



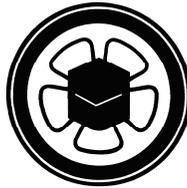
SHI'I THEOLOGY, ETHICS
AND PRACTICE SERIES

المرجعية الدينية

Al-Marja'iyah Al-Dīniyyah

THE SHI'Ī RELIGIOUS
AUTHORITY

SERIES I



Islamic Education

The World Federation of KSIMC

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THE WORLD
FEDERATION
OF KHOJA SHIA ITHNA-ASHERI MUSLIM COMMUNITIES

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In the name of God, the Most Gracious, the Most Merciful

Marja'iyah: The Shī'ī Religious Authority

Synopsis

This article introduces the system of *marja'iyah* – the just, Shī'ī religious authority which the laity refer to when it comes to understanding one's religious obligations towards Allah ﷻ in the sphere of the acts of worship and beyond.

Our Responsibility Before Allah ﷻ

Before we can appreciate the need for religious guides that we can refer to in order to answer our Islamic queries, we must understand our relationship with Allah ﷻ.

The Quran makes it clear that the main goal behind creating the *jinn* and humanity is to know and worship Allah ﷻ:

﴿وَمَا خَلَقْتُ الْجِنَّ وَالْإِنْسَ إِلَّا لِيَعْبُدُونِ﴾

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I did not create the *jinn* and the humans except that they may worship Me.¹

When it comes to knowing Allah ﷻ, since this falls into the domain of the *Roots of Religion (al-Uṣūl al-Dīn)* – every Muslim must believe in Allah and the other articles of faith based on their own investigation and understanding.

However, when it comes to worshipping Allah ﷻ, we must ask ourselves: “Does Allah ﷻ expect us to worship Him in a particular way, or in can we choose which way we want to worship Him?”

Throughout history, Allah ﷻ has taught humanity “how” He wants to be worshipped – and this is seen in passages of the *Quran*, and it has been further elaborated upon in the *aḥādīth* – the actions, the statements, and the tacit approval of Prophet Muḥammad ﷺ and his 12 successors ؑ. One instance can be seen in the pre-Earthly event when Iblīs refused to obey Allah ﷻ and prostrate to Ādam ؑ. Instead, he wanted to submit and worship Allah ﷻ how he deemed fit:

﴿وَإِذْ قُلْنَا لِلْمَلَائِكَةِ اسْجُدُوا لِآدَمَ فَسَجَدُوا إِلَّا إِبْلِيسَ
أَبَىٰ وَاسْتَكْبَرَ وَكَانَ مِنَ الْكَافِرِينَ ﴿٣٤﴾﴾

¹ *Quran*, Sūrah al-Dhāriyāt (51), verse 56. All *Quranic* translations taken from the online version of Sayyid Ali Quli Qara'ai found at al-quran.info.

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And when We said to the angels, 'Prostrate before Ādam,' they prostrated, but not Iblīs: he refused and acted arrogantly, and he was one of the faithless.²

As Prophets came on the scene and humanity grew in number, these men of Allah taught their communities the fundamentals of faith, and also what Allah ﷻ expected from them – and HOW they should engage in worshipping Him.

How Do We Know What He Wants?

The Quran provides verses which speak about the practical rulings (*ahkām*) in a generic fashion, with very few verses explaining the step by step methodology of worship. For example, we are told to “pray,” “give charity,” and “perform *hajj*” and other obligations, however the specifics are not expressly mentioned in the passages.

Muslims that lived during the time of the Prophet ﷺ understood Islam to be complete submission to Allah ﷻ as taught by the Prophet ﷺ - so they looked to the Messenger of Allah ﷺ how to fulfill their responsibilities and for the **most part**, they received answers to their daily religious queries.

After the Prophet and the Imams

What would the Muslims do once the Prophet ﷺ left this world if there were unanswered questions? And as an extension, what would

² *Quran*, Sūrah al-Baqarah (2), verse 34.

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they do after the major occultation of Imam al-Mahdī عليه السلام? Should they do what they want to do, or did the Prophet and his successors leave a process in place to help the community understand what to do when 'new' challenges come up for which they need to have a method to resolve them?

There had to be something, even a skeletal framework, which would guide the Muslims on how to fulfill their responsibilities to Allah ﷻ.

Therefore, based on guidance from the Prophet ﷺ and the Imams of the Ahlulbayt عليهم السلام, especially the later ones, an organic movement began by individuals who knew that they needed to understand what Allah ﷻ wanted from them in terms of their own personal acts of worship. They were able to share their research with others who were looking to worship Allah ﷻ but did not have the ability to engage in the depth of exploration that these individuals were involved in. Thus was born the modern-day *mujtahid* – literally a person who exerts all of their efforts to come to a conclusion in regards to what Allah ﷻ wants from them in the sphere of Islamic worship and piety.

The Obligation of Taqlīd

Logic dictates that a believer who has not reached the level of *ijtihād* and is not able to determine how to perform their obligations to Allah ﷻ **must** refer to someone who has the greatest ability (*a'lamīyyah*) to conduct such research, and act appropriately. Therefore, when it comes to the acts of worship (*'ibādāt*) and transactions (*mu'āmilāt*), to

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ensure that we have carried them out the way that Allah ﷻ wants us to perform them, not only is *taqlīd* permissible, rather, in many cases it becomes **obligatory**.

Although the option to practice 'precaution' (*iḥtiyāṭ*) is also available, however this is a tedious process, and in a way, it is the practice of *ijtihād* in the general sense of the word (struggling to ensure that we are able to fulfill our responsibilities to Allah ﷻ) as going this route entails that a believer knows what is the **most precautionary measure** in each area of their life and then acts upon that. It is taxing and time consuming, and not easy to engage in – but it still is an option that one has.

What is Marja'iyah?

The actual term, *marja'iyah*, which although may be recently coined, has its over-arching roots in the *Qurān* and *aḥādīth* and it relates to the laity of the Shī'ī referring to a highly skilled and experienced individual who has reached the level of *ijtihād*³ and *a'lamīyyah*⁴ in the

³ *Ijtihād* is derived from the Arabic word *juhd*, which means employment of effort or endeavour in performing a certain activity. According to Sayyid Muhammad Rizvi in his work entitled *An Introduction to the Islamic Shari'ah*, he states that: *Ijtihād* literally means "to endeavour, strive, put oneself out, and work hard." In Islamic legal terminology it means "the process of deriving laws of the *shari'ah* from its sources."

⁴ The definition of *a'lamīyyah* is: a *mujtahid* who, in relation to all other *mujtahidīn*, has the greatest command over the rules and regulations of deriving Islamic rulings from their sources, and has a better awareness to the source works, and in addition his understanding and attentiveness of the *aḥādīth* is much better and precise compared to all other scholars. The scholars of Islam have opined that following an

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process of extracting the religious rulings from their original sources. With this comes other characteristics - such as the ethical and spiritual traits, and a comprehensive awareness of the era in which they live – in order to not only comment on 'religious' issues, but also to deliver verdicts based on contemporary societal issues which may come up in the life of a believer. His Eminence, Āyatullāh al-ʿUzmā Sayyid ʿAlī al-Ḥusaynī al-Sīstānī has delved into contemporary issues and offered opinions on a wide range of topics such as:

- Islamic rulings about the usage of the Internet;
- Playing video games;
- Various types of insurance policies;
- Organ donation;
- Sex change;
- Post-mortem and cadaver dissection;
- Hajj in new modern conditions – for example, the multi-level areas of *ṭawaf* and *saʿī* that have been constructed in Mecca;
- Islamic rulings on copyrights;
- Contemporary issues in fasting such as: injections, oral sprays, fasting in regions that have extra-long days in the summer months, etc...;
- Cosmetic surgery;
- Artificial assisted fertilization;

aʿlam mujtahid is based on a clear consensus of the scholars of Islam from the earliest period of religious scholarship.

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And many more topics.

A person who has the capacity to issue religious edicts (*fatāwā*), and publishes his views in his practical guide book of Islamic verdicts (*al-Risālah al-ʿAmaliyyah*) is referred to as a *marjaʿ* (source point) or *marjaʿ taqlīd* (retained religious authority), and is generally given the title of *Āyatullāh al-ʿUẓmā* (lit. the greatest sign of Allah).

The *marjaʿ taqlīd* is not only 'the most knowledgeable and adept at extracting the legal rulings from their sources' (*aʿlam*), but rather, has also pursued a life-time of self-purification. In addition to spending many years teaching the higher Islamic sciences, his family, contemporaries and his teachers (who are also at a level of *ijtihād*) vouch that the individual has reached a high level of spiritual purification, and moral excellence, and is now in a position to offer his own insights on Islamic legal issues.

The Right to be Wrong

After spending a life-time of learning, it is very well possible that what Allah ﷻ wants from us and what a *mujtahid* may derive after his intellectual efforts may differ due to many reasons.

Is a scholar who did his utmost to determine what Allah ﷻ expects, but came up with an 'incorrect' ruling, guilty? Is a layman who placed his trust in a certain *marjaʿ* and his research and 'blindly' followed him, at any kind of fault? Will he/she be answerable to Allah ﷻ for why one 'blindly' followed a fallible human being, rather than "directly" following the Prophet ﷺ or the Ahlulbayt ﷺ?

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In reality we can say that it is better for a person to have acted upon the advanced research which a scholar who is free from personal material gain or is seeking to gain popularity through, has carried out after his many years of study, rather than for an amateur to shoot arrows in the dark, hoping to hit the target – but shooting oneself in the foot during the process.

Therefore, when one is an authority (*marja'*) in the field of Islam, then that individual has now earned “the right to be wrong.”

The Quran and Religious Authorities

There are no verses in the Quran which speak directly about a ‘hierarchy’ of religious clergy, and we do not subscribe to the model of a multi-level clerical chain of command. However, in Islam, there is an un-written rule which tells us that people of knowledge are not at the same level, and that just like in the secular world people pursue degrees (BA, MA, PhD), religious scholars who are formulating the rulings which the lay people will follow are also of varying levels based on numerous factors – however one similarity is that they must all be extremely pious, God-fearing, God-conscious and knowledgeable people of the highest moral character.

The Quran addresses the topic of referring to others in various spheres of life - sometimes praising this phenomenon, but at other times condemning it in the strongest possible terms.

The Quran and Prohibition of 'Blind Following'

﴿تَتَّخِذُوا أَحْبَارَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِنْ دُونِ اللَّهِ وَالْمَسِيحَ ابْنَ مَرْيَمَ وَمَا أُمِرُوا إِلَّا لِيَعْبُدُوا إِلَهًا وَاحِدًا لَا إِلَهَ إِلَّا هُوَ سُبْحَانَهُ عَمَّا يُشْرِكُونَ﴾⁵

They have taken their scribes and their monks as lords besides Allah, and also Christ, Mary's son; though they were commanded to worship only the One God, there is no god except Him; He is far too immaculate to have any partners that they ascribe [to Him]!⁵

Points of Reflection

- In this verse, Allah ﷻ shows us that some of the followers of the People of the Book used to unconditionally follow their religious leaders (*'ulamā'*). They allowed the scholars to manipulate the laws of God for their own benefit – and in essence, Allah ﷻ compares them to “worshipping” their scholars rather than submitting to Allah ﷻ and following His commandments.
- This verse can also be applicable to Muslims if they take their religious scholars to be “higher” than Allah ﷻ – and blindly submit to their orders despite knowing that what they are

⁵ *Quran*, Sūrah al-Tawbah (9), verse 31.

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saying runs contrary to the established teachings of the Quran, the Prophet ﷺ and the Ahlulbayt ʿalayhīṣṣalām, and the majority of the consensus over the past 1,200 years. Even the greatest Shī'a scholars who are religious experts are not to be treated as Divine personalities, and if Muslims do so then they will fall into the same outcome as those who are reprimanded in this verse.

The Quran and 'Muslim Scholars'

On the opposite side of the spectrum is the famous verse found in Surah al-Tawbah (9) encouraging a group of Muslims from each community to go forth to learn about the deeper meanings of Islam, and then to teach what they have learnt to others:

﴿وَمَا كَانَ الْمُؤْمِنُونَ لِيَنْفِرُوا كَافَّةً فَلَوْلَا نَفَرَ مِنْ كُلِّ فِرْقَةٍ مِنْهُمْ طَائِفَةٌ لِيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ يَحْذَرُونَ﴾⁶

Yet it is not for the faithful to go forth en masse. But why should not there go forth a group from each of their sections to become learned in religion, and to warn their people when they return to them, so that they may beware?⁶

⁶ *Quran*, Sūrah al-Tawbah (9), verse 122.

Points of Reflection

- This is the most comprehensive verse in the Quran about seeking knowledge. In it, Allah ﷻ makes it clear that an entire society cannot devote themselves to one particular trade or discipline – in this case, learning about “Islam.” As a community and society, we need to have doctors, social media experts, engineers, graphic designers and much more, however at the same time, we need people to devote themselves full-time to religious knowledge in order to assist others who do not have the ability to dedicate their lives to Islamic studies. Those who are seeking ‘religious’ knowledge must do their part to attain the guidance and then impart it to others.
- When Allah ﷻ uses the term “...acquire profound, correct knowledge and understanding of religion...”, He is speaking about the complete understanding (*fiqh*) of the *dīn* – not just “religion,” but rather the entire gambit of Islamic studies – ethics (*akhlāq*), practice (*aḥkām*), theology (*‘aqā’id*), and basically how to deal with all contemporary social issues as they arise.

How to Determine a Marja' Taqlīd

Merely having your name on the Internet with the title of *Āyātullah* is no proof that one can be followed in Islamic rulings. In addition, becoming an expert in Islamic jurisprudence (*al-fiqh*) and tools used

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to derive rulings (*al-Usul al-Fiqh*) is also not in itself enough of a qualification. So how can an average believer determine who is the right *mujtahid* to follow? There are three established ways:

1. An individual has the personal expert *ijtihādī* knowledge to determine who a *mujtahid* and *marja' taqlid* worthy of being followed is - and that too the one who has greatest ability to provide us with our responsibilities to Allah ﷻ;

2. They seek out the expert opinion of two knowledgeable *mujtahids* who are fair and just (*'ādil*) and they confirm that a particular individual is a top qualified *mujtahid* and the most knowledgeable with the important condition that two other knowledgeable *mujtahids* who are fair and just (*'ādil*) do not contradict that opinion.

3. The *mujtahid* has a degree of popularity amongst the experts of the Shī'a Muslim community such that it is impossible for anyone to doubt that he has reached such a level of knowledge and spiritual refinement.

Activities of the Marja'

A *marja' taqlid* has many duties which he carries out during his day.

1. First and foremost, they are servants of Allah ﷻ and so they have their own daily obligations such as praying, fasting, reciting the Quran, supplications, and other acts of worship.

2. In addition, they have a family, wife, and children, so they have to spend some time with them.

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3. Their day also involves teaching classes, sometimes up to 3 classes a day – which means spending hours in preparation, travel, delivery of the classes, etc.

4. They have meetings with their local and global followers that have questions which they want to ask directly from the *marja'* or people who are seeking advice on personal issues.

5. Often, new issues arise which require further and deeper investigation so that they can give up to date rulings (*fatāwā*) or revise past verdicts. For example Āyatullāh al-Sīstānī has repeatedly been asked about moon-sighting decisions and his differing views with his teacher, the late Āyatullāh Sayyid al-Khū'ī; or his analysis and revision in regards to his ruling as it relates to the impurity (*najāsāt*) of the polytheist (*mushrik*) in which he has **newly** opined that his ruling is **now** based on an obligatory precaution (*al-iḥṭiyāt al-wājib*).

6. Socio-political national and international guidance is sought by high-ranking officials from the government, international bodies and NGOs.

7. Keeping updated with the local and global state of affairs, and providing guidance through official representatives and messages delivered via the medium of the Friday prayer sermon in Karbala by his appointed representatives.

8. Monthly moon-sighting search and declaration.

9. Meeting up with other *marāji'* or their representatives to consult and co-ordinate on crucial matters which affect both national and international affairs.

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10. In addition, they have to eat, sleep and take care of themselves.

In conclusion, they are not just “sitting around” doing nothing – rather they lead **very** busy lives and must balance all of their activities into the same 24 hours that we all have.

Benefits from the System of Marja‘iyyah

The system of *marja‘iyyah* gives the Shi‘a community structure, order and unity – and although we may follow different *marāji‘*, we have a strong, cohesive and united community based on the harmonious coordination between the various *marāji‘*. For the most part, we pray, fast, go for pilgrimage, and perform all of the other actions almost similar to one another. However more importantly, we are guided on how to fulfill our responsibilities to Allah – without which we would not know how to worship or follow the regulations of our faith.

Social, Economic and Political Involvement

As required, these great sources of guidance also step into the sphere of providing guidance in our daily affairs and to safeguard the overall situation of our communities. This has been seen throughout history - such as in the famous ‘Tobacco Verdict’ of 1892 which was issued by the late Ayatullah Mirza Shirazi.

From the Iraq invasion in 2003 up until today, His Eminence, Āyatullāh Sayyid ‘Alī al-Sistānī has played an extremely important role in not only safeguarding the unity and rules of law in Iraq, but he

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has been instrumental in protecting Iraq, the Middle-East, and potentially the entire world through his historic verdict issued to defend Iraq and its peoples of ALL religions and backgrounds from the attacks of DAESH (ISIS/ISIL), and his extremely detailed guidance to the military on HOW to deal with the enemies in times of war. In addition, the following points are important to note:

1. When it comes to the aftermath of the downfall of the former regime, the well-known author, Noah Feldman wrote: "Shi'i Islamist parties suffered internal rivalries and disagreements but managed to present a unified front at the national level. Their unity to date is a considerable achievement largely attributable to Sīstānī's leadership..."
2. In recent times, Sayyid al-Sīstānī has been praised by the Special Representative of the Secretary General (SRSG) for Iraq, Mr. Ján Kubiš, who has been quoted as saying: "...the Marjaiya's fatwa that mobilized patriotic popular forces was instrumental in defeating the terrorist Daesh..." In addition, SRSG Kubiš appreciated in particular the human aspect of the Ayatullah's calls and sermons on human and social issues, including care for the families of the martyrs and survivors of the fight against Daesh, a better future for the youth, the voluntary return of the internally displaced people to the conditions of safety and security, protection of civilians, and resolute

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actions against the perpetrators of criminal acts and violators of human rights.

3. Āyatullāh al-Sīstānī has always emphasized a very peaceful unifying stance between the Sunnī and Shī'ā, especially after the *takfeeri* explosion of the al-ʿAskariyayn ﷺ shrines in Sāmarra, and his explicit refusal to retaliate with violence.
4. He has given his open support for the multi-million annual Shī'ā march during Arba'īn from Najaf al-Ashraf to Kerbala al-Muqaddas.
5. The continuous efforts of Sayyid ʿAlī al-Sīstānī to present a moderate justice-seeking, human rights based democratic Islam as an alternative to the extremist *takfeeri* head-chopping, heart/liver eating ISIS version of Islam.
6. Ayatullah al-Sīstānī's trust of the Shī'ā congregation in Iraq to use the portion of the Imam of the *khums* for helping the needy relatives and neighbours rather than sending the funds only to Najaf.
7. His Eminence's temporary permission to use substantial portions of the Imam's portion of the *khums* to be utilized in emergency situations in Lebanon, Iran and elsewhere.

Some of Sayyid al-Sīstānī's Unique Views

In the field of Jurisprudence (*Fiqh*) and the Principles of Jurisprudence (*al-Usul al-Fiqh*), he has some unique opinions which show us the continuous development and progress of Islam and its rulings. For example:

1. In the sphere of the Principles of Jurisprudence, Āyatullāh al-Sīstānī describes phases of development and the historical impact of context on its growth and maturity as follows:
 - **First phase:** The response of the *Imāmī* scholars to certain Shī'a scholars influenced by two contending schools of thought: the school of opinion (*madrasat al-ra'y*), and the school of report (*madrasat al-ḥadīth*). Sayyid al-Sīstānī talks about history and the stagnation of *Uṣūl al-Fiqh*, and about ḥAllāmah al-Ḥillī and his interaction with Ibn Taymiyyah, and so forth.
 - **Second phase:** The struggle between the *Akhhbārī* and *Uṣūlī* schools in the *Safavid* era, with masters of *Uṣūl* such as: Waḥīd Bahbahānī, Muḥaqqiq al-Qummī, Ṣāhib Fuṣūl, and Shaykh al-Anṣārī.
 - **Third phase:** The contemporary era, with tension between Islamic and non-Islamic values, due to a variety of new and changing factors including economics and politics. Thus, Āyatullāh al-Sīstānī asks for the further development of *Uṣūl al-Fiqh* to suit the present demands.

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He has touched upon a variety of subjects in his discussions on *Uṣūl al-Fiqh* such as philosophy, psychology, and sociology.

What are the Alternatives?

There may be some who are not convinced about the need for such a system. What if we decide that there is no need to have a *marja' taqlīd*, then what is the alternative? We have a number of options:

1. We all do what we want in terms of Islamic practice. Therefore, even though the *Qurān* says to 'establish the *ṣalāt*' or 'complete the *ḥajj*,' but since there are no direct rules in the *Qurān* on HOW to perform these actions, either we do not implement them because we do not know how to, OR we make them up as we wish. In essence, we would potentially have a 'version' of Islam unique to each Muslim – everyone doing whatever they 'feel' is right;
2. We refer to the *aḥādīth* and find all of the sayings on a particular act of worship, then review them all and come to our own conclusion about how to engage in that deed – trying to somehow rationalize possible conflicting *aḥādīth*;
3. We refer to individuals who have put aside the pursuits of the life of this world in the greater pursuit of the authentic Islamic knowledge, and have been able to determine what is required from us and how to perform those actions.

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Keeping in mind what was initially stated that we are obligated to submit to Allah ﷻ how **He** wants us to submit to Him and not how **we** want to carry it out - we must always remember that all of our actions need to be done as the way Allah ﷻ wants us to do them, and this is embodied in the *sunnah* of Prophet Muḥammad ﷺ and those who came after him who best preserved and embodied the Prophetic ethos, meaning the Ahlulbayt ﷺ.

Therefore, if we are not able to personally reach the level of *ijtihād*; nor are we at a level of competency to work through the rulings based on *iḥtiyāt*, then our logical and Quranic-based conclusion is to perform *taqlīd* – and thus we must ask or consult those who know better than we do.

Summary and Concluding Points

1. *Marja'iyah* and *taqlīd* are foundational blocks of Islam which have their roots in the Quran, the tradition of the Prophet, and the Ahlulbayt ﷺ, and are also built on a platform of logic.
2. Becoming a scholar whom others refer to for their daily questions - meaning a *mujtahid* - is not an easy task, however it is a door that is wide open for all Muslim men and women who wish to take up the challenge and devote their entire lives to the pursuit of knowledge.
3. There are certain conditions which a person must have to be considered a *marja' taqlīd* - including a life of spiritual struggles, detachment from any allurements of the transitory

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life and a high-degree of studies in Islam and the world around them.

4. A prominent example of a successful and effective internationally renowned *marja' taqlīd* is Āyatullāh al-ʿUzmā Sayyid ʿAlī al-Ḥusaynī al-Sīstānī who has wisely and successfully guided the Shīʿa - not only locally in Iraq, but globally also - both in their devotional and socio-political affairs. However, there are many other renowned *marājiʿ* present today in the world that are source of honour and guides for us to follow.