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KANI, ḤĀJ MOLLĀ ʿALI

KANI, ḤĀJ MOLLĀ ʿALI (b. 1220/1805; d. 1306/1888-89; Figure 1), Shiʿi scholar whose power and prominence in the affairs of Tehran for more than four decades earned him the semi-official title of *raʾis al-mojtahedin* ("chief of the mojtaheds"), as well as accusations of inordinate greed.

Born in 1805 in Kan, a village hidden in a deep ravine some two *farsaḵ*s (ca. 12 km) distant from Tehran, he early manifested an interest in learning, much to the disapproval of his family, including his father, Qorbān-ʿAli, for they viewed his labor as essential for their economic wellbeing. Thanks, it is said, to the power of his prayers, he was able to break free of their grip, roughly at the age of twenty. After preliminary studies in Tehran, and possibly Isfahan, he obtained the funds needed to move on to the shrine cities of Iraq by agreeing to convey the body of a certain Ḥāj Moḥsen to Karbalā for burial. He studied there with such luminaries of the Oṣuli school of jurisprudence as Moḥammad Ḥasan Najafi (d. 1850), author of *Jawāher al-kalām*; Sayyed Ebrāhim Musavi Qazvini (d. 1848), author of *Żawābeṭ al-oṣul*; Mollā Moḥammad-ʿAli Ḵᵛānsāri; and Ḥasan b. Jaʿfar al-Kāšef al-Qeṭā (d. 1846; q.v.), who awarded him his certificate of *ejtehād*. For some twenty years, Kani also kept the company of Sheikh Mortażā Anṣāri (d. 1864), who was to become the first Shiʿite mojtahed to attain the position of sole *marjaʿ al-taqlid*. Hardship and poverty accompanied Kani for many of those years, and he was obliged to share a room in Najaf with two other students, Mollā ʿAli Ḵalili and Sheikh ʿAbd-al-Ḥosayn Tehrāni. Particularly difficult were the two years he spent on the move—probably in western Persia—fleeing the plague that befell Iraq roughly

four years after his arrival there. Once reestablished in Karbalāʾ, he feared a renewed onset of the contagion and the loss of scholarly resources that might result, so he took it on himself to begin writing treatises on both the principles of jurisprudence and its ordinances.

In 1846, he left Iraq on a pilgrimage to Mashad, and on the way back he stopped in Tehran to visit his father, who had by then moved to the city. He consented to stay and before long amassed a degree of wealth and influence that must thoroughly have dissipated his father's early misgivings about a scholarly career. Some at least of the wealth must have consisted of *ḏakāt* and other religiously mandated payments entrusted to him to spend on the poor; it was therefore administered rather than owned by him. But plainly more than this conventional arrangement was at issue. Soon after settling in Tehran, he received as a gift a disused irrigation canal that he swiftly restored to operation, and the water from the canal was eagerly bought because of its supposedly unusual fertilizing properties. With the money thus obtained, he began to acquire further canals and also land. Some contemporaries attributed his vast wealth quite simply to the divine will, as well as to Kani's possession of such qualities as " extreme self-assurance and dignity"; others, however, were less charitable and criticized him for going far beyond what "propagation of the *šariʿat* and service to the people would require" and "having no concern other than the accumulation of wealth and estates" (Eʿtemād-al-Salṭana, 1889, p. 138). Worse, he stood accused in 1871 of hoarding grain during a famine in the hope that prices would rise still higher than they already had. Among those denouncing him on this score were Mirzā Ḥosayn Khan Sepahsālār, *ṣadr-e aʿẓam* at the time. In a letter to Nāṣer-al-Din Shah dated 28 Rajab 1290/20 September 1873, he complained that "while Ḥājji Mollā ʿAli Kani had a granary full of corn and the people were dying of hunger, I brought out the supplies of my family and household and distributed them among the poor. They offered him 50 tumāns for each *ḵarvār*, but he refused to sell, hoping that the price would increase. Meanwhile, the people were perishing" (quoted by Taymuri, p. 44). The same charge is made by Mahdiqoli Khan Moḵber-al-Salṭana (p. 10), who claims that Kani ultimately succeeded in pushing the price of corn up to 64 tumāns per *karvār*. (It should be noted, for the sake of balance, that Mirzā Ḥosayn Khan himself was accused of exploiting the famine: Eʿtemād-al-Salṭana asserts that he imported cheap grain from the Caucasus and sold it at a large profit in the starving capital [cited in Moʿtamad, p. 11].)

In any event, the mutual hostility of Kani and Mirzā Ḥosayn Khan antedated the famine of 1288/1871. The Sepahsālār attributed it to his refusal to sell Kani a plot of prime agrarian land near Firuzābād for a price far beneath its value (Taymuri, p. 44), but significant issues of policy were also involved. Inspired by the reforms he had witnessed in Istanbul while serving as envoy to the Ottoman court, Mirzā Ḥosayn Khan sought to circumscribe the influence in legal and political affairs precisely of such assertive members of the religious class as Kani (Ādamiyat, pp. 60-67). After his dismissal, he proclaimed with evident pride in a letter to Nāṣer al-Din Shah that he "refused to permit their [the *ʿolamā*'s] intervention in matters of state" (Taymuri, p. 43). In addition, Mirzā Ḥosayn Khan had associated while in Istanbul with Mirzā Malkom Khan, a figure repugnant to Kani because of his pseudo-masonic foundation, the *farāmuškāna* (see freemasonry i), the closure of which Kani had helped to secure in 1278/1861; and when appointed grand vizier (*ṣadr-e aʿẓam*) in November 1871, he summoned Malkom Khan back to Tehran as his adviser and confidant on all matters of policy. The enmity between Kani and the Sepahsālār intensified in the summer of 1873, when Nāṣer-al-Din Shah left Tehran on his first excursion to Europe under the aegis of his grand vizier. The journey was viewed in itself as objectionable, by Kani and other ulama of the capital. It coincided, moreover, with rising agitation over the notorious Reuter Concession, the terms of which had been finalized a week before the royal party set out for Russia and beyond. Those terms were seen by Kani and many others as scandalously opposed to the interests and independence of Persia, and it was none other than Malkom Khan who was known to have been intimately involved in their elaboration (Algar, 1973, pp. 116-20) .

As the monarch and his minister were preparing to disembark at Anzali on their journey home, on 15 September 1873, Kani wrote a long, lucid, and, for the most part, well-argued letter to Nāṣer-al-Din Shah, denouncing in detail Mirzā Malkom Khan, the Reuter Concession, and, by implication, Mirzā Ḥosayn Khan, under whose auspices it had been concluded (complete text of the letter in Taymuri, pp. 124-26). The force of his missive was augmented by the circumstances of its composition: a withdrawal to the shrine of Shah ʿAbd-al-ʿAẓim, in which he was joined by Sayyed Jawād of Qom, Mirzā Maḥmud of Borujerd, and Mirzā Jawād Āqā of Tabriz. Kani began his letter by affirming the complementarity of the ulama and the monarchy as essential for popular welfare during the continued occultation of the Twelfth Imam: the former were to expound and implement the precepts and ordinances of religion, and the officers of the latter, to guarantee justice and guard the frontiers of the

realm. That being the case, "if prominent religious scholars *(ʿolamā-ye aʿlām*) observe some disorder in the affairs of the state" and bring it to the attention of the shah, it cannot in any way count as improper interference; it is their duty to act under such circumstances, whether the shah approves and follows their advice or not.

After this preamble, Kani denounces Malkom Khan as a sworn enemy of religion and state, unworthy of the title Nāẓem-al-Molk ("Orderer of the Realm"), and the one who elevated him to that rank—that is, Mirzā Ḥosayn Khan—as a traitor. The *farāmuškāna* had been, Kani continues, a secret organization with the aim of seizing control of the country whenever conditions were ripe; that danger had now reappeared with the granting of the Reuter Concession and the award of land and resources to foreigners. By its terms, all would be obliged to turn over whatever land and property they owned, and the agents of the concession could even force the shah to surrender the crown lands. By what right, Kani enquired, did the state propose to compel its subjects to sell their properties? Such a procedure was at variance with Islam and, he surmised, with all other religions. The British had gained control of the whole of India, for all of its vastness, through purchases of territory made by the East India Company; a similar danger now confronted Persia. With the alienation of such vast resources, the state would lack sufficient revenue and be even less capable of equipping an army to defend the frontiers of Persia than it already was. Under such circumstances, the ulama might assume the duty of defending the country, but "with the onslaught of the Europeans on Persia by railway, what respected influential *ʿālem* will remain in Persia? And if he remains, will he have life and breath enough to cry even once: Alas for the faith! Alas for the nation!" Thanks to the railway, the foreigners could spread out through Persia in the space of a single hour with their infantry, cannons, and rifles, and the Persians would be caught unawares. (Disregarding this fairly rational hypothesis, Mirzā Ḥosayn Khan claimed that Kani had ignorantly fallen prey to the rumor that construction of the railway would necessitate the destruction of the shrine of Shah ʿAbd-al-ʿAẓim [Khan Malek Sāsāni, I, p. 88].) Kani therefore implored Nāṣer-al-Din, invoking the Imam of the Age, to dismiss the person who had drawn up the terms of the Reuter Concession relating to railways "in a fashion beneficial to the enemies of both religion and state."

A concluding paragraph makes it plain that Kani had other anxieties concerning the direction the country had taken; these were of a moral and

social rather than political and economic nature and centered on what he called “the ugly word (*kaleme-ye qabiḥa*) ‘freedom’.” The word was, he admitted, outwardly attractive, but it concealed innumerable evils and ran contrary to the teachings of all the prophets and the rulings of all exalted sovereigns. He had made it plain in a previous letter—presumably to Nāṣer-al-Din Shah—that “freedom” would put an end to both Islam and the state, for each of them depends on “firm ordinances and limits,” the very opposite of freedom. Such laws are essential to prevent forbidden acts and restrain men from violating the property and honor of their fellows, for it is plain that “the souls of men are satanic by nature, inclined to passion and the fulfillment of appetitive desire.” Kani takes freedom to mean that “everyone could say whatever he wishes” and engage without challenge in corruption, deception, and theft. The concept had already taken such root in Persia, he complains, that governors and police chiefs had become housebound. Kani’s understanding of freedom as lawlessness, a license for anarchy and immorality, was to persist among some of the ulama as late as the time of the Constitutional Revolution.

Kani was not alone in his opposition to Mirzā Ḥosayn Khan Sepahsālār. He was joined, from among the ulama, by Mollā Ṣāleḥ ʿArab (also accused by the Sepahsālār of hoarding grain during the famine of 1871; see Taymuri, p. 44); Anis-al-Dawla, a lady of the royal household whom the Sepahsālār had prevented from accompanying the shah to Europe; and Farhād Mirzā Moʿtamad-al-Dawla, whom Nāṣer-al-Din Shah had left in charge of the capital during his absence. Kani’s links with the last-named were particularly close; when he decided to go on the Hajj in 1292/1875, he first sought omens from the Qurʾān and made astrological calculations, and then presented the results to Kani for him to select an auspicious day on which to depart. Kani also advised him on how to perform the *ṭawāf* (circumambulation of the Kaʿba) in such manner as to end up facing the Black Stone (Moʿtamad-al-Dawla, pp. 1, 158).

But it was no doubt Kani’s fury with the Sepahsālār, expressed most clearly in a *fatwā* calling for his dismissal shortly after the royal party had landed at Anzali, that led to his almost immediate removal from the post of grand vizier. Such was the influence wielded by Kani, and so critical for Nāṣer-al-Din Shah had the situation become, that on arriving back in Tehran, he thought it prudent to visit Kani and pay him his respects in person (Khan Malek Sāsāni, I, p. 81). As for the Sepahsālār, he ultimately effected a rapprochement with certain of the ulama, but Kani was not of their number, and he persisted in

ostracizing him (Kermāni, p. 106). For the remaining fifteen years of his life, Kani reigned supreme among the ulama of Tehran. Through the intermediary of Sayyed Bāqer Jamārāni Nāẓem-al-ʿOlamāʾ, all cases concerning the government that fell within the jurisdiction of the *šariʿat* were referred to his court for judgement. One consequence of the influence he thus acquired was that deeds of ownership would be sent to him from places as far distant as Shiraz, Isfahan, and Khorasan; the seal that he affixed to them, for a fee, guaranteed landowners security of tenure. It was also as a result of his standing that he was able to obtain the temporary imposition of the *jezya* on Jews and Christians resident in Tehran and to secure the annual expulsion of prostitutes from Tehran, probably during the month of Ramadan; according to a hostile contemporary witness, he did this in collusion with the chief of police and Kāmrān Mirzā Nāʾeb al-Salṭana (q.v.), governor of the city, in order that they might extort money from the women and then secretly permit them to return and resume the practice of their craft (Eʿtemād al-Salṭana, *Waqāyeʿ-e ruzāna-ye darbār*, pp. 76, 114). Kani's power was not, however, unlimited. In 1881, a crowd set on one of the soldiers under Nāʾeb-al-Salṭana's command and decided to slit his tongue because of some offense. They sought refuge in Kani's house, but Nāṣer al-Din Shah gave orders for them to be removed by force (Eʿtemād al-Salṭana, *Waqāyeʿ-e ruzāna-ye darbār*, p. 46).

The most favorable evaluation of Kani's role in the affairs of Tehran comes from the pen of a person unconnected to the factions and intrigues of Qajar politics, Samuel G. W. Benjamin, the first envoy dispatched by the United States to Tehran; he arrived in 1882 and stayed on until 1885. He describes Kani as "an elderly gentleman of great dignity," who "assumes no outward pomp but rather affects a primitive simplicity. . . . When he goes abroad, he is mounted on a white mule and followed by a single attendant, but the crowd part before him as though he were a supernatural being." Kani could, if he willed, "hurl the Shah from his throne." He was "reasonably impartial in his decisions," for "his person is so exalted that he cannot afford to weaken it by any appearance of corruption; nor has he anything to fear from the aggrieved party." Benjamin was particularly gratified by the decision Kani rendered in a case concerning the United States legation (Benjamin, pp. 441-42). More recently, all accusations of greed and dishonesty leveled at Kani have been disputed by the late Ayatollah Marʿaši-Najafi; basing himself on family lore, he has asserted that Kani was a charitable and kindly man, who supported numerous orphans and widows and regularly provided the poor with free medicine (see anon., "Yādvāra-ye Ḥāj Mollā ʿAli Kani," *Payām-e enqelāb* 7, 13

November 1982, pp. 44-45)

Kani died on 27 Moḥarram, 1306/3 October 1888, and he was laid to rest at the shrine of Shah ʿAbd-al-ʿAẓim. A large number of the city's notables—ulama, government officials, and merchants—attended the funeral. None of the pupils he trained—Sheikh Moḥammad Bāqer Najmābādi, Sayyed Moḥammad Lavāsāni, and Āqā Sayyed Moḥammad Ḥayāṭšāhi—came even close to him in the degree of influence they exerted. The three sons he left behind—Ḥāji Sheikh ʿAbd-al-Ḥosayn, Ḥāji Sheikh Jaʿfar, and Sheikh Moḥammad Taqi—proved similarly inconsequential. It might be said that Kani's true heir was, instead, Mirzā Ḥasan Āštiāni, who, like Kani, had spent many years with Mortażā Anṣāri in Najaf. After Kani's death, he presided over the principal *šariʿat* court of the capital, and some three years later, he came to lead the agitation in Tehran against the Tobacco Concession, much as Kani had denounced the Reuter Concession and its architects. As for the Madrasa-ye Faḵriya (or Marvi) over which Kani had presided, it was turned over on his death to the Emām-Jomʿa of the day, as a reward for his services to the crown. Another aspect of his legacy worthy of mention was a fortune estimated at 1.5 million tomans (see Eʿtemād al-Salṭana, 1967, pp. 680-81).

The most important of Kani's works was *Taḥqiq al-dalāʾel fi šarḥ talḵiṣ al-masāʾel*, a three-volume compendium of rulings on the principal divisions of jurisprudence (*abwāb-e feqh*), which is said to have been regarded by his contemporaries as superior to the *Jawāher al-kalām* of his teacher, Moḥammad Ḥasan Najafi (*al-Ḏariʿa* III, p. 482). His *Tawżiḥ al-maqāl fi ʿelm al-derāya wa'l-rejāl*, a handbook of the science of tradition to which is appended a brief autobiography, is also well-regarded (*al-Ḏariʿa* IV, p. 497; for lists of all of Kani's writings, see Ḥabibābādi, III, p. 698; Ḥerz-al-Din, *Maʿāref al-rejāl* II, p. 113; Modarres, *Rayḥānat al-adab* V, p. 98). It is, however, as an exceptionally forceful advocate of a socio-political role for the ulama that Kani stands out in the history of the Qajar period.

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