

Thou Shalt Emulate the Most Knowledgeable Living Cleric: Redefinition of Islamic Law and Authority in Usuli Shi'ism

Zackery Mirza Heern

Murray State University, Kentucky, USA

Abstract

This paper analyses the reconceptualization of Islamic law and authority as defined by Murtada al-Ansari (d. 1864), the influential scholar and first sole supreme exemplar (*marja' al-taqlid al-mutlaq*) of the international Shi'i community. This paper argues that by redefining core concepts related to Islamic legal theory and clerical authority, Ansari significantly increased the power of individual Shi'i clerics. Ansari's conception of *marja' al-taqlid* required all lay Shi'is to emulate the judgments of the most knowledgeable living Shi'i jurist (*mujtahid*). Ansari's legacy in Islamic law is that he streamlined the process of *ijtihad*, which enhanced the ability of *mujtahids* to issue rulings on virtually any case. Therefore, Ansari refined theories and practices associated with the generation and dissemination of legal rulings. These contributions gave *mujtahids* supreme socio-legal authority in the Shi'i world, which continues to operate within many of the general premises established by the school of Shaykh al-Ansari.

Key Words: Islamic law, Islamic authority, Usuli Shi'ism, Murtada Ansari, *usul al-fiqh*, *marja' al-taqlid*

Introduction¹

To ensure that the actions of Shi'is are in conformity with God's will, Usuli scholars argued that all Shi'is must emulate (*taqlid*) the rulings of the most knowledgeable (*a'lam*) living *mujtahid*, who is the exemplar, or 'source of emulation' (*marja' al-taqlid*) for the Shi'i community. *Marja' iyyah* is the concept that a living *mujtahid* has leadership over the Shi'i community. As Linda Walbridge puts it, the *marja'* is 'the representative of the "general deputyship" of the Imam' and 'enjoys the dual role of chief legal expert and spiritual model for all Shi'a.'² Although theories of *marja' iyyah* have their roots in the pre-modern period, it is only since the nineteenth century that the concept has achieved traction among a sizable portion of the Shi'i community in practice. In the contemporary Shi'i world, *marja's* have become pope-like figures, who should theoretically be emulated (*taqlid*) by the Shi'i community in matters related to the all-encompassing system of Islamic law.

The theoretical underpinnings for the Shi'i concepts of jurisprudence (*usul al-fiqh*) and *marja' al-taqlid* were redefined by Shaykh Murtada ibn Muhammad Amin Ansari³ (1799-1864), who was one of the most influential Muslim scholars of the nineteenth century. Ansari systematically overhauled much of the socio-legal framework of modern Usuli Shi'ism. Ansari's supporters have referred to him as the 'seal of the *mujtahids*'⁴ as well as the 'the Imam's Chosen One and the Caliph in truth over all men in all judgments concerning what is permitted or forbidden, the Exemplar of both the experts and laymen.'⁵ In his monumental work, *The Mantle of the Prophet*, Roy Mottahedeh rightly argues that 'leadership in Shiah learning...found its highest expression in Sheikh Mortaza Ansari,' and 'more than that of any mullah leader of the past two centuries, his leadership celebrated his learning.'⁶ Indeed, Ansari reached a pinnacle of both Shi'i scholarship and leadership, achieving an unprecedented status in Shi'i history as the widely recognized sole supreme exemplar (*marja' al-taqlid al-mutlaq*) of the global Shi'i community.

In addition to redefining central theories of Shi'i law and authority, Ansari modeled his new approach to Shi'ism during his lifetime. Scholars debate whether Ansari was the first or second supreme *marja' al-taqlid* in Shi'i history.⁷ Regardless of who deserves the title of first *marja'*, the concept of *marja' al-taqlid* did not exist in practice prior to the nineteenth century, even though the theory had been developed prior to this time. However, largely as a result of Ansari's efforts, the *marja'* became a fixture of Shi'i authority in the twentieth century. Ansari's acceptance as leader of the Shi'i community also greatly contributed to the establishment of Najaf as the dominant international centre of Shi'i learning and authority until the mid-twentieth century when Qum emerged as a leading Shi'i centre.

Abbas Amanat questions whether the notion of '*marja'-i taqlid kull* (supreme source of emulation)' existed during Ansari's time given that 'the first explicit reference to Ansari's supreme authority' only appears in the twentieth century.⁸ Whether or not Ansari's contemporaries viewed him as such, no other scholar has come to exemplify the office of *marja' al-taqlid* more than Ansari. He became the prototype and the icon on which the institution was built. *Marja'iyah* continues to be a defining feature of contemporary Shi'i societies, even if no single *marja'* has obtained the same widespread support that Ansari once enjoyed.

The remainder of this paper argues that Ansari's redefinition of key concepts related to Islamic legal theory and clerical authority increased the power of Shi'i *mujtahids*. Ansari's work was instrumental in establishing Usuli clerics as intermediaries between lay members of the Shi'i community and traditional sources of Shi'i authority. Ansari systematized the process of issuing and disseminating legal judgments. His conception of *marja' al-taqlid* required lay Shi'is to emulate the judgments of the most knowledgeable living jurist. In fact, Ansari argued that following a *mujtahid* is legally binding in Islam. In a broader sense, Ansari's contributions to Shi'i thought and practice significantly bolstered the social, economic, and political capacity of *mujtahids* in the nineteenth century Shi'i world.

The bulk of the paper is composed of two sections. In part one, I argue that Ansari redefined legal terms, including proof (*hujjah*), certainty (*qat'*), conjecture (*zann*), doubt (*shakk*), and caution (*ihtiyat*). His redefinition of these concepts extended the ability of *mujtahids* to generate new rulings (sing. *hukm*) on virtually any case. Therefore, Ansari brought Usuli legal theory to a logical conclusion. The second section discusses the social structure that Ansari developed in relation to clerical authority. I specifically focus on Ansari's conceptions of *marja'iyah*, *ijtihad*, and emulation (*taqlid*), which extend the authority of *mujtahids* to non-clerical members of the Shi'i community. The following, then, highlights the fact that Ansari enhanced the socio-legal authority of Shi'i *mujtahids* by refining theories and practices associated with the generation and dissemination of legal rulings.

First, a few introductory remarks should be made regarding the sources on which this paper is based and the socio-historical context in which Ansari contributed to the Shi'i tradition. Academic studies in English on issues directly related to the subject at hand are the result of a handful of dedicated scholars. Of particular importance on the subject of Shi'i law is the work of Robert Gleave,⁹ Hossein Modarressi,¹⁰ Devin Stewart,¹¹ and Roy Mottahedeh.¹² I rely heavily on the excellent work of Gleave and Mottahedeh for the translation of Islamic legal terms.¹³ Sources related to the concept of *marja' al-taqlid* include monographs and articles by Linda Walbridge,¹⁴ Ahmad Moussavi,¹⁵ and Ann Lambton.¹⁶ In terms of scholarship that directly relates to Ansari, the key sources are the work of Meir Litvak,¹⁷ Abbas Amanat,¹⁸ and Juan Cole.¹⁹

Research for this paper is primarily based on the scholarship of Ansari himself. *Fara'id al-Usul* is Ansari's most important work on Islamic legal theory (*usul al-fiqh*), which was written in Arabic for legal

experts.²⁰ Several scholars have already pointed out that *Fara'id al-Usul* broke new ground by establishing clear procedural principles (*usul al-'amaliyyah*) for jurists to follow when determining new rulings.²¹ Shi'i scholars have, perhaps, written more commentaries on *Fara'id al-Usul* than any other legal text in modern Shi'i history.²² Ansari applied the methodological principles of *Fara'id al-Usul* in his famous *Kitab al-Makasib (Transactions)*, which is a multi-volume study on commercial law.²³ In this work, Ansari responds to questions that were arising as the Shi'i world was becoming further integrated into the global economy.²⁴ In terms of Ansari's conception of Shi'i authority as it relates to *marja' al-taqlid*, *Sirat al-Najat (The Path to Salvation)* is an important source.²⁵ Juan Cole describes *Sirat al-Najat* as a 'Persian manual on ritual practice...intended for literate laypersons.'²⁶ Of particular importance for our discussion on *marja' al-taqlid* is the section on emulation (*taqlid*). In addition to Ansari's writings, *Zindagani va Shakhsiyyat-i Shaykh Ansari* is an invaluable biographical source on Ansari.²⁷

The context in which Ansari operated was largely defined by the training he received at the Shi'i seminary (*hawzah*) in Najaf in the Usuli school of thought. Muhammad Baqir 'Vahid' Bihbihani (d. 1791) and his students established the pre-eminence of the Usuli movement in the late eighteenth and early nineteenth centuries.²⁸ Bihbihani and his disciples rejected Akhbari scripturalism, which had become dominant in the Iraqi centres of learning by the eighteenth century.²⁹ Usulis also prevented the Shaykhi movement from gaining ground in the Shi'i seminaries, especially after the death of Shaykh Ahmad al-Ahsa'i (1753-1826). Usulism, therefore, had largely overcome Akhbari, Shaykhi, as well as Sufi rivals in the two generations that preceded Ansari.

The Usuli revival coincided with the establishment of the Qajar dynasty (1794-1925) in Iran, which was marked by an uneasy relationship between state and religion in the late nineteenth century.³⁰ However, in the early nineteenth century Usulis had legitimized Qajar rulers, who, in turn, lent patronage to clerics and appointed a *shaykh al-islam* in many Iranian cities. Ansari, however, remained in Iraq and maintained a posture of pious aloofness from political affairs, which has been the cause of some criticism by contemporary Shi'i scholars.³¹

However, Ansari has generally received immense praise in a wide range of sources. In addition to countless laudatory references to Ansari in Shi'i sources, non-Shi'is held Ansari in high esteem as well. A British ambassador claimed that he was 'either Jesus himself or his special deputy on earth.'³² Baha'i sources admire Ansari as 'a man renowned for his tolerance, his wisdom, his undeviating justice, his piety and nobility of character' and refer to him as the 'the noble and celebrated scholar, the seal of seekers after truth.'³³

Ansari's recognition as the sole *marja' al-taqlid* for the Shi'i world had a profound stabilizing influence on the Usuli movement. Partially because of his pious reputation and his austere lifestyle, Ansari received enormous sums of money, mostly in the form of the religious tax (share (*sahm*) of the Imam). According to a contemporary of Ansari, an estimated two hundred thousand *tumans* per year flowed to Najaf from the far reaches of the global Shi'i community in India, Russia, Afghanistan, and the Ottoman provinces.³⁴ Ansari used a portion of these funds to train a large group of students, which meant that his thought continued to prevail after his time. Ansari's students became preeminent scholars in the Shi'i world in the late nineteenth and early twentieth centuries. According to Litvak, 'former students of Murtada Ansari constituted the largest group of competing leaders during the third quarter of the nineteenth century.'³⁵

Ansari exhibited the qualities of the ideal *marja'*, which he argues are knowledge, justice, piety, reliability, and caution. With his monumental works on *usul* and *fiqh*, he demonstrated that he was the most knowledgeable. By all accounts, he was also just, pious, reliable, and cautious. Therefore, the neo-Usuli movement had found its exemplary leader in Ansari at a critical moment in its development. In addition to European imperialism, Usulis felt threatened by the Babi and Baha'i movements, which were

attracting followers from its ranks. Additionally, the faith of Iranians in the Qajar regime as well as the clerical establishment was sinking. Furthermore, most of the previous generation of Usuli clerics died by the end of the 1840s. Facing no serious internal rivals, therefore, Ansari filled much of the void and gained wide recognition as the sole *marja*.³⁶

Such Usuli hegemony allowed Ansari the opportunity to present a refined approach to Usulism. Modarressi suggests that Ansari inaugurated a new stage of Shi'i legal thought, which he calls the 'School of Shaykh al-Ansari' and separates from the school of Wahid Bihbihani.³⁷ Modarressi argues that Ansari's 'legal studies and his overall method were so refined and solid they superseded all previous methods. Wherever he dealt with a certain subject, his discussions have supplanted all previous works on it' and 'Al-Ansari's method is still dominant in Shi'i academic life.'³⁸ According to Mottahedeh, 'the decisive blows in [the Usuli-Akhbari dispute] were dealt by the saintly Murtada al-'Ansari, who vastly extended the use of procedural principles.'³⁹ Although the Usuli-Akhbari dispute had significantly diminished by Ansari's time, his legal approach has certainly been central to the curriculum of Shi'i seminaries since the mid-1800s, even if some contemporary scholars view it as old-fashioned.

It is important to keep in mind, however, that much of Ansari's legal theory was built on prior developments in Usuli legal methodology. Because Ansari's thought was firmly rooted in the Usuli tradition, his contributions to Islamic law should be understood as a critical step in the evolution of Usuli thought and practice, instead of a break from it. Therefore, Ansari redefined a school of thought that had been developing for hundreds of years prior to his time.

Additionally, the evolution of Usulism continued after Ansari. The most significant change in Usulism since Ansari's lifetime is, perhaps, the politicization of clerical authority. Although Ansari generally did not involve himself in politics, his streamlined approach to Shi'ism strengthened the ability of future *mujtahids* to succeed in political affairs. Ansari's successors, especially Muhammad Hassan Shirazi (d. 1895), ushered in a period of political activism. Shirazi and others challenged state authority by providing leadership to protest movements against the Qajar government, which culminated in the famous Tobacco Rebellion (1891-92) and Iran's Constitutional Revolution (1905-11). These movements, in turn, created a precedent, which partially inspired the 1979 Iranian revolution. The central concern of this paper, however, is not the relationship between the Usuli movement and politics. Let us then return to the topic at hand, starting with Ansari's redefinition of Islamic legal theory.

Ansari's redefinition of *usul al-fiqh*

As noted above, Ansari gained scholarly prominence as a result of his reconstruction of Islamic jurisprudence (*usul al-fiqh*). His system enabled jurists to rule on all cases of law without completely breaking away from the texts (i.e. the Qur'an and Sunnah). Ansari, therefore, seems to have struck a balance between unbridled rationalism (*'aql*) and strict textualism in his conception of Islamic law. In other words, he advocated a middle ground between unrestrained interpretation and complete rejection of *ijtihad*. He especially made it possible for jurists to rule on cases in which they are uncertain (*shakk*) as the result of the absence of an indicator (*dalil*) in the sources.

Prior to Ansari's time, two fields of study had been developed within *usul al-fiqh*: semantic (*lafzi*) and procedural (*'amali*). Semantics is the study of the rules of reasoning that are applied to the textual sources. Procedural principles (*usul 'amaliyyah*) refer to the process that guides a *mujtahid* when an indicator (*dalil*) cannot be found. Mottahedeh defines Ansari's conception of procedural principles as 'decision trees, organized schemes of alternate choices, which frequently offered the binary either/or choices to the jurisconsult.'⁴⁰ Since semantics had already been extensively developed, Ansari focused on procedural principles, which he established as a separate field in *usul al-fiqh*.⁴¹

Ansari advances these principles and others in his *Fara'id al-Usul*. The primary objective of this book is to define what constitutes a proof (*hujjah*), which leads to knowledge ('*ilm*), as it exists in the mind of the Lawgiver.⁴² *Hujjah* is the evidence that is presented, which validates a law or ruling (*hukm*). Ansari divides the question of how a jurist can uncover perfect knowledge ('*ilm*), or God's will, into two parts. First, what are the epistemological states of a jurist while assessing God's will? Second, through what sources can the will of God be known?

In terms of the epistemological states of a jurist, Ansari suggests that a *mujtahid* can be in one of three conditions in relation to a ruling on any given case. The first of these states (which also comprises the first section of *Fara'id al-Usul*) is certainty (*qat'*), which occurs when the textual sources are unambiguous. For example, the Qur'an says that wine is forbidden. This is a clear statement that can be applied without employing reason or other exegetical tools. If a Muslim asks a *mujtahid* if he can drink wine, the *mujtahid* can reply without having to produce a rationale. It is forbidden simply because the Qur'an states that it is forbidden.⁴³

In the second section of *Fara'id al-Usul*, Ansari discusses cases in which *mujtahids* must determine their ruling on the basis of valid conjecture (*zann mu'tabar*). If a clear ruling does not exist in the texts, the *mujtahid* must search for an indicator (*dalil*) on which a ruling can be based. Therefore, the jurist produces a legal opinion, which is rooted in textual evidence. Because the texts do not explicitly determine the ruling, it does not achieve certainty. However, because the texts contain an indicator (*dalil*) of what the law might be, the *mujtahid* can issue the ruling with a high degree of probability, or conjecture (*zann*).

The third epistemological state, according to Ansari, is doubt (*shakk*), which occurs when the sources do not provide a clear ruling and do not contain any indication of what the ruling might be.⁴⁴ Since the first two cases (*qat'* and *zann mu'tabar*) were extensively developed by his predecessors, Ansari focused more attention on doubt and devised a systematic method for jurists to follow when certainty or conjecture cannot be achieved. By allowing *mujtahids* to produce rulings on cases in which they were in doubt, Ansari brought Usuli legal theory to a logical conclusion. Bihbihani and others had already set this process in motion by rejecting the idea that the law demands certainty. As Gleave states, Bihbihani argued that 'the *mujtahid's* task is not to discover the truth, but to consider all the sources which have probative force...in an attempt to find the most probable ruling.'⁴⁵ Akhbaris, however, forbade jurists to rule on cases in which certainty could not be reached.

The difference between conjecture (*zann*) and doubt (*shakk*) is that in cases of conjecture the jurist is able to find an indicator (*dalil*), whereas doubt (*shakk*) is the result of the absence of an indicator in the legal sources. Prior to Ansari, Shi'i scholars divided indicators into two categories: rational and non-rational. The non-rational indicators were comprised of the first three sources of Shi'i law (Qur'an, Sunnah, and *ijma'*). If a jurist finds an indicator in one of these three sources, he does not employ reason ('*aql*') in producing the ruling.

If, however, no indicator exists in the first three sources, the jurist can cite a rational indicator (*dalil al-'aqli*). The idea that knowledge could be uncovered by the human intellect without the aid of revelation was a contribution of the Mu'tazili school, which provided the basis for much of the rationalist thought adopted by Usuli scholars. Gleave points out that all Shi'i *usul* texts, including those written by Akhbaris, contained a section on rational indicators by the eighteenth century.⁴⁶

Rational indicators are primarily defined by the principles of the presumption of permittedness (*bara'ah asliyyah*, also rendered 'exemption') and the presumption of continuity (*istishab al-hal*). The presumption of permittedness refers to cases in which an action has neither been commanded nor forbidden in the

sources and are, therefore, assumed to be lawful (*mubah*). In other words, the legal agent (*mukallaf*) is exempt from adhering to a ruling on the case. Continuity is applied when an action has already been determined to be right or wrong and the conditions of the case have not changed. The ruling, therefore, continues until the circumstances of the original case change. Ansari, however, did not exactly apply the presumptions of permittedness and continuity in this manner.

Instead of accepting these two principles as indicators of law, he incorporated them into his theory of procedural principles (*usul 'amaliyyah*). Ansari outlines four guiding principles for the jurist to follow when he is unable to find non-rational indicators for a particular case. In addition to the presumptions of continuity (*istishab*) and permittedness (*bara'ah*), he includes caution (*ihtiyat*) and choice (*takhyir*). The first guiding principle is the presumption of continuity (*istishab*). When a *mujtahid* faces a question regarding a religious duty (*taklif*), he must find a precedent. If he finds one, he should 'continue' following it. However, if the *mujtahid* does not find a precedent, he must determine whether the 'doubt' concerning the religious duty is primary (*shakk ibtida'i*), which occurs when no legal obligation for the duty already exists. In cases where a legal obligation has not been made in the past, he should exercise the second principle: permittedness (*bara'ah*). Therefore, if a *mujtahid* is asked whether a religious duty is binding and there is no previous legal obligation for this duty, he will rule that it is neither obligatory nor forbidden. Ansari's third guiding principle is related to secondary doubt – i.e. when doubt does not arise with reference to the religious duty itself, but to the details of the ruling associated with it. This only applies to cases in which it is known that the ruling exists, but more than one option seems plausible. In this case, all options should be carried out with caution (*ihtiyat*). This means that one must go out of his or her way to ensure that each option is performed. If it is impossible to follow all of the options, the fourth principle should be adopted, namely choice (*takhyir*). In this case, the *mujtahid* chooses the most probable option.⁴⁷

Although Ansari's major contribution to *usul al-fiqh* was his development of procedural principles on cases in which the jurist is in doubt (*shakk*), he redefined the idea of certainty (*qat'*) as well. His development of the concept of certainty is quite sophisticated and differs from explanations written before him. Ansari puts forward the following bold statement in this regard:

There is no ambiguity [*ishkal*] regarding the obligation [*wujub*] of following certainty [*al-qat'*] and acting upon it, because it is, in itself, a path [*tariq*] to the reality of the Law [*al-waqi'*]. Its quality of being a path [*tariqiyyatuhu*] is not subject to the Lawgiver's making it established or negated.⁴⁸

Based on this premise, Ansari argues that since certainty is a complete vision of reality, unveiling (*inkishaf*) reality can constitute a proof (*hujjah*). He then suggests that it is beyond human control to establish or take away the validity of reality as a proof. However, since certainty, by definition, is the revealing of truth, a person uncovering reality can also be considered a proof. In other words, the *mujtahid* himself can act as a proof.⁴⁹

The idea of a person as a proof sparked a debate on the validity of someone who always claims to be certain or doubtful. Ansari explains that he is in general agreement on this issue with one of his predecessors, Shaykh Ja'far Kashif al-Ghita' (d. 1228/1812). In his magnum opus (*Kashf al-Ghita'*), Kashif al-Ghita' rejects the ruling of doubt on a subject by someone who is always doubtful. In the same way, he says that the person who normally concludes that a ruling is certain or probable is not acceptable.⁵⁰ As Ansari says, the validity of a person who is abnormal in his certainty or conjecture is null and void.⁵¹ For example, if someone is always certain in his testimony or when issuing *fatwas*, then their testimonies and *fatwas* should be considered invalid. According to Ansari, such abnormal certainty on issues related to subjective knowledge is itself abnormal. However, if a person is generally certain on

cases dealing with absolute knowledge, Ansari suggests that the person's judgment is valid.⁵²

In service of his argument that a person can act as a proof, Ansari suggests that God has sanctioned other non-textual proofs. For example, the Qur'an calls for the use of witnesses.⁵³ The testimony of these witnesses constitutes a proof since it is the basis of the judge's ruling.⁵⁴ However, simply because this type of proof has been sanctioned by the Qur'an does not mean that it will always produce certainty due to the fact that witnesses can err in their judgment. Nonetheless, Ansari accepts that it has been commanded as a proof, which means that the Lawgiver has approved the use of methods that do not necessarily produce perfectly certain results. It is on this basis that Ansari redefines a proof as anything that can be relied on to arrive at a ruling, keeping in mind that some proofs are weighted heavier in their ability to produce the truth than others. Some proofs (e.g. the Qur'an and Sunnah) will bring forth certainty (*qat'*), while others will only generate conjecture (*zann*). Ansari takes this line of reasoning from Bihbihani and other Usulis who argue that Islamic law is bound to produce probable (*zanni*) rulings. Although Ansari does not explicitly enumerate proofs, aside from the four sources accepted by Usulis prior to him (Qur'an, Sunnah, consensus, reason), he seems to suggest that additional proofs exist. He also implies that reality can be uncovered by reason (*'aql*) alone.

Ansari does, however, attribute four qualities to proofs. First, if a ruling is established based on a proof, it is binding (*tanjiz*), which is based on the underlying assumption that the law is correct in the mind of the Lawgiver. Second, Ansari attributes the quality of excusing (*ta'dhir*) to proofs. This quality accounts for situations in which God's intention is actually contrary to a law based on a proof. A person who obeys a ruling that has been established by a *mujtahid*, which actually differs from God's law will be excused. The quality of excusing calls to mind the injunction of *mujtahids* to carry out *ijtihad*. Supporters of *ijtihad* often cite a *hadith* to support the view that if a *mujtahid* makes a ruling based on *ijtihad* and it is ultimately correct, he will receive two rewards. If his ruling is not correct, he will receive one reward.⁵⁵ In other words, if the *mujtahid* is incorrect in his ruling he will be 'excused.' Ansari's third quality explains that a law based on a valid proof must be followed. In other words, it is obligatory for a Muslim to follow all rulings based on valid proofs, which also supports Ansari's insistence that laymen must emulate *mujtahids*. The fourth quality states that rulings based on proofs that are certain (*qat'i*) can be attributed to God. This means that if a law is based on a sure proof, such as a statement in the Qur'an, it is absolutely certain that God willed the law into being.⁵⁶

To continue the discussion on certainty, Ansari divides it into two distinct categories: absolute and subjective. Absolute certainty occurs in cases in which the object and the obligation of a judgment are clearly stated in a valid source. As noted above, cases in which a ruling can be established without the use of reason produce absolute certainty. Wine drinking is a good example of absolute certainty because the object (wine) and the obligation (forbidden) are directly stated in relation to one another. Since this is an absolute statement, drinking wine is forbidden under all circumstances. Ansari argues that even if a person is unaware that a substance is wine, drinking the substance is still forbidden. This is because a drink is forbidden based on its being wine, not on a person's knowledge that it is wine. Thus, a person can be absolutely certain that a substance which is wine, whether he knows that it is wine or not, is forbidden in the mind of the Lawgiver.⁵⁷

Further, Ansari explains that an absolutely certain ruling is not necessarily a proof because it leads directly to the ruling without the use of reason. He defines a proof in logic as a mediating term (*al-hadd al-awsat*), which is the means for establishing a major premise from a minor premise.⁵⁸ Testimony, for example, is the mediating term in the following example. 'According to the *testimony* this thing is impure and everything that the *testimony* establishes as impure must be avoided. Thus, this thing must be avoided.' An absolutely certain ruling, then, is not a proof in this sense because there is no mediating term in the ruling. The text provides the ruling without recourse to logic. As Ansari explains, the ruling of

avoiding wine is established without reason because both the subject and legal obligation are found in the text.⁵⁹

Ansari argues that subjective knowledge is based on the epistemological standpoint of a person. It is dependent on a person's assessment or application of a ruling. Therefore, Ansari explains that the person acts as the mediating term.⁶⁰ For example, if the Qur'an stated, 'everything you are certain of being wine is forbidden,' then a liquid is only forbidden if a person knows that it is wine. Therefore, if the person drinks a substance that he believes is not wine, but later finds out that it was in fact wine, he would not have committed a sin. This is because the quality of being forbidden is conditional on the person's knowledge that the substance is wine. Absolute certainty is different because of the fact that it is not conditional on the epistemological standpoint of a person. In the case of subjective certainty, knowledge of the real ruling according to God can be uncovered. However, it is conditional on the assessment of a person. Thus the following statement would lead a person to the truth: 'Everything that is known to be wine is forbidden; therefore if I am certain that a liquid is wine, I must avoid it.' Based on the wine-drinking example, then, the following example could be constructed. *Person x* is certain that this liquid is wine, and everything that is known to be wine is forbidden. Therefore, *person x* must avoid this liquid.

Ansari's reconceptualization of these core ideas related to procedural principles, certainty, doubt, and proof became widely accepted by Usuli scholars. His procedural principles gave students easier access to *usul* and are still included in the curriculum of seminaries in Shi'i centres of learning. Many of Ansari's colleagues saw the reconstruction of methodology in *Fara'id al-Usul* as the culmination of the Usuli revival, which earned him the title 'seal of the *mujtahids*.' Ansari's new methodology also spread through his disciples, who elaborated on it and applied it to other areas of human activity. Ansari became the most sought after teacher in Najaf for hundreds of students. His reputation increased, as he became known as a mentor who took care of the needs of his students.⁶¹

Although many *mujtahids* have allowed themselves great freedom in their rulings, Ansari limited himself to prudent caution (*ihtiyat*) on most cases and often refrained from issuing rulings.⁶² This shows that personal opinion is actually closely tied to the issuance of judgments even under his refined methodology. Not only do *mujtahids* differ in their rulings on a given case, they also differ in their understanding of which cases are eligible to receive a judgment. Put differently, there is not agreement on what the umbrella of jurists' rulings cover. Can jurists make definitive rulings in politics? If so, does their jurisdiction include both political theory and specific political issues? Questions such as these have caused rifts among Shi'i *mujtahids*. However, Shi'i jurists since the late nineteenth century have generally ruled on a wider range of subjects and their influence has increased tremendously over the past century and a half.

Ansari applied the methodological principles outlined above in his *Kitab al-Makasib*, which is still widely referenced in the Shi'i world. This work is illustrative of the interconnection between the *madrasah* and the marketplace, as Abbas Amanat calls it. Amanat even argues that the emergence of the *marja' al-taqlid* was primarily a result of economic conditions. In his words, 'the transition from plural to singular leadership during Ansari and Shirazi was not so much owing to the recognition by the community of the most learned (*a'lam*)...rather, it was the mechanics of the *madrasa*-bazaar interaction which allowed the designation of a senior *mujtahid* as the sole head...'⁶³ This brings us to our discussion on Ansari's conception of *marja' al-taqlid*, which gets at the heart of his prescription for Shi'i authority in the modern world.

Ansari's redefinition of Shi'i authority

Ansari's redefinition of the social status of Shi'i *mujtahids* was an attempt to maximize the authority of

mujtahids, resolve internal divisions within the Usuli establishment, and stratify leadership. As noted above, Ansari was successful in unifying the majority of the Shi‘i community and centralizing Shi‘i authority around a living *mujtahid*. However, since Ansari’s death, the prevalence of a single, undisputed *marja‘* has been rare. Instead, the norm has been that multiple competing *marja‘*s have existed simultaneously. Therefore, while Shi‘i authority has been centred on highly individualized figures, Shi‘i leadership has remained decentralized as competing *marja‘*s vie for followers, build separate patron-client networks, and issue legal rulings that may contradict those of their peers. The existence of multiple *marja‘*s has also contributed to a democratization of authority within the Shi‘i community. At least, it ensures that authority has not achieved the centralization established by Ansari.

Some commentators have suggested that Ansari advocated a system in which those subject to the law (sing. *mukallaf*), including non-*mujtahids*, are free to make personal judgments.⁶⁴ This misconception is based on Ansari’s statement: ‘know that the person who is subject to the law (*mukallaf*) is either characterized by doubt, probability, or certainty when he ponders a legal ruling.’⁶⁵ Since the term ‘*mukallaf*’ generally includes both *mujtahids* and those who are not trained in Islamic law, this passage has been used to suggest that non-*mujtahids* can ‘ponder a legal ruling.’ However, this argument is formulated out of context and completely ignores Ansari’s framework for authority in which he actually argues the opposite. He clearly lays out a hierarchy in which non-*mujtahids* are required to emulate the judgments of *mujtahids*, who, in turn, are required to emulate the single most knowledgeable *mujtahid*.

In fact, Ansari devoted a section of his *Sirat al-Najat* (‘The Path to Salvation’) to emulation (*taqlid*). Whereas *Fara‘id al-Usul* lays out the process for *mujtahids* to produce legal judgments, *Sirat al-Najat* instructs *muqallids* on how to receive a ruling from a *mujtahid*. Given that one of the aims of *Sirat al-Najat* is to delineate the relationship between *muqallids* and *mujtahids*, the title insinuates that lay Shi‘is obtain salvation by walking the path that is partially defined by *marja‘*s. In other words, Shi‘is are dependent on *mujtahids* for their salvation.

The Shi‘i community, in Ansari’s mind is composed of two parts: *mujtahids* and *muqallids*. Ansari assigned the duty of emulation to laymen since they are not qualified to interpret the law. He suggests that emulation of a *mujtahid* is a religious duty that must be performed by every Shi‘i. As Litvak has already pointed out, Ansari argues that ritual acts are only valid when performed ‘with proper intention and in accordance with the views of a living *mujtahid*.’⁶⁶ Ansari regards emulation as an absolute duty for all Muslims, which means that it is not dependent on the layman’s ability to identify the most learned *mujtahid* and seek his rulings, but is a duty in and of itself.⁶⁷ Therefore, emulation of a *mujtahid* is legally binding, which was Ansari’s first quality of a proof, as indicated above. The sixteenth century scholar Mulla Ahmad Ardabili al-Muqaddas (d. 1585) similarly argued that ‘*taqlid* of a *mujtahid*...is obligatory once a proof for it has been established, such as the *mujtahid*’s ability to derive legal judgments (*ijtihad*).’⁶⁸

In addition to accepting the necessity of emulating a *mujtahid*, Ansari argued that rituals are not acceptable unless they are done in emulation of a living *mujtahid*. The implications of Ansari’s theory regarding the validity of rituals are far-reaching. That a living *mujtahid* gives validity to a person’s ritual acts elevates the station of a *mujtahid* from one who simply gives his interpretation of the law to that of an intermediary between the believer and God. Within Ansari’s Usuli framework, *mujtahids* are the most capable of interpreting the law, which serves the purpose of perpetuating authority, especially the authority of the most knowledgeable Shi‘i.

In practice, Ansari’s conception of the relationship between *muqallids* and *marja‘*s may be likened to the relationship between Shi‘is and the Imams prior to the occultation in the sense that the *marja‘* is an intermediary between the *muqallid* and a legal ruling. Although the *mujtahid* clearly does not replace God

or the Imams, Ansari establishes *mujtahids* as the supreme living source of religious authority in the life of the layperson. More specifically, in Ansari's Usuli system, the *marja'* is the most important authority after God, the Prophet, and the Imams. Therefore, like many religious traditions, Usulis add clerics as an additional intermediary between man and God. This seems to defy the traditional view that Islam does not have clergy, as Bassam Tibi and others argue.⁶⁹ Emulation of *'ulama* accounts for a key difference that separates Usulis from Akhbaris, who generally restrict *taqlid* to the Imams and reject the permissibility of emulating fallible scholars.

Ansari explains the criteria for choosing a *mujtahid* to emulate in *Sirat al-Najat*. The most important criterion is knowledge (*'ilm*). If it is clear that one *mujtahid* is more knowledgeable than the rest, the choice is obvious. Ansari defines the most knowledgeable (*a'lam*) *mujtahid* as the 'one who is more skillful (*ustadhtar*) in deducing God's law (*hukm*) and comprehending it from the lawful evidence' (Arabic *adillah shar'iyah*).⁷⁰ He suggests that if two *mujtahids* are equally knowledgeable, one should rely on piety, justice, reliability, and caution as deciding factors. Caution refers to a *mujtahid* who is not reckless in his rulings and is diligent in his ability to give a ruling that is most in keeping with the textual sources. In choosing a *mujtahid* to emulate the believer must consult 'the testimony of a just man who is among the people of insight...'⁷¹ This means that if a lay Shi'i is unable to determine who is the most knowledgeable *mujtahid*, he must base his decision on the opinion of a fellow believer. Additionally, Ansari stipulates that one must follow a living *mujtahid*. Therefore, if one's *mujtahid* dies, the *muqallid* must choose a new *marja'*.

As Cole has already pointed out, Ansari suggests that a less learned *mujtahid* can be emulated under certain circumstances.⁷² When the more knowledgeable *mujtahid* refuses to rule on a certain issue, the believer can take the ruling of another *mujtahid*. In this case the follower must be aware that the two *mujtahids* are in general agreement on similar issues. The layman may also emulate the less learned *mujtahid* if he knows that he is in agreement with the most learned. If the less knowledgeable *mujtahid* opposes the most learned on a number of issues, however, the layman must verify that the two agree on this particular issue. If, however, the emulator finds out that the two *mujtahids* disagree, then he must change his allegiance to the most learned. He should also re-perform the ritual acts correctly based on the interpretation of the latter. Therefore, the believer can emulate a less knowledgeable *mujtahid* only when he is ultimately following the superior *mujtahid*. However, once a person determines one man to be the most knowledgeable *mujtahid*, it is not necessary for him to seek the rulings of others. Each of Ansari's rules regarding the selection of a *mujtahid* for emulation is based on his aim of preserving the legitimacy of the institution of the *marja'* while allowing believers the opportunity to receive a ruling on any case.

Ansari's criteria for selecting a single *marja'* for emulation has received significant criticism in academic literature. Amanat argues that 'the rudiments for designation of the *a'lam* is thus laid on such shaky grounds that even the most scrupulous followers can make a choice of *marja'* by merely relying on the testimony of one or two just men' and that 'it is difficult to exaggerate the vulnerability of such formulation.'⁷³ Amanat further suggests that the centralization of leadership in Usuli Shi'ism, limited by the presence of the Imam, was caused by the social, economic, and political realities of leadership in the mid-nineteenth century and has no theoretical or doctrinal basis.⁷⁴ Additionally, Cole suggests that 'a layman could change from one *mujtahid* to another simply by claiming that his new choice was more knowledgeable' or 'a lesser *mujtahid* could perhaps increase the number of his emulators by claiming that his rulings accorded with those of the supreme exemplar.'⁷⁵ Finally, Litvak argues that 'the mechanism for designating the supreme exemplar was the most problematic part of Ansari's concept,' and that choosing a *marja'* on the basis of knowledge, piety and justice is a 'subjective and extremely loose criterion.'⁷⁶

The reality is that a system of selecting the supreme *marja'* has not developed in practice. There is no test

or voting process that indicates which *mujtahid* is the most erudite, just, or pious. Additionally, no institution, such as church or state, assumed the power or authority to select the supreme *mujtahid*, which may partially be rooted in the Shi'i tendency to resist institutionalization. In practice, therefore, widely recognized *marja's* are often not chosen solely on the basis of knowledge, piety, justice, or other high-minded ideals. Rather, practical considerations often factor into the equation.

Similar to democratic systems, social, political, and economic forces influence the ability of a *mujtahid* to assert himself as a *marja'*. First, *mujtahids* must receive an *ijazah* from a recognized authority in the Shi'i seminary system (*hawzah*) to be taken seriously. Therefore, the hierarchies that exist in *hawzah* complexes exert influence on potential candidates for the position of *marja'*. Second, Shi'is have the authority to choose their *marja'*, which theoretically allows the collective body of lay Shi'is to have the final say. Therefore, *mujtahids* or would-be *marja's* are partially dependent on their constituency of followers. Third, *marja's* require financial backing, which binds them to both business elites and their followers, who are both on the giving and receiving end of the *marja's* patron-client network. Finally, *marja's* are influenced by national and international politics, whether the Iranian, Iraqi, Lebanese, or other governments or international institutions. Similar to a democracy, therefore, *mujtahids* can be swayed by popular support, manipulated by interest groups, and influenced by institutions. Instead of a formal process of voting, however, the *marja's* constituents show their support financially and by following his judgments.

Ansari's remedy for the loose structure of Usuli authority was the creation of an informal hierarchy among *mujtahids* themselves. The same way that Ansari argued that laypersons must emulate a living *mujtahid*, all junior *mujtahids* must follow a single supreme *mujtahid* (*marja' al-taqlid al-mutlaq*). Just as *muqallids* are free to choose any living *mujtahid* to emulate, as long as they believe he is the most knowledgeable, the position of the *marja' al-taqlid al-mutlaq* is dependent on the acknowledgement of other *mujtahids*. If a *marja'* can gain significant support, the hierarchy will be able to produce a unified front. As noted above, history has proven that the selection of a *marja'* is a complicated matter in practice and rarely results in the establishment of a singular *marja'*. The norm has been that multiple *marja's* are present at any given time. They often represent a range of social, economic, and political concerns, which are hardly different from democratic elections. For example, Iraqis often choose an Iraqi *marja'* and most Iranians follow an Iranian. In practice, ethnic concerns seem to be just as important, or even more so, for individuals choosing a *marja'* as the criteria set out by Ansari.⁷⁷

Moving beyond the issue of selecting the supreme *marja'*, Ansari outlines three ways in which an emulator can obtain a ruling from a *marja'*. First, he can hear it from the *mujtahid*. Second, he can receive it from one or more just man/men, who heard it from the *mujtahid* firsthand. As discussed above, this point illustrates Ansari's reliance on the testimony of a reliable person as a proof. Third, a ruling can be read in a book authored by the *marja'*. Ansari also explains that if the ruling is taken from a book, it must be sound and free from error. If the layperson is not certain that the ruling is free from error, he can rely on the opinion that is generally considered as the strongest on the matter.⁷⁸ Thus, reliance on general opinion is an acceptable form of *ijma'* for Ansari and also operates as a proof. Further, if there is a contradiction between the opinions of two just persons on the ruling of a particular jurisprudent, or if they differ from the ruling found in a book, the layperson should exercise caution (*ihtiyat*). That is, he should suspend judgment and seek out the rulings of the most erudite *mujtahid* on this issue and choose the strictest ruling given by these scholars. In the event that a contradiction arises between what is written by a *mujtahid* and what he has said, his speech should be followed. If the writing or speech of a *mujtahid* contains a contradiction, what has been written or said most recently should be followed.⁷⁹

In order to ensure that *muqallids* are never without a ruling, Ansari encourages them to move to a place where they have direct contact with a living *marja'* if their current residence does not allow them to

obtain personal rulings. This is no longer necessary since *marja*'s in the twenty first century have websites that detail their judgments. *Muqallids* can submit questions directly to their *marja*' online. Therefore, according to Ansari's suggestion, a *muqallid* in the digital age can live in a remote area as long as he has Internet access.

Ansari also gives guidelines for situations in which a *marja*' is wrong, dies, goes mad, or commits a major sin. If he dies, it is necessary for his followers to choose a new *marja*'. If a layperson is able to emulate a living *mujtahid* but prefers to follow a dead one, his ritual acts will be invalid. When one's *mujtahid* dies, then, he must consult a living *mujtahid* in order to discern if it is permissible to continue performing his rituals in accordance with his previous *mujtahid*. However, if the layperson is not aware that his *mujtahid* has died, gone mad, etc. and continues to perform a ritual act according to the *mujtahid*'s ruling, his actions are still valid, which is an illustration of Ansari's conception of subjective knowledge outlined above. As a safeguard, Ansari does advise that if the layperson finds out that a ruling he has been following is incorrect, he should repeat the act(s) in the correct manner. However, in the event that one's *mujtahid* changes his mind on a certain ruling, the rituals performed before the changes are still valid.⁸⁰

Similar to *mujtahids*, therefore, lay Shi'is are expected to use similar tools as *mujtahids* to determine the correct ruling on a given case. They must rely on the texts and oral reports of the *mujtahid*, consensus (*ijma'*) of the contemporary community, the testimony of reliable persons, exercise caution (*ihtiyat*) when necessary, etc. In this way, the *muqallid* is his own *mujtahid*. He is expected to exercise personal judgment, first by choosing a *marja*' and then by determining what the ruling of a *marja*' is on specific cases. The difference is that the layman is not emulated, unless another believer relies on his testimony in determining which *mujtahid* to emulate.

Conclusion

Ansari's redefinition of Islamic legal principles systematized the methodology for *mujtahids* to issue new legal rulings. He especially expanded the ability of jurists to rule on cases in which they were in an epistemological state of doubt as a result of the lack of indicators in the authoritative sources of Islamic law. His procedural principles created a clear system of determining rulings, which he and his disciples applied to a variety of socio-economic spheres of human activity. Ansari's conception of clerical authority called for the centralization of leadership around the most knowledgeable jurist and required all Shi'is to emulate a living *marja*'. Taken together, therefore, Ansari's model of Shi'i legal and clerical authority established the individual *mujtahid* as the supreme source of living authority in the life of Shi'is. Because no system was developed in an attempt to select the most knowledgeable *mujtahid*, the prevalence of multiple *marja*'s has been the norm, which has had both a divisive and democratizing effect on the Usuli system. The paradox of Ansari's model is that although seemingly rigid in nature, its overall structure is loosely organized. Although Shi'is are expected to emulate the rulings of a *marja*' in virtually all of their affairs, it is largely up to the individual believer to decide who to emulate. Juan Cole's comparison of Ansari's system to Christian models seems apt here and bears repeating: 'The Shi'i religious institution attained the ability to alternate between a Roman Catholic-type model wherein there was one supreme, recognized authority, and a more Eastern Orthodox model, wherein there were several almost coequal regional leaders.'⁸¹

¹ Portions of this paper were included in a thesis submitted to the University of Utah and published in Zackery M. Heern, *Shi'i Law and Leadership: The Influence of Mortaza Ansari*. Saarbrücken, Germany: Lambert Academic Publishing, 2010.

² Linda S. Walbridge, *The Most Learned of the Shi'i: The Institution of the Marja' Taqlid* (New York: Oxford University Press, 2001), 5.

³ Hereafter referred to as Ansari.

⁴ Meir Litvak, *Shi'i Scholars of Nineteenth Century Iraq: The 'Ulama' of Najaf and Karbala* (Cambridge: Cambridge University Press, 1997), 73.

⁵ Juan R. Cole, 'Imami Jurisprudence and the Role of the Ulama: Mortaza Ansari on Emulating the Supreme Exemplar', in *Religion and Politics in Iran*, ed. Nikki Keddie (New Haven: Yale University Press, 1983), 42.

⁶ Roy Mottahedeh, *The Mantle of the Prophet: Religion and Politics in Iran* (Oxford: Oneworld Publications, 2002), 210.

⁷ The designation of Ansari or his predecessor (Shaykh Muhammad Hassan Najafi) as the first *marja'* largely depends on how *marja'* is defined. For a discussion on the evolution of *marja' al-taqlid*, see Walbridge, *Most Learned*, 4. For scholars who cite Ansari as the first *marja'*, see for example Mottahedeh, *Mantle*, 211. For those who argue that Ansari's predecessor was the first supreme leader, see for example Ahmad Kazemi Moussavi, 'The Institutionalization of Marja'-i Taqlid in the Nineteenth Century Shi'ite Community', in *The Muslim World* LXXXIII (1994), 279-99.

⁸ Abbas Amanat, 'In Between the Madrasa and the Marketplace: The Designation of Clerical Leadership in Modern Shi'ism', in *Authority and Political Culture in Shi'ism*, ed. Said Amir Arjomand (Albany: SUNY Press, 1988), 102.

⁹ Robert Gleave, *Inevitable Doubt: Two Theories of Shi'i Jurisprudence* (Leiden: Brill, 2000).

¹⁰ Hossein Modarressi Tabatabai, *An Introduction to Shi'i Islam: A Bibliographical Study* (London: Ithaca Press, 1984).

¹¹ Devin J. Stewart, *Islamic Legal Orthodoxy: Twelver Shi'ite Responses to the Sunni Legal System* (Salt Lake City: University of Utah Press, 1998).

¹² Muhammad Baqir as-Sadr, *Lessons in Islamic Jurisprudence*, trans. and introduction by Roy Parviz Mottahedeh (Oxford: Oneworld Publications, 2003).

¹³ Mottahedeh's glossary and superb translation is especially useful; see Sadr, *Lessons*, 173-200.

¹⁴ Walbridge, *Most Learned*.

¹⁵ 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 (ISTAC), 1996), and 'The Establishment of the position of Marja' iyyat-i taqlid', in *Iranian Studies* XVIII, no. 1 (Winter 1985), 35-51.

¹⁶ Ann K. S. Lambton, 'A Reconstruction of the Position of Marja' al-Taqlid and the Religious Institution', in *Studia Islamica* XX (1964), 115-35.

¹⁷ Litvak, *Shi'i Scholars*.

¹⁸ Amanat, 'Madrasa and Marketplace'.

¹⁹ Cole, 'Imami Jurisprudence'.

²⁰ Murtada Ansari, *Fara'id al-Usul* (Beirut: Muassasat al-A'lami, 1991).

²¹ See for example Litvak, *Shi'i Scholars*, 72, and Modarressi, *Introduction*, 57.

²² As many as 84 commentaries have been written on *Fara'id* and 144 *mujtahids* have written commentaries on this book and other titles written by Ansari. See Litvak, *Shi'i Scholars*, 73, and Abdul-Hadi Hairi, 'AnsArD', in *Encyclopedia of Islam*, 2nd Edition, ed. P. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel, W.P. Heinrichs (Brill Online, 2014) <http://referenceworks.brillonline.com/entries/encyclopaedia-of-islam-2/ans-a-ri-SIM_8341>. Accessed 8 September 2014.

²³ Murtada Ansari, *Kitab al-Makasib* (Beirut: Muassasat al-Nu'man, 1990).

²⁴ See Mottahedeh, *Mantle*, 212, and Litvak, *Shi'i Scholars*, 108.

²⁵ Murtada Ansari, *Sirat al-Najat* ([Iran]: Hajj 'Ali Akbar, 1883).

²⁶ Cole, 'Imami Jurisprudence', 42

²⁷ Murtada ibn Muhammad Ja'far Ansari, *Zindigani va Shakhshiyat-i Shaykh Ansari* (Qum: Kungrih-i Shaykh-i A'zam Ansari, 1960).

²⁸ For more on Bihbihani and the emergence of Usuli Shi'ism, see Zackery M. Heern, *The Emergence of Modern Shi'ism: Islamic Reform in Iraq and Iran* (Oxford: Oneworld Publications, forthcoming).

²⁹ For more on the Akhbari school, see Robert Gleave, *Scripturalist Islam: The History and Doctrines of the Akhbari ShD'D School* (Leiden: Brill, 2007).

- ³⁰ On the relationship between Shi‘ism and state in Iran, see Said Amir Arjomand, *The Shadow of God and the Hidden Imam: Religion, Political Order, and Societal Change in Shi‘ite Iran from the Beginning to 1890* (Chicago: University of Chicago Press, 1984); Hamid Algar, *Religion and State in Iran 1785 – 1906: The Role of the Ulama in the Qajar Period* (Berkeley: University of California Press, 1969), and Mottahedeh, *Mantle*.
- ³¹ See Abdul-Hadi, ‘Ansari.’
- ³² *Ibid.*
- ³³ Shoghi Effendi, *God Passes By* (Wilmette, Illinois: Baha’i Publishing Trust, 1995), 143.
- ³⁴ Muhammad Hasan I‘timad al-Saltana, *al-Ma‘athir wa al-Athar* (Tehran: n.p., 1888), 136-7.
- ³⁵ Litvak, *Shi‘i Scholars*, 108.
- ³⁶ See Litvak, *Shi‘i Scholars*, Chapters 2 and 3.
- ³⁷ Modarressi, *Introduction*, 57.
- ³⁸ *Ibid.*
- ³⁹ Mottahedeh, *Lessons*, 21.
- ⁴⁰ Mottahedeh, *Mantle*, 211.
- ⁴¹ See also Modarressi, *Introduction*, 10 & 57, and Litvak, *Shi‘i Scholars*, 72.
- ⁴² Ansari, *Fara‘id*, 29.
- ⁴³ *Ibid.*, 30.
- ⁴⁴ *Ibid.*, 25.
- ⁴⁵ Gleave, *Inevitable Doubt*, 75.
- ⁴⁶ *Ibid.*, 87.
- ⁴⁷ See also Litvak’s discussion on Ansari’s procedural principles, *Shi‘i Scholars*, 72.
- ⁴⁸ Ansari, *Fara‘id*, 29.
- ⁴⁹ *Ibid.*, 31.
- ⁵⁰ Shaykh Ja‘far Kashif al-Ghita’, *Kashf al-Ghita’* (Tehran, 1271), 64.
- ⁵¹ Ansari, *Fara‘id*, 65.
- ⁵² *Ibid.*, 66.
- ⁵³ Qur’an, Surat al-Baqarah, 2:282.
- ⁵⁴ Ansari, *Fara‘id*, 29.
- ⁵⁵ Bernard G. Weiss, *The Spirit of Islamic Law* (Athens: University of Georgia Press, 1998), 120.
- ⁵⁶ Mu‘assasat al-Nashr al-Islami al-Tabi‘ah li-Jama‘at al-Mudarrisin, *al-Shaykh al-Ansari wa Tatawwur al-Bahth al-Usulī* (Qum 1994), 92-93.
- ⁵⁷ Ansari, *Fara‘id*, 30-31. Similarly, Muhammad Baqir al-Sadr gives the following definition of absolute certainty: ‘The Lawgiver rules that wine is forbidden, for example, so the legally responsible person is certain of the impermissibility. When he is certain that a liquid is wine, the ruling becomes applicable to him... Certainty in this condition is called absolute certainty relative to the impermissibility because this certainty is merely a channel and reveals the impermissibility and it has no bearing or effect on the impermissibility being real. The impermissibility is established for wine in any condition, whether or not the legally responsible person is certain that a liquid is wine or not.’ Muhammad Baqir al-Sadr, *Durus fi ‘Ilm al-Usul II* (Beirut: Dar al-Kitab al-Misri, 1978), 42.
- ⁵⁸ Ansari, *Fara‘id*, 29.
- ⁵⁹ *Ibid.*, 30.
- ⁶⁰ *Ibid.*
- ⁶¹ Litvak, *Shi‘i Scholars*, 73.
- ⁶² Moojan Momen, *An Introduction to Shi‘i Islam: The History and Doctrines of Twelver Shi‘ism* (New Haven: Yale University Press 1985), 187.
- ⁶³ See Amanat, ‘Madrasa and Marketplace’, 123.
- ⁶⁴ See for example, Muslim Quli‘pur Gilani, *Takhlis-i Fara‘id al-Usul-i Shaykh Ansari* (Qum: M.Q. Gilani, n.d.), 12.
- ⁶⁵ Ansari, *Fara‘id*, 25.
- ⁶⁶ Litvak, *Shi‘i Scholars*, 74.
- ⁶⁷ Cole, ‘Imami Jurisprudence’, 44.
- ⁶⁸ Mulla Ahmad Ardabili, *Zubdat al-Bayan fi Ahkam al-Qur‘an* (Tehran: n.p., 1966). Trans. John Cooper, ‘The Muqaddas al-ArdabĪD on TaqlĪD’, in *Authority and Political Culture in Shi‘ism*, ed. Said Amir Arjomand (Albany: SUNY Press, 1988), 264.
- ⁶⁹ Bassam Tibi, *Islam’s Predicament with Modernity: Religious Reform and Cultural Change* (New York: Routledge, 2009), 196.

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- ⁷⁰ Ansari, *Sirat al-Najat*. Quoted in Amanat, 'Madrasa and Marketplace', 99.
- ⁷¹ Ansari, *Sirat al-Najat*, 99.
- ⁷² Cole, 'Imami Jurisprudence', 44.
- ⁷³ Amanat, 'Madrasa and Marketplace', 100.
- ⁷⁴ Ibid., 99-102.
- ⁷⁵ Cole 'Imami Jurisprudence', 46.
- ⁷⁶ Litvak, *Shi'i Scholars*, 75.
- ⁷⁷ For ethnic divisions in clerical leadership after Ansari, see Litvak, *Shi'i Scholars*, 80-83.
- ⁷⁸ Ansari, *Sirat al-Najat*, cited in Cole, 'Imami Jurisprudence,' 44-5.
- ⁷⁹ Ibid.
- ⁸⁰ Ibid.
- ⁸¹ Cole, 'Imami Jurisprudence', 46.

