the issuance of the *ijāza*s.

1. *Ijāza* as a strategy
i. Tunikābunī

Tunikābunī was born around 1819. According to him, among the *ijāza*s that he

acquired, the *ijāza* from Qazwīnī was the first one; he should have been before twenty-five years old at that time. He had already returned to Iran from 'Atabat, but he had not asked anyone to issue *ijazā*s or *taṣdīq*s of *ijtihād* for years. However, his uncle, Āqā Sayyid Ṣādiq Tunikābunī, who was the *imām jumʿa* of the city of Langrūd in Gīlān province, on meeting with him, encouraged him to acquire *ijāza*s. His uncle said the following:

> Of course you need an *ijāza* because it allows ordinary people to be confident in your guidance (*taqlīd*) and judgment (*qażā'*). In addition, it connects its holder to the chain of tradition, and places him into the chain of transmission (*riwāyah*). (Tunikābunī 1383 A.H.S., 28-29)

Tunikābunī's uncle did not touch upon Tunikābunī's status as a *mujtahid*. His uncle did not say that Tunikābunī would be a *mujtahid* if he acquired an *ijāza* or a *taṣdīq* but merely stated how useful the *ijāza*s were for executing clerical duty and jurisdiction. It appears that Tunikābunī and his uncle were confident in Tunikabunī's status as a *mujtahid*.

This implies that an *ijāza* was not like a diploma that a student acquires soon after finishing an educational course. However, it was necessary because people would accept a jurist's guidance and judgment with more confidence, when he had an *ijāza*. In other words, he could guide people and administer the law even without an *ijāza*, but he could do it better with one.

Emphasis should also be laid on the importance of the *isnād*. Besides having more effective abilities with regard to guidance and judgment, 'ulama wanted to have *ijāza*s as the *ijāza* would make them part of the chain of transmission. As previously mentioned, *isnād*s are not included in an *ijāza* of *ijtihād*; hence, it was only an *ijāza* of *riwāya* that fulfilled these needs.

Further, what is interesting to note is Tunikābunī's reaction. He accepted his uncle's advice and sent Qazwīnī in Karbala his works on *fiqh* and *uṣūl*: *Badāyiʿ al-Aḥkām*, which was a commentary on *Sharāʾiʿ al-Islām*,[21] and *Manẓūmah-ʾi Alfīyah-ʾi Uṣūl* (Tunikābunī 1383 A.H.S., 29). This is because Tunikābunī had learned under Qazwīnī for some years, especially about *fiqh*, *uṣūl* and *rijāl*, and admired him more than any other professors (Tunikābunī 1383 A.H.S., 4, 86). Qazwīnī returned the works to him with a *taṣdīq*, that is, the *ijāza* of *ijtihād*, that I have examined above (Tunikābunī 1383 A.H.S., 29).

However, Tunikābunī wrote with regret, "My professor [Qazwīnī] did not issue me *an ijāza* of *riwāya*, nor did I ask him for one, although it [the *ijāza* of *ijtihād*] was inevitably a ground for an *ijāza* of *riwāya*" (Tunikābunī 1383

A.H.S., 10). Subsequently, Tunikābunī sent the same works and Qazwīnī's *taṣdīq* to Muḥammad Taqī Baraghānī. Baraghānī recognized Qazwīnī's handwriting and issued an *ijāza* of *riwāya* with full *isnād*s, which was analyzed in the previous chapter, along with a *taṣdīq* of *ijtihād*, to Tunikābunī (Tunikābunī 1383 A.H.S., 29). Tunikābunī had never studied under Baraghānī. However, just as Tunikabūnī wrote, the *ijāza* of *ijtihād* from Qazwīnī became the ground for the *ijāza* of *riwāya* from Baraghānī. Here we understand that an *ijāza* of *riwāya* was not always based on a direct relation between a professor and his student, and was somehow fictional.

Tunikābunī's attachment to *isnād*s is obvious. He was proud of the *ijāza* from Baraghānī because Baraghānī was linked directly to Ṣāḥib al-Riyāḍ in *isnād* (see figure 1 above) while other *ijāza*s had one mediator to Ṣāḥib al-Riyāḍ (see figure 3 below) (Tunikābunī 1383 A.H.S., 28).

Moreover, he requested for an *ijāza* from Sayyid Muḥammad Bāqir Shaftī (d. 1260/1844), a prominent scholar in Isfahan, and one of Tunikābunī's professors (Tunikābunī 1383 A.H.S., 86). Shaftī wanted to read the chapter of *ṭahāra* (purity) from Tunikābunī's *fiqh* book, and read through it. However, on the day when Shaftī had promised Tunikābunī that he would issue an *ijāza* to Tunikābunī, Shaftī died and Tunikābunī failed to acquire an *ijāza*. Then, Tunikābunī thought that he would at least have Shaftī's name in his *isnād*. He sought to acquire an *ijāza* from Shaftī's disciple, Muḥammad Bāqir Qazwīnī in order to have an *isnād* that included the late Shaftī (Tunikābunī 1383 A.H.S., 77-78). The *isnād* is as follows:
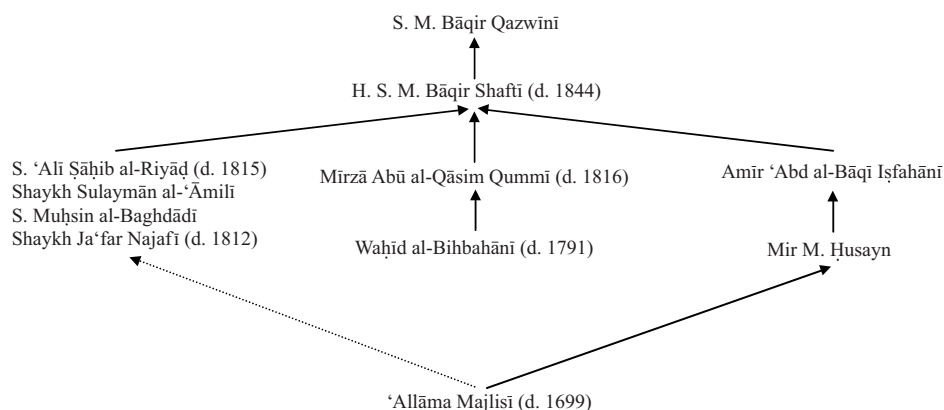

Fig. 3 The *isnād* of Muḥammad Bāqir Qazwīnī

The persons who are disposed directly under other persons without arrows have the same positions as the upper persons in the *isnād*, and are not the professor of the upper.

If an *ijāza* of *riwāya* is less prestigious than an *ijāza* of *ijtihād* as claimed by modern researchers, why did Tunikābunī seek *ijāza*s of *riwāya* even after he had acquired the *ijāza* of *ijtihād* from one of the most prominent scholars in 'Atabat? The behaviors of Tunikābunī cause doubt about their claim. Tunikābunī was attached much more to *ijāza*s of *riwāya* than to *ijāza*s of *ijtihād*, and the *ijāza* of *ijtihād* from Qazwīnī was likely to be only a step for acquiring *ijāza*s of *riwāya*.

In addition, the procedures of acquiring *ijāza*s of *ijtihād* and *ijāza*s of *riwāya* were not different; the student sent a part of his works, and the professor issued the *ijāza* after he had examined them. The requirements for acquiring both the *ijāza*s might not have been that different.

ii. Khwānsārī

Khwānsārī was born in 1811. The list of the *ijāza*s issued to Khwānsārī is as follows:

(1) *Ijāza* from Sayyid Muḥammad Taqī Ṭahrānī Iṣfahānī (d. 1833), issued one or two years before his death, i.e., 1246/1831-2 or 1247/1832-3. The *ijāza* mentions the four hadith books (Khwānsārī 1393 A.H., Vol. 2, 107). Ṭahrānī Iṣfahānī taught *uṣūl* at Masjid-i Shāh in Isfahan (Khwānsārī 1393 A.H., Vol. 2, 124).

(2) *Ijāza* from his father Shaykh Zayn al-'Ābidīn (d. 1858-9) whose *ijāza* is dated 1255/1839-40 (al-Ṭahrānī 1408 A.H., Vol. 1, 194; Khwānsārī 1393 A.H., Vol. 2, 108).

(3) *Ijāza* from Shaykh Muḥammad Bāqir Shaftī in Isfahan, issued about two years before his death, i.e., around 1258/1842 (Mahdī b. al-Riḍā 2003, Vol. 1, 351[22]; Khwānsārī 1393 A.H., Vol. 2, 100). Khwānsārī studied under him (al-Ṭahrānī 1404 A.H. b, Vol. 1, 211).

(4) *Ijāza* from Sayyid Ibrāhīm Qazwīnī in Karbala before his death in 1847-8 (Khwānsārī 1393 A.H. Vol. 2, 108; al-Ṭahrānī 1404 A.H. b, Vol. 1, 211).

(5) *Ijāza* from Shaykh Qāsim Najafī (d. 1874-5), dated 1268/1851 (al-Ṭahrānī 1408 A.H., Vol. 18, 143; Mu'allim Ḥabīb-ābādī 1337-74 A.H.S., Vol. 8, 3105). He taught *fiqh* in Mashhad, and Khwānsārī met him when he traveled there. Khwānsārī also issued an *ijāza* to him (Khwānsārī 1393 A.H., Vol. 2, 108).

(6) *Ijāza* from Shaykh Muḥammad b. Shaykh 'Alī b. Shaykh Ja'far

Kāshif al-Ghiṭā (d. 1852) (Khwānsārī 1393 A.H., Vol. 2, 107; al-Ṭahrānī 1404 A.H. b, Vol. 1, 211). Khwānsārī met him in Najaf, when he visited there.

(7) *Ijāz*a from Mudarris Iṣfahānī with a remark on Khwānsārī's *ijtihād*, dated in 1270/1854 as mentioned above.

Khwānsārī acquired his first *ijāza* at the age of around twenty, and the last one at the age of twenty-seven. All the *ijāza*s were of *riwāya* except the last one. Contrary to the case of Tunikābunī, Khwānsārī acquired an *ijāza* of *riwāya* first. Therefore, an *ijāza* of *ijtihād* was not always a prerequisite for an *ijāza* of *riwāya*, and the converse was also true.

The question is which *ijāza* was more important for him than the others. *Rawḍāt al-Jannāt* refers to all the *ijāza*s, but his autobiographical part of the book does not mention the *ijāza* from Shaftī. Further, *Rawḍāt al-Jannāt* clearly tells us that Mudarris Iṣfahānī's *ijāza* confirms his attainment to the stage of complete *ijtihād* (Khwānsārī 1393 A.H., Vol. 2, 107). On the other hand, the *ijāza*s issued by Khwānsārī mentions Shaftī the most in *isnād*s as follows:

(1) *Ijāza* to Mīrzā Muḥammad Hamadānī, issued after 1275/1858-9, refers to Shaftī, Qazwīnī, Shaykh Muḥammad b. 'Alī b. Ja'far, Qāsim Najafī, his father Zayn al-'Ābidīn, and Mudarris Iṣfahānī (Mahdī b. al-Riḍā 2003, Vol. 1, 438-450).

(2) *Ijāza* to Mīrzā 'Abd al-Ghaffār Tūysirkānī, dated Dhū al-qa'da 1279/April-May 1863, mentions Shaftī, Qazwīnī, Shaykh Muḥammad b. 'Alī b. Ja'far, Qāsim Najafī, his father Zayn al-'Ābidīn, and Mudarris Iṣfahānī (Mahdī b. al-Riḍā 2003, Vol. 1, 452-457).

(3) *Ijāza* to Sayyid Mahdī Burūjirdī, dated Rabī' I 1290/April-May 1873, mentions only Shaftī (Mahdī b. al-Riḍā 2003, Vol. 1, 466-475).

(4) *Ijāza* to Mullā Fatḥ ullāh Namāzī Shīrāzī, dated 25 Sha'bān 1294/ 4 September 1877, contains the names of Shaftī, Zayn al-'Ābidīn, Qāsim Najafī (Mahdī b. al-Riḍā 2003, Vol. 1, 459-463).

(5) *Ijāza* to Mullā Muḥammad Ḥusayn Ardakānī, dated 18 Shawwāl 1298/13 September 1881, mentions only Shaftī (Mahdī b. al-Riḍā 2003, Vol. 1, 464-465).

Shaftī and his *isnād* are referred to in all the available *ijāza*s, and he appears first

among the professors. There is no doubt that Shaftī is the most important professor in those *ijāza*s. On the other hand, Muddaris Iṣfahānī was mentioned in only two of the five *ijāza*s, as the last professor of all, without any reference to the description of Khwānsārī's *ijtihād*. A part of the reason for this might lie in the fact that the *ijāza* from Muddaris Iṣfahānī does not include any *isnād*s as we saw before.

We can see two trends in *ijāza*s. The reference to the *ijtihād* is recognized in *Rawḍāt al-Jannāt*, and appears to have had some importance for Khwānsārī. However, the *ijāza*s issued by Khwānsārī ignores the reference, and does not consider the *ijāza* from Muddaris Iṣfahānī as critically important.

We can infer from these facts that the reference to *ijtihād* is not always important for 'ulama. It is also difficult to say that an *ijāza* of *riwāya* was less prestigious than an *ijāza* of *ijtihād* because Khwānsārī more highly regarded the *ijāza* of *riwāya* from Shaftī than the *ijāza* of *ijtihād* from Muddaris Iṣfahānī, at least in the *ijāza*s that Khwānsārī in turn issued to his students.

iii. Anṣārī

Although Anṣārī was one of the most prominent scholars of his age, and was considered as *marji' al-taqlīd*, we know only three *ijāza*s that were conferred on him: in addition to the *ijāza* conferred by Narāqī that I have already mentioned, Sayyid Ṣadr al-Dīn 'Āmilī (d. 1847) and Shaykh Muḥammad Sa'īd Dīnawarī (d. ca. 1834-5) issued *ijāza*s of *riwāya* to Anṣārī (Anṣārī 1373 A.H.S., 143-148; al-Ṭahrānī 1404 A.H. a, Vol. 2, 602, 670). Among these three individuals, only Narāqī was considered as the real professor of Anṣārī (Anṣārī 1373 A.H.S., 179-199; Ḥirz al-Dīn 1405 A.H., Vol. 2, 400-402). Since Anṣārī was born in 1799, he acquired the *ijāza* from Narāqī at the age of thirty and from Dīnawarī before thirty-six. According to Ḥirz al-Dīn, once, Shaftī refused to confer an *ijāza* on him because of his lack of knowledge in *rijāl* (Ḥirz al-Dīn 1405 A.H., Vol. 2, 402).

On the other hand, no record exists about Anṣārī's *ijāza* of *ijtihād*. If an *ijāza* of *ijtihād* was a prerequisite for a *mujtahid*, why was the *ijāza* of *ijtihād* to such a prominent scholar not recorded in sources?

Another point to note is that Anṣārī had so many students that it is said that the number reached, exaggeratedly, a thousand (I'timād al-Salṭanah 1363 A.H.S., 186). However, it is also said that he did not confer an *ijāza* of *ijtihād* on anyone (Tunikābunī 1383 A.H.S., 129). If this is the case, how did such a large number of students become *mujtahid*s without acquiring the *ijāza*s of *ijtihād* from their professor?

In fact, the case of Anṣārī is far from a rare case at all. Except two biographers that wrote also about their own lives in detail, in most cases, we do not have much information on *ijāza*s of *ijtihād*. I checked Ḥirz al-Dīn's *Maʻārif al-Rijāl*, a biographical work that contains comparatively good information on *ijāza*s (Ḥirz al-Dīn 1405 A.H.). The work mentions 347 *ijāza*s from the nineteenth century. Among them, only thirty-one *ijāzas* of *ijtihād* are mentioned, which make up only 9 percent of the total *ijāza*s. On the other hand, 254 *ijāza*s of *riwāya* are mentioned, which constitute 73 percent of the total *ijāza*s. It is not specified whether the remaining *ijāza*s are those of *ijtihād* or *riwāya*, but most of them must have been those of *riwāya*.

Furthermore, al-Ṭahrānī's *al-Dharīʻa*, the most comprehensive bibliography on Shiʻi works, mentions seventy *ijāza*s from the nineteenth century, each of which includes both names of the professor and his student (al-Ṭahrānī 1408 A.H., Vol. 1, 133-261). Among them, there are only four *ijāzas* of *ijtihād*, and they constitute only 6 percent of the total: one of them is the *ijāza* from Mudarris Iṣfahānī to Khwānsārī, which I have already analyzed. If *ijāza*s of *ijtihād* were critical for the ʻulama to be *mujtahid*s, why do biographers not mention them much, and why have so few *ijāza*s remained?

The logical conclusion is that the *ijāzas* of *ijtihād* were not issued consistently or were so important for the ʻulama. We are left in doubt about whether every *mujtahid* had acquired an *ijāza* of *ijtihād*. Therefore, if an *ijāza* of *ijtihād* was not a prerequisite for a *mujtahid* during the nineteenth century, how did a student become a *mujtahid*? In order to answer this question, we have to reexamine the concept of *ijtihād*.

2. *Ijtihād* and *ijāza* in practice

As mentioned earlier, the term "stage of deduction (*istinbāṭ*)" is used as a synonym of stage of *ijtihād* in the *ijāza*s of *ijtihād*. The *ijāza* of *ijtihād* did not permit anything but was merely a certificate that the student reached the stage of deduction. But how did a student achieve this stage? Āqā Najafī Qūchānī (d. 1944), who also studied in ʻAtabat in the late nineteenth century, wrote the following in his memoir:

> A few years after I came back from Najaf I knew that I had became a *mujtahid*. On most of the judicial subjects, my opinion matched that of the professor before he had expressed his. Now I do not emulate the professor except in the case of rare subjects for which I can not achieve the conclusion. (Najafī Qūchānī 1362 A.H.S., 372)

First of all, Qūchānī exercised *ijtihād* not to make an original decision in Shi‘i law but to arrive at the same answer as that of his professor, without any help. The *ijtihād* here has a very technical meaning: it refers to the efforts of deduction for the purpose of finding legal rules from legal sources. If a student exercised *ijtihād* correctly, his answer would match that of his professor. It was not necessary for a student to find an original answer that no one had ever found before.

The second point is that Qūchānī came to recognize himself as a *mujtahid* by himself. There was no need to acquire permission for exercising *ijtihād*. It is interesting to note that this fact coincides with the theory of Bihbahānī, the Uṣūlī leader. Bihbahānī claims that a scholar gains the status of *mujtahid* through internal recognition by the scholar himself that he has fulfilled the requisite criteria (Gleave 2000, 241-242). This is not only a theory: in practice, too, the internal recognition by the scholar himself was an important factor. For example, with regard to Sayyid ‘Abd ullāh Bihbahānī (d. 1910), a famous leader of the Constitutional Revolution, I‘timād al-Salṭanah states that "he considered himself to have achieved the stage of *ijtihād* and for this reason, he opened the court and administered the law" (I‘timād al-Salṭanah 1363 A.H.S., 245). Tunikābunī describes a scholar, namely Āqā Sayyid Ja‘far, who doubted his own *ijtihād* and never stopped relying on *taqlīd*, although he had acquired an *ijāza* from Sayyid Muḥammad Mujāhid b. Sayyid ‘Alī (Tunikābunī 1383 A.H.S., 86).

However, for non-*mujtahid* believers, the internal recognition of scholars was not enough to convince them that the scholar was a *mujtahid*. For this reason, they always tried to confirm the scholars' status as *mujtahid*s, sometimes by asking other scholars about it, as we saw in Chapter I. The status of *mujtahid* was to be questioned and to be confirmed if necessary. Here, we can see a system of certification (*taṣdīq*) for the status of *mujtahid*, and consider an *ijāza* of *ijtihād* as part of the system. In other words, an *ijāza* of *ijtihād* was not a prerequisite for a *mujtahid*, but a certificate for the scholar who wanted to have it in order to be recognized as a *mujtahid* by the community: that is to say, it is just like a recommendation letter. Moreover, even if he did not have an *ijāza* of *ijtihād*, he had other occasions on which to be recognized as a *mujtahid*. It is natural that a great *mujtahid* like Anṣārī did not need or did not care about an *ijāza* of *ijtihād* because everyone recognized him even without it.

As for *ijāza*s of *riwāya*, most of them did not mention the students' *ijtihād*s directly. However, they at least helped the students to strengthen their authority and to acquire more confidence from people. In this regard, as Tunikābunī's uncle stated, an *ijāza* of *riwāya* would function in the same way as an *ijāza* of

ijtihād. However, the difference between the two types of *ijāza*s is that the *ijāza* of *riwāya* had a spiritual significance because it linked the holder with the Prophet and the Imams through *isnād*s. From the spiritual motive, scholars tried to acquire more *ijāza*s of *riwāya* with good *isnād*s than they did for the *ijāza*s of *ijtihād*. As the result, it can be said that almost all the *mujtahid*s would acquire multiple *ijāza*s of *riwāya* during lifetime.

Conclusion

On these grounds I have come to conclusion that the validity of the modern textbooks' descriptions on *ijāza*s of *ijtihād* is quite doubtful, at least, in the case of the nineteenth-century definitions. An *ijāza* of *ijtihād* was not a permission to exercise *ijtihād* but a certificate to endorse a scholar's ability to exercise *ijtihād*. The form of the *ijāza*s was not fixed. Biographical sources rarely mention the *ijāza*s of *ijtihād* of *mujtahid*s; they mention mainly the professors under whom the students actually learned and the professors who conferred on them *ijāza*s of *riwāya*. It is difficult to ascertain that the *ijāza*s of *ijtihād* were systemically issued and were critically important for the *mujtahid*s, or prerequisites for becoming *mujtahid*s in the nineteenth century.

Therefore, as far as nineteenth-century ʻulama are concerned, the conditions to be a *mujtahid* in the modern textbooks should be revised as follows: First, he had to recognize by himself that he had acquired the ability of *ijtihād* or deduction of the legal rules from the legal sources. Secondly, he had to be recognized as a *mujtahid* by the society. Further, an *ijāza* of *ijtihād* was one of the means for acquiring the social recognition as a *mujtahid*. If his *ijtihād* was obvious to everyone, he did not need *ijāza* of *ijtihād* at all. In addition, there were other occasions for acquiring the social recognition, when he needed. We can say that there was a system of certification for the status of *mujtahid*s, especially through legal documents as we saw in Chapter I. Undoubtedly, the system had developed ever since the Uṣūlī doctrine prevailed over the community, and emulating a true *mujtahid* became critically important for non-*mujtahid* believers.

In addition, *ijāza*s of *riwāya* also functioned as a part of the system of certification. However, since they contained *isnād*s that linked the holder with the Prophet and Imams, *mujtahid*s sought to acquire those with good *isnād*s from spiritual motives. This is why most *mujtahid*s had multiple *ijāza*s of *riwāya*, and it is difficult to say that *ijāza*s of *riwāya* were less prestigious than *ijāza*s of *ijtihād*.

It is possible that the situation in the twentieth century and after is different

from that in the nineteenth century. However, that is another topic to be studied. In that case, we have to take the modernization of Ḥawza into consideration: it is possible that the modern educational system had an influence on Ḥawza, and prepared a more systematic license system in it.

Notes

[1] For Clerical leadership in the modern Shi'i community, see Arjomand 1984; Amanat 1988; Kazemi Moussavi 1996.

[2] I read the word as "*muḥtāṭ*" from stem ḤWṬ, instead of "*muḥtaṭ*" in Momen's work, which seems to be derived from stem ḤṬṬ and should be "*muḥtaṭṭ*" in accordance with Arabic grammar. Jamālī wrote the word just as "Muhtat(s)" without any diacritical marks. Mervin states the professor advised the student to keep "la prudente reserve (*iḥtiyāt*)," after conferring an *ijāza* of *ijtihād* (Mervin 1995, 183), which supports my interpretation. See also Halm/Brown 1997, 104, 131.

[3] For the details about the document, see Kondo 2003.

[4] Other references on *ijāza* of *ijtihād* is: Gurjī 1373 A.H.S., 610; Stewart 1998, 274-275; Ṣadr Ḥājj Sayyid Javādī et al. 1380 A.H.S., 470; Mervin 1995, 182-183; Sindawi 2007, 845-846. In these works no reference is made to the text of the *ijāza* except in Mervin's article, which refers to two *ijāza*s issued to 'Abd al-Ḥusayn Sharaf al-Dīn 'Āmilī (d. 1957-8), probably from the early twentieth century, although she does not analyze them in detail. Stewart supposes that the custom of *ijāza*s of *ijtihād* started in the nineteenth century. Sindawi states that Shaykh Ḥasan Bāqir al-Iṣfahānī (d. 1946) was the pioneer; however, he may have confused the name with that of Shaykh Muḥammad Ḥasan Iṣfahānī Najafī Ṣāḥib al-Jawāhir (d. 1850).

[5] This is the first *ijāza* that Tunikābunī acquired and after this he tried to acquire another *ijāza* from Shaftī, who died in 1844. See Chapter III below.

[6] For his life, see al-Ṭahrānī 1404 A.H. b, Vol. 1, 334-336.

[7] I interpreted the second half of the description differently from the French translation (al-Amīn/ Mervin and al-Amīn 1998, 112).

[8] Mervin, basing on an interview, states that not only hadith but all the religious sciences are mentioned in an *ijāza* of *riwāya* (Mervin1995, 183). See also Mudīr Shānah-chī 1373 A.H.S.

[9] *al-Kāfī* by al-Kulaynī (d. 941), *Man lā Yaḥḍuru-hu al-Faqīh* by Ibn Bābūyah (d. 991-2), *Tahdhīb al-Aḥkām* and *al-Istibṣār* by Shaykh al-Ṭā'ifa al-Ṭūsī (d. 1067).

[10] *al-Wāfī* by Muḥsin al-Fayḍ (d. 1680), *Wasā'il al-Shī'a* by al-Ḥurr al-'Āmilī (d. 1693) and *Biḥār al-Anwār* by Muḥammad Bāqir al-Majlisī (d. 1699).

[11] An *uṣūl* work (al-Ṭahrānī 1408 A.H., Vol. 15, 377; Mudarris Tabrīzī 1374 A.H.S., Vol. 1, 247-248).

[12] A twenty-four volume *fiqh* work written as commentary on al-Muḥaqqiq al-Ḥillī's *Sharā'i' al-Islām* (al-Ṭahrānī 1408 A.H., Vol. 23, 182-183; Modarressi Tabātabā'i 1984, 68).

[13] For his life, see McChesney 1981-84.

[14] The text of *ijāza* was published in a facsimile of transcription in Anṣārī 1373 A.H.S., 149-159.

[15] The collection of speeches, letters and sermons by Imam 'Alī (d. 661).

[16] The collection of *du'ā*s (prayers) transmitted from the fourth Imam Zayn al-'Ābidīn 'Alī (d. 712 or 713).

[17] See notes 9 and 10 above.

[18] The link between al-Baḥrānī and Baḥr al-'Ulūm is found in the *ijāza* from al-Baḥrānī to Baḥr al-'Ulūm, which is analyzed by Gleave (Gleave 1994). However, the *isnād* to al-Baḥrānī is totally different in both *ijāza*s.

[19] Other *ijāza*s I have examined are: *ijāza* from Muḥammad Bāqir Qazwīnī to Tunikābunī (Tunikābunī 1383 A.H.S., 77-78); five *ijāza*s from Khwānsārī, which are mentioned in Chapter III; *ijāza* from Mīrzā Ḥusayn Muḥaddith Nūrī to Shaykh Faḍl ullāh Nūrī dated 1302/1885, in

Turkmān 1363 A.H.S., Vol. 2, 446-453.

[20] I do not agree with the French translation, "qui n'impose pas au résipiendaire d'être muǧtahid" (al-Amīn/Mervin and al-Amīn 1998, 112).

[21] 18 volumes. The contents are found in Tunikābunī 1383 A.H.S., 100.

[22] A facsimile copy of the *ijāza* from Khwānsārī to Mīrzā Muḥammad Hamadānī, issued after 1275/1858-9.

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