



FATWĀ

FATWĀ (or in some early sources *fotyā*; pl. *fatāwā* or *fatāwī*), the authoritative ruling of a religious scholar on questions (*masā'el*) of Islamic jurisprudence that are either dubious or obscure in nature (*šobohāt*) or which have newly arisen without known precedent (*mostahdaṭāt*). It is in connection with the latter category that the word *fatwā* has been regarded as cognate with *fatā*, “young man” (Eṣfahānī, p. 373). The query eliciting a *fatwā* may, however, relate to an existing ordinance (*ḥokm*) of Islamic law, unknown to the questioner, or to its application to a specific case or occurrence; the *fatwā* then functions simply as a clarification of the relevant ordinance (*tabyīn-e ḥokm*). The process of requesting a *fatwā* is termed *esteftā'*; the one who requests it, *mostaftī*; its delivery, *eftā'*; and the one who delivers it, *moftī*. It may be requested and delivered orally, although in most cases both question and answer are put in writing. *Fatwās* generally address a specific and actual problem, although rulings have often been sought on a set of interrelated questions or on hypothetical problems the occurrence of which is anticipated. Although the *fatwā* is typically concerned with legal matters, doctrinal considerations are necessarily involved whenever a *fatwā* results in *takfīr*, the condemnation of individuals or groups as unbelievers. In addition, Shi'ite collections of *fatwās* are sometimes prefaced with a summary of essential doctrines, intended to make of these works concise handbooks for the common believer of both theology and law (for a recent example, see Ṣadr, pp. 11-74). The ruling provided in a *fatwā* is not intrinsically obligatory, for it is essentially an expression of learned opinion. In Shi'ism, however, the authority to deliver a *fatwā* is generally restricted to the *mojtahed*, the jurist



equipped to deduce the specific ordinances of the law (*forū*) from its sources (*oṣūl*), and obedience to the *mojtahed* of their choice—designated as *marja'-e taqlīd*—is incumbent on all who lack the same learned qualifications; to follow the ruling given in the *fatwā* of a *mojtahed* is therefore obligatory for those who solicit it.

The practice of seeking and delivering *fatwās* is to some degree grounded in the Qur'ān. Numerous verses record the Prophet to have been asked for rulings on different issues: the verb commonly used in these verses is *yas'alūnaka*, “they ask you,” but in 4:127 and 4:176 the verb *yastaftūnaka*, “they ask you for a ruling,” is encountered. The Prophet is not himself, however, the source of the rulings, for in both verses he is instructed to say, “God provides you with a ruling” (*qol: Allāho yoftikom*). More pertinent to the issuing of *fatwās* by the learned of the community is the injunction contained in 16:43: “Ask the People of Remembrance [i.e., those learned in the Qur'ān] if you do not know” (see Ṭabāṭabā'ī, XII, pp. 275, 304). The reliance upon the authority of the scholar this verse recommends makes it unnecessary for the *moftī* to cite textual or other evidence in support of his opinion; a *fatwā* is therefore typically laconic, consisting of only a sentence or two or even a single word, written on the same sheet of paper as the question that has prompted it.

Shi'ite fatwās. The origins of the Shi'ite *fatwā* can be traced to the practice of the Twelve Imams. The first of them, 'Alī b. Abī Ṭāleb, instructed Qoṭam b. 'Abbās, his governor of Mecca, to “sit with the people at the time of dawn and sunset prayers and give rulings to those who request them” (□ *fa'fti'l-mostaftin*; *Nahj al-balāgha*, p. 555). Zayn-al-'Ābedīn, the fourth Imam, authorized six jurists, the most prominent of whom was Sa'īd b. Mosayyeb, to deliver *fatwās* at the Prophet's Mosque in Medina (“Tārīḵ-e taṭawwor-e ejtehād,” pp. 125-26), and a similar function was given to Abbān b. Taḡleb by Ja'far al-Ṣādeq, the sixth Imam (Najāšī, pp. 7-8). Since both these Imams, as well as the one intermediate between them, Moḥammad al-Bāqer, lived in Medina, their nomination of *moftīs* for the Prophet's Mosque may be taken as one indication among others that the Imams saw their own duty as limited to explaining general rules and principles, the inferring of details and specific rulings being left to their learned followers (Modaressi Tabāṭabā'ī, p. 24). The appointment of *moftīs* for locations other than Medina was additionally intended to serve the needs of devotees who were not always able to present their questions directly to the Imam and to provide them with a means of shunning the



caliphal courts by establishing a specifically Shi'ite judicial system; the *moftī* seems often to have functioned as judge (*qāzī*), although the two functions are technically distinct from each other (see Ḥorr 'Āmelī, XVIII, pp. 98-111 for traditions in which Ja'far al-Ṣādeq appoints various individuals as both *moftī* and *qāzī*). A further indication that the giving of *fatwās* was not a separate specialization but one function among others devolving on the learned is to be found in the instructions conveyed by the Twelfth Imam to the Shi'ite community during his lesser occultation by means of his first named representative, Moḥammad b. 'Oṭmān: "In the case of newly occurring problems (*mostaḥdaṭāt*), turn for guidance to those who relate our traditions" (cited in Moussavi, p. 59). This command suggests an identity in person and a close correlation in function between the *moftī* and the *rāwī*, the narrator of Imamite traditions.

More importantly, in the development of Shi'ite jurisprudence that unfolded after the onset of the greater occultation in 329/941 (see ĠAYBA), the function of the *moftī* became subsumed in that of the *mojtahed*. It has even been argued that those designated as *moftī* by the Twelve Imams must already have been *mojtaheds*, even if they were not designated as such, for they could not have given correct rulings on specific matters without having a sound systematic approach to the law as a whole (Ḳomeynī, 1965, pp. 125-28). Ebn Moṭahhar Ḥellī, known as 'Allāma Ḥellī (d. 726/1325), to whom is owed an authoritative clarification of the functions of the Shi'ite *mojtahed*, explicitly restricts the giving of *fatwās* to the *mojtahed* (*Nahj al-mostarṣedīn*, pp. 65-67). His contemporary, Moḥammad b. Makkī 'Āmelī, "al-Šahīd al-Awwal" (d. 734/1333), accordingly defined the *fatwā* as "the view (*naẓar*) and opinion (*ra'y*) of the jurist, deduced by him from the sources of the law; it is the promulgation of an ordinance with respect to specific occurrences and cases" (*al-Qawā'ed wa'l-fawā'ed*, p. 179). The distinction between *mostaftī* and *moftī* became subordinate to that between *moqalled* (imitator) and *mojtahed*.

Despite the close relationship of certain Shi'ite jurists with the Safavid state, the Safavid rulers do not appear to have sought *fatwās* in legitimation of their policies unlike, for example, their Ottoman counterparts. This explains, no doubt, the absence of any Shi'ite analogue to the great compendia of Ḥanafite *fatwās* that were drawn up under Ottoman auspices such as *Fetâvâ-yı Ebüssuûd Efendi*, *Behcetü'l-fetâvâ*, and *el-Fetâvâ al-Hâmidîyye* (Atar, p. 495). There are, however, collections of *fatwās* given by individual scholars of the Safavid period, such as Shaikh 'Alī Karakī (d. 940/1533), Bahā'-al-Dīn 'Āmelī (d.



1030/1622), and Moḥammad Bāqer Majlesī (d. 1110/1699). As yet unpublished, these collections remain to be analyzed and assessed (for details of the manuscripts, see Modarressi Tabātabā'i, pp. 104-8).

The emergence of the *fatwā* as an effective instrument of guidance for the Shi'ites of Persia in socio-political matters was due in large part to the definitive triumph of the Oṣūlī position within Shi'ite jurisprudence, a position that laid heavy stress on the prerogatives and authority of the *mojtahed*. This development, associated above all with the efforts of Āqā Moḥammad Bāqer Behbahānī (q.v.; d. 1208/1803), was approximately contemporaneous with the rise of the Qajar dynasty, which, unlike its Safavid predecessor, could not claim the nimbus of venerability bestowed by alleged descent from the Imams. The result was the issuance, throughout the nineteenth and early twentieth centuries, of a series of *fatwās* on a variety of social and political as well as devotional issues in which the increasingly self-assertive class of *mojtaheds* sought to exercise a directive role, often at the expense of the Qajar rulers.

Takfīr fatwās. One category of these *fatwās* related to the *takfīr* of persons whose teachings and practices were seen to be at variance with Shi'ite Islam. A ruling of this type, delivered by Mollā 'Abd-Allāh Mojtahed, preceded the execution in Kermān in 1206/1792 of Moštāq-'Alīšāh, a Sufi of the Ne'mat-Allāhī order (Algar, 1969, p. 38). His master, Ma'ṣūm-'Alīšāh, was put to death in Kermānšāh in 1212/1797 in accordance with *fatwās* given by Moḥammad-'Alī Behbahānī (d. 1206/1801), son of Āqā Moḥammad Bāqer; Sayyed Mahdī Baḥr-al-'Olūm Ṭabāṭabā'ī (d. 1260/1844); Moḥammad-Mahdī Šahrestānī; and other *mojtaheds* resident in the shrine cities of Iraq. The grounds for *takfīr* were allegations of antinomianism and immorality (Algar, 1969, p. 39; Amanat, pp. 43, 77). Similarly fatal in its effect was a *fatwā* delivered in 1233/1818 by Shaikh Mūsā Najafī and other *mojtaheds* in condemnation of Mīrzā Moḥammad-Amīn Aḵbārī, an adherent of the Aḵbārī (q.v.) tendency in Shi'ite jurisprudence that rejected the authority of the *mojtaheds* and who was a constant critic of many individuals among them; soon after its issuance he was killed by a mob in Karbalā' (Amanat, p. 46) Shaikh Aḥmad Aḥsā'ī (q.v.; d. 1241/1826), founder of the Šaykī movement, was denounced as an unbeliever in a *fatwā* delivered in Qazvīn by Mollā Moḥammad-Taqī Borġānī (d. 1264/1848) because of his apparent denial of the bodily nature of resurrection (Corbin, p. 225). Aḥsā'ī's successor, Sayyed Kāẓem Raštī (d. 1259/1843), together with the whole body of Šaykīs, was the target of a similar *fatwā* delivered in Karbalā' in 1246/1830 jointly by Sayyed Ebrāhīm Qazvīnī, Baḥr-al-'Olūm



Ṭabāṭabā'ī, Shaikh Moḥammad- Ḥasan Najafī (d. 1266/1849), and others (Moussavi, pp. 138-39; Amanat, pp. 67, 159-61). For a variety of reasons, none of the anti-Šaykī *fatwās* resulted in bloodshed, and after Raštī the leadership of the movement passed to Moḥammad-Karīm Khan Kermānī (d. 1288/1870), who himself issued *fatwās* for the regulation of marital and property disputes among his followers (Manoukian). More definitive in their effects were the several *fatwās* issued in denunciation of Sayyed 'Alī-Moḥammad the Bāb (q.v.; d. 1266/1850), the originator of Babism (q.v.), and his followers. The first of these *fatwās* resulted from the trial in Baghdad in 1261/1845 of Mollā 'Alī Beštāmī, accused of apostasy because of his propagation in Iraq of *Qayyūmal-asmā'*, a composition of the Bāb written in imitation of the Qur'ān while claiming to supersede it. The *fatwā* condemning him was signed by nineteen Sunni scholars, of whom the most prominent was Šehāb-al-Dīn Alūsī (d. 1270/1853), the Hanafite *moftī* of Baghdad, and ten Shi'ite *mojtaheds* including Shaikh Ḥasan Kāšef al-Ġeṭā' and Sayyed Ebrāhīm Qazvīnī. This may well have been the first joint Sunni-Shi'ite *fatwā* ever issued; it was, however, only the Sunni signatories who pronounced Beštāmī deserving of death, the *mojtaheds* taking at face value his assertion that he was ignorant of the contents of *Qayyūm al-asmā'* (Momen; Amanat, pp. 220-32). The first *fatwā* to call for the execution of the Bāb himself was issued in 1263/1846 by the *mojtaheds* of Isfahan, but its implementation was prevented when Sayyed Moḥammad Kātūnābādī, the *emām-e jom'a* (q.v.) of the city, declared the Bāb to be of unsound mind (Amanat, pp. 257-58). A similar finding made by Dr. Cormick, a British physician well disposed to the Bāb, saved him from execution in Tabrīz later the same year when 'Alī-Ašġar Šayk-al-Eslām and his nephew, Abu'l-Qāsem, delivered a *fatwā* declaring him worthy of death if found to be sane (Browne, 1918, p. 259). The *fatwās* that, together with certain political factors, finally encompassed his execution in 1266/1850, were delivered by Mollā Moḥammad Mamaqānī, Mollā Mortazā Harandī, and Mollā Moḥammad-Bāqer, the *emām-e jom'a* of Tabrīz; they found him guilty of apostasy, and this time determined he was sane (Amanat, pp. 399-400).

A quite different case from that of the Bāb and others found guilty of doctrinal infractions was the *takfīr* of Mīrzā Ḥasan Rošdīya, condemned because of his foundation of a primary school of modern type in Tabrīz in 1305/1888 (Algar, 1969, p. 224). By contrast, when two schools offering secular as well as religious instruction were established in Najaf in 1327/1909, Ākūnd Moḥammad-Kāzem Korāsānī (d. 1329/1911) delivered a *fatwā* authorizing the initiative (Nakash, p. 52).



Another *fatwā* of *takfīr* to be noted from the Qajar period is the alleged denunciation of the statesman Mīrzā ‘Alī-Aṣḡar Amīn-al-Solṭān Atābak (d. 1325/1907; q.v.) by the *mojtaheds* of Najaf in 1321/1903; the authenticity of this *fatwā*, which first appeared in the newspaper *Ḥabl al-matīn*, is uncertain (Algar, 1969, pp. 234-35). A better established example of a *fatwā* of *takfīr* against a politician is that issued against Sayyed Ḥasan Taqīzāda after the assassination in Tehran of Ayatollah Sayyed ‘Abd-Allāh Behbahānī (q.v.), leader of the “moderate” wing of the Majles, on 8 Rajab 1328/16 July 1910 by elements associated with the Anjoman-e Āḡarbāijān, a group headed by Taqīzāda. The *fatwā* took the form of a letter sent by Ākūnd Ḳorāsānī (q.v.) and ‘Abd-Allāh Māzandarānī (d. 1330/1919) to members of the Majles and various governmental dignitaries: It denounced the political positions (*maslak*) of Taqīzāda as contrary to the Islamic identity of the country (*eslāmīyat-e mamlakat*) and the laws of the *šarī‘a*, and it demanded the lifting of his parliamentary immunity, his expulsion from the Majles, and his immediate banishment from Persia (text in Afšār, pp. 207-8). Despite the categorical tone of this letter, it has been suggested, on the basis of subsequent clarifications by Māzandarānī, that it was intended only as a critique of Taqīzāda’s political stance, not as an instrument of *takfīr* (Hairi, 1977, p. 115, n. 31).

Jehād fatwās. A second category of *fatwās* issued during the Qajar relate to the proclamation of defensive *jehād*, the only type permitted during the occultation of the Imam. The organization of the defense of Najaf during the Wahhābī siege of 1220/1805 was preceded by a *fatwā* in which Shaikh Ja‘far Najafī Kāšef al-Ġeṭā’ (d. 1228/1813) identified the struggle against the Wahhābīs as *jehād* (Sachedina, p. 22). *Fatwās* of *jehād* were more typically directed against European powers. During the first Perso-Russian war, Mīrzā Bozorg Farāhānī Qā‘em-maqām, vizier to the crown prince ‘Abbās Mīrzā, sent emissaries to Isfahan and the shrine cities of Iraq to procure rulings that the war already underway constituted *jehād*; among those who responded with the relevant *fatwās*, in either 1223/1808 or 1224/1809, were Kāšef al-Ġeṭā’, Āqā Sayyed ‘Alī Eṣfahānī, and Mollā Aḡmad Narāqī. Their rulings were assembled into a book entitled *Resāla-ye jehādīya* (Algar, 1969, pp. 79-80; Lambton). In the second Perso-Russian war, it was the *mojtaheds* themselves who took the initiative, pushing a reluctant government to open hostilities against Russia because of the mistreatment of Muslims in territories lost in the preceding war. The agitation culminated in a *fatwā* delivered by Āqā Sayyed Moḡammad Eṣfahānī, a *mojtahed* resident in Karbalā’, that declared all those opposed to *jehād* against Russia to be unbelievers (Algar, 1969, pp. 88-89). This second



confrontation with Russia, like the first, resulted in defeat, and the arrival in Tehran of a high-handed Russian envoy, the poet and dramatist A. S. Griboedov (q.v.), determined to emphasize Russia's superior power. His activities were cut short when in 1244/1829 Ḥājī Mīrzā Masīḥ, a Tehran *mojtahed*, delivered a *fatwā* authorizing an assault on the Russian embassy in order to liberate Muslim women allegedly being held there; Griboedov died in the ensuing mêlée (Algar, 1969, p. 97). A number of *mojtaheds* issued *fatwās* during the brief Anglo-Persian war (q.v.) of 1273/1856-57, but the effect was minimal (Gobineau, pp. 46-47).

It was not until the early decades of the twentieth century that significant *fatwās* calling for *jehād* were once again issued. Late in 1328/1910, leading *mojtaheds* in the shrine cities, including Aḳūnd Ḳorāsānī, Šayḳ-al-Šarī'a Ešfahānī (d. 1339/1920), and 'Abd-Allāh Māzandarānī (d. 1330/1912), delivered a joint *fatwā* calling for the defense of both Persia and the Ottoman lands against European aggression; this *fatwā*, they proclaimed, represented Sunni as well as Shi'ite sentiment, although it was not signed by any Sunni authorities (Nakash, pp. 57-8; Algar in *Camb. Hist. Iran VII*, p. 736). The following year, Italy invaded Libya and Britain and Russia occupied parts of Persia. The response was another *fatwā* from the same *mojtaheds*, joined on this occasion by Sayyed Moḥammad-Kāẓem Yazdī (d. 1337/1919), despite his disagreement with his colleagues on the question of constitutional government; it called for *jehād* against Italy, Russia, and Britain (Hairi, 1980; Nakash, pp. 59-60). Nor was it a question of mere verbal exhortation; Māzandarānī organized a volunteer force to fight in Persia, which, however, soon disbanded after the receipt of a reassuring message from the Persian government. *Fatwās* of more sustained practical effect were issued during the First World War. Sayyed Moḥammad-Kāẓem Yazdī, Šayḳ-al-Šarī'a Ešfahānī and Mīrzā Moḥammad-Taḳī Šīrāzī (d. 1338/1920) all issued *fatwās* calling for *jehād* against the British who were in the process of wresting control from Iraq from the Ottomans. A number of *mojtaheds*, including Ešfahānī, Šīrāzī, and Sayyed Mošṭafā Kāšānī themselves participated in the fighting (Algar in *Camb. Hist. Iran VII*, p. 736). Within Persia itself, *fatwās* were issued by Shaikh Moḥammad-Ḥosayn Borāzjānī, Sayyed 'Abd-Allāh Belādī Behbahānī, Shaikh Ja'far Maḥallātī and Sayyed 'Abd-al-Ḥosayn Lārī in support of several *jehād* movements directed against the British military presence in Fārs and on the Persian Gulf coast (Algar in *Camb. Hist. Iran VII*, p. 737).

Other *fatwās* aimed at combating foreign domination concerned themselves



with the concessions and other economic advantages foreign subjects were acquiring in Persia. The concession granted in 1289/1872 to Baron Julius von Reuter for the construction of railways in Persia, as well as for the exploitation of all minerals and forests in the country, led Mollā ‘Alī Kanī (d. 1306/1889) to deliver a *fatwā* calling for the dismissal of the minister responsible, Mīrzā Ḥosayn Khan Sepahsālār (Algar, 1969, p. 177). More celebrated and significant as a demonstration of the effect a *fatwā* might have was the ruling that in 1309/1891 decreed a boycott of tobacco as long as its marketing was in the hands of a British monopoly. In early December 1891, a *fatwā* began circulating in Tehran proclaiming that “from this day forward, the use of *tonbākū* (tobacco for water pipes) and *tūtūn* (pipe tobacco), in whatever form it may be, is tantamount to war against the Imam of the Age [i.e., the occulted Twelfth Imam], may God hasten his reappearance!” The ruling bore the signature of Mīrzā Ḥasan Šīrāzī (d. 1312/1914), a *mojtahed* resident at Sāmarrā’ in Iraq judged to be the most learned jurist of his time and who commanded near universal obedience, and tobacco immediately became subject to an almost complete boycott in both the capital and the provinces. Doubt has been cast on the attribution of the *fatwā* to Šīrāzī, but it is known that about one month earlier Āqā Najafī (d. 1333/1914), the leading religious scholar of Isfahan had asked him to issue such a ruling, and the foremost propagator of the *fatwā* in Tehran, Mīrzā Ḥasan Āštīānī (q.v.; d. 1319/1901), was in communication with Šīrāzī. In any event, Šīrāzī never denied the attribution to him of the *fatwā*, and the ruling that permitted a resumption of smoking after the rescinding of the concession to the British monopoly in February 1892 was indubitably his (*Tārīk-e bīdārī*, ed. Sa’īdī Sīrjānī, I, pp. 19-60; Teymūrī; Algar, 1969, pp. 211-15). The successful campaign against the tobacco monopoly is generally viewed as the first instance of mass politics in Persia, and therefore as the precursor of the Constitutional Revolution of 1323-29/1905-11 (q.v.), a movement which was marked by the issuance of numerous *fatwās* by both its supporters and opponents among the religious scholars.

Fatwās and the Constitution. The doctrinal arguments advanced by the two groups were of too complex a nature to be encapsulated in *fatwās*, and it is to sermons, declarations, and occasional treatises that reference must be made in examining their views. The issuance of *fatwās* was generally reserved for times of great crisis. Particularly important were the rulings delivered by a trio of constitutionalist *mojtaheds* in Najaf—Ḳorāsānī, Māzandarānī, and Mīrzā Ḥosayn Ḳalīlī Tehrānī (d. 1326/1908). When asked for their general



opinion concerning “an assembly composed of the respectable and intelligent people of the country and having the aim of uprooting or diminishing oppression,” they replied that it was “a divine duty” to establish such an assembly (Najafī-Qūčānī, p. 459). After the Majles had been established in 1324/1907, Ḳorāsānī was asked for confirmation that it was the type of body he had approved in the earlier joint ruling; whether opposition to it was tantamount to war against the Imam of the Age; and finally whether novel measures such as military drills, the foundation of modern schools, and the establishment of a national bank were permissible. He responded with a relatively lengthy *fatwā*, assuring his questioners that the Majles was indeed deserving of support and classifying the three innovations mentioned as *wājeb-e kefā’ī* (an obligation falling on the whole community that may adequately be discharged by certain individuals on behalf of the rest; Kefā’ī, pp. 216-17). Once Moḥammad-‘Alī Shah moved in 1326/1908 to suppress the Constitution, the three *mojtaheds* of Najaf issued a *fatwā* prohibiting any action against the Constitution as equivalent to war against the Twelfth Imam (Kasrawī, *Mašrūṭa*, p. 645). Later *fatwās* from Najaf denounced obedience to the shah as identical to obeying Yazīd, the caliph responsible for the killing of Imam Ḥosayn, and prohibited the payment of taxes to the Persian government (Kasrawī, *Mašrūṭa*, pp. 729-30). Despite their general support for the constitutionalist cause, Ḳorāsānī and Māzandarānī also found it necessary to issue *fatwās* warning against what they perceived as irreligious tendencies in the Majles (Torkamān, II, p. 112). A *fatwā* of Ḳorāsānī prohibiting the mistreatment of Zoroastrians and other non-Muslim minorities is also of interest as exemplifying the spirit that animated the constitutionalist *mojtaheds* (translation in Browne, *Persian Revolution*, pp. 42-44; for the *fatwās* of Ḳorāsānī on miscellaneous problems of jurisprudence, see Kefā’ī, pp. 354-67).

The foremost clerical opponent of the constitutionalist cause was one who had initially supported it, Shaikh Fażl-Allāh Nūrī (d. 1327/1909). When asked for the reasons that had led him to change his position, Nūrī responded with an extremely lengthy *fatwā* that might equally count as a brief treatise. He denounced as unacceptable and contrary to religion the assumption by the Majles of legislative powers; the subversion of the provision that all measures taken by it should be subject to approval by a committee of *mojtaheds*; the presence in the Majles of persons deemed heretical and irreligious; the equality of all persons before the law, irrespective of religious affiliation; unfettered freedom of the press; and the notion—repeatedly proclaimed by



the constitutionalist *mojtaheds* of Najaf—that support of the Constitution was religiously incumbent (text in Malekzāda, IV, pp. 209-20; tr. in Hairi, 1977a, pp. 329-38).

Fatwās under the Pahlavis. The execution of Nūrī because of his opposition to the Constitution and his collaboration with Moḥammad-‘Alī Shah in suppressing it contributed to a growing disillusionment with the constitutionalist cause on the part of even those religious scholars who had supported it, which in turn became one of the reasons for their acquiescence in the rise of the Pahlavi dynasty in the person of Reżā Shah. Also influential in this respect was the expulsion from Iraq of a number of *mojtaheds* who had issued a series of *fatwās* denouncing the imposition of the Hashimite monarchy on Iraq by the British in the aftermath of World War I (Nakash, pp. 71, 79-81); two of them, Shaikh Moḥammad-Ḥosayn Nā‘īnī (d. 1355/1936) and Sayyed Abu’l-Ḥasan Eṣfahānī (d. 1365/1946), came to Persia, where they were respectfully received by the future Reżā Shah. In October 1924, a *fatwā* declaring obedience to him a religious duty, with the signatures of Nā‘īnī and Eṣfahānī attached, began to circulate in Persia. The authenticity of the *fatwā* has been questioned, not least because it contained the misquotation of a koranic verse, but it was never repudiated by either of the *mojtaheds* in question, who in any event consented to receive Reżā Shah when he visited Najaf after their return to Iraq (Hairi, 1977, p. 146). Eṣfahānī, deemed the most learned *mojtahed* of his time, was effectively the sole *marja’-e taqlīd* of the Shi‘ite world until his death, and he was therefore called upon to deliver a vast number of *fatwās*. Since he became resolutely apolitical, the socio-political content of these *fatwās*, collected in a volume entitled *Wasīlat al-najāt*, is minimal; worthy of note, however, is his controversial *fatwā* denouncing the self-flagellation and mutilation traditionally practiced during Moḥarram (Ende, pp. 26, 33-34).

A similar policy of abstention from political comment was followed by Shaikh ‘Abd-al-Karīm Ḥā‘erī (d. 1355/1937), whose revival of Qom as a center of religious teaching and guidance came at almost the same time as the foundation of the Pahlavi dynasty. He was only once moved to protest against one of the measures taken by Reżā Shah deemed contrary to religion, the Uniform Dress Law promulgated in December 1928, and the medium he chose for the purpose was a politely worded telegram to the ruler, not a *fatwā* (Rāzī, I, p. 51). The more vigorous contestation of Pahlavi policies mounted by other religious leaders of the time also does not appear to have involved the issuing



of *fatwās*.

In Moḥarram 1364/December 1944, Ayatollah Ḥosayn Ṭabāṭabā'ī Borūjerdī (q.v.; d. 1381/1962) took up residence in Qum, succeeding Ḥā'erī as steward of the religious institution in that city, and when Abu'l-Ḥasan Eṣfahānī died two years later, he additionally fell heir to his position as supreme *marja'-e taqlīd*. Despite the great influence he thus wielded, he remained silent on the major political issues of the day, and when he chose to criticize various government initiatives such as proposed changes in the Constitution, the enfranchisement of women, and the limitation of agrarian holdings, he did this by way of private letters and meetings, eschewing the public and inevitably confrontational method of issuing a *fatwā*. Directly and visibly engaged in the political sphere was, by contrast, Ayatollah Abu'l-Qāsem Kāšānī (d. 1381/1962), a firm adversary of British influence in Persia and, for a while, an ally of Dr. Moḥammad Moṣaddeq in the campaign to nationalize the Persian oil industry. He chose to exercise his influence, however, by means of speeches, letters, and messages, rather than *fatwās*; there is, however, a *fatwā* extant from Kāšānī authorizing the employment of male teachers in girls' schools if they are aged and of proven piety (Dehnovī, IV, p. 78). Sayyed Moḥammad-Taqī K̄vānsārī (d. 1371/1952), another *mojtahed* of the period, did make political use of the *fatwā*: he issued rulings enjoining participation in elections for the Seventeenth Majles, held in 1952, and designating support for the nationalization of the oil industry as religiously obligatory (Hairi in *EI2* IV, p. 1028).

Fatwās of the Komeynī Era. It was soon after the death of Borūjerdī that the rise to public prominence of Ayatollah (later Imam) Rūḥ-Allāh Komeynī (d.1409/1989) began, not only as one of the *mojtaheds* to whom the followers of Borūjerdī now turned for guidance but also as a vigorous and unbending opponent of the Pahlavi monarchy. The key documents and pronouncements of the struggle he led, culminating in the Revolution of 1978-79, were declarations (*e'lāmīya-hā*) and directives (*rahnemūdhā*) rather than *fatwās*, the rhetorical and emotive force of which is necessarily limited. Nonetheless, Komeynī did issue numerous *fatwās*, both before and, more significantly, after the triumph of the Revolution, as did several of the *mojtaheds* who allied themselves with him.

Thus on 1 Kordād 1344 Š./22 May 1965, fifty-two instructors and students from the religious institution in Qom asked Ayatollah Sayyed 'Abd-Allāh Šīrāzī for a ruling on the legality of sentences handed down by a closed court on thirteen people involved in the assassination of Ḥasan-'Alī Manṣūr, the prime minister



during whose tenure Komeynī had been exiled to the Turkish city of Bursa in October 1964. Širāzī responded with a *fatwā* in which he condemned not only the sentences in question but also the exiling of Komeynī as the acts of a corrupt and tyrannical government (Davānī, V, pp. 132-35). Another *mojtahed* from whom guidance was sought during Komeynī's exile was Ayatollah Moḥammad-Rezā Golpāyagānī (d. 1371 Š./1993): to a question dated 10 Tīr 1350 Š./1 July 1971, concerning the legality of a law permitting the sale of agrarian lands belonging to public endowments (*mawqūfāt-e ʿāmm*), he replied with a *fatwā* condemning such sale as *ḥarām* (Davānī, VI, pp. 29-50).

Of greater significance and effect were the *fatwās* issued by Komeynī himself after he was permitted in October 1965, as a result of popular pressure on the Persian government, to leave Bursa for Najaf, a location from which the transmission to Persia of his rulings and proclamations was considerably easier, although not without difficulty. In a *fatwā* dated 28 Ramaẓān 1391/17 November 1971, he authorized the use of various religious monies (*wojūh-e šarʿī*) to help provide for the families of political prisoners in Persia (Komeynī, *Šaḥīfa-ye nūr* I, pp. 179-80). Indicative of his broader Islamic concerns transcending the destinies of Persia alone, was a *fatwā* issued on 6 Šahrīvar 1347 Š./27 August 1968, authorizing use of the same monies to support the nascent activities of ʿĀṣefa, the armed wing of the Palestine Liberation Organization (*Šaḥīfa-ye nūr* I, pp. 144-45); this was confirmed by a similar and more detailed ruling issued after a meeting on 3 Ramaẓān 1393/30 September 1973 with a representative of the PLO (Davānī, VI, pp. 122-23). On 13 Esfand 1353 Š./3 March 1975, Komeynī issued a *fatwā* permitting the discretionary third of individual bequests to be earmarked for supporting the surge in religious publishing activity then underway in Persia (Komeynī, 1981b, I, p. 221). More squarely aimed against the Pahlavi regime was a *fatwā* issued in Farvardīn 1354 Š./March-April 1975 prohibiting membership in the Resurrection party (Ḥezb-e rastākīz), which was intended to monopolize all legal party political activity in Persia (Komeynī, 1981b, I, p. 222). In a similar vein he delivered a ruling on 13 Rabīʿ I 1398/21 February 1978, soon after the confrontations leading to the revolution had begun, declaring invalid the oaths of loyalty to the crown sworn on the Qurʾān by members of the armed forces (Komeynī, 1981b, II, p. 67; the same *fatwā* is dated 12 Rabīʿ I 1399/10 February 1979 in Davānī, X, p. 67, possibly a more accurate date, given the impending collapse of the army at precisely that time).

Undated *fatwās* of socio-political content from Komeynī's years of exile are to



be found grouped together under headings such as “enjoining the good and forbidding the evil” (*amr ba ma’rūf wa nahy az monkar*), “defense” (*defā*), or simply “miscellaneous questions” (*masā’el-e motafarreqa*) as a supplement to *Tawzīh al-masā’el*, the systematic collection of rulings on the major topics of jurisprudence he first published in the early 1960s (none of the numerous reprints of this work bear any date, with the exception of the edition published in 1359 Š./1980 by Ayatollah Reżwānī under the title *Resāla-ye aḥkāṃ*). Among the more significant of these *fatwās* are rulings that denounce as invalid in their totality all laws approved by the Majles “on the orders of agents of the foreigners”; reject as incompatible with Islam the Family Protection Law (Qānūn-e ḥemāyat-e kānavāda) of 1346 Š./1967 and classify as adulteresses women who remarry after obtaining a divorce under its provisions; forbid the employment of Muslims in Jewish-owned businesses known to be supporting Israel; and proscribe property dealings with Bahais (Ḳomeynī, 1980, p. 328; idem, *Tawzīh al-masā’el*, pp. 503-5; Ḳomeynī, tr. 1981a, pp. 437-42).

Ḳomeynī’s directive role in the Revolution of 1978-79 was exercised through messages and declarations which effectively counted as *fatwās* for his increasing following while being couched in a different and more emotive format. It was after the triumph of the revolution in Bahman 1357 Š./February 1978 that he began issuing a great number of *fatwās* traditional in form, responding to a flood of requests for guidance on the most diverse matters; the collection *Esteftā’āt* published in Qom in two volumes in 1366 Š./1987 and 1372 Š./1993, incomplete according to its anonymous compilers, contains approximately 2500 *fatwās*. Together with the questions that elicited them, these rulings provide a valuable source of information on the state and temper of Persian society in the aftermath of the revolution. Many of the *fatwās* address the predicament of persons newly committed to the serious fulfillment of their religious duties and uncertain how to proceed, particularly with respect to the mechanics of *taqlīd* (imitation), or wishing to divide their *taqlīd* between Ḳomeynī and another *mojtahed* (Ḳomeynī, *Esteftā’āt* I, pp. 7-21). Other queries answered by Ḳomeynī reflect divided opinions within the same household on political and religious matters: One questioner was informed that it was not incumbent on a wife to follow her husband’s choice of *mojtahed* to “imitate” (Ḳomeynī, *Esteftā’āt* I, p. 13), and another who inquired about the advisability of refusing to eat the food cooked by his wife until she adopted a positive attitude to the revolution was advised to try more rational methods of persuasion (Ḳomeynī, *Esteftā’āt* I, p. 487). A family problem of a different



nature confronted a man whose son and daughter-in-law were so obsessed with maintaining ritual purity that they refused to attend congregational prayer, for fear of unwittingly contracting some form of pollution; “since they do not listen to anyone else, advise them,” appealed the questioner, and Komeynī accordingly condemned their obsession as subtly satanic (Komeynī, *Esteftā’āt* I, pp. 110-11).

A problem of more general concern was that arising from the printing of koranic verses in newspaper reports of speeches and sermons and the use in government documents of the emblem of the Islamic Republic, a stylized form of the first half of the Islamic confession of faith; to those seeking guidance on how to dispose of unneeded papers bearing sacred words and formulae Komeynī responded that discarding them as garbage should at all costs be avoided (*Esteftā’āt*, I, pp. 114-15).

The question of the permissibility of music assumed new significance after the triumph of the revolution, given the fact that radio and television were now subject to religious dictate. Queries were therefore directed to Komeynī concerning popular songs broadcast on the radio that had already been current before the revolution, folk music, classical or mystical (*‘erfānī*) music, and revolutionary songs. Without commenting on each of these categories, he consistently responded that “frivolous music” (*mūs’iqī-e moṭreb*) is forbidden but that “sounds of questionable nature” (*ṣadāhā-ye maškūk*) are not (Komeynī, *Esteftā’āt* II, pp. 11-18). When asked for a clarification of what constitutes frivolous music, he replied that its determination is a matter of prevailing convention (*‘orf*; Komeynī, *Esteftā’āt* II, p. 41). All of these responses were fully traditional. Innovative, by contrast, was a *fatwā* permitting the singing in chorus by women of revolutionary songs in the presence of men (*ibid.*, II, p. 18); this permission was extended by Kāmena’ī (1995, p. 40) to cover the recitation of poetry by women to musical accompaniment.

Another frequently recurring topic addressed in Komeynī’s post-revolutionary *fatwās* was the status of imported foodstuffs, such as white cheese from Bulgaria, which being packed in water might be thought to have been contaminated by the ritual impurity (*najāsa*) of the non-Muslim packers (Komeynī, *Esteftā’āt* I, p. 102, II, p. 508), canned meat (*ibid.*, I, p. 500), and the frozen chicken imported by Saudi Arabia during the *ḥajj* season (*ibid.*, II, p. 502). Komeynī’s answers to all these alimentary queries tend for the most part to allay the questioners’ doubts concerning permissibility; however, in response to a question from Muslim students in America concerning the status



of kosher meat, he reaffirms the traditional restriction to grains, especially wheat, of the koranic license to eat the food (*ṭa'ām*) of the People of the Book (Qur'ān 5:4; Komeynī, *Esteftā'āt* II, 501).

Problems of medical ethics, also addressed in *fatwās* of the pre-revolutionary period (see Komeynī, 1980, pp. 334-36), arose more frequently and urgently after the establishment of the Islamic Republic. When the importation of cadavers from India to be dissected for purposes of medical instruction was temporarily interrupted, a professor of medicine inquired about the permissibility of dissecting Muslim cadavers. The *fatwā* given in response forbade it; however, another *fatwā* made it permissible for a Muslim to will his body for future dissection given that the training of surgeons tended to the general welfare of the Muslim community (Komeynī, *Esteftā'āt* II, p. 42). Forensic autopsies were forbidden, unless an overriding interest of society made it advisable in a specific case (*ibid.*, I, p. 42). Artificial insemination with sperm derived from a man other than a woman's husband and masturbation in order to produce a sperm sample for medical analysis were both pronounced categorically *ḥarām* (*ibid.*, I, p. 51, II, p. 44).

Other *fatwās* reflected more directly the circumstances prevailing in the early years of the Islamic Republic. One such *fatwā* forbade the burial in Muslim cemeteries of persons executed for counter-revolutionary activity (Komeynī, *Esteftā'āt* I, pp. 89, 104-5); another rejects the assumption on the part of a questioner that former Marxists who have begun praying while in prison are acting tactically and are therefore still to be regarded as unbelievers and impure (*ibid.*, I, p. 104).

Particularly numerous are the *fatwās* that address problems arising from the war with Iraq that lasted from 1359 Š./1980 to 1367 Š./1988. Some of them concern the difficulties faced by amputees and other war-wounded in making their ablutions (Komeynī, *Esteftā'āt* I, pp. 29, 30, 33, 91, 94), while others limit burial without washing and enshroudment to those victims of the war who have died as a result of direct engagement with the enemy: civilians killed by aerial bombardment of Persian cities; soldiers or civilian volunteers killed while on their way to the front; persons killed while providing logistical support behind the front lines; and fighters who succumb in hospital to wounds suffered at the front all count as martyrs (*šohadā'*), but their bodies must be washed and enshrouded in accordance with normal practice (Komeynī, *Esteftā'āt* I, pp. 78-83).



Of particular interest are those *fatwās* which represent radical departures from the rulings of earlier Shi'ite jurists. On 7 Ābān 1358 Š./29 October 1980, Khomeynī delivered a *fatwā* to the effect that women might transfer to themselves the right to unilateral dissolution of marriage, otherwise held by the husband, or guard themselves against the possibility of a husband taking a second wife, by inserting appropriate conditions in the marriage contract (Khomeynī, *Ṣaḥīfa-ye nūr*, X, p. 78). Indicative of Khomeynī's concern for a rapprochement between Shi'ites and Sunnis, particularly marked after the triumph of the revolution, are his *fatwās* permitting Shi'ites to pray behind Sunni prayer leaders. Thus a group of Persians resident in Europe were instructed to continue their practice of performing their Friday prayers behind a Sunni prayer leader, and others who prayed regularly behind a Sunni in one of the predominantly Sunni regions of Persia were assured of the correctness and validity of their prayers (Khomeynī, *Esteftā'āt* I, pp. 269, 279). Such practices had been permitted by earlier authorities only as a measure of *taqīya* (prudential dissimulation), especially during the *ḥajj*, when Shi'ites would be a small minority amidst a vast concourse of Sunnis, and one questioner therefore asked whether following a Sunni prayer leader under circumstances other than the *ḥajj* was permissible; he received an affirmative answer (Khomeynī, *Esteftā'āt* I, p. 279).

The *fatwā* of Khomeynī which had the greatest global impact was, of course, that issued on 25 Bahman 1367 Š./14 February 1989 calling for the execution of Salman Rushdie, author of a novel, *The Satanic Verses*, widely regarded by Muslims as obscenely blasphemous, as well as those responsible for the publication and dissemination of the work (text in *Kayhān-e hawā'ī* 817, 3 Esfand 1367 Š./22 February 1989, p. 1). In strictly juristic terms, the *fatwā* was not particularly remarkable or innovative; even its call for the summary execution of Rushdie without any judicial process was firmly grounded in the existing provisions of Shi'ite (as well as Sunni) jurisprudence. What lent the *fatwā* particular prominence and impact was its issuance by Khomeynī, who was a head of state as well as a *marja'*, and the context of increasing antagonism between the Islamic and western worlds that surrounded it.

The position of Khomeynī as supreme leader (*rahbar*) of the Islamic Republic, in accordance with the doctrine of *welāyat-e faqīh* ("governance of the jurist"), also raised with particular acuity the problem posed by the clashing *fatwās* of different *mojtaheds*. The question had already been addressed in much earlier times, as, for example, by Ebn Moṭahhar Ḥelli, who declared that in cases of



disagreement among the jurists the *fatwā* of the most learned among them was to be preferred (*Nahj al-mostaršedīn*, p. 67). In Qajar times, moreover, a doctrine known as *motāba'at* was evolved, according to which the *fatwā* of a given *mojtahed* might overrule that of other *mojtaheds* in specific cases, with the effective result that they, together with their respective followings, all engaged in *taqlīd* of the *mojtahed* who issued the binding *fatwā* (Moussavi, pp. 135, 199-92). This elevation to overriding authority of a single *mojtahed* was naturally reinforced and generalized by the institutionalization of *welāyat-e faqīh*, and Komeynī issued a *fatwā* clarifying that the commands of the *walīy-e faqīh* (governing jurist) take precedence over any divergent *fatwās* of other *mojtaheds* (Komeynī, *Esteftā'āt* I, p. 19; *Wilayah and Marjaiyah Today*, p. 247; for a similar ruling by Ayatollah 'Alī Kāmena'ī, see his *Esteftā'āt*, p. 9).

Certain *mojtaheds* nonetheless issued *fatwās* condemnatory of government policies in the early years of the Islamic Republic, especially as they touched on socio-economic concerns. Thus in late 1359 Š./early 1980 Ayatollahs Bahā'-al-Dīn Maḥallātī of Shiraz and 'Abd-Allāh Šīrāzī of Mašhad issued strongly worded *fatwās* that condemned as contrary to Islam the Law for the Reassignment and Revival of Land (*Qānūn-e vāgozārī wa eḥyā-ye zamīn*) that had just been ratified by the Revolutionary Council (Algar, 1986, p. 43). Given the closeness to Komeynī of the persons responsible for drafting the law and his general emphasis on the discretionary powers of the Islamic state for attaining its proclaimed social goals, it may be presumed that he favored the provisions contained in the law for redistributing agrarian land. For pragmatic reasons, however, he chose not to invoke his overriding authority as *walīy-e faqīh* and suspended the implementation of the law in the fall of 1359 Š./1980.

One of the modifications to the Constitution of the Islamic Republic that were approved in a referendum conducted jointly with the presidential elections of 6 Mordād 1368 Š./28 July 1989 seemed to point to a disjunction of the authority to issue *fatwās* from the function of *marja'* and even from the position of *mojtahed*. Article 109 of the Constitution approved on 11-12 Āḍar 1358 Š./2-3 December 1979 had listed as first among the qualifications of the *rahbar* (leader) suitability with respect to learning and piety as required for the functions of *moftī* and *marja'* (*lāzem barā-ye eftā' wa marja'īyat*); it was now amended to read "suitability with respect to learning as required for the function of *moftī* in the different areas of jurisprudence" (*lāzem barā-ye eftā' dar abwāb-e moḵtalef-e feqh*), piety being specified as a separate qualification



(*Qānūn-e asāsī*, pp. 54-55). The apparent disjunction was relatively short-lived, for Ayatollah ‘Alī Kāmena’ī, who had succeeded to Komeynī’s position as *rahbar* the day after his death on 13 Kordād 1368 Š./3 June 1989, began establishing his authority as a *marja’* some five years later, after the demise of Ayatollah Moḥammad-‘Alī Arākī, the last of the senior *marāje’* to outlive Komeynī, on 8 Āḍar 1373 Š./29 November 1994 (see the proclamations and communiqués declaring Kāmena’ī’s suitability as *marja’* in *Wilayah and Marjaiyah Today*, pp. 101-43).

Fatwās in the post-Komeynī period. A potentially more significant development of the post-Komeynī period has been the establishment of a *Fatwā* Council (*Šūrā-ye eftā’*) to function under the auspices of the *rahbar*. The idea of a collective body for the issuance of *fatwās* had first been put forward after the death of Ayatollah Borūjerdī, partly because of the lack at that time of any figure capable of inheriting his mantle of sole leadership and partly because of the belief that questions requiring authoritative answers were too varied and specialized adequately to be handled by a single individual. In arguing for the establishment of such a body, Ayatollah Sayyed Maḥmūd Ṭālaqānī (d. 1358 Š./1979) also pointed to Koranic verses such as 4:13 and 9:123 from which the desirability of collective or “decentralized” religious direction might be deduced (Ṭālaqānī, pp. 201-11). Another scholar, Sayyed Mortazā Jazāyerī, maintained that restricting the authority to issue *fatwās* to a single *mojtahed* regarded as “more learned” (*a’lam*) than all his colleagues was a relatively recent development in Shi‘ite jurisprudence and that the “well-known (*mašhūr*) opinion of a majority of scholars” had been regarded as authoritative in earlier times (Jazāyerī, pp. 215-30). Nothing came of this proposal for collective *eftā’*, largely because of the turbulent events that began to unfold in the religio-political sphere almost immediately after it was put forward.

The body proposed by Ṭālaqānī and Jazāyerī was intended to supplant the authority of the single *mojtahed*; that established by Kāmena’ī functions as an adjunct of the *rahbar*’s office. Matters brought before him for a *fatwā* are sometimes referred to the *Fatwā* Council, which in turn assigns the necessary research to one of its members; once he has completed his findings, he presents them to a plenary meeting of the council over which Kāmena’ī presides. The judicial, legislative, and executive branches of the government may also consult the council, without necessarily being bound to accept its recommendations. Among the topics that the council has addressed are the permissibility of postmortems; the mechanical slaughtering of animals; the



period of waiting before remarriage to be observed by a divorced or widowed woman who has undergone hysterectomy; the recitation of the Qur'ān by women in the presence of men as, for example, during Qur'ān recital competitions; and the limits to be observed by the *walīy-e faqīh* in granting amnesty to thieves (“Leader’s Council of Iftā’,” pp. 201-6).

Handbooks. Finally, there is a special usage of the word *fatwā* to be noted. In the formula *moṭābeq bā fatwā-ye* (‘‘in accordance with the *fatwā* of’’) that is found on the title page of the comprehensive handbooks known generically as *Tawzīh al-masā’el*, *fatwā* does not imply that the topics addressed are newly occurring or problematical or that they have been the subject of queries; rulings of such type are, in fact, typically included only as appendices to the main text. In this context, the word means simply that the contents of the book reflect the jurisprudential opinions of its compiler. Both this use of the word and its application to the comprehensive handbooks reflect the view, standard since the time of Sayyed Moḥammad-Kāẓem Yazdī (d. 1337/1919), that all religiously mandated acts, including even prayer and fasting, are void unless performed according to the detailed and explicit instructions of a *mojtahed*. It goes without saying that instructions with respect to basic acts of devotion exhibit little variance from one *mojtahed* to another; it is this that accounts for the near identity of wording in many of the handbooks.

BIBLIOGRAPHY

(for cited works not given in detail, see ‘‘Short References’’):

Aḥkam-e pezeškān wa mašāḡel-e marbūṭ ba pezeškī, Qom, 1374 Š./1996; tr. H. Mavani as *A Guide to Islamic Medical Ethics Based on Authoritative Contemporary Sources*, Montreal, 1998 (a collection of rulings on medical matters by Ḳomeynī, Arākī, and Golpāyagānī).

Ī. Afšār, *Awraq-e tāzayāb-e mašrūṭiyat*, Tehran, 1359 Š./1981.

H. Algar, ‘‘Religious Forces in Twentieth-Century Iran,’’ *Camb. Hist. Iran* VII, pp.



732-64.

Idem, *Religion and State in Iran, 1785-1906: The Role of the Ulama in the Qajar Period*, Berkeley & Los Angeles, 1969.

Idem, "Social Justice in the Ideology and Legislation of the Islamic Revolution of Iran," in L. Michalak, ed., *Social Legislation in the Contemporary Middle East*, Berkeley, 1986, pp. 17-60.

‘Alī b. Abī Ṭāleb, *Nahj al-balāḡa*, ed. M. ‘Abdoh, Beirut, 1403/1983.

A. Amanat, *Resurrection and Renewal: The Making of the Babi Movement in Iran, 1844-1850*, Ithaca, N.Y., and London, 1989.

Ḥorr ‘Āmelī, *Wasā’el al-šī’a*, 20 vols., Beirut, 1381/1971.

Moḥammad b. Makkī ‘Āmelī, *al-Qawā’ed wa’l-fawā’ed*, Tehran, 1309/1891.

F. Atar, "Fetvâ," in *Türkiye Diyanet Vakfı İslam Ansiklopedisi XII*, Istanbul, 1995, pp. 486-96.

Ayatollah Ḥosayn Ṭabāṭabā’ī Borūjerdī, *Tawzīh al-masā’el*, Qum, n.d.

Browne, *Persian Revolution*. Idem., *Materials for the Study of the Bábí Religion*, Cambridge, 1918.

H. Corbin, *En Islam Iranien*, 4 vols., Paris, 1971-72.

‘A. Davānī, *Nahzat-e rūḡānīyūn-e Īrān*, 11 vols., Tehran, n.d.

M. Dehnovī, *Majmū’a-ī az maktūbāt, soḡanrānīhā, payāmhā, wa fatāwā-ye Āyat-Allāh Kāšānī*, 5 vols., Tehran, 1361 Š./1983.

W. Ende, "The Flagellations of Muḡarram and the Shi’ite ‘Ulama," *Der Islam* 57, 1978, pp. 26, 33-34.

Ayatollah Abū’l-Ḥasan Ešfahānī, *Wasīlat al-najāt*, Najaf, n.d.

R. Ešfahānī, *al-Mofradāt fi ḡarīb al-Qor’ān*, Beirut, n.d.

A. de Gobineau, *Les dépêches diplomatiques du comte de Gobineau en Perse*, ed. A. Hytier, Geneva, 1959.



A-H. Hairi, "Shaykh Faḡl Allāh Nūrī's Refutation of the Idea of Constitutionalism," *Middle Eastern Studies* 13, 1977a, pp. 327-39.

Idem, *Shi'ism and Consitutionalism in Iran*, Leiden, 1977.

Idem, "Ḳwānsārī, Sayyid Muḡammad Takāī," *EI2* IV, p. 1028.

Idem, "The Responses of Libyans and Iranians to Imperialism as Reflected in Two Documents," *ZDMG* 130, 1980, pp. 372-92.

Ebn Moḡahhar Ḥellī, *Nahj al-mostaršedīn*, Qom, n.d.

Sayyed Mortazā Jazāyerī, "Taqīd-e a'lam yā šūrā-ye fatwā," in *Baḡt-ī dar bāra-ye marja'iyat wa rūḡānīyat*, 2nd ed., Tehran, n.d., pp. 215-30.

Ayatollah Sayyed 'Alī Ḳāmena'ī, *Esteftā'āt*, Washington, D.C., 1374 Š./1995.

Idem, *Ajwebat al-esteftā'āt*, Beirut, 1416/1996. Kasrawī, *Mašrūḡa*. 'A.-M. Kefā'ī, *Margī dar nūr: zendagānī-e ĀḲūnd Ḳorāsānī*, Tehran, 1359 Š./1980.

Ayatollah Rūḡ-Allāh Ḳomeynī, *Tawzīḡ al-masā'el*, n.p., n.d.

Idem, "al-Ejteḡād wa'l-taqīd" in *al-Rasā'el*, 2 vols., Qom, 1385/1965, II, pp. 94-172.

Idem, *Tahrīr al-wasīla*, 2 vols., Najaf, 1390/1970.

Idem, *Resāla-ye aḡkām*, ed. Ayatollah Reżwānī, Tehran, 1359 Š./1980.

Idem, *Islam and Revolution*, tr. H. Algar, Berkeley, 1981a.

Idem, *Majmū'a-ī az maktūbāt, soḡanrānīhā, payāmhā, wa fatāwī-e Emām Ḳomeynī*, 2 vols., Tehran, 1360 Š./1981b.

Idem, *Šaḡīfa-ye nūr*, 22 vols., Tehran, 1361-71 Š./1982-92.

Idem, *Zobdat al-aḡkām*, Tehran, 1404/1984.

Idem, *Esteftā'āt*, 2 vols., Qom, 1366-72 Š./1987-93.

Idem, *Aḡkām al-Eslām bayn al-sā'el wa'l-emām*, Beirut, 1413/1993.

A. K. S. Lambton, "A Nineteenth Century View of Jihad," *Stud. Isl.* 31, 1970, pp.



181-92.

“Leader’s Council of Iftā’: An Interview with Ayatullah Mu’min and Ayatullah Hashemi,” *The Message of Thaqalayn* 2/3-4, 1995-96, pp. 201-6.

M. Malekzāda, *Tārīk-e enqelāb-e mašrūtiyat-e Īrān*, 6 vols., Tehran 1327 Š./1948.

S. Manoukian, “Fatvas as Asymmetrical Dialogues: Muhammad Karim Khan and His Questioners,” in M. K. Masud, B. Messick, and D. S. Powers, eds., *Islamic Legal Interpretation: Muftis and Their Fatwas*, Cambridge, Mass. and London, 1996, pp. 162-72.

H. Modarressi Tabātabā’i, *An Introduction to Shi’i Law*, London, 1984.

M. Momen, “The Trial of Mullā ‘Alī Baštāmī: A Combined Sunni-Shī’i Fatwā against the Bāb,” *Iran* 20, 1982, pp. 113-43.

A. K. Moussavi, *Religious Authority in Shi’ite Islam: From the Office of Mufti to the Institution of Marja’*, Kuala Lumpur, 1996.

Āqā Najafī Qūcānī, *Sayāḥat-e šarq*, ed. R. Šākerī, Tehran, 1362 Š./1983.

Abu’l-‘Abbās Najāšī, *Ketāb al-rejāl*, 5 vols., n.p., n.d.

Y. Nakash, *The Shi’is of Iraq*, Princeton, 1994.

Qānūn-e asāsī-e Jomhūrī-e eslāmī-e Īrān, Tehran, 1370 Š./1991.

M. Š. Rāzī, *Ātār al-ḥojja*, 2 vols., Qom, 1338 Š./1959.

A. Sachedina, *The Just Ruler in Shi’ite Islam*, Oxford, 1988.

M. B. Šadr, *al-Fatāwā al-wāzeḥa*, 8th. ed., Beirut, 1403/1983.

Ayatullah al-Seestani (‘Alī b. Ḥosayn Sīstānī), *Contemporary Legal Rulings in Shi’i Law*, tr. Hamid Mavani, Montreal, 1996 (excerpts from Sīstānī’s *al-Fatāwā al-moyassara*, Qom, 1416/1995; *al-Mostaḥdaṭāt men al-masā’el al-šar’iya*, London, 1416/1996; and *Menḥāj al-šāleḥīn*, Beirut, 1414/1993).

Sayyed Moḥammad-Bāqer Šaftī, *Resāla-ye so’āl wa jawāb*, Isfahan, 1247/1832.

Tārīk-e bīdārī, ed. Sa’īdī Serjānī. “Tārīk-e taṭawwor-e ejtehād,” in *Kāveš-ī dar feqh wa ‘olūm-e vābasta ba ān*, Qom, 1372 Š./1993, pp. 123-50.



M.-Ḥ. Ṭabāṭabā'ī, *al-Mīzān fī tafsīr al-qor'ān*, 4th ed., 20 vols., Tehran, 1361 Š./1982.

S. M. Ṭālaqānī, “Tamarkoz wa ‘adam-e tamarkoz dar marja’iyat wa fatwā,” *Baḥṭ-ī dar bāra-ye marja’iyat wa rūḥānīyat*, 2nd ed., Tehran, n.d., pp. 201-11.

E. Teymūrī, *Taḥrīm-e tanbākū yā awwalīn moqāwamat-e manfī dar Īrān*, Tehran, 1328 Š./1949.

M. Torkamān, *Rasā’el, e’lāmīya-hā, maktūbāt, wa rūz-nāma-ye Šayḵ-e Šahīd Fazl-Allāh Nūrī*, 2 vols., Tehran, 1404/1984.

Wilayah and Marjaiyah Today, Houston, Tex., 1416/1995.

Sayyed Moḥammad-Kāzem Yazdī, *al-‘Orwa al-wotqā*, Najaf, 1348/1929.