Introduction
Documenting Ṣharīʿa Court Practice in Iran, ca. 1501–1925

This book is about the practice of Islamic law (ṣharīʿa) in early modern Iran (ca. 1501–1925). It seeks to understand who the practitioners of Islamic law were in Iran, how legal documents produced according to Islamic law were validated, annulled, and archived, and how the practitioners of Islamic law intervened in legal disputes. The history of pre-modern Islamic legal practice is usually understood through the lens of Mamluk or Ottoman sources. Paolo Sartori’s recent study of the practice of Islamic law in a “marginal” region, Central Asia before the Russian conquest, tries to decentre Mamluk and Ottoman normativity. He argues that rather than conferring normative value on Mamluk and Ottoman Islamic legal practice, it is necessary to first explore practices in specific regions of the Islamic world, such as for example post-Mongol Persianate Central Asia, because “although institutions may appear similar at first, a closer look at the administrative practices, the language, and the legal literature employed suggests that there were fewer similarities than differences”. According to Sartori, it is possible to speak of and to describe distinctive “cultures of documentation” of Islamic law. While Sartori’s study provides a Sunnī Ḥanafī Persianate example of Islamic legal practice, the present study investigates the practice of Islamic law in a Twelver or Imāmī Shīʿī Persianate setting, in Iran between the sixteenth to twentieth centuries.

The aim is to fill an important lacuna in the existing scholarship. Most studies on the practice of Islamic law so far have been written from the perspective of the four classical Sunnī (Ḥanafī, Mālikī, Ṣafīʿī and Ḥanbalī) schools of Islamic law. Few studies have been conducted on Islamic legal practice in Shīʿī (Imāmī or Twelver, Iṣmāʿīlī and Zaydī) or Ibāḍī contexts. A notable exception in this regard is Brinkley Messick’s study of the practice of Zaydī Shīʿī Islamic law in highland

1 See for example Müller 2013 and Aykan 2016.
2 Sartori 2017, 42.
3 Persianate is used in this study to refer to Persian speaking lands or places influenced by the Persian language and culture.
4 Sartori 2017, 43.
6 See the recent work by I. Warscheid which looks at the practice of Mālikī Islamic law in the desert oases of Tuwat, situated today in southwestern Algeria, see Warscheid 2017. For an urban Mālikī perspective from Morocco, see Buskens 2017.
Yemen. Based on ethnographic fieldwork in Ibb, Messick argues that Islamic law can be understood as “a formation of local texts” – the prestige texts of the “library”, comprising the legal literature of the shari’a, and the “archival texts” of day-to-day shari’a practice (opinions, judgements, instruments), which primarily have links to “the mahkama, the judge’s court and its larger surround, which included the private notarial writer”. While texts of the library have “cosmopolitan” qualities, possessing a “characteristically non-contextually referential discourse”, which “enables them to relocate, to travel”, the texts of the “archive” are “contingent” on the time and place they were produced.

Drawing on earlier studies by Sartori, Messick and others which have tried to localise the study of Islamic legal practice within a specific regional context and legal culture of adherents of a particular school of Islamic law, this book has three main lines of enquiry. The first is to investigate how Islamic law was “materialised” in Iran in the form of written artefacts such as legal documents and shari’a court registers. The aim will be to reconstruct from surviving documentary corpora the Persianate “culture of documentation” of the contingent “archival texts” of Islamic legal practice in Imāmī Shi’ī Iran during the sixteenth to twentieth centuries. This investigation is of interest because while there is a long tradition of studying Islamic legal documents produced in Arabic in various regions of the Muslim world, Islamic legal documents from the Persianate world, which often combine the use of Arabic and Persian, have received relatively little attention. Studies on Islamic legal documents from the Persianate world have focused so far on documents from Ardabil in Northwest Iran (ca. 12th to 13th centuries), Transcaucasia, medieval Khurasan (ca. 11th to 13th centuries), and Central Asia (ca. 16th to 20th

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7 See Messick 1996 and Messick 2018. See also the recent study on the theory and practice of Zaydi waqf law in Yemen by Hovden 2019.
8 Messick 2018, 21.
12 Three pre-Mongol New Persian sale contracts (517/1123, 582/1186, 603/1207) and a deed of acknowledgment (iqrār) (602/1205) are edited from the corpus of documents from the shrine of Shaykh Ṣafī al-Dīn Ardabīlī (d. 735/1334), in Ardabil, Iran, in Gronke 1982, see Urkunde I, 94–105; Urkunde IV, 142–146; Urkunde VI, 174–182 and Urkunde VII, 192–199.
13 See Aljoumani, Bhalloo and Hirschler 2023.
14 See for example ten pre-Mongol Persian deeds of acknowledgement (iqrārs) dated between the years 395–430/1005–1039 in New Persian from Khurasan edited in Haim 2019a, 2019b; for a
centuries). Not much attention, however, has been paid to the production of Islamic legal documents in Iran following the conversion of Iran to Twelver or Imāmī Shi‘īsm under the Safavids (ca. 1501–1722). Similarly, there is little research on the structure of shari‘a court registers in Iran or Islamic legal opinions (fatwās) comparable to the studies of their Ottoman equivalents.

Nevertheless, from the 1990s onwards, several important editions of Imāmī Shī‘ī legal documents and shari‘a court registers, mostly from the Qajar period (ca. 1794–1925), have been published in Iran and Japan. In 1997, Hāshim Rajabzāda and Koichi Haneda co-edited a collection of documents which include land transactions recorded in Qajar shari‘a courts. Subsequent editions of Qajar shari‘a court documents have been published by Hāshim Rajabzāda and Kinji Eura. In 1383sh./2005, Umīd Rīḍā’ī (Omid Reza’ī) edited a collection of legal rulings (ḥukm-i shar) issued by leading Imāmī Shī‘ī jurists (mujtahids) in the nineteenth century in endowment (waqf) disputes in Iran. Subsequently, in 1385 sh./2006–2007, Manşūra Ittiḥādiyya and Sai‘īd Rūḥī edited and analysed two shari‘a court registers belonging to the well-known Qajar era mujtahid, Shaykh Faḍlullāh Nūrī. Though such research initially focused on deciphering legal documents and registers as potential sources for reconstructing social, economic, and legal history, attention has now also turned to the formal structure of these documents as written artefacts. In 2008, an important milestone was reached with the publication by Rīḍā’ī of a detailed typology and transcription of thirty different types of Qajar-era shari‘a

New Persian settlement contract (473/1080) and a qāḍī court record (608/1212) also from pre–Mongol Khurāsān, see Fīrūzbakhsh 1400 sh./2022 and Bhalloo 2023a.
17 This “documentary” or “archival” turn in the study of the practice of Islamic law in Iran came after earlier research in the 1970s and 1980s on social and economic aspects of the Qajar era carried out by Iranian scholars such as H.F. Farmayan, A. Mahadavi, M. E. Nezam-Mafi (M. Ittiḥādiyya) and others drew attention to the rich collections of archival documents in Persian in Iran, see for example Farmayan 1974, 32–49; Mahdavi 1983, 243–278 and Nezam-Mafi 1989, 51–61.
18 Rajabzāda and Haneda 1997.
19 See Rajabzāda and Eura 1999–2021.
21 Waqf deeds (waqf-nāmas) in particular have proven to be an invaluable source for the study of the socioreligious organization of groups such as the Shaykhīs and Ni‘matullāhī Sufis in Qajar Iran, see Hermann and Reza’i 2007, 87–131; Hermann and Reza’i 2008, 293–306 and Hermann 2016, 275–301.
court documents along with important codicological notes relating to sealing practice. Christoph Werner has examined the structure and function of Qajar sale deeds (bayʿ-нāma) and settlement contracts (muṣālaḥa-nāma). Nobuaki Kondo meanwhile has described the practice of annotation, transcription, and registration of Imāmī Shīʿī legal deeds in Qajar Iran based on a selection of documents, registers, and inventories. In a more recent study, he has examined the structure and function of Qajar era Imāmī Shīʿī conditional sale contracts (bayʿ-i shart). Such research is significant because in early modern Iran, unlike in the more centralised Ottoman empire, documentary practices surrounding šartā courts were not standardized. Each šartā court developed and transmitted its own distinctive scribal and archival practices. In a series of original studies on Islamic legal documents produced in nineteenth-century Tehran, Bushehr, Iranian Kurdistān, and Shīrāz, Riḍāʾī has demonstrated that it is possible to speak of the existence of šartā courts in different localities in Iran that routinely produced and registered legal deeds based on their distinctive scribal and archival practices. In the absence of centralised recording procedures, each šartā court produced documents with different formulae and spatial layout for the main text, judicial attestations, and witness clauses. Each šartā court also had its own sealing practice and way of adding registration notes to the document. As a result, it is often possible to identify the existence of a local šartā court based on a corpus of legal documents which use the same material supports, textual formulae, spatial layout, registration notes and are sealed by the same scribes or members of a given clerical lineage. An example of this is the corpus of legal documents from the Imāmī Shīʿī šartā court of the shaykh al-islām family in Neyrūz, a small town in Fārs province. The legal documents issued by this court have sealed judicial attestations belonging to members of the shaykh al-islām clerical lineage in Neyrūz over several generations. The Neyrūz corpus also includes documents written on cotton cloth, which suggests that not all Qajar šartā courts used paper as a material support for writing legal instruments.

24 Kondo 2014, 561–575.
27 Riḍāʾī 1390 sh./2011, 79–94.
28 Riḍāʾī 1388 sh./2009, 28–47.
29 See chapter 2.
30 Bhalloo and Rezaʾī 2017, 77–106. See also Riḍāʾī 1401 sh./2022.
As the number of such studies of Imāmī Šīʿī legal documentary corpora from Iran increases and more material is edited and published, it will be possible in future to identify new Imāmī Šīʿī *shart'a* courts administered by different individuals or clerical lineages. Ultimately, it will be possible, by comparing pre-Safavid, Safavid and post-Safavid practice, to demonstrate ruptures in documentary practice caused by religious and political transitions.³¹ The present book based on a combination of hitherto unpublished legal documents and edited sources is intended as a step in this direction. While the bulk of research on Imāmī Šīʿī legal documents has focused on the production of Qajar Iran (ca. 1794–1925), this study aims to provide new perspectives by looking at Imāmī Šīʿī legal corpora from Safavid Iran (ca. 1501–1722) and from the period of transition after the fall of the Safavids during Afghan (ca. 1722–1729), Afshar (ca. 1729–1751), and Zand rule (ca. 1751–1794).³²

A second line of enquiry in this book is to document who the practitioners of Islamic law were in Iran during the early modern period. “Early modern” refers in this book to the period after the conversion of Iran to Imāmī Šīʿīsm under the Safavids until the end of Qajar rule (ca. 1501–1925). This period is of interest because unlike Sunnī judicial theory, which stressed the necessity (*ḍarūra*) or public interest (*maṣlaḥa*) of the appointment (*tawliya*) of judges by the *de facto* political power,³³ the Imāmī Šīʿīs from the very beginning considered judicial appointment by any authority other than the Šīʿī Imām or his representative (*nālīb*) to be illegitimate.³⁴ While the Imam was present, he or his representative would directly appoint *shart'a* judges (*qādis*). During the Imām’s occultation (*ghayba*), judicial authority (*wilāyat al-qaḍā*) based on authoritative texts – reports attributed to the sixth Imām Ja’far al-Sādiq (d. 148/765) – was interpreted to have been delegated to Imāmī scholars (*ʿulamā*) who possessed the requisite qualities (*sharāʾīt*) for judicial activity (*qaḍā*). Precisely what these qualities were was repeatedly debated by Imāmī writers. The Usūlis held that the scholar had to be able to extract (*istikhrāj*) his own legal rulings (*ḥukms*) from the sources of the law through exhaustive deductive effort (*ijtihād*). Such scholars were known as *mujtahids*. The term *mujtahid*, which I also translate as jurist throughout this study, refers to this Imāmī Šīʿī Usūlī position. The Akhbārī school, a movement

³¹ In the chapter on “Spiral Texts”, B. Messick links the transformation of calligraphic practices, spatial organization of text, record-keeping practices and seals in documents to ruptures caused by political transition in Yemen. See Messick 1996, 231–251.
³² Two notable recent exceptions which focus on Safavid legal documents are Sheikh al–Hokamaee 2013, 137–154 and Riḍāʾī 1397 sh./2018, 213–220.
³³ See for example Tyan 1943, 177.
³⁴ Calder 1980, 70–73.
which rose to prominence in the eleventh/seventeenth century, placed greater emphasis on the scholar’s ability to read, interpret, and transmit the reports (akhbār) of the Twelve infallible Shīʿī Imāms.35 The Akhbāris, like the earliest Imāmī writers, did not consider it necessary for a qāḍī to be a mujtahid.36 Though the Usūlī and Akhbārī positions may have differed on the details of the requisite qualities a scholar had to possess to exercise valid judicial activity, both held that judicial appointment by de facto governments was a usurpation of the prerogative of the Imām. Did this Imāmī Shīʿī theoretical position ever affect actual judicial practice in Iran? Most research so far has focused on understanding the Imāmī Shīʿī theoretical position itself and the attempts by Imāmī writers to accommodate this position to the exigencies of a centralised state-sponsored judicial administration.37 The implications of the Imāmī theoretical position for actual legal practice, however, has received little attention. One of the main concerns of this study will be to assess in each case whether the sources examined emphasize state appointment, or, in line with the Imāmī theoretical ideal, the possession of requisite qualities by scholars when referring to the practitioners of Islamic law in Iran.

A third and final line of enquiry of this book is to investigate how the practitioners of Islamic law in Iran intervened procedurally in the domain of dispute resolution. The working hypothesis is that the Imāmī Usūlī emphasis on the ability to carry out ijtihād as a mujtahid led to a shift in the procedures surrounding sharʿa dispute resolution in Iran. Instead of a centralised system where disputes were settled in the court of the state-appointed qāḍī such as in the Ottoman empire, a more decentralised judicial system emerged in Iran involving multiple legal experts recognised as mujtahids who could intervene at various stages of a dispute by certifying judicial claims, issuing legal opinions, or arranging an amicable settlement. As the bulk of the surviving sources for sharʿa court disputes from Iran is relatively recent, this procedural judicial decentralisation is assessed in this book from the perspective of sources from the nineteenth-century Qajar period, when Uṣūlīsm had become the dominant Imāmī Shīʿī doctrinal position in Iran. Nevertheless, already in the sixteenth century Safavid period, the French traveller Chardin notes that independent scholars could authenticate, alongside state-appointed qāḍīs, legal deeds simply because they were perceived to

35 Gleave 2007, 237-238.
be mujtahids. This decentralising trend which made it possible for any legal scholar recognised as a mujtahid to intervene in the judicial sphere was reinforced in the post-Safavid era by the triumph in the eighteenth century of Ușūlism over Akhbārism under the influence of the leading Ușūli mujtahid, Muḥammad Bāqir Bihbahānī (1116–1205/1706–1791). Based on case studies of disputes over property constituted as an Islamic endowment (waqf) from nineteenth-century Iran, I argue it is possible to demonstrate that the perceived ability to exercise ijtihād as a mujtahid had become relevant not only for validating Islamic legal deeds, but also, for issuing a valid legal ruling (Per. hukm-i sharʿ) in disputes which were adjudicated based on the evaluation of evidence according to the norms of the shartʿa.

Structure and Scope of the Book

This book is divided into six chapters. Each chapter is based on a selection of documentary and narrative sources. The main objective of these chapters is to document the practitioners and practice of Islamic law in Iran in the early modern period. Chapter one is divided into two parts. In the first part, I draw on manuals of administration and decrees of judicial appointment to reconstruct who the practitioners of Islamic law were in Iran during the Safavid period and under subsequent Afghan, Afshār, and Zand rule. The second part of the chapter examines selected legal deeds from Iran during the Safavid and Zand periods. The aim of this analysis is to investigate judicial attestations termed sijills which appear on these deeds. These judicial attestations are significant because they shed light on changes in the class of practitioners of Islamic law in early modern Iran. The deeds also have registration notes and registration seals which suggest that they were copied into the archive of the shartʿa court. The diachronic perspective from this chapter sets the stage for chapters two and three, which consist of two synchro-nic studies focused on the practitioners of two different types of shartʿa courts of the Qajar period, as well as of their scribal and archival practices.

38 Chardin 1711, VI, 285–286: “... j’ai vu des docteurs éminents en la loi, et des prêtres, qui tendent à parvenir à ce degré qu’on appelle mouchtedehed, c’est-à-dire ceux qui savent toutes les sciences, lesquels s’attribuaient aussi le pouvoir d’authentifier des pièces. Leurs actes passaient en justice par respect pour leur personne ou pour leur mémoire. Les juges disaient: C’est un saint homme et doué de grandes lumières, il n’aurait pas voulu faire un faux acte.”
40 Kondo 2003, 106–128.
41 See chapter 5.
Chapter two examines the corpus of Islamic legal documents produced by a *sharti’a* court situated in Shiraz, in the southwest Iranian province of Fārs. This *sharti’a* court belonged to the descendants of Shaykh Aḥmad al-Tammāmī (d. ca. 1130/1717–18), an Arab émigré from Eastern Arabia whose descendants successively occupied the post of *shaykh al-islām* of Fārs. Their house, located in the Sūq al-Ṭayr (Bāzār-i Murgh) quarter of Shiraz, functioned as a *sharti’a* court for over a century between 1158–1336/1745–1918. The Tammāmī corpus is of outstanding historical significance for understanding the nature of Islamic legal practice in post-Safavid Iran. Moreover, it provides evidence of a different type of archival practice that existed in Iran relating to *sharti’a* courts alongside the use of registers, which involved preserving summaries on small loose-leaf sheets termed *fard*. Whereas members of the Tammāmī family occupied an official post from the state and received state income, chapter 3 demonstrates the existence of a different type of *sharti’a* practitioner in Iran whose authority mainly derived from his perceived ability to exercise *ijtihād* as a *mujtahid*. It focuses on the corpus of legal documents and registers from the *sharti’a* court established by Āqā Sayyid Ṣādiq Ṭabāṭābā’ī Sangalajī (d. 1300/1883) in his house in the Sangalaj quarter of the Qajar capital, Tehran. Though the significance of the documentary corpus from the Tammāmī *shaykh al-islām sharti’a* court in Shiraz and the *sharti’a* court of Āqā Sayyid Ṣādiq Ṭabāṭabā’ī Sangalajī in Tehran has already been highlighted in earlier studies,42 I shed new light on these two *sharti’a* courts and analyse hitherto unstudied documents from these *sharti’a* courts.

Chapters four to six are concerned with documenting the practitioners of Islamic law and their intervention in the resolution of civil disputes in early modern Iran. All three case studies presented in chapters four, five, and six concern disputes over religiously endowed property or *waqf* from Qajar Iran. The reason for this particular focus is that *waqf* is one of the few areas of Islamic law where the sources are sufficiently rich to allow a detailed reconstruction of the disputes. The importance of *waqf* disputes for understanding the practice of Islamic law has long been recognised. We can cite for instance the *waqf* disputes examined by Stefan Knost from eighteenth-century Ottoman Aleppo and those examined by David Powers from fourteenth-century Morocco.43 Christoph Werner and Nobuaki Kondo have also made pioneering contributions by examining several *waqf* disputes from nineteenth-century Qajar Iran.44 My work differs from this latter scholarship in its focus on documenting the procedural problems of legal rulings

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42 I refer to these studies in chapters 2 and 3.
issued in such waqf disputes by the practitioners of Islamic law. These problems, I argue, became relevant in the Imāmī Shi‘ī Uṣūlī doctrinal context of Iran in this period.

Chapter four examines the dispute over the validity of the waqf of Luṭf ‘Ali Khān Turshizī (d. 1800–1). This dispute involved some of the preeminent mujtahids residing in Qajar Iran and in the Shi‘ī shrine cities (atabāt) of Ottoman Iraq at the time. It provides important insight into how independent mujtahids, who held no official post, were approached by litigants for legal rulings (ḥukm-i shar‘). I use the narrative and documentary sources relating to this dispute to demonstrate the problem of conflicting legal rulings in a decentralised judicial system where multiple mujtahids could intervene in a case at different times, either to give a non-binding opinion as a jurisconsult (muftī) or a binding judicial certification of a claim as a judge (qāḍī). At the same time, I also use this case study to shed light on how the legal rulings of mujtahids in actual disputes were incorporated by their students into legal responsa collections (su‘āl wa jawāb) or resulted in short academic treatises or epistles (risāla).

Chapter five examines a different endowment dispute from the Qajar period. I use the corpus of legal and administrative documents belonging to the Dirāzgīsū sayyids of Astarābād (Gurgān) in northeastern Iran to reconstruct their litigation against ‘Abbās Khān Qajar, the provincial governor (bēglerbēgt) of Astarābād. The sayyids claimed that two villages in ‘Abbās Khān’s possession were waqf lands belonging to a family waqf founded by one of their ancestors in the Safavid period. The litigation in the case demonstrates how the validity of a scholar’s legal ruling in Iran in this period could be circumvented by one side by their refusal to recognise the scholar’s ability to carry out ijtihād as a mujtahid. Moreover, it demonstrates the problem of determining the binding force of the scholar’s legal ruling when it was issued to one side in the absence of the other side. Since the mujtahid could act as either a jurisconsult (muftī) or a judge (qāḍī), it became crucial to evaluate the circumstances of issuance (kayfiyyat-i ṣudūr) of the legal ruling in order to determine whether a given legal ruling was issued as: (1) a non-binding legal opinion; (2) a binding judicial certification of a claim based on the evidence of one side, or (3) a binding judicial certification of a claim after the evidence of both sides was reviewed. In some cases, the structure of the text of the legal ruling could help determine its binding force, but in the absence of uniform centralised recording procedures, this was not always the case, as the dispute examined in this chapter will demonstrate.

Finally, chapter six focuses on the revival of a family waqf founded in the Safavid era during the nineteenth and early twentieth centuries. The case demonstrates how litigants were able to collect multiple witness testimonies in documents known as istishhād-nāma to prove that certain villages and surrounding
agricultural lands in the region of Isfahan were *waqf*. These *istishhād-nāmas* would later form the basis of a *mujtahīd’s ḥukm-i shar‘* reviving the *waqf*. The first part of the chapter discusses witnessing in claims of *waqf* according to Imāmī Shī‘ī law. The second part examines the structure of the *istishhād-nāma*. The third part focuses on how the claimants in the dispute used *istishhād-nāmas* to prove their *waqf* claim. The case studies presented in chapters four, five and six point to the significance of legal practitioners recognised as *mujtahīds* in the domain of *waqf* dispute resolution in nineteenth- and twentieth-century Iran. This suggests that an important convergence had occurred by the nineteenth century in Iran between the Imāmī Shī‘ī *Uṣūl* theoretical ideal of the jurist as judge and actual practice, at least as it relates to cases involving *waqf*. Nevertheless, until further research is carried out on areas of Islamic law besides *waqf*, it is difficult to draw definitive conclusions on the extent to which scholars perceived to be *mujtahīds* intervened in dispute resolution in the Qajar period. Evidence from Qajar Tehran, however, suggests that *mujtahīds* routinely intervened in different types of civil cases (succession, property disputes, commercial transactions, marital conflicts, maintenance, and custody etc.) and criminal proceedings whenever evidence, in particular witness testimony, had to be evaluated, or when a case required the administration of judicial oaths according to *shari‘a* norms.45

Though this book examines the intervention of the state from the perspective of judicial appointment and the enforcement of the legal rulings of *mujtahīds* in disputes, it is not concerned with the dialectical relationship between the justice of the practitioners of Islamic law and the justice of the Safavid, Afghan, Afshar or Qajar political authorities based on customary law (*ʿurf*).46 It thus does not investigate in depth how justice was sought through petitions to “secular” state officials and their courts dedicated to the redress of grievances (*maẓālim*).47 Though desirable, this type of study is not the focus of this book. The book is also not about centralising legal reforms and the creation of modern courts of justice in Iran such as the *diwān-khana-yi ʿadliyya* from the second half of the nineteenth-century onwards. Instead, this book will aim to identify who the practitioners of Islamic law were in

45 See Kondo 2017, 38–57.
46 On this dialectical relationship in the Qajar period, including references to earlier studies, see Werner 2005, 153–175 and Kondo 22–37. For a similar perspective from the Safavid period, see Abisaab 2018, 1–32.
47 Most research on the institution of *maẓālim* in pre-modern Iran has so far been based on the corpus of approximately two thousand documents, including petitions, reports, answers, and summaries, recorded by the scribes of the Qajar shah, Nāṣir al-Dīn Shāh (r.1848–1896), between 1883–1886, see Nezam-Mafi 1989 and Schneider 2006.
early modern Iran, shed light on some of the scribal and archival practices surrounding their courts, and finally, investigate how they intervened in dispute resolution. What connects the six chapters presented here is the attempt to detect shifts and ruptures in practice related to the Imāmī Shīʿī Uṣūlī doctrinal ideal, which emphasized requisite legal knowledge, not \textit{de facto} state appointment, as the main criterion for exercising judicial power as a 
\textit{shariʿa} judge (\textit{ḥākim-i sharʿ}). As the chapters demonstrate, though the pre-Qajar sources confirm the significance of state-appointed 
\textit{shariʿa} judges actors and their courts, in the aftermath of the revival of Uṣūlism in the Shīʿī shrine cities of Iraq in the eighteenth century, scholars recognised as jurists (\textit{mujtahids}) became increasingly central to the practice of Islamic law in Iran.\footnote{On the Uṣūlī revival, see for example Cole 1988, Heern 2011.} This situation has persisted up until the present.