The Economics of Religious Interpretation: The System of *Taqlid*

L'ECONOMIE DE L'INTERPRETATION RELIGIEUSE: LE SYSTEME DE TAQLID

Ayman Reda[1,*]

[1]Ph.D. Assistant Professor Economics and Finance School of Business, Lebanese American University, Beirut, Lebanon
*Corresponding author.
Email: ayman.reda@lau.edu.lb

Abstract

The role of religion cannot be sustained without some degree of scriptural exegesis or interpretation over time. In Islamic Shi'a tradition, the process of interpreting scripture in order to deduce Islamic law is called *ijtihad*. This process is performed by a select few of highly specialized jurists, called *mujtahids*. Every believer who is incapable of engaging in *ijtihad*, is required to choose among the group of available *mujtahids*, and follow the jurist's interpretation and judgment in all matters of law. This 'emulation of another in matters of law' is called *taqlid*. In return, believers are obligated to pay a religious tax to the jurist, where the proceeds are primarily used for the development of religious institutions and the funding of social services. In a rational choice framework, we analyze the interpretation of religious scripture as a public good problem. The Shi'a System of *taqlid* alleviates the public good problem by compensating the few who practice *ijtihad* on behalf of the unwilling majority. *Taqlid* also serves to preserve the religious identity and political independence of the Shi'a community. We also examine possible rent-seeking practices by *mujtahids*, and the impact of religious competition among *mujtahids* on the Shi'a community.

Key words: Rational choice; Public good; Religion; Exegesis

Résumé

Le rôle de la religion ne peut être soutenue sans un certain degré d'exégèse scripturaire ou de l'interprétation au fil du temps. Dans la tradition islamique chiite, le processus d'interprétation de l'Écriture pour en déduire la loi islamique est appelé ijtihâd. Ce processus est effectué par une élite de juristes hautement spécialisés, appelés mujtahid. Chaque croyant qui est incapable de s'engager dans l'ijtihad, est tenu de choisir parmi le groupe des mujtahid disponibles, et de suivre l'interprétation du juriste et du jugement dans tous les domaines du droit. Cette «l'émulation d'un autre en matière de droit» est appelée taqlid. En retour, les croyants sont obligés de payer un impôt religieux pour le juriste, lorsque le produit est principalement utilisé pour le développement des institutions religieuses et le financement des services sociaux. Dans un cadre de choix rationnel, nous analysons l'interprétation des Ecritures religieuses comme un problème de bien public. Le système chiites du taqlid atténue le problème de bien public en compensant les quelques personnes qui la pratique l'ijtihad, au nom de la majorité réticents. Taqlid sert aussi à préserver l'identité religieuse et l'indépendance politique de la communauté chiite. Nous examinons également la recherche de rente par les éventuelles pratiques mujtahid, et l'impact de la concurrence religieuse entre mujtahids sur la communauté chiite.

Mots clés: Choix rationnel; Bien public; Religion; Exégèse

INTRODUCTION

The basis of any religion is its scripture[2]. It constitutes the source of rules, rituals, philosophy, history and prophecies[3]. For the most part[4], religions have highlighted the exogenous nature of scripture[5], as a set of doctrine

transmitted from God[5] to humans, via messengers[7]. For scripture to be classified as exogenous at any given time, the case has to be made that there exists a core content that is definite and unchanging[8]. The presentation or arrangement of the scripture in any accessible or stylized form should not alter the core content. It is also possible that the complete set of scripture evolves over time to include more sources, traditions and recorded events, in addition to the preserved core. Furthermore, some formative aspects of the scripture (such as a particular sequence of verses, a particular language, acceptable recitation methods and publication media) are considered to be sacred and may thus be included as part of this evolving core.

Although religious scripture claims to be comprehensive and 'self-explanatory'[9], there is still the need for an interpretation[10] of some kind. This process, formally called exegesis, is an attempt to extract or "release" the "internal" contents of the "external" scripture[11]. The need can be for purely linguistic reasons, such as vocabulary, grammar and translation. It can also be for historical reasons, in order to understand the historical context within which a verse or chapter was first introduced, and how this particular context assists or limits any contemporary understanding of the scripture. But more importantly, the need is religious. In the same manner that any scripture plays a vital role in the religious affairs of an individual or society, interpretation of scripture over time plays an equally important role. In fact, one can argue that scripture can only be of function, if interpreted. Specifically, we are not only referring to original explanations or interpretations that were first applied to any religious scripture (although they are of huge importance, then and later)[12], but to the subsequent need for interpretation over time, as circumstances change and societies evolve.

It is in this sense that interpretation of scripture becomes a *religious* need[13]. Simply, religions depend on the interpretation of scripture for their continued existence. This is because, at any point in time, religion is summoned to provide answers to pending questions that face believers in their daily lives. As circumstances change, new questions arise that require new answers. Even some old questions may require revised answers in light of new developments. In order to provide answers to all these questions, religious authorities or scholars will eventually engage in a process of religious interpretation. The failure to undertake such a process means that the questions will remain unanswered, and as such, believers remain in a state of confusion and uncertainty. Predictably, this scenario may lead to a gradual discontent towards the religious authority, and an eventual loss of trust in its

---

[2] Smith (2000) states that according to Graham (1987, pp.13,142), "'Scripture' means 'texts that are revered as especially sacred and authoritative'". For example, in Christianity, "'scripture' clearly refers to what Christians call the Old Testament." He notes that Smith (1971), in his discussion of the definitional aspects of scripture, argues that "probably no one on earth today quite knows what scripture 'is' . . .". But Smith (1971) later contends that, "Scripture as a form and as a concept gradually emerged and developed in the Near East in a process of consolidation whose virtually complete stage comes with the Qur'an." Smith (2000) thus comments that this refers to an evolving "'process of consolidation' which reaches completion in Islam. There the text of the Qur'an is revelation."

[3] Robin Scroggs (1995, pp.19-25) regards the Bible as a "foundational document" or "agenda setter for Christianity". According to Wood (1996), "the Lutheran and Reformed theologians of the post-Reformation era typically ascribed two kinds of authority to Scripture." The first was as a "source of understanding", while the second, "the canon or norm by which faith and conduct are judged in the church". The names given to the two types of authority are: "causative" and "normative authority" respectively.

[4] This holds at least in the case of Judaism, Christianity and Islam.

[5] In this regard, Richard A. Mueller (1993, p.378) quotes the English writer Edward Leigh on the nature of scripture: "From the divine flows the canonical authority of the Scripture." Wood (1996) thus states that, "God is the source of Scripture's normative as well as of its causative authority. The church does not bestow this authority but only acknowledges it." Hence, scripture is exogenous in the sense that it is *revelation*.

[6] We can also think in terms of gods or a supreme being. The use of 'God' in this case is due to the particular context that the paper deals with, and that is, Islam.

[7] Similarly, this may refer to a single or multiple messengers, non-human forms of messengers, and possibly direct communication.

[8] Graham (1987, p.133) states that, "the term *scripture* is commonly used as though it designated a self-evident and simple religious phenomena readily identifiable . . ."

[9] What is meant here is that any individual with the relevant literacy skills can have an unaided understanding of the scripture.

[10] Eakin (1927) states that, "The technical term most commonly applied to the interpretation of Scripture is 'exegesis', i.e., a 'leading out'. In theory what the interpreter is doing is drawing out the true meaning of the part of Scripture with which he is dealing, be it small or large, so that it will be the more clearly understood."

[11] "'To release the texts from an external, authoritative power,' says Scroggs, 'releases the power *internal* to the texts to come to life and to function to change *by persuasion* our being, our thinking, and our action.'" (Wood, 1996)

[12] In fact, in many cases, the original interpretations become a sacred part of the scripture over time. According to Scroggs (1995), "foundational documents" also include "early writings", in addition to the "founding documents". See Smith (2000) for a discussion of how the "Gospels" became "Scripture".

[13] Eakin (1927) states that the "primary interest [of interpreters of Scripture] has been practical, not scientific. They have wanted most of all to be helpful, to provide needed truth and guidance." Eakin argues that the scientific approach was increasingly adopted as an interpretive approach, but that this is only present in Christianity and Judaism: "outside of Judaism and Christianity, scientific interpretation scarcely exists". We disagree with this opinion, by noting that in Islam, *usul al-fiqh* (Rules of Jurisprudence) constitutes the science of interpretation.

competence and legitimacy. This discontent may slowly develop into loss of faith and adherence.

As such, interpretation of scripture serves the purpose of the continuity of religion over time, and in doing so, it is performing a *religious* function. This is particularly evident in the fact that some religions, within their doctrine, explicitly endorse the need for continuing interpretation of scripture. This obligatory aspect of interpretation can clearly be understood in light of the practical needs discussed above. The critical question of interest then, is how have different religions responded, in their distinct ways, to this vital need for the interpretation of scripture?

The objective of this paper is to examine how a particular religious community, the Shi'a[14] Muslims, has dealt with the issue of religious interpretation. In addition to the general benefits of religious interpretation that any religious community derives, we will investigate particular functions of interpretation that are unique to this sect. The paper seeks to investigate how the Shi'a system of religious interpretation, called *Taqlid*, sought to achieve specific religious, political and economic objectives. The method employed in this paper takes the form of economic analysis of religious phenomena, which utilizes tools of economic theory to explain individual and institutional behavior. In particular, we will adopt a rational choice approach that explains the objectives of the various players as ends that they systematically seek to achieve. This paper constitutes a novel attempt to model religious interpretation, by analyzing it in the framework of a public good problem. This framework, we believe, explains much of the structure and dynamics of Islamic exegesis. It also represents, in our opinion, a first attempt to study Islamic religious practices and institutions from a rational choice perspective.

In section 2, we start with a brief review of the relevant literature on the economics of religion. In particular, we will examine the literature on the economic analysis of other religions and sects, and how these studies relate to the topic and methodology in this paper. In a subsection, we will provide a brief introduction to the Shi'a[15] sect, its founding, doctrine, history and notable personalities. This discussion will include a detailed description of the Shi'a system of religious interpretation, *Taqlid*. In section 3, we analyze the process of religious interpretation as a public good case faced with the free-rider problem. We examine how the Shi'a system of *taqlid* attempts to resolve this problem. We also discuss the various forms of competition that arise between different interpretations, and the

resulting religious and political implications. In addition, we assess the likelihood of 'rent-seeking' behavior in the overall interpretation process. We conclude our analysis in section 4.

2. ECONOMIC ANALYSIS OF RELIGION

Although economics of religion is a relatively new field of inquiry within the economics discipline, economic analysis of religion can be traced back to Adam Smith in his seminal work, *Wealth of Nations*. According to Anderson (1988), Smith explained religious behavior using a supply and demand framework, and based on the assumption that religious agents are rational self-interested individuals. Smith also discussed the history of the Catholic Church from an economic perspective, labeling it as a type of 'corporate organization', assuming a monopoly role in the "market for religion" (Anderson, 1988). As such, he compared such a monopoly structure to one where religious competition prevails, arguing that it is in the interest of a state to encourage religious pluralism in order to loosen the moral and political grip of religious bodies on state affairs. Furthermore, this pluralism will lead to more toleration between religious sects, as "the teachers of every little sect, finding themselves almost alone, would be obliged to respect those of almost every other sect" (Smith, 2000, p.852).

One infers from Smith's analysis of religion that he utilizes economics concepts and theories to explain the objectives of religious agents and the outcomes from interactions in religious markets. Smith portrays the objectives and actions of religious agents in similar fashion to economic actors in commodity markets. He also depicts religious institutions as corporations or businesses that compete against each other on political, economic and religious grounds. Furthermore, he evaluates this competition from a classical economics perspective, by arguing in favor of religious pluralism (or perfect competition in religious markets) and separation of church and state (or no government intervention in religious markets). This effort by Smith to explain religion using economic theory as a set of analytical tools set the foundation for the emergence of economics of religion as a promising and 'legitimate' subfield in the economics discipline. Smith's discussion of competition in religious markets will prove of relevance to our study, as we examine the 'market' in religious interpretation, and the consequences of the ensuing competition.

Within this theoretical paradigm, several studies

---

[14]This is sometimes written as Shi'i, Twelver Shi'a, Shi'a Islam, Imamite Shi'a and Shi'ite.
[15]We are specifically examining mainstream Twelver Shi'ism, and not other smaller sects, such as Zaydiyya or Ismā'īliya. Some of these sects share similarities with the mainstream Shi'a, but do differ in some aspects of doctrine, beliefs and rituals.
[16]See Iannaccone (1998) for a thorough review of this field..

have attempted to undertake an economic analysis of religious groups, institutions and practices.[16] Ekelund Jr. et al. (1996) engage in a microeconomic analysis of the Medieval Church, its objectives, institutions, teachings and rituals. The attempt was to adopt a "rational choice" approach to explain the religious and economic choices of the Catholic Church.[17] The Church is represented as a corporation with a hierarchical structure that assumes a monopoly status in the religious market.[18] The Church owned vast land and other assets and employed large number of workers, including the clergy. The Church also provided social services, religious 'products', political and legal governance, and received contributions such as bequests and tithes, in addition to religious adherence and political loyalty.[19]

The Church attempted to maintain its monopoly status by engaging in "rent-seeking" practices, such as canon law, punishment, sanctions, excommunication, penance indulgence, and heresy. The objective of these practices is to create barriers to entry or "entry controls" to keep competitors out of the 'religion market'.[20] Similar "rent-seeking" practices by the Church existed in the field of marriage, where marriages outside the Church were sanctioned and punished[21], and the "selective enforcement" of usury laws depending on the Church's private interests.[22] Also, the Crusades worked "as a means of achieving market dominance" in the face of potential, non-Christian entrants.[23] Finally, they argue that "product innovation" in the form of purgatory, was the result of "economic incentives" and the desire of the Church to maintain 'market position'.[24]

In another related work, Ekelund Jr. et al. (2002) extend their economic analysis to the Protestant Reformation and the entry restrictions created by the Catholic Church. The restrictions were mainly "doctrinal innovations" that allowed price discrimination, such as auricular confession, mortal and venial sins, and indulgences. They argue that the "medieval church extracted rents by practicing sophisticated forms of price discrimination so that it gave new encouragement to market entry by a rival

'firm' offering a modified 'product'." This then led to the Reformation era. In response to the new entrants, Ekelund et al. (2004) argue that the Catholic Church behaved as "an incumbent-firm monopoly fighting to survive in the face of new competition." A principal strategy adopted by the Church was the "rewriting [of] their corporate charter" that was achieved by the Council of Trent. However, this strategy and others failed to prevent entry.

From a formative perspective, our study generally adopts a similar rational-choice approach, by using economic theories and methodology to explain the behavior of religious actors and institutions. From a substantive standpoint, our object of analysis is the Shiʻa community and its system of religious interpretation. Using economic theory, we seek to analyze the *objectives* and *methods* of religious interpretation. The objectives include the preservation of religious identity, political independence, and protection of the community. The methods include the practices of *ijtihād, taqlid*, and the payment of *khums*. We also address possible "rent-seeking" behavior by religious actors, and the impact of religious competition in interpretation on the Shiʻa community.

The above studies provide a useful reference for a comparative analysis between different religions and sects. Together with the present study, they offer evidence for the usefulness of the rational-choice approach as a suitable medium to explore historical and contemporary developments.

2.1 The Shiʻa: A Brief History

Until the death of the Prophet Muhammad, the Sunni-Shiʻa schism was nonexistent, as Muslims were united under the Prophet's leadership. According to Sachedina, "The death of the Prophet marked the first major crisis in the political history of Islam".[25] The issue of "qualified leadership" after the Prophet was raised in an atmosphere of tension.[26] On the Prophet's death, a meeting of notable Islamic personalities elected Abū Bakr as the first Caliph after the Prophet. A noticeable absentee at this meeting

---

[17]Ekelund Jr. et al. (1996), pp. 5-6.
[18]Ibid. pp. 17-38.
[19]Ibid.
[20]Ibid. pp. 60-77.
[21]Ibid. pp. 85-107.
[22]Ibid. pp. 113-128.
[23]Ibid. pp. 131-149.
[24]Ibid. pp. 152-164.
[25]Sachedina, (1988, p.3).
[26]Ibid. p.3. Momen states that the "question is not only who was the successor of Muhammad but also the nature of the role of this
[27]successor, for it is on both these points that Shiʻis and Sunnis disagree." Momen (1985, p.11).
Ibid. pp. 11-15. This position was based on their view that several statements of the Prophet during his leadership, and especially during the last year of his life, had confirmed ʻAli as his rightful successor to the leadership position of the Muslim community For a discussion of some of the events surrounding these statements, see Momen (1985).

was ʿAli, the Prophet's cousin and son-in-law, who was considered by some to be the true successor to the Prophet.[27] According to their position, ʿAli should have acquired the role of a temporal head (Caliph), and a spiritual head (Imam).[28] The followers of ʿAli thus came to be known as the Shiʿas of ʿAli[29], and those in favor of the Caliphate system, the Sunnis.[30] The Sunni-Shiʿa schism continues to our present day, after going through many phases over the centuries, characterized by varying degrees of tension and tolerance. This early schism has also extended into a divergence of positions on the role and function of Islamic exegesis (*tafsir*) and jurisprudence (*fiqh*).

In 661 A.D., ʿAli died two days after suffering from a wound inflicted on him during an attempted assassination attempt. He was succeeded by his elder son, Hasan.[31] However, this succession was refused in similar manner to that of his father, and as such, his leadership was limited to the Shiʿa community. This was to become the norm for all the subsequent Shiʿa Imams. This signifies an important trend in the history of the Shiʿa, as they increasingly acquired an autonomous stance within the larger Sunni community. This minority stance, when reflected in a fear of the majority, will create a desire for self-protection and self-governance. This gradually presented the need for some sovereign system of religious interpretation, distinct from that of the majority, and attending to the challenges facing the minority's interests and aspirations.

With the fifth Imam, the Shiʿas gradually depended on the guidance of their Imams on most matters, and to reject the rulings of ʿUmar [second Caliph] and other

Traditionists on whom the rest of the Muslim world was becoming dependent."[32] This development gained greater importance and momentum during the time of the Sixth Imam, Jaʿfar as-Sādiq. One of the most widely known of the twelve Imams in the Muslim world, as-Sādiq formally developed a comprehensive foundation for Islamic and Shiʿa jurisprudence[33].

During the ʿAbbasid Period (750-945 A.D.), in spite of some doctrinal changes[34], the Shiʿa maintained a stable character and outlook. However, an event in this period was to permanently impact the identity, history and structure of the Shiʿa community. Around 912 A.D., the disappearance of the Twelfth Imam occurred, and was believed by Shiʿas to be the start of the Greater Occultation[35], in which the Imam is concealed from the world by God. This raised a vital question that faced the Shiʿa community, and that is, the question of leadership during this indefinite period of occultation[36]. Given the fact that Shiʿas since the death of the Prophet have attained increasing religious and political autonomy from the majority of Muslims and the ruling class, the absence of direct leadership by an Imam[37] created a leadership or guidance gap. This gap naturally led to an overall feeling of loss, uncertainty and vulnerability. But according to the Shiʿas, the last Imam is believed to be living (although not visible), until the time of return[38]. This allowed for continuity, albeit in different forms. The result was the system of *Taqlid*.

2.2 The System of *Taqlid*

The authority of the Imam in Shiʿa Islam, was in his

---

[28]Ibid. p.11.

[29]The word Shiʿa in Arabic means followers or adherents or disciples. In addition, being their leader, they called him Imam ʿAli. They became the followers of the Imamate tradition, as opposed to the Caliphate system.

[30]Sunni is derived from the word Sunna, which means, 'of the Prophet'.

[31]In his rein, Hasan adopted an overly quiet life. This was principally due to an agreement he signed with his contemporary Caliphate, Muʿāwiya, that allowed for a pause of hostilities between the followers of both sides. Shiʿa historians rationalize Hasan's political choices as a pragmatic response to the acute imbalance of power in favor of Muʿāwiya, that rendered any opposition to his rule, practically futile. Momen (1985, pp. 26-28).

[32]Momen (1985, pp. 35-37).

[33]Two of the founders of Sunni schools of thought and jurisprudence, Abū Hanīfa (Hanafī School of Law) and Mālik ibn Anas (Mālikī School of Law) were known to have been, directly or indirectly, part of his circle of students. The Shiʿa School of Law, reflecting the intellectual contributions of this Imam, is sometimes referred to as the Jaʿfarī School of Law.

[34]See Momen (1985, pp. 71-75) for a discussion of the changes in Shiʿa doctrine over time. We will later highlight the main doctrinal developments that are relevant to our topic.

[35]There was also a period of Lesser Occultation, during which the Imam was in contact with the masses via messengers. See Momen (1985, pp. 162-65).

[36]Momen (1985, p.75).

[37]Shiʿas do believe that the Twelfth Imam is their leader during the Greater Occultation. But because of his 'absence', this leadership remains more symbolic than practical.

[38]Momen (1985, p.75) argues that, in order to satisfy the requirements of the Imamate leadership after the disappearance of the Twelfth Imam, the Shiʿas "neatly resolved" the problem by "occulting the Imam and thus effectively depoliticizing him while not violating the principle that the Imam must always exist". The impression derived from this argument is that the Shiʿa 'created' the concept of occultation as a religious and political measure aimed at preserving the Shiʿa identity and perpetuating its acquired autonomy. Although this view is shared by many historians, it is arguably not the view held by Shiʿas. According to Shiʿa popular and scholarly belief, the Imam's occultation was predetermined by God, and explicitly implied in some of the Prophet's hadith (sayings).

[39]Sachedina (1988, p.4).

[40]Ibid. pp. 4. Also cross-reference with Scroggs (1995) and Smith (2000). For a comparative analysis of Shiʿa Islam and Catholicism, see Bill and Williams (2002).

capacity to interpret Islamic scripture, and the authority to render the interpretation binding on believers[39]. These interpretations by the Imams therefore became "part of the revelation"[40]. The continued sacredness of the scripture or revelation therefore necessitated that the Imams be recognized as "free from error and sinful deviations"[41]. However, with the start of the Greater Occultation and the end of the "manifest Imamate"[42], this religious purity and infallibility was not bestowed upon any subsequent individual.

This 'divine' gap, in addition to the leadership gap, meant that any ensuing political or religious leadership will naturally be fallible and temporal. In particular, any role for religious interpretation will necessarily be executed by scholars in the field of *fiqh* (jurisprudence), and not an infallible Imam. According to Sachedina, and "in response to the crisis created by the occultation of the Imam, Shī'ites developed their own legal and political jurisprudence in which a prominent place was given to the faculty of reasoning (*al-'aql*)"[43]. In the absence of divine law and interpretation via Prophets or Imams, the role of reason in religious interpretation becomes inevitable, given that reason constitutes the principal mode of human inquiry[44].

The deputyship of the Shi'a Imams therefore became an important topic in Shi'a religious and political discourse. An important development in Shi'a thought is the gradual contention that in the absence of the Imams, the main responsibility in the areas of political and religious leadership rested on the "learned authorities"

or the jurists. A tradition by the Prophet was noted to assert this notion, "When innovations will appear in my community, a learned authority will expose them through his knowledge. And if he does not do so, then may God's curse be upon him"[45]. The need for perpetual "divine guidance", provided "justification for the necessity of the Imamate", and as such, "necessitates the existence of an authority that could transmit the Imam's elucidation of the divine laws . . ." This requirement for continued leadership of the Shi'a community in political and religious matters, "prepared for the religiously learned among the Imamites to assume socio-religious leadership of the Imamite community as functional Imams"[46]. It is important to note that the concept of deputyship or 'functional' role of Shi'a jurists, is developed within a political environment that is at odds with the Shi'a's interests and outlook. In other words, the existence of such "functional Imams" is contemporaneous to the existing political authority of the Caliphate representing the Sunni majority.

3. STRUCTURE

In the process of jurisprudence, the use of reason is supported by the three main sources of law, namely the Qur'an, the *hadith* and consensus (common view reached by jurists on an issue)[47]. The process of deriving religious judgments and laws from the sources, using reason and the principles of jurisprudence, is called *ijtihād. Ijtihād* therefore characterizes the process by which able scholars interpret religious scripture to process of deriving religious

---

[41]Ibid. p.4.
[42]Sachedina (1988, p.58).
[43]Ibid. p.4.
[44]This is not to imply that any divine law or interpretation is void of reason. According to Sachedina,
"In the jurisprudence of the Imamites the priority of reason was in accord with their rational theology, in which reason was prior to both sources of revelation, the Qur'ān and the Sunna. This does not mean that the revelation was not regarded as comprehensive; on the contrary, there was recognition of the fact that it was reason that acknowledged the comprehensiveness of the revelation by engaging in its interpretation and discovering all the principles that Imamites needed to know. In addition, there was recognition of a fundamental need of interpretation of the revelation by reason, all the more so when the authority invested with divine knowledge was in occultation" (Sachedina, 1988, p.5).
[45]Ibid. p.30. Fadlullah (2005, pp. 24-25) provides additional Qur'anic verses and sayings by the Prophet to signify the role of *ijtihād* and *mujtahids*:
". . . So ask the followers of the Reminder (Message), if you are not firm in the knowledge of the clear arguments and scriptures" (16/43-44).
"…why should not then a company from every party among them go forth that they may apply themselves to obtain understanding in religion, and that they may warn their people when they come back to them that they may be cautious" (9/122)
Prophet: "The *Ulema* are the inheritors of the Apostles"
Prophet: "The jurists are the repositories of the prophets, so long as they remained untainted by worldly gains"
[46]Ibid. p.31.
[47]Sachedina (1988, pp. 7-8) also notes that the historical context of a particular tradition or law plays an important role in the process of jurisprudence, or *ijtihad*.
[48]Weiss (1978) adeptly clarifies the process of *ijtihād* by describing it as a process of 'discovery', rather than 'creation'. He states:
"Strictly speaking, it is not the Law as such which is interpreted, but rather the sources of Law. The Law as a topically-organized finished product consisting of precisely-worded rules is the *result* of juristic interpretation; it stands at the end, not at the beginning, of the interpretive process. Yet it would not be acceptable to speak of those who interpret the sources as in any sense creating law. It is much more appropriate to refer to the interpreter as one who *discovers* the law. The theory of *ijtihād* presupposes that the process of producing rules is a process of elucidating that which is *present* but yet is not self-evident. In principle, the Muslim jurist never invents rules; he formulates, or attempts to formulate, rules which God has already decreed and which are concealed in the sources. These rules, which constitute the ideal Law of God, exist objectively above and beyond all juristic endeavor." (Weiss, 1978, p.26)

judgments and laws from the sources, using reason and the principles of jurisprudence, is called ijtihād. Ijtihād therefore characterizes the process by which able scholars interpret religious scripture to derive Islamic Law[48]. But for *ijtihād* to have practical implications or satisfy a religious need, it has to eventually be 'consumed' by believers. In other words, the 'production' of religious doctrine in the process of religious interpretation (*ijtihād*), using the 'inputs' constituting of scripture (or sources) and juristic effort, should result in instructions that believers can use in their everyday lives. This mechanism, by which the outcome of ijtihād is made serviceable, is called taqlid. According to Clarke (2001, p.1),

> *Taqlid* in Islamic jurisprudence means 'emulation of another in matters of the law'. It is the complement of the principle of *ijtihād* or independent juristic reasoning; the believer who cannot gain firsthand knowledge of legal matters by performing *ijtihād* instead 'emulates' those who can. In this way, no one is left without assurance that he may quit of the duty laid upon him by God to follow His ordinances. The one who performs *ijtihād* is called *mujtahid*; the one who emulates is called *muqallid*.

Taqlid thus represents the system through which the outcome of religious interpretation by able and fallible jurists, gains religious legitimacy. The effort exerted by jurists in deriving Islamic law is made religiously 'consumable' by allowing believers to 'emulate' the jurist in the final outcome[49].

Clarke (2001) notes that *taqlid* exists in both Sunni and Shi'a legal systems[50]. However, *taqlid* gained exceptional importance in Shi'a jurisprudence at the advent of the Greater Occultation[51]. The religious "certainty" present at the time of the Imams was now missing, which meant that Shi'as now had "to rely, instead, on mere emulation of the uncertain opinions of learned men derived through legal reasoning"[52]. The jurists therefore came to serve the role

of deputies of the Last Imam, or "functional Imams".

The detailed description of the method of *ijtihād* is outlined in the rules of jurisprudence, *usūl al-fiqh*. In addition to the rules governing the process, there are also 'rules' or qualifications governing *who* can engage in *ijtihād*. In order to be qualified to engage in *ijtihād*, the *mujtahid* has to satisfy a set of criteria. The first refers to "knowledge of the law". This refers to a comprehensive knowledge of the Quran, Sunna, the Arabic language, and *usūl al-fiqh*. The second criterion is adherence to the Shi'a faith. The third requirement is the possession of the "quality of justice", in the form of deep, sincere faith and piety[53]. Another requirement is being of the male sex[54].

Also of importance for the understanding of *taqlid*, is the "means by which the emulator may know the *mujtahid*". In other words, what determines the 'search costs' involved in finding, evaluating and choosing an appropriate interpreter? One opinion is that the mujtahid may be known through "inductive reason, that is, through observation". Another opinion is that the *mujtahid* "may be known only through the estimation of the 'ulamā'". In the absence of certainty, some scholars have argued in favor of "reasonable supposition", or "probabilism to the *muqallid*'s identification of the *mujtahid*'". This means that "once the *muqallid* has arrived at a reasonable supposition as to who the learned jurist or *mujtahid* is, he is no longer responsible for the real status of the one he has chosen"[55].

3.1 Religious Interpretation as a Public Good

Religion can be characterized as a public good.[56] Believers of any faith can consume religious products without hindering the consumption enjoyed by others. Scripture, doctrine, rituals, prayers, blessing, teachings, sermons, etc. all satisfy the characteristic of nonrivalry in consumption. In fact, the collective consumption of religious activities

---

[49]Al-Askari [11th Imam] states, "Whomsoever among the jurists was mindful of his own soul, careful of his own faith, acting contrary to his own whims, submissive to the dictates of his Creator, the generality are allowed to follow him in matters of religious practice" (Fadlullah, 2005, p.25)

[50]Even within the Shi'a community, the system of *ijtihād* and *taqlid* was a subject of controversy. Two factions, the Akhbārīs and Usūlis, differed on the appropriate system of religious interpretation of scripture. According to Clarke (2001), the Akhbārīs favored 'emulation' of the recorded *hadith* (also called akhbār) of the Prophet and Imams, in addition to the Quran. The Usūlis however favored an emphasis on legal reasoning in interpreting scripture. Momen (1985, p.117) argues that the Akhbārīs were generally against *ijtihād* and "the rationalist principles of jurisprudence used in *ijtihād*". This difference was resolved with the Usūlis, "who eventually won the debate two hundred years later at the end of the 12th/18th century".

[51]Clarke (2001) states that some Shi'a scholars believe that *taqlid* existed since the time of the Prophet, in "the following of those rulings" declared by the Prophet.

[52]Clarke (2001).

[53]Other requirements suggested by jurists include: age, reason, knowledge of logic, and individual political freedom or autonomy.

[54]Ibid.

[55]Ibid. Fadlullah (2005, p.28) lists additional 'search' techniques, such as "the testimony of two just witnesses among the competent *mujtahids*, or luminaries, who are capable of scientific appraisal", one's own experience, and a jurist's popularity. [As-Sayyid Mohammad Hussain Fadlullah was a contemporary Shi'a *mujtahid*.]

[56]Economists of religion have typically characterized religion as a club good. See Iannaccone (1998) for a survey of literature on the club good aspects of religion. However, in the context of this paper, and since our discussion is in the realm of believers, it is safe to recognize the features as satisfying the public good definition. See also Iannaccone (1988, 1992, and 1994) and Montgomery (1996) for similar club treatments of religious production and the resulting free-rider problem.

[57]See Iannaccone (1992) for similar club treatments of religious production, with positive externalities. We should also note that negative externalities may arise if the number of participants becomes too large, or due to special utility structures of some believers.

may confer positive externalities or network effects on believers. This is because some may derive extra utility in the presence of more fellow believers, due to the special nature of religious rituals.[57] In the case of exegesis, a believer's consumption of religious interpretation produced by any jurist will not diminish the consumption of fellow believers.

By the same token, exegesis or religious interpretation also satisfies the characteristic of nonexcludability.[58] This means that believers can benefit from consuming religious interpretation, regardless of whether they paid a price or not.[59] As such, religious interpretation as a public good recognizes that "it may be provided in equal quantities to all members of the community at zero marginal cost".[60] The output of religious interpretation, similar to any religious text or scripture, becomes publicly available and can be accessed with nominal search costs.[61]

These characteristics of religious interpretation lead us to the free-rider problem that is normally associated with the provision of public goods. Believers will *rationally* refuse to contribute to the provision of a public good, since they can consume the good regardless of their contribution, and can thus free-ride on the contributions of others. The outcome of such scenarios is the underprovision of the public good by the market, resulting in a market failure. With regards to personal contributions, the outcome is the non-cooperative Nash equilibrium in which the decision not to *contribute* is a dominant strategy by believers (players). This outcome is inferior to the cooperative and Pareto optimal solution in which all believers choose to contribute.[62]

According to Fadlallah (2003)[63], ijtihād (religious interpretation) is an obligation on every believer. This means that the "process of arriving at judgments on points of religious law using reason and the principles of jurisprudence"[64] is primarily a task to be undertaken by each and every believer as a necessary component of their religious doctrine. However, under the rules of Islamic jurisprudence, this obligation falls under the category of *fard al-kifāya*[65], or "collective duty"[66]. This means that "the fulfillment of it [*ijtihād*] by a sufficient number of individuals excuses other individuals from fulfilling it".[67] It is clear that the term, "sufficient number of individuals", refers to learned jurists with knowledge of the science of jurisprudence. Sachedina states that the designation of *ijtihād* as a 'collective duty' "conveys the sense of 'obligatory representational function' fulfilled by one or more in the community on behalf of everyone else".[68]

Fadlullah (2005, pp. 20) rationalizes this designation of the obligatory aspects of *ijtihād* by stating,

> Had the rules of *shari'a* been expressed in a straightforward and explicit manner, the process of arriving at such rules from the Book [Quran] and *Sunna* would have been accessible for many people. But, it had not been the case, i.e. the rules have permeated the body of the Book and *Sunna* in such a way that the process of has called for scientific effort in the study, comparison and deduction of the rules. Such scientific effort becomes even more necessary, its tools and means more complex and subtle, because of the time separating us from that of revelation. This is particularly so when we know that the time lag had been responsible for the loss of many a *hadith*. There has also been the need to verify the veracity of narrators of *hadith*, let alone coping with the change of modes of expression; such change has made it necessary to develop new ways of making the text more intelligible. False *hadiths* that have pervaded the authentic ones have called for extra vigilance and scrutiny.

The practice of *ijtihād* therefore entails high costs, by requiring the individual to specialize in the science of jurisprudence, a sufficient knowledge of the Islamic doctrine, a grasp of the historical development of Islam, a broad comprehension of contemporary affairs, and sufficient expertise with the structure and intricacies of the Arabic language. In addition, the individual must be capable of differentiating 'accurate' from 'false'

---

[58]This is also referred to as "impossibility" or "inefficiency of exclusion" (Mueller, 2003, p.11), and "jointness in consumption" (Tresch, 2002, p.171). The additional public good characteristic of indivisibility of output also applies to religion.

[59]There are of course important costs associated with adhering to a particular doctrine and its set of rituals. These initial costs of adherence may be described as sunk costs, and thus do not affect the argument above.

[60]Mueller, 2003, p.11.

[61]There are also nominal costs associated with reading and understanding such output.

[62]Ibid. p.12.

[63]Self-translation.

[64]Fadlullah (2005, p.21).

[65]This is also known as wājib *bi'l- kifāya*. The other category is *wājib 'aynī* which means that it is "personally and individually obligatory" (Sachedina, p.185). In this type, the obligation is to be fulfilled in person, and cannot be delegated to others.

[66]Sachedina (1988, p.266). Sachedina quotes the term "collective duty" from the works of Joseph Schacht, Ignac Goldziher and others.

[67]Ibid. Fadlullah (2003, p.32) states that, "if all Muslims neglect the obligation of *ijtihad*, all will be deemed sinful".

[68]Ibid. Sachedina also describes the task of *ijtihād* as being, "representatively obligatory".

[69]Said Arjomand reports that the *mujtahid* Ibn Mutahhar al-Hilli, "justifies *taqlid* on account of its practical necessity, as the laity do not have the necessary time to devote to acquiring the expert knowledge necessary or determining the ethically and ritually correct behavior in conjunction with new occurrences, and to attempt to do so would prevent them from earning their livelihood." (Walbridge, 2001, p.4)
"Mousavvi argues that the *marja'iya* [system of *taqlid*] was established on the basis of practical concerns rather than juridical analysis. . . Other scholars such as Abbas Amanat, Juan Cole, and Hamid Dabashi, see the marja'iya as having emerged in the eighteenth century as the answer to the need to integrate Shi'ite clerics and establish lines of authority" (Walbridge, 2001, p.4) Both arguments support the notion that taqlid gradually emerged as an attempt to preserve religious identity and to maintain political autonomy.

hadith, which is arguably a difficult process, owing to the controversies surrounding much of this literature. These requirements impose a monumental task on any believer, in addition to the daily functions of family, work and socializing. Requiring such a demanding task on all believers, will arguably paralyze the lives of believers, and hinder the normal functioning of societies[69].

Fadlullah (2005, p.21) argues that because of the high costs associated with the comprehension of many fields simultaneously, there is "the recognition by the human race of the specialization of groups of people in the various disciplines."[70] As such, "*ijtihād* is the specialization in the science of *Shari'a*, and *Taqleed* is the trust of the laity put in the experts in this field"[70]. Therefore, at the micro or individual level, a cost-benefit analysis will lead to the rational decision by most believers to not engage in any proper form of *ijtihād*. Most believers will at best, be capable of achieving partial *ijtihād*, given their incomplete knowledge and skills. This naturally comes at the expense of the quantitative and qualitative aspects of *ijtihād*, and will therefore not satisfy the personal desire for religious 'certainty' and satisfaction.

At the macro or community level, the religious need for proper religious interpretation will favor specialization by a select few on behalf of the unwilling majority. But this requires that the few that do decide to undertake such a task have a rational incentive to do so. In other words, the decision to become a jurist or *mujtahid* should result in sufficient religious and secular benefits that outweigh the costs incurred. But first and foremost, any such specialization should be religiously legitimized, so that the output of *ijtihād* can be utilized or consumed. It is in this regard that "*taqlid* is the trust of the laity put in the experts in this field"[72]. The "emulation of another in matters of the law"[73] is therefore a religious rule provided to believers as permission to 'consume' the outcome of *ijtihād*[74], and a religious legality awarded to *mujtahids* as permission to 'produce' religious law. This means that the task of interpretation essentially becomes a "professional"[75] engagement. In essence, what is created is a 'market' composed of *mujtahids* (producers) and believers (consumers). However, as will become evident, this is a special market with unique features.

But this specialization requires that some mechanism be established that would provide *secular* compensation to the *mujtahids*, since they will be practically incapable of 'earning a living'. The funding of religious interpretation through 'market' means will result in an underprovision of *ijtihād*. Believers will "have an incentive not to reveal their preferences"[76], and instead anticipate that someone else will be more willing to compensate the *mujtahids*. If many believers are to adopt this strategy, the end result will be a significant shortage of *mujtahids* and *ijtihād*. Given the necessity for religious interpretation, this outcome is religiously unsustainable, and this highlights the need for mechanisms or policies to alleviate the problems associated with free-riding.

The provision or funding of religious interpretation by government, as a possible solution to the free-rider problem, offers little hope for the Shi'a community. This is primarily due to the early schism that occurred in the Muslim community, leading to a general distrust by Shi'as towards the ruling authorities, and a refusal to award such authorities any political or religious legitimacy[77]. During their leadership of the Shi'a community, the Twelve Imams were the sole source of interpreting and 'creating' religious laws. In return, believers were responsible towards the Imams in terms of religious, political and economic obligations.

One such obligation was the payment of *khums* (one-fifth or 20%), which is a religious tax to be applied on any profit or surplus of income[78]. Sachedina (1988, p. 237) states that *khums* was one of the "basic differences" between the Sunni and Shi'as. While Sunnis generally limited the *khums* to war booty, Shi'as argued that it applied to a wider range of items. Given the Shi'a perspective, it is evident that the *khums* will amount to a substantial revenue source for the recipient[79]. The

---

[72]Ibid.

[73]Clarke (2001).

[74]"Thus, *taqleed* has become a religious obligation. . . In a way it is a symbolic contract between the lay man and the *mujtahid* before Allah". (Fadlullah, 2005, p.22)

[75]Eakin (1927) argues that, In the history of Scripture, taken as a whole, professional interpretation has been the rule; non-professional, the exception." He argues that "one reason for the monopoly of Scripture interpretation held by professional classes in the past", is because, "few from other classes were as well equipped as they."

[76]Tresch (2002, p.171).

[77]Momen (1985, p.107) argues that, "in Sunni Islam the legitimacy of the *de facto* ruler had been established by Sunni scholars in the early medieval period, [while] there had been no similar work done in Shi'ism and indeed no comparable circumstance had arisen in Shi'i history".

[78]Other items that also fall under the *khums* are: mines, minerals, spoils of war, treasures, etc.

[79]In Shi'a jurisprudence, the *khums* is to be divided into six categories: "so much each for God, the Prophet, his family, orphans, the needy, and wayfarers. . . the shares of God and the Prophet belonged to the latter's successor…Thus the Imam received three shares, two as the rightful heir of the Prophet and one allotted to him on God's behalf; the remaining three shares belong to those among the Banū Hāshim, the Prophet's clan, who are orphans, poor, or wayfarers".

[80]Ibid.

[81]Ibid. p.238.

revenues from the *khums* "were to be administered by the Imam himself, because *al-khums*, in the jurisprudence of the Imamites, constitutes the state's share in the Imamite political system, with the Imam as rightful head of the government . . ."[80]" This leads us to the issue of the administration of *khums* during the Greater Occultation, after the disappearance of the Twelfth Imam[81].

Many scholarly opinions have been offered by *mujtahids* on the management of *khums* in the absence of the Twelve Imams[82]. These differing opinions over time did however lead to a gradual consensus on the issue. The consensus permitted that *khums* be paid to a *mujtahid*, or be collected by a *mujtahid*. After receiving the *khums*, the *mujtahid* must divide it into the two categories, *sahm al-imām* and *sahm al-sādāt*. The first category (includes the three shares of God, the Prophet, and the Imam) is usually used for the promulgation of the Islamic faith and the provision of social services, while the second category (the needy, orphans, and wayfarers) is distributed exclusively among the Prophet's clan[83].

The system of *khums* thus allowed the Shi'a community to preserve the role of the Imams during their presence, by providing them with economic means for the provision of religious and social services. Furthermore, in addition to providing social services, it allowed the founding and preservation of the system of *taqlid* by providing *mujtahids* with secular compensation for the costs associated with their education, research and juristic efforts.

Sachedina argues that, "it was the revenue from the *khums* that also made it possible for the *mujtahids* to remain independent of any direct control by the contemporary de facto ruler . . . Indeed, it was the financial independence of the *fuqahā'* that made it possible for the Shī'ī religious infrastructure to escape penetration by the ruling authority, …"[84]. This means that in the absence of the government solution to the public good problem, the Shi'a community sought the solution in the system of *taqlid* and the collection of *khums*, in order to maintain

their religious identity and political autonomy[85]. Funding by the ruling authorities meant that the Shi'a community would risk losing its religious and political independence. *Taqlid*, augmented by *khums*, counteracted this possibility.

However, if *khums* succeeds in alleviating the public goods problem in the absence of legitimate government, it opens up another problem in the fact that *mujtahids* lack the coercive means to collect taxes that official governments possess. Believers may decide to evade the payment of *khums*, with the belief that others are paying, and that *mujtahids* have enough faith to guarantee religious interpretation at all times. This free-riding behavior also benefits from the absence of formal means of punishment for any tax evasion that takes place. The enforcement of the "constitutional contract"[86] of *taqlid* between *mujathids* and believers thus becomes difficult. In other words, the movement from the noncooperative solution to the cooperative or Pareto optimal solution, via a social contract, is complicated by the absence of effective enforcement. The concept of a "social norm" in the context of a religious community serves to illuminate how such complications may be resolved, albeit imperfectly.

Taqlid can be described as a "social norm"[87] created to solve the public-goods or externalities problem associated with religious interpretation. To succeed, the "norms are ordinarily enforced by sanctions, which are either rewards for carrying out those actions regarded as correct or punishments for carrying out those actions regarded as incorrect"[88]. The rewards and punishments of afterlife may serve as strong enforcing mechanisms to allow a norm to function, thus allowing for an internalization of the norm. In addition, long-term interaction or repeated play may induce the social optimum. This can be in the form of social pressure, reputation, shame, etc. In game-theory terminology, trigger strategies, such as tit-for-tat, may induce cooperation through the use of social punishment to bring about moral outcomes. According to Coase (1960), Buchanan (1965) and Olson (1965), these measures are

[82]For reference, Sachedina (1988) offers a comprehensive discussion of khums in Shi'a jurisprudence.
[83]Ibid. pp. 244-45.
[84]Ibid.
[85]According to Linda S. Walbridge (2001, pp. 3-4), it was during the seventeenth century and the rise of the Safavids to power in Iran, that the Shi'a *ulama* (scholars and *mujtahids*) "become economically powerful and influential enough to claim a more prominent and independent role for themselves…By the eighteenth century there had emerged a religious elite known as *mujtahids*, who could practice *ijtihad* . . ."
[86]Mueller (2003, p.10).
[87]Coleman (1990, pp. 242-43). "The condition under which interests in a norm, and thus demands for a norm, arise is that an action has similar externalities for a set of others, yet markets in rights of control of the action cannot easily be established, and no single actor can profitably engage in an exchange to gain rights of control. Such interests . . . create a basis for a norm, a *demand* for a norm on the part of those experiencing certain externalities". Also, "a norm exists only when others assume the right to affect the direction an actor's action will take". In this respect, the actions of *mujtahids* and believers are interdependent in that consumption of religious interpretation depends on a *mujtahid*'s production, while the utility of *mujtahids* depends on believers' compensation and demand.
[88]Ibid. pp. 242-43.
[89]Mueller (2001, p.13).
[90]Fadlullah (2005), p.22. Cf. note 72.

more difficult to implement in larger groups, than smaller ones. Olson (1965) argues in favor of more "individualized rewards or sanctions", as opposed to "collective benefits"[89], in encouraging voluntary contributions.

Taqlid in Shi'a jurisprudence thus established a "symbolic contract"[90] between a *mujtahid* and his followers. A prerequisite for this relationship is that the *mujtahid* receive a scholarly endorsement from fellow contemporary *mujtahids* or jurists. This would naturally be a function of his religious and scholarly attributes, such as faith, piety, education, wisdom, etc. Once this endorsement is obtained, the scholar then declares himself a *mujtahid* worthy of being emulated. This declaration comes in the form of a risala, which is a "legal manual [that] is said to indicate a person's willingness to take on the mantle of the position."[91] Then, the "*marja*' [*mujtahid*], as a source of emulation, enjoys the dual role of chief legal expert and spiritual model for all Shi'a[92]. With a few exceptions, *each believer must choose to emulate a single mujtahid*.[93] And consequently, the believer or follower pays *khums* to the *mujtahid*. This essentially means that a *mujtahid* fulfills three core functions: the task of religious interpretation, the role of judge on legal matters, and the provider of social and religious services[94]. These important roles naturally confer upon a *mujtahid* huge responsibilities. This ensured that the Shi'a community maintained its religious and political identity, by adopting a dynamic system that allows for *continuity* and *change over* time.

However, the system of *taqlid* was to have its own array of problems. This includes issues such as competition among *mujtahids*, the associated confusion among believers, and possible 'rent-seeking' behavior on the part of *mujtahids*. These are some of the issues that we will consider in the next few sections.

3.2 Plurality and Competition

During the reign of the Twelve Imams over the Shi'a community, their religious leadership was a clear and accepted monopoly. With their absence comes the recognition "that there might be more than one *marja*'[*mujtahid*]"[95]. Even though "such a notion does not imply a schism within the religion"[96], it certainly introduces religious, and possibly, political competition. This is because a plurality of *mujtahids*, means a plurality of religious interpretations, and a corresponding plurality of religious laws. More importantly, it means the existence of subsets of followers among the larger Shi'a community, with each subset adhering to a particular *mujtahid*'s interpretation. Such a partition may manifest itself in religious and political friction, thereby threatening the foundations of the Shi'a community.

According to Walbridge (2001, p.5), "predictably, there is competition among the *mujtahids* for supreme leadership. This competition is not played out in an open political debate among the *marja*' themselves, since the Shi'a find this highly distasteful. Rather, their followers and representatives act to influence public opinion"[97]. The competition therefore doesn't assume an explicit or aggressive mode, but is relatively subtle and implicit. Nevertheless, competition does exist, and it becomes even more significant, if we consider the fact that *khums* will then be paid to several mujtahids, and the political choices of the Shi'a community become varied, rather than uniform.

Therefore, the fact that competition assumes a low profile reduces the potential friction between *mujtahids* and their respective followers. Another limiting factor on the extent of competition is the fact that religious interpretation is only permitted on certain aspects of scripture[98]. *Ijtihād* and *taqlid* is only permitted in the "subsidiary elements of the religion" (such as prayer, khums, zakāt, fasting, marriage, inheritance and pilgrimage), and not the "fundamentals of the religion" (such as unity of God, prophethood, resurrection, Imamate and divine justice)[99]. This limitation on the set of interpretive scripture will contribute to a minimum level of uniformity among the different religious interpretations,

---

[91]Walbridge (2001, p.5).

[92]Ibid.

[93]"Taqleed is therefore an obligatory duty on everybody who has not attained the level of *ijtihad*" (Fadlullah, 2003, p.28).

[94]"There falls under the definition of guardianship of the *mujtahid* such things as safeguarding the affairs of minors, such as the orphan and the mentally handicapped, and public endowments, should they have no guardians of their own. The guardianship of the *mujtahid* over such affairs could be direct or though intermediaries." (Fadlullah, 2005, p.33)

[95]Ibid. "At times it is widely acknowledged that several *mujtahids* are qualified to be called *maraji*', as was the case in Iran after the death of Burujirdi". (Walbridge, 2001, p.5)

[96]Ibid.

[97]Ibid. p.5.

[98]Weiss (1978): "Shi'ī jurisprudence does not allow opinion to exceed the confines of the actual meaning of a text." This does not however resolve the issue of what the "actual meaning" represents. The argument may become circular at some point.

[99]Momen (1985, pp.177-83).

[100]Weiss (1978) states that, "unwilling to succumb to an ethical-legal relativism, Islamic jurisprudence insists that the truth of God is one and that there is only one correct rule with reference to every human act. Accordingly, when jurists disagree on a particular rule, they cannot all be right. Because the positions taken by jurists regarding a particular legal question are all opinions, one cannot know which opinion happens to be correct."

[101]Fadlullah (2005, pp. 22-28) states that some jurists have argued that believers should only follow the most learned of all the *mujtahids*. He disagrees, arguing that it is not obligatory. A satisfaction of the qualification requirements suffices.

and therefore maintain some unity among the Shi'a community.

Another challenge concerns the uncertainty resulting from such plurality. The uncertainty is with regards to the prospect that only one (or even none)[100] of the proposed opinions by the *mujtahids* may be 'true'[101]. This is partially resolved by a religious provision that "excuses" all believers of any possible error on the part of the *mujtahid*. In other words, if the *mujtahid* meets the necessary qualifications, any inaccurate interpretation produced by the *mujtahid* and adopted by the believer will not result in a sinful act, and is therefore risk-free. This doesn't hold the believers liable for any interpretation error on the part of the mujtahid. Furthermore, if the *mujtahids* exercise their full efforts in the most sincere manner, they will likewise not be held liable for any interpretation error, and its spillover effects on believers[102]. In summary, provided that both *mujtahids* and believers fully satisfy all their respective requirements, their efforts will be 'blessed', regardless of the final outcome[103].

In addition, the provision of *ihtiyat* (precaution) was established that allows believers to *occasionally* adopt the opinion of another *mujtahid*, in the event of sufficient doubt or uncertainty. This provision is however restrictive, and cannot be adopted on a regular basis[104]. In some cases, the *mujtahid* himself may require followers to adopt an alternative opinion, if he is unable to arrive at a final decision on a particular issue.

Religious interpretation can, to some extent, be described as credence good[105]. This is because believers have modest means of validating the 'quality' of the available interpretations[106]. Even though it is required of believers to exert a minimal effort in understanding the tenets of their religion, this individual knowledge is incapable of fully evaluating the outcome of religious interpretation. And as such, believers are inclined to accept such interpretations on the basis of 'quality' proxies, such as reputation, education and perceived wisdom of the *mujathid*[107]. In all cases, some element of faith or trust[108] is necessary for any believer to continue adhering to a specific *mujathid*.

Since *mujtahids* also serve as judges, the confusion thus extends to legal matters. This happens when two or more sides to a conflict subscribe to different *mujtahids*, and are in need of a single *mujtahid* to make a legal decision. Any side may initially refuse the judgment on the basis that it originates from a jurist they do not follow[109]. The alternative is, of course, to seek judgment from a non-Shi'a jurist or a secular court. But this leads to a deterioration in the influence of Shi'a jurists within their community, and consequently, a larger role for external sources of authority, a possibility that has long been rejected by the Shi'a.

Despite the above negative aspects of religious competition, the arguments in favor of competition should be considered[110]. Believers are plainly exposed to a variety of religious interpretations that they can choose from. This may allow individuals to choose the interpretation that maximizes their religious-secular utility functions, subject to religious and secular constraints. Believers may thus choose to emulate the *mujtahid* whose interpretation is closer to their 'ideal' or desired religious, political

---

[102]A *mujtahid* must also follow his own interpretation in his own affairs, and not the opinion of another *mujathid*. (Fadlullah, 2003) This reinforces the confidence of believers in the mujtahid's opinions, given that any 'error' will also be borne by him.

[103]Weiss (1978) states in this regard:

With every opinion of a jurist, the possibility of error must be posited, and in such instance the Law of God becomes clearly understood in substance from the law conceived by the jurist. Error, it must be emphasized, does not remove the adherent's obligation to heed a properly derived opinion. Even an erroneous opinion (provided that it has not been identified as such by supervening knowledge) is binding as long as the jurist has been duly sincere and diligent in his scrutiny of the sacred texts. Needless to say, a jurist who has proffered an erroneous opinion is excused for his unwittingly committed error and exonerated of all taint of sin or blame.

[104]Ibid. pp. 34-35.

[105]Ekelund et al. (1996, pp. 26-27) similarly describe the "[Catholic] Church's product as a credence good".

[106]It is probably for this reason that some jurists do not require that believers always follow the 'most learned' of all *mujtahids*, since that would be difficult to confirm.

[107]Weiss (1978) explains the "nature of legal knowledge" as one of probability, rather than certainty. Knowledge would be stated as: "I know that x rule is a rule ordained by God," while opinion would say: "I believe that x rule is in all probability a rule ordained by God." But he cautions that, "Opinion in matters of law must not be confused with mere whim."

[108]Undoubtedly, given the high costs of 'searching', researching and comprehending Islamic law, many believers will prefer to 'blindly' accept many aspects of the *mujtahid*'s interpretation, on the basis of trust. This is the reason why the 'quality proxies' become extremely relevant.

[109]This refusal can only be *before* any judgment is passed, because once a judgment is given, it is an indication that both sides agreed to the *mujtahid*'s effort in the first place. The judgment cannot be refused later, even by another *mujtahid*. (Fadlullah, 2003)

[110]Adam Smith in his book, *The Wealth of Nations*, argues in favor of religious pluralism (competition in religious markets) and separation of church and state (no government intervention in religious markets). He argues that this pluralism will lead to more toleration between religious sects, as "the teachers of every little sect, finding themselves almost alone, would be obliged to respect those of almost every other sect" (Smith, 2000, p.852). See also Anderson (1988) and Ekelund J. et al. (2005) for additional discussion on Smith's views on religious markets. According to Ekelund J. et al. (2005), Smith regarded competition in religious markets to be the best guarantee of consumer sovereignty, "by virtue of free choice among alternatives offered to them by rival vendors." Established religions on the other hand, "suppress consumer sovereignty."

and economic preferences. The 'quality' of religious interpretation may thus be higher in a state of competition than in a monopoly structure, as *mujtahids* seek to become more 'efficient' in their *ijtihād*, in their attempt to attract more followers.

Moreover, several provisions within the structure of *taqlid* aim to preserve this competitive nature. One such provision is the requirement that believers choose a *single mujtahid* to emulate at any given period of time. Only under a few exceptions, outlined under the headline of *ihtiyat*, is it allowed for a believer to consult another *mujtahid*, and possibly adopt his alternative rule. In other words, consistency is required as a rule in subscribing to a *mujtahid*'s opinions. This consistency allows that consumption preferences be expressed in a complete manner. An open system in which believers can freely pick and choose among *mujtahids*' opinions will result in contradictions on the part of believers as different rules originate from different foundations. It would also be difficult then to identify the precise adherence to each *mujtahid*, and consequently, payment of *khums* will become problematic.

Emulating a single *mujtahid* at any *given* period of time means that it is allowed for believers to completely switch to another *mujtahid*[111]. Any believer may choose to follow another *mujathid*, and the consistency principles then apply accordingly. This provision thus allows for a change of preferences, reinforcing the competitive and dynamic nature of taqlid. *Mujtahids* are therefore unable to guarantee adherence by virtue of the initial preferences of believers, but must actively seek to maintain adherence over time. *Mujtahids* may therefore lose 'market share' in the event that other 'products' become more attractive or 'cheaper'[112]. By thus allowing for mobility, this reduces the potential for any 'rent-seeking' behavior on the part of *mujtahids*. However, to maintain consistency, this mobility is constrained in the event that the believer decided to revert back to the original *mujathid*[113].

According to Walbridge (2001, p.5), "after a *marja'* dies, the believers … are supposed to turn to another *marja'*[114]. The system of competition among the *ulama*,

therefore, is perpetuated". This provision plays a vital role in preserving the competition among *mujathids*, as it creates a perpetual demand for religious interpretation, thus assuring continued supply over time. By maintaining this 'market' over time, the lasting need for religious interpretation is thus satisfied, and the identity of the Shi'a community becomes dynamic and adaptive to changing circumstances and evolving challenges[115]. Fadlullah (2003, pp. 23-24) argues that such continuity will acknowledge the fact that "the expertise of the jurists is widened as time goes; thus equipping contemporary ones with the skills necessary to making them more competent in arriving at legal judgments". In his opinion, "this is one of the reasons why lay people should not stick by the opinion of jurists for a long time during the occultation period"[116].

Competition within the Shi'a community has also assumed other forms. One such form is the rivalry that exists between the two main centers of Shi'a religious study, Najaf (in Iraq) and Qum (in Iran). According to Stewart (2001, pp. 216-17), "there has developed an academic rivalry much like those between Cambridge and Oxford, Harvard and Yale". This competition is centuries old and continues today, as both schools have their own notable *mujathids* and seek to attract intellectual talent from Shi'a communities around the world[117]. Predictably, the competition also exists in the collection of khums, which is necessary for the material sustenance and political independence of both learning centers.

3.3 Public Choice

Given their fallibility, *mujtahids* are expected to err sometimes, and this possibility of error is understood by believers (common knowledge). This means that believers, in making a rational decision to 'emulate' a *mujtahid*, believe that the expected utility[118] of the adopted interpretation exceeds the expected utility of their own interpretation[119]. This is because any adopted interpretation offers 'a more accurate' set of answers to the above questions, and at a lower production cost. Own interpretations entail higher production costs and possibly, 'less accurate' answers[120]. But the decision to 'emulate'

---

[111]Ibid.

[112]This may refer to strictness levels, demanding rituals, financial contributions, participation in religious activities, etc.

[113]For example, let a believer i follow *mujtahid* A on an issue, say x. If *i* changes to mujtahid B, where $x_B \neq x_A$, then i cannot revert back to x_A or any other *mujtahid* J where $x_J = x_A$.

[114]Fadlullah (2005, pp. 30-31) states that in the event of the *mujtahid*'s death, a believer who was following that *mujtahid*, has the "choice of sticking by the *marja'* or changing to another one". But those following a living *marja'* may not switch to following dead ones.

[115]A comparison of Fadlullah's and Seestani's (another contemporary *mujtahid*) opinions on the rules and issues discussed in this paper revealed a general similarity.

[116]Ibid. He compares this to "adhering to the advice of a doctor despite the advances of medicine made after his departure".

[117]Stewart (2001, pp. 216-17).

[118]According to Weiss (1978), "while knowledge is correlated with certainty, opinion is correlated with probability."

[119]According to Clarke (2001), "The function of the *mujtahid* from the point of view of *taqlid* is to gain proof … on behalf of the *muqallid*." As such, "What the *muqallid* lacks and expects to gain through his *taqlid* of the *mujtahid* is relevant or likely proof, not certainty."

[120]Specialized interpreters or *mujtahids* experience higher technical efficiency due to economies of scale and scope, and learning economies. Also, the fact that many believers choose to 'emulate' rather than produce reinforces the *mujtahid*'s reputation.

requires exceptional trust in the *mujtahid*, especially since the 'output' considered here directly relates to the most fundamental concern of believers, namely eternal salvation. The trust is even more important if we realize that the interpreter assumes an exceptionally powerful position. For instance, interpreters not only specify or clarify the required deeds to maximize after-life utility, but they also have a say in *what* constitutes after-life utility. In other words, they can influence believers' perceptions on the objectives and methods, the ends and the means. In economic terms, we can say that interpreters have significant control over believers' utility functions. They can alter the form, objectives, and even the constraints.

The outcome of any "sincere" and 'full' interpretation is to be accepted regardless of the preferences of the producer (*mujtahid*), consumers (believers), and any other party (such as government). In the event that any of these interests succeeds in influencing the final outcome, directly or indirectly, *ijtihād* ceases to be a purely 'scientific' process. It then becomes an instrument to achieve private interests, or a 'rent-seeking'[121] practice.

4. 'POPULISM'

The prominence of a *mujtahid* both affects, and is affected by the 'quality' of their interpretation, and the amount of *khums* collected. A higher 'quality' of interpretation might mean, from the perspective of believers, an interpretation better suited to their 'ideal' religious preferences. To "cater to public opinion" may also mean catering to political and economic preferences[122]. This will encourage adherence, thereby increasing *khums* and prominence. Higher tax revenues allow *mujtahids* to provide more social services, which further increases their adherence[123]. A greater prominence and popularity of *mujtahids* will create network effects, since the positive reputation will imply confidence and trust. Any believer choosing among different *mujtahids* may likely be attracted to the more popular *mujtahid*, as this reflects higher levels of trust by

many other adherents. Assuming believers also care about choosing the 'most efficient' interpretation, popularity (adherence) may act as one proxy for 'efficiency'[124]. Other factors that affect the choice of a *mujtahid* include: the adherence of the parents, relatives and friends, respect among peer scholars[125], and political and economic views.

Motahhari refers to such attempts at accommodating believers' interests under the headline, "populism". He argues that the "clerical establishment, because of the pestilence of populism, cannot be the pioneers and the vanguard in our society; it cannot, in the real sense of the word, be the supreme guide. It is forced to follow rather than lead"[126]. According to Motahhari, the populace is generally antagonistic of change, and as such, "label[s] anything that is new as an innovation or a whim; they do not recognize the principle of creativity and the constitutional necessities of nature"[127]. As a result of this populist tendency, "the clerical establishment… has no choice but to prefer silence to logic, immobility to mobility, and negation to proof . . ."[128] This distrust towards change forces many clerics or *mujtahids* to revise their opinions due to the fear of losing support, followers and *khums*. *Mujtahids* thus become reluctant in their attempt to introduce reforms[129].

Motahhari narrates a story that faced Ayatollah Yazdi in Qom. Yazdi intended to train some of the students in foreign languages and modern sciences. When this plan was publicly known, people from Tehran's bazaar came to him requesting that the plan be dropped, "saying that the money they pay as *sahm-i-imam* [*khums*] is not to train seminarians in the language of the infidels." They added that if the plan was not dropped, "they would discontinue their payments of the *sahm-i-imam*." Fearing the "dissolution of the seminary", he dropped the plan[130].

Motahhari also states that a similar situation occurred when some scholars decided "to revise the curriculum of the seminarians." The proposal was to "expand the focus of the seminary of Najaf beyond *fiqh*." Ayatollah Isfahani, then leader of the seminary, rejected the proposal, arguing

---

[121]By 'rent-seeking', we mean the conscious attempt to extract returns beyond the minimum required to exert the necessary effort. In other words, if a *mujtahid* extracts more than is necessary for him to invest his efforts in interpretation, then he said to be extracting rent.
[122]See Reda (2007) for a theoretical analysis of how political and economic preferences can be derived from religious preferences.
[123]We should also note that the competition will introduce efficiency in the production of these social services.
[124]Believers may be interested in adopting the 'true' interpretation. This means choosing the 'best' interpreter. It is in this sense that we refer to 'efficiency'.
[125]Fadlullah (2003) states that the peer scholars that do offer any endorsement do not have to be *mujtahids* themselves.
[126]Dabashi (2001, p.173).
[127]Ibid.
[128]Ibid. "The ulama's catering to the populace results in hypocrisy, flattery, pretension, concealment of truth, haughtiness of demeanor, pomposity, and the proliferation of prestigious titles and designations to a degree that is unique in the world. It is the catering to the populace that has so disheartened reform-minded clerics."
[129]Motahhari refers to Ayatollah Burujirdi who once stated his distaste of this populist resistance to change: "When I first became marja' *taqlid* for the Muslims, I thought my responsibility was to judge what was right and just, and that the people would implement whatever *fatwa* I rendered. However, after issuing some *fatwas* which were against the popular opinion, I found that this is not how things are." Ibid.
[130]Ibid. p.174.
[131]Ibid. pp. 174-75. Motahhari argues that the reason is Isfahani's fear of facing similar pressure that Yazdi previously faced. Ibid. p.175.
[132]As would be expected, it is quite difficult to find similar narratives where believers' interests play a role in the outcome of interpretation.

that "the *sahm-i-imam* that is given to the seminarians is exclusively for their education in *fiqh* and *usul* [rules of jurisprudence].[131]" These stories illustrate the impact that believers and their *khums* can have on *mujtahids*[132]. Believers or groups of believers may act as lobby or interest groups and seek to influence the outcome of *ijtihād* by using the persuasive power of *khums*. This is what Motahhari argues when he says that, "when a cleric relies on the populace, he gains power but loses freedom." The freedom that is lost is *the freedom to interpret*, since the *mujtahid* faces populist resistance to change, and a financial dependence on believers, due to the *khums*.

In other words, financial dependence on a government is replaced with a dependency on the populace[133]. Furthermore, in the absence of coercive means to collect the *khums*, any payment by believers is practically a voluntary contribution[134]. The resulting free-rider problem weakens the *mujtahids*' position and forces them to be more accommodating to believers with regards to their interests and preferences[135]. Believers may exploit the non-coercive aspect of *khums* to their advantage by using it as a bargaining instrument and extract 'rent' from interpreters, in the form of flexibility in rules and legitimacy of actions. This is particularly likely in the case of 'large' consumers or quasi-monopsonists who contribute a substantial share of the total *khums*. *Mujtahids* may be especially careful not to 'annoy' such believers by ignoring their preferences or attacking their actions.

5. 'RENT-SEEKING'

Mujtahids may also utilize their powerful social position to extract *economic* rent. This direct, "rent-seeking" approach is distinct from the tendency to 'cater' to the public that Motahhari criticizes. Here, we refer to possible rent-seeking practices involved in the collection, distribution and use of the *khums*.

Algar (1969, p.16) argues that, "some [ulama] are reputed to have practiced moneylending at interest rates of 40 to 50 per cent despite the clear prohibition of usury in the Quran. Mujtahids are similarly reported to have speculated in land and urban property, usually through

intermediaries. . ." This is identical to the use of usury by the Medieval Church analyzed by Ekelund Jr. et al. (1996). In another instance, Algar (1969, p.19) states:

> Throughout most of the Qajar period, we encounter cases of mujtahids, particularly in Isfahan and Tabriz, surrounded by what can only be called private armies. [They] . . . acted to support clerical power by defying the state and by enforcing fatwas. In return they were permitted to engage in plunder and robbery, taking sanctuary, when threatened with pursuit, in the refuge known as bast which mosques and residences of the ulama provided. . . Furthermore, masses of sayyids (claimants to descent from the Prophet), genuine or false, enforced their claims on the charity of believers with the support of the ulama, and in return agreed to help in the enforcement of clerical authority in time of need.

According to Floor (2001, p.53), the clerics in Qajar Persia, "were respected by the populace." However, "they used that respect to advance their own private interests as well as their religious cause.[136]" Since Shi'a Islam was the state religion during the Qajar era, this meant that the religious class also had to provide religious legitimacy to the ruling authorities. This means that political motives, in addition to the religious motives, played a role in the positions taken by the *mujtahids*[137]. Hence, one objective was "to increase the percentage of Shi'ite believers in a particular point of view held by a religious leader, one that did not even need to be doctrinal."[138] The result was competition for financing, to fuel the competition for "market share" or "brand-name recognition"[139].

After the breakdown of the Safavid state, a separation of religion and state occurred. This gave the *mujathids* freedom from political interference, but at the expense of government funding. The alternative sources of funding for *mujtahids* included: personal wealth from trade and real estate, income from administrative functions, juridical income, state endowments such as stipends, pensions and functions, religious alms and gifts, *khums* and *zakat*[140]. Floor (2001) relates many historians that described some *mujtahids* as being very wealthy, due primarily to ownership of property. Also, the role of *mujtahids* in trade and competition was criticized by merchants, as "these religious leaders had accumulated substantial funds."[141] The ulama also received substantial gifts, alms and tithes from believers, and sometimes at the jurists' requests.

---

[133]Motahhari (as cited in Dabashi, 2001, pp. 171-72) compares the Iranian and Egyptian religious institutions, and the relative advantages of government funding as opposed to populist funding. It can be deduced that he distinguishes between two regimes: dependency on government and dependency on the populace. In each regime, there is dependency towards the funding side and freedom from the non-funding side.

[134]In theory, it is a religious obligation.

[135]According to Momen (1985, p.207), "the theoretical freedom of innovative exegesis given to the ulama by the concept of *ijtihād* is, in practice, negated by the restrictions imposed by their financial basis."

[136]Floor (2001, p.53). "Factionalism, financial needs, and the pursuit of private gain determined the role of the religious class in the economy." Ibid. pp. 54.

[137]Ibid. pp. 53-54.

[138]Ibid. p. 54.

[139]Ibid.

[140]Ibid. p. 60.

[141]Ibid. pp. 60-63.

These requests were sometimes given a religious tone, as a way of embarrassing or pushing believers into consenting, and paying[142]. The collected revenue was frequently used to strengthen the "market share" of the *mujtahid* by funding seminaries, schools, shrines, infrastructure, religious festivals, hospitals, and help for the needy[143].

These studies however, relate to particular historical examples, and thus cannot be generalized to include all *mujtahids* over time. As such, the explicit objectives of the *mujtahids* as guardians of the Shi'a community should be principally considered, with due consideration provided for possible implicit motives. Moreover, the ensuing competition created by the system, of *Taqlid* may alleviate the potential for rent-seeking practices. This is because believers initially have several options to choose from, and can later switch to an alternative *mujtahid* if needed. In addition to internal religious constraints, this will impose upon mujtahids the need to become more efficient, sincere and transparent. Any *mujtahid* with a reputation for honesty, piety and diligence will gain a 'competitive advantage' over competitors. In other words, *taqlid* may include within its structure, religious and technical instruments that may reduce the likelihood and potential gain from rent-seeking practices.

CONCLUSION

In this paper, we have characterized religious interpretation as a *religious and practical* need. In addition, we defined it as *the creation of continuity and change in religious doctrine*. It is in this sense that we sought to understand the Shi'a system of *ijtihād* and *taqlid*[144].

This religious need however, suffers from the public good problem. This is because only a few are willing to exert the effort necessary to 'produce' religious interpretation, or *ijtihād*. The willing few have evolved over time to assume a professional role in interpretation, and a leadership role in political, economic and religious matters. The 'consumption' of *ijtihād* was made possible by the system of *taqlid*, where believers 'emulate' *mujtahids* in their interpretation. The secular compensation of the *mujtahids* however created another public good problem, due to the absence of enforcement mechanisms in the collection of religious taxes, namely *khums*.

Taqlid introduced competition in the 'market' for religious interpretation, which enabled the system to be self-preserving and withstand external pressures. This allowed for 'efficiency' in interpretation, better 'quality', and limits to rent-seeking practices. However, the dependency on the populace for compensation provides incentives for *mujtahids* to 'cater' to certain interests. *Mujtahids* may also exploit their position in an attempt to achieve personal economic gain. These rent-seeking tendencies may undermine the foundation of the system of *taqlid*, and the objectives of the Shi'a community.

Religious interpretation will continue to be a religious need for the Shi'a community, and its success will depend on the degree to which the community encourages the positive attributes of *taqlid*, while discouraging its negative attributes

REFERENCES

Algar, H. (1969). *Religion and State in Iran: The Role of the Ulama in the Qajar Period.* Los Angeles: Berkeley.

Amanat, Abbas (2003). From ijtihad to wilayat-i faqih: The Evolving of the Shi'ite Legal Authority to Political Power. *Logos, 2,* 3.

Amanat, Abbas (1989). *Resurrection and Renewal: The Making of the Babi Movement in Iran, 1844-1850.* Ithaca: Cornell Univ. Press.

Anderson, G. M. (1988). Mr. Smith and the Preachers: The Economics of Religion in the Wealth of Nations. *The Journal of Political Economy, 96,* 1066-1088.

Anderson, J. N. D. (1949).The Shari'a Today. *Journal of Comparative Legislation and International Law, 31*(3/4), 18-25.

Anderson, J. N. D. (1956). Law Reform in the Middle East. *International Affairs, 32*(1), 43-51.

Anderson, J. N. D. (1976). *Law Reform in the Muslim World.* London.

Arjomand, Said Amir (1984). *The Shadow of God and the Hidden Imam: Religion, Political Order, and Societal Change in Shi'ite Iran from the Beginning to 1890.* Chicago: Univ. of Chicago Press.

Aziz, Talib (2001). Baqir al-Sadr's Quest for the Marja'iya. In Linda S. Walbridge (ed.), *The Most Learned of the Shi'a: The Institution of the Marja' Taqlid.* New York: Oxford Univ. Press, .

Aziz, Talib (2001). Fadlallah and the Remaking of the Marja'iya. In Linda S. Walbridge, (ed.), *The Most Learned of the Shi'a: The Institution of the Marja' Taqlid.* New York: Oxford Univ. Press, 2001.

Bill, James A., and Williams, Alden (2002). *Roman Catholics and Shi'i Muslims: Prayer, Passion and Politics.* Chapel Hill: Univ. of North Carolina Press.

Buchanan, James M. (1965). An Economic Theory of Clubs. *Economica, 32,* 1-14.

Clarke, L. (2001). The Shī'ī Construction of Taqlīd. *Journal of Islamic Studies, 12*(1), 40-64.

---

[142]Ibid. pp. 64-66.
[143]Ibid. pp. 67-71.
[144]According to Clarke (2001), "*Taqlid* has become the corollary of *ijtihād*".

Coase, Ronald H. (1960). The Problem of Social Cost. *Journal of Law and Economics, 3,* 1-44.

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

Coleman, James S. (1990). *Foundations of Social Theory.* Cambridge: Harvard Univ. Press.

Coulson, N. J. (1990). *A History of Islamic Law.* Edinburgh: Edinburgh Univ. Press.

Dabashi, Hamid (1993). *Theology of Discontent: The Ideological Foundation of the Islamic Revolution in Iran.* New York: New York Univ. Press.

Eakin, Frank (1927). The Interpretation of Scriptures. *The Journal of Religion, 7*(5/6), 596-611.

Ekelund, Robert B., Jr.; Hébert, Robert F,; and Tollison, Robert D.; Anderson, Gary M.; and Davidson, Audrey B. (1996). *Scared Trust: The Medieval Church as an Economic Firm.* New York: Oxford Univ. Press.

Ekelund, Robert B., Jr.; Hébert, Robert F,; and Tollison, Robert D. (2002). An Economic Analysis of the Protestant Reformation. *Journal of Political Economy, 110*(3), 646-71.

Ekelund, Robert B., Jr.; Hébert, Robert F,; and Tollison, Robert D. (2004). The Economics of the Counter-Reformation: Incumbent-Firm Reaction to Market Entry. *Economic Inquiry, 42*(4), 690-705.

Ekelund, Robert B., Jr.; Hébert, Robert F,; and Tollison, Robert D. (2005). Adam Smith on Religion and Market Structure. *History of Political Economy, 37*(4), 647-660.

Eliash, Joseph (1979). Misconceptions regarding the Juridical Status of the Iranian 'Ulama'. *International Journal of Middle East Studies, 10*(1), 9-25.

Fadel, Mohammad (1996). The Social Logic of Taqlīd and the Rise of the Mukhtasar. *Islamic Law and Society, 3*(2), 193-233.

Fadhlullah, As-Sayyid M. H. (2005). The Manifest Edicts: A Manual of Islamic Practices (Najim al-Khafaji Trans.). Beirut: Al-Malak.

Fadhlullah, As-Sayyid M. H. (2003). *Fiqh al-Shari'a* (Vol. 1). Beirut: Al-Malak.

Faghfoory, Mohammad H. (1987). The Ulama-State Relations in Iran: 1921-1941. *International Journal of Middle East Studies, 19*(4), 413-432.

Floor, Willem (2001). The Economic Role of the Ulama in the Qajar Period. In Linda S. Walbridge (ed.), *The Most Learned of the Shi'a: The Institution of the Marja' Taqlid.* New York: Oxford Univ. Press,.

Gibb, H. A. R. (1947). *Modern Trends in Islam.* Chicago, IL: The University of Chicago Press.

Graham, William A. (1987). Scripture. In Mircea Eliade, (Ed.), *The Encyclopedia of Religion.* New York: Macmillan.

Hallaq, Wael B. (1984). Was the Gate of Ijtihad Closed? *International Journal of Middle East Studies, 16*(1), 3-41.

Iannaccone, L. R. (1988). A Formal Model of Church and Sect. *American Journal of Sociology, 94,* S241-S268.

Iannaccone, L. R. (1992). Sacrifice and Stigma: Reducing Free-riding in Cults, Communes and Other Collectives. *Journal of Political Economy, 100,* 271-92.

Iannaccone, L. R. (1994). Why Strict Churches are Strong. *American Journal of Sociology, 99,* 1180-1211.

Iannaccone, L. R. (1998). Introduction to the Economics of Religion. *Journal of Economic Literature, 36*(3), 1465-95.

Momen, Moojan (1985). *An Introduction to Shi'i Islam.* New Haven, CT: Yale Univ. Press.

Montgomery, J. D. (1996). The Dynamics of the Religious Economy: Exit, Voice and Denominational Secularization. *Rationality and Society, 8,* 83-110.

Moussavi, Ahmad Kazemi (1994). The Institutionalization of Marja'i Taqlid in the Nineteenth Century Shi'ite Community. *Muslim World, 84*(3-4) .

Mueller, Dennis C. (2003). *Public Choice III.* Cambridge: Cambridge Univ. Press.

Muller, Richard A. (1993). *Post-Reformation Reformed Dogmatics.* Grand Rapids: Baker Books.

Mutahhari, Murtada (2001). The Fundamental Problem in the Clerical Establishment. In Linda S. Walbridge (ed.), *The Most Learned of the Shi'a: The Institution of the Marja' Taqlid* (Intro. By Hamid Dabashi). New York: Oxford Univ. Press.

Nomani, Farhad and Rahnema, Ali (1994). *Islamic Economic Systems.* New Jersey: Zed Books.

Olson, Mancur, Jr. (1965). *The Logic of Collective Action.* Cambridge: Harvard Univ. Press.

Reda, Ayman (2007). An Economic Explanation for the 'Culture Wars' Thesis. *International Journal of Interdisciplinary Social Sciences,* 2(1), 407-416.

Sachedina, Abdulaziz Abdulhussein (1988). *The Just Ruler in Shi'ite Islam: The Comprehensive Authority of the Jurist in Imamite Jurisprudence.* New York: Oxford Univ. Press.

Schacht, Joseph (1964). *An Introduction to Islamic Law.* Oxford: Oxford Univ. Press.

Scroggs, Robin (1995). The Bible as Foundational Document. *Interpretation, 49,* 19.

Smith, Adam (2000). *The Wealth of Nations.* New York: The Modern Library, .

Smith, D. Moody. When Did the Gospels Become Scripture? *Journal of Biblical Literature, 119*(1), 3-20.

Smith, Wilfred Cantwill (1993). *What is Scripture? A Comparative Approach.* Minneapolis: Fortress.

Stewart, Devin J. (2001). The Portrayal of an Academic Rivalry: Najaf and Qum in the Writings and Speeches of Khomeini, 1964-78. In Linda S. Walbridge (Ed.), *The Most Learned of the Shi'a: The Institution of the Marja' Taqlid.* New York: Oxford Univ. Press.

Tresch, Richard W. (2002). *Public Finance: A Normative Theory.* New York: Academic Press.

Walbridge, Linda S. (2001). Introduction: Shi'ism and Authority. In Linda S. Walbridge (Ed.), *The Most Learned of the Shi'a: The Institution of the Marja' Taqlid.* New York: Oxford Univ. Press.

Walbridge, Linda S. (2001). The Counterreformation: Becoming a Marja' in the Modern World. In Linda S. Walbridge (=Ed.),

The Most Learned of the Shi'a: The Institution of the Marja'
Taqlid. New York: Oxford Univ. Press.

Watt, W. M. (1974). The Closing of the Door of Igtihad.
Orientalia Hispanica, I, 675-678.

Weiss, Bernard (1978). Interpretation in Islamic Law: The
Theory of Ijtihad. *The American Journal of Comparative
Law, 26*(2), 199-212.

Wood, Charles M. (1996). Scripture, Authenticity, and Truth.
The Journal of Religion, 76(2), 189-205.