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DOI:

[10.1017/S0010417522000470](https://doi.org/10.1017/S0010417522000470)

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*Document Version*

Publisher's PDF, also known as Version of record

*Citation for published version (Harvard):*

Bhojani, A & Clarke, M 2023, 'Religious Authority beyond Domination and Discipline: Epistemic Authority and Its Vernacular Uses in the Shi'i Diaspora', *Comparative Studies in Society and History*, pp. 1-24.

<https://doi.org/10.1017/S0010417522000470>

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RESEARCH ARTICLE

# Religious Authority beyond Domination and Discipline: Epistemic Authority and Its Vernacular Uses in the Shi‘i Diaspora

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## Abstract

“Religious authority” remains a ubiquitous but controversial term of comparative analysis. In Islamic studies, authority is generally personified in the form of the ulama and most often viewed through Weber’s lens of charismatic, legal-rational, and traditional types of legitimate domination. Our particular interest, Twelver Shi‘i Islam, seems a paradigmatic case, where the relationship between “the Ayatollahs” and state power has dominated academic discussion since Khomeini. Through ethnography of a Shi‘i diaspora community in the UK, we argue for a radical shift in perspective: away from forms of clerical power and towards non-specialist uses of clerical authority as expert opinion. Far from such “epistemic” authority being opposed to ordinary agency, here they are inextricably linked. Inspirational work in the anthropology of Islam has understood ordinary Muslim experiences of authority in non-liberal ways, as (Foucauldian) ethical discipline and self-care. We maintain the need to transcend not only domination but discipline too, refocusing the comparison between (Shi‘i) Islamic legal and liberal thought, in the form of Raz’s classic “service conception” of authority. Both stress the rationality of following authoritative opinion and its role as reason and justification for individual action. Our ethnography of ordinary practice then shows the sheer diversity of ways that such epistemic authority can be taken up, including, but not limited to, projects of personal piety and adversarial community politics. In our context, as surely also in others, domination and discipline should thus be seen as potential uses of “religious” epistemic authority, rather than as its privileged form.

**Keywords:** authority; expertise; agency; rationality; piety; Islam; Shia; Sharia; Taqlid; Ayatollah

“Religious authority” is a ubiquitous term of comparative analysis, but in many ways a problematic one. What makes religious authority *religious*, for one thing? Critical religion scholars have argued that the term religion is specious, used to identify as of the same order phenomena that are in fact very different (Christianity and Zen Buddhism, say) (Fitzgerald 2000). On those grounds, the concept of “religious

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authority” would be equally problematic. While we seek here to bring greater clarity to the notion of religious authority, it is not this particular challenge that we take up. We aim to clarify instead the second half of the conceptual pairing that religious authority presents. Rather than agonizing over how to define what is *religious* about religious authority, we concentrate on trying to understand the nature of the *authority* in question in a given religious context (see too Agrama 2010: 4–5).

The cases we have foremost in mind are Islamic ones, although we think our argument has wider relevance. In standard anthropological fashion, we ground that argument in detailed consideration of the practice of one particular community, in this instance a Shi‘i Muslim diaspora community in the UK, the Khoja Ithna–Ashari (Twelver) Shi‘a. Twelver Shi‘i Islam is often seen as exhibiting a particularly strong model of religious authority, with its clerical hierarchy culminating in the “Grand Ayatollahs.” And yet, as we will argue, the conceptual models Islamicists and social scientists most readily turn to in discussing it are frequently misleading. Much has been written on authority, in many intellectual traditions and over many centuries, and contemporary ideas and assumptions are correspondingly tangled. Given the complexity of the issues, our argument is necessarily somewhat complex too. But the aim is simple: to untangle that knot of ideas, by making the right distinctions and following them to their ends. We are not the first to try, and we build on the work of many others. But some patterns of thought seem obstinately hard to shake off.

The first problem is that, within Islamic studies at least, religious authority is almost invariably personified, appearing in the guise of religious specialists and professionals, especially those learned in the religious sciences, the ulama, but also those who claim other forms of privileged relationship to the divine such as the Sufi shaykh or saint (e.g., Gaborieau and Zeghal 2004; Krämer and Schmidtke 2006; Bano 2018). The Shi‘i Ayatollahs are an iconic example. But we cannot understand authority fully if we imagine it solely as some sort of embodied capacity possessed by “religious authorities.” Authority is more diffuse than that. Second, as a consequence of this personification, the sort of authority that these Islamic religious professionals might possess has most often been characterized in terms of the venerable but surely by now tired Weberian triad of charismatic, rational-legal, and traditional forms of legitimate domination (e.g., Dabashi 2006). Domination is a crucial theme, one we certainly do not wish to lose sight of: indeed, as we were finalizing this article, protests were ongoing against state oppression in the Islamic Republic of Iran, following the death in custody of Mahsa Amini after her arrest for not wearing modest dress, as defined by the state. And the distinction between authority and brute coercion that Weber highlights is vital to maintain (Arendt 2006; Friedman 1990; Raz 1990). But even leaving coercive power aside, to take “the ability ... to have one’s rules and rulings followed, or obeyed” (Krämer and Schmidtke 2006: 1) as one’s point of departure for understanding authority is already to assume a great deal.<sup>1</sup> We agree that

<sup>1</sup>Not least, this obscures the distinction between *de iure* and *de facto* authority (Friedman 1990: 60–62). For the characteristic focus on obedience, see, for example, Arjomand (1988: 1, “the right or legitimate claim to obedience as the essential component of authority”); Gaborieau and Zeghal (2004: 5, “the right to impose obedience”); and Dabashi (2006: 2, *passim*, “the command/obedience nexus”). Even Zaman’s more modest “aspiration, effort, and ability to shape people’s belief and practice” (2012: 29) retains the emphasis on the ability of some (seen as the primary object of the study of religious authority) to affect others. Analyses of scholarly authority within specialist Islamic legal studies are more nuanced (e.g., Hallaq 2001).

“authority and power are not always easy to distinguish” (ibid.). But we think it crucial not to abandon the effort to do so.<sup>2</sup>

The first move to make in response is thus to see that authority comes in many different forms, and that this diversity is not limited to the Weberian triad of rational-legal, traditional, and charismatic forms of domination. As analytic philosophers have been at pains to show, there are modes of authority less obviously correlated with power or domination. We think these vital for understanding “religious authority,” and not just in Islamic contexts, although they remain stubbornly underemphasized and undertheorized in comparison.<sup>3</sup> In particular, like Khaled Abou El Fadl (2001: 18–23) although in somewhat different terms, we stress the distinction between the epistemic authority of the religious specialist as a source of expertise (an authority *on*) and the practical authority to command (authority *over*).<sup>4</sup> In the cases we consider here at least, it is epistemic authority that needs to be the starting point for a clearer analysis. “Obedience” is not the issue.

This not only requires a shift away from Weber and toward other analytical models; crucially, it also demands a more radical shift in perspective (Lukes 1990), away from the ulama. We must consider what authority means to those relying on it, as well as to those who claim it. Only then can we escape the trap of seeing authority as the capacity to make others act in certain ways and see it instead in terms of the sorts of actions that it enables. We consider carefully what the Shi‘i ulama themselves say about the nature of their authority. But we concentrate on what non-expert, “ordinary” Muslims from our community of study told us about the place of that authority in their religious practice—their perspectives are highly diverse and far from deterministic, to put it briefly.

This turn toward the follower of authority lays a trap for those who favor the common conception of religious authority as a mode of domination—our third problem. The obvious reality of individual, “ordinary” agency as regards religious practice in all its diversity might be read as a sign of resistance to, or negation of, what “religious authorities” say (“disobedience”). Authority and agency might seem in a zero-sum game: the stronger the authority, the weaker the agency of those subject to it; and, conversely, the more agency people have, the weaker authority must be. Fortunately, the anthropology of Islam has seen a wave of scholarship, inspired not least by the work of Saba Mahmood (2005), that has shown that we can understand agency in ways other than resistance. It can be an act of freedom to submit oneself to the demands of one’s religion as part of a personal project of piety, the cultivation of virtuous subjectivity through discipline and the “care of the self,” as Michel Foucault put it (1990; Laidlaw 2002). Hussein Agrama, in an inspirational article (2010), has defined the authority of the fatwa, the religious specialist’s authoritative opinion, in much these terms, through its role in such care of the self and of others. Agrama’s argument, which seeks to explain why people freely submit

<sup>2</sup>See also Makdissi 1982. The theme of leadership, while obviously related, needs also to be kept distinct.

<sup>3</sup>It is possible that Islamic studies are particularly prone to this blind spot, given the old Orientalist trope that there is no distinction between religion and politics in Islam (Lapidus 1996). On the richness of premodern Christian notions of *auctoritas*, see Ziolkowski 2009. Notoriously, the classical languages of Islam have no single word equivalent (Dietrich 1982; Sourdel 1982a). For comparative studies, see, for example, Sourdel 1982b; and Cohen, Joncheray, and Luizard 2004.

<sup>4</sup>Abou El Fadl makes this point in the service of a rather different argument, seeking to distinguish authoritative as opposed to authoritarian (closed, inflexible) approaches to the religious law.

themselves to the constraints that such an opinion may place upon them, takes us a good way in the right direction. Discipline and ethical cultivation offer valuable ways to understand how and why authority binds in terms other than domination. And yet, they do not cover the whole terrain. More than that, they may not be the best place to start. Contrary to general assumption—the fourth problem—authority (in the form of expert opinion) is very often not experienced as a constraint at all. To understand the place of religious authority in our interlocutors' lives, as indeed more generally, we thus need to go beyond not only domination but discipline as well.

This raises more general issues of comparative strategy. Mahmood, Agrama, and others have followed Talal Asad in seeking to transcend liberal prejudices by understanding Islamic commitments in non-liberal ways. Aiming to undermine the hegemony of post-Enlightenment European discourse and inspired especially by the genealogical work of Foucault (but also the polemic of Alasdair MacIntyre [1981]), Asad (e.g., 1993) has found alternative comparative touchstones in the pre-liberal European past. Islam is thereby destigmatized but remains Other to liberal modernity. Rather than emphasizing the differences between the liberal and Islamic traditions, we note the potential common ground between them. In particular, as others have observed, “liberal perfectionist” Joseph Raz’s (1986) influential approach to the use of authority as a rational solution to the coordination of the liberal state (“the service conception of authority”) finds close parallels in the ways that the (in our case Shi’i) Islamic legal tradition discusses authority (Abou El Fadl 2001: 22; Zaman 2012: 30–31; Zargar 2020: 129–36). For the Shi’i jurists, reliance on expert, “epistemic” authority is at root a rational solution to the difficulty of mastering Islamic law for oneself. Rather than resigning ourselves to the notion of Islam as non-liberal Other, in this case at least, Islamic and liberal thought can be kept in conversation.

### Theorizing Authority

We begin by fleshing out some of these ideas further. To start with Twelver Shi’i Islam, again, it seems almost paradigmatic of the themes we seek to engage. Religious authority is here largely identified with the clerical (“turbaned,” *mu’ammam*) class, especially those learned in the religious law (*fiqh*). At the top of the hierarchy of jurists (*fuqaha*’, sing. *faqih*) stand those qualified to derive the rules of the religious law from its sources (*ijtihad*), the *mujtahids*, some of whom become “sources” (*maraji*’, sing. *marja*’) of authoritative opinion, or “Grand Ayatollahs” (Moussavi 1996; Walbridge 2001). The Ayatollahs have been the subject of much academic discussion (not to mention media attention). Most of this interest, however, has derived from their involvement in politics, not least in the context of the Iranian revolution of 1979 and subsequent Islamic Republic—commonly, if loosely, dubbed a “theocracy,” and the potential political reach of the broader “Shi’i international” (Mallat 1993) in Lebanon, Syria, Iraq, the Gulf, and beyond. Khomeini’s extension of the *faqih*’s competencies to executive power, the famous “guardianship of the jurist” (*wilayat al-faqih*) over affairs of state, has only reinforced the tendency to reduce religious authority in this case to a mode of domination.

And yet, as is by now well known, Khomeini’s position is controversial within the Shi’i tradition itself, an unprecedented expansion of one aspect of the *mujtahid*’s authority, the practical authority to intervene “in matters of property and life”

(*wilayat al-tassaruf fi al-amwal wa al-anfus*), such as the property of orphans or the mentally incapacitated.<sup>5</sup> The extent of Khomeini's power (and now that of his successor as Supreme Leader, Ali Khamenei) was in any case highly unusual. In practice, the far more commonly exercised aspect of a Grand Ayatollah's authority is their capacity to act as a mufti, an authority on God's law.<sup>6</sup> Indeed, as a non-specialist you are nominally obliged (in senses we will come to) to practice *taqlid*, or the following of the opinions (fatwas) of such an expert. The majority view is that you should follow "the most learned" (*al-a'lam*) scholar of all, although who that might be is a matter for debate rather than appointment. The legal expertise that underpins their role as mufti can indeed be a source of great influence. But it is far from necessarily so. Every *marja'* has authority in this sense. Few have much power, let alone dominate.

Analytically, then, we need to distinguish between different types of authority, just as the Shi'i legal discourse itself does. Again, there is a difference between being *in authority* over someone and being *an authority* on a given topic (Friedman 1990). Much "religious authority"—including that of the Shi'i *marja'* as mufti—takes the latter form, without necessarily entailing the former. As we have also noted, philosophers make a related, but not identical, distinction between *practical authority* (pertaining to action) and *epistemic authority* (pertaining to belief, also sometimes called theoretical authority; see e.g., Zagzebski 2012). The authority that is associated with being an expert in climate science is different from that of a government minister for the environment—and both could prove ineffectual. The epistemic authority of a Shi'i cleric acting as a source of expert opinions as to the divine law—again, by far the commonest form—is distinct from those instances of such a cleric exercising practical authority as a political (or even military) leader. To put it as clearly as we can, *expert opinion is not a command, to be obeyed*.<sup>7</sup> (Or as About El Fadl puts it, "The distinction is between deferring to a police officer and deferring to one's plumber" [2001: 19].)

Of course, that does not mean that expert opinion cannot bind in other ways. Looked at from the perspective of the one following authority, that a given action or belief is stipulated by an authority provides a particular kind of reason to do or believe it, one that seems in some sense to trump others. It is not just that this reason for action or belief takes precedence over others (Raz 1986; 1990). Acting or relying on authority seems to obviate the need to reason for oneself at all (Friedman 1990). Liberal modernity is thus as suspicious of epistemic authority—"blindly" following expert opinion—as it is of practical authority, doing what you are told to. Both might seem a violation of autonomy (seen as a duty as much as a right) and relinquishment of responsibility.

This modern liberal suspicion of authority has obvious roots in the early modern Reformation and the challenge to the authority of the Catholic Church. Further, despite our ever-increasing reliance on ever-more-specialized expert forms of technical knowledge, the grand narrative of modernity often supposes the subsequent decline of authority more generally: of parents and teachers, say, as

<sup>5</sup>For a recent exposition and analysis of Khomeini's arguments, see Chamankhah 2019: 201–42. On the *marja'iyya* and politics more generally, see Rizvi 2010.

<sup>6</sup>And finally, a *mujtahid* also has the authority to act as a judge.

<sup>7</sup>Friedman 1990: 66. Even such clear-eyed analysts as Gleave (2007: 62, 66) and Mottahedeh (2014: 9–10) slip into the language of "obedience," nevertheless.



much as of priests. Hannah Arendt (2006) thus famously thought to ask not so much “what is authority?” as “what was it?” Viewed through this lens, liberal modernity imagines religious traditions as essentially conservative (the Reformation notwithstanding). And yet authority has been debated in the Islamic tradition, too. Despite its reputation for conservatism, contemporary Sunni Salafism, for example, broadly rejects dependence on scholarly authority (*taqlid*) as a matter of ordinary practice.<sup>8</sup> As a good Muslim, you should engage with scripture yourself, not rely on the opinion of others (Haykel 2013). Such movements have been linked to a supposed broader erosion and fragmentation of traditional scholarly authority in the face of mass literacy, mass media, and mass higher education, which has even been framed as part of a broader “Islamic Reformation” (Eickelman and Piscatori 1996: 70–71 et passim; Browsers and Kurzman 2004; and for a comparative perspective, Cohen, Joncheray, and Luizard 2004).

In this light, Twelver Shi'i Islam might be thought part of the counter-reformation, allowing, even emphasizing, continuing “lay” reliance on scholarly authority. As Lara Deeb (2006) has shown for Shi'i Lebanon, the modern era has indeed seen a striking growth in non-clerical engagement with the discursive tradition, but leading ulama still play an important role in the “authentication” of pious practice. Some have even argued that the distinctively Shi'i institution of the *marja'* is itself a manifestation of modernity, insofar as non-specialist familiarity with and reference to the distant scholarly experts of the great shrine cities required the advent of modern communications technologies (e.g., Walbridge 2001: 6). And others have suggested that the idea of *taqlid* has only gained much hold on the popular imagination with the rise of modern Shi'i piety movements, inspired not least by the Iranian Islamic Revolution (Walbridge 1997: 69–87).

How such everyday *taqlid* is actually performed remains relatively obscure, however. It is not that the importance of ordinary practice has been ignored. For one thing, it has been widely acknowledged that authority must be seen as a relation (Krämer and Schmidtke 2006: 2). The importance of a *marja'*'s body of followers to the attainment and maintenance of their status has thus been highlighted (Amanat 1988); the mutuality and dialogue of interests between *marja'* and follower has been explored (Clarke and Inhorn 2011); and the dynamics of people's choice of scholarly reference have been documented (Cappucci 2015). The need for the “bottom-up” perspectives that ethnographic work can provide has been stressed (Fibiger 2015). And serious attempts to ask people about their attitudes to “following” scholars have begun (Zargar 2020; Moloobhoy and Inloes 2021).<sup>9</sup> Many of our findings resonate with this recent literature. But its emphasis has arguably remained on understanding the role of the *marja'* (the so-called “top” to the already skewed notion of the “bottom up”) rather than on the workings of epistemic authority itself. And because the role of

<sup>8</sup>For Islamic modernists like Muhammad 'Abduh (d. 1905) and Rashid Rida (d. 1935), also thought of as “Salafi,” *taqlid* was emblematic of a hide-bound scholasticism that led to Islam falling behind European modernity. Islamic law could be made more relevant to today by cutting through that accreted scholarship and reappraising scripture and the example of Islam's founding generations (al-Salaf) afresh. This modernist celebration of *ijtihad* is equally prevalent amongst the Twelver Shi'i scholarly elite, their emphasis on non-specialist *taqlid* notwithstanding.

<sup>9</sup>Zargar (2020) provides a particularly rich parallel discussion of directly comparable interviews from Iran, although we differ in our conclusions.

the *marja'* is a complex one, it has been hard not to confuse the study of epistemic authority with a great scholar's other potentialities—as charismatic leader, political actor, cultural icon (Ali 2021), or symbol of Shi'i identity (Zargar 2020), for example. Just as authority is not the same thing as power (even if one can be the source of the other), neither is it the same analytic object as charisma, leadership, or iconicity. Our aim is to maintain a tight focus on understanding religious authority as *epistemic authority* in particular.

### The Khoja Twelver Shi'a and Their Sources of Religious Authority

We draw on fieldwork in 2018–2019 in the UK with the Twelver Shi'i Khoja, a global diaspora with roots in South Asia (Sind and Gujerat), who expanded through trade across the Indian Ocean and retain enduring ties to East Africa (Asani 2001; Akhtar 2016). The majority of the Khoja worldwide are Isma'ili, but a significant number (more than one hundred thousand, say) are Twelver Shi'i, the result of a historical split in the nineteenth century driven by the newly assertive authority of the Isma'ili Agha Khan (Purohit 2012).<sup>10</sup> Among this diaspora, the UK Twelver Shi'i community is significant in size and influence, and comprised of a number of autonomous local associations (*jamaats*) in various towns and cities.<sup>11</sup> English is the dominant vernacular, although Gujerati is widely spoken and Urdu is an important devotional language. The Twelver Khoja are, generally speaking, relatively prosperous and highly educated, and they have become a well-respected and influential element of the global Twelver Shi'i ecumene (as well as the British Muslim landscape) because of not only their wealth but also their impressive level of organization and unity. Their religious identity and commitments as Twelver Shi'a are enduringly important; it is this that distinguishes their community from the Ismaili Khoja, after all (Akhtar 2016). To speak broadly, they see themselves, as a community, as strongly committed to their religion and “orthodox,” in the terms of contemporary Shi'ism—even if they themselves also recognize their distinctive “Khojaism,” as many put it.

Scholarly authority is an important part of this commitment and identity (as Zargar [2020] has argued for Iran, for instance), even if its role is not uncontested. *Taqlid*—the following of a *marja'*—is what sets Twelvers apart from not just Sunnis, but also the Isma'ilis, with their different kind of commitment to the Aga Khan. For the older generation, it was Ayatollah Abu-l-Qasim al-Khu'i (d. 1992), the preeminent figure in the great Shi'i seminaries of Najaf, Iraq, and leading exponent of “traditionalist” opposition to Khomeini's entanglement of the clerical establishment with the state, who was “the most learned.” After Khu'i's death (and a brief interregnum), the Twelver Khoja played a part in the rise of Ayatollah 'Ali al-Sistani (b. 1930), Khu'i's student, to his current standing as his clearest successor (Walbridge 2014: 102–8). The community, as a community (but not all its individual members), follows Sistani. In one important respect, this has served to highlight their particularity, as Sistani has a distinct way of determining the onset of the lunar month, and hence the beginning and end of the fasting month of Ramadan. His

<sup>10</sup>From here on, where we refer simply to “Khoja,” we mean the Twelver Shi'i Khoja.

<sup>11</sup>Our fieldwork has been conducted in the British Midlands and Greater London. We prefer not to name the associations where we have worked to preserve the anonymity of our participants.



followers have thus often found themselves fasting and feasting at different times from others, not least the other Muslim communities around them.<sup>12</sup>

Sistani is famously reclusive, almost never leaving his simple home in Najaf, and at best a somewhat remote presence, even if he has played an influential role in Iraq in the aftermath of the American-led invasion in 2003 (Rizvi 2018). The Khoja in any case live at a relative distance—geographically, linguistically, and culturally—from the predominantly Iranian and Arab scholarly centers of the Shi'i world. Their relationship with the *marja'* must inevitably be a mediated one: via local scholarly representatives; branch offices available by telephone; a multilingual central website and legal office accessible by email; an array of legal handbooks in a host of different languages. But that is true for almost all of Sistani's reputed millions of enthusiasts worldwide. The diaspora provides a particular kind of context, to be sure. But to our minds, this relative distance makes this more, rather than less, of a test case for understanding what such authority involves.

We bring to this an interdisciplinary perspective, one of us being a (non-Muslim) anthropologist and the other primarily a textualist who specializes in Islamic legal theory and is a member of the Khoja community. As part of a larger project investigating what it means today to follow the sharia, the religious rules of Islam, we have made many visits together to local associations, attending religious services and visiting people in their homes, and above all conducting extended interviews as to the place of sharia rules in people's everyday lives. Our archive currently totals over forty semi-structured interviews and focus group discussions with more than sixty different individuals. The majority have been men, but around a third have been women. Having presented the project in talks before prayers or at community meetings, we were able to recruit some participants spontaneously, some with the help of local association leaders, and some through personal connections. What has resulted is a broad range of interlocutors, albeit one biased toward those with a commitment to participation in the community's religious life, some interviewed in the local association's *imambara* (religious center) and others at home or at group get-togethers such as a charity barbecue or a Ramadan salon and iftar. Given the intimacy of the topic of personal religious observance, we have anonymized our participants, although we have been able to contextualize their contributions against our wider knowledge of community life. One of us has grown up within the community and knows it intimately, after all, although we have tried always to ground and interrogate such knowledge through the ethnographic encounter with the outsider anthropologist.

Within these interviews, directed to practice of religious rules more generally, the role of religious authority and that of the *marja'* arose more or less spontaneously. Not everyone spoke of *taqlid*, the *marja'*, or Sistani in particular, but most did. Religious-legal authority was a central part of most people's account of their religious practice, even if only to define their approach against what they assumed to be the conventional one. No doubt our conversations would have been different if we had instead asked people to rehearse their views on the institution of the *marja'*. But they would not necessarily have been more revealing—perhaps the opposite.

<sup>12</sup>These differences can extend into households within the community, since some of the older generation have continued following Khu'i (who had a different opinion) after his death. The problems of social coordination that ensue are the source of some of the most explicit criticisms of religious authority ("Why can't they just sit down and agree?").

### Expert Authority as an Ordinary Rational Convention

We need first to establish a baseline for discussion. How is *taqlid* supposed to work? Religious scholars in the Middle East, vernacular community institutions in the UK, and “ordinary” non-specialists all have their own normative models. These are clearly related, but imagined in hierarchical fashion, with the scholars’ vision seen as the most authoritative. In keeping with the overall tenor of our argument, we start in the vernacular, with the explanation of a young woman who worked as a teacher in the madrasa—the community’s religious schools for children—in one of the towns where we conducted our research.

We are so busy in our life that we don’t have time to really study our religion.... There are people we know, ... they are trained, they have given their time, their life, they have kept all their luxurious life on one side, and they are just studying, for hours and hours, for years and years. ... Now they give out the laws: “Look, we have studied the Quran and we have studied the life of the family of Prophet Muhammad, and this is our understanding. That you should do this in this situation.” So we said OK.

Or listen to a young man we interviewed in the sports hall of the madrasa of another association, who had come from East Africa as an international student to attend a British university:

When you read the book of Ayatollah Sistani for example, the first thing he says is either you yourself are learned, so you’re at the position where you can derive these laws, or someone is following. So I feel like, in the position I am at where I’m still learning, I’m not even close to coming up with rules because these people go through the Quran, they go through the hadith and they don’t just look at one hadith, they look at all the hadiths together and come up with these rules.

He is referring to Sistani’s legal handbook, or treatise (*risala*), a comprehensive guide to the rules of *fiqh* which every *marja’* is supposed to provide. Sistani (or rather his staff) has issued a number of such editions, and the young man is presumably referring, as many of our interlocutors did, to the English-language *Islamic Laws* (Ismail 2017)—a translation from a Persian original commissioned by the Khoja community’s World Federation and recently revised and reissued.<sup>13</sup> As he says, this starts as follows: “... in matters concerning the laws of religion ... a person must either be a jurist (*mujtahid*) who is capable of ascertaining laws based on proof, or he must follow a *mujtahid* [i.e., do *taqlid*]” (ibid.: 3). Or, if we turn instead to Sistani’s Arabic-language handbook (which, following the claims of its preface, we take to be the most authoritative), the very first entry in the treatise, rule number one, begins:<sup>14</sup> “It is obligatory for [*yajib ‘ala*] every person liable [before God, *mukallaf*] who has not reached the level of *ijtihad* to be, in all their devotions and transactions, and the rest of

<sup>13</sup>*Islamic Laws* has superseded, although not entirely replaced, another English-language text, *A Code of Practice for Muslims in the West*.

<sup>14</sup>The Arabic text was used in the updating of the English handbook. Both the Persian and Arabic versions are themselves commentaries on the handbooks of scholarly predecessors, with somewhat different formats and contents.

their deeds and omissions, a follower [*muqallid*], or one who observes caution [*muhatat*]” (Sistani 2018: 21). “Caution” here would mean always taking the most cautious course in religious terms—an impractically demanding path that no one follows in practice, even if, as we will see, people very often do err on the side of caution in individual decisions (see also Clarke 2021).

This certainly sounds a strong model of religious authority. Indeed, as the young man went on to say, in idealized fashion, no doubt, “It governs your life basically.” But what sort of obligation are we thinking about here? Or, as Agrama (2010: 4) puts it, “What kind of binding is it?” For a scholarly exegesis, we must turn to other genres than the layperson’s handbook, and especially to works in legal theory (*usul al-fiqh*) written by scholars for scholars. From the transcribed notes of Sistani’s lectures on legal theory to advanced level students in the seminaries of Najaf, it is clear that for Sistani *taqlid* is simply following the opinion of a suitably qualified person, an instance of the more general phenomenon of a non-expert’s reference to an expert (*ruju’ al-jahil ila al-‘alim*) (Rabbānī 2016: 239–40, 244; see also Clarke 2001; Moloobhoy and Inloes 2021: 29–31; Zargar 2020: 123–36).<sup>15</sup> The analogy of consulting a doctor is often invoked in wider community, Shi’i, and other Islamic discourse, as it is in parallel traditions such as Catholic and Protestant moral theology (Sampson 1988: 99). Sistani cites the still more prosaic parallels of seeking the advice of an engineer, or even a farm crop valuer (Rabbānī 2016: 239–40). This more general practice of referring to experts is considered by Sistani to be an ordinary rational social convention (*bina’ al-‘uqala’*), and he sees this more general acceptance of the rationality of consulting experts as the key justification for the practice with regard to the religious law. The sort of binding that is in question, then, is that of rationality: if an expert tells you that this is the right thing to do, then rationality enjoins you to do it. Viewed in this light, the obligation to follow “the most learned” expert available is itself a rational one.

That the practice of consulting such experts is justifiable in the eyes of God is crucial. If we turn back to the (Arabic) lay treatise, it says in the preface: “Action in accordance with this noble treatise satisfies and relieves responsibility” (*mujzi’ wa-mubri’ li-l-dhimma*); “the one acting by it will be rewarded” (Sistani 2018: 19). The responsibility in question is to God, to exercise due diligence in determining (and then fulfilling) what God requires, so as to be excused of culpability (and given just reward) on Judgement Day. Given that not everyone is expert in determining the divine law, the non-specialist can—and indeed, rationally speaking, must—follow the legal opinions of someone suitably qualified. This does not remove, let alone transfer responsibility for one’s actions (contra Clarke 2001: 48), but rather eliminates the requirement to do one’s own research into the legal and scriptural sources (Rabbānī 2016: 231–34). One can adopt the opinion of the expert “without [further] proof.”<sup>16</sup>

This view of *taqlid* as essentially a rational solution to the problem of, on one hand, everyone’s duty to follow God’s law and, on the other, the often highly technical and difficult nature of attempting to determine what God’s law is, has, as already suggested, clear parallels in discussions of the problem of authority in analytic

<sup>15</sup>This way of understanding *taqlid* has a long history within the Islamic legal tradition more generally. See Stewart 1998: 210–17.

<sup>16</sup>*Qabul qawl al-ghayr min ghayr hujja*. On this notion in wider Islamic legal thought, see Calder 2012.

philosophy. Raz (1986), too, notes the “pre-emptive” character of authority—it removes the need to reason further for oneself—as well as its rationality as a solution to problems of coordination and effective action.<sup>17</sup> The *marja*’s authority is in this context epistemic since it concerns sound beliefs as to what God requires, although, given that it concerns God’s law, the lines between epistemic and practical authority are somewhat blurred.<sup>18</sup> We already heard a hint of that in the madrasa teacher’s thought that the scholars “give out the laws,” or the student’s claim that this then “governs your life.”

This might sound like a totalizing vision of authority to match the potentially total scope of the sharia itself: “It is obligatory for *every* person ... in *all* their devotions and transactions.” And that is how it is often presented in the academic literature: “the total obedience that the leading Shi’i *mujtahids* expect” (Mottahedeh 2014: 10); “as straightforward as followers absolutely obeying the edicts of legal authorities” (Zargar 2020: 239); “the openly authoritarian nature of *taqlid*” (Clarke 2001: 61). But, at face value at least, this is neither a matter of obedience (still less authoritarianism), nor “total” or “absolute.” Would it be rational to expect people to be consulting authority at every moment of their lives? Not according to the *marja*’ himself. The opening section of Sistani’s Arabic handbook continues, going on to qualify this duty as applying,

...except if they [the adult Muslim] should acquire [certain] knowledge that the implications of their actions or omissions do not contravene a necessary ruling, even if this be in matters of religious prohibition, or the ruling be from amongst the definitively known matters of the religion or the school—as is the case of some obligatory and some prohibited acts, as well as many recommended and permissible acts—and it can be identified as such by means of intuitive knowledge or an acquired sense of surety from ordinary rational means, such as widely accepted accounts or information from someone who is relied upon as such (Sistani 2018: 21).<sup>19</sup>

If one knows by oneself what the right thing to do is, without having to turn to the expert, then it is rationally acceptable to follow one’s own knowledge. Almost all the routine practice of observant Muslims, such as prayer, likely falls into the category of “definitively known matters of religion,” imbibed through growing up and living in the community. “Like going to the toilet,” one man noted, “you just do it in the way you’ve learned. It wouldn’t be natural to pee standing up.” The scope of issues that might fall under those known through “intuitive knowledge or an acquired sense of surety” broadens this exemption even further. Reference to the *marja*’ will not in fact be required in the vast majority of people’s actions.

<sup>17</sup>Abou El Fadl (2001: 19–21) and Zaman (2012: 30–31) cite these same parallels (see also Zargar 2020: 129–36), while finding the philosophers’ emphasis on how authority preempts further reasoning unrealistic. As will become clear, we agree that in practice personal reasoning and the desire for further understanding are far from suspended. But it remains important that, in theory, they are not *required* of the non-expert.

<sup>18</sup>On the overlapping nature of practical and epistemic/theoretical (here termed “intellectual”) authority, see Teichmann 2004.

<sup>19</sup>This list of qualifications is conventional, but somewhat more expansive than that given by some other scholars. It should be said that, on the majority view, reliance on *taqlid* is ruled out for the fundamentals of religious belief (*usul al-din*).

This is, then, not quite as imposing a vision of “religious authority” as it might at first appear, from the academic literature at least. However, as already hinted, the temptation to read it in more imposing fashion is not confined to academic commentators. When we, in grass-roots presentations within the community, have cited this clause qualifying the extent of *taqlid*, it has been met with some surprise. The limits to the extent of scholarly authority have become muted. This is in part a function of how the scholarly account has been transmitted. For instance, the recent smartphone version of *Islamic Laws*, iSistani, also developed by the Khoja community, omits the clause altogether. Even the choice of “Islamic laws” for the title of the translation seems telling, knowing that the Persian original was entitled “Explanation of issues” (*Tawdih al-masa’il*) and the Arabic version “The way of the righteous” (*Minhaj al-salihin*). Mediated vernacular understandings of this form of authority may thus have different, more binding emphases from those of the expert authority himself, something to which we will return.

### Authority and Agency

Having set out the scholarly normative model, we now turn to its place in people’s lives. It is worth stressing again that in the scholarly account not only is the use of authority seen from the user’s perspective, it is also seen as an essentially active process: the recourse of the non-expert to the expert. *Far from this form of authority entailing a diminishment of the agency of the one following it*, then, its very existence is predicated upon that agency.

Our interviews were full of examples of such consultation, familiar from the academic literature on Islam more generally. To take just one instance, one man, a cyber security expert, described this: “So if I get stuck, you know, there’s been examples—can you have a tattoo? Google it, Islamic laws Ayatollah Sistani, not permissible.<sup>20</sup> What type of cheese can you eat? Gelatin allowed? You know, just practical things on a day-to-day basis, right? I was in Vapianos [an Italian-themed restaurant franchise] and they put some cheese on it and said it’s non-vegetarian. What do I do? Google it and within a couple of minutes, I found it.” This sort of banal practice, while ubiquitous, is clearly not best seen through the lens of legitimate domination or power. But it is certainly an instance of authority.

This man presents an image of immediacy and ubiquity; you are suddenly at a loss in an Italian restaurant as to whether you can eat something, “What do I do? Google it and within a couple of minutes, I found it.” But it is an essentially mediated relationship. One lady, a dental hygienist, offered this initial representation of her relationship with her *marja’* Sistani: “If we have any doubt in any of the rulings, or anything like that, then we go to him and we say....” This image of “going to the *marja’* and saying” is one of a personal as well as immediate relationship. But it is more metaphor than reality. She unpicked it directly: “He has a book of laws... I’d check in the book first. If I didn’t know then I’d ask one of the ladies here who is like a *mulyani* [a female religious expert] ... who is more knowledgeable than me, and she would probably check in the book and give her interpretation. And if I was really concerned, then we can email him; he’s got like a website.”

<sup>20</sup>Interestingly, Sistani’s website says the opposite: <https://www.sistani.org/english/qa/01336/> (accessed 30 Mar. 2022).

And there are other possibilities, including WhatsApp groups and the smartphone app iSistani (subsequently upgraded and renamed One Stop Fiqh). Different media afford different opportunities. The immediacy of Google needs to be weighed against its muteness, and that is why the hygienist often turns to a local expert for help in interpreting such rules and their application, as do many others.<sup>21</sup> But in all cases, it is the *muqallid*, the one “following,” who is actively pursuing sources of authority.

All these ways of accessing the *marja*’s opinion are mediated in some form. A few fortunate people spoke of meeting Sistani in person while on pilgrimage to Iraq, but here consultation is more symbolic, a rare occasion of prestige and theatre, and is in any case heavily mediated as well (not least through translation). Otherwise, the *marja*’s opinion comes through someone else: a scholarly representative; a local scholar helping interpret the rules as read from the books; a reply sent from his offices, rather than the *marja*’ himself; a legal handbook that has been compiled by an editor and translated by another. The *marja*’s authority is thus distributed through a network of mediators. If we were thinking of authority as essentially a matter of power or influence, then we might wonder if some of that power and influence accrues to the gatekeepers and mediators, rather than the *marja*’ himself. But in terms of authority, they serve as channels to the authority of the *marja*’ rather than as diminishers of it, even when they might independently have some such authority of their own.

Of course, even in the age of the smartphone app, Google, and WhatsApp groups, people are hardly consulting authority at every turn. As we have noted, most religious rules are a matter of common knowledge. Many people struggled to think of recent examples of consultation. Even the young man who had initially presented Islamic legal discourse as “govern[ing] your life basically,” and who showed us the iSistani app he had on his phone for easy reference, could not think of an instance when he had used it, beyond showing it to some children he was trying to teach the basics of purity for prayer. Those who claimed a commitment to following Sistani’s line sometimes seemed surprised that they had to struggle to think of an occasion when they had checked it. Other studies of such everyday practice have also noted this seeming rarity of active consultation and validation (Zargar 2020: 239–61). Here too, if authority were conceived as power, influence, or domination, *that authority is rarely consulted might make that authority appear weak. Not so—rather, its scope is formally limited* in ways coherent with its conception as expert opinion. And however rarely one might turn to an authoritative source, that hardly makes it less authoritative.<sup>22</sup> To return to the prosaic analogies of other everyday forms of expertise, one hopes never to have to call in the plumber: but if one did, one should certainly pay heed to their advice.

Granted that this use of expert authority is an essentially active process, what are people seeking from it? A quick check as to whether you can eat the cheese on your Italian meal seems inconsequential, although, again, its triviality should help pry apart the tight relation so often posited between authority and power. But such consultations can concern deeply felt personal dilemmas, where the role of authority seems to have greater grandeur. We heard accounts of the gravest questions of

<sup>21</sup>Agrama’s (2010) account focuses on such in-person consultations, which may explain his emphasis on pedagogical care in his analysis of the authority of the fatwa.

<sup>22</sup>Here we differ from Zargar (2020: 292), who concludes from the seeming rarity of people’s use of their *marja*’s epistemic-legal authority, in this case in Iran, that his authority must take some other form.



medical ethics, for example, not least because several were from medical practitioners. To take a less exceptional but still serious case, one man, a middle-aged accountant, spoke to us on the floor of the community's religious meeting place, the *imambara*, after a religious service. "In the job that I do," he told us, "I find that I need to refer every now and then to the rulings, to the *marja*," which he does via the community's resident scholar. His example concerned a property investment that the firm of which he is a partner was looking to make. The ground floor of the building was a bar-cum-nightclub, while the first floor was student accommodation. But it was the whole building that was for sale. His partners, a mixture of Muslims and non-Muslims, were untroubled. "So it was me that was left in limbo thinking, 'Well, am I allowed or am I not?' because alcohol is involved, the nightclub scene is involved." He sought advice from the local scholar, who thought that he could invest, given that his firm only intended to collect rent rather than run the bar or nightclub directly. This made sense to him at the time, so he set aside his doubts and went ahead. But some years later, he happened to hear, in a lecture or a sermon, that any money either directly or indirectly derived from prohibited activities is itself illicit. "So straight away alarm bells are ringing. I've already done something which falls into the category which this person is talking about.... What do I need to do now to correct that position?" The situation was complicated because all the profits generated from the company's property business are reinvested. Might the company's portfolio not now be contaminated for him more generally? "For me it was a major, major, major issue."

By this time, there was a new resident scholar, whose initial thoughts were that, yes, the accountant would need somehow to reverse what he had done—but he was not sure how. So, he rang Ayatollah Sistani's office in the UK for clarification. "And it transpired that ... because I had acted upon the advice that I was given at that time, I was OK. What would I need to do to rectify it? Nothing.... Obviously it was a big relief for me, because it saved me a hell of a lot of aggro [aggravation]. But whatever the case, I would have done whatever would have been the guidance. But that was a bit confusing for me, because I really did believe I would have to rectify that decision. I guess I should just shut up and be grateful." The local shaykh admitted that it did not quite make sense to him either. So, he asked the Ayatollah's offices again. "And it was rubber-stamped the second time. And when he came back the second time and said, 'No, it's all good'—for me, it didn't make sense. But you know what, you've been told, you've been told twice, just shut up and accept and move on."

Here again, the use of authority seems far from an instance of domination, or even constraint—the accountant ended up not having to pay any cost at all, to his surprise. But it matches closely the function of such authority as the handbook sets out: to discharge one's responsibility before God to perform due diligence as to one's actions. The accountant worried, however, that the advice he received didn't quite make sense, and so he checked more than once. There is a hint of critique. But it is of the essence of authoritative opinion that it can safely be followed regardless, and so in the end, that he had an authoritative answer from Sistani's offices, mediated by a local scholar he trusted, was sufficient justification for him to move on.

These are not the sort of examples that liberal thought finds challenging about authority. That is why Agrama (2010), in his account of the authority of the fatwa, focuses on moments when people readily act in ways that seem costly for them when authority tells them to, even when they are under no compulsion to do so. Nor is this perception that the force of authority is only really in question when it entails paying a cost solely an academic one. When we presented an earlier version of this argument to

a grass-roots audience in the community, there was some cynicism. What if the accountant had been advised that he should pay a large tithe instead, to purify his gains? Would he have been so ready to follow the advice then? Knowing him as we do, we feel sure he would have been—but that is not the point. The point is the cynicism: the idea that people only follow authority when it suits them. And yet, just because the path that was advised was not costly to the accountant does not mean that this was not an instance of authority. On the contrary, this guarantee of excusability before God is precisely the rationale for this form of authority, as presented in the discourse of the authority himself. Self-justification, rather than, say, self-discipline, was what was at issue. Authority need have nothing to do with constraint. Indeed, as one thoughtful woman, a mother and teacher in a different association's madrasa, put it, in following the *marja*'s opinions rather than wrestling with such issues for oneself, "It is almost as if you kind of get off the hook."<sup>23</sup>

It is not, of course, that people never take the more costly path. They very often do. This woman told us how she had long wanted to learn a musical instrument. But she knew that music is considered dubious in the eyes of the sharia. So, was she allowed or not? "We went through it [presumably one of Sistani's handbooks or websites],<sup>24</sup> and then we went through it again and we went through it again. You know with, "Okay, is this obscure?" If he is learning to play.... But then if he is playing for entertainment, then it got a little bit complicated. So, we just, we did not learn. I did not learn.... Although I must admit, in later years, we often talked about, "You should have just learnt how to play," you know."

She had felt the ruling was unclear, so why did she lean the way she did and decide not to learn an instrument? "Because it is better to be safe than sorry, is it not?... We tend to live like that." By "we" she means the community, perhaps, or even Muslims more generally. But "better safe than sorry" is a maxim more widely recognized (Clarke 2021). We should be wary of the assumption that what is most mysterious about authority is why people willingly constrain themselves. People do so all the time, with or without the promptings of authority. Furthermore, here, constraining oneself by playing it safe was precisely *not* relying on authority—she did so because it was not clear to her what Sistani's authoritative opinion was.

### Authority and Piety

So far, we have stressed, against the grain of current scholarship, that authority and agency are not mutually exclusive in this case but mutually constitutive, and that authority is not necessarily a constraint—rather, it can be enabling. This is not to deny that authority *can* also be constraining. The woman we have just quoted certainly thought so. Indeed, she admitted that she did not always follow its

<sup>23</sup>See Clarke 2021 on the parallels with polemics against Christian casuistry. Such legalistic reliance on authority is especially prominent at the end of the Ramadan fast due to the problems of coordinating between followers of different authorities mentioned above. Should you find yourself still fasting but needing to preserve the norms of sociality by feasting with those whose fast has ended, you can take advantage of a rule that you should not fast when traveling by driving the prescribed distance (fourteen miles) from home and back.

<sup>24</sup>The topic is covered in detail in the earlier *Code of Practice for Muslims in the West* (see <https://www.sistani.org/files-new/book-pdf/english-book-46.pdf>, pp. 257–67), although not in the more recent *Islamic Laws*.

teachings (“I have a real issue wearing socks.... I know not all *marja*’ would have that”). This caused her some angst. She spoke of a “constant sense of guilt” in this regard, as did others. While she would have been happy to see authoritative opinion as essentially an aid to making up one’s own mind (rather than a way to “get off the hook”), she felt that this was not how it is usually construed: “We say it [the *marja*’s opinion] is guidance. But I think, and I do not know whether this is a misconception or there is maybe lack of understanding on my part, but there is this great notion that if you do not follow it, you fall into sin, and I think that is what we are all afraid of, that falling into sin.”

With these notions of sin and guilt, we are moving away from an understanding of the obligation to follow expert authority as a matter of rationality, and toward an idea that following authority is a religious duty in itself. The act of *taqlid* becomes a piece of piety. Or as one relatively senior man from Pakistan put it, who told us that he had only started thinking about *taqlid* later in his life, “Following *taqlid* is one of the principles so perhaps I wasn’t abiding by the principle.... So yes, now, I tick that box, put it this way.” This box-ticking had not made much difference to his observance, he felt, “but [it] gave me some kind of satisfaction, some kind of richness.”

This sense that performing *taqlid* is not so much a matter of consulting an expert as a pious duty in itself has currency across the wider Shi’i landscape (e.g., Zargar 2020: 273–75). But from our reading of the *marja*’s own position, this seems more a vernacular extension of the scholarly model than the essence of the model itself. We think it important to distinguish between the nature of the authority in question (the epistemic authority of the expert) and the various ways in which it might be taken up. We do not want to portray this pious attitude to expert authority as somehow aberrant. It finds its place within the rich and varied tapestry of Twelver Shi’i devotion beyond the legalistic literature of *fiqh*. The authority of the scholars is associated, more or less explicitly, with that of the divinely inspired Imams. Although the analogy of other experts, like doctors or engineers, may be used to help explain the *marja*’s role, they are a special kind of expert. In the temporary absence of the hidden Twelfth Imam, scholars are seen as his representatives on earth, and are thus to be revered in ways that transcend their expertise. Many have a reputation for exceptional piety themselves, enchantment even. One woman remarked how female acquaintances spoke of Sistani as “full of [spiritual] light” (*nuri*); another told us she was sure that the Twelfth Imam comes to him to advise him. A man told of the (physical) letter that he had received some years ago from Sistani’s offices, signed and sealed: “In them days, you know, you take the letter, kiss it, put it to your head. I was going to leave it in my burial chambers and say, ‘Right, bury me with this!’” Nevertheless, we insist that such pious reverence be kept analytically distinct from the *marja*’s epistemic authority, even if they may sometimes be run together in vernacular practice.

Even if the sense of a pious duty to follow the *marja*’ transcends the rational obligation to follow expert advice, the corresponding feeling of guilt at not following it may yet be productive, as the madrasa teacher reflected on: “Maybe that guilt is a good thing, because it has helped me drop some habits and maybe be a bit more towards the right guidance, you know.... The fact that that is there and I know that is an aspiration for me, then maybe, you know, I am trying to work towards that.”

Here we are squarely in the domain of piety as religious discipline, the work to perfect the virtuous self, as in Mahmood’s (2005) pioneering analysis. This is a vision of religious practice as gradated, better versus worse. This hierarchy of piety is not just a matter of individual self-improvement; it is also a matter of perceived differences

within the community. We interviewed the madrasa teacher together with an older colleague recommended to us by her husband as especially “conservative” and “traditionalist.” This older woman presented herself as “somebody who would like to go that extra mile,” referring to her determination to follow Sistani’s positions to the letter, even where Sistani himself gives the option of taking a less rigorous path due to his lack of certainty on a particular point of law. It is worth remembering that following God’s rules is supposed to bring reward as much as avoiding punishment, and the younger woman referred to a wider culture of supererogatory devotional practice where “we go on to the *mustahabbat*”—practices that are “recommended” rather than obligatory. “Sometimes I am thinking to myself, I am not at that stage where I can recite all those *suras* [sections of the Quran] and not doze off or lose focus.” Later in the conversation she joked that, having heard her doubts and occasional failings, the older lady “would not want to be my friend anymore.”

The authority of the *marjaʿ* can become a stake in less good-humored politics of piety. One tactic used in struggles over what should constitute the community’s practice is the appeal to the *marjaʿ* himself: an open letter asking, for instance, whether the community’s religious services should be gender segregated, or whether a blood donation drive should be allowed to take place in one of the local association’s community religious buildings, or whether a controversial speaker should be allowed to preach to the community.<sup>25</sup> Here, attempts at domination over the community’s politics really are at stake and they rely on the ultimate authority of the *marjaʿ*. But it is not the *marjaʿ* who is trying to dominate. Again, *such instances tell us less about the nature of the authority in question than about the ways in which it may be used*, or in this case, weaponized.

Viewed in the light of this hierarchy of observance, and the appeal of personal projects of piety in which one strives to do better, the *marjaʿ*’s guidance could seem a counsel of perfection rather than a way to stay on the right side of God’s law. Following such advice might well appear a totalizing obligation in the ways suggested above (“it governs your life basically”). As far as sharia discourse is concerned, there is a right way of doing almost everything, which is an idea only reinforced by the voluminous size and wide range of subjects of the legal handbooks the *marjaʿ*’s produce, which could indeed look less handy reference manual and more program for pious living. But again, this would be a reading against the grain. The lay manual advertises itself as a means to ensure excusability before God rather than a work of moral exhortation.<sup>26</sup> Pious self-discipline, no less than domination, is one use of this form of authority rather than intrinsic to it.

## Authority and Reason

So far, we have presented a series of very different ways in which epistemic authority and the agency of its users are bound together. These ways go beyond, but include, the virtuous self-discipline that has fascinated the recent anthropology of Islam. But this does not exhaust the diversity of attitudes to authority within the community, not least because there are ways in which individual agency is opposed to authority. Some community members dismiss religious authority altogether, whether through

<sup>25</sup>For the latter, see [www.najaf.org/english/1120](http://www.najaf.org/english/1120) (accessed 11 Apr. 2022).

<sup>26</sup>See Sampson on this argument regarding early modern Christian casuistry (1988: 77–78).

cynicism, lack of interest, or a sense that the intellectual world of the scholars is too far removed from people's concerns, is "about sheep and cows and camels and all that kind of thing," as one man described the handbook's presentation of how to calculate one's *zakat* (almsgiving) dues. Antipathy toward authoritative opinion stems not necessarily from chafing at its constraints, then, so much as from doubts as to its plausibility. For the majority in the middle of the spectrum between unquestioning acceptance and complete rejection, this was the greatest challenge in following authority, if what it advised "didn't make sense" in the context of life in the contemporary UK (see also Molooobhoy and Inloes 2021: 31–34; Tajri 2016). As our younger madrasa teacher put it, "I cannot even begin to imagine how knowledgeable [the scholars] are, because they have studied for so many years and, you know. But sometimes I feel that maybe that deeper understanding of the issues that we face in the West is not ... not overlooked or something, but it is not taken into consideration as much."

For the older woman, on the other hand, "whatever ruling he [Sistani] has come up with, I feel that that is the best that he could have come up with.... I am in no position to be able to say anything otherwise." To some extent, this depends as much on the issue as the individual. The technicalities of ritual might give rise to less of a sense of disjunction than dilemmas regarding interactions with non-Muslims or medical ethics, for instance. The man who had spoken of "ticking the box" of *taqlid* also worried, "Some ulama say taking a photograph is not allowed. How could it be right? It doesn't make sense."

Unlike the question of constraint, this "not making sense" goes to the heart of the notion that following expert authority is an essentially rational practice. As we noted earlier, both the Islamic scholarly model and its parallels in the liberal philosophical tradition see as intrinsic to authority that it obviates the need to reason for oneself. You can follow expert opinion without further proof, or "blindly." This has been seen as problematic within philosophical discussions of authority. But it is clearly also so in the ordinary uses of religious authority that we encountered. Many wanted to understand the justifications for the rules, whether they be in terms of some broader rationale (one man was gathering scientific papers on the health benefits of fasting, for example), or the scriptural argumentation that is the domain of the scholars' expertise. "At the end of the day as long as the answer can link back to the hadith ... That's all I need," one man told us.

Is this in itself a denial of authority? Otherwise put, is it that you need not seek further proof, or that you should not? It seems hard to imagine that seeking further religious understanding could be viewed as a bad thing. As one senior member of the community thought, "One can have different levels of compliance. One can have a level of compliance, which is saying that this is black and white and that's it. Like you can have another level of compliance where you say, 'Okay I really understand the rationale and the philosophy behind that.' And to me, that is important in order to reinforce the sacredness of the law." And yet, one might wonder if a little learning might be a dangerous thing, or might lead to an undermining of expert authority itself. The latter speaks to the grand narrative of modernity leading inevitably to a decline in authority, with its explosion of literacy, democratization of knowledge, and encouragement of skepticism. Some we spoke with did indeed theorize the variety of practice they saw in such terms, through a contrast between attitudes in the UK and other, more "traditional" parts of the diaspora, or between now and the past. As put by the dental hygienist quoted earlier, a self-styled "strict" adherent to the rules who

explicitly told us that she preferred things in “black and white”: “These days, we’ve seen what happens when people go ... so free, and they want to experiment, they want to ask about this [and that]. Sometimes there are some rules that you just need to follow and not ask questions about.” In other words, yours is not to reason why.

There is no doubt that such questioning does on occasion, perhaps often, lead people to not follow their *marja*’s authoritative position on one issue or another. This could take different forms. It might entail a rejection of scholarly authority in general, but it need not. Not all scholars have the same opinion, after all. One could choose to follow a different, more “contemporary” *marja*’, although making different choices in the scholarly marketplace in this way was not a path our interlocutors took (but compare, for example, Clarke and Inhorn 2011 on Lebanon). A less drastic possibility, one recognized, if not generally approved of, within scholarly discourse, is of “dividing” (*tab’id*) one’s *taqlid* between *marja*’s—supplementing the opinions of one with those of another. But only one person we interviewed talked in this way. More common was a less formal canvassing of opinion, as one man described: “I look at the major ulama, the major scholars, and look at their edicts. If, for example, we take the issue of seafood, the scholar that I follow, Ayatollah Sistani, doesn’t permit certain types of seafood, if I’m not mistaken, but there are others that do. And as I see it, because there are others that do that are higher-ranking enough in my eyes, then on a kind of scale of permissibility, it’s okay.”

This informal eclecticism is spoken of within the community as “picking and choosing.” Picking and choosing could even depart from scholarly authority altogether insofar as some people allegedly follow some religious rules and ignore others. “We are all pickers and choosers” in this sense, one senior man told us insistently in a group discussion on the floor of the *imambara*. For its critics, this eclecticism is dangerous, and creates “confusion in the mind,” or worse, is a sign of “weakness of the soul.”

Some go further. One man, an information technology expert with a young family, told us of his own journey. Earlier in his life, he had practiced *taqlid* of Sistani in conventional fashion, consulting the handbook where necessary. But he had come to see that the scholars are not “infallible ... far from it.” And so he had changed his approach so that he did not just follow one *mujtahid*, but “would treat them all as a body of experts that can be referred to as and when.” But even then, there will be issues where, “inside of me I’m like, ‘Hold on, there’s something doesn’t sit well.’ Those are the ones that I might need to investigate further and try and come to understand.” The example he gave has been much discussed in the community and was much cited in our interviews. Physical contact between unrelated people of the opposite sex is not generally permitted. And yet shaking hands, including with the opposite sex, is a common and polite gesture of greeting in the UK. That creates an ethical tension (Deeb 2006: 106–10; Tajri 2016).

I remember at university ... I was telling my university colleague, who was from Vietnam, ... “Oh, you know, if a woman asks to shake my hand I can’t shake hands.” That was my view at the time. And he just looked at me like “Why?” ... It’s things like that just make you think. And then I tried to do a bit of research into, “Okay, what could be the reasons why it wasn’t permitted? Is there a contextual element to it?” And therefore, if the reasons why I think it was prohibited are not present in any of my interactions, then it’s a different case. I’m against blind following, so ... I like to find out why, on what basis the law is



given. I like to drill down into the details: what narration, what verse, how have you put it all together?

...As far as I am aware, I've not come across ... anyone ... saying, "Yeah, go ahead, you can shake hands." ... Now I could be wrong, someone could shoot me down for this, but I'm happy that I've looked at the basis on which these guys have come up with their ruling, and I'm happy that actually, if that's the reason why, then I'm okay to carry on because those don't apply to me.

This certainly does look like a challenge to established scholarly authority, brought about by the democratization of religious learning in late modernity. Such questioning and intellectual freedom is exactly what the dental hygienist was worrying about above. However, if we turn to her account of her own practice, we might wonder how different "traditionalist" approaches to authority are in substance, even if the rhetoric is very different. As we talked to her about her work in the dental practice, it became clear that she, too, thought it sometimes appropriate to shake hands with people of the opposite sex in everyday life. But she did not see this as a challenge to established authority:

Well, so I see everybody, men and ladies, although we have rules about touching men and stuff like that, who are not our, we say *mahram* [prohibited in marriage], who are not within our family. But I wear gloves, so I don't technically touch them. And I wouldn't touch them like that. Sometimes they shake my hand, that is a rule that we shouldn't; but there's also a rule that you have to be a good human being, and a nice person and not to offend people, so, if they put out their hand, I would shake their hand. Men. But as a rule, I wouldn't go and offer my hand. It's a lot about common sense.

This avowedly authority-anchored woman, as much as the questioning IT specialist, sees that reason requires the overriding of the rule in certain circumstances. But rather than presenting this as a matter of independent scholarly investigation, she presents it as a common-sense balancing of obligations. Even the most devoted follower of authority will have to exercise their reason at some point in the process. Expert authority can provide the right rule, but the non-specialist must still decide how to apply it (Pierson 1994; Zargar 2020: 136–37). No form of authority following will ever be wholly "blind."

## Conclusion

We began by remembering that analysis of religious authority, like authority generally, should not automatically start with domination and power. This does not mean that authority might not be bound up with domination and power. Sadly, it very often is. But authority is something distinct from both, and it is in the careful maintaining of distinctions that the path to clarity lies. We recalled the further distinction between practical and epistemic authority, or between being in authority and being an authority on. The epistemic authority of the expert is what is at stake in our example of the Shi'i *marja'*, by the *marja'*'s own account, and we imagine that this is true of many other instances of "religious authority," in Islamic and non-Islamic contexts. As in Raz's classic liberal justifications of authority, for

Ayatollah Sistani what makes this authority binding is the binding of rationality rather than that of “obedience.” As a non-expert, following the advice of an expert (when one is needed) is the rational thing to do. It serves as a reason for action, and thus also a justification, in this case before God. Academic commentary is so focused on the expert “authority on,” that “religious authority” often serves as mere synonym for religious professional or specialist. Where the perspective of the consumer of authority is acknowledged, it is generally only as part of a relation that constitutes the authority of the personified “religious authority.” But authority is not just a relation. It is also a resource, which people draw on in their everyday lives in quite different ways, as we hope to have shown.

This means that authority and agency are not necessarily opposed, as an analysis that starts with domination might suggest. Authority can be enabling as well as constraining. But neither is that agency limited to the uses of authority in the projects of pious self-formation and discipline that have preoccupied the recent anthropology of Islam. Authority can equally be employed to make one’s excuses or satisfy one’s curiosity. Again, that is not to say that expert authority might not be taken up in the service of pious self-discipline—it very often is, as we have acknowledged. So too, one’s attitude to authority could be an important part of one’s identity. But just because epistemic authority could be used for purposes of domination, self-care, or identity, that does not mean that epistemic authority need be understood *as* a form of domination, self-care, or identity. Similarly, simply because a religious expert could have not just epistemic authority but also charisma, or be a leader or political actor, that does not mean that religious authority *is* charisma, leadership, or political agency.

That said, the slippage between seeing following epistemic authority as a rational use of expertise, or as a matter of “obedience” or pious duty, seems an easy one, not just in academic commentary but also in the everyday practice we encountered. The lines between practical and epistemic authority can be blurred. Perhaps this tendency is especially pronounced in cases of “religious” epistemic authority. It no doubt seems more plausible to think it a duty to do what a religious expert counsels than to think the same of one’s plumber. Where such lines *should* be drawn in religious practice is not for us to say. We have stated where we think Ayatollah Sistani stands, but there is undoubtedly ambiguity here, of the kind that Islamicists have begun to appreciate rather than denigrate (Bauer 2021). As far as analysis is concerned, though, we certainly can and must maintain the difference. Among other things, it helps avoid the trap of seeing the undoubted agency that ordinary people show in their everyday religious life as necessarily entailing a negation of expert authority (or “disobedience”). How much *influence* a scholarly authority may have in a given setting, or whether that influence derives from something other than people’s everyday use of their epistemic authority, is a separate question.

Such patterns change over time, of course. It is almost a cliché that, under modernity, authority, and especially religious authority, has declined, fragmented, or been radically questioned. (Although the current prominence of personal projects of piety, which may make following authority a pious duty, has itself been argued to be distinctly modern.) There is no doubt that many of our interlocutors expressed doubts as to the authority of scholars to pronounce on the everyday ethical challenges that life in the UK pose, or that others have taken advantage of new opportunities to educate themselves in scholarly forms of expertise. Still, just because expert authority offers the boon of not *requiring* the non-specialist to know the reasons why, that does

not mean its consumers must content themselves with not understanding, or that following authority does not itself involve reasoning. Just as (Islamic) religious authority is not necessarily—does not have to be—authoritarian, so too, the following of religious authority is not perforce blind.

All told, we are struck by the sheer variety of everyday authority-following in these respects: from a quick Google to constant guilt; from asking no questions to drilling all the way down. Some of that variety no doubt does speak to the changes and challenges to authority that modernity has wrought. But some of it is surely part and parcel of the sheer messiness of the ordinary use of expertise itself (and presumably always has been). This messiness poses a final question, this time for the Shi'i legal tradition itself. If a key justification for *taqlid* is that relying on experts is an ordinary convention, then would its normative elaboration not equally require an appreciation of its ordinary messiness—some “ethnographic theology,” in other words? But that is a different project.

**Acknowledgments.** We are especially grateful to the Khoja Ithna'asheri Council of European Jamaats for facilitating our research, as well as all the *jama'ats* and individuals from the UK Twelver Shi'i Khoja community who so kindly gave us their time and support. We must also thank Lea Taragin-Zeller for organizing the workshop at the Woolf Institute, Cambridge, where we first presented this paper, as well as our fellow workshop participants for their insightful comments, along with those of colleagues at subsequent conferences at the Universities of Exeter and Birmingham organized by Rob Gleave and Oliver Scharbrodt. We are also very grateful to CSSH's anonymous reviewers and the journal's editors, and to Oxford's John Fell Fund and Keble College for their financial support.

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