SHĪᶜITE HERITAGE

Essays on Classical and Modern Traditions

L. Clarke
Editor and Translator

Global Publications

SHĪʿITE HERITAGE:
ESSAYS ON CLASSICAL AND MODERN TRADITIONS

SHĪʿITE HERITAGE brings together Western and Muslim scholarship on multiple aspects of the Twelver Shīʿite tradition, including history, authority, jurisprudence, ritual, and interactions with the Sunnite majority. Nearly half the two dozen essays included have been made into English in collaboration with the authors from Arabic or Persian. Both modern views and the classical background are treated, and each section is introduced in a prefatory essay.

L. CLARKE is professor of Religion and Islam in the Department of Religion of Concordia University, Montréal. Dr. Clarke specialises in Shīʿism, Sufism, and Persian language and literature, and is presently engaged in research on current developements in Shīʿite law, as well as a translation of the twelfth-century Persian poet Nizami's romantic epic, "Laylī and Majnūn."

Editor & Translator
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PREFACE & ACKNOWLEDGEMENTS

This volume originated in a conference on Shīʿism held in Philadelphia in the fall of 1993. The conference was conceived by Mahmoud Ayoub, Professor of Comparative Religion at the Department of Religion, Temple University. Dr. Ayoub envisioned a gathering on the model of an earlier conference on Shīʿism held in 1968 in Strasbourg (published as *Le Shiisme imamite. Colloque de Strasbourg* [Paris: Presses universitaires de France, 1970]). He was immediately supported in this endeavor by the Middle East Center of the University of Pennsylvania under its Director, Dr. Brian Spooner. Together they completed the crucial work of planning the event. As an associate of the Middle East Center, I was asked to help carry out that plan.

It was subsequently determined that the conference should be an international one, a forum in which Western-trained scholars would meet and exchange views with scholars from the Shīʿī Muslim world. This was a time when relations between America and Iran and other Shīʿī populations were at a low ebb. Funding was scarce and visas for some of the participants were initially not forthcoming. Despite these difficulties, and with the vital assistance of Ms. Mary Martin, Associate Director of the Middle East Center, the conference took place in the form of a three-day retreat in the Albert Greenfield estate of Temple University in Chestnut Hill, Pennsylvania. The sessions were conducted in English, Arabic, and Persian; twenty-six speakers and approximately one hundred other scholars and students of Islam attended.

Plans to publish the proceedings crystallized in the summer of 1995. I decided then to give traditional scholars a more prominent place in the collection by seeking new and fuller contributions. To this end, I spent time in Tehran and Qum. Numerous topics that did not fit into the scheme were subsequently dropped and several others solicited from scholars who had not attended the conference. The essays that were ultimately selected are arranged in thematic chapters to each of which I have added a preface intended to supply background information and cohesion. Thus this final volume, while the fruit of the original conference on Shīʿism, differs from it substantially.

I wish to express deep gratitude to the funders of the conference: The Jafari Islamic Trust of Toronto, Canada; the Muhammad al-Baqir Institute of Qum (now the Imam Khomeini Institute); the Middle East Center of the University of Pennsylvania; His Excellency Ambassador Kharrazi of the Mission of the

Islamic Republic of Iran to the United Nations (now Minister of Foreign Affairs); Ahmad Mansoor al-Ali of Bahrain; and Temple University, Philadelphia. The Middle East Center also provided office facilities and experienced personnel. Thanks are also due to the Iran Desk of the State Department of the United States of America, which finally provided, and in fact expedited, visas for all foreign participants but one.

Many individuals played an important part in the realization of this volume. Brian Spooner had originally suggested the device of arranging the book into sections headed by introductory essays. Several authors whose essays required only minor or technical editorial changes waited out the long process of the book. Ayatollahs Misbah-Yazdi, Taskhiri, Muhaghegh-Damad, and Shabistari, Shaykh Shams al-Din, Professor Shahidi, and Professor Mahdavi-Damghani graciously allowed their written material to be radically re-shaped and adapted for the purposes of this volume and for a Western audience. They took time for interviews and answered other queries by fax and mail; many of these answers and comments have been added to the text or prefaces. In the cases of these scholars especially, the *caveat* applies: errors and inconsistencies are my responsibility alone. Despite their own very heavy workloads, Mr. Hadji-Hosseini and Dr. Sajjadpour of the Iranian Mission to the United Nations helped to arrange journeys from and to Iran, and facilitated communication. Mahmoud Ayoub accompanied me on the trip mentioned above, and asked additional questions of Ayatollah Taskhiri the following year when I needed more information, but could not travel. He made draft translations of original material submitted by Shams al-Din and Taskhiri and read the edited essays of Drs. Blankinship, Poonawala and Moussavi, pointing out further corrections and offering valuable suggestions. He also served as my informant for all things Lebanese. He encouraged me both to take up and to complete the project, and heard out my complaints about the length of what turned out to be a several years' part-time job. Dr. Mehdi Mohaghegh tried to explain to me some of the logic of jurisprudence. Drs. Joseph Lowry and Christopher Melchert each read a part of my translation that I thought might be too dense for non-specialists (their verdict: dense, but necessarily so). The collection of the Firestone Library at Princeton University was indispensable for verifying references and quotations in the essays by Ayatollah Taskhiri especially; thanks to Firas Ayoub, then of Germantown Friends School, Philadelphia, for spending many days in Firestone fetching books and xeroxing. The Office of Research of Concordia University provided a generous subsidy for text conversion and Rose Ftaya did the final editing and book design, and produced the camera ready copy.

The essays of Drs. Shahidi, Mohaghegh, Mahdavi-Damghani, and Ayatollahs Misbah-Yazdi and Mohaghegh-Damad were translated from Persian; that of Ayatollah Mujtahid Shabistari from Persian and Arabic; and those of Shaykh Shams al-Din and Ayatollah Taskhiri from Arabic. My goal in translation has been to convey the meaning as clearly as possible in readable

English. Therefore I do not follow the "rule" of one word translated for one word written. I also freely shift the syntax and supply meta-discourse—a useful tool, and more varied and plentiful in English than in either Arabic or Persian—where I think that will help the reader to follow the argument.

The references for the translated essays were mostly not supplied or incomplete in the original. Those that were missing I searched out and filled in. Therefore an edition or, for instance, *ḥadīth* collection mentioned in a note is not necessarily the one the author had in mind. Where a classical work is divided by chapters or headings, those are also cited, so that the quotation can be found in any edition. An English translation or secondary work is cited wherever possible.

The Library of Congress romanization system for Arabic is used in this book, with the exception of the *alif maqṣūrah*, which is represented with an a-macron (ā) instead of floating accent. Arabic titles are cited without capitalization after the first letter; capitals after the first letter represent either a proper name or embedded title. Thus *Mustamsak ʿalā al ʿUrwah al-wuthqā* = "Adhering to the Firm handle," "Firm handle" being the title of a work upon which this one is a commentary. All Arabic phrases and proper names are fully transliterated, with a few exceptions: e.g. names common in the media, such as Khomeini and Khamenai, and the names of contributors to this book, according to their own preference. Well-known place names are not transliterated, since their uniqueness keeps that from impinging on other phrases; but a common proper name of a person, e.g. Muḥammad, is transliterated, since it will be found as part of longer names which must be treated consistently. Readers unfamiliar with Arabic are reminded that the Library of Congress system reproduces graphics, not sound; transliteration may therefore represent only approximate pronunciation.

The affiliations of some scholars are mentioned in the prefatory essays. The affiliations of the others are as follows (some retired): Wilferd Madelung, Oxford University; Khalid Blankinship, Temple University; Paul Walker, University of Chicago; Sayyid Jafar Shahidi, University of Tehran; Gerhard Böwering, Yale University; Ismael Poonawala, University of California at Los Angeles (UCLA); Mehdi Mohaghegh, University of Tehran; Talib Aziz, independent scholar; Devin Stewart, Emory University; Christopher Melchert, Oriental Institute, Oxford University; Liyakatali Takim, University of Florida; Ahmad Kazemi Moussavi, International Institute of Islamic Thought and Civilisation, Kuala Lumpur; Juan Cole, University of Michigan; Ali al-Oraibi, University of Bahrain; Hossein Ziai, UCLA; David Pinault, Santa Clara University; Nikki Keddie, UCLA.

L.C.

I

THE COMMUNITY IN HISTORY

This brief preface is not about the history of Shīʿism—that topic is addressed by the essays themselves—but about historiography and Shīʿism, including history as commemoration and the effects on history-writing of religious sectarianism and cultural power.

The essay in this chapter of the Iranian historian and litterateur Sayyid Jafar Shahidi on ʿĀshūrāʾ is a small but representative sample of his extremely influential work on Islamic and Shīʿī history, and on the event of Karbala in particular.[1] Professor Shahidi has paid particularly close attention in some of his books and articles to social and economic history. Otherwise, his work is not unrepresentative of scholarly historical writing by religiously committed Shīʿīs of traditional background. Shaykh Shams al-Din's historical writings are roughly in the same category;[2] other examples from this "school" are Shaykh Muḥammad Riḍā Muẓaffar's well-known tract *Saqīfah*, Muḥammad Abū Zahrah's *Taʾrīkh al-madhāhib al-arbaʿah*, and Muḥammad Ṣādiqī's *ʿAlī wa-al-ḥākimūn*.[3]

In this essay Shahidi examines the milieux of various parts of the Islamic empire of the seventh century in an attempt to understand why the community failed to support Ḥusayn's mission to Iraq, finally abandoning him and his party to their fate on the arid plain of Karbala. This outcome is regarded by Professor Shahidi as essentially a moral failure. In his view, the deep remorse

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[1] See for instance *Pas az panjāh sāl. Pizhūhishī-i tāzah-i pīrāmūn-i qiyām-i Ḥusayn* (Tehran: Daftar-i Nashr-i Farhang-i Islāmī, 1355 H.Sh./1977), tr. into Arabic as *Baʿd khamsīn sanah. Taḥqīq taʾrīkhī fī kayfiyat takwīn wāqiʿat Karbalāʾ* (London: Farandish, 1988) and *Taʾrīkh-i taḥlīlī-i Islām tā pāyān-i Umavīyūn* (Tehran: Markaz-i Nashr-i Dānishgāhī, 1364H.Sh./1985).

[2] Eg. *Thawrat Ḥusayn* (Beirut: Dār al-Taʿāruf, 1401/1981), tr. into English as *The Rising of al-Ḥusayn* (London: Muhammadi Trust/Routledge and Kegan Paul, 1985); *ʿAhd al-Ashtar* (Beirut: Muʾassasat al-Wafāʾ, 1404/1984); *Ḥarakat al-taʾrīkh ʿind al-Imām ʿAlī* (Beirut: al-Muʾassasah al-Jāmiʿah lil-Dirāsāt wa-al-Nashr wa-al-Tawzīʿ, 1405/1985; based largely on the *Nahj al-balāghah*). The late Shaykh Muhammad Mahdi Shams al-Din hails from the South of Lebanon, the area of the country with the greatest concentration of Shīʿīs. He was born in Najaf, Iraq in the early 1930's and later received his training at the Najaf academy. Following the disappearance of the charismatic Shīʿī cleric Mūsā al-Ṣadr in 1978, he became Deputy Head of the Supreme Shiite Council or *Majlis al-Shīʿah al-Aʿlā* of Lebanon; as it was finally accepted that there was no more hope for the return of Ṣadr, he was named President. Shams al-Din has written on law, ethics, history, and religion and politics. Recently, he oversaw the establishment of an "Islamic University," located in the Shīʿī-settled areas around Beirut. His preference for innovative thought is evident in his naming of the faculty of *sharīʿah* of this new institution; it is called "The Faculty of Law (*Fiqh*) and *Ijtihād*."

[3] All published several times, and also translated into Persian.

of a part of the community for this failure was decisive in forming Shīʿism into a political and religious movement.

The differences between this kind of history-writing and modern Western historiography seem obvious. Supposing, however, that we wish to understand the means through which the culture arrives at an understanding of itself, mention of some of these differences seems worthwhile. Most Western historians today, for instance, would not posit morality as an explanatory factor, or would consider that at least to be beyond their reach. For Shahidi, apparently, this can be done because the intentions of the actors are related, whether positively or negatively, to Islam, which is a constant still known to Muslims today. This view also supposes human psychology to be constant through history, a controversial proposition in Western circles at present. The approach of Shahidi and his colleagues may also be called historicist, in that it assumes a continuous thread of meaning linking the past and present and sets itself the task of tracing that thread. More than this, it is frankly commemorative—as far as I can understand, that is considered a good thing and the proper work of a historian. The last characteristic is accentuated by the need felt by Shīʿī scholars to authenticate their tradition, which has often been discounted by non-Shīʿīs, including Western scholars. This aspect is discussed further below.

All this is no doubt uncongenial to the postmodern Western mind. Nevertheless, such writings are invaluable for the light they shed on the Shīʿī collective memory. It would be vain to study a tradition—above all one that considers itself to have been founded in history—without an appreciation of the intellectual and moral authority that tradition finds in the past.

This is not to say that Shīʿī history-writing is of interest to Western investigators only as an artifact, and not as history. We have, after all, by now discarded the illusion of our own history-writing as a disinterested enquiry divorced from modes of discourse. (As "Orientalists," we might rather say that our illusions have been shattered!) We recognize the need for plurality. The reader is also likely already aware that some Muslim scholars claim privilege for their own work on the grounds that (my formulation) Westerners lack the cultural acuity that would allow them to properly place the phenomena they study in a cultural matrix, since that comes only through participation intimate and long enough to leave a like impress on the mind. (To appreciate this view, one has perhaps to imagine a situation in which an alien civilisation, occupying a position of cultural and political power, produced extensive and "authoritative" studies of the West.) Whether one accepts this claim of privilege or not,[4] it does seem that as the field of Islamics has developed,

[4] It may find support in communications theory, which has suggested that change from orality to manuscript or print media also involves a change in consciousness. In this case, an observer who still participated in the culture of orality and had not lost the art of memory—which is the case with traditional scholars, and certainly with the two scholars presented here—would also have retained the "poetic" imagination of past times and be better able to grasp the meanings hidden in the texts.

Muslim positions have gained ground. The outstanding example is the matter of the texts framed as oral reports, known as *ḥadīth* or *akhbār*, which form the basic unit of the religious and some of the historical literature of Islam.

Here a characterization of the early Arabic historical texts and Islamic historiography may be helpful. The historians were certainly interested in producing a narrative; a common Arabic word for history, "*ta'rīkh*" or "dating," and the compiling of universal histories confirm that they were also interested in a consolidation of historical understanding. But the telling of "the great story" did not for them eclipse the basic activity of gathering and verifying the myriad reports which they took as their raw material.[5] The historians were also acutely aware of the fluidity of orality—as well as, perhaps, wary of the overweening authority of a written culture which had the capacity to fix one version. Thus they often preserved variant reports (even if they did make their own judgements clear), along with descriptive details that would not only satisfy the imagination of the reader, but might also in the future establish the authority or relevance of an account. As it had in pre-Islamic, pre-*ta'rīkh* times, *nasab* or genealogy also provided a framework for viewing the past. For this reason the record is especially attentive to family and elective ties. The result is a store of texts rich in pre-primary material in the form of short narratives either preserved as discrete units, or distinguishable as such. The narratives, moreover, are frequently "supported" (as it is said in Arabic) by mention of the authorities or even full chains of authorities who transmitted them.

The Muslim scholars themselves considered that the narratives that had come down to them could not be taken at face value, and that many of them had likely been distorted or forged. In response to this problem, especially as it applied to the more strictly religious texts or *ḥadīth*s, they gradually developed an elaborate science of criticism. Muslims continue to dispute the authenticity of even canonical religious texts today.[6] Nevertheless, Joseph Schacht concluded in the 1950's that all narratives with legal import had been fabricated wholesale *along with their supports* in order to provide a scriptural basis for the law. Some (not all) subsequent studies modified Schacht's view of the texts by admitting at least an authentic core of narratives. Even more significant, some scholars also accepted that the critical apparatus of the supports might contain real clues to the provenance of the texts. Muslim scholars have long complained that Orientalists simply pre-judge the *isnād* material wholesale, without undertaking the long study needed to familiarize themselves with its method and standards.[7] The essay in this chapter by

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[5] The continued importance of orality and circulation of oral alongside written material may have helped sustain this focus.

[6] For reasons explained in the preface to the final chapter, the Shīʿīs were less attached to criticism of the religious narratives, receiving this science only later from the Sunnīs and systematizing it as late as the 8th/14th century.

[7] A balanced review of the literature is found in Tarif Khalidi, *Arab Historical Thought in the Classical Period* (Cambridge: Cambridge U.P., 1994), 26-27. Khalidi also argues that "a great

Gerhard Böwering on a tradition of Qurʾān exegesis attributed to the Shīʿī sixth imām Jaʿfar al-Ṣādiq demonstrates the results which may be obtained by text-criticism in conjunction with fair consideration of the *isnād*. In this case, close study of the supports reveals at least the germ of an authentic tradition linked to a personality who, though long regarded by Shīʿīs as a founding figure, has seemed lost in the mists of time.

Even when Western-trained historians and Muslim historians of traditional background find themselves working along similar lines in verifying texts, they are still likely to disagree on where the certain intersects the true. And this is natural, since for the historian, truth lies ultimately in history itself, whereas for the religious, history is moved by dynamic spiritual principles. In the case of the history of Shīʿism, however, the disagreement has had a particular flavor. Orientalists have tended to regard Shīʿism as a branching off from an original Islam, to which it is posterior, or alien, or both. This widespread view begins with the assumption that the ʿAlid legitimist thesis was not original to ʿAlī ibn Abī Ṭālib, but was developed or imported at a later date by groups who gathered their discontent around ʿAlī's legend during his lifetime and after. Cued, apparently, by this initial judgement, some Orientalists have gone on to emphasize the exotic side of Shīʿism, explaining it as a countertrend or an amalgam of foreign ideas within Islam.[8] The method, whether conscious or not, is to derive the later situation of Shīʿism as a minority movement from an earlier one: *ergo*, Shīʿism must have also in the past occupied a marginal position. Since evolutionism is preoccupied with origins, that marginality is placed in the earliest period.

That the Orientalists' first encounters with Islam in the nineteenth century exposed them primarily to Sunnī Islam and Sunnī texts no doubt also played a role in the perception of Shīʿism as a secondary movement; the strategy of modern Sunnī polemic is still to portray Shīʿism as foreign to Islam. Shīʿīs certainly perceive Western views to be a reiteration of the Sunnī argument, based on texts distorted (so they say) by the "enemies" of Shīʿism; this is a common feature of Shīʿī apologetic. Even though it is aimed at a Western

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deal of modern [Western] argument [concerning Islamic critical methodologies] still reflects subjective standards of credibility." On the other hand, the Western scholar who has most thoroughly explored the science of the supports, meeting it on its own highly technical ground by, for instance, minutely comparing different *isnāds* of parallel reports, finds that the results tend to disprove rather than prove the authenticity of the texts (see G.H.A. Juynboll, *Muslim Tradition: Studies in Chronology, Provenance, and Authorship of Early Hadith* [New York: Cambridge University Press, 1983] and collected articles in *Studies in the Origin and Uses of Islamic Hadith* [Brookfield, Vermont: Variorum, 1996]).

[8] See e.g: W. Montgomery Watt, "The Significance of the Early Stages of Imāmite Shīʿism," in *Early Islam. Collected Articles* (Edinburgh: Edinburgh U.P., 1990), 162-172 (Shīʿism linked to the tradition of kingship found among South Arabian tribes); Hamid Algar, "The Study of Islam: The Work of Henry Corbin," *Religious Studies Review* 6, ii (April 1980): 85-91 ("Arab-Iranian dichotomy" implied in Corbin's vision of an esoterized Shīʿism equated with "Iranian Islam"); also Patricia Crone and Martin Hinds, *God's Caliph* (Cambridge: Cambridge U.P., 1986), 1-3 with references.

audience, the essay of Shaykh Shams al-Din on "The Authenticity of Shīʿism" cites Sunnī authors, as if the prejudices of Sunnīs and Orientalists were the same.[9]

This Western discourse has crowded out earnest consideration of Shīʿī positions. When we do examine the Shīʿī view, we find an account of origins that exactly reverses the charge made against them. For the Shīʿah have ever regarded Shīʿism as a movement to preserve the true and original Islam, understood precisely as the Islam of the Prophet, against those who would deviate from it. Thus they protest against the second caliph, ʿUmar, not only on the grounds that he trespassed on the rights of the family of the Prophet, but also because he is said to have altered the law laid down by the Prophet, introducing in its place his own innovations.[10] The primary function of the Shīʿī imāms is similarly considered to be the preservation and protection from distortion of the whole and unaltered knowledge (*ʿilm*) of the Prophet, which he communicated to ʿAlī; the elaborated doctrine of *ʿilm* is a memory, transmuted into esoteric doctrine, of this original ambition of Shīʿism.[11] The Shīʿah also hold that legitimist succession, even apart from being instituted by the Prophet in his appointment of ʿAlī as his successor, is purely and necessarily Islamic; as Shaykh Shams al-Din points out, the partisans of the Rightly-Guided Caliphs also argued their case on the basis of legitimism.

Shīʿī persistence in certain legal opinions that reject custom in favor of the letter of the Qurʾān suggests that this was genuinely a primitive Shīʿī self-view, held tenaciously enough to affect practice. The outstanding opinions of this kind are permission for the *mutʿah* marriage, with the Shīʿah persisting in the original allowance of it in the Qurʾān on the grounds that it was banned only by the second caliph, ʿUmar, contrary to the precedent of the Prophet; the distribution, as suggested in the Qurʾān, of inheritance shares among both agnatic and uterine heirs; and banning of the quick divorce apparently contrary to the Qurʾān and admitted even in Sunnī law to be "reprehensibly innovate" (*ṭalāq bidʿah*).

Sunnī and Shīʿī arguments concerning origins and authenticity are, in any case, truth-claims; as such, they cannot be verified through disinterested observation. Their significance for us lies primarily in their rhetorical form as polemics, rather than their content. The historical record, as one would expect, has also been shaped and overlaid by these and other partisan concerns. Nevertheless, a different reality may be uncovered through, as Blankinship puts it, "sifting the vast quantity of circumstantial detail." Madelung scrutinizes the reports in this manner and, by giving Shīʿī claims fair consideration, uncovers evidence that might support them. This approach to

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[9] The Western literature the Shaykh cites (in *support*, as it happens, of the Arab origins of Shīʿism) are older works which happen to have been translated into Arabic.

[10] This view is expounded at length, with regard to ʿUmar and others, in Muḥammad Jawād Mughniyah, *al-Shīʿah wa-al-ḥākimūn* (Beirut: Maktabat al-Hilāl, 1401/1981).

[11] On this doctrine, see the preface to the next chapter and the essay by Ismail Poonawala.

Shīʿism—still highly unusual in Western scholarship, despite a general bias toward positivism—yields evidence that ʿAlid legitimism originated, as the Shīʿah claim and Shams al-Din here argues, with ʿAlī himself. In a recent, landmark study, Madelung applies the same method to other events which have been the subject of Shīʿī-Sunnī controversy, such as the burial of the Prophet and the Prophet's legacy to his family.[12] Blankinship combs the details of the narratives, including reports which conform to neither the Sunnī nor Shīʿī position, reports featuring "unimportant" personalities (and thus less likely to have been fabricated), and the minutiae of genealogy, to construct a picture different both from Shīʿī and Sunnī memory. According to Blankinship, neither may the Sunnī harmonizing tradition portraying the community as largely agreeing on the succession of Abū Bakr be taken at face value, nor the Shīʿī tradition which remembers the Prophet as having unambiguously appointed ʿAlī, and ʿAlī insisting on that right for himself. For one thing, the record indicates other possible candidates besides these two. And the political culture of the nascent community was not, according to Blankinship, well enough developed to allow clear successorship to the Prophet in any case.

That the historian of Islam is able thus by delving into the texts to dismantle the events and personalities sustained by the continuum of collective memory is surely testament to the Islamo-Arab tradition of historiography. Its method of "collection," "inventory," or "editorship"—whatever name one cares to give it—demonstrates acute consciousness of hermeneutical problems. As for the *ḥadīth*, the device of the "support" and preference for criticism of it over criticism of the text must be regarded as part of this hermeneutic sophistication, not as lack of it. (Even in the doubly-charged atmosphere of heresiography, the inventory preserves some clues to past reality, as Walker demonstrates in his essay on the secret history of the Twelver line of imāms.) The Muslims recognized that memory could only reflect fragments of past reality; they recognized the dangers of historical narrative even as they were, inevitably, drawn into it. Whether this attitude toward the record of the past was inspired by a vision of history or religious scrupulosity, it seems modern again today.

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[12] *The Succession to Muhammad* (Cambridge University Press, 1997). Madelung also examines the Qurʾān for evidence of the Prophet's expectation of legitimism in his succession (pp. 6-18). As one would expect and as Shams al-Din indicates, the Qurʾān is for the Shīʿah an important source of proof-texts establishing imām succession.

SHĪᶜISM IN THE AGE OF THE RIGHTLY-GUIDED CALIPHS

Wilferd Madelung

The Shīᶜah as a religious movement emerged, according to the conventional modern Western view, after the death of ᶜAlī. There was, to be sure, a *Shīᶜat ᶜAlī* during the First Inter-Muslim War (*Fitnah*), but they were simply the active supporters of ᶜAlī's caliphate, just as there was a *Shīᶜat ᶜUthmān* composed of all those seeking revenge for ᶜAlī's predecessor murdered in Madinah. The conflict between the two Parties was, in modern terms, strictly political. ᶜAlī himself sought the caliphate after ᶜUthmān's violent death on the same basis as his three predecessors. He faced, however, strong opposition, first from ᶜĀᵓishah and the Makkan Quraysh, and then from Muᶜāwiyah and the Syrians. It was only after the murder of ᶜAlī and the abdication of his son Ḥasan in favor of Muᶜāwiyah that some of his Kufan partisans, disappointed by the failure of their cause and resentful of the transfer of the sovereign power to Syria, began to build up the idea of a special right of the *ahl al-bayt*, Muḥammad's Family, to rule the Muslim community. In order to raise ᶜAlī's status they now ascribed to him a superior knowledge of Islam which he had received from the Prophet and sometimes also supernatural qualities. In due time the more radical of his partisans claimed that only ᶜAlī and a line of his descendants were entitled to the religious and political leadership of the community and that ᶜAlī's predecessors as well as the later caliphs were illegitimate usurpers. The further removed from political reality, the more the Shīᶜah became prone to religious radicalism.

A different portrait of the origins of Shīᶜism was offered, as is well known, by the early Kufan historiographer Sayf ibn ᶜUmar in the early Abbasid age. According to his account, the Shīᶜah was founded by ᶜAbd Allāh ibn Sabaᵓ, a converted Jew from Yaman. His activity began during the caliphate of ᶜUthmān when he travelled from Hijaz to Syria, stirring up unrest and rebellion in Egypt, Basrah, and Kufah and inciting to the murder of the caliph by the Egyptian rebels. He preached that every prophet had a *waṣī*, a legatee, and that

ʿAlī was the divinely-appointed *waṣī* of Muḥammad. Just as Muḥammad was the seal of the prophets, ʿAlī was the seal of the legatees.[1] Ibn Sabaʾ was also responsible for the outbreak of fighting between the armies of ʿAlī and ʿĀʾishah at Basrah. According to other Sunnī and Shīʿī sources, after ʿAlī's death he taught ideas later associated with the Shīʿī extremists (*ghulāt*): that ʿAlī had not died but was riding in the clouds and would return to establish justice on earth. Sayf ibn ʿUmar was long rejected as a credible source by modern Western historians, beginning with Wellhausen. He has recently been rehabilitated by some, but his story of ʿAbd Allāh ibn Sabaʾ has not found favor. It too closely resembles similar stories about the origins of heterodox sects not to be recognized as a typical orthodox black legend. In one point, however, the modern Western view and the black legend of Ibn Sabaʾ agree. This is the assertion that ʿAlī himself had nothing to do with the rise of religious Shīʿism and its doctrine. Instead ʿAlī is said to have repudiated Ibn Sabaʾ's teachings and to have banished him from Kufah to al-Madāʾin.

In order to examine the character of the *shīʿat ʿAlī* in the time of the Rightly-Guided Caliphs it is necessary to turn to the Kufan historical tradition aside from Sayf. ʿAwānah ibn al-Ḥakam al-Kalbī reports, on the authority of al-Shaʿbī, an account of the Kufan Jundab ibn ʿAbd Allāh al-Azdī about his activity in support of ʿAlī at the beginning of ʿUthmān's reign. Jundab was, according to his own account, present in Madinah at the time of ʿUthmān's election. He visited al-Miqdād ibn ʿAmr (al-Aswad), a strong backer of ʿAlī disappointed by the election of ʿUthmān, and heard him arguing with ʿAbd al-Raḥmān ibn ʿAwf, who had played a vital role in the election. He then visited ʿAlī and offered to appeal to the people in his home town of Kufah for support for his cause. ʿAlī answered him that it was not yet time. After his return to Iraq, Jundab did, however, speak out for ʿAlī. He met for the most part with opposition and was denounced to ʿUthmān's governor of Kufah, al-Walīd ibn ʿUqbah ibn Abī Muʿayṭ, who imprisoned him. He was interceded for, and released.[2]

Probably not much later, according to Abū Mikhnaf, ʿAmr ibn Zurārah ibn Qays and Kumayl ibn Ziyād ibn Nahīk, both of the Banū al-Nakhaʿ of the Yamanite tribe of Madhḥij, began to call openly for the deposition of ʿUthmān and for allegiance to ʿAlī. ʿAmr ibn Zurārah told the people that ʿUthmān had

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[1] Muḥammad Ibn Jarīr al-Ṭabarī, *Taʾrīkh al-rusul wa-al-mulūk*, ed. M.J. de Goeje and others, 4 vols. in 13 tomes (Lugd. Bat.: E.J. Brill, 1879-1901), I, 2942-2943.

[2] ʿAbd al-Ḥamīd ibn Hibat Allāh Ibn Abī al-Ḥadīd, *Sharḥ Nahj al-balāghah*, ed. Muḥammad Abū al-Faḍl Ibrāhīm, 20 vols. (Cairo: Dār Iḥyāʾ al-Kutub al-ʿArabīyah, 1378-1384/1959-1964), IX, 56-58. Jundab ibn ʿAbd Allāh, known as Jundab al-Khayr, was, according to Kalbī, the one who killed the magician whose tricks amused the governor al-Walīd. He was then imprisoned by al-Walīd, but escaped. According to other sources, the killer was rather Jundab ibn Kaʿb al-Azdī (Aḥmad ibn Yaḥyā al-Balādhurī, *Ansāb al-ashrāf V*, ed. Shlomo Goitein [Jerusalem: Hebrew University Press, 1936], 31-32). The latter identification seems more reliable. Jundab ibn ʿAbd Allāh's son ʿAbd al-Raḥmān was a widely-quoted informant on events in early Kufan Shīʿī history.

abandoned the truth although he knew it, had made the pious among them subject to persecution, and appointed the worst of them to rule.

When the governor al-Walīd learned of this he at first intended to ride out against them, but he was warned that the matter was serious and that he should beware lest he kindle rebellion. Mālik ibn al-Ḥārith al-Ashtar, chief of the Banū al-Nakhaʿ, offered to intervene and easily calmed his people, warning them against sedition. Subsequently al-Walīd wrote ʿUthmān about the affair, and the caliph instructed him to exile ʿAmr ibn Zurārah, whom he described as a "boorish bedouin" (*aʿrābī jilf*), to Syria. It should be noted that ʿAmr was in fact the son of the leader of the delegation of the Banū al-Nakhaʿ which visited the Prophet not long before his death to make their submission to Islam and that ʿAmr himself was considered a Companion of Muḥammad.[3] As he left Kufah, ʿAmr was escorted by al-Ashtar and two men of al-Nakhaʿ, al-Aswad ibn Yazīd ibn Qays and ʿAlqamah ibn Qays ibn Yazīd. The escorts then returned to Kufah. Qays ibn Qahdān ibn Salamah of the Banū al-Baddāʾ of Kindah commented on the incident in two lines of poetry, swearing that he would depose Abū Wahb (al-Walīd) and his master, the 'cave of error' ʿUthmān ibn ʿAffān.[4] Most of these men are known to have been prominent among the Shīʿah during the reign of ʿAlī and, if they survived as did Kumayl ibn Ziyād, in the generation after ʿAlī's death.

When ʿUthmān replaced al-Walīd ibn ʿUqbah by Saʿīd ibn al-ʿĀṣ, he ordered the new governor to treat the people gently, and Saʿīd drew the Qurʾān readers and prominent local leaders into his company and spent the evenings with them. Abū Mikhnaf names a fair number, and many appear again later as active supporters of ʿAlī and prominent figures in the Shīʿī movement. Among them were, besides al-Ashtar, Ṣaʿṣaʿah and Zayd, sons of Ṣūḥān of ʿAbd al-Qays; Ḥurqūṣ ibn Zuhayr of Saʿd Tamīm and Shurayḥ ibn Awfā of ʿAbs, both of whom became Khārijīs and were killed at al-Nahrawān; Jundab ibn Zuhayr al-Azdī; Kaʿb ibn Dhī al-Ḥabakah al-Nahdī, a pietist ascetic; ʿAdī ibn Ḥātim, chief of the Banū Ṭayyiʾ; Ziyād ibn Khaṣafah of the Banū Taym Allāh of Rabīʿah; and Yazīd ibn Qays al-Arḥabī. It was in one of these evening gatherings in the governor's palace that Saʿīd ibn al-ʿĀṣ made his memorable remark that the *sawād* was merely "a garden of Quraysh," provoking a brawl in which the police chief was manhandled. Saʿīd ibn al-ʿĀṣ wrote ʿUthmān complaining that with al-Ashtar and his companions, who were called Qurʾān readers but were really insolent troublemakers, he had no control over Kufah.

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[3] Ibn Ḥajar al-ʿAsqalānī, *Kitāb al-iṣābah fī tamyīz al-ṣaḥābah*, 8 vols. (Cairo: Maṭbaʿat al-Saʿādah, 1323-1325/1905-1907), IV, 297, where ʿAmr ibn Zurārah is described as having been "the first to depose ʿUthmān." It is uncertain if he was alive during ʿAlī's caliphate. The delegation of Banū al-Nakhaʿ is said to have consisted of two hundred men who arrived in Madinah in Muḥarram 11/April 632. They had previously pledged allegiance to Muʿādh ibn Jabal in the Yaman. Zurārah ibn Qays is said to have been a Christian before accepting Islam. Muḥammad Ibn Saʿd, *Kitāb al-ṭabaqāt al-kubrā*, ed. Eduard Sachau, 9 pts., 15 vols. (Leiden: E.J. Brill, 1905-1940), pt. 1, vol. II, 77.

[4] Balādhurī, *Ansāb V*, 30.

ʿUthmān instructed him to exile them to Syria and sent al-Ashtar a letter of reprimand. Saʿīd sent al-Ashtar; the brothers Zayd and Ṣaʿṣaʿah; ʿĀʾidh ibn Ḥamalah al-Ṭuhawī of Tamīm, later a supporter of Ḥujr ibn ʿAdī; Kumayl ibn Ziyād; Jundab ibn Zuhayr; al-Ḥārith ibn ʿAbd Allāh al-Aʿwar al-Hamdānī; Yazīd ibn al-Mukhaffaf al-Nakhaʿī; Thābit ibn Qays al-Nakhaʿī; and Aṣʿar ibn al-Ḥārith al-Ḥārithī, leader of the Banū al-Ḥārith at the Battle of Qādisīyah, into exile in Damascus.

A group of Qurʾān readers now wrote ʿUthmān a letter of protest. The names of a few of them may be noted: Maʿqil ibn Qays al-Riyāḥī; Yazīd ibn Qays al-Arḥabī; Ḥujr ibn ʿAdī, later killed by Muʿāwiyah for his pro-ʿAlid attitude; ʿAmr ibn al-Ḥamiq al-Khuzāʿī, mentioned as being among the Egyptian rebels besieging ʿUthmān's palace in Madinah; Sulaymān ibn Ṣurad al-Khuzāʿī, later leader of the Shīʿī Penitents (Tawwābūn); Kaʿb ibn Dhī al-Ḥabakah; and Ziyād ibn al-Naḍr al-Ḥārithī, prominent leader in the Battle of Ṣiffīn. The letter assured the caliph of their loyalty as long as he obeyed God, but warned him that his reliance on oppressors such as Saʿīd was dividing the community. The letter was not signed, and ʿUthmān hastened to press the messenger, Abū Rabīʿah al-ʿAnazī, to reveal the names of the writers by beating and imprisoning him. ʿAlī, however, intervened by arguing that Abū Rabīʿah was merely a messenger conveying what he had been entrusted with. Kaʿb ibn Dhī al-Ḥabakah, who had written a separate, signed letter, was on ʿUthmān's instructions given twenty lashes by Saʿīd ibn al-ʿĀṣ and exiled to Rayy. He was later murdered as an ʿAlid sympathizer at Tathlīth, north of Yaman, by Muʿāwiyah's general Busr ibn Abī Arṭāh when the latter raided the Hijaz and Yaman in the last year of ʿAlī's caliphate.[5]

The exiles to Damascus stayed in the house of ʿAmr ibn Zurārah, who had already been deported under al-Walīd ibn ʿUqbah. Muʿāwiyah at first treated them well. Eventually, however, there were sharp words between him and al-Ashtar and al-Ashtar was imprisoned. ʿAmr ibn Zurārah reminded Muʿāwiyah that al-Ashtar had supporters, and was also imprisoned. The rest of the group too warned Muʿāwiyah to respect their rights as neighbors, but then kept silent. Muʿāwiyah asked them why they would not speak. Zayd ibn Ṣūḥān answered: "What good would speaking do? If we have been wrongdoers, we repent to God, and if we have been wronged, we ask God for well-being." Muʿāwiyah praised Zayd and allowed him to return to Kufah, writing a letter of recommendation for him to the governor Saʿīd ibn al-ʿĀṣ. Zayd thanked Muʿāwiyah who, at his request, released those whom he had imprisoned. Shortly thereafter, however, he learned that some of the people of Damascus were associating with al-Ashtar and his companions. He wrote ʿUthmān warning that the men he had sent to him in exile might corrupt his own subjects. ʿUthmān instructed him to send them on to Ḥimṣ, ruled by Muʿāwiyah's governor ʿAbd al-Raḥmān ibn Khālid ibn al-Walīd.[6]

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[5] Ibid., 40-43.
[6] Ibid., 43.

Soon afterwards general rebellion erupted in Kufah. Saʿīd ibn al-ʿĀṣ had been called to Madinah for a conference of governors. The Kufans had hoped he would be replaced on the basis of the complaints. When they learned that he was to return, they rose in revolt. Al-Ashtar took control of the town without bloodshed on the basis of a general agreement of the Kufan leaders that they would not allow Saʿīd ibn al-ʿĀṣ to reenter. Al-Ashtar set up Abū Mūsā al-Ashʿārī, who had earlier been dismissed by ʿUthmān as governor of Basrah, in Kufah, and ʿUthmān had no choice but to appoint him governor. About a year later ʿUthmān was besieged in his palace in Madinah by Egyptian rebels. Rebel groups from Kufah under al-Ashtar and from Basrah under Ḥukaym ibn Jabalah al-ʿAbdī also came to Madinah but, heeding the warnings of ʿAlī and ʿĀʾishah against violence, did not join the siege and the subsequent fighting in which ʿUthmān was killed. While the Egyptian rebels seem to have inclined toward Ṭalḥah as their candidate, al-Ashtar evidently played a major role in securing the succession of ʿAlī to the caliphate.

The early proto-Shīʿah in Kufah thus was led by religious activists, Qurʾan readers quite a few of whom were also tribal leaders of considerable military distinction. They were highly dissatisfied with ʿUthmān and his Umayyad governors, though basically loyal to the established caliphate. Why they were particularly attached to ʿAlī among the senior Companions of Muḥammad is not evident. Their relations with ʿAlī were at this time probably not very close. He must have been aware of them and their sympathies, but certainly did not act as their teacher or control their actions. His own position was difficult, since he was on the one hand severely critical of ʿUthmān's conduct and on the other, as the closest kinsman of ʿUthmān among the senior Companions of Muḥammad, specially obliged to protect him. It was only shortly before the death of the Caliph that ʿAlī, seeing the firm grip of ʿUthmān's Umayyad kin on him, virtually cut his relations with him.

ʿAlī's caliphate was dominated by the first *Fitnah*. His conflict with Quraysh led by ʿĀʾishah, Ṭalḥah, and al-Zubayr is usually interpreted as essentially personal, ʿĀʾishah being motivated by a long-term grudge and Ṭalḥah and Zubayr by ambition. His conflict with Muʿāwiyah, on the other hand, is commonly seen as regional, reflecting the rivalry between Syria and Iraq for hegemony after the decline of Madinah. In both cases, revenge for the murdered caliph served as a rallying slogan.

Whatever the underlying motives and slogans in the conflict, religious overtones soon came to the fore. During the Battle of the Camel ʿAlī's opponents spoke of the "*dīn ʿAlī*," the religion of ʿAlī. ʿAmr ibn Yathribī of the Basran Banū Ḍabbah, who were among the most vigorous supporters of ʿĀʾishah, killed three of ʿAlī's followers, among them Zayd ibn Ṣūḥān al-ʿAbdī. In *rajaz* verse he proclaimed:

> If you kill me, I am Ibn Yathribī,
> who killed ʿIlbāʾ and Hind al-Jamalī,
> and then Ibn Ṣūḥān, followers of the religion of ʿAlī (*ʿalā dīn ʿAlī*).

Ibn Yathribī was captured and brought before ʿAlī. The Commander of the Faithful ordered him to be killed, the only captive not pardoned by him. When later questioned about this, ʿAlī is reported to have said that Ibn Yathribī had killed three men who, he claimed, were "followers of the religion of ʿAlī." The religion of ʿAlī, ʿAlī added, was the religion of Muḥammad.[7]

ʿAlī's son Muḥammad ibn al-Ḥanafīyah narrated that at one point he had charged an opponent, but when he was about to pierce him with his lance, the man said: "I am of the religion of ʿAlī ibn Abī Ṭālib." Muḥammad understood what he meant and let him go. According to another report, the Basran Azd, when forced to flee, called out in order to save their lives: "We are the followers of the religion of ʿAlī ibn Abī Ṭālib."[8]

What could *dīn ʿAlī* mean at this time beyond acceptance of his caliphate? An indication may be provided by two other lines of battle poetry recited by an anonymous shaykh of ʿAdī. The Basran Banū ʿAdī of the tribal confederation of al-Ribāb were, like the Banū Ḍabbah, staunch backers of ʿĀ'ishah, and many of them were killed defending her camel litter. Holding the halter of ʿĀ'ishah's camel, the shaykh recited:

> We are ʿAdī; carrying lances and Mashrafī swords,
> helmets, and twisted iron rings (of mail), we kill
> whomever opposes the legatee (*man yukhālifu al-waṣīyā*).

G. Levi della Vida, who first made known and translated these two lines quoted in Balādhurī's *Ansāb al-ashrāf*, glossed the term *waṣī* as referring to ʿAlī.[9] He apparently did not notice the incongruence of a Basran partisan of ʿĀ'ishah claiming that he and his tribesmen were killing opponents of ʿAlī. The story and poetry were, moreover, narrated by a well-known scholar of the Banū ʿAdī who must have been well aware of the history of his people. It is inconceivable that he would have slipped a piece of pro-ʿAlid poetry into it. The Banū ʿAdī were, in the words of the shaykh, "seeking ʿAlī with their lances and swords" in order to call him to account for the murder of the caliph ʿUthmān. The *waṣī* whose opponents they intended to kill was not ʿAlī, but Abū Bakr, whose daughter they were now defending.

Abū Bakr is not commonly called Muḥammad's legatee. The use of the term for him is evidently polemical, aiming to counter the claim of the followers of ʿAlī that the Prophet's cousin was his *waṣī*. It had nonetheless a good basis in the argumentation of the supporters of Abū Bakr's prior title to the caliphate. They commonly asserted that Muḥammad's order for Abū Bakr to lead the communal prayers during his last illness constituted an indirect

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[7] Abū Bakr Muḥammad ibn al-Ḥasan Ibn Durayd, *al-Ishtiqāq*, ed. ʿAbd al-Salām Muḥammad Hārūn, 2d. rev. ed. (Baghdad: Maktabat al-Muthannā, 1399/1979), 413.

[8] ʿAbd Allāh ibn Muḥammad Ibn Abī Shaybah, *al-Kitāb al-muṣannaf fī al-ḥadīth wa-al-āthār*, ed. Saʿīd Muḥammad al-Laḥḥām, 9 vols. (Beirut: Dār al-Fikr, 1409/1989), VIII, 711; Ṭabarī, *Taʾrīkh*, I, 3189-3190.

[9] "Il califfato di ʿAlī secondo il Kitāb Ansāb al-Aśrāf di Al-Balāḏurī," *Rivista degli studi orientali* 6 (1913): 444.

appointment as his successor to the leadership of the community, a view consistently propagated by ʿĀʾishah.

That ʿAlī's followers during his caliphate commonly called him the *waṣī* of Muḥammad is broadly attested in contemporary poetry in praise of him.[10] ʿAlī does not seem to have applied the term to himself, but he certainly must have approved of it. It signified his claim to have been specifically entitled to succeed Muḥammad as leader of the Muslim community and thus was bound to arouse the resentment of the admirers of Abū Bakr's and ʿUmar's caliphates. Those who tried to ridicule this claim called it "the religion of ʿAlī."

In Shīʿī tradition ʿAlī's title as the legatee of Muḥammad is commonly attested by the event at Ghadīr Khumm where the Prophet is reported to have declared to the assembled Muslims: "He whose patron I am, ʿAlī is also his patron." In her article on Ghadīr Khumm in the *Encyclopedia of Islam* (2d ed.), L. Veccia Vaglieri points out that this *ḥadīth* in view of its broad transmission in Sunnī sources cannot simply be considered a late Shīʿī fiction. She does, however, mention an aspect of the *ḥadīth* which is of particular significance in the present context. Many of the quotations of it in Sunnī sources such as Ibn Ḥanbal's *Musnad* are introduced by a report that ʿAlī once appealed to the Muslims gathered in the *raḥābah*, the plaza in front of the mosque of Kufah, asking those who had heard the words of the Prophet at Ghadīr Khumm to witness. Twelve or thirteen Companions of Muḥammad came forward and testified that they had heard these words. It is evident that ʿAlī himself was intent on propagating the *ḥadīth* which implied that he was the chosen successor of the Prophet.

In general, however, ʿAlī did not base his right to the succession on an implied appointment by Muḥammad. Rather he claimed to have had the best title on the basis of both his early and outstanding service to the Prophet and the cause of Islam and his close kinship with Muḥammad. He was in religious merit the most excellent of men after Muḥammad. This view was consistently upheld in speeches and letters by himself and by his governors such as Qays ibn Saʿd ibn ʿUbādah and Muḥammad ibn Abī Bakr in Egypt. It was not a secondary thesis developed by the Shīʿah after his death but an essential part of his message during his reign.

What then was ʿAlī's attitude to his predecessors? He had full praise for the conduct of Abū Bakr and ʿUmar as leaders of the Community and for their achievements for the cause of Islam. There is reason to think that he particularly admired ʿUmar's personal austerity and sincere devotion to Islam. He did not usually blame Abū Bakr and ʿUmar for having deprived him of his prior right to the succession but rather reproached the community in his sermons for having turned away from him after the Prophet's death. On the other hand, he harshly criticized the conduct of ʿUthmān who, in his view, had provoked the rebellion of the people by his innovations and arbitrary acts. While not expressly condoning the murder of the Caliph, he also refused to

[10] See the quotations of poetry collected by Ibn Abī Ḥadīd, *Sharḥ*, I, 143-150.

condemn the rebels. He distanced himself from any involvement in the conflict after his failure to persuade ʿUthmān to change his ways.

In the later years of his caliphate after the disappointment of Ṣiffīn, the arbitration, and the Khārijī schism, ʿAlī seems to have made a special effort to teach his most devoted followers. Abū Ayyūb al-Anṣārī is reported to have addressed the Kufans at this time, encouraging them to rally around ʿAlī: "The cousin of your Prophet has descended among you teaching you religion (*yufaqqihukum*), guiding you on the right path, and summoning you to where your [ultimate] happiness lies."[11] There is a report going back to Jundab ibn ʿAbd Allāh al-Azdī, who had fought for ʿAlī in the Battles of the Camel and Ṣiffīn, that five men, ʿAmr ibn al-Ḥamiq, Ḥujr ibn ʿAdī, Ḥabbah ibn Juwayn al-ʿUranī al-Bajalī, al-Ḥārith al-Aʿwar al-Hamdānī, and ʿAbd Allāh ibn Wahb ibn Sabaʾ al-Hamdānī came to see ʿAlī when he was in a state of despondency and sadness about the conquest of Egypt by Muʿāwiyah and ʿAmr ibn al-ʿĀṣ. They asked him his opinion of Abū Bakr and ʿUmar. ʿAlī reproached them:

> Is your mind free for such things when Egypt has just been conquered and my followers (*shīʿatī*) have been killed there? I shall bring forth a letter to you in which I describe what you are asking about, and I ask that you preserve of my right what you have lost [before]. Read it therefore to my *shīʿah* and the helpers unto the truth.

According to Balādhurī's report, he then gave them a letter to be read at all times to his followers for their benefit. Ibn Sabaʾ had a copy, but he altered it. Balādhurī himself suppresses the text of the letter, commenting that it did ʿAlī no good.[12]

The text of the letter is preserved, however, in the *Kitāb al-ghārāt* of Ibrāhīm ibn Muḥammad al-Thaqafī.[13] Whether this text is the original or the version which, according to Balādhurī, was altered by Ibn Sabaʾ is not clear. The contents, however, do not substantially differ from what is known about ʿAlī's views from other letters and speeches. He affirms that he was greatly disturbed after the Prophet's death to find the people turning away from his family and flocking to Abū Bakr to pledge allegiance to him. He, ʿAlī, had abstained for a time from doing so, holding that he had a better right to the position of the messenger of God than anyone else. Finally the apostasy of some of the people had induced him to put the cause of Islam above his own interest, and he pledged allegiance to Abū Bakr and assisted him with sincere advice. While he had not been convinced that Abū Bakr would eventually turn the reign, which he had disputed with him, over to him, neither had he been without hope that he might do so. He believed that, had it not been for the special bond between Abū Bakr and ʿUmar, Abū Bakr would not have prevented him from ruling after him. However, when Abū Bakr died he called

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[11] Balādhurī, *Ansāb al-ashrāf II*, ed. Muḥammad Bāqir al-Maḥmūdī (Beirut: Muʾassasat al-Aʿlamī lil-Maṭbūʿāt, 1394/1974), 478.

[12] Ibid., 382-383.

[13] Ed. Jalāl al-Dīn al-Muḥaddith (Tehran: Intishārāt-i Islāmī, 1395/1975), 302-322.

ʿUmar instead and appointed him to succeed. ʿAlī obeyed, sincerely backing ʿUmar, and ʿUmar's conduct was pleasing and blessed by good success. When ʿUmar was about to die, ʿAlī was again confident that he would not divert the rule from him, but ʿUmar only made him one of six candidates, and these people turned out to be most opposed to his reign. The reason was that he, ʿAlī, had argued with Abū Bakr, telling Quraysh: "We, the Prophet's Family, have a better right to this matter than you as long as there is among us one who recites the Qurʾān, knows the *sunnah*, and adheres to the religion of the truth." The members of the electoral council thus feared that if ʿAlī were to rule they would obtain no share in the reign for their lifetime, and they agreed unanimously to appoint ʿUthmān and to deprive ʿAlī of the reign in the hope that they might get it in turn. They told ʿAlī that he must pledge allegiance to ʿUthmān or they would fight him, and he had done so under constraint.

ʿAlī continues the letter by praying for God's help against Quraysh who had cut their kinship bonds to him, defrauded him of his due, lowered his high station, and colluded to dispute a right to which he had title prior to any of them. When he had looked around he could not find anyone prepared to help or defend him except for his own family, that is the clan of Hāshim. Wary of bringing ruin down upon them, he suppressed his anger.

Next he reminds the faithful how they had become enraged against ʿUthmān and had come to Madinah and killed him. They had then approached ʿAlī in order to pledge allegiance to him. He had at first resisted, but in the end they had pressed him hard, assuring him that they would be satisfied with none but him, and he had accepted. He goes on to relate the story of his caliphate, the rebellion of Ṭalḥah and al-Zubayr, the refusal of the Syrians to respond to his summons, the mutiny of his army at Ṣiffīn, the failure of the arbitrators to judge in accordance with the Qurʾān, the revolt of the Khārijīs, and the desertion of most of the Kufans from his second campaign against the Syrians. Finally ʿAlī appeals to his followers to do their duty in defense of Islam, as their enemies are seizing their cities, killing his *shīʿah*, and raiding their lands.

Shīʿism in the time of ʿAlī thus entailed more than merely support for him as the fourth caliph. It meant recognition that ʿAlī had been entitled to the succession to Muḥammad after his death as leader of the Muslim community on the basis of his outstanding merits and his close kinship with the Prophet. This title would, moreover, continue to belong to Muḥammad's Family so long as one of them "recited the Qurʾān, knew the *sunnah*, and adhered to the religion of the truth." This most basic Shīʿī thesis did not evolve among the Shīʿah only after ʿAlī's death and the transfer of the caliphate to Damascus. Sayf ibn ʿUmar's story about the origins of the Shīʿah is sound insofar as it places the belief that ʿAlī was the legatee of Muḥammad at the centre of their teaching. His distortion consists in turning ʿAbd Allāh ibn Sabaʾ into the originator of this belief, suggesting that ʿAlī, a Companion just like his predecessors, had nothing to do with it. In reality, ʿAlī himself was the first

and foremost teacher of the Shīʿah, a historical fact largely unacceptable to Sunnīs. Hence the black legend of ʿAbd Allāh ibn Sabaʾ.

The latter does not seem to have been a member of the earliest Shīʿah. He is mentioned for the first time in connection with ʿAlī's letter, which can be dated around Rab. I 38/Aug. 658. There is apparently another mention of him in Balādhurī,[14] not much later, when he is said to have received the pledge of allegiance of a thousand men for a renewed campaign of ʿAlī against Muʿāwiyah. Three other Shīʿī leaders, Ḥujr ibn ʿAdī, Ziyād ibn Khaṣafah, and Maʿqil ibn Qays al-Riyāḥī, are named together with him as successfully recruiting Kufans for the campaign. If Ibn Sabaʾ was, as later Shīʿī tradition has it, exiled by ʿAlī to al-Madāʾin for deviant teaching, it must have been towards the end of ʿAlī's reign. More likely his deviant teaching, entailing in particular the denial of ʿAlī's death and the expectation of his and his followers' return (*rajʿah*) to rule the earth, began only after ʿAlī's death. That he was a converted Jew is most likely part of the black legend, although Judaism was not rare among Yamanites before Islam. It seems quite unlikely that he was a client of Hamdān as has recently been suggested.[15] As a client he would at that time hardly have been able to recruit a thousand men for ʿAlī's campaign. He may well have been a regular tribesman of Hamdān without much previous distinction. Through his teaching he was to become the founder of messianic and extremist Shīʿism as it first came to the fore in the movement of al-Mukhtār. His part in the main body of the early Shīʿah was marginal.

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[14] Balādhurī, *Ansāb II*, 478. ʿAbd Allāh ibn Wahb al-S-m-nī is obviously a corruption and should presumably be read al-Sabaʾī.

[15] Heinz Halm, *Die islamische Gnosis. Die extreme Schia und die ʿAlawiten* (Zurich: Artemis Verlag, 1982), 35.

IMĀRAH, KHILĀFAH, AND IMĀMAH: THE ORIGINS OF THE SUCCESSION TO THE PROPHET MUḤAMMAD

Khalid Yahya Blankinship

The question of the political and spiritual succession to the Prophet Muḥammad is one of the most contentious and difficult in Muslim history. Indeed, it is the main point of dispute between the Sunnīs and Shīʿīs. Not only does this dispute concern the candidates of the two parties for the succession, namely Abū Bakr and ʿAlī, but it also involves the very concepts of succession, government, and political legitimacy in Islam. Apart from the Sunnī/Shīʿī split, the problem of the succession to the Prophet has also been a subject of dispute between Muslim and non-Muslim historians, the latter tending to question the motives of all the candidates for leadership and to regard the affair as a mere power struggle.[1]

In fact, there is good cause for caution and reservation, owing to the nature of the sources. Although plentiful, these present many difficulties. Much of the material consists of short, often pithy narratives embedded in larger compendia. Many of these narratives exist in parallel versions that suggest a period of oral transmission, with recurrent motifs whose development is often hard to unravel. Also, the separate stories or episodes narrated in the traditions usually show no obvious connection with each other but exist independently. While many of the episodes composing the Prophet's biography probably had been arranged chronologically by 150 AH/767 CE, there exists little certain and agreed-upon chronologically-ordered material for the first three caliphs except for their deaths and successions. Even the material for so momentous an event as the death of Abū Bakr and the accompanying succession of ʿUmar is scanty and unconvincing. The general indication of it is that Abū Bakr "appointed" ʿUmar as successor after consulting only two individuals, ʿUmar's

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[1] E.g. Julius Wellhausen, *The Arab Kingdom and Its Fall* (Calcutta: University of Calcutta, 1927), 34-38, etc. Of course, others more recently also question the factuality of most early Muslim historical traditions and the possibility of finding much historical truth in them.

successor ʿUthmān and the ubiquitous ʿAbd al-Raḥmān ibn ʿAwf, whose many traditionist offspring guaranteed for him a prominent position in reports on early politics.[2] A few versions add that Abū Bakr also consulted Saʿīd ibn Zayd, ʿUmar's cousin and brother-in-law, and Usayd ibn Ḥuḍayr al-Awsī.[3] Otherwise, the early historical material appears to be obviously, sometimes flagrantly, tendentious, representing only the opinions of opposing parties of subsequent date.[4]

On the other hand, it may be possible to approach past reality more closely by sifting the existing material. Contradictory versions are not all of equal value and may be profitably confronted with one another. The vast quantity of circumstantial detail, especially concerning family connections and containing mention of unimportant personages, is neither likely to have been fabricated later nor to have arisen spontaneously out of oral tradition. Certain traditions which do not reflect favorably on some of the main participants whose reputations remained sound are also unlikely to have been fabricated later as propaganda. Finally, the very wealth and variety of material concerning the successions of Abū Bakr, ʿUthmān, and ʿAlī may be used to demonstrate the lateness and unhistoricity of some statements. While it is not possible in many cases to be certain which of sundry alternative versions on a point is correct, a more proximate picture may nevertheless emerge.

I. The Development of Offices of Leadership under the Prophet

The biggest problem about the succession to the Prophet concerns the difficulty of imagining how the office of supreme leader after the Prophet developed at all. For indeed, no one could succeed to the Prophet's office of receptor of divine revelations—or at least in the event no one did succeed to it. The office of caliph or successor *(khalīfah)* arose as if out of nothing; likewise the Shīʿī concept of *imām*, who is also a successor to the Prophet. The early historical tradition discussed below plainly describes the succession as ad hoc and not clearly established by the Prophet. Actually, given the lack of administrative tradition in Madinah at the time of the Prophet, it is not surprising that the office should have arisen suddenly without clear precedent. Nevertheless, it is necessary to examine the development of offices

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[2] Muḥammad Ibn Saʿd, *al-Ṭabaqāt al-kabrā*, 9 vols. (Beirut: Dār Ṣādir, 1388/1968), III, 199-200, 274; Abū Zayd ʿUmar ibn Shabbah, *Taʾrīkh al-Madīnah al-munawwarah (Akhbār al-Madīnah al-nabawīyah)*, ed. Fahīm Muḥammad Shaltūt, 4 vols. (Beirut: Dār al-Turāth, 1410/1990), II, 665-673; Aḥmad ibn Wāḍiḥ al-Yaʿqūbī, *Taʾrīkh al-Yaʿqūbī*, 2 vols. (Beirut: Dār Ṣādir, 1379/1960), II, 136-137; Abū Jaʿfar Muḥammad ibn Jarīr al-Ṭabarī, *Taʾrīkh al-rusul wa-al-mulūk*, ed. de Goeje et al., 3 series, 15 vols. (Leiden: E. J. Brill, 1879-1901), ser. I, 2137-2139.

[3] The inclusion of these two less prominent personages is a more plausible detail. Ibn Saʿd, *Ṭabaqāt*, III, 199; ʿUmar ibn Shabbah, *Taʾrīkh*, II, 668.

[4] Thus ʿAlī, according to the anti-Shīʿī traditionist Sayf ibn ʿUmar al-Usayyidī, is said to have hurried out in his nightshirt in order not to be late for the inauguration of Abū Bakr, a unique tradition of great drama but little historical probability. Ṭabarī, *Taʾrīkh*, I, 1825.

subordinate to the Prophet in Madinah carefully in order to throw light on the possible background of the office of successor to the Prophet and its titles.

Before Islam, Madinah, then called Yathrib, was a small oasis without an urban center but containing a large number of self-governing tribes loosely linked in tribal alliances. The Prophet arrived first only as an arbiter among these tribes; his claim to be the Messenger of God was only recognized by the minority who followed him. It took several years until his office acquired the characteristics of sovereignty. This gradual development can be seen in Qurʾānic verses exhorting the Madinans to obey him;[5] such exhortation certainly suggests reluctance on the part of his hearers and difficulty in obtaining the recognition demanded for him in the Qurʾān. It was not, perhaps, until after the victory of al-Khandaq in the year 5/627 that Muḥammad's sovereignty was clearly established.[6] Even so, no territory came under Muslim rule outside of Madinah until the opening of the oasis of Khaybar, about 160 kilometers north of Madinah, in 7/628.[7] Thus, the Prophet's governing of a territorial state lasted only the four years from the opening of Khaybar until his death in 11/632, and it occurred in an area with no tradition either of territorial states or of administrative procedures and structures. It is not surprising that no formal offices or institutions existed or developed in so short a time; such positions as do appear in the sources were ad hoc and personal.

There is plenty of evidence for the lack of formal administrative structures and posts in the time of the Prophet. The Qurʾān itself gives a picture of very simple relations. The Prophet's house, which doubled as the mosque and was thus residence, place of worship, and assembly hall at the same time,[8] was always open to all—so much so that the Prophet had to bear the indignity of dinner guests who would not leave (Q. 33:53).[9] The same verse commands the believers to address the Prophet's wives from behind a screen; no human intermediaries are mentioned. In what is clearly a very late revelation (Q. 49:1-5),[10] the Prophet is shown having to receive guests himself with no

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[5] E.g., Qurʾān 4:59-70; 5:41-50; 24:47-54.

[6] For a synopsis of these circumstances, see W. Montgomery Watt, *Muhammad at Medina* (Oxford: Clarendon Press, 1956), 151-191, 221-260. On pp. 233-234, Watt suggests the Prophet was not able to enforce obedience until 6/628.

[7] Aḥmad ibn Yaḥyā al-Balādhurī, *Futūḥ al-buldān*, ed. Ṣalāḥ al-Dīn al-Munajjid (Cairo: Maktabat al-Nahḍah al-Miṣrīyah, 1956-57), 25-32; *EI*[2], s. v. "Khaybar."

[8] Ibn Saʿd, *Ṭabaqāt*, I, 239-240; 499-501; Muḥammad ibn ʿAbd al-Malik al-Zarkashī, *Iʿlām al-sājid bi-aḥkām al-masājid*, ed. Abū al-Wafā Muṣṭafā al-Marāghī (Cairo: al-Majlis al-Aʿlā lil-Shuʾūn al-Islāmīyah, 1412/1992), 223-225.

[9] This verse is plausibly dated to late 5/627. Ibn Saʿd, *Ṭabaqāt*, VIII, 104-107; Aḥmad ibn Yaḥyā al-Balādhurī, *Ansāb al-ashrāf*, ed. Muḥammad Ḥamīd Allāh, 5 vols. so far (Cairo: Dār al-Maʿārif, 1959), I, 433-435; Abū Jaʿfar Muḥammad ibn Jarīr al-Ṭabarī, *Jāmiʿ al-bayān fī tafsīr al-Qurʾān*, 30 vols. (Būlāq: al-Maṭbaʿah al-Kubrā al-Amīrīyah, 1323-29/1905-11), XXII, 26-28; Ṭabarī, *Taʾrīkh*, I, 1460.

[10] Usually dated to 9/630. ʿAbd al-Malik ibn Hishām, *al-Sīrah al-nabawīyah*, ed. Muṣṭafā al-Saqqā et al., 2 vols. (Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 1375/1955), II, 560, 567; Ibn Saʿd,

intervening officials. This picture is reinforced by a *ḥadīth* stating that the Prophet went about unaccompanied by any guard and had no doorkeepers.[11] Thus, it appears that even the Prophet's household staff was extremely limited or at least not organized for specific duties, there not being even the equivalent of a butler or a steward, much less official employees. While some reports show that the Prophet had a number of servants, these may have simply been slaves that he had manumitted[12] or else were young boys who could hardly be considered officeholders, such as the often-mentioned Anas ibn Mālik.[13]

On the other hand, the situation was constantly changing and the Muslim polity was growing. This prompted certain administrative developments. First, as the Muslim polity grew beyond the immediate horizon of Madinah, it became necessary for others to exercise authority where the Prophet was not present, both outside Madinah and in Madinah itself when he was absent on expeditions.[14] Such developments are clearly traced in the sources, despite considerable disagreement over details. Thus, in 2/623, the office of representative of the Prophet in Madinah appears in the sources for the first time during his absence on his expedition to al-Abwāʾ or Waddān. This office is filled thereafter during each absence of the Prophet. The post is designated in the sources by verbs, such as "He put in charge of (*istakhlafa* or *istaʿmala ʿalā*) Madinah so-and-so,"[15] so that it is difficult to know what the official title was, if any. The holder of the post may have eventually been designated as *khalīfah* or *ʿāmil*, both meaning "deputy," but appears at the outset not to have had any formal designation. Even if the reports concerning the first few years are projections into the past of a later situation, there can be no doubt that the Prophet left deputies behind in Madinah as the nascent state grew and his expeditions went farther afield. Also, considering the precarious situation of the Muslims in Madinah at the beginning, there is every reason to suppose that the Prophet would have been careful to appoint a deputy in his absence from the very outset.

Soon after the migration (*hijrah*) of the Prophet to Madinah, the earliest office for commanders outside of Madinah appeared. This position of

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Ṭabaqāt, I, 292-293; Abū ʿAbd Allāh Muḥammad ibn Aḥmad al-Qurṭubī, *al-Jāmiʿ li-aḥkām al-Qurʾān*, 20 vols. (Beirut: Dār al-Kutub al ʿIlmīyah, 1408/1988), XVI, 198-204.

[11] Muḥammad ibn Ismāʿīl al-Bukhārī, *al-Jāmiʿ al-Ṣaḥīḥ*, 9 vols. (Cairo: Dār al- Shaʿb, n. d.), II, 100 (*K. al-janāʾiz, b. ziyārat al- qubūr*); IX, 81 (*K. al-aḥkām, b. mā dhukira anna al-nabī lam yakun lahu bawwāb*).

[12] Ibn Saʿd, *Ṭabaqāt*, II, 497-498; Balādhurī, *Ansāb*, I, 467-495, 502, 505-506; Ṭabarī, *Taʾrīkh*, I, 1778-1782.

[13] Balādhurī, *Ansāb*, I, 506; Abū al-Faḍl Aḥmad ibn ʿAlī Ibn Ḥajar al-ʿAsqalānī, *al-Iṣābah fī tamyīz al-ṣaḥābah*, 4 vols. (Cairo: ʿAbd al-Salām ibn Shaqrūn, 1328/1910), I, 71-72.

[14] Watt, *Muhammad at Medina*, 235-238.

[15] Ibn Hishām, *Sīrah*, I, 591; Ibn Saʿd, *Ṭabaqāt*, II, 8; Ṭabarī, *Taʾrīkh* I, 1269. But Ibn Isḥāq only mentions this office beginning with the campaign of Badr in 2/624, stating that the Prophet merely put the first incumbent in charge of worship (*istaʿmala... ʿalā al-ṣalāh*). Ibn Hishām, *Sīrah*, I, 612.

command is first termed "invested with the battle standard" (*liwā'* or *rāyah*).[16] The term *liwā'* recalls the office of command in war in pre-Islamic Makkah.[17] The office of *liwā'* is described as a subordinate one when the Prophet went out himself;[18] in such cases, it may only indicate the one who actually carried the battle flag. In spite of reports which use the term *liwā'*, it is likely that the title for the position of commander from very early on, if not from the start, was *amīr*, a designation already applied to ʿAbd Allāh ibn Jaḥsh al-Asadī during the Nakhlah expedition of 2/624.[19] Even if the title of *amīr* as explicitly recorded in the sources were to prove too early in fact, the office of subordinate commander must have existed in the lifetime of the Prophet. There is no reason to suppose that the title of *amīr* was a new coinage; probably, it was simply the existing Arabic word for one holding the power to command, especially in war. Apparently, the title of *amīr* continued to be employed for the commanders of the various expeditions when the Prophet was not present right up to the appointment of Usāmah ibn Zayd as commander of the expedition preparing to go to Syria when the Prophet died.[20]

In addition, when resident governors were appointed toward the end of the Prophet's life in places far away from Madinah, the title they held may have been *amīr* or *ʿāmil*.[21] The first such appointments occurred in Khaybar in 7/628, following the first permanent acquistion of territory by the nascent Muslim state away from Madinah. Ibn Isḥāq reports that an official called a *khāriṣ* was sent from Madinah to estimate the agricultural tribute.[22] However, a report about a murder of a Muslim committed in Khaybar shows that no resident Muslim administration was in place and that the matter had to be settled by the Prophet in Madinah.[23] Thus it is unclear if there was any resident Muslim administration in Khaybar during the Prophet's lifetime. Still, a *ḥadīth* in al-Bukhārī on Khaybar uses both the words *istaʿmala* and *ammara* for this

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[16] Ibn Hishām, *Sīrah*, I, 595; Ibn Saʿd, *Ṭabaqāt*, II, 6.

[17] Ibn Hishām, *Sīrah*, I, 129-130; Balādhurī, *Ansāb*, I, 53-55.

[18] Ibn Saʿd, *Ṭabaqāt*, II, 8-9.

[19] Muḥammad ibn ʿUmar al-Wāqidī, *al-Maghāzī*, ed. Marsden Jones, 3 vols. with continuous pagination (London: Oxford University Press, 1966), I, 13; Ibn Hishām, *Sīrah*, I, 601; Ibn Ḥajar, *Iṣābah*, II, 287. Indeed, Ibn Saʿd, *Ṭabaqāt*, II, 11, states that he was called *amīr al-muʾminīn* on this occasion. Balādhurī, *Ansāb*, I, 371, also designates ʿUbaydah ibn al-Ḥārith, leader of an earlier expedition of 1/624, as *amīr*.

[20] Ibn Saʿd, *Ṭabaqāt*, II, 190, 249-250; Balādhurī, *Ansāb*, I, 474-475, where the forms *imrah*, *imārah*, and *ammarahu* are used in reference to Usāmah's command. Also Ṭabarī, *Taʾrīkh*, I, 1849.

[21] Khalīfah ibn Khayyāṭ al-ʿUṣfurī, *Taʾrīkh Khalīfah ibn Khayyāṭ*, ed. Suhayl Zakkār, 2 vols. (Damascus: Wizārat al-Thaqāfah wa-al-Siyāḥah wa-al-Irshād al-Qawmī, 1967-68), I, 71-73, 75-76, where the term used for these other officials is *ʿummāl* (sing. *ʿāmil*). Ibn Hishām, *Sīrah*, II, 600, and Ṭabarī, *Taʾrīkh*, I, 1750, have both *umarāʾ* and *ʿummāl*.

[22] Balādhurī, *Futūḥ*, 26, 30; Ibn Hishām, *Sīrah*, II, 354, 356; Ṭabarī, *Taʾrīkh*, I, 1589-1590, the latter two sources citing both ʿAbd Allāh ibn Rawāḥah and Jabbār ibn Ṣakhr as successive holders of this office.

[23] Ibn Hishām, *Sīrah*, II, 355-356.

type of appointment,[24] so that the title in question may have become *amīr* later in the Prophet's lifetime. In that case, these traditions together imply that while at first the Muslim representative was not resident and only gathered the tribute, later the office naturally came to include the more permanent administrative functions of a resident governor.

A clearer case of a dated appointment of a resident official governor away from Madinah in the Prophet's lifetime is that of a governor of Makkah in 8/630 shortly after the town's surrender. The first incumbent may have been an ephemeral Hubayrah ibn Shibl al-Thaqafī, but the better known ʿAttāb ibn Asīd al-Umawī, who remained in office until his death in 13/634 or c. 22/643, was in any case appointed in 8/630. Unlike Khaybar, the large and important town of Makkah, the Prophet's birthplace, immediately required a resident governor who would be responsible to the Prophet. Exactly what his title may have been is obscure; the sources usually refer to him by the use of different verbs such as *wallā*, *wulliya*, and *istaʿmala*, though Ibn Isḥāq and Wāqidī specify the office by the term *amīr*.[25] When al-Ṭāʾif surrendered as well in 9/630-31, the pattern was repeated with the appointment of ʿUthmān ibn Abī al-ʿĀṣ al-Thaqafī, who remained in office until 14-15/635-36.[26]

Somewhat later al-ʿAlāʾ ibn al-Ḥaḍramī is described as being "with the local ruler of al-Baḥrayn as *amīr* on behalf of the Prophet" (*wa-al-ʿAlāʾ ʿindahu amīran li-rasūl Allāh ʿalā al-Baḥrayn*).[27] Elsewhere, however, Ibn al-Ḥaḍramī is described as only a messenger to the ruler of al-Baḥrayn.[28] Here we see the apparent development of an office from messenger, possibly charged with collecting tribute, to governor. As Ibn al-Ḥaḍramī's tenure extended to the year 14/635 in the reign of ʿUmar,[29] we cannot be sure if and when the title became formalized as *amīr*, but it could well have been in the Prophet's last days, on the analogy of the commanders of expeditions who were far from Madinah. Interestingly, Ibn al-Ḥaḍramī's name also occurs on some lists of the Prophet's agents and governors specifying officials known as *ʿummāl*. This term could be interpreted as "tax collectors," as the collection of the *ṣadaqah* is usually specified.[30] Thus, Ibn al-Ḥaḍramī's office is variously described as that of *amīr*, *rasūl* ("envoy"), and *ʿāmil*. This shows how ill-defined and ad hoc such commissions were in the rapidly changing situation

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[24] Bukhārī, *Ṣaḥīḥ*, V, 178-179 (*K. al-maghāzī, b. istiʿmāl al-nabī ʿalā ahl Khaybar*); see also ibid., III, 102 (*K. al-buyūʿ, b. idhā arāda bayʿ tamr bi-tamr khayr minhu*), for a shorter version.

[25] Wāqidī, *Maghāzī*, III, 889, 959; Ibn Hishām, *Sīrah*, II, 440, 500; Ibn Saʿd, *Ṭabaqāt*, II, 145, V, 446; Ibn Khayyāṭ, *Taʾrīkh*, I, 56, 58, 63, 72, 99, 107; Balādhurī, *Futūḥ*, 46; Ṭabarī, *Taʾrīkh*, I, 1659, 1685, 1982, 1984, 1988-1989, 2015, 2128, 2388, 2425, 2481, 2570, 2672; Ibn Ḥajar, *Iṣābah*, II, 451; Watt, *Muhammad at Medina*, 75.

[26] Ṭabarī, *Taʾrīkh*, I, 1685, 1691, 1983-1984, 1988, 2212, 2388-2389; Ibn Ḥajar, *Iṣābah*, II, 460.

[27] Ibn Hishām, *Sīrah*, II, 576.

[28] Ibid., 607.

[29] Ibn Khayyāṭ, *Taʾrīkh*, I, 113, 154.

[30] Indeed, this office is specifically stipulated in Qurʾān 9:60, where the collection of *ṣadaqāt* (pl.) is attributed to officials called *ʿāmilīn*, a variant plural of *ʿāmil*.

in Arabia. Some, like that of Ibn al-Ḥaḍramī, apparently turned into full-blown governorships that long continued; others vanish from the record.[31]

The development of a chain of command with subordinate ranks inside the Muslim community is finally suggested by two verses in the Qurʾān. The first of these (Q. 4:59) enjoins on the believers obedience to God and to the Prophet and the possessors of authority or power of command (*ūlū al-amr*) among them, that is among the believers. Though this verse often has been used as the main prop for arguments about later political and religious authority among Muslims, in the Prophet's lifetime it must have been taken to refer to his own contemporary situation and thus to subordinate leaders, such as those he designated to command expeditions. That is indeed its most prominent exegesis, supported by a *ḥadīth* naming ʿAbd Allāh ibn Ḥudhāfah as the commander of the expedition whose behavior occasioned the revelation of the verse, possibly in the year 9/630.[32] The second verse (Q. 4:83) also contains the phrase *ūlū al-amr* and enjoins the believers to bring any news to those in authority so that they can examine it. Although the verse could be interpreted as referring to a group of advisers to the Prophet in Madinah, and thus to a kind of subordinate office where he was present, it could equally well refer to commanders in the field or governors of towns away from Madinah,[33] in accord with Q. 4:59. Verse 4:83 may be compared with 49:6, another late verse, possibly dating to the year 9/630, which prescribes the investigation of news but specifies no persons for the task of such investigation, instead merely admonishing the believers in general to verify reports emanating from suspect sources.[34] None of these verses suggest that any elaborated administrative structures or procedures existed.

Nevertheless, it is likely that an informal group of advisers existed by the end of the Prophet's life, just as it is probable that the rapid growth of the territorial state led to the establishment of administrative roles at Madinah, even if these were informal.[35] One verse suggesting the beginning of such

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[31] Ibn Hishām, *Sīrah*, II, 600, 607 (where different lists seem to be combined); Ṭabarī, *Taʾrīkh*, I, 1750, 1982-1983.

[32] The date is from Wāqidī, *Maghāzī*, III, 983, who also provides the curious detail that Ibn Ḥudhāfah was only a secondary appointment of another commander, not the appointee of the Prophet. See also Bukhārī, *Ṣaḥīḥ*, VI, 57 (*K. al-tafsīr, sūrah 4, v. 59*), IX, 79 (*K. al-aḥkām, b. al-samʿ wa-al-ṭāʿah lil-imām mā lam takun maʿṣiyah*); Muqātil ibn Sulaymān, *Tafsīr Muqātil ibn Sulaymān*, ed. ʿAbd Allāh Maḥmūd Shaḥātah, 4 vols. (Cairo: al-Hayʾah al-Miṣrīyah al-ʿĀmmah lil-Kitāb, 1980-84) I, 383; Qurṭubī, *Jāmiʿ*, V, 167-168; Ibn Ḥajar, *Iṣābah*, II, 296-297.

[33] The verse is explained by some early authorities as referring to scholars, but a military context is more probable. Ṭabarī, *Jāmiʿ*, V, 115.

[34] The tradition states that the verse came down when al-Walīd ibn ʿUqbah ibn Abī Muʿayṭ had been appointed to collect the *ṣadaqah* of the Muṣṭaliq of the Khuzāʿah in 9/630. Ibn Saʿd, *Ṭabaqāt*, II, 161; Ṭabarī, *Jāmiʿ*, XXVI, 78-79.

[35] That they were informal is strongly implied by a *ḥadīth* which resorts to describing the role of Qays ibn Saʿd in the Prophet's lifetime in terms of the later offices of *ṣāḥib al-shuraṭ* and *amīr*, in the absence of any earlier-attested terms. Bukhārī, *Ṣaḥīḥ*, IX, 81 (*K. al-aḥkām, b. al-ḥākim yahkūm bi-al-qatl ʿalā man wajaba ʿalayhi dūna al-imām alladhī fawqahu*). The early lists

specialization is 9:122, which reads, "And the believers should not all go out to fight. Of every troop of them, a party only should go forth, that they (who are left behind) may gain sound knowledge in religion, and that they may warn their folk when they return to them, so that they may beware." This verse implies a cadre of resident teachers exempt from military campaigns; it is plausibly related to the context of the Tabuk expedition of 9/631 by some reports.[36] In general, the lack of administrative structure prevailing at Madinah at the time of the Prophet's death should not be considered too astonishing in light of both the unprecedented nature of the Prophet's mission and rule at Madinah and the shortness of its duration.

II. Titles of Leadership in Islam after the Prophet

We have seen that the explosive growth of the nascent Muslim polity under the Prophet had not led yet to the creation of any permanent subordinate offices but nevertheless was beginning to demand such. The crisis of the Prophet's death compounded the problem, for it was axiomatic that the Prophet himself was irreplaceable. Yet we find soon after the Prophet's death a caliphate with definite pretensions to legitimacy and even divine guidance, limited only by the precedents set by the Prophet and the earlier Successors.[37] The office exists even though it is not mentioned anywhere in the Qurʾān and receives almost no notice in Sunnī *ḥadīths*, (although one has to admit that these are on the whole extraordinarily reticent about government and its offices).[38] Shīʿī traditions, for their part, go even further by denying the caliphal office any legitimacy,[39] focusing rather on the legitimate succession of *imāms*.[40]

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compiled by Ibn Khayyāṭ, *Taʾrīkh*, I, 71-78, do not suggest any formal, institutional offices in Madinah under the Prophet.

[36] However, the verse is difficult, and there are numerous other explanations. See Ṭabarī, *Jāmiʿ*, XI, 48-52; Abū ʿAlī al-Faḍl ibn al-Ḥasan al-Ṭabarsī, *Majmaʿ al-bayān fī tafsīr al-Qurʾān*, ed. Hāshim al-Rasūlī al-Maḥallātī, 5 vols. in 10 parts (Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, 1379/1959-60), III (pt. V), 83-84.

[37] Bukhārī, *Ṣaḥīḥ*, IX, 98 (*K. al-aḥkām, b. kayfa yubāyiʿ al-imām al-nās*).

[38] See for example the famous *ḥadīth*, "A Muslim man is required to hear and obey, whether he likes it or not, as long as he is not commanded to commit a sin. But if he is commanded to commit a sin, then neither hearing nor obeying [is required]." Bukhārī, *Ṣaḥīḥ*, IX, 78 (*K. al-aḥkām, b. al-samʿ wa-al-ṭāʿah lil-imām mā lam takun maʿṣiyah*). This is a remarkable text, in that it is not mentioned who or what the Muslim is required to obey; the passive voice is used deliberately to avoid any mention of ruler, sovereignty, or office.

[39] Thus, illegitimate rulers are attacked, e.g. in Muḥammad ibn Yaʿqūb al- Kulaynī, *al-Uṣūl min al-kāfī*, ed. ʿAlī Akbar al-Ghāffarī, 2 vols. (Tehran: Maktabat al-Ṣadūq, 1381/1961), I, 375-376. The caliphal office itself, with the title *khalīfat Allāh*, is attributed in Kulaynī, *Uṣūl*, I, 193, to the *imāms*, but only in a single text, which shows how little this title was used by the Shīʿah.

[40] Ibid., 285-329, 452-534; S. V. Mir Ahmed Ali, *The Holy Qurʾan, with English Translation of the Arabic Text and Commentary according to the Version of the Holy Ahlul-Bait*, with additional notes by Ayatullah Agha Haji Mirza Mahdi Pooya Yazdi, 2nd ed. (Elmhurst, NY: Tahrike Tarsile Qurʾran, Inc., 1995), 86a-89a.

When the new office of caliph first emerges, there is no agreement either on the name of the supreme office itself or on the title of its holder. The early historical texts do not even have a name for the office or the state; such terms as "caliphate" (*khilāfah*) and "state" (*dawlah*) appear later. Rather, the texts refer to the office as *hādhā al-amr*,[41] *amrunā, amrukum*,[42] *amruhā*,[43] *amruhum*,[44] and so on. The word *amr* occurring in all these instances is vague, usually meaning "a matter" or "an affair." But its root, *ʾ-m-r*, also implies "rule" or "sovereignty," suggesting that the office was in fact an unambiguous *imārah*[45] (meaning "rulership") and its holder an *amīr*, a title implying the power to command. Since the title of *amīr* had been used in the Prophet's time to designate commanders in the field subordinate to himself when he was not present, it was a most natural step for the paramount leader to assume it now that the Prophet was permanently absent.[46]

Thus, it seems the first title adopted by Abū Bakr was simply *amīr*. This would have been a logical continuation of the existing political and military authority of the Muslim polity without the presence of the Prophet. *Amīr* is the title mentioned in many of the oldest historical traditions about Abū Bakr's succession,[47] and the term is also stressed in the *ḥadīth* as the necessary expression of Muslim political sovereignty.[48] Although the office never carried the meaning of supreme sovereign in the Prophet's lifetime, it must have been immediately clear that the *amīr* in Madinah held a power of command superior to all others. The ambiguity of the title of *amīr*, which was apparently held by Usamah and probably also by other individuals who were governors of areas away from Madinah at the time of the Prophet's death,[49] may well have led some to question both the legitimacy of Abū Bakr's proclamation and the superiority of his authority over all others. Because of such doubts and the initial instability of his position, it seems that Abū Bakr's rule was viewed as provisional. This could account for the lack of mention of Abū Bakr in some

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[41] Bukhārī, *Ṣaḥīḥ*, VI, 15 (*K. al-maghāzī, b. maraḍ al-nabī wa-wafātihi ...*), VIII, 211 (*K. al-ḥudūd, b. rajm al-ḥublā fī al-zinā idhā uḥṣinat*), IX, 78 (*K. al-aḥkām, b. al-umarāʾ min Quraysh*); Ibn Saʿd, *Ṭabaqāt*, III, 182; Ṭabarī, *Taʾrīkh*, I, 1837- 1842, 3066, 3068.

[42] Ṭabarī, *Taʾrikh*, I, 1840-1841, 3067.

[43] Ibid., 1841.

[44] Ibid., 1843.

[45] Indeed, this word is used in ibid., 1842, 1845. Unlike the vaguer *amr*, *imārah* clearly means "rulership."

[46] The Prophet was never himself called *amīr*, of course, although in one report ʿUmar ibn al-Khaṭṭāb refers to *sulṭān Muḥammad wa-imāratihi*. Ibid., 1841.

[47] Bukhārī, *Ṣaḥīḥ*, V, 8 (*K. faḍāʾil aṣḥāb al-nabī*, [nameless] *bāb*), VIII, 211 (*K. al-ḥudūd, b. rajm al-ḥublā fī al-zinā idhā uḥṣinat*); Ibn Saʿd, *Ṭabaqāt*, III, 182; Ṭabarī, *Taʾrīkh*, I, 1838-1839. The references are not, however, to Abū Bakr as a holder of the title, but to the sovereignty or the office itself.

[48] Bukharī, *Ṣaḥīḥ*, IX, 77-78 (K. al-aḥkām, b. al-samʿ wa-al-ṭāʿah lil-imām mā lam takun maʿṣiyah).

[49] Ibn Hishām, *Sīrah*, II, 576, 600; Ṭabarī, *Taʾrīkh*, I, 1750, 1982-1983.

lists or accounts of succession to the caliphate.[50] It may be significant that Abū Bakr did not forcibly exact an oath of allegiance from some persons, for instance from Saʿd ibn ʿUbādah, who had been the Anṣār's candidate for *amīr* at the time of the Prophet's death, while ʿUmar required it of all soon after he assumed office.[51] Moreover, Abū Bakr's term of office was very short, about two years, and he had to deal with many problems in that time. The ambiguity of Abū Bakr's position probably explains why ʿUmar ibn al-Khaṭṭāb adopted the longer title *amīr al-muʾminīn*;[52] this was one of various steps he took to develop the supreme office. It is possible that ʿUmar's action was taken as a new beginning, leaving Abū Bakr's brief principate in limbo in some lists, to be rescued only later by the realization that he was after all the first successor after the Prophet.

The second title of *khalīfah* or caliph, though apparently also present in Madinah, is harder to elucidate than *amīr*. Crone and Hinds have adequately demonstrated that the rulers themselves, perhaps from the time of ʿUthmān, used the title *khalīfat Allāh*, suggesting "God's deputy," rather than *khalīfat rasūl Allāh*, meaning "the successor of God's messenger."[53] Like the title *amīr*, during the Prophet's lifetime *khalīfah* appears to have been used to designate various subordinates of the Prophet, especially the official left behind by him to govern Madinah as his deputy during his absence on campaigns. Thus the title of *khalīfah*, like that of *amīr*, would have been a logical choice for the new executor of political sovereignty and might indeed at the outset have been taken in the sense of *khalīfat rasūl Allāh*,[54] the deputy of the now-absent Prophet and therefore his successor. This is entirely plausible despite the temptation to see *khalīfat rasūl Allāh* as a back-projection of later anti-state polemics;[55] it is difficult to see how the full-blown title of *khalīfat Allāh*, or God's deputy, could have emerged directly out of the milieu of the Prophet's rule when its precedent was only the office of Prophet's deputy when he was absent from Madinah.

On the other hand, one can understand how the office once firmly established easily became endowed with a more holy aura under the title *khalīfat Allāh*. Its holder, after all, was the Prophet's successor in supreme office. It is probable that the more pretentious title derived support from a

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[50] As noticed in Patricia Crone and Martin Hinds, *God's Caliph: Religious Authority in the First Centuries of Islam* (Cambridge: Cambridge University Press, 1986), 111-113.

[51] Balādhurī, *Ansāb*, I, 589. Although Abū Bakr is reported to have required the oath of ʿAlī, that could be due to the necessity of uniting the Quraysh completely, or alternatively to a secondary development of Sunnī-Shīʿī polemic over whether and when ʿAlī had paid allegiance.

[52] ʿUmar ibn Shabbah, *Taʾrīkh*, II, 677-680; Ṭabarī, *Taʾrīkh*, I, 2748; Abū al- Ḥasan ʿAlī ibn al-Ḥusayn al-Masʿūdī, *Murūj al-dhahab fī maʿādin al-jawhar*, ed. Muḥammad Muḥyī al-Dīn ʿAbd al-Ḥamīd, 4 vols. (Beirut: Dār al-Fikr, 1409/1989), II, 313.

[53] Crone and Hinds, *God's Caliph*, 4-23.

[54] Attested in Ibn Saʿd, *Ṭabaqāt*, III, 183-184; Ṭabarī, *Taʾrīkh*, I, 1849-1850, as well as many other places.

[55] Crone and Hinds, *God's Caliph*, 19-22.

single Qur'ānic verse (Q. 38:26), the only positive mention of the term *khalīfah* in the Qur'ān and one where the appointment of the *khalīfah* comes direct from God.[56] This is supported by historical traditions showing that ʿUthmān believed that it was God's will that he should rule.[57] Thus, *amīr al-mu'minīn* and *khalīfat Allāh* became titles used simultaneously by the supreme ruler in early Islam. Both *amīr* and *khalīfah* originally pointed to simple deputyship to the Prophet, but gradually acquired an odor of greater sanctity as they were lengthened into *amīr al-mu'minīn* and *khalīfat Allāh.*

A third title, *imām,* also came into use. In the Qur'ān, the use of the term is somewhat mysterious, as it refers most often to divine scriptures (Q. 11:17; 17:71; 36:12; 46:12, and possibly 15:79 as well). In only one case does it clearly refer to an individual, Abraham (Q. 2:124);[58] in another it refers to the believers in general (Q. 25:74). It does not occur with specific reference to the Prophet Muḥammad. On the other hand, the plural, *a'immah,* always seems to refer to people. It would thus seem best to translate *imām* as "exemplar" or "prototype," terms appropriate to both scriptures and persons. The use of the title *imām* is also abundantly attested for the early caliphs in poetry, at least by Umayyad times.[59] It also occurs in early historical traditions dealing with ʿAlī's succession.[60] Significantly, in early Sunnī religious tradition it is frequently, along with *amīr,* the title given to the ruler or leader.[61] As such, it is connected with the ruler's important prerogative of leading the public worship as *imām,* that is as an exemplar to be imitated by those worshiping behind him.[62] It is probable that rulers were first called *imāms* because they served as exemplars in worship, and that their other administrative functions were gradually subsumed under this title.

The enlarging of the meaning of the term *imām,* however, seems to have happened rather slowly. The Sunnī tradition shows the Prophet indicating Abū Bakr's succession by designating him to lead the public worship as *imām*

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[56] The *tafsīrs,* however, refuse to mention the institution of the caliphate in connection with this verse at all. Instead they emphasize that David was a successor to the former prophets only, and that whoever does not judge justly will be severely punished by Allāh. See Ṭabarī, *Jāmiʿ,* XXIII, 97; Qurṭubī, *Jāmiʿ,* XV, 124-125. In defining *khalīfah,* the exegetes prefer to concentrate on 2:30, where the *khalīfah* is described as shedding blood and working corruption in the earth; see Qurṭubī, *Jāmiʿ,* I, 182-190.

[57] Aḥmad ibn Yaḥyā al-Balādhurī, *Ansāb al-ashrāf,* ed. S. D. F. Goitein, 2 vols. in 3 parts in this series (Jerusalem: University Press, 1936), V, 66.

[58] This verse is, however, crucial to the Shīʿī theory of *imāmah.* See Ṭabarsī, *Majmaʿ,* I (pt. I), 200-202; Mir Ahmed Ali, *Qur'an,* 146-154 n. 115.

[59] al-Akhṭal, *Sharḥ dīwān al-Akhṭal,* ed. Ilīyā Salīm al-Ḥāwī (Beirut: Dār al-Thaqāfah, 1968), 71, 194, 296, 304; Jarīr ibn ʿAṭīyah, *Sharḥ dīwān Jarīr,* ed. Muḥammad Ismāʿīl ʿAbd Allāh al-Ṣāwī (Damascus: Maktabat Muḥammad Ḥusayn al-Nawawī, n. d.), 256, 384, 415, 492, 505-506.

[60] Ṭabarī, *Ta'rīkh,* I, 3066, 3069.

[61] Bukhārī, *Ṣaḥīḥ,* IX, 77 (*K. al-aḥkām, b. qawl Allāh atiʿū* ...).

[62] Muḥammad ibn Idrīs al-Shāfiʿī, *al-Umm,* 7 vols. (Cairo: Dār al-Shaʿb, n. d.), I, 139.

during the Prophet's final illness.[63] On this showing, a title held by Abū Bakr at the moment of the Prophet's death would have been (interim) *imām* for worship. However, the earliest historical traditions do not show Abū Bakr making any use of this designation by the Prophet in his effort to overcome resistance to his succession. Thus, it is doubtful that his temporary designation as *imām* for public worship by the Prophet had much significance. Ṣuhayb ibn Sinān "al-Rūmī" was also designated to lead the worship by the dying ʿUmar ibn al-Khaṭṭāb in similar circumstances,[64] yet no one took the honor to mean he was being designated as successor, nor did Ṣuhayb ever enjoy any subsequent importance, although he survived for many years.[65] Indeed, like the titles *amīr* and *khalīfah*, the title *imām* may have been applied in the Prophet's lifetime to anyone who led the public worship, whether in one of the mosques or on an expedition. The idea of the *amīr al-muʾminīn/khalīfat Allāh* as the supreme *imām* could only have arisen after the Prophet's death.

Finally, there is the tradition preferred by the Shīʿah describing the Prophet's designation of ʿAlī as his successor at Ghadīr Khumm.[66] This tradition, however, also does not use the title *imām*, but rather the expression *mawlā* (or *walī*).[67] *Mawlā* is not subsequently used as anything but an informal title, probably because of its ambiguity, as it can mean "client" or "freedman" as well as "master" or "lord." While the Ghadīr Khumm tradition definitely means to indicate a succession, that report does not clarify or define the office of the Prophet's successor. For the Shīʿah, ʿAlī and his successors are above all *imāms* (although they also acknowledge the titles of *amīr al-muʾminīn* and *amīr*, at least insofar as ʿAlī is concerned).[68] It may be significant that the Prophet could be described as an *imām* but never as an *amīr* or a *khalīfah*. This may have made the title of *imām* appear closer to the Prophet himself and better attested as an office for both Sunnīs and Shīʿīs, and indeed *imām* has retained a greater spiritual connotation than the other titles.

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[63] Bukhārī, *Ṣaḥīḥ*, VI, 15 (*K. al-maghāzī, b. maraḍ al-nabī wa-wafātihi* ...); Ibn Hishām, *Sīrah*, II, 652; Ibn Saʿd, *Ṭabaqāt*, II, 215-224; III, 178-181; Balādhurī, *Ansāb*, I, 554-561; Ṭabarī, *Taʾrīkh*, I, 1811-1813. The pro-Sunnī pseudo-Ibn Qutaybah, *al-Imāmah wa-al-siyāsah*, ed. Ṭāhā Muḥammad al-Zaynī, 2 vols. (Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 1378/1967), I, 11-12, gives an elaborated version.

[64] Ibn Saʿd, *Ṭabaqāt*, III, 229-230, 362, 367-368; Ṭabarī, *Taʾrīkh*, I, 2724, 2726-2728, 2779, 2781, 2787, 2792, 2797, 2799-2800.

[65] Until 38/658. Ibn Saʿd, *Ṭabaqāt*, III, 230; Ṭabarī, *Taʾrīkh*, I, 3072, 3124-3125.

[66] Ṭabarsī, *Majmaʿ*, II (pt. III), 159, 223; Mir Ahmed Ali, *Qurʾan*, 446-449 n. 649, 451-453 n. 653, 490-491 n. 693, 493-500 n. 703; ʿAbd al-Ḥusayn Sharaf al-Dīn al-ʿĀmilī and Salīm al-Bishrī, *al-Murājaʿāt*, ed. Ḥāmid Dāwūd and Muḥammad Fikrī Abū Naṣr (Cairo: Maṭbūʿāt al-Najāḥ, 1397/1977), 164-168; Muḥammad Ḥusayn al-Jalālī, *Sharḥ al-arbaʿīn al-nabawīyah* (Beirut: Muʾassasat al-Aʿlamī lil-Maṭbūʿāt, 1407/1987), 43-44; Yaʿqūbī, II, 112. In Muslim ibn al-Ḥajjāj, *Ṣaḥīḥ*, 2 vols. (Cairo: ʿĪsā al-Bābī al-Ḥalabī, n. d.), II, 362 (*K. faḍāʾil al-ṣaḥābah, b. min faḍāʾil ʿAlī* ...), this report is deprived of its impact, however, as the Prophet's words sound ambiguous and the crucial phrases mentioning ʿAlī do not occur.

[67] For other variants using *walī*, see ʿĀmilī and Bishrī, *Murājaʿāt*, 135-139.

[68] For the revealed nature of ʿAlī's title *amīr al-muʾminīn* in Shīʿī literature implying ʿAlī's exclusive right to the title, see Kulaynī, *Uṣūl*, I, 292; Mir Ahmed Ali, *Qurʾan*, 493-494 n. 703.

Whatever the exact course of development of the supreme political office in Islam, it is clear that loyalty to the legitimate incumbent of that office was regarded as an obligatory requirement from a very early date. This is demonstrated first by various traditions requiring an oath of allegiance to a ruler to gain salvation. One example is the Sunnī *ḥadīth*, "Whoever dies without having an oath of allegiance (*bayʿah*) on his neck has died a Jāhilī [i.e., non-Muslim] death."[69] An exactly parallel Shīʿī text is, "Whoever dies without having an *imām* has died a Jāhilī death [elsewhere: a death of disbelief and hypocrisy]."[70] Associated with this is the basic doctrine of Twelver Shīʿism that one must know who one's *imām* is and be loyal and obedient to him.[71] For their part, Khārijīs frequently set up their own *amīr al-muʾminīn* as a first step, especially in the earliest period, and regarded as Muslims only those who had sworn allegiance to him.[72] The historical Muslim state from its beginning required such an oath of allegiance and regarded the breaking of it as a capital offense.[73]

The weakening and then collapse of the caliphate and the occultation of the Shīʿī twelfth *imām* made legitimate Islamic political authority into a religious ideal precisely because it no longer functioned. However, at the beginning of the caliphate these developments had not yet taken place, and the supreme office was primarily a political one. There is surprisingly little information about the prerogatives of the office under the first caliphs. It appears that an oath of allegiance (*bayʿah*) was taken from those present in Madinah, and that all those absent were expected to take the same oath at a later date. The oath may have been repeated for armies setting out on expeditions.[74] The contents of the oath may have varied but must have been strongly influenced by the Qurʾānic precedent of oaths of allegiance to the Prophet, especially 60:12 and 48:18. Most important was the condition of obedience. Breaking one's oath cut one off from the community. The most important power was the power of command implicit in the first and main title of the earliest period, *amīr*. Symbolic of this power were the right to lead the public worship, deliver the

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[69] Muslim, *Ṣaḥīḥ*, II, 136 (*K. al-imārah, b. al-amr bi-uzūm al-jamāʿah* ...).

[70] Kulaynī, *Uṣūl*, I, 371-372, 375-376, 378.

[71] Ibid., 169, 180-189, 371-378; Mir Ahmed Ali, *Qurʾan*, 129a-130a; Moojan Momen, *An Introduction to Shiʿi Islam: The History and Doctrines of Twelver Shiʿism* (New Haven: Yale University Press, 1985), 150, 157-159.

[72] Abū al-Fatḥ Muḥammad ibn ʿAbd al-Karīm al-Shahrastānī, *al-Milal wa-al-niḥal*, ed. Muḥammad Sayyid Kīlānī, 2 vols. (Cairo: Muṣṭafā al-Bābī al-Ḥalabī, 1396/1976) I, 116-117; Julius Wellhausen, *The Religio-Political Factions in Early Islam*, ed. R. C. Ostle, tr. R. C. Ostle and S. M. Walzer (Amsterdam: North Holland Publishing Co., 1975), 21, 41.

[73] Ṭabarī, *Taʾrīkh*, II, 1264-1265, on the execution of Saʿīd ibn Jubayr.

[74] Muslim, *Ṣaḥīḥ*, II, 138-140 (*K. al-imārah, b. istiḥbāb mubāyaʿat al-imām al-jaysh* ...).

Friday sermon,[75] and lead the pilgrimage. Physical accouterments of caliphal authority included the staff, bow, or sword[76] and the pulpit in the mosque.[77]

The caliphal power was not, however, unlimited. Not only did the caliph have to behave sanely to retain his legitimacy, like any incumbent of political office, but he also had to remain loyal to Islam, to the decrees of the revealed Qurʾān, and to the precedent set by the Prophet. Indeed, it appears that each of the first three caliphs undertook to uphold all the precedents set by his predecessors.[78] Certain steps taken by the third caliph ʿUthmān that went beyond or contradicted the precedent of the Prophet were used to criticize him and even to ask him to resign.[79] Some of these points appear to be rather fine and thus unlikely to be invented, so that the list may be substantially authentic. This shows clearly the limitation imposed by precedent on the exercise of caliphal power. Besides following precedent, the ruler had to be just;[80] any impairment of his justice could threaten his tenure in office.[81] The rule of the caliph in the first century of Islam was therefore a strong political imperative, but not absolute.

III. The Meeting of Saqīfat Banī Sāʿidah

Thus far we have reviewed how the caliphal office with its titles and prerogatives is described in the sources in order to shed light on the office's origin and development. We may now turn to the statements of the historical reports themselves. These are full of difficulties owing to the desire of Sunnīs and Shīʿīs to promote the legitimacy of the succession to the Prophet of Abū Bakr and ʿAlī respectively. As a result, much or most of the tradition is tendentious. Yet its very quantity and variety give hope that some probable historical information can be gleaned.

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[75] Shāfiʿī, *Umm*, I, 139; Wahbah al-Zuḥaylī, *al-Fiqh al-Islāmī wa adillatuhu*, 3rd ed., 8 vols. (Damascus: Dār al-Fikr, 1409/1989), II, 277.

[76] Abū Dāwūd al-Sijistānī, *Sunan Abī Dāwūd*, ed. Kamāl Yūsuf al-Ḥūt, 2 vols. (Beirut: Dār al-Janān and Muʾassasat al-Kutub al-Thaqāfiyah, 1409/1988), I, 355 (*K. al-ṣalah, b. al-rajul yakhṭubu ʿalā qaws*); Zuḥaylī, *Fiqh*, II, 293; Ṭabarī, *Taʾrīkh*, I, 3068.

[77] This is demonstrated by the fact that the early caliphs at least through Muʿāwiyah used to give the Friday sermons themselves. Mālik ibn Anas, *al-Muwaṭṭaʾ*, ed. Muḥammad Fuʾād ʿAbd al-Bāqī (Cairo, Dār al-Shaʿb, n. d.), 199 (*K. al-ṣiyām, b. ṣiyām yawm ʿĀshūrāʾ*). The motif of the pulpit and its associated staff (*ʿaṣā*) appear together prominently in the story of ʿUthmān's overthrow, where the breaking of his staff symbolizes the end of his rule. Ṭabarī, *Taʾrīkh*, I, 2982-2983. The right to coin money came much later.

[78] Ṭabarī, *Taʾrīkh*, I, 2786, 2793-2794; Balādhurī, *Ansāb*, V, 22; M. A. Shaban, *Islamic History: A New Interpretation*, Vol. I, *A. D. 600-750 (A. H. 132)* (Cambridge: Cambridge University Press, 1971), 61-62.

[79] Ṭabarī, *Taʾrīkh*, I, 2963-2964; pseudo-Ibn Qutaybah, *Imāmah wa-siyāsah*, I, 35-36.

[80] Al-Sharīf al-Raḍī, *Nahj al-balāghah*, annotated by Muḥammad ʿAbduh, ed. Muḥammad Aḥmad ʿĀshūr and Muḥammad Ibrāhīm al-Bannā (Cairo: Dār al- Shaʿb, n. d.), 156.

[81] Bukhārī, *Ṣaḥīḥ*, IX, 78-79 (*K. al-aḥkām, b. al-samʿ wa-al-ṭāʿah lil-imām mā lam takun maʿṣiyah*), 109 (*K. khabar al-wāḥid, b. mā jāʾa fī ijāzat khabar al- wāḥid ...*), etc.; Muslim, *Ṣaḥīḥ*, II, 131-132 (*K. al-imārah, b. wujūb ṭāʿat al-umarāʾ fī ghayr maʿṣiyah ...*).

First, there is on the whole little indication that the Prophet planned for a succession. Most likely, both he and the Muslims understood that his unique office as the Prophet of God guided by divine revelations could not be perpetuated.[82] Also, the Muslim state was new and unprecedented in Arabia, making it difficult to think of other than ad hoc constitutional arrangements. Although both Sunnī and Shīʿī tradition emphasizes the roles of Abū Bakr, ʿUmar, ʿAlī, and others, it seems probable that in focusing on those who presided over the state after the Prophet, the tradition has neglected the political importance of certain Companions who did not leave behind them partisans who magnified their memory. Some of these Companions predeceased the Prophet as well. In order to understand how the relationships of those around the Prophet developed and changed and how the Muslims' political usages arose and evolved, we need also to consider these neglected personages.

First among them is Zayd ibn Ḥārithah, the Prophet's adopted son and the only contemporary Muslim besides the Prophet to be mentioned in the Qurʾān by name (Q. 33:37).[83] Indeed, his mention in the Qurʾān itself was the outcome of the Prophet's attempt to advance him in rank by marrying him to Zaynab bint Jaḥsh, a woman of noble blood, despite his being an ex-slave,[84] and the Prophet also married him to several Qurashī noblewomen.[85] Although it cannot be ascertained for a fact, until he was killed at Muʾtah on an expedition traditionally dated to 8/629,[86] Zayd is as likely to have held the second rank as anyone else, and it is not impossible that he was being groomed to succeed to political leadership. Indeed, a report attributed to ʿĀʾishah even states outright that had Zayd still been alive at the end of the Prophet's life, the Prophet would have appointed him as his successor (*istakhlafahu*).[87]

Many traditions emphasize Zayd's importance. These include the plausible claim that he was the first male to embrace Islam after the Prophet himself.[88] It is difficult to see why this claim would have been later fabricated. Zayd is said to have been the most beloved of all the Companions to the Prophet,

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[82] As suggested by Qurʾān 33:40 and insisted upon by its exegesis, including the *ḥadīth* "There will be no prophet after me."

[83] Ibn Saʿd, *Ṭabaqāt*, III, 40-47; Balādhurī, *Ansāb*, I, 467-473; Ibn Ḥajar, *Iṣābah*, I, 563-564; Abū ʿUmar Yūsuf ibn ʿAbd Allāh Ibn ʿAbd al-Barr, *al-Istīʿāb fī asmāʾ al-aṣḥāb*, 4 vols., on margin of Ibn Ḥajar, *Iṣābah*, I, 544-549; ʿAlī ibn al-Ḥasan Ibn ʿAsākir, *Tahdhīb taʾrīkh madīnat Dimashq*, abridged by ʿAbd al-Qādir Badrān, 7 vols (Beirut: Dār al-Masīrah, 1399/1979), V, 457-458.

[84] Ṭabarī, *Jāmiʿ*, XXII, 9-10 (on Q. 33:36).

[85] Ibn Saʿd, *Ṭabaqāt*, III, 45.

[86] On Muʿtah see Ibn Hishām, *Sīrah*, II, 373-389; Balādhurī, *Ansāb*, I, 380; Ṭabarī, *Taʾrīkh*, I, 1610-1618.

[87] Ibn ʿAsākir, *Taʾrīkh*, V, 461, states that this report is found in several prominent collections of ḥadīth.

[88] Ibn Hishām, *Sīrah*, I, 247; Ibn Saʿd, *Ṭabaqāt*, III, 44; Balādhurī, *Ansāb*, I, 112; Ṭabarī, *Taʾrīkh*, I, 1167; Ibn ʿAsākir, *Taʾrīkh*, V, 458. This agrees with Bukhārī, *Ṣaḥīḥ*, V, 58 (*K manāqib al-Anṣār, b. islām Abī Bakr*), for one of the five slaves (*aʿbud*) mentioned would be Zayd.

whence his epithet "Ḥibb Rasūl Allāh,"[89] meaning "the Beloved of the Prophet," (even though other traditions attribute the status of the most beloved Companion to Abū Bakr or ʿAlī). Also, the Prophet formally adopted Zayd as his son with rights to succeed to his inheritance,[90] a distinction given to no one else. Though this arrangement was later overturned in the Qurʾān (Q. 33:4-5),[91] the immediate occasion for that reversal seems to have been the Prophet's marriage to Zaynab bint Jaḥsh (Q. 33:37)[92] dated to the year 5/626-27[93] rather than any coolness between Zayd and the Prophet. The Prophet continued to call Zayd his brother,[94] just as he called ʿAlī his brother.[95] Zayd was not only made commander (*amīr*) of seven to nine expeditions by the Prophet;[96] he was also appointed leader of the largest expedition ever sent forth by the Prophet under a commander other than himself.[97] One report states that Zayd was always placed in command of every expedition that he was sent on by the Prophet, and that Zayd was also left in charge of Madinah whenever the Prophet himself went forth to campaign.[98]

Furthermore, after Zayd's death his young son Usāmah apparently was assigned a larger share of income from the part of Khaybar freely distributed by the Prophet, pointedly in contrast to Abū Bakr, who received a smaller share. Only the Prophet's daughter and wife received shares close to the size of Usāmah's.[99] Clearly Zayd and his son continued to be treated as part of the Prophet's own family, despite Qurʾān 33:4-5. In one tradition, he is paired with al-Ḥasan ibn ʿAlī in the Prophet's affection.[100] Most tellingly, over the objections of some Companions the Prophet insisted on appointing Usāmah as commander of a long-range expedition to Syria to exact retribution for his father's killing. Abū Bakr and ʿUmar were both put under the command of Usāmah at the Prophet's express wish.[101] The prominence of Zayd in these traditions is not likely to have been fabricated, because Zayd left no partisans behind him to promote his interest, and his son Usāmah immediately faded

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[89] This title is also attributed to his son Usamah. Ibn Saʿd, *Ṭabaqāt*, II, 250; III, 44, 47; Bukhārī, *Ṣaḥīḥ*, V, 29 (*K. faḍāʾil aṣḥāb al-nabī, b. manāqib Zayd ibn Ḥārithah, b. dhikr Usāmah ibn Zayd*); Ibn ʿAsākir, *Taʾrīkh*, II, 395-398, V, 460- 462, which includes a tradition that Fāṭimah was the most beloved of women to the Prophet and Usāmah was the most beloved of men.

[90] Ibn Saʿd, *Ṭabaqāt*, III, 42.

[91] These verses are connected with Zayd in the exegetical tradition, although he is not actually named. Bukhārī, *Ṣaḥīḥ*, VI, 145-146 (*K. al-Tafsīr, sūrah* 33, v. 5); Ṭabarī, *Jāmiʿ*, XXI, 75-76.

[92] Ibn Saʿd, *Ṭabaqāt*, III, 42-43; Ibn ʿAsākir, *Taʾrīkh*, V, 457-458.

[93] Ṭabarī, *Taʾrīkh*, I, 1460.

[94] Bukhārī, *Ṣaḥīḥ*, V, 29 (*K. faḍāʾil aṣḥāb al-nabī, b. manāqib Zayd ibn Ḥārithah*).

[95] Ibn Hishām, *Sīrah*, I, 505.

[96] Ibn Saʿd, *Ṭabaqāt*, III, 45-46.

[97] The ill-fated Muʿtah expedition.

[98] Ibn Saʿd, *Ṭabaqāt*, III, 46; Ibn ʿAsākir, *Taʾrīkh*, V, 461.

[99] Ibn Hishām, *Sīrah*, II, 349, 351.

[100] Ibn ʿAsākir, *Taʾrīkh*, II, 395-396.

[101] Wāqidī, *Maghāzī*, III, 1117-1119; Ibn Hishām, *Sīrah*, II, 650; Balādhurī, *Ansāb*, I, 384, 473-475; Yaʿqūbī, *Taʾrīkh*, II, 113; Ṭabarī, *Taʾrīkh*, I, 1794-1795; Ibn ʿAsākir, *Taʾrīkh*, II, 395, 397.

into the background. The tradition of the subordination of Abū Bakr and ʿUmar is not likely to have come from a Shiizing source, for Usāmah remained aligned with the Quraysh and was not a partisan of ʿAlī.[102]

Another important Companion also killed at Muʾtah was ʿAlī's older brother Jaʿfar ibn Abī Ṭālib. While ʿAlī was only a child when Islam began, Jaʿfar was already an adult. Together with his wife Asmāʾ bint ʿUmays al-Khathʿamīyah, he was one of the first to embrace Islam. He was the leader of the Muslims whom the Prophet sent to Abyssinia and remained the Prophet's representative there throughout the period from 615 until 6/627.[103] The possibility that Jaʿfar until he was slain was more important than the other early Muslims (except perhaps for Zayd) certainly deserves to be considered. The post he held for twelve years as the leader of the Muslim community in Abyssinia and the Prophet's representative there must have been very significant.

The early importance of Zayd, Jaʿfar, and probably others[104] suggests that the ranks and roles of the Companions may have evolved considerably and that their subsequent reputations are at least partly due to the influence of later historical events and partisanships. Moreover, traditions extolling the qualities of or emphasizing the favor shown by the Prophet to Abū Bakr and ʿAlī need not be taken in any broad sense as indicating their preferment to all others. They can rather be explained in general terms as falling into the category of *faḍāʾil al-ṣaḥābah* or "the merits of the Companions." Indeed, it is improbable that the Prophet would have publicly made invidious comparisons that could have excited jealousy among his Companions. As we have seen, Abū Bakr's appointment to lead the public worship in the Prophet's final illness does not seem to have been immediately taken as indicating his succession to a position that did not yet exist.[105] Likewise, the identification of Abū Bakr as the person who shared the Prophet's danger during the *hijrah* in the cave on Mt. Thawr, while historically plausible and connected traditionally with Qurʾān 9:40, does not single out Abū Bakr for the succession. As for ʿAlī, statements attributed to the Prophet such as, "You are to me like the rank of Aaron to Moses, except that there is no prophet after me,"[106] or "Whoever I am the master of, ʿAlī is

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[102] Muḥammad ibn Muḥammad al-Mufīd, *al-Jamal wa-al-nuṣrah li-sayyid al-ʿitrah fī ḥarb al-Baṣrah*, ed. al-Sayyid ʿAlī Mīr Sharīfī (Qum: Maktab al-Iʿlām al-Islāmī, 1413/1992-93), 97-98, 157.

[103] Balādhurī, *Ansāb*, I, 198; Ibn Ḥajar, *Iṣābah*, I, 237-238; Ibn ʿAbd al-Barr, *Istīʿāb*, I, 210-213.

[104] For example ʿUthmān ibn Maẓʿūn (d. 2/624), for whom see Ibn Ḥajar, *Iṣābah*, II, 464, and Khālid ibn Saʿīd ibn al-ʿĀṣ (d. c. 13/634), for whom see Ibn Ḥajar, *Iṣābah*, I, 406-407. Khālid was with Jaʿfar during the latter's entire sojourn in Abyssinia.

[105] Ibn Hishām, *Sīrah*, II, 652; Balādhurī, *Ansāb*, I, 554-561; Ṭabarī, *Taʾrīkh*, I, 1811-1813.

[106] Bukhārī, *Ṣaḥīḥ*, V, 24 (*K. faḍāʾil aṣḥāb al-nabī, b. manāqib ʿAlī* ...); Muslim, *Ṣaḥīḥ*, II, 360 (*K. faḍāʾil al-ṣaḥābah b. min faḍāʾil ʿAlī* ...).

also his master,"[107] could have explanations other than that of the succession. A clear statement from the Prophet about the succession made before the Muslim public would almost certainly have been carried out if it had involved the appointment of a freeborn noble such as ʿAlī.[108]

The most significant reason for giving a different interpretation to the succession of Abū Bakr is a very old tradition found in Ibn Isḥāq and, with some difference, in al-Bukhārī; it is also found in many other sources.[109] The tradition demonstrates that the Prophet had made no clear public designation of anyone as a political successor. The Anṣār, led by the Khazraj, met in the meeting hall of the Banū Sāʿidah to elect Saʿd ibn ʿUbādah, the leader of the Khazraj, as *amīr* of Madinah. Since the Khazraj were the majority tribal grouping in Madinah, the choice was logical. The Muhājirūn of the Quraysh, who seem to have been caught by surprise by this development, were warned to intervene quickly by two Awsīs,[110] for the Aws segment of the Anṣār were afraid they would once again be dominated by the Khazraj as they had been before Islam. When Abū Bakr, ʿUmar, and Abū ʿUbaydah ibn al-Jarrāḥ, the three Qurashīs, arrived at the meeting hall, they were able to persuade the Aws rather easily to support them, as Usayd ibn Ḥuḍayr, the main Awsī leader, went over to the Qurashī side.[111] The Quraysh argued that the Arabs outside Madinah would obey no one but them,[112] and that they had superior rights by being closer in blood to the Prophet.[113] There is little indication that Abū Bakr's being appointed *imām* to lead the public worship was used by him or his supporters as an argument in favor of his candidacy.[114]

During the meeting, the Khazraj had tried to save their position by offering a compromise: an *amīr* from the Anṣār, and an *amīr* from the Quraysh, a kind

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[107] Ṭabarsī, *Majmaʿ*, II (pt. III), 159, 223; Yaʿqūbī, *Taʾrīkh*, II, 112; Mir Ahmed Ali, *Qurʾan*, 445, 446-449 n. 649, 451-453 n. 653, 490-491 n. 693, 493-500 n. 703; ʿĀmilī and Bishrī, *Murājaʿāt*, 164-168; Jalālī, *Sharḥ*, 43-44.

[108] Qurṭubī, *Jāmiʿ*, I, 183.

[109] Bukhārī, *Ṣaḥīḥ*, V, 8 (*K. faḍāʾil aṣḥāb al-nabī*, [nameless] *bāb*), VIII, 211 (*K. al-ḥudūd, b. rajm al-ḥublā fī al-zinā idhā uḥṣinat*); Ibn Hishām, *Sīrah*, II, 656-660; Ibn Saʿd, *Ṭabaqāt*, III, 182, 568; Balādhurī, *Ansāb*, I, 579-584; Ṭabarī, *Taʾrīkh*, I, 1817-1824; ʿAbd al-Ḥamīd ibn Hibat Allāh Ibn Abī al-Ḥadīd, *Sharḥ nahj al-balāghah*, ed. Ḥasan Tamīm, 5 vols. (Beirut: Dār Maktabat al-Ḥayāh, 1963-1965), I, 291-303.

[110] The two Awsīs were ʿUwaym ibn Sāʿidah and Maʿn ibn ʿAdī. For ʿUwaym see Ibn Hishām, *Sīrah*, I, 433, II, 660; Ibn Saʿd, *Ṭabaqāt*, III, 459-460; ʿIzz al-Dīn Ibn al-Athīr, *Usd al-ghābah fī maʿrifat al-ṣaḥābah*, 7 vols. (Cairo: Dār al-Shaʿb, n. d.), IV, 315-316; Abū Bakr ibn al-ʿArabī, *al-ʿAwāṣim min al-qawāṣim*, ed. and annotated by Muḥibb al-Dīn al-Khaṭīb (Cairo: al-Maṭbaʿah al-Salafīyah, 1371/1952), 40 n. 3. For Maʿn ibn ʿAdī, see Ibn Hishām, *Sīrah*, II, 660; ʿIzz al-Dīn Ibn al-Athīr, *al-Kāmil fī al-taʾrīkh*, 13 vols. (Beirut: Dār Ṣādir, 1965-1967), V, 238.

[111] Ibn Hishām, *Sīrah*, II, 656; Balādhurī, *Ansāb*, I, 582-583.

[112] Ibn Hishām, *Sīrah*, II, 659; Bukhārī, *Ṣaḥīḥ*, VIII, 211 (*K. al-ḥudūd, b. rajm al-ḥublā fī al-zinā idhā uḥṣinat*); Balādhurī, *Ansāb*, I, 582, 584; Ṭabarī, *Taʾrīkh*, I, 1823.

[113] al-Sharīf al-Raḍī, *Nahj*, 78.

[114] Such an assertion is found, however, in the pro-Qurashī Aḥmad ibn Aʿtham al-Kūfī, *al-Futūḥ*, 8 vols. (Hyderabad: Dāʾirat al-Maʿārif al-ʿUthmānīyah, 1388-1395/1968-1975), I, 5, where it is probably a secondary development. Ibn Aʿtham is not generally very reliable.

of dyarchy. However, this was rejected, the Qurashī position won, and the Muhājirūn, the Aws, and finally the Khazraj ended by pledging allegiance to Abū Bakr. One gets the impression from the historical tradition that Abū Bakr's inauguration resulted from an ad hoc decision by ʿUmar, who saluted Abū Bakr as *amīr* suddenly in the midst of loud contention in order to create a fait accompli. At least this is what ʿUmar himself is said to have stated.[115]

Remarkably, ʿUmar in his rendition of Abū Bakr's inauguration continues: "Then we beat up Saʿd ibn ʿUbādah. One of Saʿd's followers said, 'You have killed Saʿd ibn ʿUbādah! ' To which I [ʿUmar] replied, 'May God kill Saʿd ibn ʿUbādah!'"[116] Saʿd survived this episode, however, and refused ever to render allegiance to any Qurashī. Such contumacy was ignored at the time. However, in ʿUmar's reign it was taken as grounds for capital punishment.[117] Thus, in no more than two years from the Prophet's death, the principle of the oath of allegiance to the caliph on the pattern of the oath that had been previously rendered to the Prophet became an absolute, binding obligation on all Muslims.

A further question arises about the meeting of Saqīfat Banī Sāʿidah. This concerns the inaction of Usāmah ibn Zayd. At the time of the Prophet's death, Usāmah was the only person in Madinah with the power to command (*imārah*), as demonstrated by his holding the title of *amīr*.[118] This title is explicitly mentioned in the texts, just as it is specifically stated that both Abū Bakr and ʿUmar were in his army under his command.[119] Abū Bakr, on the other hand, held no such regular title at all; none is given in the sources, and his designation to lead the congregational worship during the Prophet's final illness, probably only very briefly, cannot be taken as a regular office of significance, as we have seen. Why then did Usāmah pay allegiance to Abū Bakr so easily?

Aside from Usāmah's youth, which certainly would not have recommended him,[120] the answer could lie in the words attributed by tradition to Abū Bakr in his argument against Saʿd ibn ʿUbādah's supporters: the Arabs

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[115] Ibn Hishām, *Sīrah*, II, 660; Bukhārī, *Ṣaḥīḥ*, V, 8 (*K. faḍā'il aṣḥāb al-nabī*, [nameless] *bāb*), VIII, 211 (*K. al-ḥudūd, b. rajm al-ḥublā fī al-zinā idhā uḥṣinat*); Ṭabarī, *Taʾrīkh*, I, 1823. Qurṭubī, *Jāmiʿ*, I, 186, confirms this understanding.

[116] Ibn Hishām, *Sīrah*, II, 660; Bukhārī, *Ṣaḥīḥ*, V, 8 (*K. faḍā'il aṣḥāb al-nabī* [nameless] *bāb*), VIII, 211 (*K. al-ḥudūd, b. rajm al-ḥublā fī al-zinā idhā uḥṣinat*); Balādhurī, *Ansāb*, I, 582; Ṭabarī, *Taʾrīkh*, I, 1823.

[117] Balādhurī, *Ansāb*, I, 589.

[118] This is specifically acknowledged by ʿUmar in Ibn ʿAsākir, *Taʾrīkh*, II, 397.

[119] Wāqidī, *Maghāzī*, III, 1117-1119; Ibn Hishām, *Sīrah*, II, 650; Bukhārī, *Ṣaḥīḥ*, V, 29 (*K. faḍā'il aṣḥāb al-nabī, b. manāqib Zayd ibn Ḥārithah*); Balādhurī, *Ansāb*, I, 384, 473-475; Yaʿqūbī, *Taʾrīkh*, II, 113; Ṭabarī, *Taʾrīkh*, I, 1794-1795; specifically emphasized in Muḥammad ibn Aḥmad al-Dhahabī, *Siyar aʿlām al-nubalāʾ*, ed. Shuʿayb al-Arnāʾūṭ et al., 23 vols. (Beirut: Muʾassasat al-Risālah, 1401-05/1981-85), II, 501.

[120] Although only a few years later ʿUthmān is said to have appointed the twenty-five-year-old ʿAbd Allāh ibn ʿĀmir ibn Kurayz governor of Baṣrah. Ṭabarī, *Taʾrīkh*, I, 2828.

would not respect anyone except a Qurashī.[121] This statement seems to primarily rule out the Anṣar, but it is also very likely that asking the many recent converts to Islam from among the Arab tribal chiefs, the *muʾallafah qulūbuhum* or "those whose hearts are reconciled" of Qurʾān 9:60, to subject themselves to an *amīr* who was the son of a slave was too much to expect. Nor would the Quraysh have liked it, nor the Anṣār, who probably also identified Usāmah with the Quraysh since he was an immigrant (*muhājir*) to Madinah along with the Quraysh. Indeed, Usāmah's father Zayd had been "brothered" to the pro-Qurashī Awsī Usayd ibn Ḥuḍayr who aided in the election of Abū Bakr.[122] This affiliation may have continued with the son. No doubt one of the Qurashī arguments in favor of Abū Bakr at the Saqīfah was the need for a strong candidate to obtain unity while thwarting Saʿd. And indeed, Usāmah did remain loyal to the Qurashī side right through the civil war of the First Fitnah, refusing to render allegiance to ʿAlī[123] and possibly fleeing to Syria. However, he and his family also ceased to have any influence, and he probably received no further commands after the one the Prophet had placed him in charge of.[124] The Prophet's efforts to promote the interests of his erstwhile adopted son and his offspring appear to have finally borne no fruit. Usāmah receded into the background, as did other Companions whose initial importance can be demonstrated from the sources. In the meantime, the reputation of other figures who had not at first had as much importance as they did later, such as Abū Bakr, grew.

IV. The Position of ʿAlī under the Qurashī Caliphate

Abū Bakr did not immediately gain universal acquiescence for his new office, although no new violence ensued. Several persons aside from Saʿd ibn ʿUbādah are mentioned as initially refusing to pay allegiance: Khālid ibn Saʿīd ibn al-ʿĀṣ, ʿAlī, and Fāṭimah, though all eventually conformed.[125] ʿAlī's initial opposition to Abū Bakr's assumption of supreme office is frequently linked with Fāṭimah's complaint over Abū Bakr's appropriation of the Prophet's estates on the principle that the Prophet's property belonged to the state rather than to his family.[126] But there is almost certainly more behind it, for ʿAlī had

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[121] See note 107.

[122] Ibn Saʿd, *Ṭabaqāt*, III, 605; Balādhurī, *Ansāb*, I, 270; Ibn Ḥajar, *Iṣābah*, I, 49.

[123] Ṭabarī, *Taʾrīkh*, I, 3072, 3124; Dhahabī, *Siyar*, II, 504-505.

[124] Ibn Ḥajar, *Iṣābah*, I, 31. Except that Abū Bakr may have left him in charge of Madinah temporarily on his return from Syria while Abū Bakr himself went forth to Dhū al-Qaṣṣah. Ṭabarī, *Taʾrīkh*, I, 1870.

[125] Balādhurī, *Ansāb* I, 585-588. Al-Zubayr and Ṭalḥah are also mentioned as withholding their oaths at first, but this is unlikely in view of their long-standing, profound family relationship with Abū Bakr and their later alliance with ʿĀʾishah, Abū Bakr's daughter. Probably the occurrence of this tradition, as in Ibn Hishām, *Sīrah*, II, 656, and Balādhurī, *Ansāb*, I, 583, 585, results from a desire to demonstrate their harmonious relations with ʿAlī. Yaʿqūbī, *Taʾrīkh*, II, 124-126, gives an expanded list.

[126] Balādhurī, *Ansāb*, I, 519; *Futuḥ*, 35-36; Ṭabarī, *Taʾrīkh*, I, 1825-1826.

a profound link with the Anṣār, especially the Khazraj, which comes out irrefutably in his appointments as caliph,[127] as well as in reports indicating their warm support for his caliphate.[128] At the same time, at his election as caliph he obtained almost no support from any Qurashīs apart from his own close relations, such as his nephew Jaʿdah ibn Hubayrah al-Makhzūmī.[129] It is very probable that ʿAlī's alliance with the Anṣār goes back to an early date. The Prophet had made ʿAlī the brother of the Anṣārī Sahl ibn Ḥunayf,[130] and the relationship seems to have developed into a strong bond, for on attaining the caliphate ʿAlī made Sahl one of his main advisers, while appointing Sahl's brother ʿUthmān ibn Ḥunayf to the prestigious governorship of Basrah.[131]

Tellingly, ʿAlī's most loyal Anṣārī supporter, Qays ibn Saʿd, was Saʿd ibn ʿUbādah's son. Qays refused to surrender to or compromise with Muʿāwiyah even when ʿAlī had been killed and al-Ḥasan ibn ʿAlī decided to make peace.[132] The outstanding loyalty of Qays ibn Saʿd ibn ʿUbādah to ʿAlī and his family has two implications. First, given that Qays' father was the candidate of the Anṣār at the Saqīfah and strongly opposed to the Quraysh, ʿAlī at some point, possibly from the beginning, had entertained reservations about Qurashī rule. Second, it is difficult to see how ʿAlī could have been pushing himself as a candidate for ruler when Saʿd ibn ʿUbādah, of whom he presumably approved, was doing the same. A Shīʿī tradition at this point shows no indication that ʿAlī was displeased with the Anṣār's attempt to set up Saʿd as *amīr*.[133] Other traditions show that, although ʿAlī felt he had a superior right to office owing to his closeness to the Prophet in blood and otherwise, he nevertheless waited patiently for his turn.[134]

Aside from these traditions, circumstances suggest that ʿAlī at least temporarily accepted the Qurashī caliphate. First, it is difficult to deny that he indeed rendered allegiance successively to Abū Bakr, ʿUmar, and ʿUthmān, even if he felt that the last had by the end of his rule undermined his

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[127] These Anṣārī appointments included the Ḥunayf brothers, Sahl and ʿUthmān ibn Ḥunayf, and Qays ibn Saʿd ibn ʿUbādah. Ibn Khayyāṭ, *Taʾrīkh*, I, 232-233; Yaʿqūbī, *Taʾrīkh*, II, 179; Ṭabarī, *Taʾrīkh*, I, 3087-3089, 3474. ʿUmārah ibn Shihāb al-Thawrī in Ṭabarī's list and Ibn Ḥajar, *Iṣābah*, II, 515, seems to be a Tamīmī fabrication attributable to Sayf ibn ʿUmar, as no Tamīmī would have been made governor of Kufah at this time.

[128] Ṭabarī, *Taʾrīkh*, I, 3069-3070, 3072.

[129] On Jaʿdah, see Ṭabarī, *Taʾrīkh*, I, 3350, 3389, 3459. On Qurashīs fleeing from ʿAlī or refusing to pay him allegiance, see ibid., 3070, 3072, 3075. Reports that all the Muhājirūn and Anṣār paid allegiance seem harmonizing and tendentious.

[130] Ibn Saʿd, *Ṭabaqāt*, III, 471; Balādhurī, *Ansāb*, I, 270. The more widespread tradition that the Prophet made ʿAlī his brother is not to be connected with the "brothering" between the Muhājirūn and Anṣār, where it would have had no function at all. The "brothering" was done to distribute the Muhājirs among Anṣārīs who could see to their support temporarily at the time of the *hijrah;* two Muhājirs being "brothered" could have no meaning in that context.

[131] Ṭabarī, *Taʾrīkh*, I, 3087-3089; Ibn Ḥajar, *Iṣābah*, II, 87, 459.

[132] Yaʿqūbī, *Taʾrīkh*, II, 214; Ṭabarī, *Taʾrīkh*, II, 1, 3-4.

[133] Al-Sharīf al-Raḍī, *Nahj*, 77-78.

[134] Ibn Hishām, *Sīrah*, II, 654; Balādhurī, *Ansāb*, I, 583; al-Sharīf al-Raḍī, *Nahj*, 33-35.

legitimacy. Also, ʿAlī did name three of his younger sons Abū Bakr, ʿUmar, and ʿUthmān, even if it is said that the latter was named after ʿUthmān ibn Maẓʿūn.[135] Furthermore, ʿAlī married his daughter by Fāṭimah, Umm Kulthūm, to the Caliph ʿUmar, against a pronounced family policy of marrying daughters only to other Hāshimīs.[136] To be sure, there is some sign of reluctance on ʿAlī's part in the tradition; nevertheless, it was done, and it is not likely that compulsion played a part. Finally, ʿUmar included ʿAlī in the *shūrā* council to elect his successor; he would not have done so had relations been really bad.[137] Thus, ʿAlī's leadership of opposition to the Qurashī caliphate probably evolved gradually and perhaps even largely took place in the reign of ʿUthmān.

On the other hand, it is possible to discern the gradual evolution of two parties in Islam which eventually developed, though with many complicated interrelations, into recognizable Sunnī and Shīʿī groupings. The kernel of the proto-Sunnīs is the family of Abū Bakr and ʿĀʾishah, including ʿĀʾishah's sister Asmāʾ, Asmāʾ's husband al-Zubayr, her children ʿAbd Allāh and ʿUrwah ibn al-Zubayr, and ʿUrwah's influential son Hishām ibn ʿUrwah, the traditionist. Associated with this group is Ṭalḥah, Abū Bakr's cousin in the clan of the Taym, and ʿUmar ibn al-Khaṭṭāb; Abū Bakr is closely paired by the sources with ʿUmar ibn al-Khaṭṭāb just as their daughters, ʿĀʾishah and Ḥafṣah, both wives of the Prophet, tend to be associated with each other in stories about the Prophet's wives. We may add to this core the rest of the early Qurashī believers generally, such as the rest of those named in tradition as "the ten promised paradise." These ten already included Abū Bakr, ʿUmar, Ṭalḥah, and al-Zubayr; ʿUmar's cousin and brother-in-law Saʿīd ibn Zayd also obviously fits in this group. The rest include Abū ʿUbaydah ibn al-Jarrāḥ al-Fihrī and the two Zuhrīs, ʿAbd al-Raḥmān ibn ʿAwf and Saʿd ibn Abī Waqqāṣ. Only ʿUthmān and ʿAlī of the "ten" fall outside the group, alienated from it by their caliphates, and, in the case of ʿAlī, by his attitude toward the Quraysh.[138] A very limited number of Anṣār are also associated with the Qurashī group;[139] such Anṣār tended to receive favors like the Qurashīs. By the

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[135] Al-Muṣʿab ibn ʿAbd Allāh al-Zubayrī, *Nasab Quraysh*, ed. E. Lévi Provençal (Cairo: Dār al-Maʿārif, 1948), 42-43, 83; Abū al-Faraj al-Iṣbahānī, *Maqātil al-Ṭālibīyīn*, ed. al-Sayyid Aḥmad Ṣaqr (Beirut: Muʾassasat al-Aʿlamī lil-Maṭbūʿāt, 1408/1987), 89, 91.

[136] Zubayrī, *Nasab*, 349. The Hāshimī policy of not marrying their women to non-Hāshimīs can be seen by a careful perusal of the marriages of Hāshimī women recorded by al-Zubayrī, 15-91. The Hāshimīs also went to great lengths to avoid giving them to Umayyads. Ibid., 82.

[137] Ibn Saʿd, *Ṭabaqāt*, III, 61.

[138] Many traditions about "the ten" replace Abu ʿUbaydah with the Prophet. Aḥmad ibn Ḥanbal, *Faḍāʾil al-ṣaḥābah*, ed. Waṣī Allāh ibn Muḥammad ʿAbbās, 2 vols. (Beirut: Muʾassasat al-Risālah, 1403/1983), I, 113-117; Abū Dāwūd, *Sunan*, II, 622-623 (*K. al-sunnah, b. fī al-khulafāʾ*).

[139] Ṭabarī, *Taʾrīkh*, I, 3070, lists Ḥassān ibn Thābit, Kaʿb ibn Mālik, Maslamah ibn Mukhallad, Abū Saʿīd al-Khudarī, Muḥammad ibn Maslamah, al-Nuʿmān ibn Bashīr, Zayd ibn Thābit, Rāfiʿ ibn Khadīj, Faḍālah ibn ʿUbayd, and Kaʿb ibn ʿUjrah. They also seem to have included Abū

time of the Battle of al-Ḥarrah in 63/683, the old differences between the Quraysh and the Anṣār mattered less as both groups opposed the Syrian-supported Umayyads,[140] but earlier their differences had been acute.

It is not surprising that the party opposing the Bakrī-Zubayrī group would coalesce around the Prophet's daughter and her husband, for the two most articulated and probably influential groups around the Prophet consisted of his wives and his family respectively. The Prophet's favorite wife, with whom he spent the most time, was ʿĀʾishah, the daughter of Abū Bakr; she therefore constituted an important access to the Prophet for the Bakrī-Zubayrī family nexus. At the same time, Fāṭimah was the Prophet's only surviving child after the death of his other daughter Zaynab in 8/629,[141] and she provided an important link for all the Hāshimīs. Under such circumstances, the emergence of a rivalry, friendly or not, does not evoke surprise. The earliest visible sign of this difference is the story of the "lie" (*al-ifk*) uttered against ʿĀʾishah in the year 6/628, in which ʿAlī's intervention was unfavorable to ʿĀʾishah.[142] After that, ʿAlī and ʿĀʾishah remained mutually opposed until they faced each other on the battlefield at the Battle of the Camel. Because the ʿAlid party was out of power at this point, it is more difficult to discern its followers. With ʿAlī's caliphate, they become more clearly distinguishable. Clearly the overwhelming majority of the Anṣār became his partisans, especially as time passed and their dissatisfaction with Qurashī rule grew. This is shown by the ever smaller proportion of the Anṣār holding government posts and by their slight participation in the *futūḥāt* after having been the backbone and the shock troops of the Prophet's campaigns.[143] It is also possible to discern a further genealogical nexus of ʿAlid opposition to the dominance of the other Quraysh: ʿAlī's stepsons from his wife Asmāʾ bint ʿUmays, Muḥammad ibn Jaʿfar ibn Abī Ṭālib and Muḥammad ibn Abī Bakr al-Ṣiddīq, were among those opponents of ʿUthmān present at the siege of ʿUthmān's house and his

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Ḥamīd al-Sāʿidī and Abū Usayd al- Sāʿidī, who are mentioned along with others of the ʿUthmānīyah Anṣār in Ṭabarī, *Taʾrīkh*, I, 2971.

[140] Wellhausen, *Arab Kingdom*, 38-39, 156, 161. See also the list of casualties from the people of Madinah in Ibn Khayyāṭ, *Taʾrīkh*, I, 293-314.

[141] For Zaynab's death date, see Ibn Saʿd, *Ṭabaqāt*, VIII, 34.

[142] Ibn Hishām, *Sīrah*, II, 301; Ṭabarī, *Taʾrīkh*, I, 1523; Mufīd, *Jamal*, 157-158.

[143] Rare exceptions to this rule included ʿUbādah ibn al-Ṣāmit, who was famous for participating in a raid on Cyprus, belonged to the Syrian *jund* of Filasṭīn, but held no posts; Shaddād ibn Aws, who also stayed in Filasṭīn and held no posts; and ʿUmayr ibn Saʿd, who was the subgovernor of Ḥimṣ for ʿUmar. Ibn Saʿd, *Ṭabaqāt*, IV, 374-375; Ibn Ḥajar, *Iṣābah*, II, 139-140, 268-269; III, 32. For the Anṣārīs who settled outside Arabia but received no military or government posts, see Khalīfah ibn Khayyāṭ al-ʿUṣfurī, *al-Ṭabaqāt*, ed. Akram Ḍiyāʾ al-ʿUmarī (Baghdad: Maṭbaʿat al-ʿĀnī, 1387/1967), 135-136, 190, 292, 302-304. Of those listed by Ibn Khayyāṭ, only al-Nuʿmān ibn Bashīr and Maslamah ibn Mukhallad ever held posts under the Umayyads. Anas ibn Mālik, by having been the Prophet's servant and outliving all the other Companions, became a major religious authority in Basrah. His descendants were able to parlay his fame into judicial and political positions, but Anas held no post in his lifetime.

subsequent killing.[144] There are also connections through Asmāʾ's sisters to Ḥamzah and al-ʿAbbās, the Prophet's two uncles and prominent Hāshimīs.[145] ʿAlī's connection with Asmāʾ's sons, as well as his refusal to punish those implicated in the killing of ʿUthmān, are far more indicative of his position and more convincing than harmonizing traditions claiming his opposition to the besiegers of ʿUthmān's house.[146] Such harmonizing traditions reach a crescendo of tendentiousness and mendacity in the reports of Sayf ibn ʿUmar and his absurd tale of ʿAbd Allāh ibn Sabaʾ.[147] This harmonizing attempts to transfer blame for the discord from the major Companions to minor personages, but it makes the former look ineffective, indecisive, and impotent, and thus actually does the Companions no service.

Aside from party and family linkages, it is possible that ʿAlī's opposition was motivated by differences over policy as well, though it is difficult to be certain because of the lateness of the sources and their possible tendentiousness. One of these policies was ʿAlī's emerging opposition as champion of the Anṣār, to the preferment of the Quraysh and their confederates under the Qurashī caliphate. This may also have been the background of his well-attested desire to distribute all the contents of the treasury to the Muslims immediately and to hold nothing back.[148] Perhaps he felt that if the treasury was held in few hands, its contents would eventually find their way into the pockets of the dominant Quraysh and their relatives, and nepotism was one of the most damaging accusations against ʿUthmān's management of the treasury.[149] However, it is difficult to know whether ʿAlī's opposition began as soon as ʿUmar started withholding the *fayʾ* from the *futūḥāt*[150] or rather whether his attitude developed later in the light of what

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[144] The presence of Muḥammad ibn Abī Bakr and his rôle as a leader of the siege of ʿUthmān's house is famous, and tendentious traditions came into circulation to exculpate him. ʿUmar ibn Shabbah, *Taʾrīkh*, IV, 1284-1285, 1288, 1296-1303, 1307; Ṭabarī, *Taʾrīkh*, I, 2871, 2951, 2961, 2968, 2978, 2991, 2999-3000, 3007, 3010-3012, 3017, 3020, 3139-3140, etc. His half-brother Muḥammad ibn Jaʿfar was also involved, was pursued by Muʿāwiyah, and died under obscure circumstances. Ibn Saʿd, *Ṭabaqāt*, IV, 41, VIII, 463; Ṭabarī, *Taʾrīkh*, I, 3012, 3140, 3242; Ibn Ḥajar, *Iṣābah*, III, 372.

[145] A nexus already noted but not fully exploited by Watt, *Muhammad at Medina*, 380-381, who relied on Ibn Saʿd, *Ṭabaqāt*, VIII, 132-134, 138, 277-286. On these relationships, see also Zubayrī, *Nasab*, 27, 44, 81-82, 277, etc.; Iṣbahānī, *Maqātil*, 35-37.

[146] Many such harmonizing traditions are gathered in ʿUmar ibn Shabbah, *Taʾrīkh*, IV, 1219-1222, 1228-1229, 1261-1269; Mufīd, *Jamal*, 200-202

[147] Murtaḍā al-ʿAskarī, *ʿAbd Allāh ibn Sabaʾ: al-madkhal: baḥth wa-taḥqīq fi-mā katabahu al-muʾarrikhun wa-al-mustashriqun ʿān "Ibn Sabaʾ" wa qiṣaṣ islāmīyah ukhrā mundh al-qarn al-thānī al-hijrī ḥattā al-yawm*, 2d ed. (Cairo: Maṭbūʿāt al-Najāḥ, 1381/1961), 6-25.

[148] Ṭabarī, *Taʾrīkh*, I, 3071-3072.

[149] Balādhurī, *Ansāb*, V, 25, 27; Ṭabarī, *Taʾrīkh*, I, 2953-2954.

[150] Abū Yūsuf Yaʿqūb ibn Ibrāhīm, *al-Kharāj* (Cairo: al-Maṭbaʿah al-Salafīyah [Quṣayy Muḥibb al-Dīn al-Khaṭīb], 1396/1976), 26-30, 38-39, 47; Yaḥyā ibn Ādam, *al-Kharāj*, ed. Aḥmad Muḥammad Shākir (Cairo: al-Maṭbaʿah al-Salafīyah, 1384/1964), 45-46.

happened under ʿUthmān, as is perhaps more likely.[151] But there is at least a consistency in the sources about ʿAlī's attitude and policy toward the treasury.

V. Conclusions

Both the Sunnī and Shīʿī historical traditions thus appear to contain important authentic elements. The Sunnī belief that the Prophet made no constitutional arrangements for the time after his passing or else barely alluded to them cannot be disproven. It is difficult to find a clear, unambiguous statement on the succession in the welter of varied traditions praising the merits of the Companions, including Abū Bakr and ʿAlī. That ʿAlī made any immediate claim on sovereign office also cannot be established. The idea of the ad hoc nature of the caliphal office and its justification out of practical necessity has a certain realistic appeal. No defined office of successor yet existed, and the very office of the Prophet militated against such a concept. Even if one grants the Shīʿī concept of ʿAlī as the Prophet's *waṣī* or "testator," the exact meaning of such a commission remains undefined, particularly with reference to its possible political content. Also, it is difficult to see how a full-blown office of caliph or *imām* could arise out of nothing with no precedents—unless it did so gradually, a position with which Sunnī tradition is more likely to be comfortable than Shīʿī tradition.

On the other hand, the Shīʿī contention that the Companions of the Prophet were split into factions as early as the meeting of Saqīfat Banī Sāʿidah is strongly confirmed. Sunnī attempts to show absolute harmony are unconvincing both rationally and in the light of historical textual criticism, as well as from the point of view of traditional criticism itself. The meeting of the Saqīfah was, after all, in the realm of politics. Also, the Shīʿī emphasis on the central importance of rightly-guided, legitimate leadership may reflect the actual situation of the early caliphate to a greater extent than the Sunnī tradition, although the Sunnī tradition does also retain some important texts emphasizing the necessity of loyalty to a legitimate Muslim ruler.

Finally, to throw further light on this subject, it would be desirable to examine the life histories of all the major Companions, as well as where these fit into the general unfolding of the Muslim state at Madinah under the Prophet. I have suggested above that Zayd ibn Ḥārithah, his son Usāmah, and Jaʿfar ibn Abī Ṭālib should be looked at carefully, but much more needs to be done, especially on the Anṣār. Such studies should be able to uncover possible networks of relationships that are not explicitly stated in the sources. However, considering the contradictions in the sources and the remoteness of that period, much is likely to remain obscure.

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[151] There are many contradictory reports on ʿAlī's stances. One showing his early support for ʿUmar's policy appears in Abū Yūsuf, *Kharāj*, 27.

THE AUTHENTICITY OF SHĪʿISM

Shaykh Muhammad Mahdi Shams al-Din

The lexical meaning of '*shīʿah*' is simply followers, supporters, or helpers.[1] The term is already used in this sense in the Qur'ān, for instance where God says: "Of his party is Abraham" (37:83) and also in the following verse: "He found therein two men fighting, one of his own party (*shīʿah*) and the other of his enemies; then the man of his party called upon him for help against his enemy" (28:15). Thus any group of people that agrees on some matter is a *shīʿah*.

In the time of the Prophet, "*shīʿah*" had not yet acquired the sense of loyalty to ʿAlī and his descendants. We find no indication of a definite political or juristic trend suggesting a separate school of thought; only later is the term applied particularly, and then exclusively, to those who pledged loyalty to ʿAlī and his descendants.[2] This does not mean, however, that such a trend did not exist and that it did not attract notable Companions of the Prophet. There had always been those who considered ʿAlī an exceptional personality with special talents and who recognized his unique standing with the Prophet and in society. Many Muslim scholars have been aware of this fact. The philologist Abū Ḥātim al-Rāzī (d. 322/933-4) states:

> The first name [of a group] to appear during the time of the Messenger of God was the *Shīʿah*. It was applied to four of the Companions: Abū Dharr, Salmān, al-Miqdād, and ʿAmmār. Subsequently, during and after the Battle of Ṣiffīn, it was applied to the supporters of ʿAlī in general.[3]

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[1] See for instance Ibn Khaldūn, *Muqaddimah. An Introduction to History*, tr. Franz Rosenthal, 3 vols. (New York: Pantheon, 1958), I, 402.

[2] "Shīʿah" has also been used by jurists and theologians to refer to ʿAlī and his descendants themselves.

[3] From the *Kitāb al-zīnah*, cited in Muḥammad Kurd ʿAlī, *Khiṭaṭ al-Shām*, 6 vols. (Beirut: Dār al-ʿIlm lil-Malāyīn, 1389/1969), II, 245. Abū Dharr al-Ghifārī was a poor Companion well known for his opposition to the aristocracy of the Quraysh. Salmān was a freed Persian slave

From Rāzī's account it appears that, while these four may have been the most notable of ʿAlī's loyalists among the Companions, they were not the only ones. Moreover, these and other loyalists had their own circles of supporters in Muslim society, as is clear from the following statement by the well-known contemporary writer, Muḥammad Kurd ʿAlī:

> During the lifetime of the Messenger of God, a number of prominent Companions were known for their loyalty to ʿAlī. Among them was Salmān al-Fārisī, who said: "We pledged allegiance to the Messenger of God that we would always give good counsel to the Muslims, and that we would show special deference to ʿAlī and pledge loyalty to him." Another was Abū Saʿīd al-Khudrī, who said: "The people were enjoined to fulfill five duties, but they fulfilled four and neglected one." When he was asked about these four duties he replied, "The five daily prayers (*ṣalāt*), the obligatory alms (*zakāt*), the fast of the month of Ramadan, and the *ḥajj* pilgrimage." He was then asked, "Which one did they neglect?" He answered, "Loyalty (*wilāyah*) to ʿAlī ibn Abī Ṭālib." Other supporters were Abū Dharr al-Ghifārī, ʿAmmār ibn Yāsir, Ḥudhayfah ibn al-Yamān, Khuzaymah ibn Thābit, Abū Ayyūb al-Anṣārī, Khālid ibn Saʿīd ibn al-ʿĀṣ, Qays ibn Saʿd ibn ʿUbādah, and many others like them.[4]

Such persons were known as the party (*Shīʿah*) of ʿAlī, although they did not yet constitute an actual political or religious bloc. They had merely understood from the Prophet's clear statements that ʿAlī was eminently qualified for the leadership of the Muslim community. They also expected that his authority would finally crystallize into a political system.

Certain scholars have seen Shīʿism as a kind of accident, foreign to Islam and to the Muslim community. It is denied that Shīʿism is an authentic expression of Islam and of the Islamic community that arose in the time of the Prophet. At the same time, there is little agreement among such skeptics as to when and how the Shīʿah actually did originate. Some claim that Shīʿism was born on the day of the Saqīfah. Others assert that it was the convening of the Council (*shūrā*) which led to the appointment of ʿUthmān as third caliph and the exclusion of ʿAlī that provided the impetus for Shīʿism. Still other hypotheses are that the rise of Shīʿism was prompted by the murder of ʿUthmān;[5] the alliance of ʿĀʾishah, Mother of the Faithful, with Ṭalḥah and al-Zubayr culminating in the Battle of the Camel; the Battle of Ṣiffīn and the arbitration; or Ḥasan's truce with Muʿāwiyah and his abdication. All these have been suggested as possible events which led to the rise of Shīʿism.

It has also been suggested that the formative period of Shīʿism occurred under the sixth imām Jaʿfar al-Ṣādiq. According to this theory, it was the Imām

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who became legendary for his special esoteric learning. Al-Miqdād ibn al-Aswad was well known for his loyalty to ʿAlī, and ʿAmmār ibn Yāsir, who died in the Battle of Ṣiffīn, was the son of a black slave; he and his wife Sumayyah are considered the first martyrs in Islam—ed.

[4] *Khiṭaṭ*, II, 245.

[5] The author likely refers to the legend that ʿAbd Allāh ibn Sabaʾ, supposed to have been an early Shīʿī ideologue who distorted Islam, incited the people against ʿUthmān in order to secure the caliphate for ʿAlī—ed.

along with his disciple Hishām ibn al-Ḥakam who formulated the basic doctrines of Shīʿism, including the principle of clear designation (*naṣṣ*) of ʿAlī as the imām after the Prophet, his appointment to the Prophet's vicegerency (*waṣiyah*) and succession or caliphate (*khilāfah*), and his divine protection (*ʿiṣmah*) from error. These principles, claim the proponents of this view, did not exist before the time of al-Ṣādiq.

None of these hypotheses are verified by history. They all share one essential weakness: they imagine that Shīʿism suddenly appeared in the midst of Muslim society and thought, fully developed, out of nowhere. Scholars who propound such theories fall (despite their good intentions) into a trap set long ago by the Umayyads who sought to ruthlessly crush all opposition and create a rift in the community under cover of defending Islam against "intruders" devoted to the House of the Prophet.

In fact, the Qurʾān, Prophetic Tradition, and Islamic history all demonstrate that Shīʿism was not a sudden or an alien phenomenon. It had been an authentic movement within the community since the time of the Prophet. The development of Shīʿism in its formative period may be divided into two major stages. The first stage, already described, took place in the lifetime of the Prophet. At this point Shīʿism revolved around ʿAlī's role in the community and the propagation of Islam, as well as his own qualifications and abilities. The second stage was marked by the emergence of Shīʿism as a distinct entity with its own peculiar political theses and worldview. This worldview was developed by Shīʿī leaders as an internal response to questions raised by certain situations with which they were confronted; it was founded on the general principles laid down during the time of the Prophet and elaborated using the Qurʾān, *sunnah*, and biography (*sīrah*) of the Prophet.

The first political expression of the nascent Shīʿī movement came as the Shīʿah of ʿAlī declared their position on the day of the Saqīfah against both the Quraysh and the alliance of the two major tribes of the Anṣār, the Aws and Khazraj. The sharp political protests which emerged during the Saqīfah and which brought about a major crisis in Muslim society could not have appeared suddenly out of nothing. They were born of a deep-rooted and well-defined intellectual point of view. This point of view grew and developed even though the crisis which followed the death of the Prophet was initially diffused by ʿAlī who, by refraining from criticizing the decision of the Council that elected ʿUthmān, sacrificed his own interests in order to preserve the unity of the community and state against the "secession" (*riddah*) which had loomed during the short reign of Abū Bakr.[6] All of this is clear from ʿAlī's discourses collected by al-Sharīf al-Raḍī (d. 496/1044) in his *Nahj al-balāghah*.

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[6] Muslims have generally considered the cause of the *Riddah* or apostasy to have been the reluctance of the tribes to continue paying the *zakāt* tax after the death of Muḥammad. Here the view of the author (which he shares with other Shīʿīs) is rather that the uprising of the Arabian tribes was due to their opposition to the new leadership, their aim being to secede from the new political order—ed.

A comparison between the Anṣār tribal alliance and established, fully-developed Shīʿism verifies the general thesis of this study. The Anṣār alliance soon dissipated because it had no deep roots in the community and society; it collapsed as soon as the struggle over authority was resolved in favor of the Quraysh position. Another crucial fact which has direct bearing on our discussion is that the motivations of both the Quraysh and the Anṣār were solely tribal, while the Shīʿī trend was represented by personalities and groups belonging to all the tribes and represented the community rather than the tribe.

In sum, the political ideology that emerged on the day of the Saqīfah did not come out of nothing, nor was it simply a reaction to one incident. It was an expression of a religious and political vision which had slowly developed during the Prophet's lifetime. It was founded on a particular view of the Prophet's directives and clear proclamations concerning ʿAlī. These directives and proclamations convinced Muslims in general and the group of loyal Companions and their supporters discussed above in particular of ʿAlī's incontestable right to leadership.

There is no need to recount the beliefs of Imāmī Shīʿism or the principles of its jurisprudence. These are readily available to any scholar who wishes to ascertain for himself the place of Shīʿism in Islam. However, I wish to comment on certain calumnies that are still repeated today, both verbally and in writing, by authors who either do not have the excuse of good intentions or, if they are well-intentioned, continue to commit serious errors because of faulty research. These calumnies or errors inevitably have the effect of perpetuating disunity in the Muslim community.

The claim that Shīʿism is a Persian phenomenon has received new impetus during the last decade or so. Those who advance it have benefited from recent political developments in the Middle East. The idea that Shīʿism is Persian or Iranian has been used to isolate Imāmī Shīʿīs from the rest of the Muslim community. It is asserted that Shīʿism is a religious expression of ethnic conflict between the Persians and Islam; it is even sometimes claimed that Shīʿism was used by the Persians to infiltrate Islam and destroy it from within. It is also said that the Shīʿī doctrine of the imamate is a manifestation in Islamic context of Zoroastrian beliefs about kings, Ḥusayn's marriage with the daughter of the last Sassanian emperor Yazdegird and what they call "the Shīʿī theory of authority by divine right" being cited as evidence. Often these two ideas are combined.

Others have claimed that Shīʿism was a Jewish phenomenon, or a result of syncretism between Judaism and Islam. According to this view, Shīʿism originated in a Jewish movement started by ʿAbd Allāh ibn Sabāʾ, who is supposed to have invented, among other things, the principles of vicegerency (*wiṣāyah*), divine appointment (*naṣṣ*), and divine protection from error (*iṣmah*) of the imām. Similarly, there are those who make Shīʿism out to be a combination of ideas borrowed from Judaism, Christianity, Magianism, Hinduism, and other religions. This was the view of the well-known Egyptian

writer Aḥmad Amīn.[7] Such false claims have been used to argue that Shī'ism is foreign to Islam and that Shī'īs are therefore not Muslims. As a result, their rights have been violated and even lives threatened in the name of religion and ethnic nationalism.

When these claims are examined in light of the facts of the Qur'ān, Prophetic Tradition, the biography (*sīrah*) of the Prophet, and history, their error is clearly exposed. Shī'ī creeds and works on jurisprudence are further proof that the beliefs of the Shī'ah are fully Islamic.

For instance, if we examine the claim that Shī'ism is of Persian origin, we immediately face a number of questions. The first is, why and how did the Persians invent Shī'ism? Second, who exactly were these people? Third, how and when did they introduce Shī'ism into Islam? And finally, was the Shī'ī community during the first centuries of Islam predominantly Persian?

It is said that since Ḥusayn married Yazdegird's daughter, the Persians became his maternal uncles and consequently tended to support 'Alī and his descendants as being not only the blood relatives of the Prophet but also the heirs of Persian royalty. It is true that the Persian war captives included three daughters of the king of Persia, and that Ḥusayn married one of them. But to whom were the other daughters married? 'Abd Allāh, son of the second caliph 'Umar ibn al-Khaṭṭāb, married the second and she bore him his son Sālim; the third was married to Muḥammad, son of the first caliph Abū Bakr, and she bore him his son al-Qāsim.[8] Why would the Persians not also have followed 'Abd Allāh and Muḥammad, since they were both sons of caliphs and had well-regarded sons by their Persian wives? If the Persians were indeed inclined to support 'Alī because of his marriage, would they not also have been influenced to side with him in his struggle against Mu'āwiyah, or with 'Alī's son Ḥasan in the same struggle, or with Ḥusayn in his struggle with Yazīd which ended with his martyrdom? Instead we find that many Persians stood by the Umayyads and even joined the army that the Umayyad governor sent against Ḥusayn and his family.

In addition, the close Companions of the imāms who transmitted their traditions were pure Arabs. The Persian element did not appear until very late. Any scholar can verify this by studying the biographies of Shī'ī *ḥadīth* transmitters. In contrast, the biographies of famous Sunnī *ḥadīth* transmitters reveal that the overwhelming majority were Persians, not Arabs. Most Sunnī jurists were also Persians. Has any Sunnī Muslim ever been accused of being culturally or religiously Persian?

If we study the geographical development of Shī'ism we find that its original center was the Arabian peninsula generally, and the Hijaz in particular. From the peninsula Shī'ism spread into Iraq, greater Syria, Egypt

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[7] Amīn wrote a popular series of volumes on Islamic history, including "The Dawn of Islam," likely referred to here; see *Fajr al-Islām* (Cairo: Maktabat al-Nahḍah al-Miṣrīyah, 1965), 276-278—ed.

[8] A respected jurist and traditionist and the maternal grandfather of the sixth imām—ed.

and the rest of Africa, remaining largely confined to Arab lands until the 4th/10th century.[9] Shīʿism was always Arab in character; for a long time, both the Shīʿī masses and their leaders were Arabs. We should not be surprised that the Iranian military forces which the Abbasids used against the Umayyads consisted of Sunnī rather than Shīʿī elements, a fact confirmed in a letter that Muḥammad ibn ʿAlī ibn ʿAbd Allāh ibn ʿAbbās, the founder of the Abbasid dynasty (d. 125/743), sent to his agents.[10] Shīʿism penetrated Iran on a large scale only centuries later. For a long time Iran was actually a fortress of Sunnī Islam and Sunnī legal schools to which the population largely adhered until the middle of the 7th/13th century. Geographically, Shīʿism in Iran was limited to specific areas, rather like small islands in an ocean. The majority of Iranians embraced it only very late and in stages, and it became widespread only during the reign of the Ilkhanid sultan Muḥammad Khudabandeh.[11] In short, the Persians did not "infiltrate" Islam through Shīʿism, because they were originally predominantly Sunnī. As Wellhausen confirms,[12] the *mawālī* (non-Arab Muslims) adopted Shīʿism only rather late—which is the same as saying that they had adopted Sunnism earlier. As it cannot be said that they adopted Sunnism with the intention of destroying Islam, nor would they have adopted Shīʿism for that purpose.

As for the claim that Shīʿī beliefs concerning the imām and imamate, especially the notion of divine right, are Persian, the Qurʾān clearly affirms that obedience belongs to God and the Messenger, as God says: "Obey God and obey the Messenger and those who are in authority over you" (4:59). While others interpret this verse as referring to any ruler who exercises actual authority, Shīʿīs have interpreted the phrase "and those who are in authority" to refer to the twelve imāms. They rely for this interpretation on clear proofs from Prophetic Tradition, including universally accepted (*mutawātir*) *ḥadīth*s from Bukhārī found in his *Ṣaḥīḥ*, the basic Sunnī source. Other traditionists have also reported similar *ḥadīth*s from the Prophet concerning the "twelve imāms of the Quraysh."[13]

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[9] The Orientalists agree on this point. See for instance Julius Wellhausen, *The Religio-Political Factions in Early Islam*, ed. R.C. Ostle, tr. R.C. Ostle and S.M. Walzer (Amsterdam: North-Holland Publishing Co., 1975), 149-150 (concerning the early period, in refutation of Dozy); Ignaz Goldziher, *Introduction to Islamic Theology and Law*, tr. Andras and Ruth Hamori (Princeton University Press, 1981), 211-212; and Adam Mez, *The Renaissance of Islam*, tr. Salahuddin Khuda Bukhsh and D.S. Margoliouth (London: Luzac, 1937), 59-62.

[10] I have been unable to find this letter in the sources, but the reference has been left to stand, since it is crucial to the argument—ed.

[11] The great Shīʿī jurist-theologian Jamāl al-Dīn ibn al-Ḥasan ibn al-Muṭahhar al-Ḥillī, al-ʿAllāmah al-Ḥillī (d. 726/1325) played a crucial role in this development. His debate with Sunnī scholars at the Ilkhanid court is said to have caused the conversion of Khudabandeh to Shīʿī Islam—ed.

[12] Wellhausen, *Religio-Political Factions*, 149-150.

[13] See for example Muḥammad ibn ʿAlī ibn Ḥusayn Ibn Bābawayh al-Qummī, *Ikmāl al-dīn wa-itmām al-niʿmah fī ithbāt al-raǧʿah* (Najaf: al-Maṭbaʿah al-Ḥaydarīyah, 1389/1970), 65-67.

As far as history is concerned, hereditary rule has been a universal phenomenon, widely practiced in diverse societies from the beginning of time up to our own day. The position of the chief of the tribe in Arab societies has always been a hereditary one, and Umayyad, Abbasid, and other Islamic dynasties practiced hereditary rule. Sunnī jurists have also regarded the succession of an heir apparent as a legitimate practice; one has only to refer to the well-known fifth/eleventh century Shāfiʿī jurist al-Māwardī's (d. 450/1048) *al-Aḥkām al-sulṭānīyah* (Ordinances of Government) and his contemporary the Ḥanbalī jurist Abū Yaʿlā's work of the same name. Nor should it be forgotten that Abū Bakr himself argued for hereditary rule during the *Saqīfah* when he said: "We [the people of the Quraysh] are most worthy of all the people of the House of God [the Kaʿbah] and the closest in kinship to the Messenger of God." Likewise, ʿUmar ibn al-Khaṭṭāb declared: "Who shall dispute with us Muḥammad's authority when we are his family and clan!"[14]

Be that as it may, Shīʿī beliefs concerning the twelve imāms do not rest on the principle of hereditary succession. They are based on the principle of clear designation or textual evidence (*naṣṣ*). Shīʿīs have clearly stated that they reject hereditary succession both as regards supreme authority (*wilāyat al-amr*) and the office of caliph. Had they accepted it, their imāms would have continued to succeed one another indefinitely in accordance with that principle. Instead, the succession stopped at the twelfth imām because there was no textual designation beyond the twelfth.

We have already seen that the right of obedience for the people of authority is clearly established in the Qurʾān and sound Prophetic Tradition. This is a natural right for everyone in authority; it is binding upon Muslims and all other human beings. The difference between Sunnīs and Shīʿīs on this point is that while caliphal political authority in Sunnī jurisprudence demands absolute obedience to any ruler till the Day of Resurrection, the Shīʿī theory of the imamate limits this right to the twelve imāms. Where here is the Persian influence which is claimed to be the basis of Shīʿī belief? It is strange indeed that a religion or denomination should be condemned because some of its ideas resemble those of another. In that case we should accuse Islam of being entirely derivative of Judaism and Christianity since they share some concepts. We should accuse the Prophet of having concocted Islam from Judaism and Christianity—an accusation which has in fact been made in the past by churchmen and Orientalists.

There remains one final accusation, one in which all the others come together. This is the claim that Shīʿism as a religious movement was founded by the Yamanite Jewish convert ʿAbd Allāh ibn Sabaʾ. I do not wish to dwell upon this legendary personality. Though scholars were long deceived by stories of ʿAbd Allāh ibn Sabaʾ—even the great historian Ṭabarī somehow fell into the trap of transmitting fabricated traditions that formed the basis of his

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[14] See the chapter on the Saqīfah in S.H.M. Jafri, *The Origins and Early Development of Shiʿa Islam* (London: Longman, 1979)—ed.

legend—historical research has finally confirmed that he did not exist. For instance, the well-known Egyptian thinker Ṭāhā Ḥusayn states in his book *al-Fitnah al-kubrā* ("The Great Sedition"):

> It is most likely that the enemies of the Shīʿah during Umayyad and Abbasid times exaggerated [the legend of] ʿAbd Allāh ibn Sabaʾ, both in order to create confusion about the matter of ʿUthmān and his associates and to defame ʿAlī and his Shīʿah.[15]

The supposed activities of ʿAbd Allāh ibn Sabaʾ have been woven into historical narratives by the traditionists, prominent among them Sayf ibn ʿUmar and al-Sarī ibn Yaḥyā. Both figures were accused by *ḥadīth* scholars of having fabricated traditions, this being the view of, among others, Ibn Ḥajar al-ʿAsqalānī in his *Tahdhīb al-tahdhīb*, and Shams al-Dīn al-Dhahabī in his *Mīzān al-iʿtidāl*. It should be made clear that Shīʿī scholars, theologians and traditionists have always dissociated themselves from Ibn Sabaʾ and all that has been attributed to him. Where they have assumed him to be a real person, they have publicly anathematized him. Thus Muḥammad Kurd ʿAlī states:

> The view of some writers that Shīʿism was an innovation of ʿAbd Allāh ibn Sabaʾ, also known as Ibn al-Sawdāʾ (son of the black woman), is based on fantasy and on ignorance of the real religious views of the Shīʿah. Anyone aware of the Shīʿīs' lack of regard for this person, their open hostility to all his words and actions, and the statements of Shīʿī scholars against him would immediately realize the invalidity of this claim.[16]

Another accusation, also intended to isolate the Shīʿah from the Muslim community and Shīʿism from Islam, is that of extremism (*ghuluw*). The proponents of this view claim that Shīʿīs view their imāms as gods. They say that the Shīʿah believe that the imāms control the health, life, and death of people and other matters that are the prerogative of God alone, that they believe that their imāms have knowledge of the Unseen, and so on.

These calumnies are based on certain weak traditions found in Shīʿī *ḥadīth* collections which are generally rejected. Such traditions are the residue of extremist movements. The unbelief (*kufr*) of these movements has been proclaimed in numerous legal opinions (s. *fatwā*) of the imāms; many sound traditions have been preserved from them which confirm this point. Shīʿī jurists also have declared those who belonged to such movements unbelievers and have totally dissociated themselves from them.

In fact, Shīʿī and Sunnī *ḥadīth* collections are similar in that both contain spurious traditions. Many examples could be given, but here we will limit ourselves to one type of dubious text. Both Shīʿī and Sunnī scholars have focussed on traditions which elucidate legal precepts and have generally neglected study of reports relating the excellences (*faḍāʾil*) and noble attributes (*manāqib*) of prominent Muslim personalities. Many extant traditions suggest or even clearly exhibit an extreme attitude toward the excellences of not only

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[15] 2 vols. (Cairo: Dār al-Maʿārif, 1966), I, 134.
[16] Kurd ʿAlī, *Khiṭaṭ*, VI, 246.

the imāms but also the Prophet's Companions and his wives the 'Mothers of the Faithful.' Many such reports are transmitted on the authority of Successors (*tābiʿūn*) and well-known scholars.

The Shīʿī legal school adheres strictly to the belief and law of the Qurʾān. Shīʿīs take the Qurʾān as the criterion and final arbiter of all things and reject anything that contradicts the text and clear statements contained therein. They also use reason as judge and arbiter in the study and verification of transmitted reports of the *sunnah*. In all this they follow the traditions of the imāms of the House of the Prophet, for the imāms commanded that every *ḥadīth* be set against the Book of God—that what agrees with it be accepted and what contradicts it be set aside. Thus the Imām Jaʿfar al-Ṣādiq said: "Everything should be referred to the Book of God and the *sunnah*. Any *ḥadīth* that does not accord with the Book of God is empty words."[17]

As for the beliefs of the Shīʿah concerning their imāms, they are confined to what the imāms said about themselves. There are many widely-accepted traditions from the imāms cursing heretical extremists (*ghulāt*), dissociating themselves from them, and declaring them to be unbelievers. An example of this is the saying of the sixth imām, al-Ṣādiq:

> We are no more than men who shall be returned to Him who created and chose us. By God, we have no argument with God, nor have we any special surety from Him! We shall surely die; we shall stand before God for judgement, and we shall be questioned. He who loves the extremists (*ghulāt*) hates us, and he who hates them loves us. The extremists are rejecters of faith and the delegators (*mufawwiḍah*) associate with God that which is other than God. May He curse the *ghulāt*![18]

Another example is the following declaration of the eighth imām, al-Riḍā:

> The *ghulāt* are rejecters of faith and the delegators are associators. Anyone who sits or socializes with them, eats or drinks with them ... or even helps them untangle a piece of knotted string has departed from God's succor (*wilāyah*), from loyalty (*wilāyah*) to the Messenger of God and to us, the people of the House of the Prophet.[19]

Shīʿī theologians and jurists have maintained a similar attitude towards the *ghulāt*. Thus Muḥammad ibn al-Nuʿmān, al-Shaykh al-Mufīd (d. 413/1022) writes in his commentary on the Creed of al-Ṣāduq:

> The *ghulāt* are people who only pretend to follow Islam, for they attribute divinity and prophethood to the Commander of the Faithful [ʿAlī] and the imāms of his descendants. They also ascribe to them things concerning both religion and the affairs of this world which far exceed what is proper. They are

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[17] Kulaynī, *al-Uṣūl min al-kāfī*, *K. faḍl al-ʿilm*, *Bāb akhdh bi-al-sunnah wa-al-kitāb*, *ḥadīth* #3 & #4.

[18] The *mufawwiḍah* were accused of "delegating" functions to the imāms properly reserved for God—ed.

[19] Muḥammad Bāqir al-Majlisī, *Biḥār al-anwār*, 110 vols. (Beirut: Muʾassasat al-Wafāʾ, 1403/1983), XXV, 273. Instead of "untangle a piece of knotted string" (*shaṭr lakkah*), the text in *Biḥār* has "*shaṭr kalimah*"—"help them to delve into the meaning of a word"—ed.

> indeed rejecters of faith who have gone astray! The Commander of the Faithful [ʿAlī] sentenced them to death and to be burnt in the fire, and the imāms after him also declared that they were rejecters of faith who had departed from Islam.[20]

And he also writes in his *Awāʾil al-maqālāt*:

> As for the claim that the imāms know the Unseen (*al-ghayb*), it is clearly false and should be repudiated. For this can be said only of one who knows things in himself and not through acquired knowledge, which is true of God alone. All Imāmī Shīʿīs agree with me on this point, except for a few "delegators" and such extremists as would concur with them.[21]

Shīʿī scholars and theologians have also written many works devoted exclusively to refuting the extremists and their claims. Jurists have even issued legal opinions barring extremists from inheriting from Muslims; this ruling is found in both the specialized and popular manuals.

The preceding has been only an outline of some issues relating to Shīʿism and the development of the Shīʿah. My intention has been to confirm the authenticity of Shīʿism in Islam as well as the roots of the Imāmī Shīʿah in the Muslim community. One point remains to be examined, and this is the motive behind such falsehoods. The truth is that the Umayyads and Abbasids propagated false claims about the Shīʿah in order to isolate them from the larger community. They intended to prevent the followers of the imāms from playing their proper role in the Muslim community, which was to stand against rulers who tyrannized it in the name of religion. Many scholars then later took the same approach, either deliberately or because they failed to do proper research and correct long-held misconceptions. Now that it is possible to study history objectively, one hopes that such errors will be corrected.

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[20] *Sharḥ ʿaqaʾid al-Ṣadūq aw taṣḥīḥ al-iʿtiqād*, published with *Awāʾil al-maqālāt*, ed. ʿAbbāsqulī Vajdī (Tabrīz: Maktabat Ḥaqīqat, 1371/1951-2), 63.

[21] Ibid. (*Awāʾil*), 38.

THE SIGNIFICANCE OF ʿĀSHŪRĀʾ IN SHĪʿĪ HISTORY

Sayyid Jafar Shahidi

Among Shīʿīs the tenth of the month of Muḥarram, known as ʿĀshūrāʾ, is commemorated as the day the third imām Ḥusayn ibn ʿAlī was martyred at Karbala on the plains of Iraq by the Euphrates. All males in the party over fourteen years of age were murdered and the women and children taken prisoner and carried off to Syria. These unhappy events of the year 61 of the Hijrah (Oct.2, 680 C.E.) are well known. To find their roots and examine their effects, however, we must look back into history, to the rise of Islam and even before.

The central problem of Karbala concerns the nature of Ḥusayn's mission. Why was he summoned by the people of Iraq, only to be forsaken by those who had appealed to him and by the Muslim community in general? It is clear that the Iraqis were profoundly discontent with Muʿāwiyah's rule. But what did they want from the son of the Prophet? Why did they promise to help him, only to abandon him to a cruel death? Did those who appealed to Ḥusayn do so because they were troubled by the innovations (s. *bidʿah*) overtaking Islam; was their aim to revive the *sunnah* of the Prophet? If so, why did the uprising come to such a grievous end?

A study of social conditions in Iraq in the seventh century C.E. along with careful consideration of the mood of the people suggests that those who sent for Ḥusayn were divided into six groups. First, there were those who had had the opportunity to observe the right conduct and justice of the Prophet and the first two caliphs before ʿUthmān's coming to power. They compared the closing years of ʿUthmān's caliphate and the caliphate of Muʿāwiyah with their past experiences and, like any generation looking fifty years back, found the present lacking. They were troubled that justice, an essential prop of religion, had all but disappeared; murder, exile, and the illegal distribution of funds, as well as religious persecution, were common. A second group consisted of the minority who strictly adhered to Islamic precepts. They considered that the

sharīʿah was not being followed and that Islamic law (*fiqh*) and the *sunnah* had become the plaything of governments; they yearned for someone who would remove innovations and restore the *sunnah*. A third group consisted of those who had set out from the deserts of Najd and the Tihāmah to take part in the Islamic conquests and share in the booty but who had not been settled in the garrison towns of Basrah and Kufah. They had endured the hardships of war but seen the spoils go to others, and they were in constant search of an opportunity to rise up and claim their rights. People from beyond the Eastern borders of Iraq who had held some rank or derived some income before the advent of the Muslim armies comprised the fourth group. Hoping to improve their lot, such persons now set their sights on Iraq. Most settled in Kufah. Expelled from Persian territories and despised by the Arabs, they were apparently peaceful but continually agitating in secret. There was also a group whose ancestors had warred for many years with the Northern tribes. These remembered how they had been defeated by the Syrians in the Battle of Ṣiffīn, and found that their old enemies were once again in a position to dominate them. And then finally there were the opportunists, who saw a chance to benefit from chaos and actively promoted disorder.

Almost all the population of Kufah, which controlled Iraqi politics in general, belonged to one of these groups, and there was one thing upon which they agreed—that the regime in Damascus should be overthrown and Iraq become the seat of the caliphate. Did they also truly desire that Islam and the rule of the Family of the Prophet should prevail? This point needs much discussion.

ʿAlī had made Kufah his capital following the Battle of the Camel, and it soon gained a special place among Islamic cities. The population was divided into many factions, each with its own goals and beliefs. At the same time, the Kufans were most susceptible to ideas which appealed to their emotions. This partly explains why, from the last years of ʿUthmān's rule until the transfer of the caliphate to Baghdad, Kufah was never once calm. Whenever a harsh and effective ruler was set over them, the Kufans crept into their homes and waited quietly; whenever government was weak, they plotted, agitated, and finally rose up. From the year 36 to 75 A.H., when the Umayyad caliph ʿAbd al-Malik's governor al-Ḥajjāj's harsh—indeed, savage—rule finally strangled all dissent, Kufah was continually beset by disorder and shifting alliances. Muʿāwiyah showed his understanding of the nature of the Kufan people when he counselled his son Yazīd: "I hope that those who killed his father [Ḥusayn's father ʿAlī] and dishonored his brother will also keep him from harming your interests!"[1] In fact, most of the Kufans who had sided with ʿAlī in the Battle of the Camel and then the Battle of Ṣiffīn had done so chiefly because they wanted the caliphate to be moved from the Hijaz to Iraq, thus striking a blow

[1] Aḥmad ibn Muḥammad Ibn ʿAbd Rabbih, *al-ʿIqd al-farīd*, ed. Muḥammad Saʿīd ʿIryān, 8 vols. (Cairo: Maṭbaʿat al-Istiqāmah, 1371/1940), V, 115.

at Syria, for the Iraqi-Syrian rivalry was an ancient one, rooted not only in tribal feuds but conflicting political and economic interests.[2]

On the other hand, the groups enumerated above did, after all, participate in a society that was ruled in the name of religion and in which people could be most surely stirred to action by a religious cause. Thus the uprising had necessarily to begin as a religious one, and the person accepted by all the groups on that basis would become its leader. At the time of Yazīd's ascension to the caliphate there were three important sons of Companions of the Prophet resident in Madinah: Ḥusayn ibn ʿAlī, ʿAbd Allāh ibn Zubayr, and ʿAbd Allāh ibn ʿUmar.[3] Of these, Ḥusayn was most fit to lead. His father had converted to Islam earlier than the others' fathers, he was the husband of the Prophet's daughter, Fāṭimah, and his exemplary behavior under Muʿāwiyah had already endeared him to the Iraqis. What better person to lead than the son of the daughter of the Prophet, who had never pledged allegiance (*bayʿah*) to Muʿāwiyah? As for the caliph Yazīd, he knew only too well that if the Iraqis were to summon Ḥusayn and Ḥusayn to answer, Damascus would be faced with disaster. Yazīd and his cohorts were acutely aware that they had to bring Ḥusayn under control by any means possible in order to pacify Iraq and avoid a repeat of the Battle of Ṣiffīn.

The mood of the Kufans at first seemed favorable. Ḥusayn's emissary to Kufah, his cousin Muslim ibn ʿAqīl, was warmly received and installed himself in the house of Mukhtār ibn Abī ʿUbaydah al-Thaqafī (who was later to lead a movement in favor of another son of ʿAlī, Muḥammad ibn al-Ḥanafīyah). The Shīʿah arrived, one delegation after another. Muslim read Ḥusayn's letter to each in turn, and they wept, pledging allegiance. Thus assured of the enthusiasm of Ḥusayn's partisans, Muslim sent a letter indicating that the people supported him wholeheartedly. Ḥusayn was further strengthened in his resolve to set out from the Hijaz by news that some of Yazīd's men had arrived in Makkah planning to ambush and kill him during the *ḥajj* pilgrimage. And finally, Yazīd's rule was based neither on consultation with the community nor kinship with the Prophet; nor was he personally fit for the office he held. His rule was, in fact, an "innovation" (*bidʿah*) which no real Muslim could have accepted. As a descendant of the Prophet, Ḥusayn was all the more bound to oppose such innovation and reprehensible conduct. One may delay "forbidding reprehensible action" (*al-nahī ʿan al-munkar*) when one lacks the power to do so; for this reason Ḥusayn had kept silent for twenty years during the reign of Muʿāwiyah. Now that he had found support, however, it was no longer possible to delay. He was morally obliged to offer resistance as soon as possible.

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[2] To mention only two aspects of this rivalry: Before the rise of Islam, the rulers of the Arab kingdom of Ḥīrah were vassals of the Sassanids, while the Ghassanids in Syria served the Roman empire. In addition, Iraq stood on the way to the Indian Ocean, acting as intermediary to that trade, while Syria controlled the Mediterranean side.

[3] Yazīd tried to force the three to pledge allegiance to him; Ḥusayn and ʿAbd Allāh ibn Zubayr refused and fled to Makkah—ed.

It is always difficult to reconstruct events contested by parties who each have their own particular interest in those events. Reports concerning the time between the first encounter of Ḥusayn with the advance party sent from Kufah under al-Ḥurr ibn Yazīd and the end of the battle are so contradictory that virtually the only points on which they agree is the date and the fact of a general slaughter. The reason for the state of the sources is well known. The earliest document still extant was written nearly two hundred years after Karbala, and God only knows to what extent the historians, preachers and story-tellers of Umayyad times altered the reports to suit their aims. We are thus forced to rely on external evidence.

One point of which we can be certain is that Ḥusayn did not intend that a battle should necessarily take place. Historians report that several of the Imām's companions attempted to counsel the Kufan troops and alert them to the terrible nature of the deed they were about to undertake. The Qurʾānic injunction concerning a situation in which conflict between Muslims is imminent is clear: "If two parties of believers fall to fighting, then make peace between them. And if one party among them does wrong to the other, fight the one that does wrong until it returns to the command of God" (49:9). Given their religious prestige, the Imām and his followers must have felt themselves especially obliged to obey the Qurʾān. They had to make the Kufan army aware of their grievous error, as far as that was possible. Zuhayr ibn Qayn was particularly persistent, directly facing the Kufans and warning them that if swords were drawn they would no longer be fellow Muslims and brothers.[4] These and other similar exchanges between the two armies which took place in the first hours of that fateful day are largely free of the tendentiousness which marks other reports, indicating that there were indeed reliable witnesses present who faithfully recorded what they saw. We are also able to conclude, despite the little reliable evidence available, that the battle could not have lasted as long as seventy-two hours. Those who later elaborated on the passion of Ḥusayn fixed the battle at seventy-two hours merely in order to fit *rajaz* poetry, speeches, and other action into their accounts. Nor was it over as quickly ("in the time it takes to slaughter a camel") or the battle as neat ("they scattered as doves before the talons of an eagle") as Zaḥr ibn Qays later reported to Yazīd at his palace. Zaḥr also states that Ḥusayn chose to fight rather than surrender. Thus his report is inconsistent; one does not choose to fight and then immediately flee.[5]

Whether the battle at Karbala finished "in the time it takes to slaughter a camel" or whether it lasted five, ten or seventy-two hours, despite the many

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[4] *The History of al-Ṭabarī. Volume XIX. The Caliphate of Yazīd b. Muʿāwiyah*, tr. I.K.A. Howard (Albany, N.Y.: State University of New York Press, 1990), 125-126. (Zuhayr ibn al-Qayn's attempt at reconciliation has a special significance: he had been a supporter of ʿUthmān but, having met Ḥusayn on the road from Makkah, was inspired to support his cause. See ibid., 85-86—ed.)

[5] Ibid., 169. Zaḥr ibn Qays, a Kufan tribal leader, had been sent with the head of Ḥusayn to Yazīd in Syria—ed.

souls from the cities of Iraq and the Hijaz who had sworn allegiance to Ḥusayn (one hundred thousand, thirty thousand, or eighteen thousand—again, the sources differ radically) only seventy-two torn and bloody corpses remained scattered in the desert. Ḥusayn had appealed to the Kufan army not to murder him and his companions. But his appeals were not motivated by fear. If he had wanted to escape death, he could have acted some days earlier. As for those who had pledged allegiance to Ḥusayn but did not come to his aid, they now returned to their homes, closed their doors, and waited for another champion and another chance to prove themselves.

At this point we may ask ourselves: why did the great Islamic cities, with the exception of Kufah and, to a much lesser extent, Basrah, remain passive in the face of such terrible events? There were still a few of the Companions of the Prophet living in each city; why did they not come forward and rouse the community to help the grandson of the Prophet? Or even if they did not agree with Ḥusayn's strategy, why did they not at least urge their rulers to find a way to avoid a massacre? Again, the answer lies in the special characteristics of each city.

The only examples of Islamic conduct and application of Qurʾānic injunctions the Damascenes had ever encountered from the time they accepted Islam were those of rulers and government officials such as Khālid ibn al-Walīd[6] and Muʿāwiyah. One hundred and thirteen Companions had either participated in the conquest of Syria or settled there afterward, but the biographical literature reveals that nearly all associated with the Prophet for only a very short time. Only a few actually related *ḥadīth*. Islam was not as vigorously practiced in Damascus as at Madinah. The Syrians were a people unto themselves; Muʿāwiyah is said to have warned his son and successor, Yazīd: "Keep the Syrians close about you! If you have enemies, send the Syrians to war, but when they have finished, do not let them remain outside Syria. Return them quickly to their homes so that they do not take on the habits of foreigners."[7] The extent of Syrian support for the Umayyad dynasty can be judged from this report. In addition, after ʿUthmān was murdered in Madinah and ʿAlī succeeded to the caliphate, Muʿāwiyah gradually convinced the Syrians that ʿAlī had had a hand in the affair. When Muʿāwiyah demanded revenge and asked that the murderers be handed over, ʿAlī refused, and the enmity of the Syrians toward ʿAlī took on a religious coloring.

In the meantime, relatives of the Prophet resident in Makkah stood aside, almost like spectators. One would have expected them to come forward and either urge Ḥusayn to stay in Makkah and announce his caliphate, or accompany him to Iraq. In the event, neither did anyone accompany Ḥusayn, nor did anyone seriously try to prevent him from going. This included Ibn Zubayr, whose appeal to Ḥusayn was no more than a pretense. Part of the

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[6] Khālid ibn al-Walīd, a general who secured some of the early conquests of Islam, is not liked by the Shīʿah because of his connection with the Umayyads—ed.

[7] Ibn ʿAbd Rabbih, *ʿIqd*, V, 115.

Makkans' inaction was due to their prior loyalty to Ibn Zubayr. Muʿāwiyah had also taken care to flatter and honor the sons of the Companions, Anṣār, and Muhājirūn resident in Makkah, especially as he arranged for Yazīd to succeed him. After the death of Muʿāwiyah, the Makkans may not have been enthusiastic about Yazīd and a Syrian government, but they preferred to wait and see what would happen rather than rebel. When Ḥusayn set out for Iraq from Makkah, only a few persons came to warn him, all on their own initiative, while not a word, either of opposition or approval, was heard from anyone but the governor's own emissaries.

As for the people of Madinah, it was said of them that they were "the most avid of the community for evil, but the least able to carry it out."[8] Although obviously not objective, this statement does contain some truth. In the course of a half-century Madinah had changed radically. It had originally been the home of the Anṣār rather than the Quraysh. Under ʿUmar and ʿUthmān, however, the Quraysh and the Muḍar Arabs to whom they belonged gradually gained control of the city and a new Makkan aristocracy was born. As they amassed wealth, they became used to luxury and ease. When ʿAlī had set out from Madinah for Basrah in pursuit of Ṭalḥah and Ibn Zubayr many years before, he had with him only seven hundred men,[9] and even most of these were from outside Madinah, having gathered there at the time of the murder of ʿUthmān. Although the transfer of the caliphate from the Hijaz may have been a defeat for Madinah, it left the population free to engage in agriculture and trade without the impediment of political upheavals. When Ḥusayn set out from Madinah to Makkah, the Madinans did not react very strongly; they were still more interested in a life of comfort than anything else. As Ḥusayn's caravan continued on to Makkah, no one accompanied him but his own relatives, and the party was hardly larger as he set out, finally, toward Iraq.

Damascus had at first intended to quickly consolidate its newly-won power by strengthening its hold on Madinah and Makkah. But it had succeeded only in moving the center of opposition to Iraq. It had then been forced to resort to military force, including the battle at Karbala. That victory, however, was illusory; the overall political result of Ḥusayn's martyrdom was to prepare the ground for future defeat as the Kufans and others returned home and began to reflect on the affair. The close of the tenth of Muḥarram in no way marked the end of Karbala. Ḥusayn and his companions were surely martyred, but the memory of the massacre was so terrible that not only the Shīʿah mourned. Those who had supported the Umayyads also understood the importance of Karbala and its unintended consequences and set about trying to repair the

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[8] Jurjī Zaydān, *Taʾrīkh al-tamaddum al-Islāmī*, 5 vols. (Cairo: Maṭbaʿat al-Hilāl, 1958), IV, 75; *The History of al-Ṭabarī Volume XV. The Crisis of the Early Caliphate*, tr. R. Stephen Humphreys (Albany, N.Y.: State University of New York Press, 1990), 129.

[9] *The History of al-Ṭabarī. Volume XVI. The Community Divided: The Caliphate of ʿAlī*, tr. Adrian Brockett (Albany, N.Y.: State University of New York Press, 1997), 47.

situation, while others who had failed to come to Ḥusayn's aid regretted their betrayal and began to speak ill of Yazīd and ʿUbayd Allāh ibn Ziyād.

Underground resistance to the Umayyad regime in Iraq appears to have begun after the sermon of ʿUbayd Allāh ibn Ziyād, Yazīd's governor in Kufah, in which he gave thanks to God for "manifesting the truth" and for coming to his aid to defeat, as he said, "the liar, son of the liar." One of the Shīʿah, named ʿAbd Allāh ibn ʿAfīf, interrupted him and cried out: "It is you and your father who are liars and sons of liars!"[10] Relying on the report of Abū Mikhnaf, Ṭabarī writes that "the Shīʿah began to gather arms in the year sixty-one, soon after Ḥusayn's martyrdom, and prepared themselves for war, secretly encouraging each other to seek revenge."[11]

Indeed, there was confusion and regret within the ranks of the Umayyads themselves. This is a prominent feature of the reports. As Ḥusayn's head was carried to the Great Mosque of Damascus, Yaḥyā, the brother of Yazīd's successor to the caliphate Marwān ibn al-Ḥakam, showed his displeasure and declared: "Never again shall I approve of anything you do!"[12] Ibn Shahrāshūb, the great Shīʿī savant of the 6th/12th century, further reports that when Yaḥyā ibn al-Ḥakam saw the captives and Ḥusayn's head while seated in Yazīd's gathering, he recited:

> Sumayyah has descendants as many as pebbles
> And the daughter of the Prophet now has none!

At this Yazīd is reported to have struck him and said: "Quiet – a curse on your mother!"[13] Upon seeing Ḥusayn's head poked with a stick, an old man present wept and protested; ʿUbayd Allāh ibn Ziyād simply said: "If you weren't a senile old man, I would cut off your head!"[14] The ill-fated "Tawwābūn" or Penitent movement led by Sulaymān ibn Ṣurad as well as the rebellion of Mukhtār were reactions to this incident.

These were only the first of the consequences of Karbala for the Muslim community. Gradually the Umayyads and their supporters realized that Karbala had not only failed to help them, but had actually endangered their position. Every year on the tenth of Muḥarram as the wails of mourners arose in every quarter, the memory of that awful day was renewed. As the revolts of the Shīʿah were violently put down, they persisted with mourning rituals and recitation of poetry; the composition of elegies for Ḥusayn became a central activity of those who could no longer tolerate the oppression of the Umayyad regime and wished to overthrow it. This ethos finally bore fruit in the Abbasid Revolution.

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[10] *History of al-Ṭabarī. Volume XIX*, 167-168.

[11] Ibid., 206.

[12] Ibid., 175.

[13] "*lā umma la-ka*"; see Ibn Shahrāshūb, *Manāqib Āl Abī Ṭālib*, 4 vols. (Qum: al-Maṭbaʿah al-ʿIlmīyah, 1379/1959), IV, 49. Cf. *History of al-Ṭabarī. Volume XIX*, 170.

[14] Ḥasan ʿAlī ibn ʿĪsā ibn Abī al-Fatḥ al-Irbilī, *Kashf al-ghummah fī maʿrifat al-aʾimmah*, ed. Hāshim al-Rasūlī, 3 vols. (Tabriz: Maktabat Banī Hāshimī, 1381/1961-2), II, 63.

ISNĀD, AMBIGUITY AND THE QUR'ĀN COMMENTARY OF JA'FAR AL-ṢĀDIQ

Gerhard Böwering

According to the standard Shī'ī sources, after the death of the third caliph 'Uthmān ibn 'Affān in 35/656, 'Alī ibn Abī Ṭālib (d. 40/661) became the founder and first imām of the Shī'ah, understood both as a religious group and a political party. On account of his early religious merit and his close kinship with the Prophet, he was recognized as the most excellent specimen of humanity after Muḥammad and the most entitled to succeed him. Abū 'Abd Allāh Ja'far ibn Muḥammad al-Ṣādiq, the sixth imām, sought to confirm this early focus of the Shī'ah on the religious authority of the charismatic leader in the line of the Prophet's descendants by interpreting the role of the imām as that of the authoritative source of knowledge and guidance in the time after the revelation of the prophets.[1]

Ja'far al-Ṣādiq was prevented, however, from effectively securing this vision of the imamate because the choice of his successor was marred by controversy. Ismā'īl, his son by a granddaughter of al-Ḥasan, the Prophet's grandson, had initially been appointed successor but died some years before his father. His elder son 'Abd Allāh, who after his father's death was regarded by most Shī'īs as Ja'far's legitimate successor, survived his father by only a few weeks and died without having produced any male offspring. Upon 'Abd

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[1] The considerable body of secondary literature on Ja'far al-Ṣādiq is not consistent. Cf. *EI*², s.v. "Dja'far al-Ṣādiq," by M.G.S. Hodgson; GAS I, 528-531; Eliade, *Encyclopedia of Religion*, s.v. " Ja'far al-Ṣādiq," by D.S. Crow; M. Abū Zahrah, *al-Imām al-Ṣādiq* (Cairo: Dār al-Fikr al-'Arabī, 1964); S.H.M. Jafri *Origins and Early Development of Shī'a Islam* (London: Longman, 1979), 259-288; M. Momen, *An Introduction to Shī'ī Islam* (Oxford: G. Ronald, 1985), 38-39, 54-56; H. Halm, *Shī'ism* (Edinburgh: Edinburgh U.P., 1991), 29-31. Two dissertations, prepared under the direction of Prof. H. Landolt, McGill University, have unearthed new primary source material on Ja'far al-Ṣādiq: D.S. Crow, *The Teaching of Ja'far al-Ṣādiq* (M.A. diss., 1980) and L. Clarke, *Early Doctrine of the Shī'ah, according to the Shī'ī Sources* (Ph.D. diss., 1995).

Allāh's death, the Shīʿī majority transferred their allegiance to Mūsā, a third son of Jaʿfar born of a slave woman. A fourth son, Isḥāq, failed to recruit a following because of his early death in 150/767, only two years after his father, while Muḥammad, Jaʿfar's youngest son, was still a small child when his father died. A minority faction of followers continued to press the claim of Ismāʿīl as the legitimate successor, believing tenaciously that either Ismāʿīl himself or his son Muḥammad had not died but merely gone into hiding. Yet another small group, known as the Nāwūsīyah, maintained that Jaʿfar himself had not died but was living in concealment.[2]

Eventually most of the Shīʿah accepted Jaʿfar's death and came to believe in him as their quasi-omniscient guide, a leader whom some had approached even in his lifetime with the divine address, *labbayka* ("at your service, O Lord"). In their memory, Jaʿfar had a fluent command of Syriac and possessed a detailed knowledge of the scriptures, i.e. the Psalms, the Torah, the Gospel and the "Sheets" (*ṣuḥuf*) of Abraham. He had inherited not only the armor and mantle of the Prophet but also his books, and he possessed a superior knowledge of the law. He knew everything, either through his knowledge of God's supreme name or through being illuminated by a column of light that God had placed before him in his youth. He possessed a secret codex (*jafr*, whether white or red), a magic tablet (*lawḥ*), and a sealed scroll (*ṣaḥīfah*) or volume (*muṣḥaf*) including all knowledge of the future, inherited from Fāṭimah, that was three times the size of the Qurʾān.[3] After his death, Jaʿfar became, in Shīʿī eyes, the unfailing guide, the one possessing the true interpretation of the Qurʾān as expressed by his authoritative exegesis (*taʾwīl*). His extraordinary knowledge and insight became legend.

The historical Jaʿfar al-Ṣādiq was born in Madinah in either 80/699 or 83/703 as the son of Muḥammad al-Bāqir (d. 114/732 or 117/735), the fifth Shīʿī imām, and Umm Farwah, a great-granddaughter of Abū Bakr (d. 13/634). Shortly before the revolt of his uncle Zayd ibn ʿAlī in 122/740, Jaʿfar was recognized as the sixth Shīʿī imām. He neither played an active political role during the transition from Umayyad to Abbasid rule nor supported the unsuccessful revolt of Ibrāhīm ibn ʿAbd Allāh in 145/762 but rather led the life of a man of learning (*ḥikmah*, *maʿrifah*). Except for some time spent in Kufah in the latter part of his life, Jaʿfar lived and worked quietly as a scholar in Madinah, where he died in 148/765. In both Shīʿī and Sunnī circles, he is widely regarded as an early expert on Islamic law and a sound transmitter of *ḥadīth*. Muslim intellectual leaders of his time, such as Mālik ibn Anas (d. 179/796) and Wāṣil ibn ʿAṭāʾ (d. 131/748), attended his lectures, and the famous alchemist Jābir ibn Ḥayyān (d. 200/815?) benefitted from his

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[2] *EI*[2], s.v. "Nāwūsiyya," by W. Madelung.

[3] Cf. J. van Ess, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra*, 6 vols. (Berlin: de Gruyter, 1991), I, 274-282; *Encyclopedia Iranica* II, s.v. "Apocalyptic in Muslim Iran," by I. Poonawala.

teachings on alchemy.[4] Propagators of the Shī'ī cause, such as Abū al-Khaṭṭāb (killed ca. 138/755), served as his political agents and collected tax money for him.[5]

The extant writings that have been attributed to Ja'far al-Ṣādiq over the centuries deal with a broad range of topics. By and large, their authenticity remains suspect. Such doubts also affect his writings that deal with the interpretation of the Qur'ān, especially the small treatises *Manāfi' al-Qur'ān* and *Khawāṣṣ al-Qur'ān*.[6] The commentary *Tafsīr al-Qur'ān* attributed to Ja'far al-Ṣādiq in a number of extant Arabic manuscripts conveys a spurious textual tradition, introduced by an extremely cryptic chain of transmitters that is linked with the chain of the Shī'ī imāms ascending from the tenth imām 'Alī ibn Muḥammad al-Hādī al-Naqī (d. 254/868) to Ja'far al-Ṣādiq.[7] However, while the Qur'ān commentaries attributed to Ja'far al-Ṣādiq in their entirety do not include much reliable material, the items cited on his authority in Abū 'Abd al-Raḥmān al-Sulamī's (d. 412/1021) two Qur'ān commentaries are based on identifiable chains of transmitters and may delineate the parameters of an authentic core of Ja'far al-Ṣādiq's exegesis.

Abū 'Abd al-Raḥmān Muḥammad ibn al-Ḥusayn al-Sulamī, who was born in Nishapur in 325/937 or 330/942 and died in the same city in 412/1021, was a prolific author and composed dozens of works from about 360/970 onward. His writings include a substantial commentary on the Qur'ān which still awaits publication as a whole, although extracts of it have been published by Massignon and Nwiya.[8] The work, in its entirety or in part, is extant in about

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[4] For the controversy surrounding the relationship of Ja'far al-Ṣādiq to Jābir ibn Ḥayyān see GAS IV, 132-269; J. Ruska, *Arabische Alchemisten II. Ǧa'far al-Ṣādiq, der sechste Imām* (Heidelberg: C. Winter, 1924), 40; J. Ruska, "Jabir ibn Ḥajjān und seine Beziehungen zum Imām Ǧa'far aṣ-Ṣādiq," *Der Islam* 16 (1927), 264-266; P. Kraus, *Jābir ibn Ḥayyān. Contribution à l'histoire des idées scientifiques dans l'Islam*, 2 vols. (Cairo: Imprimerie de l'Institut français d'archéologie orientale, 1942-43), esp. I, 55-57 (Foreword); M. Ullmann, *Die Natur und Geheimwissenschaften im Islam* (Leiden: Brill, 1972), 199; T. Fahd, " Ja'far al-Ṣādiq et la tradition scientifique arabe," in T. Fahd, ed., *Le Shī'isme imâmite* (Paris: Presses universitaires de France, 1970), 131-142; P. Lory, *L'élaboration de l'élixir suprême* (Damascus: Institut français de Damas, 1988), 11-13.

[5] See *EI*[2], s.v. "Abu l-Khaṭṭāb" by B. Lewis; ibid., s.v. "Khaṭṭābiyya," by W. Madelung.

[6] See GAS I, 530.

[7] See G. Böwering, "The Qur'ān Commentary of al-Sulamī," in W.B. Hallaq and D.P. Little, eds., *Islamic Studies Presented to Charles J. Adams* (Leiden: E.J. Brill, 1991), 41-56.

[8] See: L. Massignon, *Essai sur les origines du lexique technique de la mystique musulmane* (Paris: Vrin, 1968), 359-412; P. Nwyia, "Le Tafsir mystique attribué à Ǧa'far Ṣādiq," *Mélanges de la Faculté Orientale de l'université St. Joseph de Beyrouth* XLVIII (1968): 181-230, reprinted in: 'Alī Zay'ūr, *al-Tafsīr al-Ṣūfī lil-Qur'ān 'ind al-Ṣādiq* (Beirut: Dār al-Andalus, 1399/1978), 125-212; P. Nwyia, "Sentences de Nūrī citées par Sulamī dans *Ḥaqā'iq al-Tafsīr*," *Mélanges de la Faculté Orientale de l'université St. Joseph de Beyrouth* XLIV (1968), 145-147; idem, *Trois oeuvres inédites de mystiques musulmans* (Beirut: Dār al-Mashriq [1973]), 23-182. These extracts of Massignon and Nwyia have been reprinted in: N. Pūrjavādī, *Majmū'ah-i āthār-i Abū 'Abd al-Raḥmān Sulamī*, vol. I (Tehran: Markaz-i Nashr-i Dānishgāh, 1369 H.Sh./1990), 1-292. Cf. R. Gramlich, *Abū l-'Abbās b. 'Atā', Sufi und Koranausleger* (Stuttgart: Franz Steiner, 1995).

fifty manuscripts, with the oldest textual witnesses copied in the middle sixth/twelfth century, about one hundred and fifty years after the author's death. The text exists in a long and a short version, the shorter representing an extract that can be traced to the seventh/thirteenth century. From the ninth/fifteenth century there also appears another abbreviated version of the text in the manuscript tradition. Some time after the completion of the major Qurʾān commentary *Ḥaqāʾiq al-tafsīr*, Sulamī wrote a minor Qurʾān commentary as an appendix to the former, entitled *Ziyādāt ḥaqāʾiq al-tafsīr*, which was compiled after 370/980.[9]

In Sulamī's view, no comprehensive commentary that included the mystical ways of reading the Qurʾān had been produced until his time. He therefore proceeded to collect systematically whatever pertinent glosses and sayings he could find from oral or written sources and to organize the material according to the order of a running commentary on the Qurʾān. The two principal written sources cited by Sulamī were scattered glosses (*ayāt mutafarriqah*) transmitted on the authority of Ibn ʿAṭāʾ (d. 309/921-22 or 311/923-24) and glosses transmitted on the authority of Jaʿfar al-Ṣādiq. Other than these two, Sulamī names no sources of Qurʾānic commentary from which he might have drawn substantial material, although examination of his use of *isnād* reveals additional written sources which underlie his compilations of Qurʾān commentary.[10]

When Sulamī quotes Jaʿfar's name without *isnād*, he cites him as Jaʿfar al-Ṣādiq, al-Ṣādiq, Jaʿfar ibn Muḥammad, or Jaʿfar, and clearly distinguishes him from Jaʿfar ibn Muḥammad ibn Nuṣayr al-Khuldī (d. 384/959), whom he also quotes as a source in his Qurʾānic commentaries. In collecting the glosses on Jaʿfar al-Ṣādiq's authority, Sulamī generally cites but occasionally omits the *isnād*. Two chains of transmitters stand out as the main channels through which Sulamī received the material on Jaʿfar's authority. The first is the chain of Aḥmad ibn Naṣr al-Dhāriʾ—ʿAbd Allāh ibn Aḥmad ibn ʿĀmir—his father—ʿAlī ibn Mūsā al-Riḍā—his father—Jaʿfar ibn Muḥammad. This chain represents Sulamī's principal source for the tradition of Jaʿfar al-Ṣādiq included in the *Ziyādāt ḥaqāʾiq al-tafsīr*.[11]

The second is the chain of Manṣūr ibn ʿAbd Allāh—Abū al-Qāsim al-Iskandarānī—Abū Jaʿfar al-Malaṭī—ʿAlī al-Riḍā—Mūsā al-Kāẓim—Jaʿfar al-Ṣādiq, and represents the strand of Jaʿfar's tradition incorporated into the *Ḥaqāʾiq al-tafsīr*. Although both chains end up with the Shīʿī family *isnād* traced back from the eighth imām ʿAlī ibn Mūsā al-Riḍā (d. 203/818) via the seventh imām Mūsā al-Kāẓim (d. 183/799) to Jaʿfar ibn Muḥammad al-Ṣādiq, each links up with Sulamī through three different transmitters.

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[9] See Böwering, "Qurʾān Commentary," 43-50, *idem*, ed., *The Minor Qurʾān Commentary of Abū ʿAbd ar-Raḥmān Muḥammad b. al-Ḥusayn as-Sulamī (d. 412/1021)* (Beirut: Dar el-Machreq, 1995), 15-21.

[10] See Böwering, "Qurʾān Commentary," 51-53.

[11] See G. Böwering, "The Major Sources of Sulamī's Minor Qurʾān Commentary," *Oriens* XXXV (1996), 35-56.

Sulamī's direct informant in the **first** chain is Abū Bakr Aḥmad ibn Naṣr ibn ʿAbd Allāh ibn Fatḥ al-Baghdādī al-Dhāriʿ (d. after 365/975-6), a resident of Nahrawān, where Sulamī met him and received his explicit authorization (*ijāzah*).[12] The author of the *Taʾrīkh Baghdād* does not consider Aḥmad ibn Naṣr al-Dhāriʿ to be a reliable transmitter, while Dāraquṭnī (d. 385/995) charges him with spreading trivialities (*abāṭīl*) and falsehood (*ifk*).[13] In the same passage in which Dāraquṭnī castigates Aḥmad ibn Naṣr al-Dhāriʿ as "a deceiver" (*dajjāl*), he confirms him as a transmitter of Shīʿī traditions by tracing an *isnād* from Aḥmad ibn Naṣr al-Dhāriʿ through Abū al-Mughīrah Ṣadaqah ibn Mūsā al-Sulamī al-Daqīqī al-Baṣrī (his grandfather on his mother's side) to the Shīʿī family chain ascending from ʿAlī ibn Mūsā al-Riḍā to ʿAlī ibn Abī Ṭālib (d. 40/661). Dhahabī considers Aḥmad ibn Naṣr al-Dhāriʿ, to whom a well-known volume (*juzʾ mashhūr*) is attributed, as suspect (*muttaham*) and issues a warning to beware him because of the monstrosities (*tammāt*) he relates.[14]

Aḥmad ibn Naṣr al-Dhāriʿ received his information from Abū al-Qāsim ʿAbd Allāh ibn Aḥmad ibn ʿĀmir ibn Sulaymān ibn Ṣāliḥ al-Ṭaʾī (d. 324/936), who is explicitly mentioned in the *Taʾrīkh Baghdād* as having transmitted his information on the basis of a written source (*nuskhah*) handed down to him by his father on the Shīʿī family *isnād* traced back from ʿAlī ibn Mūsā al-Riḍā to Jaʿfar.[15] In effect, the author of the *Taʾrīkh Baghdād* states with precision that, in 265/878-89, ʿAbd Allāh ibn Aḥmad ibn ʿĀmir received his information from his father, who had received it from ʿAlī al-Riḍā in 194/809-10 on the Shīʿī family *isnād* traced back to ʿAlī ibn Abī Ṭālib. Ibn al-Jawzī bluntly calls ʿAbd Allāh ibn Aḥmad ibn ʿĀmir's written source spurious (*bāṭilah*) while Dhahabī refers to it as "that spurious written source" (*tilka al-nuskhah al-manḥūʿah al-bāṭilah*) corrupted by ʿAbd Allāh ibn Aḥmad ibn ʿĀmir or his father.

Abū Jaʿd Aḥmad ibn ʿĀmir ibn Sulaymān ibn Ṣāliḥ al-Ṭāʾī, the father of ʿAbd Allāh ibn Aḥmad ibn ʿĀmir, was born in 157/774, met ʿAlī al-Riḍā in 194/810,[16] and lived at Samarra where he transmitted the imām's teachings. While Dhahabī cites a number of men as suspect transmitters of ʿAlī al-Riḍā, he lists Aḥmad ibn ʿĀmir, together with Abū al-Ṣalt ʿAbd al-Salām ibn Ṣāliḥ

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[12] al-Khāṭīb al-Baghdādī, *Taʾrīkh Baghdād*, 14 vols. (Cairo: Maktabat al-Khānijī, 1349/1931), V, 184, III, 55; Dhahabī, *Taʾrīkh al-Islām*, ed. ʿUmar ʿAbd al-Salām Tadmurī, 32 vols. to date (Beirut: Dār al-Kitāb al-ʿArabī, 1407 or 1408-/1987-) (A.H. 351-380), 335; Ibn Ḥajar al-ʿAsqalānī, *Lisān al-mīzān*, 7 vols. (Beirut: Muʾassasat al-Aʿlamī lil-Maṭbūʿāt, 1390/1971), I, 317-318; cf. Sulamī, *Kitāb ṭabaqāt al-Ṣūfiyah*, ed. J. Pedersen (Leiden: E.J. Brill, 1960), 150/ ed. N. Shuraybah (Cairo: Maktabat al-Khānijī, 1389/1969), 162.

[13] Dhahabī, *Mīzān al-iʿtidāl fī naqd al-rijāl*, 4 vols. (Beirut: Dār al-Maʿrifah, 1382/1963), I, 161-162.

[14] Dhahabī, *Taʾrīkh*, (A.H. 351-380), 335.

[15] Khaṭīb, *Taʾrīkh*, IX, 385.

[16] Abū al-ʿAbbās Aḥmad ibn ʿAlī al-Najāshī, *Kitāb al-rijāl* (Bombay: n.p., 1317/1899 or 1900), 73.

al-Naysābūrī (236/851) and ʿAbd Allāh ibn al-ʿAbbās al-Qazwīnī, as the three men who definitely transmitted on ʿAlī al-Riḍā's authority, although he considers them weak transmitters (*ḍuʿafāʾ*). Dhahabī further states that there were three versions of the family tradition which was transmitted by ʿAlī al-Riḍā and attributed to Jaʿfar, one of which was "a big volume" (*nuskhah kabīrah*) in the possession of Aḥmad ibn ʿĀmir al-Ṭāʾī.

The second version was in the hands of Abū al-Ḥasan ʿAlī ibn Mahdī al-Raqqī, who passed it on to his son, Abū ʿAlī Aḥmad ibn ʿAlī al-Raqqī. Dhahabī describes the copy in Aḥmad ibn ʿAlī's possession as a fabricated copy (*nuskhah makdhūbah*) and false information (*khabar bāṭil*). Sulamī was familiar with the content of this copy since an identical chain of transmitters in *Ādāb al-ṣuḥbah* and in the beginning of his *Ḥaqāʾiq al-tafsīr* combines the Shīʿī family *isnād* ending in ʿAlī al-Riḍā with the chain leading from ʿAlī ibn Mahdī and his son to Muḥammad ibn ʿAbd Allāh al-Shaybānī, Sulamī's direct informant at Kufah. This Shaybānī, whose funeral at Baghdad caused much public commotion in 387/997, is cited in the *Taʾrīkh Baghdād* as having forged Shīʿī *ḥadīth*.

The information on ʿAbd Allāh ibn Aḥmad and his father, Aḥmad ibn ʿĀmir al-Ṭāʾī, gleaned mainly from the *Taʾrīkh Baghdād* of al-Khaṭīb al-Baghdādī (d. 463/1071) and Dhahabī's works, is confirmed and amplified by the accounts of father and son included in the biographical sources of the early Shīʿah, particularly Najāshī's *Kitāb al-rijāl*[17] and in the *Kitāb Abī al-Jaʿd*. Najāshī (d. 450/1058) read the volume (*nuskhah*) transmitted by ʿAbd Allāh ibn Aḥmad and Aḥmad ibn ʿĀmir al-Ṭāʾī on ʿAlī al-Riḍā's authority with his first teacher, Abū al-Ḥasan Aḥmad ibn Muḥammad ibn ʿImrān ibn Mūsā al-Jundī al-Nahshalī al-Baghdādī (d. 396/1006),[18] who left him a copy of this *nuskhah*.[19] Najāshī received authorization (*ijāzah*) to transmit the *nuskhah*, which he explicitly qualifies as authentic (*ḥasanah*), from Abū ʿAlī al-Ḥasan ibn Aḥmad ibn Ibrāhīm Ibn Shādhān al-Baghdādī (425/1034). The latter's own transmission is linked through his father with the chain traced back from ʿAbd Allāh ibn Aḥmad al-Ṭāʾī to ʿAlī al-Riḍā.[20] In his attempts to establish the

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[17] Ibid., 73, 158-159.

[18] See GAS I, 216; Khaṭīb, *Taʾrīkh*, V, 77-78; Dhahabī, *Siyar aʿlām al-nubalāʾ* (ed. Shuʿayb Arnāʾūṭ, et al), 25 vols. (Beirut: Muʾassasat al-Aʿlamī, 1401-9/1981-88), XVI, 555-556; Dhahabī, *Taʾrīkh*, (A.H. 381-400), 329; Dhahabī, *Mīzān*, I, 147-148; ʿAsqalānī, *Lisān*, I, 288; Ibn al-ʿImād, *Shadharāt al-dhahab fī akhbār man dhahab*, 8 vols. (Cairo: Maktabat al-Qudsī, 1350-51/1931-32), III, 147. The name of Abū al-Ḥasan Aḥmad ibn Muḥammad ibn ʿImrān al-Nahshalī al-Baghdādī is frequently confused in the sources with Abū al-Ḥasan Aḥmad ibn Muḥammad ibn Mūsā ibn al-Qāsim ibn al-Ṣalt al-Mujabbir (d. 405/1015); cf. GAS I, 223.

[19] Najāshī, *Rijāl*, 73. Najāshī traces the genealogy of Abū al-Qāsim ʿAbd Allāh ibn Aḥmad and Abū Jaʿd Aḥmad ibn ʿĀmir al-Ṭāʾī as follows: ʿAbd Allāh ibn Aḥmad ibn ʿĀmir ibn Sulaymān ibn Ṣāliḥ ibn Wahb ibn ʿĀmir (slain at Karbala together with al-Ḥusayn ibn ʿAlī) ibn Ḥassān (killed in the Battle of Ṣiffīn with ʿAlī) ibn Shurayḥ ibn Saʿd ibn Ḥārithah ibn Lām ibn ʿAmr ibn Ẓurayf ibn ʿAmr ibn Thumāmah ibn Dhuhl ibn Judhʿān ibn Saʿd ibn Qaṭrah ibn Ṭayʾ.

[20] Ibid., 73, 158-159. There is no information independent from Najāshī that would identify al-Ḥasan ibn Aḥmad ibn Ibrāhīm and his father with Abū ʿAlī al-Ḥasan ibn Aḥmad ibn Ibrāhīm

authenticity of this *nuskhah*, Najāshī states that Aḥmad ibn ʿĀmir was born in 157/774, personally met ʿAlī al-Riḍā in 194/810, and served as muezzin for both the tenth imām al-Naqī (d. 254/868) and the eleventh imām Abū Muḥammad al-Ḥasan ibn ʿAlī al-ʿAskarī (d. 260/874).[21] Najāshī also cites ʿAbd Allāh ibn Aḥmad al-Ṭā'ī as the compiler of a collection of sayings attributed to ʿAlī ibn Abī Ṭālib, entitled *Kitāb qaḍāyā amīr al-mu'minīn*, for which he received authorization of transmission from Abū al-Ḥasan Aḥmad ibn Muḥammad ibn ʿImrān ibn Mūsā al-Jundī.[22]

The *isnād* introducing the *Kitāb Abī al-Jaʿd* in the transmission of Abū ʿAlī al-Faḍl ibn al-Ḥasan al-Ṭabarsī (d. 548/1153) confirms the information of Najāshī.[23] Ṭabarsī, transmitting in 529/1135, cites the occasion when, at the entrance to ʿAlī al-Riḍā's tomb in 501/1107, he copied down the version at his disposal according to the dictation of ʿAbd Allāh ibn ʿAbd al-Karīm ibn Hawāzin al-Qushayrī (d. 477/1084).[24] The latter had received it in 452/1060 from Abū al-Ḥasan ʿAlī ibn Muḥammad ibn ʿAlī al-Ḥātimī al-Zawzanī—Abū al-Ḥasan Aḥmad ibn Hārūn al-Zawzanī—Abū Naṣr Muḥammad ibn ʿAbd Allāh ibn Muḥammad al-Ḥafdah al-ʿAbbās ibn Ḥamzah al-Naysābūrī, who transmitted it in 337/948. Abū Naṣr Muḥammad ibn ʿAbd Allāh al-Naysabūrī copied the version at Basrah from Abū al-Qāsim ʿAbd Allāh ibn Aḥmad ibn ʿĀmir al-Ṭā'ī, whose father, in 260/874, gave him a copy of the text he had originally received from ʿAlī al-Riḍā in 194/810.

The third version was in the possession of Abū Aḥmad Dā'ūd ibn Sulaymān al-Qazwīnī, who is cited in the local history of Qazwīn as famous for his transmission of Shīʿī material on the authority of ʿAlī al-Riḍā, procured at a time when the latter was hiding from his enemies in a house at Qazwīn. The learned of Qazwīn, such as Abū al-Ḥasan ʿAlī ibn Muḥammad al-Qazwīnī (d. 335/947-47) at Nihāwand, transmitted from the volume (*nuskhah*) that was in Dā'ūd ibn Sulaymān's possession. It is noteworthy that all extracts from the version in Dā'ūd ibn Sulaymān's possession quoted by the sources are traced back to ʿAlī ibn Abī Ṭālib.

Sulamī's direct informant in the second chain is consistently a certain Abu Naṣr Manṣūr ibn ʿAbd Allāh al-Iṣbahānī (or al-Aṣbahānī), who holds a central place as a direct informant for other major sources cited in Sulamī's Qur'ān

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ibn al-Ḥasan ibn Muḥammad Ibn Shādhān al-Bazzāz al-Baghdādī (d. 426/1034), a highly-respected traditionist of his time (cf. GAS I, 229-230); Dhahabī, *Siyar*, XVII, 415-418), and his father, Abū Bakr Aḥmad ibn Ibrāhīm ibn al-Ḥasan ibn Muḥammad Ibn Shādhān al-Bazzāz al-Baghdādī (d. 383/993); cf. ibid., XVI, 429-430.

[21] Najāshī, *Rijāl*, 73. The historical data are not totally reliable and may involve scribal errors or omissions in Najāshī's text.

[22] Ibid., 158-159.

[23] Aḥmad ibn ʿĀmir al-Ṭā'ī, *Kitāb Abī al-Jaʿd*, ed. Ḥusayn al-Ṭabāṭabā'ī al-Burūjirdī (Tehran: Maṭbaʿat Muḥammad Fardīn, [19–]); for Ṭabarsī, see GAL I, 405; GAL s. I, 708.

[24] Abū Saʿd ʿAbd Allāh ibn ʿAbd al-Karīm ibn Hawāzin al-Qushayrī (d. 477/1084), the son of al-Qushayrī (d. 465/1072) is cited by Ṭabarsī with the *kunyā* Abū al-Fatḥ rather than Abū Saʿd (cf. Dhahabī, *Siyar*, XVIII, 562-563).

commentaries, such as Sahl al-Tustarī and Ibn ʿAṭāʾ. The identity of Manṣūr ibn ʿAbd Allāh, however, is difficult to determine because in the corpus of his works Sulamī quotes three individuals with this same proper name among his direct sources of information and only occasionally indicates which of the three is meant. Because of chronological difficulties and a difference in *kunyā* and *nisbah*, Abū ʿAlī Manṣūr ibn ʿAbd Allāh ibn Khālid al-Dhuhlī al-Khālidī al-Shaybānī al-Hiwraī (d. 401 or 402/1010-12) can be eliminated as a possibility. The other, Abū al-Ḥasan Manṣūr ibn ʿAbd Allāh al-Dīmartī, whom Sulamī met in Baghdad, is cited only once by his full name, in Sulamī's *Ṭabaqāt al-Ṣūfiyah*. Since Dīmart is located in the region of Isfahan and no separate information concerning this man can be found in the available primary sources, it may be that Abū al-Ḥasan al-Dīmartī and Abū Naṣr al-Iṣbahānī are one and the same person.

The key to the identity of Abū Naṣr Manṣūr ibn ʿAbd Allāh al-Iṣbahānī, however, can be found through fragmentary references to a variety of sources. In the *Ziyādāt ḥaqāʾiq al-tafsīr*, both the *kunyā* Abū Naṣr and the *nisbah* al-Iṣbahānī are associated with name Manṣūr ibn ʿAbd Allāh. Abū Naṣr Manṣūr ibn ʿAbd Allāh al-Iṣbahānī is also cited with his full name in Sulamī's *Ādāb al-ṣuḥbah* as transmitting a saying of Abū Muḥammad al-Jurayrī (d. 312/924). Abū Naṣr Manṣūr ibn ʿAbd Allāh al-Iṣbahānī may also be identical with the Abū Naṣr Manṣūr ibn ʿAbd Allāh ibn Ibrāhīm al-Iṣbahānī described by Āghā Buzurg Ṭihrānī as a transmitter of Shīʿī teachings included in the *Kitāb al-tawḥīd* of Abū Jaʿfar Muḥammad ibn ʿAlī al-Qummī, known as Ibn Bābawayh al-Ṣadūq (d. 381/991). Ibn Bābawayh received his information at Nishapur from ʿAbd Allāh ibn Muḥammad ibn ʿAbd al-Wahhāb al-Sijzī (either mediated by Aḥmad ibn al-Mufaḍḍal ibn al-Mughīrah or directly) on the authority of Abū Naṣr Manṣūr ibn ʿAbd Allāh ibn Ibrāhīm al-Iṣbahānī who, among other sayings, transmits a saying of ʿAlī al-Riḍā. The Sufi group to which Abū Naṣr Manṣūr ibn ʿAbd Allāh al-Iṣbahānī actually belonged, however, may be revealed by Dhahabī's brief reference to a certain Manṣūr ibn ʿAbd Allāh al-Ṣūfī as a follower of the Sālimīyah, who transmitted teachings of Abū al-Ḥasan Aḥmad ibn Muḥammad ibn Sālim al-Baṣrī (d. 356/967)[25]

Abū Naṣr Manṣūr ibn ʿAbd Allāh al-Iṣbahānī also serves as a source of information for Sufi sayings in some of Sulamī's other extant works. Through intermediate links in the chain of authorities, such as ʿAmmī Basṭāmī and others, he transmits sayings of Abū Yazīd al-Basṭāmī (d. 261/874-75) to Sulamī. He is Sulamī's direct source of information for sayings of Abū al-Khayr al-Aqṭaʿ (d. 349/960), Abū ʿAlī al-Rūdhabārī and Abū Bakr al-Fārisī al-Ṭamastanī (d. 340/951-52). Abū Naṣr Manṣūr ibn ʿAbd Allāh al-Iṣbahānī also relates Sufi sayings to Sulamī on the authority of third transmitters and may be identical with the Abū Naṣr al-Iṣbahānī cited by Sulamī as relating an incident that occurred in Ibn ʿAṭāʾ's assembly (*majlis*). Finally, Qushayrī cites

[25] Dhahabī, *Taʾrīkh* (A.H. 351-380), 226.

a certain Abū Naṣr al-Iṣbahānī as relating sayings of Junayd, Abū Saʿīd al-Kharrāz and Shiblī. If the dates of death of Abū Naṣr Manṣūr ibn ʿAbd Allāh al-Iṣbahānī's direct informants are taken into account, he appears to have lived in the middle of the fourth/tenth century.

For Abū al-Qāsim al-Iskandarānī no totally certain identification can be established. It is unlikely that he is identical with Abū al-Qāsim ʿAbd al-Raḥmān ibn ʿUmar ibn ʿUthmān ibn Saʿīd al-Balawī al-Iskandarānī, known as Ibn al-ʿAllāf (d. 341/952-53), though his *kunyā* and *nisbah*, as well as chronological considerations, would make this identification possible.[26] The person most likely identical with Abū al-Qāsim al-Iskandarānī is Abū al-Qāsim ʿUbayd Allāh ibn Muḥammad ibn Khalaf ibn Sahl al-Bazzāz al-Miṣrī, known as Ibn Abī Ghālib (d. 387/997).[27] The latter also may be the same person as Abū al-Qāsim al-Bazzāz al-Miṣrī whom Sulamī frequently cites in the *Ḥaqāʾiq al-tafsīr* as Manṣūr ibn ʿAbd Allāh's principal informant for items of Qurʾānic commentary attributed to Ibn ʿAṭāʾ. He may also be the same as a certain ʿUbayd Allāh ibn Muḥammad whom Sulamī cites as Manṣūr ibn ʿAbd Allāh's informant in his *Kitāb al-futūwah*.[28]

Abū al-Qāsim al-Iskandarānī received his information from Abū Jaʿfar al-Malaṭī, who may be identical with al-Qāsim ibn Ibrāhīm ibn Aḥmad al-Malaṭī (d. 323/935),[29] a transmitter of Abū Jaʿfar Muḥammad ibn Sulaymān al-Miṣṣīsī, known as Luwayn (d. 245-56/859-60).[30] Al-Qāsim ibn Ibrāhīm ibn Aḥmad al-Malaṭī was a Sufi of Baghdad who came to Mosul in 323/935.[31] On the authority of al-Silafī (citing Abū Ṭāhir Muḥammad ibn al-Ḥasan al-Muqriʾ al-Anṭākī, the imām of the great mosque in Jerusalem), Ibn Ḥajar also has him report a saying of Ibn ʿUmar transmitted by Abū Umayyah Mubārak ibn ʿAbd Allāh al-Mukhaṭṭ al-Ṭarsūsī in 326/938.[32] It is unlikely for chronological reasons that Abū Jaʿfar al-Malaṭī is identical with ʿUmar al-Malaṭī whom Sarrāj met in Antioch.[33]

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[26] Samʿānī, *Kitāb al-ansāb* (ed. ʿAbd Allāh ʿUmar al-Bārūdi.), 5 vols. (Beirut: Dār al-Jinān, 1408/1988), I, 396; Dhahabī, *Taʾrīkh* (331-350 A.H.), 245; ʿIyāḍ ibn Mūsā, *Tartīb al-madārik wa-taqrīb al-masālik* (ed. Aḥmad Bakīr Maḥmūd), 5 vols. (Beirut: Maktabat al-Ḥayāt, 1387/1967), II, 614.

[27] Khaṭīb, *Taʾrīkh*, X, 135-138; Dhahabī, *Siyar*, XVI, 522-523; Dhahabī, *Taʾrīkh* (381-400 A.H.), 143-144; Dhahabī, *Mizān*, III, 15.

[28] Sulamī, *Kitāb al-futūwah*, ed. S. Ateş (Ankara: Ankara University Press, 1397/1977), 58.

[29] Khaṭīb, *Taʾrīkh*, XII, 446; Samʿānī, *Ansāb*, V, 380; Dhahabī, *Taʾrīkh* (321-330 A.H.), 135.

[30] Khaṭīb, *Taʾrīkh*, V, 292-296; Dhahabī, *Siyar*, XI, 500-502; Yūsuf al-Mizzī, *Tahdhīb al-kamāl fī asmāʾ al-rijāl*, ed. Bashshār ʿAwwād Maʿrūf, 32 vols. (Beirut: Muʾassasat al-Risālah, 1413/1992), XXV, 297-301.

[31] Khaṭīb, *Taʾrīkh*, XII, 446 (Khaṭīb does not cite his *kunyā*, Abū Jaʿfar, but quotes him once with the *kunyā* Abū al-Qāsim); Samʿānī, *Ansāb*, V, 380; Dhahabī, *Taʾrīkh* (A.H. 321-330), 135.

[32] ʿAsqalānī, *Lisān*, IV, 456-457.

[33] Abū Naṣr al-Sarrāj, *The Kitāb al-lumaʿ fīʾl-Taṣawwuf*, ed. R.A. Nicholson (London: Luzac, 1914), 261.

The two main chains of transmitters through whom Sulamī received his information concerning items of Qurʾānic commentary attributed to Jaʿfar al-Ṣādiq have one significant feature in common. They include a chronological gap in the direct transmission at the exact point where each chain is linked up with the eighth imām ʿAlī ibn Mūsā al-Riḍā, from whom the Shīʿī family *isnād* is traced back via Muḥammad al-Kāẓim to Jaʿfar al-Ṣādiq. Since ʿAlī al-Riḍā died in 203/818, he can hardly have been in direct contact with Aḥmad ibn ʿĀmir al-Ṭāʾī, whose son ʿAbd Allāh died in 324/936, and with Abū Jaʿfar al-Malaṭī, who died in 323/935 or a few years thereafter. The gap in transmission is also indicated by the way in which Sulamī records the method of transmission on the authority of ʿAlī al-Riḍā by the phrase *samiʿtuhu yadhkuru ʿan/ yaḥkī ʿan* ("I heard him cite from," sometimes abbreviated in the manuscripts by *ʿan*, "from"), which refers to indirect transmission as distinct from the direct transmission usually introduced by the phrase *samiʿtuhu yaqūl* ("I heard him state"). To all appearances, the two *isnād*s on which Sulamī relies are not linked directly with the Shīʿī family *isnād*. To fill this gap in transmission and at the same time maintain that the material is authentically Jaʿfar al-Ṣādiq's, one would have to make the rather risky assumption that a written source was handed down unchanged from ʿAlī al-Riḍā to the ultimate link in the two *isnād*s on which Sulamī relies. A content analysis of the material confirms this as an unlikely premise, as shown by the following observations.

The two *isnād*s, that of Aḥmad ibn Naṣr al-Dhāriʿ traced back to Aḥmad ibn ʿĀmir al-Ṭāʾī and that of Manṣūr ibn ʿAbd Allāh traced back to Abū Jaʿfar al-Malaṭī, share two characteristic features. They both transmit material that is marked by a significant content of consistent Sufi terminology. This terminology, in turn, reflects a world of ideas that cannot ordinarily be documented in the Sufi environment before the second half of the third/ninth century. Furthermore, both *isnād*s demonstrate that they draw on one principal source of Qurʾān interpretation, a source that, though existing in a variety of versions, shows the sort of consistency of thought and of terminology as are generally achieved only by a single author. In fact, the items cited on Jaʿfar al-Ṣādiq's authority in Sulamī's commentaries exhibit the same degree of developed and refined Sufi vocabulary as the Sufi language employed by Sahl al-Tustarī and Ibn ʿAṭāʾ , both of whom are also prominently quoted in Sulamī's commentaries.

On the other hand, the existence of a variety of written versions of Qurʾānic commentary attributed to Jaʿfar al-Ṣādiq is firmly and independently established in the biographical and historical sources. It is indisputably confirmed by the hostile references to these versions recorded in the works of the Sunnī Dhahabī and his sources. The mere attribution of items of Qurʾānic commentary to Jaʿfar al-Ṣādiq however, does not vouchsafe their authenticity. Rather, taking all factors into account, it may be best to argue that the items on Jaʿfar al-Ṣādiq's authority cited in Sulamī's commentaries are inspired by an

authentic core of the sixth imām's teachings that was given its present form by a Sufi author some time in the late third/ninth or early fourth/tenth century. To argue that a single Sufi, concealing his own creation behind a Shīʿī family *isnād* traced back to the sixth imām, actually authored this material and artificially attributed it to Jaʿfar al-Ṣādiq strains credulity. How could such a figure neither leave a trace of his identity in Sufi biographical sources nor escape being challenged in Shīʿī sources for his pseudo-epigraphical compilation?

THE RESOLUTION OF THE SHĪᶜAH

Paul E. Walker

I. The Triumph of Charisma

The death of the Prophet was accepted by the Islamic community of that time as an unanticipated and definitive closure on the previous era of revelation. It happened relatively quickly and was so final that it provoked little reconsideration. The Prophet of Islam did not become a messiah. Muḥammad was dead, having been quite mortal, and his community, if not his mission, begged urgently for a succession to provide whatever means or mode of continuation there could be in such a situation of dramatic loss. Muḥammad himself left no son who might naturally have inherited the aura of his father despite the generally acknowledged cessation of direct prophecy. Since he did not, it is impossible to speculate about genealogical forces as they might have applied. In the absence of a male heir, however, related principles of affiliation were of great importance. Four candidates for succession, one after the other, assumed the role. Each was intimately associated with the Prophet and the birth of Islam, and the degree of their proximity to the founding events and to Muḥammad were crucial factors in their elevation to leadership. Two were, among other signs of closeness to the Prophet, his fathers-in-law (Abū Bakr and ᶜUmar); the other two were his sons-in-law (ᶜUthmān and ᶜAlī). Only one was a near blood relative: his paternal cousin, ᶜAlī.

It is possible to construct from Islamic writings on this problem of succession a bewildering variety of rules and contingencies. The imamate is, as al-Shahrastānī admitted, a question that has consumed more blood and words than any other in Islamic history.[1] All, or nearly all, subsequent claims

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[1] Muḥammad ᶜAbd al-Karīm al-Shahrastānī, *Kitāb al-milal wa-al-niḥal*, 5 vols. (Cairo: Muḥammad ᶜAlī Ṣubayḥ *wa-awlāduhu*, n.d.), I, 28; Eng. trans. A.K. Kazi and J.G. Flynn, *Muslim Sects and Divisions* (London: Kegan Paul, 1984), 19; French trans. by Daniel Gimaret in *Livre des religions et des sectes*, 2 vols. (Leuven: Peeters/UNESCO, 1986), I, 128.

for legitimacy depend ultimately on, first, a specific view of the immediate succession to Muḥammad, and second, an evaluation of the actions of each of the four "Rightly Guided" candidates in the initial and immediately following cases of succession. There are many instances, recorded in later heresiographical literature, of individual groups who were to insist that one among the four was without doubt preeminent. The order in which the four were ranked according to an absolute standard of merit remained a topic of discussion, debate, and dogmatic creed long after. Later, the Sunnīs accepted the historical order of succession as having been right and proper and in accord with merit. The Shīʿah, of course, deny this; they not only regard ʿAlī as the superior candidate but those who preceded him as usurpers. These two options are well known, but there were once yet other parties with different answers. A good example is the Ṣabbāḥīyah, who claimed that the superior candidate was ʿUmar and not any of the other three.[2] Succession was thus neither automatic nor easy and the principles by which one candidate should rise and another fall were not obvious, especially judged solely from the information that survives from the period of these events, which is nearly always clouded by partisan interpretations.

In their own review of that same material, however, the partisans of ʿAlī found what they regarded as undeniable indications that he alone had been designated by the Prophet to lead. Like those who argued for Abū Bakr, their case is both weak and strong depending less on the specific evidence of Muḥammad's mark of favor than on the interpretation of its meaning and significance. It is remarkable how little of the conflict over the rights of ʿAlī versus those of Abū Bakr concerns historical fact rather than its implication as perceived in the light of later events. The key declaration by the Prophet at Ghadīr Khumm, for example, in which he advised the Muslims who accepted himself as their master to regard ʿAlī likewise as their master is generally not a matter of factual dispute but rather of interpretation. The event itself is not in doubt, only its meaning and therefore its significance for the question of succession.[3]

Given the absence of formal political or religious principles of succession, however, the nascent Islamic community had no choice but to develop them

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[2] On these Ṣabbāḥīyah, see Josef Van Ess, *Theologie und Gesellschaft im 2. und 3. Jahrhundert Hidschra*, 6 vols. (Berlin: de Gruyter, 1991–), II, 562-563 and V, 226-227. Van Ess's information is confirmed in a set of heresiographical entries found recently in Part One of an Ismāʿīlī treatise, the *Kitāb al-shajarah* by Abū Tammām. This Ismāʿīlī author was active in Khurasan in the first half of the 4th/10th century. His fairly extensive heresiography draws on older material, such as the *Maqālāt* of Zurqān, and generally reflects a Muʿtazilī and probably Imāmī source, possibly Abū al-Ḥasan al-Nāshiʾ, who is cited in it. On Abū Tammām, see my articles, "Abū Tammām and his *Kitāb al-shajara*: A New Ismaili Treatise from Tenth-Century Khurasan," *Journal of the American Oriental Society* 114 (1994): 343-352, and "An Ismaʿili Version of the Heresiography of the Seventy-two Erring Sects," in *Medieval Ismaʿili History and Thought*, ed. Farhad Daftary (Cambridge: Cambridge University Press, 1996), 161-177.

[3] On Ghadīr Khumm as a historical event and its use in later Shīʿī-Sunnī polemics, see *EI*^{2}, s.v. "Ghadīr Khumm," by L. Veccia Vaglieri.

on an ad hoc basis. And the death of each new leader would inevitably produce dissent over the elevation of the next. Most importantly, because the first four individuals and the circumstances of their personal succession remained paradigms for larger problems that continued to grow, later Islamic understandings of these events were also elaborated broadly and proliferated accordingly with increasing complexity and variety.

The case for ʿAlī is itself extremely interesting on many levels. It is necessary to recognize two general categories of argument, one of which likely developed from the other. The broader and earlier of the two concerns is whether and in what way ʿAlī was superior to the other three candidates. Was, moreover, his superiority such that acceding to the rule of the others was an obvious mistake? If so, was the consequence of this error divine sanction against those who had rejected him in favor of the others? Or, alternately was it a natural human misstep which was ultimately redressed by ʿAlī's own elevation to the caliphate? These questions were multiplied with numerous but minor variations. The implications apply, however, less to ʿAlī's own situation than to the arguments of later generations about history and their own claims for legitimacy.

The debate about the relative virtue(s) of ʿAlī was, in certain instances, associated with another set of themes which may be, in part, ancillary to the main issue. These themes possibly developed slightly later. The situation here involves reverence for the family of the Prophet as descended through the line of his daughter, Fāṭimah, and her husband, ʿAlī, via his grandsons, Ḥasan and Ḥusayn. Such reverence became almost universal in Islam. As universal as it is later, however, it is not readily apparent in the oldest surviving records. Moreover, this devotion is not necessarily regarded as a defining religious tenet. Profound religious respect for the descendants of Muḥammad does not make one a Shīʿī. That illustrates, in part, why the much more extravagantly partisan attachment to ʿAlī as elaborated religiously by the true Shīʿah, wherein ʿAlī's candidacy for succession is not a candidacy at all but a divine ordination, appears when it begins to play a role in Islamic history as a movement of separation and rebellion. It is essential to see how the relatively straightforward argument for ʿAlī's superiority flows into this second claim of his exclusive right by Prophetic designation which is thus held to be a determination by God Himself.

What continues to perplex us, however, is the historicity of these issues. Shīʿism is really meaningless unless it comprises a principle of exclusivity. Even for those Zaydī Shīʿah who accepted the rule of Abū Bakr and ʿUmar as a matter of expediency, ʿAlī was all long the better and more correct choice. Much of early Shīʿism follows a similar line: devotion to ʿAlī, for these Shīʿah, is a fundamental element of Islamic belief, but the theological implication is less dramatic and restrictive than it was to become . When, then, did Shīʿism take on its more severe role, or, as the Shīʿah in general would eventually insist, was the religious claim to divine ordination present already at the death

of the Prophet? It appears now as though it was not and that the Shīʿah were, in fact, at first simply the partisans of ʿAlī, more or less as depicted in our sources. These sources, although many of the later Shīʿah found them to be inimical, were not unfriendly to ʿAlī's cause defined strictly in terms of his superior virtues as opposed to the more elaborate notion of an exclusive, theologically defined right. It is important, therefore, to suggest how and when a Shīʿī-like interest in the candidacy of ʿAlī against that of his predecessors turned into a Shīʿism that was to focus on him as the single successor of the Prophet and the sole instrument of divine guidance in human affairs.[4]

The advent of Shīʿism in most of its later manifestations belongs to a period from ʿAlī's death in 661 until the beginning of the next century—a period also of intense trauma for his partisans and for his family. On the one hand, ʿAlī's martyrdom ended the Islamic community's direct link to those most intimate with the Prophet and brought about the rise of ʿAlī's most recent antagonists, the Umayyads. On the other hand, it shifted attention to a new problem: the generation who would succeed that of the Prophet and his close Companions. Although the Umayyads assumed a de facto leadership which they held until the Abbasid revolution, ʿAlī's claim in its several forms had its own flourishing. Muʿāwiyah did not achieve a recognition in any degree comparable to his predecessors except in terms of political control; he was not one of the "Rightly Guided" but rather more simply the heir of ʿUthmān. Meanwhile, ʿAlī's youth, which may have functioned against him early on (especially at the death of the Prophet), had allowed him, like the Prophet's youngest wife, ʿĀʾishah, to live long enough to survive and eclipse many of the others who had been contemporary with the days of revelation. His image and the record of what he said and did therefore loomed larger and were more clearly defined than theirs. His legacy was highly significant for many, not only for those who continued to be or later became his *Shīʿah*. It grew accordingly, despite opposition. ʿAlī left, moreover, obvious heirs in Ḥasan and Ḥusayn, both descended from the Prophet although by a female line, as well as a less obvious heir in his son Muḥammad by the Ḥanafī woman.

The accrual of religious significance in the personage of ʿAlī, moreover, was not restricted by his death. He was soon the subject of messianic speculations among a few who refused to admit his death. Yet others attributed to him quasi-divine properties, some apparently even seeing him as an incarnation of God. Extremist (*ghulāt*) Shīʿism[5] which tended to raise ʿAlī

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[4] To argue, as I do here, that the Shīʿism of the later mainstream varieties (excluding some forms of Zaydism) developed historically does not necessarily mean that it was not present quite early in the minds of at least some individuals. I am concerned, generally speaking, with those movements that are discernible most early in the historical record and which constitute significant and readily verifiable factors in it.

[5] Nearly all Islamic heresiographers include a section on the *Ghulāt*, which they place among the Shīʿah, along with entries on the Zaydīs, the Imāmīs (Rāfiḍah), Kaysānīs, ʿAbbāsīyah, Ismāʿīlīs, and others. In general see the articles on the "Ghulāt" by M. Hodgson in the *EI*[2] and Wadad Qadi, "The Development of the Term 'Ghulāt' in Muslim Literature with Special

above the Prophet, while difficult to date exactly, nonetheless demonstrates the power of an emerging hagiographic attraction to him or rather in the image of him projected upon later generations.

A most telling sign of this singular legacy is the later propaganda of Mukhtār in favor of Muḥammad ibn al-Ḥanafīyah whose own essential claim to leadership derived, in contrast to that of Ḥasan and Ḥusayn, from ʿAlī alone. There was a sect that insisted that there had been and would be no more than four imāms: ʿAlī, Ḥasan, Ḥusayn, and this Muḥammad. ʿAli's position and charisma were not, therefore, dependent on his marriage to Fāṭimah nor on his being the father of Ḥasan and Ḥusayn, but rather on factors related to him directly and to his own career.

Still, it is doubtful that the Shīʿah would have formed so solidly into a sect at odds religiously with Sunnī Islam had the revolt of Ḥusayn, his martyrdom, and the events that ensued because of it not occurred. Among the many second-generation contenders, Ḥasan and Ḥusayn were major figures, but they were not without rivals. And the struggles in which ʿAlī participated on one side or another had left a significant residue of bitterness against him; his sons were not free of these lingering antagonisms. Nevertheless, Ḥusayn's revolt was a bold assertion of righteous legitimacy and the blunder of the Umayyads in suppressing it so brutally quickly transformed Shīʿism. Beyond a natural sympathy for the plight of the Prophet's grandson, the suffering at Karbala planted a seed that grew into a doctrine which subsequently made of the activist Ḥusayn, as opposed to the complacent Ḥasan, the trunk for the most significant line of Shīʿī imāms of the later period.

Thus it is somewhat ironic that the immediate result of Karbala was to leave Ḥusayn's line bereft of a leader because his only surviving heir was a young child. In the vacuum thus created, Mukhtār, acting as the avenger of Ḥusayn, cleverly exploited the immense "regret" of the Tawwābūn over their failure to come to Ḥusayn's aid and turned it to the advantage of Muḥammad ibn al-Ḥanafīyah, another son of ʿAlī from a different line. Mukhtār thus tried to divert the increasing prestige of ʿAlī and of his sons and his family away from either Hasanid or Husaynid lines. Although too much is made of Mukhtār's rebellion as a prototype for the Shīʿah, he did act in their favor. Significantly, however, Muḥammad ibn al-Ḥanafīyah, then the senior member of ʿAlī's family, granted no more than an ambiguous and lukewarm recognition to Mukhtār's efforts. In any case, Ibn al-Ḥanafīyah outlived the rebellion and the claims for imamate continued independently among the groups known generally as the Kaysānīyah until later absorbed into the

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Reference to the Kaysaniyah," in *Akten des VII. Kongresses für Arabistik und Islamwissenschaft, Göttingen, 15. bis 22. August 1974*, ed. Albert Dietrich (Göttingen: Vandenhoeck Ruprecht, 1976), 295-319. There is a considerable literature on many of the individual *Ghulāt* sects or groups, although many others remain vague and possibly doubtful, as if they were imagined or fanciful exaggerations rather than real historical movements.

Abbasid movement following which they began to disappear.[6] Nevertheless, the Kaysānīyah remain important because they provide still more evidence of the enduring strength of the original cause of ʿAlī. Kaysānī claims regarding the imamate are only remotely related to blood lineage from the Prophet—as remotely in fact as those of ʿAbbās, the only uncle of the Prophet to survive him. ʿAbbās was the only male heir of the Prophet by law and the Abbasids eventually based their own claim to legitimacy on this connection. Muḥammad ibn al-Ḥanafīyah was the grandson of yet another uncle, ʿAlī's father Abū Ṭālib, and of no closer degree to the Prophet than was ʿAbbās. Ibn al-Ḥanafīyah thus inherited his standing directly and exclusively from his father, ʿAlī; it was the latter's charisma that made him a candidate for imām, not a Fatimid heritage.

Most evidence of Shīʿism in this relatively early period thus points forcefully to the figure of ʿAlī as the rightful heir to the Prophet's legacy in and of himself. His position was largely earned by virtue of his own proximity and piety. It was greatly enhanced by his personal advocacy and longevity in relation to the other major actors in the formative period, but it was added to in numerous ways following his death. His marriage to Fāṭimah was initially of only minor importance and the role of Ḥasan and Ḥusayn as blood descendants of the Prophet was of less significance than their direct connection to him. In the Shīʿī view, therefore, ʿAlī stands on his own; he is the natural embodiment of religiously meaningful charisma.

Having recognized the inherent right of ʿAlī to succeed the Prophet, his followers came inevitably to deny the other Rāshidūn caliphs and to accept only ʿAlī. It is from there only a small step to the notion that Muḥammad had designated ʿAlī and, moreover, that this designation had been quite explicit. God's Messenger, acting in accord with divine intent, had chosen ʿAlī to succeed; to deny him his right meant, for those who usurped his proper place, perdition and damnation. The Shīʿah would thus accept a doctrine that there was but a single, divinely chosen and divinely designated heir to Muḥammad; he, ʿAlī, and he alone inherited the position of leadership. Similarly, ʿAlī's rule also must pass with his death to one of his descendants, again with God's guidance and direction.

II. The Schismatic Paradox

For the Shīʿah, the charismatic virtues of ʿAlī only increased as his real personage receded in time. The exclusive prerogative to religious leadership that was his by right and designation not only meant rejection of those who could not or did not recognize these qualities in ʿAlī; it also required perpetuation through inheritance. The religious value of ʿAlī in the grand

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[6] On the Kaysānīyah, see the article by Wilferd Madelung in *EI*[2] and Wadad Qadi, *al-Kaysānīyah fī al-taʾrīkh wa-al-adab* (Beirut: Dār al-Thaqāfah, 1974).

scheme of Islam made him as the successor to the Prophet the single authority for all matters and, in turn, that position was transferable by legacy.

Though genealogy played a relatively minor role in the Prophet's time, it was unavoidable in the second generation. Only ʿAlī's sons could possess the esteemed status he bequeathed. His aura descended upon them by a kind of natural heredity. In the generation subsequent to that of the sons, however, this inheritance was already beginning to be diluted by the sheer number of offspring. There were, moreover, methods other than strict genealogy for appointing ʿAlī's legacy. One type which appeared fairly commonly according to heresiographical accounts is the claim that a previous imām did not die but had merely withdrawn. Another was to insist that the imām was somehow actually divine. In either case the proponent of this claim might then have asserted that he was now the exclusive head of that particular party and that all religious authority henceforth resided in him as the absent imām's exclusive representative. A well-known example of this type is Abū al-Khaṭṭāb al-Asadī who, according to the heresiographers, was first a loyal follower of the imām—in this case Jaʿfar al-Ṣādiq—but later claimed that the imām was divine and that he, Abū al-Khaṭṭāb, was his prophet. Abū al-Khaṭṭāb thus elevated himself to the position of leadership in place of an imām who had now become, for him, a god.[7]

Each son of ʿAlī left a line, or lines, of descendants. Each line thereafter engendered an array of candidates and of opposing arguments in support of the various claimants. The Kaysānīyah alone, according to Ashʿarī's heresiography, divided eventually into no less than eleven different sects.[8] One more group that Ashʿarī missed and which must be added to his list is the previously obscure Isḥāqīyah, which appears now quite clearly in a recently discovered Shīʿī heresiography.[9] Possibly there were others. The Isḥāqīyah accepted an imām who was a descendant of Muḥammad ibn al-Ḥanafīyah, who now lived among the Turks in Central Asia and spoke only Turkish—this according to their claim. For the Zaydīs, the Sunnī Ashʿarī names at least six sects[10] and the new Shīʿī heresiography adds another, the Khalafīyah.[11] More could be counted from yet other reports. The Khalafīyah are interesting for asserting the rights of a certain Khalaf who, they maintain, was the son of

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[7] The heresy of Abū al-Khaṭṭāb was suppressed by the authorities in 138/755 and its founder was put to death. Similar movements, however, were relatively common and a number of sects arose as a direct offshoot of the original Khaṭṭābīyah such as the Bazīghīyah, the ʿUmayrīyah, the Muʿammarīyah, and the Mufaḍḍalīyah. For all of these see the article "Khaṭṭābiyya" in the *EI*[2] by Wilferd Madelung.

[8] Abū al-Ḥasan al-Ashʿarī, *Maqālāt al-islāmīyīn*, ed. Hellmut Ritter (Wiesbaden: Franz Steiner, 1963), 18-23.

[9] The heresiography by Abū Tammām cited above in note 2. On this sect, see my article "The Heresiography of the Seventy-two Erring Sects," 174.

[10] Ashʿarī, *Maqālāt al-islāmīyīn*, 65-75.

[11] On the Khalafīyah, see Walker, "The Heresiography of the Seventy-two Erring Sects," 173-174.

ʿAbd al-Ṣamad, the son of Zayd ibn ʿAlī ibn al-Ḥusayn ibn ʿAlī, although this is a genealogy no other authority would have accepted. Thus even sons could be added to a lineage when religiously necessary. In addition to the Zaydīs and Kaysānīs, there were other representatives of both Hasanid and Husaynid lines, many though by no means all having some interest in the imamate.

A full history of Shīʿism during the first hundred years of Islam may never be written. There are a multitude of chronological uncertainties which prevent the precise placement and description of movements. Much information has been lost. For example, a sect called the Ghurābīyah, a curious development of extremist (*ghulāt*) attachment to the person of ʿAlī, asserted that the angel Gabriel mistakenly brought prophecy to Muḥammad when it was actually meant for ʿAlī. This group previously seemed to be a concoction of later heresiographers. In the same new Shīʿī heresiography mentioned above in connection with the Isḥāqīyah and the Khalafīyah, however, there is a description of this group's doctrinal description that makes its existence as a true sect seem more plausible.[12] Even so, this account does not provide any information as to where or when the sect existed and, most critically, how many or how few were those who accepted such a doctrine. All that is certain from this report and other information about earlier sectarianism is that Shīʿism in that era proliferated, if not in the total numbers of its adherents, at least in the type and variety of its sectarian divisions.

In their proclivity to schism the Shīʿah resemble the Khārijīs who, because they insisted that it is a duty of every Muslim to judge the propriety of another's acts, continually found themselves in opposition to each other. The Shīʿah, of course, did not renege on their support of an imām once that imām acquired the proper credentials, nor did they think of applying human judgement against a reigning imām, as the Khārijīs did. But they did believe that the Islamic community must be ruled be a single imām who can only arise by God's ordination and yet must come from the descendants of ʿAlī. They were thus, by a not dissimilar consequence, subject to schismatic tendencies as a result of their own doctrine of exclusivity. For the Khārijīs this factionalism never ceased since judging the acts of a sitting leader is a constant obligation; at any moment an individual might conclude that the actions of that leader are unacceptable. The Shīʿah were saved from this folly in that once succession from an imām to the next was decided, the schismatic moment no longer threatened. But for the Shīʿah everything—the continued wellbeing of the individual and spiritual success of the community—depended eventually on a transition from imām to imām without dissension and disagreement.

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[12] Previously, the best information on this group derived from Ibn Ḥazm's discussion of Islamic sects, on which see Israel Friedländer, "The Heterodoxies of the Shiites in the Presentation of Ibn Ḥazm," *Journal of the American Oriental Society* 28 (1907): 1-80, and 29 (1909): 1-183. There is, however, a much more complete entry on them in Abū Tammām's heresiography.

The death of any imām, however, might produce horrendous discord. In fact, it often did, although the truth is now hard to recover from the surviving records. Much of the disagreement about succession in the early cases was concealed by later advocates of one result or another. The partisan of one version naturally attempted to make the outcome appear inevitable. God had so determined it and no other succession had or could have had His approval. Revising the flaws of an imperfect genealogy was thus a constant requirement in the aftermath of a potentially destructive transition. The Ithnā ʿAsharīyah eventually found old *ḥadīth*—reports that precisely named and predicted the twelve imāms of the line they came to accept. All the problems that had once existed for many, if not all twelve cases of transition, were thus neatly eliminated.

Although required by the continuing exigencies of religious doctrine, this type of historical revision obscures the immensity of the schismatic factor in the development of Shīʿī Islam. Shīʿī claims for an exclusive sacred lineage, especially when restricted by the rules of singular designation according to which there must exist an imām but only one at a time who must have been designated formally by his predecessor, consigns Shīʿism to an expectation that is historically impossible to fulfil. Once a situation arises in which the conditions have not been met, for whatever reason, dissension automatically results. The awesome consequences of each case of succession imposed a burden of exactitude and finality the system could not sustain without splintering into pieces.

Thus, despite having been founded on the unifying charisma of ʿAli, Shīʿism is better understood if its tendency toward divergence is taken as more likely than its chance for convergence. ʿAlī was a rallying figure for his partisans and the center of a charismatic vortex within the larger Islamic realm, but the real effect of his powers came long after his death. He became in effect a magnet for Shīʿī piety as a holy icon from the past; he was a converging force for the Shīʿah but only as a founding figure conjured up in historical memories. He could not alter events in the present nor could he apply any sanction for or against the living.

Certain of the imāms subsequent to ʿAlī also brought the Shīʿah together, but not all. In fact, the few around whom there was significant convergence need to be recognized and studied for this tendency in and of itself. The most notable case—one that requires special attention because of its overwhelming importance—is that of Jaʿfar al-Ṣādiq. His reign and that of his father, Muḥammad al-Bāqir, are far and away the most crucial in the consolidation of the mainstream Shīʿah.

The Husaynid line did poorly between the tragedy at Karbala and the end of the first Islamic century. However, with the advent of Muḥammad al-Bāqir, who was himself a recognized scholar, a trustworthy authority, and a proponent of patience rather than revolution, the Husaynids found a strong central focus. As a consequence and also as a sure sign of his role, many core

Shīʿī doctrines can be traced back to al-Bāqir. This is attested in the Shīʿī *ḥadīth* collections. His son Jaʿfar al-Ṣādiq who assumed the imamate on his death in 114/732 or 117/735—various dates are given—likewise enjoys unusual prominence and respect for his scholarly knowledge, even among Sunnī authorities. Like his father, he avoided involvement of any kind both in the revolt by the forces of the Abbasids against the Umayyads and of the Shīʿīs against the Abbasids. His policy was thus the opposite of that of contemporary Shīʿī revolutionaries, such as the Hasanids Muḥammad al-Nafs al-Zakīyah and his brother Ibrāhīm who fought the new Abbasid rulers openly.[13] Neither the early crypto-Shīʿism of the Abbasid revolution nor the avowedly violent doctrine of the Zaydīs, founded on the activism of his own uncle, Zayd, was condoned by Jaʿfar.

It is remarkable how much of the material in Shīʿī *ḥadīth* collections depends on either al-Bāqir or, even more, al-Ṣādiq. Ismāʿīlī compilations and pronouncements relate from no imām of later times, even those of the Fatimid period; Ithnā ʿAsharī sources, though having reference to their later imāms, also rely preponderantly on the words and teachings of Jaʿfar al-Ṣādiq and his father. And this fact was not lost on the Shīʿah in later times. Jaʿfar continued to represent the agreement of the Shīʿī community and does so perhaps even to the present, except for the Zaydīs.

Thus the striking confluence in Jaʿfar which determined both the shape and future success of the majority Shīʿah was the successive work of two imāms, both of remarkable personal achievement. They brought together and fostered an enduring movement out of disparate, fractionalized tendencies. Still, while the teaching of Jaʿfar did not later disappear, he did not or could not himself ensure that an imamate displaying the same vigor and wide consensus among the Shīʿah would continue beyond himself. In contrast to the succession from al-Bāqir to al-Ṣādiq, which in any case had its own albeit lesser problems, al-Ṣādiq's death precipitated a major crisis. And it was a crisis not out of character with other examples of succession in the Shīʿī imamate.

The situation following the death of Jaʿfar is especially revealing because of the unusual importance of his relatively long and productive imamate which lasted almost thirty-four years and survived the Abbasid revolution. Our earliest source, the generally well-regarded heresiography of the Shīʿah by the Shīʿī writer al-Ḥasan ibn Mūsā al-Nawbakhtī written about 286, depicts a complicated succession, fraught with doubt and uncertainty.[14] Jaʿfar had apparently promoted his second son Ismāʿīl for succession but Ismāʿīl died prematurely before his father. No other clear designation seems to have been given, although by this era the doctrine of explicit designation by the previous

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[13] These two great-grandsons of al-Ḥasan ibn ʿAlī were first active in the ʿAlid opposition to the Umayyads and subsequently led an unsuccessful revolt against the Abbasids in the year 145/762-3, Muḥammad at Madinah and Ibrāhīm at Basrah. See the articles "Muḥammad b. ʿAbd Allāh" by F. Buhl and "Ibrāhīm b. ʿAbd Allāh" by L. Veccia Vaglieri in the *EI*².

[14] *Firaq al-Shīʿah*, ed. Hellmut Ritter (Istanbul: Maṭbūʿāt al-Dawlah, 1938), 56-67.

imām of the next was an accepted axiom for the imamate. Nawbakhtī outlines the solution to the dilemma as proposed by six different groups or sects of the time. Most involve one of three additional sons of Jaʿfar and one grandson, each accepted by some in the community as imām. There is another similar account which is almost as early. Its author, Abū ʿAbd Allāh Jaʿfar ibn al-Aswad, was born and raised Zaydī before converting to an Imāmī position—he accepted the imamate of Jaʿfar—prior ultimately to becoming Ismāʿīlī.[15] This new information not only confirms much of the better-known and slightly more extensive report of Nawbakhtī, but also includes new facts that are interesting in and of themselves.

On the question of who was the imām after Jaʿfar, Ibn al-Aswad suggests the following possibilities:

> After Jaʿfar, the Shīʿah broke up into four sects. Of them one upheld the imamate of ʿAbd Allāh ibn Jaʿfar, noting that he was the eldest of his sons and that it was on account of him that Jaʿfar was called Abū [the father of] ʿAbd Allāh. It was he who washed his father when he died. These people are the Faṭḥīyah; ʿAbd Allāh was broad-headed (*afṭaḥ al-raʾs*). What is more, his brothers regarded him highly and with great esteem and respect. When, however, ʿAbd Allāh died, they restored the imamate to Mūsā and thus passed it from one brother to another.
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> Another group had supported the imamate of Ismāʿīl. And according to them he is alive to this day. Some of them did affirm his death during the lifetime of Jaʿfar, while others denied his death and said that Jaʿfar caused it to appear as though he had died in order to hide him while Jaʿfar had, in fact, interred someone resembling him and announced to the people that this was Ismāʿīl. He even led prayers for him and placed him in the grave. Among these also are some who said that Mūsā is the speaking (*nāṭiq*) imām and Ismāʿīl is the silent (*ṣāmit*) imām and that obedience to both is obligatory. Yet others insisted that the imamate reverted to Muḥammad ibn Ismāʿīl during the lifetime of Jaʿfar and that Jaʿfar had indicated both him [Ismāʿīl] and the son of Ismāʿīl. Others of them claimed that for each imām there is an intermediary (*wāsiṭah*) and, if one is ignorant of the imām, obedience to the intermediary becomes obligatory. One sect upheld the imamate of al-Mubārak ibn ʿAlī al-ʿAbdī, who was the *bāb*[16] for Ismāʿīl, and said that Jaʿfar ordered al-Mubārak to undertake to establish a *dār al-hijrah* in Khurasan between Kabul and Qandahar. When al-Mubārak died, he appointed his son Muḥammad ibn al-Mubārak. Most of the Shīʿah turned away from the son of al-Mubārak and accepted the imamate of Ismāʿīl solely and said that he was alive. Yet another group admitted that he had died but that God would restore him to life and return him to the world whereupon he would fill it with justice. They also said that the believer is not harmed by the loss of the imām if he admits to the true teachings of the imāms

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[15] His full name is Abū ʿAbd Allāh Jaʿfar ibn Aḥmad ibn Muḥammad ibn al-Aswad ibn al-Haytham. He was born in Qayrawan about 268 into a Zaydī family (and originally had the *kunyā* Abū Bakr). Later he became, first, an Imāmī and then, after 297, an Ismāʿīlī. The passage cited, which dates to 297, comes from a work of his called *Kitāb al-munāẓarāt*. I am currently preparing the Arabic text for publication along with a complete study of the author and his times.

[16] The term *bāb* literally means "gate" and here probably indicates the chief representative or chief deputy of the imām. All access to the imām depends on his *bāb* who is therefore the highest in rank of his followers.

> and upholds the knowledge of the imām. Others among them who had once maintained that Muḥammad ibn Ismāʿīl was alive and that ʿAbd Allāh ibn Maymūn ibn Muslim ibn ʿAqīl [ibn Abī Ṭālib] was his *bāb* admitted that Muḥammad had died and that the imamate had passed to ʿAbd Allāh ibn Maymūn from ʿAbd Allāh ibn Jaʿfar because ʿAbd Allāh did not leave a male heir and thus the control of affairs devolved upon his *bāb*, ʿAbd Allāh ibn Maymūn.
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> The mass of the Shīʿah agreed that the imamate resided in Mūsā, then in his son, ʿAlī ibn Mūsā al-Riḍā. It was he whom al-Maʾmūn killed after first making him his son-in-law by marrying him to his daughter. Thereafter, it went to his son, Muḥammad ibn ʿAlī, then to al-Ḥasan ibn Muḥammad, then to Muḥammad ibn al-Ḥasan. Ultimately [the followers of these imāms] became the Ithnā ʿAsharīyah. They claim that the imamate consists of twelve imāms and that it was transferred only from father to son and did not revert to a brother, because the imamate does not remain among brothers following the case of al-Ḥasan and al-Ḥusayn.
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> Among them there are some who trace the imamate to Muḥammad ibn Jaʿfar although Muḥammad did not leave a male heir. Yet others claim that Mūsā is alive.

Given the context in which this description appears, it is not likely to be Ismāʿīlī, despite the fact that its most interesting information concerns the various sects that accepted one version or another of Ismāʿīl's imamate. Its value here is to add to our understanding of the confusion surrounding Jaʿfar's death—even though we recognize, as this report confirms, that the general mass of the Shīʿah eventually recovered and reassembled under the leadership of Mūsā.

The point, in any case, is clear. No matter how successful a single imām might be in attracting and holding the loyalty of individual Shīʿīs, that gain was always threatened by his own mortality. An unambiguous succession was seldom guaranteed and the personal and moral qualities of the heir in each case, although theologically assured, were actually imperfectly determined. Significantly, by almost any measure the imāms after Jaʿfar were no match for him; and they left little trace of their activities and personal contributions.

And even so the problems of succession continued. Upon the death of Mūsā ibn Jaʿfar, one party, noting that Mūsā was the seventh of the imāms, refused to accept that he had died or would die. For them he was the Messiah (*al-qāʾim al-mahdī*). These were known as the Wāqifīyah (those who "stop" the imamate) because they ended the line of imāms with Mūsā. Such a position was possible with any of the imāms. Those who stopped the imamate with Jaʿfar formed a sect known in history as the Nāwūsīyah; they believed that Jaʿfar remained alive, imprisoned on an island in the Western ocean.[17] The opposite view—that the imamate had moved on to the next in succession—was held to be the Qaṭʿīyah (those who "cut" one imamate and pass on to a successor). The presence of these terms in the debates over the imamate

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[17] Although the Nāwūsīyah are well known in the heresiographies, this latter fact appears solely in the account of them given in Abū Tammām, on which see the previous citations.

betrays a growing familiarity on the part of the authorities with the standard results in each previous case of succession. There are other possibilities for the succession that could be mentioned as well. Shīʿī literature is full of arguments that justify versions of the imamate and of technical terms such as *ghaybah* (the Occultation of the imām), *rajʿah* (reappearance of the imām following some form of Occultation), and *badāʾ* (a theological provision for God's change of mind in regard to the choice of an imām).

Upon the death of the eleventh imām in the main line stemming from Mūsā ibn Jaʿfar, there was, moreover, no obvious candidate to succeed—at least none then recognized by his community. In time the Shīʿah of this persuasion settled on the imamate of a twelfth who they initially insisted was temporarily in a state of Occultation and then, finally, permanently so. Again it is Nawbakhtī, writing barely twenty-five years into the period of the Lesser Occultation, who provides us the most revealing glimpse of the turmoil raised as a result of the original uncertainty in this succession. He describes thirteen or fourteen different solutions as to where the true imamate might go and for each he names actual adherents, making that position into a true sect within Imāmī Shīʿism.[18] The various claimants included those who retroactively denied the imamate of al-Ḥasan al-ʿAskarī, the eleventh imām, precisely because he failed to pass on the sacred responsibility implied in being God's pledge (*ḥujjah*) to humankind to a subsequent imām and therefore could not have been the real imām himself. Of course, not all the groups described by Nawbakhtī are of equal interest. Basically, only one of the fourteen prevailed eventually and the others lost currency, most fairly quickly.

Nevertheless, it is important to note again that the schismatic threat had become endemic to the Shīʿism of those who upheld the doctrine of a single line of uninterrupted genealogical descent passed by explicit designation from father to son. This principle lay (and still lies) at the core of Shīʿism for the vast majority of its adherents. Among other theological justifications, the doctrine of a single imām is a means of holding onto or recapturing the charismatic appeal that once belonged to ʿAlī, but as it must play out historically, it is flawed by the natural imperfections of human procreation and inheritance. The conflict between expectation and reality instead provided moments of disappointment followed typically, as in the cases just cited, by the proliferation of sects.

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[18] Nawbakhtī, *Firaq al-Shīʿah*, 79-94. There is a good discussion of this passage and a partial English translation in Abdulaziz A. Sachedina's *Islamic Messianism: the Idea of the Mahdi in Twelver Shīʿism* (Albany: NY: State University of New York Press, 1981), 42-53.

III. The Ideal Imām and the Imām as Ideal

Shīʿism between the imamate of Jaʿfar and the second half of the 3rd/9th century, when the Twelver line stopped, witnessed a profound growth in the contribution of its lay scholarly adherents. It was largely they who constructed an impressive theoretical foundation to support an increasingly complex theological underpinning for Shīʿī doctrine. In so doing they could not help but add to the expectation of sanctity and miraculous power in the imamate. Already, and quite naturally, as the real qualities of the human Prophet, of his successor, ʿAlī, and of the imāms who came after receded from the grasp of later generations and were replaced more and more by hagiography, the actual living imamate separated from the ideal demanded by its theoretical counterpart. The work of the scholars served less to keep this tendency in check than to offer a mediating role between the ideal and the actuality. In time the intermediaries became an elite that functioned itself as a substitute for the imamate.

Shīʿism at the beginning of the 4th/10th century saw the Twelver branch moving slowly but surely toward the acceptance of an absent imām, one attainable, if at all, only via a growing body of scholars and intermediate authorities. When the Occultation became final (and official), the imamate achieved its ultimate status as a sacred ideal. The Occultation of the twelfth imām largely divorced the imamate from the vagaries of temporal reality and it also ended once and for all the problem of succession. It was true initially, as the opposing Shīʿī groups often pointed out, that the Occultation was grossly impractical in terms of its value for a day-to-day political or religious community. Zaydīs, Ismāʿīlīs and other detractors mocked the idea of an imām who was not actually present or had ceased to be active in human affairs. There were unforseen benefits nevertheless. In no longer needing even to contemplate the threat of false succession, because the twelfth imām is the last and final imām,[19] the Shīʿah of this persuasion gained an important measure of long-range stability. Moreover, any religious disadvantage that resulted from the Occultation was more than compensated by the rise of the scholars as an intermediary class which henceforth could provide an intellectual cushion between the imamate and the populace.

Prior to 286/899 and the advent of the Fatimid imām al-Mahdī, most Ismāʿīlīs—the main branch competing with the Twelvers at that time—similarly believed that their imām, Muḥammad ibn Ismāʿīl, was in Occultation. But from 286, the Ismāʿīlī movement broke apart over the propriety of al-Mahdī's assertion that he was, in fact, the true living imām by

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[19] It is essential to remember that the twelfth imām did not and will not have a successor. He remains imām—the same imām—despite the passage of a millennium. For the Ṭayyibī Ismāʿīlīs, in contrast, who also believe in the Occultation of the imām, there has occurred a natural genealogical succession from imām to imām. The present imām is, therefore, a descendant of al-Ṭayyib, not al-Ṭayyib himself, even though all of these successions have taken place in a state of occultation and the details are unknown.

proper designation and descent from ʿAlī through al-Ḥusayn. Those Ismāʿīlīs who would not accept this claim are known as the Qarmatians. They were to persist in their doctrine of an imām in Occultation. In opposition to the Qarmatians, the Fatimids began a line of imāms who functioned both as spiritual and political rulers—two spheres that were never quite identical. For them the dilemma of a succession to the imamate had begun again. The Fatimid string of Ismāʿīlī imāms traversed eight generations prior to schism upon the death of al-Mustanṣir—a remarkable achievement—but the split did occur eventually and with disastrous consequences.[20]

The long-range success and growth of Twelver Shīʿism has also been attributed to the political quietism of its imāms, which was emulated by the community as a whole. Certainly one important feature of Imāmī and Twelver Shīʿism was its refusal to condone violent action and revolution. This attitude was said to be a legacy of al-Bāqir and al-Ṣādiq. In contrast, Zaydī and Ismāʿīlī doctrine demanded that all means be employed to restore the rights of *ahl al-bayt*, the Family of the Prophet. A common and natural corollary of non-violence was acceptance of public dissimulation of belief (*taqiyah*) in the face of an overwhelmingly hostile force. Again, the Twelver Shīʿah trace the imposition of this doctrine back to al-Ṣādiq. The Zaydī and Ismāʿīlī program failed in the long run, according to this view, because they in contrast to the Twelvers overtly challenged the Sunnī majority and attempted to wrest from it political dominion over all Muslims, a task neither group possessed the material means to accomplish. This observation sounds likely and helps to explain why Imāmīs represented the mainstream in Shīʿism, particularly during the formative period when the revolts of Zayd, al-Nafs al-Zakīyah and his brother, and others failed and when the Abbasids reneged on their Shīʿī origins. The Imāmīs were not forced onto the extreme margins of Islam as many of the other Shīʿah were simply because they ceased to constitute a palpable threat to the hegemony of the ruling party.

But in the long run Shīʿism must also be measured by an internal standard; one that explains the dynamics of the movement from within. From this perspective, it is critical to see first how the religious charisma that was found to exist in ʿAlī was inherited in ever more elaborate ways by his offspring and descendants, and second, how once the principle of an exclusive and continuous line was fully recognized and accepted, its practical realization generation after generation was surely unlikely, if not impossible.

The third stage in the resolution of the Shīʿah was therefore certainly the Occultation. Once accepted as a permanent feature of the imamate, the actual imām became less real than theoretical. The imām had become an ideal; and an imām in Occultation is, in fact, the only truly ideal imām, given the lofty requirements that had been attached to his office over time. A historical

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[20] The Druze, who separated from the rest upon the disappearance of the sixth Fatimid imām al-Ḥākim, might well be seen as an exception to this observation. If they are included, the Fatimid imamate survived only six imāms prior to schism.

attempt to preserve or recapture the tremendously powerful mystique and charisma of ʿAlī became religiously impossible as the imāms who had claimed this inheritance failed to fulfil the actual concerns of humans in the present. The Shīʿah tried to depend solely on a single bodily representative of this legacy who, while quite mortal and with sure signs of fallibility, was yet vested with awesomely majestic sacrality and infallibility. The tension between the imamate as an ideal conceived in the process of historical elaboration and the natural frailty of individual humans might have continued, as it does for those Ismāʿīlīs who support the imamate of the modern Agha Khans. For the Twelvers, however, the Occultation relieved them of this tension. Henceforth, the imamate could conform to its theoretical meaning quite properly. The imām in Occultation was and is the perfect manifestation of the religious ideal. In the minds of his *Shīʿah*, the twelfth imām is a successor to the Prophet and to ʿAlī and to the expectations of the Shīʿah over the ages in every way both possible and necessary.

II

CHARISMATIC EPISTEMIC AND EXECUTIVE AUTHORITY

The central question of Shīʿism has been the question of authority. In the previous chapter, we saw how the Shīʿī movement originated in history with a particular allegiance and ideal of right rule. We also saw how practical problems inherent in the Shīʿī model of authority shaped the movement prior to the final Occultation of the twelfth imām. After the Occultation, the question of authority continued to preoccupy the Shīʿī community to the extent that fulfilment of the law was made dependent on—in some extreme formulations, was actually equal to—devotion to the imām. This preoccupation emerged again in modern Shīʿī juristic thought, in which the law is thought to be properly fulfilled only through dependence on a qualified *mujtahid*. In addition, charismatic authority has been the major point of difference between Sunnīs and Shīʿīs; it is still the area least susceptible to dialogue. Finally, we find that variations within Shīʿism—Shīʿism, that is, taken in a sense wider than juristic Usulism—often include a different configuration of the central and sensitive issue of authority.

This chapter includes essays by two prominent Shīʿī clerics: Ayatollah Muhammad Taqi Misbah-Yazdi, and Ayatollah Muhammad Ali Taskhiri. Since both write as participants in the tradition, their biographies will be of some interest to readers.

Ayatollah Misbah-Yazdi, a long-time student of the great philosopher ʿAllāmah Ṭabāṭabāʾī, is both a professor of the Qum academy and head of the Imam Khomeini Research Institute (formerly Muḥammad Bāqir Institute), also located in Qum. The Institute is dedicated to providing students with specialized training in various modern subjects—for instance, sociology, education, and comparative religion—along with the standard seminary curriculum. Its program is aimed at reforms in clerical education long recommended by activist *ʿulamāʾ*, both conservative and liberal; this type of reform is characterized below by Ayatollah Taskhiri and in the next chapter by Ayatollah Mujtahid-Shabistari. Most of Ayatollah Misbah's many writings are in the areas of philosophy and ethics. He is also a member of the Assembly of Experts, a council of *ʿulamāʾ* charged with selecting the Leader of the Islamic Republic, that is the position presently occupied by Khamenai.

Ayatollah Taskhiri is associated with the "Office" of the Leader, a powerful institution presently dominated by conservative interests. He is also Deputy Culture Minister and director of the Organization for Islamic Culture and Communications, which maintains relations with Muslim organizations abroad. His writings often address political or ideological issues. He frequently

writes, as here, in the complex scholastic style typical of theologians and jurists—presenting propositions, raising possible objections, and refuting the objections one by one. A response to the West can be traced in the writings of all the clerics who have contributed to this volume. Ayatollah Taskhiri, however, is most explicit in presenting his reform scheme as a defensive measure. This is evident even in his language which, although derived from the Qurʾān and Shīʿī texts, is special to the Revolution. Thus he speaks of "world arrogance" (*al-istikbār al-ʿālamī* / Persian = *istikbār-i jahānī*), meaning the Western powers, especially America; "weakness" (*istiḍʿāf*), implying, in contrast to *istikbār*, oppression, whether of the Shīʿah, the lower classes, Muslims, or even Third World peoples in general; and "tyranny" (*ṭāghūt*), referring to internal enemies such as partisans of the monarchy or persons attached to material wealth.

Shīʿism has been marked by a yearning for personal, charismatic authority. The first essay in this chapter, "The Imām's Authority During the Pre-Ghaybah Period," addresses the developing theory of that authority during the lifetimes of the imāms themselves. The theory may be characterized as pietistic or hagiographic. Through the doctrine of *ʿilm* or universal knowledge here described by Ismail Poonawala, not only was the personal authority of the Prophet recovered in the imām, the whole of past and future prophetic history was concentrated in him. According to the same *ḥadīth* literature on which Poonawala draws, the imāms were also created in primordial time of a special substance, to act as both the moral and metaphysical prop of the world. Thus they became the centre not only of history, but meta-history.

It was the high expectations raised by these maximal views that drove the "schismatic tendency" described by Walker in the previous chapter. The gap Walker remarks between "the imamate as an ideal conceived in the process of historical elaboration" and "the natural frailty of individuals" was, according to Poonawala's account, fully evident even during the lifetimes of the fifth and sixth imams, otherwise a period of relative consolidation. It is ironic that, as related by Poonawala, some of the learned scholars pointed to this gap, since they were later to derive their own influence from a perfected theory of imām authority.

This perfected theory involved a shift from simple emphasis on charisma to a view of authority as a necessary part of a systematic, rational theology. The shift came as the Shīʿah engaged in debates with and finally adopted the worldview of the philosophizing, rationalist Muʿtazilī movement. This development occurred with astonishing rapidity, between approximately the mid-tenth to the mid-eleventh century. Exactly why the Shīʿah chose the Muʿtazilī path is unclear. The prepatory influence in the ninth and tenth centuries of the Muʿtazilizing Shīʿī Nawbakht family and a desire to abandon extreme doctrines and find a place in the mainstream are commonly cited. In his essay on the debates of the rationalist theologian al-Sharīf al-Murtaḍā with the Muʿtazilīs, Mehdi Mohaghegh suggests either the appeal of the doctrine

of free will, or a relatively loose structure of learned authority which left more room for divergent trends of thought. Christopher Melchert points to the likelihood that by the time the Shīʿah encountered the Muʿtazilīs, they were already "semi-rationalists."

We may also notice that, although Shīʿīs continued to differ from the Muʿtazilīs on several points concerning the imamate (these are enumerated by Mohaghegh), the framework of Muʿtazilī thought with its insistence on the necessity of a ruler and the doctrine that God must do the best for His creation was well suited to contain Shīʿī imamology. For once it was admitted that God's necessary Grace (*lutf*) imposes upon Him a duty to appoint the best ruler, much of Shīʿī pietistic imamology, including the cardinal doctrine of *ʿilm*, could be contained in that assertion. Pietistic imamology was even reinforced in one important aspect, as the inerrancy of the prophets and imams (which is not emphasized in the *ḥadīth* literature) now became a rational necessity and was given a central place in treatises on the imamate. Inerrancy is crucial to Murtaḍā's argument. In his essay on "The Shīʿī Argument for the Necessity of an Inerrant Imām," Ayatollah Misbah-Yazdi contends that inerrancy is in fact the keystone of the Shīʿī belief-system and world view.

While Shīʿī imamology was being fit into this new frame, the authority of the learned devotees of the imāms, which had been, despite the incidents of lively independence recounted by Poonawala, essentially subsidiary to that of the imāms, was expanding. The confinement of the later imāms by the Abbasids and subsequent Lesser Occultation had already resulted in a network of "agents" who acted on behalf of the imāms. These proto-jurists retained their authority after the Greater Occultation by continuing in their role as faithful reciters of the words of the imāms, which now reigned over the community in place of the imāms themselves.

The subsequent history of Shīʿī juristic authority is that of a struggle between the ideal of literalist, restrictive Traditionalism on the one hand, and the more practical alternative of freedom of interpretation on the other. Initially, Traditionalism seemed to have the upper hand. By the eleventh century, however, the impulse toward legal interpretation had already resulted in works of legal theory (for instance, the writings of the Baghdadi scholar Shaykh al-Mufīd). After a final resistance by the Traditionist or "Akhbārī" school in the seventeenth and eighteenth centuries, the school of interpretation clearly won out. The Akhbārīs had recommended unquestioning acceptance of the text and banned any venture beyond it. The school of interpretation, called "Uṣūlī" after the *uṣūl* or "bases" of their system of legal logic (the Qurʾān, the *sunnah*, consensus, and reasoning), wished to critically examine the text and to extend rulings beyond the literal sense. This controversy had everything to do with authority. For while the Akhbārīs upheld the direct authority of the text over each of the imām's faithful followers, the Uṣūlīs now claimed exclusive power of interpretation for the learned divines, and thus exclusive judicial rule over non-specialists.

The epistemic authority thus asserted by the Uṣūlīs was expressed in the complementary principles of *ijtihād* and *taqlīd*—of inferences drawn by a qualified, living jurist or *mujtahid* on the one hand, and the necessary "emulation" of the *mujtahid* in all his inferences on the other. (The system is partly described by Ayatollah Taskhiri.) Such a system would naturally have encouraged a type of authority akin to personal loyalty. Beginning in the nineteenth century in Iraqi and Iranian territory, this loyalty began to accrue to fewer persons. In some periods, the allegiance of all laypersons was focused on a single "*marjiʿ al-taqlīd*" or "resort for emulation," on the premise that he was the "most learned" of all. In the course of events in Iran and Iraq which cast some of the *ʿulamāʾ* in the role of defenders of Islam against the West, jurist authority was sometimes also combined with political prestige.

The factors that contributed to this "formalization and rigidification" of the Shīʿī hierarchy in modern times are described by Devin Stewart in the conclusion to his essay. In common with Stewart, Ayatollah Taskhiri views formalization and the emergence of the institution of *marjiʿ al-taqlīd* as responses to certain historical conditions, rather than a necessary feature of the Shīʿī structure of authority. The *marjiʿ*, he says, is based on reason (or more exactly, "common sense" – *bināʾ al-ʿuqalāʾ*) and custom (*ʿurf*); no particular form of it is dictated by the law. Thus the Ayatollah views the *marjiʿīyah* as a *practical* response to the problems of the Shīʿī community, specifically to the need for unity in the face of Western incursion.

This utilitarian view allows Taskhiri to suggest a thorough reform of the institution of *marjiʿ al-taqlīd*, and indeed of the hierarchy as a whole. The suggestion of reforming the *marjiʿīyah* is not, of course, new. Reform proposals have been advanced since at least the 1960's, with the general theme that the highly concentrated personal authority of the *marjiʿ* system be distributed among a larger number of jurists, who would together be better able to address the problems of modern times.[1] Taskhiri's reform, however, aims to tailor the *marjiʿ* specifically to the political structure of the Islamic Republic by, in effect, dismantling the formal hierarchy and re-orienting personal authority once due to leading jurists toward the state.

This is accomplished partly by separating executive authority or "Guardianship" (*wilāyat al-amr*) from the function of supreme juristic authority or *marjiʿīyah*. According to Ayatollah Taskhiri, there must be only one Guardian, since more than one will lead to conflict and chaos; his argument here is evidently drawn from the classical proof, based on reason and Tradition, that there must be only one imām. Supreme juristic authority, however, tends to attach to more than one person, while the simple power of *ijtihād* may be possessed by many. Therefore, juristic authority cannot logically coincide with executive authority. The *mujtahid*s may—indeed, they

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[1] See Ann K.S. Lambton, "A Reconsideration of the Position of the *Marjaʿ al-Taqlīd* and the Religious Institution," *Studia Islamica* 20 (1964), 115-135; and a recent collection of essays by Shīʿī *ʿulamāʾ*: *Ārāʾ fī al-marjiʿīyah al-Shīʿīyah* (Beirut: Dār al-Rawḍah, 1415/1994).

must—continue to perform *ijtihād*, but their inferences are merely debated and incorporated into a coherent state policy.

From the point of view of theocracy, Taskhiri's suggestion has several virtues. In preserving the right of the *mujtahid*s to infer rulings from the text, he not only concedes to the theory of *ijtihād*, which reserves that right to each *mujtahid*, but also, perhaps, to some of the high-ranking clerics, who naturally feel they have their own authority and would like to continue to exercise it. "*Mujtahid*s," he declares, "differ in the way they infer legal rules [and] no opinion may exclude another." His suggestion also circumvents the difficulty of either persuading a recognized supreme juristic authority—some of whom are actually hostile to the idea of a theocracy, or resident abroad—to take up the post of Guardian, or gathering sufficient juristic prestige around a politically acceptable candidate to advance him as a feasible *marjiᶜ*. For, in truth, if the basis of the Leader's prestige is his status as *marjiᶜ*, that prestige, which is in the final analysis informal, would be liable to challenge by other leading jurists as they vied for public acclaim. Each challenge would then amount to a test of the legitimacy of the theocracy.

Taskhiri's scheme in fact supplies a theoretical background for certain articles of the revised Iranian Constitution of 1989, from which the original requirement that the "Leader" or *Rahbar* be a *marjiᶜ* has been struck. That particular revision was widely seen as anticipating the ascension of the present Leader, Khamenai, who, as Taskhiri himself suggests, is a viable jurist but "not a well-known *marjiᶜ*." Evidently, the ideal of the identity of *walī* ("guardian," meaning the Leader) and *marjiᶜ* finally proved to be too difficult or impractical to uphold. That the two functions are to be separated is by now political creed in the Islamic Republic. In private conversation, Ayatollah Taskhiri stated not only that "not every *faqīh* (jurist) is a *walī* (guardian) ... or *ḥākim* (ruler)," but that the *marjiᶜīyah* itself is strictly "a matter having to do with Islamic law [construed in the narrow sense] (*qaḍiyah sharᶜīyah*)." According to the Ayatollah, the *marjiᶜ*s, who are likely to be several, have no executive power; for instance, they have no power over the treasury. It is the *walī* who possesses "political power" (*sulṭah siyāsīyah*)—even though the government of which he is head may only legislate in areas of indifferent legal value (*mubāhāt*), that is areas not covered by explicit Islamic legal rulings. Ayatollah Misbah-Yazdi, in conversation with this author in Qum, also repeatedly insisted that the powers of *walī* and *marjiᶜ*, although on occasion found in one person, are normally separated. The function of the *marjiᶜ*, he said, is to issue *fatwā*s, while the *walī* holds "executive power" (*tanfīdh wa-taṭbīq*).

The partial separation of epistemic and executive authority in this current theory is also evident in discussions of the necessary qualifications of the *walī*. Ayatollah Yazdi, again in accord with the Constitution,[2] stated that the *walī*

[2] Article 5 of the revised Constitution reads: "During the Occultation of the Master of the Age ... the Guardianship (*wilāyat-i amr*) and leadership (*imāmat*) of the Community devolve

must be "the most pious" and most aware of "the best interests (*maṣāliḥ*) of society." The piety or "justice" (*ʿadālah*) of the *walī*, although a faculty of the soul, may be observed, the Ayatollah said, in his comportment and actions, and thus verified by competent witnesses, including the people.[3] However, the qualifications cited in legal treatises for a mufti or *mujtahid* include not only superior justice or piety but also learning (with some dispute over which is the more important quality). Both the Constitution and Ayatollah Yazdi conspicuously omit mention of learning. In other words, they omit the qualification which must undoubtedly be possessed by the *marjiʿ*.

Ayatollah Taskhiri also attempts to discount learnedness as a requirement for authority, with the aim of facilitating government. This is the chief concern of his essay. Stewart asserts that the doctrine of *aʿlamiyah* or "resort to the more learned" was probably not the most important factor contributing to the formalization of the Shīʿī clerical hierarchy in modern times. Here Ayatollah Taskhiri appears to disagree, since his essay, which aims to de-emphasize the hierarchy for the purpose mentioned above, takes *aʿlamiyah*—including the deference of lesser to greater *mujtahid*s—to be its keystone. His argument against *aʿlamiyah* begins with the observation that it has until recently been ill defined, that practice has been inconsistent, and that it has always been a matter of controversy, with many Shīʿī authorities arguing effectively against it. He goes on to present a closely-argued juristic discussion, in the course of which he asserts that following the most learned is not obligatory *even when disagreement is known to exist between the more and less learned* (i.e. let alone when there is no disagreement, that having been the less controversial proposition in past debates).

That discussion, however, is only preliminary to his main thrust, which is to assert that *aʿlamiyah* is unsuited to modern times. For as knowledge has expanded, while the impulse of Islam to lay down a complete pattern for human life endures, it has actually become impossible for any one person to be "the most learned" in all Islamic precepts.[4] Moreover, in order to "guarantee a coherent, unified social program and development" (in other words, in order to effectively manage executive authority), the *mujtahid*s must work together rather than separate themselves by rank, finally deferring to the *walī* and his legislative power. The only alternative to this scheme, according to Ayatollah Taskhiri, is the recognition of a single "general *marjiʿ*," who must possess the

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upon the Just and Pious (*bā-taqvā*) jurist, who is aware of [the circumstances of] the times, courageous, resourceful, and possessed of administrative ability, and whom the majority of the people have recognized and accepted...."

[3] Here the Ayatollah refers to the problem raised in classical discussions of *taqlīd* of how the laity, who are presumed by the very necessity of *taqlīd* to lack proficiency in the law, may recognize a true mufti or *mujtahid*; the solution commonly offered is that they may know him through the witness of others or by general reputation.

[4] A reflection perhaps of the juristic controversy over the permissibility of a "partially competent" (*mutajazzīʾ*) *mujtahid*, as against the possibility or necessity of a "omni-competent" (*muṭlaq*) *mujtahid*.

highest qualifications in every respect. This reference of Ayatollah Taskhiri to a general *marjiʿ* (who would likely also be the *walī*, although this is not clear), as well as Ayatollah Misbah-Yazdi's remark that the functions of *walī* and *marjiʿ* coincide only very rarely, are apparently prompted by memories of Khomeini.

Khomeini was uniquely able to embody the authority figure—a combination of *faqīh* and Leader—envisioned in his "Guardianship of the Jurist" and enshrined in the original Constitution of the Islamic Republic. Following his death, the source of authority attaching to the "Leader" or "Guardian" (as he is variously called) is uncertain. At present, Khamenai draws on the residue of Imām Khomeini's immense charisma (for instance, by emphasizing their personal relationship and ensuring that their portraits appear together); alludes to imām-authority (his entrance when he grants audience in his residence is preceded by thunderous announcement of his status as descendant of the Prophet and proxy of the absent Imām); and claims epistemic authority (for instance, by issuing *fatwā*s and affecting the poverty and restrained demeanour of the ideal jurist). He also represents, at least in the conservative view, the political rectitude of the Revolution. Neither completely imām nor completely jurist, the Leader represents a new kind of authority in Shīʿism; the closest equivalent might be the notion of "Guardian" or *walī* developed in Shīʿī philosophy.[5] He appears as a proto-messianic figure embodying the political power of Shīʿism—in effect, the charisma of the state.

The *walī*'s uncertain prestige competes in the Iranian system with another kind of novel authority. This is the authority of the people. Shīʿī notions of authority pose special problems for the assimilation of popular sovereignty. The Shīʿah hold that the community was to have no role in appointing the ruler—for these were unique individuals endowed with special qualities, explicitly appointed by God and the Prophet. Shīʿīs have every reason to mistrust the will of the community, since it was that will which elected the first three caliphs in place of ʿAlī. Shīʿī constitutional theory—especially in its "perfected" form discussed above—is therefore not only legitimist, but authoritarian. These qualities continue to influence modern thought even in the absence of the imāms, as can be seen in Talib Aziz's description of "statist" thought in his essay.

Shīʿī legal theory, which was formed on the pattern of Sunnī theory, is not in its basic conception necessarily authoritarian. However, in the pronounced Usulism which arose in modern times, the authority of the jurists or of the few *marjiʿ*s among them did take on this character. The authority of the Uṣūlī jurist has tended, in fact, to parallel imām authority: in the necessity not only of emulation/obedience, but of emulating or doing *taqlīd* of one, living *mujtahid* distinguished by certain superior qualities; in the view of the jurist as uniquely learned (*ʿālim*) in arduously acquired sciences not accessible to the unlearned (*jāhil*) laity; and in the power of the jurist to rely on his interpretation/authority

[5] On which see the essay of Hossein Ziai in the last chapter.

rather than solely textual indicants to produce rulings in a widening domain—the latter following Murtaḍā Anṣārī's formulation in the nineteenth century of a basis for producing rulings in areas left by the text in "doubt" (*shakk*), and elaborations of reason as a base of the law. We thus find that, even before Khomeini's famous assertion (described by Aziz) in his "Guardianship of the Jurist" that the ruling *faqīh* is due absolute political obedience, theories of popular sovereignty also had to contend with the elitism of jurist authority. The impact of this elitism or, in effect, transfer of functional charisma from the imāms to the jurists can also be seen in the thought of the Statists.

Nevertheless, as Aziz relates, some thinkers have attempted to accommodate popular sovereignty within a Shīʿī worldview. Ayatollah Muntaẓirī, once the heir apparent of Khomeini, belongs to this group. In his own "Guardianship of the Jurist," a work subsidiary to but much more extensive than Khomeini's treatise of the same name, Muntaẓirī draws on concepts already used by Sunnī modernists to argue for the democratic character of Islam: *bayʿah* (the consent of the people to a ruler), and—more novel to Shīʿism—*shūrā* (appointment of the ruler by consensus). He reconciles these principles with juristic elitism by limiting the people's wisdom to election of representatives, pre-selected according to their juristic qualities, who are then to appoint the leader or chief jurist. This is in fact the arrangement in the present Islamic Republic, in which the Leader is selected by the Assembly of Experts, which is in turn elected by the people from jurist candidates deemed qualified by the "Guardianship Council," another body of jurists. Ayatollah Misbah-Yazdi characterized the resulting configuration of popular and jurist authority thus: the Prophet, he said, is succeeded by the imāms, who are in turn succeeded by the *walī*; except that the *walī* is selected by the people, and cannot legislate as he likes but only as the Constitution allows. Thus Muntaẓirī and the Islamic Republic weight the balance between juristic authority and popular sovereignty in favour of the jurists.

The Iraqi scholar and political activist Ayatollah Muḥammad Bāqir al-Ṣadr, in contrast, favours the authority of the people in an Islamic state. The strategy he uses to construct his theory is to give priority to a humanistic worldview drawn from the Qurʾān and Shīʿī theology; juristic authority must then conform to that worldview. Thus he is able to assert that, since the people have been endowed with free will and entrusted with vicarship of the earth, the jurist or a council of jurists is to be selected directly by the people, while the function of the jurists is limited to that of guide or "witness" over the people as they carry out their divine mandate. Ayatollah Mujtahid-Shabistari, whose political and legal thought is presented in the next chapter, uses a similar strategy. By both acknowledging that juristic thought is not "pure" but based on human knowledge and privileging the innate, God-given human faculty of reason over juristic standards of "ignorance" and "learnedness," he constructs a system in which the people lead and the jurists guide. His system, however, is more radical than Ṣadr's, since the authority of the jurist or of Islam need not

be expressed in any particular institutional arrangement, but merely contained in whichever form of government is suited to prevailing circumstances.

Thus, not all these jurists advocate theocracy as that is commonly understood. They are, however, all representative of a prevailing trend in Shīʿī thought in that they assert a continuing political role for Islam, and therefore also some political role for the jurists, however attenuated.[6] Of this group, Khomeini, Muntaẓirī, and others like them join religion and politics by re-introducing imām charisma—in effect, by overcoming the fact of the Occultation. That potent charisma is then managed through distribution among various individuals and institutions of government. Ṣadr and Shabistari, on the other hand, deny the *fuqahāʾ* the aura of the imāms, limiting them instead to a somewhat dilute epistemic authority. They are able to grant ultimate (in effect, divine) authority in a Shīʿī framework to the people instead by removing charisma to the ideal of the imām in Occultation.

[6] Whereas traditional, quietist jurists such as the late Ayatollah Khūʾī and his apparent successor, Ayatollah Sīstānī, limit their authority to personal, purely religious affairs.

THE IMĀM'S AUTHORITY DURING THE PRE-GHAYBAH PERIOD: THEORETICAL AND PRACTICAL CONSIDERATIONS

Ismail K. Poonawala

Authority, defined as the right to direct and command, to be listened to, and to receive total submission and obedience, is a constant and pervasive phenomenon in the history of religions.[1] In revealed religions, authority is derived from the founder of a new community of faith and his religious experience. For Muslims the Prophet Muḥammad was God's representative on earth both in spiritual and mundane matters; hence he exercised supreme authority over the Muslim community in the newly emerging Islamic state of Madinah. This authority was ultimately grounded in the fact that he was the recipient of God's revelation.

The conventional Sunnī and Islamicist view is that after the death of the Prophet political power passed to the new head of state, the caliph; religious authority, however, came to an end because the Prophet's prophetic function cannot be transmitted. To put it differently, the majority of Muslims maintain that it is the Qurʾān, the Word of God par excellence revealed to His Prophet, which is the supreme source of authority, with the Tradition of the Prophet the normative authority for Islamic beliefs and practices second only to the Qurʾān. The task of the caliph, they maintain, was merely to serve as the guardian of the faith and to uphold the *sharīʿah*; even the task of interpretation of the Qurʾān and *ḥadīth* and their application to the actual life of the community was reserved for the *ʿulamāʾ*.[2]

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[1] Mircea Eliade, ed. *Encyclopedia of Religion* (New York: Macmillan, 1987), s.v. "Authority," by M. Waida. For the distinction between authority (*auctoritas*) and its complement, power (*potestas*), see Jacques Maritain, *Man and the State* (Chicago: University of Chicago Press, 1951), 126-127; idem, *Scholasticism and Politics* (New York: Macmillan, 1940), 92-93.

[2] This traditional view of the caliphate is challenged by Patricia Crone and Martin Hinds, who claim that the transfer of religious authority in Sunnī Islam to the scholarly elite and ultimately to the community was a late development. *God's Caliph: Religious Authority in the First Centuries of Islam* (Cambridge, University Press, 1986).

Shīʿīs disagree with this view of post-prophetic authority. They maintain that the imām as the legitimate head of the community inherits both the political and religious authority of the Prophet. In practice, however, all the Twelver Shīʿī imāms (except, for a brief period, ʿAlī) were deprived of their political power by rival Sunnī caliphs. Hence they could only function as purely religious leaders and as the spiritual guides of their followers.

This paper examines how the religious authority of the Shīʿī imāms was conceptualized and how it actually operated at the practical level during the pre-*Ghaybah* period.[3] The first section explores the theoretical underpinnings of the authority of the imām as expressed in the doctrine of the imamate. Abū Jaʿfar Muḥammad ibn Yaʿqūb al-Kulaynī's (d. 329/940) *al-Uṣūl min al-Kāfī*, the earliest of the four canonical books of Imāmī *ḥadīth* and *fiqh*, is utilized as the main source.[4] The section entitled *Kitāb al-ḥujjah* (the book of proof) contains an elaborate exposition of the theory of the imamate; it is significantly placed under the *uṣūl* (fundamentals [of religion]), immediately following the section entitled *Kitāb al-tawḥīd* (book on the Oneness of God). Later works are consulted to supplement the information contained in Kulaynī. The second section of the paper deals with the practical aspects of religious authority as exercised by the imāms. Material on this is extremely scanty and is gleaned from the works of *rijāl* (biographies of *ḥadīth* transmitters) of Abū ʿAmr Muḥammad ibn ʿUmar al-Kashshī (first half of the fourth/tenth century)[5] and Abū al-ʿAbbās Aḥmad ibn ʿAlī al-Najāshī (d. 450/1058), as well as from the heresiographies *al-Maqālāt wa-al-firaq* by Saʿd ibn ʿAbd Allāh al-Ashʿarī al-Qummī (d. 299/911 or 301/913) and *Firaq al-Shīʿah* by Abū Muḥammad al-Ḥasan ibn Mūsā al-Nawbakhtī (d. between 300 and 310/912-922).[6]

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[3] The notion of authority during the later period of Shīʿism is covered by Wilferd Madelung, "Authority in Twelver Shiʿism in the Absence of the Imam," in *La notion d'autorité au Moyen Âge: Islam, Byzance, Occident*, ed. George Makdisi, Dominique Sourdel, and Janine Sourdel-Thomine (Paris: Presses universitaires de France, 1982), 163-173. For the Safavid period see Said Amir Arjomand, "The Mujtahid of the Age and the Mullā-Bāshī: An Intermediate Stage in the Institutionalization of Religious Authority in Shiʿite Iran," in *Authority and Political Culture in Shīʿism*, ed. Arjomand (Albany: State University of New York Press, 1988), 80-97. See also Abdulaziz Sachedina, *The Just Ruler in Shīʿite Islam: The Comprehensive Authority of the Jurist in Imamite Jurisprudence* (New York: Oxford University Press, 1988).

[4] Although al-Ṣaffār al-Qummī's (d. 290/903) *Baṣāʾir al-darajāt fī faḍāʾil Āl Muḥammad* (ed. Muḥsin Kūchah-Bāghī, Qum: Maktabat Āyat Allāh al-Marʿashī al-ʿUẓmā, 1404/1983) is an earlier work, credit for sifting and systematizing the Imāmī *ḥadīth* goes to Kulaynī.

[5] Kashshī's work on the *rijāl* is the earliest. Unfortunately, the original version which included contradictory and disparaging reports about some of the close associates of the imāms is not preserved. Nevertheless, even in the extant version which was abridged and partly excised by Ṭūsī in the early fifth/eleventh century, there is much material considered objectionable by later Imāmī authors. The fact that it was not expurgated by Ṭūsī argues that it was not improbable. See Abdulaziz Sachedina, "The Significance of Kashsī's *Rijāl* in understanding the early role of the Shīʿite *fuqahā*'" in *Logos Islamikos: Studia Islamica in honorem G. M. Wickens*, ed. M. Savory and D. Agius (Toronto: Pontifical Institute of Medieval Studies, 1984), 183-206.

[6] See Wilferd Madelung, "Bemerkungen zur imamitischen Firaq-Literatur," *Der Islam* 43 (1967): 37-52; *EI*[2], s.v. "al-Nawbakhtī," by J.L. Kraemer.

I

In theory the imām's authority is anchored in the doctrine of the imamate. This doctrine, embodied in the works of early Imāmī savants such as Muḥammad ibn Jaʿfar al-Kulaynī and Abū Jaʿfar Muḥammad ibn ʿAlī ibn Bābawayh al-Qummī, known as *al-Shaykh al-Ṣadūq* (The Veracious Shaykh, d. 381/991),[7] had evolved gradually over a century during Umayyad rule;[8] its basic conceptions were formulated during the time of the sixth imām Jaʿfar al-Ṣādiq (d. 148/765).[9] According to this doctrine mankind is in permanent need of a divinely-guided, infallible leader and authoritative teacher to guide them to the true path. Tradition states that: "The world can never exist for a moment without a *ḥujjah* [proof of God among mankind] who makes known what is lawful and what is unlawful, and who calls the people to God's way."[10] As divine guidance is continuous and permanent, it follows that prophethood must be supplanted by the imamate. The imāms are therefore the successors of the Prophet, both in religious and political authority.[11] The only difference between the Prophet and the imām is that the imām does not receive revelation and does not bring new scripture.

Shīʿīs thus claim that the Prophet publicly appointed ʿAlī as his *waṣī* (legatee or successor) by divine command; this happened at a place called Ghadīr Khumm on his return from the Farewell Pilgrimage and was confirmed

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[7] *EI*², s.v. "Ibn Bābawayh(i)," by A.A.A. Fyzee.

[8] In his "The Development of the debate around the legitimacy of authority in early Islam," *Jerusalem Studies in Arabic and Islam* 5 (1984): 121-141, M. Sharon argues that the debate progressed during the Umayyad period from the notion of *riḍā wa-jamāʿah* (consensus), to *qarābah* (kinship), to *waṣīyah wa-naṣṣ* (designation).

[9] Hishām ibn al-Ḥakam, a companion of the sixth imām, was the chief architect of the theory of the imamate. Except for the belief that there are twelve imāms, no significant change was introduced into this theory after Jaʿfar until the death of the eleventh imām Ḥasan al-ʿAskarī in 260/874. However, it should be pointed out that the theologians gathered around Jaʿfar al-Ṣādiq were not all of one mind; Ibn al-Nadīm's *Fihrist* (ed. Riḍā Tajaddud, Tehran: Maktabat al-Asadī/Maktabat al- Jaʿfarī, 1391/1971, 223-226) records Hishām ibn al-Ḥakam's refutation of several. See also Khayyāṭ, *Kitāb al-intiṣār*, ed. H.S. Nyberg (Cairo: Dār al-Kutub al-Miṣrīyah, 1925), 6; Ashʿarī, *Maqālāt al-Islāmīyīn*, ed. H. Ritter, 2d ed (Wiesbaden: Franz Steiner Verlag, 1963), 31 ff.; Ṭūsī, *Fihrist*, offset copy of Sprenger's ed. with indices by Maḥmūd Rāmyār (Mashhad: Chāpkhānah-i Dānishgāh-i Mashhad, 1351/1972), 355; *EI*², s.v. "Hishām b. al-Ḥakam," by W. Madelung; M. Watt, "Sidelights on early imāmite doctrine," *Studia Islamica* 30 (1970), 289-291; S.H.M. Jafri, *The Origins and Development of Shiʿa Islam* (London: Longman, 1979), 305-309.

[10] Kulaynī, *al-Uṣūl min al-kāfī*, ed. ʿAlī Akbar al-Ghaffārī, 3d ed., 7 vols (Tehran: Dār al-Kutub al-Islāmīyah, 1362-63/1983-84), I, 168, 174, 178, 190, 192; Qummī, *Baṣāʾir*, 484-489; Ibn Bābawayh, *Risālat al-iʿtiqādāt*, translated by A.A.A. Fyzee as *A Shiʿite Creed* (London: Oxford University Press, 1942), 89 ff.; idem, *ʿIlal al-sharāʾiʿ* (Najaf: al-Maktabah al-Ḥaydarīyah, 1383/1963), 195-201; Mufīd, *Awāʾil al-maqālāt*, ed. Faḍl Allāh al-Zanjānī (Tabriz: Maktabat Surūsh, 1363/1944), 38,39.

[11] "*Inna al-imāmah khilāfat Allāh wa-khilāfat al-rasūl*" (Indeed the imamate is the deputyship of God and the deputyship of the Prophet); cf. Kulaynī, *Uṣūl*, I, 198-205, where the salient features of the doctrine of the imamate are summed up.

various other times. Each imām in turn designated his successor before his death. The explicit nomination by each imām of his successor is known as *al-naṣṣ* or *al-naṣṣ al-jalī*.[12] Obedience to the imāms, who are entrusted with divine authority and who are the repositories of God's knowledge, is therefore obligatory and to ignore or to disobey the imām is tantamount to infidelity or disobeying the Prophet.[13]

The authority of the imām is derived not only from the fact that he is the divinely-designated successor to the Prophet; it is also based on his endowment with special virtues. Of all the virtues of the imām perhaps the most significant is his possession of *ʿilm* (knowledge).[14] It is natural that a central position be given to *ʿilm*, as the preeminent task of the imām is the guidance of mankind. The paramountcy of the imām's knowledge is reflected in the fact that he is often described as the *ʿālim* (learned) par excellence, with the word *ʿālim* frequently used synonymously with the word imām.[15]

The peerless position of the imām as possessor of knowledge is established through discussion of two main issues: the sources of his knowledge, and the nature and scope of his knowledge. The sources of his knowledge are three: i) hereditary acquisition, ii) special books known only to the imāms, and iii) direct contact with divine agency, that is an angel. All three sources are beyond the reach of ordinary humans.

As for hereditary acquisition, the imāms inherit the knowledge of all the previous prophets and *awṣiyāʾ* (legatees, that is the imāms). For this reason a *ḥadīth* from the sixth imām Jaʿfar al-Ṣādiq states: "We are the holders of God's authority, and we are the repositories of God's knowledge."[16] A *ḥadīth*

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[12] In the profusion of claims and counter-claims during the time of Jaʿfar al-Ṣādiq the doctrine of *naṣṣ* served to distinguish the Imāmī line from other ʿAlid claimants and to justify the quietist line taken by those imāms; see Marshall G.S. Hodgson, "How did the early Shīʿa become sectarian?," *Journal of the American Oriental Society*, 75 (1955). S.M. Jafri expresses the opinion that ʿAlī Zayn al-ʿĀbidīn expressly nominated his son Muḥammad al-Bāqir, and that the idea of *naṣṣ* was probably first introduced by al-Bāqir and elaborated by al-Ṣādiq (*Origins*, 295).

[13] Kulaynī, *Uṣūl*, I, 185-190, 205, 269-270, 276, 286-287, 405; Fyzee, *Creed*, 96.

[14] Although the idea of the *ʿilm* of the imām can be traced back to ʿAlī in a rudimentary form because of his excellent knowledge of the Qurʾān as reported in Shīʿī and Sunnī sources, this doctrine was clearly formulated by Jaʿfar al-Ṣādiq. Hodgson, "The early Shīʿa," 11; Jafri, *Origins*, 246-247, 290-291, 296.

[15] See Qummī, *Baṣāʾir*, 8, 10-11, 114-118; Kulaynī, *Uṣūl*, I, 7-9, 32, 178, 188, 222, 223, 264, 277, 293, 379, 401; Kashshī, *Rijāl al-Kashshī*, ed. Sayyid Aḥmad al-Ḥusaynī (Karbala: Muʾassasat al-Aʿlamī, [1963]), 378. Phrases such as *qāla al-ʿālim*, *rawiya ʿan al-ʿālim* are often used when it is deemed best to conceal the imām's identity. In his *Ithbāt al-waṣīyah* (Najaf, 1374/1955, 9, 13, 14, 59, 76, 160, 164, 172, 178, 248), Masʿūdī uses the phrase *ʿālim ahl al-bayt* for Jaʿfar al-Ṣādiq. The term *al-ʿālim* is in fact often used to refer to both Jaʿfar al-Ṣādiq and Mūsā al-Kāẓim, and it is not easy to determine which of the two imāms is meant. The compiler of indices for Mufīd's *al-Ikhtiṣāṣ* (ed. ʿAlī Akbar al-Ghaffārī, Beirut: Muʾassasat al-Aʿlamī, 1402/1982, 432) has taken *al-ʿālim* in every case to mean al-Kāẓim, whereas in Ibn Bābawayh, *Maʿānī al-akhbār*, ed. ʿAlī Akbar al-Ghaffārī (Qum: Intishārāt-i Islāmī, 1379/1959), 254, 255, it refers to Jaʿfar al-Ṣādiq.

[16] Kulaynī, *Uṣūl*, I, 192.

from the fifth imām Muḥammad al-Bāqir elaborating on hereditary knowledge states:

> Indeed the knowledge revealed to Adam was not taken away, but it is transmitted in hereditary fashion. ʿAlī was the *ʿālim* of this community, and no *ʿālim* of our family ever passes away without being succeeded by another [*ʿālim*] who possesses the same knowledge as his predecessor, or whatever God wishes.[17]

Another *ḥadīth* describes how the imām transmits all his knowledge to his successor only moments before his death.[18] Regarding the books possessed by the imāms, a *ḥadīth* on the authority of Jaʿfar al-Ṣādiq states that the imāms possess the *Ṣaḥīfah*, *Jāmiʿah*, *Jafr*, and the *Muṣḥaf* of Fāṭimah, as well as all the earlier scriptures whose contents are known only to them.[19] Knowledge from the third source, contact between the angel and the imām, occurs differently than communication between the angel and a *rasūl* (messenger) or *nabī* (prophet). A *ḥadīth* from Muḥammad al-Bāqir states:

> A *nabī* is one who sees [the angel] in a dream and hears the voice, but does not see the angel while awake. A *rasūl*, on the other hand, is one who hears the voice and who sees the angel dreaming as well as waking. As for the imām, he hears the voice, but neither sees the angel [in a dream] nor sees him while awake.[20]

Transmission by the angel is often called *ilhām* (inspiration), and its recipient is described as *muḥaddath* (one addressed or spoken to by angels) or *mufahham* (one instructed by angels).[21]

There are many different statements about the nature and scope of the imām's knowledge. The *ḥadīth*s are especially interested in the unique relationship between the imāms and God's revelation; it is even asserted that

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[17] Ibid., I, 222; Qummī, *Baṣāʾir*, 114 ff; Mufīd, *al-Ikhtiṣāṣ*, ed. ʿAlī Akbar al-Ghaffārī (Beirut: Muʾassasat al-Aʿlamī, 1402/1982), 279 ff.

[18] Kulaynī, *Uṣūl*, I, 274; Qummī, *Baṣāʾir*, 477-478.

[19] *Al-Ṣaḥīfah* (The Scroll) was dictated by the Prophet to ʿAlī and contained all knowledge about lawful and unlawful things. *Al-Jāmiʿah* (the Compendium), seventy cubits in length, was also dictated by the Prophet to ʿAlī and contained information about everything needed by mankind down to the smallest details such as the penalty for a scratch. *Al-Jafr* (the Divination) was a leather receptacle containing the knowledge of the prophets and their successors the *awṣiyāʾ* or legatees. The *Muṣḥaf* or Book of Fāṭimah, thrice the size of the Qurʾān and written down by ʿAlī from Fāṭimah's dictation from the angel Gabriel, contained knowledge about future events. For details see Kulaynī, *Uṣūl*, I, 238-242; Qummī, *Baṣāʾir*, 139-161; al-Faḍl ibn Shādhān, *al-Īḍāḥ* (Beirut: Muʾassasat al-Aʿlamī, 1402/1982), 206; Ibn Bābawayh, *ʿUyūn akhbār al-Riḍā*, ed. Mahdī al-Ḥusaynī al-Lājawardī, 2 vols. (Qum: Chāpkhānahʾi Dār al-ʿIlm, 1377-70/1958-59), I, 213.

[20] Kulaynī, *Uṣūl*, I, 176. The imām who is addressed by the angel hears his voice, and the words are struck against his ears (*yunqaru fī udhunayhi*) and cast into his heart (*yunkatu fī qalbihi*). For other *ḥadīth*s concerning transmission by the angel see Mufīd, *Ikhtiṣāṣ*, 286, 323-324.

[21] Kulaynī, *Uṣūl*, I, 270; see also Qummī, *Baṣāʾir*, 316-326; al-Faḍl ibn Shādhān, *Īḍāḥ*, 205; Mufīd, *Ikhtiṣāṣ*, 280-281 and *Awāʾil al-maqālāt*, 40, 76, 80.

the imāms know the various languages of the earlier scriptures.[22] One tradition claims that the imāms possess the whole Qurʾān as it was revealed chronologically, and that they know all its esoteric (*bāṭin*) as well as exoteric (*ẓāhir*) dimensions.[23] God revealed to the Prophet both the sacred text of the Qurʾān as it was sent down (*tanzīl*) and its exegesis (*taʾwīl*). The Prophet delivered the text to the people but reserved its *taʾwīl* for ʿAlī and the imāms. The imāms therefore have a unique relationship with the Qurʾān and they alone know its true meaning. A *ḥadīth* related on the authority of Jaʿfar al-Ṣādiq states: "We are the ones firmly rooted in knowledge, and we know its [the Qurʾān's] *taʾwīl*."[24]

Thus while Shīʿīs, like Sunnīs, assert the supreme authority of the Qurʾān, they maintain that the Book by itself cannot be God's *ḥujjah* (proof, authority) after the death of the Prophet. A *ḥadīth* related on the authority of ʿAlī states: "God placed us [the imāms] with the Qurʾān, and He placed the Qurʾān with us. We do not part with it and it does not part with us."[25] The Shīʿī view that the Qurʾān cannot be interpreted without the aid of the imām is illustrated by the following report from Manṣūr Ibn Ḥāzim:

> I [Manṣūr Ibn Ḥāzim] said to the people: "Do you know that the Prophet was God's *ḥujjah* over His creation?" They replied, "Yes." Then I said: "Do you know who is God's *ḥujjah* after the death of the Prophet??" They said, "The Qurʾān." So I examined the Qurʾān, and lo, [what I found was that] the Murjiʿī, the Qadarī, and the Zindīq, who do not believe it, use it in their disputes to overcome their rivals in argument. Hence I knew that the Qurʾān cannot be a *ḥujjah* (authority) without a guardian (*qayyim*) and whatever he [the *qayyim*] said about it would be true. Then I asked them: "Who is the guardian of the Qurʾān?" They replied: "Ibn Masʿūd was knowledgeable, ʿUmar was conversant with it, and Ḥudhayfah was also well informed." So I asked: "[Did they know] all of it?" They answered, "No." Thus I did not find anyone except ʿAlī of whom it could be said that he knew all of the Qurʾān.[26]

In another *ḥadīth* Jaʿfar al-Ṣādiq states: "Indeed, the Qurʾān is not endowed with the faculty of speech (*laysa bi-nāṭiq*) which commands [good] and forbids [evil], but the Qurʾān has its possessors [*lil-Qurʾān ahl*, i.e. persons who know it well] who command [good] and forbid [evil]."[27] The imām is thus the living embodiment of the infallible divine law, its interpreter and its executor.

In addition to knowledge of the revelation, the imām continues to acquire other *ʿilm* as the need arises. This continual *ʿilm* has the dual effect of

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[22] Kulaynī, *Uṣūl*, I, 227; see also Qummī, *Baṣāʾir*, 135-139, 333-353; Ibn Bābawayh, *ʿUyūn*, II, 228; Mufīd, *Ikhtiṣāṣ*, 289 ff.

[23] Kulaynī, *Uṣūl*, I, 228; Qummī, *Baṣāʾir*, 193-198.

[24] Kulaynī, *Uṣūl*, I, 213.

[25] Ibid., 191.

[26] The tradition implies that ʿAlī, who was the most knowledgeable about the Qurʾān after the Prophet, was its guardian, and that the subsequent imāms were its guardians in turn. Ibid., I, 169, 188; see also Kashshī, *Rijāl*, 358; Ibn Bābawayh, *ʿIlal*, 192.

[27] Kulaynī, *Uṣūl*, I, 246.

reinforcing his authority in the day-to-day legal sphere and extending that authority beyond prophetic revelation. Jaʿfar al-Ṣādiq was once heard to say:

> David inherited the knowledge of [earlier] prophets, and Solomon inherited David's. Muḥammad inherited Solomon's, and we [the imāms] inherited Muḥammad's. Indeed, we have the Scrolls of Abraham and the Tablets of Moses!

Immediately Abū Baṣīr, a disciple who was with the imām, declared: "Indeed, this is [true] knowledge!" Thereupon the imām retorted: "This is not [all] the knowledge; rather it is what is addressed [to us by angels] during the night and day, day after day and hour after hour."[28] A number of *ḥadīth*s from Jaʿfar al-Ṣādiq go so far as to state that God instructs the imām using this medium about a thing whenever he wishes to know it.[29]

Two questions arise about the scope of this kind of knowledge: i) does the imām possess knowledge of the unseen (*ʿilm al-ghayb*), and ii) is he more knowledgeable than the prophets (with the exception of Muḥammad)? With regard to the first question Kulaynī maintains that the imāms do not know the *ghayb*, although God occasionally provides them with such knowledge.[30] Jaʿfar al-Ṣādiq denied such knowledge when it was claimed for him by the heresiarch Abū al-Khaṭṭāb.[31] Ibn Bābawayh, on the other hand, maintains that the imām does partake of the *ghayb*.[32]

With regard to the second question Kulaynī cites a *ḥadīth* from Muḥammad al-Bāqir which indicates that the imāms indeed possess greater knowledge than the prophets, other than Muḥammad. Once the Imām commented: "They [the people] sip a little water from a pool while abandoning a mighty river." Thereupon it was said to him: "What is the mighty river?" The Imām replied: "The Prophet states that it was the knowledge given to him by God. Indeed God gathered for Muḥammad the *sunan* [laws and precepts] of all the prophets beginning with Adam." The Imām was then asked: "What are those *sunan*?" He replied: "Knowledge of the prophets in its entirety. The Prophet in turn placed all that with the Commander of the Faithful [ʿAlī]." The man asked, "O son of the Prophet, is then the Commander of the Faithful more knowledgeable than the prophets?" The imām retorted sharply:

> Listen to what he says! God opens the ears of whom he chooses. I have told him that God gathered for Muḥammad the knowledge of all the prophets and

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[28] Ibid., 225.

[29] Ibid., 258; see also Mufīd, *Ikhtiṣāṣ*, 280.

[30] Kulaynī, *Uṣūl*, I, 256-257.

[31] Kashshī, *Rijāl*, 248, 252, 253.

[32] Ibn Bābawayh, *Khiṣāl* (Najaf: Maṭbaʿat al-Najaf, 1391/1971), 398; idem. *Maʿānī*, 101. For the views of other Imāmī authors on this topic, see Etan Kohlberg, "Imam and Community in the Pre-Ghayba Period," in *Authority and Political Culture*, ed. Arjomand, 26-27.

that Muḥammad placed all that with the Commander of the Faithful, yet he asks me whether ʿAlī is more knowledgeable or the prophets![33]

II

Modern scholars both from the East and the West who have examined traditional views held by the Shīʿah and compared them with the historical picture have come to the conclusion that the crystallization of the Shīʿah occurred under the sixth imām Jaʿfar al-Ṣādiq, and that the doctrine of the imamate was formulated only in his time and then applied retrospectively to the pre-Jaʿfar period. Hence the main problem one faces in discussing the practical exercise of the imāms' authority is the historicity of the sources. Most of the numerous histories of the imāms are of little help for this inquiry as they were written much later and are colored by doctrinal considerations.

Jaʿfar's followers, who formed the first distinct Shīʿī group and may be considered 'proto-Imāmīs,' certainly did look to the imām for religious guidance. It was also with Jaʿfar that the imāms began to assert their authority. However, given the turbulent political times, it is almost certain that the sixth imām did not make an open claim to religious leadership. In fact, he played a major role in depoliticizing the institution of the imamate by advancing the doctrines of *naṣṣ* and *ʿilm* rather than a political claim, making it unnecessary for the imām to rise in rebellion and try to assert political power. At the same time, Jaʿfar was a focus of loyalty and religious speculation in his own time. This is confirmed by the existence of a number of active students, such as Zurārah ibn Aʿyan,[34] Abū Jaʿfar Muḥammad ibn Nuʿmān al-Aḥwal, known as "Muʾmin al-Ṭāq,"[35] Hishām ibn Sālim al-Jawālīqī,[36] ʿAlī ibn Ismāʿīl al-Mīthamī,[37] and Hishām ibn al-Ḥakam, as well as leading figures who held extreme beliefs with regard to the imām such as Abū al-Khaṭṭāb.[38] This part of the study will therefore focus primarily on the period of the imamate of Jaʿfar al-Ṣādiq. The imamate of the fifth imām Muḥammad al-Bāqir is also included because one already notices the beginning of an independent stance on his part in matters of ritual and law. The evidence for this is the many stories in Nawbakhtī, Qummī, and Kashshī of his difficulties with overly observant

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[33] Kulaynī, *Uṣūl*, I, 222-223.

[34] See Jafri, *Origins*, 305-307, where older sources are cited.

[35] Ibid., 307-308, where older sources are cited.

[36] Ibid., 308, where older sources are cited.

[37] Ibid., where older sources are cited.

[38] The most detailed survey of speculation surrounding Jaʿfar al-Ṣādiq is by Hodgson, "The early Shiʿa," 9-13. See also W.M. Watt, "Shiʿism under the Umayyads," *Journal of the Royal Asiatic Society* (1960), 168-169; idem, "The Rafiḍites: A preliminary study," *Oriens* 16 (1963): 112-113; idem, "The Reappraisal of Abbasid Shiʿism," in *Arabic and Islamic Studies in Honor of Hamilton A. R. Gibb*, ed. George Makdisi (Cambridge, University Press, 1965), 638-654; Jafri, *Origins*, 259 ff.; Moojan Momen, *An Introduction to Shiʿī Islam: The History and Doctrines of Twelver Shiʿism* (New Haven: Yale University Press, 1985), 38-39.

disciples which, in the words of Hodgson, are too lifelike to be easily dismissed.[39]

The unique position of the imām conferred upon him by his knowledge as the impeccable, infallible guide and leader of his community implies that he was the ultimate authority for law, doctrine, and practice.[40] However, since the imām was not in actual fact the sovereign and had no organized party of followers,[41] his knowledge probably remained theoretical. Even after the doctrine of the imamate took shape it was not immediately accepted by all the followers of the imāms, as shall be seen below. Some acknowledged the special position of the imām but regarded him only as a first among equals and refused to yield him all authority. This was particularly true of those followers who had recently joined the ranks of the faithful and had brought with them their own views on theological and legal issues.

Some stories even indicate open distrust between the imāms and their followers. For example, it is reported that ʿUmar ibn Riyāḥ asked the fifth imām about a certain case and returned the following year to ask him the same question. The imām answered him differently from the first time. ʿUmar pointed out to al-Bāqir that his answer was different from that of the year before, and the imām replied: "Our answers may sometimes be determined by *taqiyah* (precautionary dissimulation of one's beliefs, especially in times of danger)." Ibn Riyāḥ began to doubt al-Bāqir's right and his imamate. He met one of al-Bāqir's followers, Muḥammad ibn Qays, and told him what had happened, adding: "God knows that I only asked him [the imām] about it because I am truthfully resolved to believe what he decides for me by accepting it and acting upon it. There was no reason for his *taqiyah* from me." Muḥammad ibn Qays suggested that there might have been someone present who caused the imām to take *taqiyah*. Thereupon Ibn Riyāḥ retorted: "No one was present during either question except me. No, his answers are all a matter of luck (*tabkhīt*), and he does not remember what he answered the year before." He then renounced al-Bāqir's imamate, declaring that one who gives incorrect legal decisions, for whatever reason and under whatever circumstances, cannot be an imām.[42]

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[39] Hodgson, "The Early Shīʿa," 11. See also note 42 below.

[40] This is stressed by al-Sharīf al-Murtaḍā, *al-Shāfī fī al-imāmah*, ed. ʿAbd al-Zahrāʾ al-Ḥusaynī al-Khaṭīb, 2d ed., 4 vols. (Tehran: Muʾassasat al-Ṣādiq, 1407/1986), II, 15ff.

[41] At the most they must have been a loosely-knit group and did not take on a definite form or character until sometime after 260/874, that is the beginning of the Lesser Occultation.

[42] Nawbakhtī, *Firaq al-Shīʿa*, ed. Hellmut Ritter (Istanbul: Deutsche Morgenländische Gesellschaft, 1931), 52-53; the same story with slight variations is reported by Saʿd ibn ʿAbd Allāh al-Ashʿarī al-Qummī, *Kitāb al-maqālāt wa-al-firaq*, ed. Muḥammad Jawād Mashkūr (Tehran: Maṭbaʿat Ḥaydarī, 1341 H.Sh./1963), 75; Kashshī, *Rijāl*, 205-206; Hodgson, "The Early Shīʿa," 11-12. The sources state that Ibn Riyāḥ along with a small group of others renounced the imamate of Muḥammad al-Bāqir and later joined the ranks of the Butrīyah (or Batrīyah). He is not listed by Najāshī in his *Rijāl*. Watt, "Reappraisal," 644-645 expresses skepticism about the story because the Butrīyah were not active until well after the death of al-Bāqir. Madelung, however, is of the opinion that the Butriyah were a group of Shīʿīs during the time of

Another narrative expresses al-Bāqir's doubt about the loyalty of his followers; here we see the question of authority from the imām's point of view. Aslam al-Makkī reported that while he was sitting with Muḥammad al-Bāqir reclining against the well of Zamzam, Muḥammad ibn ʿAbd Allāh ibn al-Ḥasan passed by as he was circumambulating the Kaʿbah. Al-Bāqir asked Aslam if he knew the young man. He replied that indeed he did know him. The imām then foretold to Aslam that Muḥammad ibn ʿAbd Allāh (later known as al-Nafs al-Zakīyah) would proclaim himself Mahdī and would be killed. He asked Aslam not to disclose the matter to anyone and to keep it as a secret trust, but Aslam divulged it to Maʿrūf ibn Kharbūdh after extracting a similar promise from him. When Aslam, Maʿrūf, and two other Makkans were present with al-Bāqir, Maʿrūf asked the imām if he would like to hear the story he had heard from Aslam. The imām looked at Aslam in anger and Aslam swore that he had taken an oath from Maʿrūf to keep it secret. Thereupon the imām said: "If everyone belonged to our Shīʿah, three quarters would entertain doubts about us, and the remainder would be fools."[43] The story portrays, probably in a hyperbolic fashion, how the imām would lament the lack of loyalty of his followers. A similar story is told of Jaʿfar al-Ṣādiq. Jaʿfar said: "I narrate a tradition to a person and ask him to refrain from disputation concerning the religion of God and from using analogical reasoning (*qiyās*). But as soon as he leaves me he interprets my *ḥadīth* differently."[44] When the imām's words, commands, or juridical decisions are not respected, one suspects that his authority is not fully acknowledged. However, during the early, pre-*Ghaybah* period there was no power to enforce the imām's authority and the followers of the imāms did not yet form a distinct community. Thus one should not be surprised by narratives such as these.

There are in fact many stories preserved in the sources of disciples who neither accepted the imāms' authority in all fields nor conformed to the official line delineated by them, continuing to uphold their own independent views on questions of theology, ritual practice, and law. Yet they were apparently still respected. The best such example is Zurārah ibn Aʿyan (d. 150/767), a disciple of both Muḥammad al-Bāqir and Jaʿfar al-Ṣādiq who enjoyed high standing in the community.[45] Zurārah had gained recognition among the Shīʿah of

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Muḥammad al-Bāqir who formed the moderate wing of the early Zaydīyah and did not recognize al-Bāqir as the ultimate authority in religion; see *EI*², Supplement, s.v. "Batriyya," by W. Madelung. Moreover, as the tradition reflects on the knowledge of the imām, it could not have been fabricated as suggested by Watt.

[43] Kashshī, *Rijāl*, 179.

[44] Ibid., 152.

[45] Zurārah, according to Najāshī, was among the leading *shaykhs* of the Shīʿī community during his lifetime. See Abū al-ʿAbbās Aḥmad ibn ʿAlī al-Najāshī, *Rijāl al-Najāshī*, ed. Muḥammad Jawād Nāʾīnī, 2 vols. (Beirut: Dār al-Aḍwāʾ, 1408/1988), I, 397. Zurārah appears to have developed his interest in theology initially under Muʿtazilī influence; his grandfather was a Byzantine Christian and he may also have been subject to Christian influences. Kashshī, *Rijāl*, 121, n. 1; Ṭūsī, *Fihrist*, 141-143; Muḥammad Taqī al-Tustarī, *Qāmūs al-rijāl*, 2d ed. (Qum: Muʾassasat al-Nashr al-Islāmī, 1412/1991), IV, 415-417; Jafri, *Origins*, 305-306.

Kūfah as a reliable representative of the imāms in matters of jurisprudence and was regarded by them as their spokesman; both he and Muḥammad ibn Muslim al-Thaqafī used to debate with Abū Ḥanīfah on legal issues. Kashshī states that the community was unanimous in confirming that Zurārah was the most knowledgeable (*afqah*) of the disciples of al-Bāqir and al-Ṣādiq; for this reason he is included by Kashshī in the *ahl al-ijmāʿ*—those who had participated with the imām in reaching a legal consensus.[46] In other reports al-Ṣādiq extols Zurārah, Muḥammad ibn Muslim, Burayd al-ʿIjlī, and Abū Baṣīr Layth al-Murādī, stating that they are the trusted ones of God in matters concerning that which is lawful and unlawful, and that without them tradition would disappear.[47] It is evident from such reports that Zurārah played a significant role in spreading Shīʿī doctrines and that this fact was acknowledged by the imām. However, as Sachedina has rightly pointed out, Zurārah was also a symbol of the independent power of the early disciples.[48] On one occasion when he answered a question from his fellows in the faith about lawful and unlawful acts and was asked whether this was his own opinion or that of the imām, he replied: "I know that many a time an opinion (*raʾy*) is better than a tradition (*athar*) [of the imām]."[49]

In the area of theology Zurārah argued in favor of the position that the ability to act existed independently of the actual performance of the act. He thus maintained that man has a power to act (*istiṭāʿah*) which is genuine and enables him to respond to God's commands in ways not predetermined by God's Decree. Zurārah's views on *istiṭāʿah* were shared by his two companions Muḥammad ibn Muslim al-Thaqafī and Burayd ibn Muʿāwiyah al-ʿIjlī, and they too were censured by Jaʿfar al-Ṣādiq.[50] Zurārah also argued against Muḥammad al-Bāqir that there was no intermediate position between believer and unbeliever.[51]

A number of other traditions indicate Zurārah's independent stand concerning certain rituals such as the *aṣr* (afternoon) prayers. It was reported to Jaʿfar al-Ṣādiq that Zurārah did not recite his *aṣr* prayers until sunset. The

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[46] Kashshī, *Rijāl*, 206.

[47] Ibid., 124-125, 152, 207.

[48] Sachedina, "Significance," 198.

[49] Zurārah's disagreement with the imām concerning the law of inheritance is also reported in Kashshī, *Rijāl*, 139-140.

[50] Kashshī, *Rijāl*, 151, 208. According to Ashʿarī, Zurārah's views were shared by Hishām ibn al-Ḥakam, Hishām ibn Sālim, Muʾmin (or Shayṭān, as he was called by his opponents) al-Ṭāq, and others (Ashʿarī, *Maqālāt*, 42-43). Although Zurārah's views were criticized by Jaʿfar al-Ṣādiq as a harmful innovation (*biḍʿah*), they did gain some support among later Imāmī authors such as Ibn Bābawayh. See: Kashshī, *Rijāl*, 134, 208; Ibn Bābawayh, *Kitāb al-tawḥīd* (n.p. [lithograph], n.d.), 354-364; idem, *Risālat al-iʿtiqādāt/ A Shiʿite Creed*, 40; Mufīd, *Taṣḥīḥ al-iʿtiqād bi-ṣawāb al-intiqād aw sharḥ ʿAqāʾid al-Ṣadūq*, ed. al-Sayyid Hibat al-Dīn al-Shahrastānī (Beirut: Dār al-Kitāb al-Islāmī, 1403/1983), 48-49; Ṭūsī, *Fihrist*, 100; Kohlberg, "Imam and Community," 35-36.

[51] Kulaynī, *Uṣūl*, II, 402-403. See also Kashshī, *Rijāl*, 128-129; here Zurārah is reported to have argued against Jaʿfar al-Ṣādiq.

imām's message that he should offer his prayers at appropriate times as observed by the other Companions of the imāms was conveyed to Zurārah, but he did not comply.[52] It is also reported that once Zurārah came to Jaʿfar al-Ṣādiq while the imām was with his disciples and told him that al-Ḥakam ibn ʿUtaybah had reported from Jaʿfar's father al-Bāqir that one should offer the *maghrib* prayers before reaching Muzdalifah.[53] The imām categorically denied the report and said that al-Ḥakam ibn ʿUtaybah was lying in the name of his father. Zurārah left the gathering saying: "I do not think that al-Ḥakam lied in the name of his [the imām's] father."[54] This report clearly shows Zurārah disagreeing with the imām and supporting his teacher al-Ḥakam ibn ʿUtaybah.

The example of Zurārah is paralleled in reports about other disciples. Hishām ibn al-Ḥakam, a major figure of early theology (*kalām*), refused to take for granted Jaʿfar's mastery of *kalām* and used to subject him to questions. Ibn Bābawayh records several reports indicating that Hishām and others held anthropomorphistic views, which were anathema.[55] His views in general were diametrically opposed to those of the imāms from Muḥammad al-Bāqir to Ḥasan al-ʿAskarī; in one report Mūsā al-Kāẓim criticizes Hishām, while in another the tenth imām ʿAlī al-Hādī renounces him.[56] Another disciple, Yūnus ibn ʿAbd Al-Raḥmān, was both censured and extolled by the eighth imām ʿAlī al-Riḍā for holding independent views. It seems that he did not approve of the imām's decision to go to Marv where he had been summoned by the caliph al-Maʾmūn to be appointed as his heir apparent. Yūnus was also accused of narrating traditions without having heard them from the imāms.[57]

There are numerous examples in which the imām's legal knowledge, the ultimate source of his supreme authority in law, was seriously questioned. It is reported that Abū Baṣīr asked Jaʿfar al-Ṣādiq a question about a woman who

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[52] Kashshī, *Rijāl*, 129. Another disagreement with the imām concerning the law of inheritance is also cited by Kashshī; see ibid., 122. For Zurārah's views concerning God's knowledge, power, and other issues see ʿAbd al-Qāhir al-Baghdādī, *al-Farq bayn al-firaq*, ed. Muḥammad Muḥyi al-Dīn (Cairo: Maktabat Muḥammad ʿAlī Ṣubayḥ *wa-awlāduhu*, n.d.), 70; Shahrastānī, *al-Milal wa-al-niḥal*, ed. ʿAbd al-ʿAzīz Muḥammad al-Wakīl, 2 vols. (Cairo: Muʾassasat al-Ḥalabī, 1387/1968), I, 186.

[53] It is recommended by tradition that the pilgrims offer the *maghrib* prayer along with the *ʿishāʾ* prayer after having arrived at Muzdalifah. See for example Kulaynī, *al-Furūʿ al-kāfī*, ed. Jaʿfar Shams al-Dīn, 5 vols. (Beirut: Dār al-Taʿāruf, 1413/1992), IV, 470, from Jaʿfar al-Ṣādiq.

[54] Kashshī, *Rijāl*, 182.

[55] Hishām is credited with believing that God has a finite, three-dimensional body and that He does not know things before they come into being. Ibn Bābawayh (*Tawḥīd*, 84-94, 101, discussing the question of the *ruʾyah* or divine vision) states that Hishām ibn Sālim, Muʾmin al-Ṭāq, and Mīthamī also held anthropomorphic views; for more details see Ashʿarī, *Maqālāt*, 31-64; Baghdādī, *Firaq*, 65-71; Shahrastānī, *Milal*, I, 184-187. Probably the concept of *tawḥīd* as elaborated by Ibn Bābawayh in his work of the same name was refined later and projected back on the imāms. In his *Shāfī*, I, 83-87, al-Sharīf al-Murtaḍā defends Hishām against charges of anthropomorphism; see also Abū al-Fatḥ Muḥammad ibn ʿAlī al-Karājakī, *Kanz al-fawāʾid*, ed. ʿAbd Allāh Niʿmah, 2 vols. (Beirut: Dār al-Aḍwāʾ, 1405/1985), II, 41.

[56] Ibn Bābawayh, *Tawḥīd*, 84-94, 101.

[57] For details see Kashshī, *Rijāl*, 409-419.

had married while still legally joined to her first husband. The imām replied that the woman should be stoned and the second husband also given one hundred lashes, since he had failed to inquire if she was married. When Mūsa al-Kāẓim became imām, Shuʿayb asked him the same question. The imām replied that the woman should be stoned, but that there was nothing against the man. When Shuʿayb met Abū Baṣīr and told him about the imām's ruling, Abū Baṣīr struck his chest with his hands, exclaiming: "I do not think that our master's (the imām Mūsa al-Kāẓim's) knowledge has matured."[58] As a competent scholar and trustworthy follower of al-Ṣādiq, Abū Baṣīr was distressed to hear Mūsa al-Kāẓim voice a legal opinion he thought incorrect. Another instance concerns ʿAbd Allāh, the eldest of Jaʿfar al-Ṣādiq's surviving sons who had assumed his father's position after his death and was accepted by the great majority of his father's followers. ʿAbd Allāh was questioned about lawful and unlawful acts in the *sharīʿah*; this seems to have been a real event. He was found to be lacking in knowledge; most of his followers were appalled and deserted him.[59]

Evidently the imām's authority was not yet fully accepted by all his followers. A most serious challenge is recorded in a report in which Zurārah ibn Aʿyan, Burayd ibn Muʿāwiyah al-ʿIjlī, Muḥammad ibn Muslim al-Thaqafī, Ismāʿīl ibn Jābir al-Juʿfī, and a fifth, unnamed person are described as *al-mutarayyisūn fī adyānihim* (those who set themselves up as leaders in [matters of] their religion) and condemned to perdition by Jaʿfar al-Ṣādiq.[60] The use of the phrase *al-mutarayyisūn fī adyānihim* is portentous and reveals the reason for their condemnation. According to Shīʿī doctrine, the imām is the only legitimate head (*raʾīs*) of the community of the faithful, and those who maintain independent views are guilty of challenging his authority.[61]

Paradoxically, all the aforementioned were not only supporters of the Imāmī cause but actually played a major role in the development of Imāmī doctrines and legal science; in many instances they are praised by Jaʿfar al-Ṣādiq for preserving and propagating the traditions of his forefathers. Some also engaged non-Shīʿī opponents in theological debate with the approval of the imāms, for the imāms encouraged their disciples and supporters to display their legal knowledge in disputation[62] (although it was assumed that they

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[58] Nevertheless, it is reported that when Shuʿayb al-ʿAqarqūfī asked Jaʿfar al-Ṣādiq to whom he should bring his questions, Jaʿfar advised him to consult Abū Baṣīr, indicating that he was held in high esteem by the imām. Kashshī, *Rijāl*, 153-154; see also note 47 above.

[59] Nawbakhtī, *Firaq*, 65-66; Qummī, *Maqālāt*, 87. According to Kashshī (*Rijāl*, 219, 239). who depicts the scene vividly, these included Hishām ibn Sālim al-Jawālīqī, Muʾmin al-Ṭāq, and other prominent disciples of Jaʿfar al-Ṣādiq. The event is also reported in Ashʿarī, *Maqālāt*, 28.

[60] Kashshī, *Rijāl*, 151, 174-175, 208. Cf. Kulaynī, *Uṣūl*, II, 297-299, where a group referred to in similar terms is condemned to perdition by Muḥammad al-Bāqir and Jaʿfar al-Ṣādiq. See also Kohlberg, "Imam and Community," 36.

[61] The editor of Kashshī's *Rijāl* tries to explain the imām's severe rebuke as his *taqiyah* intended to protect his disciples; he reads "*al-mustarībūn*," "those who are doubtful in their religion," rather than *al-mutarayyisūn*.

[62] See Mufīd, *Taṣḥīḥ*, 55-56.

would defend the official doctrine delineated by the imāms and not deviate from it). There was a practical consideration for not too severely condemning these errant supporters: the imāms could not afford to disown their disciples while the community was still fragile. Muʾmin al-Ṭāq is a case in point. When Jaʿfar al-Ṣādiq was told that Muʾmin al-Ṭāq was expressing his own independent views in theological debates, the imām exclaimed: "Were I to approve of and express satisfaction with what he says, I should be guilty of error. On the other hand, it is difficult for me to dissociate from him. We are few and our enemies are numerous."[63]

Persons like Zurārah and Hishām symbolized the growing authority of the *fuqahāʾ* (jurists) and transmitters of traditions. However, as the imāms were still living and accessible to their followers, this authority was partial. According to Kashshī, on one occasion al-Ṣādiq gently reminded Zurārah through his son that no matter how eminent his position as the close associate of the imām, he still had to submit to the authority of the imām himself.[64] Evidently the imām was faced with a difficult problem in delimiting the authority of the transmitters of tradition, the *ruwāt al-ḥadīth*. Problems in the successions to Jaʿfar al-Ṣādiq and Mūsā al-Kāẓim also indicate a struggle between the authority of the imām and his followers. Both Qummī and Nawbakhtī report that Jaʿfar al-Ṣādiq had indicated that his son Ismāʿīl would succeed him, but that when Ismāʿīl died before Jaʿfar some disciples left the imām, saying that he should not have designated one who was not to survive him. They further said: " Jaʿfar lied to us. He cannot be the imām, because the imām neither lies nor predicts something which cannot happen." Subsequently they joined the ranks of the Butrīyah and severely criticized the notions of *badāʾ* and *taqiyah*, two fundamental articles of Shīʿī doctrine.[65] Evidently these disciples were very serious in their belief that the ultimate authority of the imām derives from his special knowledge, and they judged Jaʿfar on that basis.[66]

After the sixth imām there was more than one contender for the position of imām most of the time. Reports in Nawbakhtī and Qummī indicate that there was no generally agreed-upon view of the succession. In the cases of the ninth and tenth imāms who had succeeded at the ages of eight and nine, the

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[63] For full details see Kashshī, *Rijāl*, 168; the pronouns are slightly modified to fit the context of the translated passage. Later Imāmī scholars were unwilling to accept that any strictures had been issued by the imāms against the leading figures of their faith. They tried to explain them away as cautionary measures, that is as *taqiyah*. For this reason Jaʿfar al-Ṣādiq is reported to have said to Zurārah's son: "Convey my regards to your father and tell him that I criticize him because I wish to protect him. People and [our] enemies hasten to harm those whom we draw close and whom we commend" (ibid., 126; see also the editor's remarks on p. 143, n. 1).

[64] Kashshī, *Rijāl*, 125-127. This lengthy report is translated by Sachedina, "Significance," 199-200. The Arabic word used for authority here is *amr*.

[65] In Imāmī theology *badāʾ* means the intervention of new circumstances which lead to a change in the divine decree.

[66] Nawbakhtī, *Firaq*, 55-56; Qummī *Maqālāt*, 78-79.

leadership of the *rijāl*—the learned followers of the imāms—was instrumental in securing their positions. Lengthy discussions in both Nawbakhtī and Qummī concerning the child-imām ʿAlī ibn Mūsā al-Riḍā demonstrate that it was not accepted at first that the imām had other than the usual, external sources of knowledge. Disagreement over this issue not only calls the imām's authority into question, but challenges its very source. To some followers the child-imām was not acceptable because of his age. They maintained that the imām must be an adult, arguing that if it is permissible for God to command obedience to a minor, it is also permissible for Him to impose religious duties on a minor, which is contrary to reason.[67] They observed that a child cannot understand how to dispense justice, one of the chief duties of the imām; he cannot even understand what justice entails. They further argued that if it is possible for a youngster to have such understanding, it is also possible for even a suckling infant, demonstrating that the whole proposition is irrational.[68]

Even those who accepted the ninth imām Muḥammad ibn ʿAlī al-Riḍā as the child-imām disagreed among themselves as to the manner and nature of his knowledge. One group maintained that he had first been instructed by his father the eighth imām ʿAlī al-Riḍā during their journey to Khurasan and that later when he reached adulthood God gave him knowledge in different ways as was the case with the previous imāms. Here Nawbakhtī, apparently uncomfortable with the supernatural channels of knowledge, adds a note of explanation. He mentions that another faction maintained that since the imām is the proof (*ḥujjah*) of God on earth, he may possess the knowledge necessary for his station even though he is a boy. This group enumerated the supernatural channels but also supported their claim by the examples of Yaḥyā ibn Zakarīyā (John the Baptist), Jesus, and Solomon, who were all given discretion when they were young.[69]

Despite such disagreements over knowledge, the disciples came to be distinguished by their own knowledge and understanding of the traditions of the imāms. Jaʿfar al-Ṣādiq is reported to have said: "Recognize the ranks (*manāzil*) of our Shīʿah according to how well they transmit from us. We do not count any one of them a *faqīh* (jurist) until he has been a *muḥaddith* (traditionist).[70] In another *ḥadīth* al-Ṣādiq is reported to have said: "Acknowledge the status of the *rijāl* among us according to the amount they transmit from us."[71] Thus in the evolving Shīʿī hierarchy pride of place was reserved for close associates of the imām who were able to transmit his views on legal and theological questions with honesty and clarity. Some of these early *rijāl* ranked as *faqīh*s (theologian-cum-jurists) and were singled out for

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[67] The Ismāʿīlīs refute Imāmī claims for similar reasons; see Abū Ḥātim al-Rāzī, *Kitāb al-zīnah*, in ʿAbd Allāh al-Sāmarrāʾī, *al-Ghulūw wa-al-firaq al-ghālīyah* (Baghdad: Dār al-Ḥurrīyah, 1392/1972), 288.

[68] Nawbakhtī, *Firaq*, 74ff; Qummī, *Maqālāt*, 95ff.

[69] Nawbakhtī, *Firaq*, 74-76; Qummī, *Maqālāt*, 96-99.

[70] Kashshī, *Rijāl*, 9.

[71] Ibid.

special praise; Jaʿfar al-Ṣādiq is reported to have said concerning Zurārah ibn Aʿyan: "May God have mercy on Zurārah! Had it not been for him and likes of him, my father's traditions (*aḥādīth*) would have been obliterated."[72]

The community was invited to consult such learned persons on legal questions. It is reported that Shuʿayb al-ʿAqarqūfī asked Jaʿfar al-Ṣādiq: "Sometimes we need to ask about something; whom should we ask?" The imām replied that his followers could consult al-Asadī, that is Abū Baṣīr.[73] ʿAbd Allāh ibn Abī Yaʿfūr, another disciple of both al-Bāqir and al-Ṣādiq from Kufah, once came to Madinah and told al-Ṣādiq: "It is not possible for me to visit you at all times, and sometimes one of my fellows in the faith comes to ask me [about a matter] and I do not have the answer." The imām replied: "What prevents you from asking Muḥammad ibn Muslim al-Thaqafī, who heard [*ḥadīths*] from my father and was highly regarded by him (*kāna ʿindahu wajīh*)?"[74] ʿAbd al-ʿAzīz ibn al-Muhtadī, who was ʿAlī al-Riḍā's agent (*wakīl*) and confidant (*thiqah*) in Qum, told the imām that it was difficult to see him personally every time he wanted and asked whom he should consult about the principles of his religion (*maʿālim dīnī*). The imām told him that he could consult Yūnus ibn ʿAbd al-Raḥmān.[75] Similarly, ʿAlī ibn Musayyab, who was from Hamadhan, told ʿAlī al-Riḍā that it was difficult for him to undertake frequent long journeys to Madinah to see the imām and asked whom he could consult about his religion. The imām told him he could consult Zakariyā ibn Ādam from Qum, who was a trusted follower (*al-maʾmūn ʿalā al-dīn wa-al-dunyā*).[76] When Zakariyā himself expressed a desire to leave his native town because it had become full of insolent fools, ʿAlī al-Riḍā told him to stay because he had to defend the Shīʿah there as his father the Imām Mūsā al-Kāẓim had defended the Shīʿah of Baghdad.[77]

The practice of delegating authority to trusted and loyal disciples was continued by ʿAlī al-Riḍā's successors. Aḥmad ibn Isḥāq ibn Saʿd al-Ashʿarī al-Qummī is reported to have asked the tenth imām ʿAlī al-Naqī: "[As it is not possible for me to reach you every time], whom should I deal with and whose words should I accept?" The imām replied: "Al-ʿAmrī is my confidant (*thiqatī*); whatever he conveys to you from me, it is from me, and whatever he tells you on my behalf, it comes from me. So listen to him carefully and obey

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[72] Ibid., 124. In another tradition Zurārah, Abū Baṣīr al-Murādī, Muḥammad ibn Muslim, and Burayd ibn Muʿāwiyah are singled out for praise. See notes 46 and 47 above; Mufīd, *Ikhtiṣāṣ*, 61.

[73] Kashshī, *Rijāl*, 153.

[74] Ibid., 145.

[75] Ibid., 409, 414, 415.

[76] Ibid., 496; see also Mufīd, *Ikhtiṣāṣ*, 83-84.

[77] Kashshī, *Rijāl*, 496; Kohlberg, "Imam and Community," 38. The growth of local leadership of the *fuqahāʾ* as documented in Kashshī's *Rijāl* is also demonstrated by Sachedina; see "Significance," 190-195.

him...."[78] Similar words were uttered by the eleventh imām Ḥasan al-ʿAskarī when he was asked the same question by Aḥmad ibn Isḥāq.[79]

What kind of authority was enjoyed by these *ʿulamāʾ* and local Shīʿī leaders during the pre-*Ghaybah* period? Was their task restricted to the preservation and transmission of the traditions of the imāms, or did they possess their own authority? Because Imāmī thinking on the subject has changed, it is difficult to give an exact answer to this question. In theory, the situation was clear. As long as the imām lived among his followers and was available to them, he was the ultimate authority for law, doctrine, and practice. When Faḍl ibn Shādhān (d. 260/873) was asked whether he had arrived at the reasons (*ʿilal*) for the performance of various religious duties recorded in a treatise of his through logical reasoning, he replied that he had merely heard them repeatedly from the imām ʿAlī al-Riḍā and had decided to collect or compile them.[80]

On the other hand, numerous traditions prohibiting the use of *qiyās*, *raʾy*, and *ijtihād* (analogical reasoning, opinion, and independent reasoning) suggest that some learned Shīʿīs were inclined to use these methods and that the imāms had some trouble disciplining them. The Imām Mūsā al-Kāẓim had to turn down repeated pleas for permission to use reasoning from Muḥammad al-Ḥakīm.[81] Another disciple, Muḥammad ibn al-Ṭayyār, is reported to have been rebuked by Imām Muḥammad al-Bāqir for using his own arguments while debating with his opponents instead of relying on what the imām had taught him.[82] However, it appears that the use of analytical reasoning by competent scholars was eventually allowed, a significant shift from the earlier position. Attitudes to the appointment of Imāmī judges also underwent a change; in order to avoid bringing legal disputes before a Sunnī judge the faithful were encouraged to bring their cases to a member of the community knowledgeable in Imāmī law (*fiqh*) and tradition (*ḥadīth*) and appoint him as judge and arbiter (with his appointment and decisions to be approved by the imām).[83] The eighth imām ʿAlī al-Riḍā for his part tended to act according to his maxim: "We provide you with the general principles [of religion], and it

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[78] Kulaynī, *Uṣūl*, I, 330; cf. Ṭūsī, *Kitāb al-ghaybah*, 2d ed. (Najaf: Maktabat al-Ṣādiq, 1385/1965), 215. Al-ʿAmrī later became the first *safīr* (representative) of the Hidden Imām during the Lesser Occultation.

[79] Some traditions state that the eleventh imām replied: "Al-ʿAmrī and his son are the two trusted confidants; whatever they convey ... they are my trusted confidants." Kulaynī, *Uṣūl*, I, 330; Ṭūsī, *Ghaybah*, 146-147, 215, 218-219.

[80] The complete treatise is preserved in Ibn Bābawayh's two works *ʿIlal*, 251-275, and *ʿUyūn*, II, 99-121.

[81] Abū Jaʿfar Aḥmad ibn Muḥammad al-Barqī, *al-Maḥāsin*, ed. Jalāl al-Dīn al-Ḥusaynī, 2d ed., 2 vols. (Qum: Ṣafāʾīyah-Baygdilī, 1331 H.Sh./1948), I, 212.

[82] Ibid., 213.

[83] Kulaynī, *Furūʿ*, VII, 450-452; idem *Uṣūl*, I, 67-68. See also Wilferd Madelung, "A treatise of the Sharīf al-Murtaḍā on the legality of working for the government," *Bulletin of the School of Oriental and African Studies* 43 (1980), 18-31.

is for you to elaborate the details."[84] Nevertheless, the imām remained the ultimate legal authority; it is reported that when ʿAlī ibn Abī Ṭālib appointed Shurayḥ as *qāḍī*, he ordered him not to execute any legal decision without first referring it to him.[85]

It appears that every imām had certain trusted disciples charged with specific tasks; these were known as *wukalāʾ* (agents, s. *wakīl*). Abū Jaʿfar Muḥammad ibn al-Ḥasan al-Ṭūsī (d. 460/1067) places the agents in two categories: the praiseworthy who kept the imām's trust; and the blameworthy who betrayed it.[86] The first category begins with Ḥumrān ibn Aʿyan (the brother of Zurārah), a disciple of Muḥammad al-Bāqir. Ṭūsī then lists Mufaḍḍal ibn ʿUmar, Muʿallā ibn Khunays, and Naṣr ibn Qābūs, noting that the latter was Jaʿfar al-Ṣādiq's *wakīl* for twenty years. At times the imām had more than one *wakīl*; ʿAbd al-Raḥmān al-Ḥajjāj was also a *wakīl* of Jaʿfar al-Ṣādiq who died during the time of ʿAlī al-Riḍā. Unfortunately, Ṭūsī does not precisely define the function of a *wakīl*, but it appears from his description that in addition to keeping an account of the money offered to the imām by his followers the *wakīl* exercised authority delegated to him.[87] In a letter written by the tenth imām Abū al-Ḥasan al-ʿAskarī to his followers in Baghdad, Madāʾin, and the region around Kufah he states: "I have appointed Abū ʿAlī ibn Rāshid in place of ʿAlī ibn al-Ḥusayn and those who preceded him as my *wakīl*, and I command you that obedience to him is obedience to me, and disobedience to him is tantamount to revolting against me."[88]

The independence of such local scholars seems to have sometimes gone far beyond the wishes of the imām. The case of Aḥmad ibn Muḥammad al-Ashʿarī, a disciple of the eighth, ninth, and tenth imāms, may be the most dramatic. Ashʿarī was a respected scholar with numerous works to his credit.[89] He served as leader of the community in Qum and used to welcome government officials who visited the city.[90] He also took upon himself the task of deciding the orthodoxy or loyalty of particular individuals; there was urgent need for this because of the constant danger to the mainstream Shīʿī community from dissident groups such as the Wāqifīs and Ghulāt. Dissociation (*barāʾah*) from the community was a prerogative of the imām, but as it was the main weapon available to deal with these groups, Ashʿarī

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[84] "*ʿAlaynā ilqāʾ al-uṣūl, ilaykum wa-ʿalaykum al-tafrīʿ*." Cf. Hossein Modarressi Tabataba'i, *An Introduction to Shīʿī Law* (London: Ithaca Press, 1984), 24.

[85] Kulaynī, *Furūʿ*, VII, 445.

[86] *Ghaybah*, 209ff.

[87] ʿAlī ibn Yaqṭīn (d. 182/798), a dignitary of the Abbasid caliphs Mahdī, Hādī, and Hārūn, also acted as financial agent for Mūsā al-Kāẓim; cf. Madelung, "A treatise of the Sharīf al-Murtaḍā," 18-20, where older sources are cited.

[88] Ṭūsī, *Ghaybah*, 212.

[89] Ṭūsī, *Fihrist*, 47; Najāshī, *Rijāl*, I, 216-218; see also Kohlberg, "Imam and Community," 39.

[90] As Qum grew in importance, the Qummī scholars tended to play down the imām's knowledge and argue that he often had to rely on personal judgement. This attitude of the Qummī scholars was criticized by others as *taqṣīr* (falling short). Mufīd, *Taṣḥīḥ*, 113-114.

assumed it himself. In two cases, those of Abū Sumaynah Muḥammad ibn ʿAlī al-Ṣayrafī[91] and Sahl ibn Ziyād al-Ādamī,[92] he expelled the offenders for extremist views without first consulting the imām, and he forbade anyone to hear or transmit traditions from Sahl. Ashʿarī also expelled Aḥmad ibn Muḥammad al-Barqī (d. 247/887 or 280/893)[93] for transmitting traditions from weak authorities (although he later permitted him to return and apologized).[94] Some agents even misused their authority and betrayed the trust. For example, ʿAlī ibn Abī Ḥamzah al-Baṭāʾinī, Ziyād ibn Marwān al-Qandī, and ʿUthmān ibn ʿĪsā al-Ruwāsī were all Mūsā al-Kāẓim's agents, but after his death they refused to acknowledge ʿAlī al-Riḍā and embezzled the money they were holding.[95]

Nevertheless, historical circumstances ensured that practical authority would be gradually transferred to the learned disciples and that the power of the appointed agents of the imāms, called *wakīl*s, would increase. This process began in the time of the later imāms, including the period of the Lesser Occultation; it occurred largely because the later imāms were not in a position to exercise their authority effectively due to severe restrictions imposed by the Abbasids. Very often they were placed under house arrest or imprisoned, and they had very little contact with their followers. The tenth imām ʿAlī al-Hādī lived under house arrest for twenty years and his son and successor Ḥasan al-ʿAskarī lived in detention all his life in Samarra; they rarely showed themselves to their followers and are said to have sometimes spoken from behind a curtain. As a result the later imāms had a much smaller number of close disciples and instead of direct contact with the imāms one finds written responses to queries sent or smuggled out of their places of confinement. It is worth noting that Kashshī's *Rijāl* ends with the disciples of the eighth imām al-Riḍā and that almost half the work is devoted to the disciples of al-Bāqir and al-Ṣādiq.[96]

In addition, while in the days of Muḥammad al-Bāqir and Jaʿfar al-Ṣādiq Madinah and Kufah had been the only two centers of Shīʿism, by the third/ninth century new communities in Qum, Baghdad, and other places had arisen.[97] Diminishing physical contact between the imāms and their followers thus coincided with both the geographical expansion and increased

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[91] Kashshī, *Rijāl*, 457; Ṭūsī, *Fihrist*, 302-303; Heinz Halm, "Das 'Buch der Schatten': Die Mufaḍḍal-Tradition der Ġulāt und die Ursprung des Nuṣairiertums, *Der Islam* 55 (1978): 241-242.

[92] Kashshī, *Rijāl*, 474; Najāshī, *Rijāl*, I, 417-418; Ṭūsī, *Fihrist*, 164.

[93] Najāshī, *Rijāl*, I, 204-207; Ṭūsī, *Fihrist*, 37-40.

[94] See Kohlberg, "Imam and Community," 39, n. 117, where older sources, not available to me, are cited.

[95] Ṭūsī, *Ghaybah*, 42-43, 213.

[96] Sachedina, "Significance," 204.

[97] Ashʿarī, *Maqālāt*, 64. Towards the end of the third/ninth century Qum had overtaken Kufah as the center of Imāmī scholarship; see Momen, *Introduction*, 78; Kohlberg, "Imam and Community," 37.

membership of proto-Imāmī Shīʿism. This growth of the community and increasing difficulty in communicating with the imām encouraged the emergence of local Shīʿī leadership. The imāms themselves seem to have welcomed this development. Paradoxically, the number of followers who dared to challenge the imām on any issue appears to have gradually declined, perhaps because with the passage of time and acceptance of the doctrine of the imamate the imām's position had become virtually unassailable.

The entire contact of the imāms with their followers was now maintained through the *wakīl*s and the network of these agents, known as the *wikālah*, became responsible for communicating the messages of the imāms and collecting the legal alms offered by the community. The network was in contact with one or two special agents of the imām who were in turn in direct contact with the imām himself. After the death of the eleventh imām Ḥasan al-ʿAskarī (d. 260/873), Abū ʿAmr ʿUthmān ibn Saʿīd al-ʿAmrī who had been financial agent and secretary to the tenth and eleventh imāms claimed that Muḥammad, the son of the deceased imām, had gone into occultation and that he (al-ʿAmrī) was the intermediary (*safīr*) between the Hidden Imām and the community. His son Abū Jaʿfar Muḥammad ibn ʿUthmān (d. ca. 305/917) succeeded him as the second *safīr*. Thus father and son effectively controlled the *wikālah* and the affairs of the community for almost fifty years. Both were scholars; the son is credited with works on *fiqh* which he transmitted from the tenth, eleventh, and twelfth imāms, directly and through his father.[98] The mandate of these two *safīr*s was not, however, limited to providing scholarly answers to queries; they also collected dues paid to the imām by the faithful. The twin functions of administrator and scholar were thus united in the person of the *safīr*, who was superior to other local leaders because he was appointed by the imām and believed to be in direct contact with him.

Thus we see that, paradoxically, the later imāms of the pre-*Ghaybah* period who lived most of their lives under severe restrictions imposed by the Abbasids and whose direct contact with their followers was minimal were actually able to exercise their authority more effectively than their predecessors through the network of *wakīl*s and *safīr*s. This eventually created a situation in which the physical presence of the imām was no longer necessary for the functioning of authority—although his authority would continue to be elaborated in theory.

[98] Ṭūsī, *Ghaybah*, 221; idem, *Fihrist*, 189.

AL-SHARĪF AL-MURTAḌĀ AND THE DEFENSE OF THE IMAMATE

Mehdi Mohaghegh

The two main topics debated in the Islamic community in the centuries following the death of the Prophet were theology, that is *uṣūl al-dīn*, and the imamate.[1] Some of the theological issues argued were the attributes of God, His Justice, the nature of His Speech (*kalām*), and finally, free will (*qaḍāʾ wa-qadar*) or, more properly, the share of humankind in their acts. In the debates which raged around the imamate we can distinguish one central issue: whether the imām was to be appointed through the agreement or "choice" (*ikhtiyār*) of the community, as the Sunnīs held, or "explicitly designated by textual proof" (*manṣūṣ*) and appointed by the Prophet himself, as the Shīʿah believed.[2]

As knowledge in the Islamic world flowered and prospered under the influence of translation into Arabic from Greek, Syriac, and Pahlavi and as Islamic scholars continued to cultivate the Qurʾānic and *ḥadīth* sciences, the scope of such debates widened. Eventually theological controversy led to the formation of distinct schools such as the Ashʿarīs and Muʿtazilīs, while disagreement about the imamate resulted in the formation of the Sunnī and Shīʿī sects, among others. The rift between Sunnī and Shīʿī was eventually also expressed in two distinct styles of argumentation and modes of expression—in fact, in two dissimilar world views. The Sunnīs tended more toward the Ashʿarī school, concentrating like them on the Qurʾān, *ḥadīth*, and other traditional sciences. The Shīʿah, on the other hand, found themselves more compatible with the Muʿtazilah who tended to draw on Greek tradition and enhanced their discourse with a philosophical flavor—so that it came to be said that "there is no Muʿtazilī who does not know philosophy."[3]

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[1] Which is for the Shīʿah, of course, a part of *uṣūl al-dīn*.

[2] Shahrastānī, *al-Milal wa-al-niḥal*, ed. Aḥmad Fahmī Muḥammad, 3 vols. (Cairo: Maktabat al-Ḥusayn al-Tijārīyah, 1368/1948), I, 24.

[3] Abū al-Yusr Muḥammad ibn Muḥammad ibn ʿAbd al-Karīm Bazdawī, *Uṣūl al-dīn*, ed. Hans Peter Linss (Cairo: Dār Iḥyāʾ al-Kutub al-ʿArabīyah, 1383/1963), 240.

The relation between the Shīʿah and Muʿtazilīs is a most interesting one. Muʿtazilī positions were sometimes closer to the Shīʿī side, while the Shīʿah, despite an initial thoroughgoing traditionalism, gravitated from at least the fifth/eleventh century toward Muʿtazilī thought. It may be that the rational world view of the Muʿtazilīs with its corollary of "free will" (*qadar*) appealed to the Shīʿah as a beleaguered minority; or it may be that, largely excluded from Sunnī circles and subject to less control within their own community, Shīʿī scholars found themselves freer to engage in speculation. In any event, it was under the influence of debates with Muʿtazilīs that Shīʿī scholars formulated their distinctive doctrine of the imamate, devising rational proofs and placing Tradition in the framework of those proofs. This paper concentrates on the course of interaction between Imāmī Shīʿīs and Muʿtazilīs and the results of that interaction in the thought of al-Sharīf al-Murtaḍā (d. 436/1044), one of the most prominent theologians (s. *mutakallim*) of the Shīʿah, student of the famous Shaykh al-Mufīd, teacher of the illustrious theologian, traditionist and jurist Ṭūsī, "Shaykh al-Ṭāʾifah," and the head of the Shīʿī community in Baghdad in his time. Murtaḍā's *al-Shāfī fī al-imāmah* ("Decisive Answer to the Question of the Imamate") and indeed his oeuvre in general deserve much more attention than they have received thus far.

The Shīʿah agreed with the Muʿtazilah on many issues; the Sunnīs themselves were very much aware that the two groups concurred on most points of *uṣūl* and that their disputes had mainly to do with the imamate, an area which, in the view of the Sunnīs, belonged to the *furūʿ* (the "branches" or derived principles of religion) rather than to the *uṣūl*.[4] Even in the case of the imamate, while it is true that most Muʿtazilīs explicitly denied the imamate of ʿAlī, a minority held that he had been entitled to the office before any of the Companions of the Prophet.[5] Nevertheless, most Muʿtazilīs sharply disagreed with the Shīʿah on this point, which exposed the Shīʿah to some ridicule for their Muʿtazilī leanings.[6]

The *Fihrist* of Ibn Nadīm lists works on the imamate both from Muʿtazilī scholars such as Bishr ibn al-Muʿtamir and Ḍirār ibn ʿAmr[7] and prominent Shīʿīs such as Hishām ibn al-Ḥakam and Muḥammad ibn al-Nuʿmān.[8] It appears that Shīʿī authors were compelled to produce their own writings in order to counter the arguments of their opponents and establish Shīʿī beliefs.

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[4] See Jalāl al-Dīn [Muḥammad ibn Asad] al-Dawwānī, *Sharḥ al-ʿAqāʾid al-ʿAḍudīyah* (Istanbul: Matbaat Arif Afandi, 1313/1896), 7.

[5] Jāḥiẓ, *al-ʿUthmānīyah*, ed. ʿAbd al-Salām Muḥammad Hārūn (Cairo: Dār al-Kitāb al-ʿArabī, 1374/1955), 11, 12, 13.

[6] Baghdādī, *al-Farq bayn al-firaq*, ed. Muḥammad Muḥyi al-Dīn ʿAbd al-Ḥamīd (Cairo: Maktabat Muḥammad ʿAlī Ṣubayḥ, n.d.), 164.

[7] Muḥammad ibn Isḥāq Ibn al-Nadīm, *The Fihrist of Ibn Nadim*, tr. and ed. Bayard Dodge, 2 vols. (New York: Columbia University Press, 1970), 381 and 417.

[8] Ibid., 437 and 438. (Referred to here by Ibn Nadīm by the name his opponents gave him, "Shayṭān al-Ṭāq," the "Satan of the Arch" [as a place of disputation in the mosque]; while his co-religionists called him "Muʾmin al-Ṭāq," the Believer of the Arch.

For instance, the Shīʿī theologian Abū ʿAbd Allāh ibn Malik al-Iṣfahānī wrote a book on the imamate following his debates with the celebrated Basran Muʿtazilī Abū ʿAlī al-Jubbāʾī (d. 303/915-16) which refutes Jubbāʾī's arguments in detail.[9] This continual exchange between the two camps sometimes led to scholars refuting each other repeatedly. One example is the case of the Shīʿī theologian Abū Jaʿfar ibn Qubbah al-Rāzī and the Muʿtazilī Abū al-Qāsim Kaʿbī al-Balkhī. Abū al-Ḥasan Sūsangirdī recalls how he made a pilgrimage to the tomb of the eighth imām Riḍā in Ṭūs and then proceded to Balkh to see the Muʿtazilī. "I showed him Ibn Qubbah's *al-Inṣāf fī al-imāmah* ("Just Statement concerning the Imamate") and he soon produced another, the *al-Mustarshid fī al-imāmah* ("The Source of Guidance for the Imamate") to refute it. I subsequently brought Balkhī's work to Ibn Qubbah in Rayy and he wrote another entitled *al-Mustathbit fī al-imāmah* ("Firm Proof of the Imamate"). When I returned again to Rayy [with Balkhī's reply], Ibn Qubbah had died."[10]

The Muʿtazilī thinker most interested in the problem of the imamate was the famous littérateur and satirist al-Jāḥiẓ (d. 255/ 868 or 869). In his books and epistles, most notably the famous *ʿUthmānīyah*, he counters Shīʿī positions in great detail. The Shīʿah are also taken to task in his *Faḍīlat al-Muʿtazilah* ("The Excellence of the Muʿtazilah"). This particular work in turn provoked Ibn al-Rāwandī, a former Muʿtazilī who had gone over to Shīʿism, to compose a book in defense of the imamate which he called *Faḍīḥat al-Muʿtazilah* ("The Infamy of the Muʿtazilah"). Unfortunately, neither of these works is extant. However, Abū al-Ḥasan al-Khayyāṭ (d. ca 300/913), the most prominent representative of the Baghdadi school of Mutazilism of his time, refuted Ibn al-Rāwandī and defended Jāḥiẓ in a work called *al-Instiṣār* ("Victory"). From Khayyāṭ's work one can reconstruct the outlines of the debate between Ibn al-Rāwandī and Jāḥiẓ. According to Ibn al-Rāwandī, Jāḥiẓ mixes true and false statements and attributes them all together to the Shīʿah, thereby defaming not only Shīʿism but Islam in general.[11] Ibn al-Rāwandī also complains that the writings of Muʿtazilīs like Jāḥiẓ have left a negative impression on the popular mind and resulted in persecution. Most significantly, he states that because so few Shīʿīs are versed in their own theology, many outrageous statements made by Muʿtazilī scholars go unchallenged.[12]

For his part, Khayyāṭ claims that Ibn al-Rāwandī had stated that both the Muhājirūn and Anṣār deliberately disobeyed the Prophet in the matter of the succession. He characterizes Ibn al-Rāwandī's assertion that the Prophet had appointed a specific successor to the exclusion of any other and that all the Muslims except five or six persons subsequently disobeyed the explicit wishes

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[9] Ibid., 442. The theologian is called in this translation "ibn Mumlak."

[10] Najāshī, *Kitāb al-rijāl* (Tehran: Markaz-i Nashr-i Kitāb, n.d.), 191.

[11] ʿAbd al-Raḥīm ibn Muḥammad al-Khayyāṭ, *al-Intiṣār wa-al-radd ʿalā Ibn al-Rāwandī al-mulḥid*, ed. & tr. Albert Nader (Beirut: al-Maṭbaʿah al-Kāthūlīkīyah, 1957), 78.

[12] Ibid., 13.

of the Prophet and conspired to depose his chosen successor a libel of both groups.[13] Ibn al-Rāwandī, according to Khayyāṭ, also claimed that the Muslims had pledged allegiance (*bayʿah*) to Abū Bakr after the death of the Prophet because there were numerous persons among them who were secretly unbelievers and who hated ʿAlī because he had killed their relatives and friends in the battles fought to establish Islam.[14]

Ibn al-Rāwandī, as already mentioned, had been once himself a prominent Muʿtazilī theologian. The Muʿtazilīs detested him for his betrayal, even going so far as to claim that he had written his book on the imamate for the sum of thirty dinars.[15] This much at least is certain: his mastery of *kalām* put the Shīʿah on firm ground against their Muʿtazilī opponents for the first time.

The Muʿtazilīs did not recover until ʿAbd al-Jabbār al-Hamadānī, al-Qāḍī ʿAbd al-Jabbār, the most outstanding theologian of the later Muʿtazilīs (d. 415/1025) devoted part of his encyclopedia of *kalām*, *al-Mughnī fī abwāb al-tawḥīd wa-al-ʿadl* ("A Complete Account of Monotheism and the Justice of God"), to the imamate in order to reinforce the arguments of earlier thinkers such as Jāḥiẓ and Jubbāʾī. The Qāḍī's great work quickly gained fame; the blind Arab poet and sceptic Abū al-ʿAlāʾ al-Maʿarrī (d. 449/1058) even mentions it in one of his odes.[16] The twentieth and last part of the *Mughnī* analyzes the problem of the imamate in great detail. The author sets out Imāmī arguments (which he calls *shubuhāt* or "doubts") relevant to each point of controversy and then provides an answer. The wide range of ʿAbd al-Jabbār's discussion and his abundance of proofs prompted later Sunnī theologians to confine themselves to arguing only the outlines of their case, relying on ʿAbd al-Jabbār for the finer points. When the Ashʿarī theologian and jurist Juwaynī, Imām al-Ḥaramayn (d. 178/1085) states that "the Qāḍī and others of our forbears have written extensively on the imamate such that anyone enquiring into the matter will be satisfied," he likely refers to the section on the imamate in the *Mughnī*.[17]

ʿAbd al-Jabbār begins by treating the necessity of the imamate, which he considers to be proved by reason (*ʿaql*) rather than revelation and Tradition (*samʿ*). The textual proofs (*naṣṣ*) found in the Qurʾān are, according to the Qāḍī, established by both reason and revelation. As for the crucial question of the most suitable candidate for imām, ʿAbd al-Jabbār believes that the imām should be just (*ʿādil*); there cannot be an "iniquitous imamate" (*imāmah fāsiqah*). He then turns to the imamates of Abū Bakr, ʿUmar, and ʿUthmān,

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[13] Ibid., 12.

[14] Ibid., 75.

[15] Aḥmad ibn Yaḥyā Ibn al-Murtaḍā, *Ṭabaqāt al-Muʿtazilah/ Die Klassen der Mutaziliten von ...*, ed. Susanna Diwald-Wilzer (Beirut: Imprimerie catholique, 1961), 92.

[16] Abū al-ʿAlā, *Luzūm mā lā yalzam*, ed. Ibrāhīm al-Ibyārī (Cairo: Maṭbaʿat Wizārat al-Tarbiyah wa-al-Taʿlīm, 1378/1959), 116 (cited in preface).

[17] ʿAbd al-Malik ibn ʿAbd Allāh, *al-Irshād ilā qawāṭiʿ al-adillah fī uṣūl al-iʿtiqād*, ed. Muḥammad Yūsuf Mūsā and ʿAlī ʿAbd al-Munʿim ʿAbd al-Ḥamīd (Cairo: Maṭbaʿat al-Khānjī, 1369/1950), 410.

recounting the accusations directed at each caliph and refuting them. Other subjects covered in the *Mughnī* are the views of the Khārijīs, extreme Shīʿah (*ghulāt*), and the Zaydīs, as well as the events of ʿAlī's imamate and those of his sons Ḥasan and Ḥusayn. Many historical events and doctrinal problems are touched on in the course of these discussions.

In most cases ʿAbd al-Jabbār relates from his "masters," that is from his Muʿtazilī forbears, for instance al-Jāḥiẓ, Abū ʿAlī al-Jubbāʾī, his son Abū Hāshim al-Jubbāʾī (d. 321/933), and Abū al-Qāsim al-Balkhī. For his account of the doctrines of the Shīʿī sects he relies on the Shīʿī-Muʿtazilī heresiographer Abū Muḥammad al-Ḥasan ibn Mūsā al-Nawbakhtī (d. between 300 and 312/ 912 and 922).

That ʿAbd al-Jabbār's discussion of the imamate in the *Mughnī* was a great blow to the Shīʿah cannot be denied. They hastened to defend themselves. One treatise refuting ʿAbd al-Jabbār was composed by Muḥammad ibn Aḥmad ibn ʿAlī ibn al-Walīd, a Zaydī theologian. The work is entitled "*al-Jawāb al-ḥāsim al-manfī li-shubh al-Mughnī*" (Decisive Reply Negating the 'Doubt' of al-Mughnī), and concentrates mainly on the Qāḍī's criticisms of the Zaydīs. The most important refutation by the Twelvers was written by al-Sharīf al-Murtaḍā, the subject of this essay. Known also as Sayyid al-Murtaḍā and as ʿAlam al-Hudā ("Banner of Guidance"), he was born in 355/966 in Baghdad. He studied poetry, belles lettres, and rhetoric with Abū ʿAbd Allāh al-Marzubānī and law, theology, and Qurʾānic exegesis with the great Shaykh Mufīd himself. He came to be regarded as one of the founders of Shīʿī *kalām* and jurisprudence (*uṣūl al-fiqh*). In fact, ʿAlam al-Hudā and his brother Riḍā were two of the luminaries of Shīʿism; Abū al-ʿAlāʾ declares in an elegy written in honour of their father:

> You have gone, but left for us two shining stars
> Who divide between them glory and greatness.[18]

Sayyid Murtaḍā left many valuable writings behind. One of the most important of these is his defense of the Shīʿī doctrine of the imamate, *al-Shāfī fī al-imāmah* ("Decisive Reply Concerning the Imamate"). He begins by stating that the book was composed at the request of someone who had read ʿAbd al-Jabbār's chapter in the *Mughnī*; he then takes up the Qāḍī's arguments and counters them one by one.

Sayyid Murtaḍā's contribution is to strengthen Shīʿī positions on the imamate using philosophical arguments, rather than relying primarily on Tradition as had his predecessors. The two chief arguments he constructs in this way are first, the necessity of an imām, and second, that the imām must be infallible and superior to all others living in his time. He does not, however, entirely neglect Tradition; in fact, he begins by re-examining the traditional proofs. Using historical evidence, he arrives at the conclusion that the criteria

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[18] Cited in *Taʾrīf al-qudamāʾ bi-Abī al-ʿAlāʾ*, ed. Ṭāhā Ḥusayn (Cairo: al-Dār al-Qawmīyah lil-Ṭibāʿah wa-al-Nashr, 1384/1965).

for the imamate are found in the person of ʿAlī ibn ʿAbī Ṭālib. He adduces the Prophet's support for ʿAlī by presenting various *ḥadīth*s, including the well-known report in which the Prophet is said to have declared, "ʿAlī is the Master of whomever I was Master," as well as other famous reports of the Prophet's words addressed to ʿAlī such as: "You are my brother in this world and the next," and "Your rank in relation to myself is like the rank of Aaron in relation to Moses."[19] He performs an exhaustive analysis of the texts of these *ḥadīth*s, paying attention not only to terms and expressions but carefully establishing denotations and connotations. He also cites syntactic evidence and examples of usage. All this is intended to prove that none of the Prophet's Companions possessed the qualifications that ʿAlī did, and that the Prophet did in fact communicate this to the people in several ways.

Murtaḍā acknowledges that ʿAbd al-Jabbār has done his utmost to formulate "doubts" about the imamate, going far beyond the efforts of his teachers. He objects, however, that the Qāḍī attacks many so-called beliefs of the Shīʿah which Imāmī Shīʿah never professed. For example, according to Murtaḍa the Qāḍī asserts that the Shīʿah believe that the knowledge (*ʿilm*) and impeccability (*ʿiṣmah*) of the imāms are greater than those of the prophets—whereas, he counters, whenever the impeccability, knowledge or other perfect virtues of the imāms are mentioned, the Prophet is taken as the measure.[20] The Qāḍī was most likely aware of the group of proto-Imāmīyah of more moderate belief who had emerged by his time; but as is natural for a polemicist, he attacked at the weakest point—in this case, the obscure and perhaps falsely-attributed tenets of the *Ghulāt*.

Sharīf Murtaḍā then proceeds to construct proofs for the imamate through reason; this is where the main burden of his argument in the *Shāfī* falls, thus he essentially follows the Qāḍī ʿAbd al-Jabbār's method. He declares that since disorder, distress, and misery inevitably overtake societies which lack a ruler to whom they may turn to regulate their affairs, imamate (by which he means leadership in general) is a "grace" (*luṭf*) from God through which social peace is established.[21] "Government and religion," he declares, "are twins. One cannot flourish without the other, for they are like body and soul: soul does not live without body, and body without soul is of no use whatsoever."[22] Murtaḍā's assertion that the imamate is divine *luṭf* is purely Muʿtazilī, for the Muʿtazilīs believed that, God being necessarily Just, to do the best for His creation (that is to confer *luṭf*) is actually obligatory (*wājib*) upon Him. A statement quoted from Ardashīr ibn Bābak, on the other hand, implies specifically religious leadership, that is the leadership of the imāms. Elsewhere in the *Shāfī*, Murtaḍā proposes that the mass of the people are deficient in both knowledge and deed,

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[19] ʿAlī ibn al-Ḥusayn al-Mūsawī, al-Sharīf al-Murtaḍā, *al-Shāfī fī al-imāmah*, ed. al-Sayyid ʿAbd al-Zahrā' al-Ḥusaynī al-Khaṭīb, 4 vols. (Tehran: Mu'assasah-i Ṣādiq, 1410/1989 or 1990), II, 290; III, 12, 81.

[20] *Shāfī*, I, 40.

[21] Ibid., 47.

[22] Ibid., 61.

as well as subject to carelessness and forgetfulness. Thus there must necessarily be (again, assuming that God must do the best for His creatures) someone free of these deficiencies who can aid people by correcting them in their personal and social life; where there is not such a person, there is bound to be iniquity, oppression, and general decline.[23] According to Murtaḍā, as long as God lays religious obligation (*taklīf*) upon humankind and humankind is imperfect, reason dictates that there must necessarily be an imām entirely free of defects appointed to rule.[24] For if religious obligation were present but *luṭf* absent, then God would have willed man's obedience on the one hand, but left him without guidance and entirely free to sin on the other.[25] Thus for Murtaḍā the imamate is, essentially, the instrument of God's *luṭf*.

This part of his argument is distinctively Shīʿī, since in the Shīʿī view the most perfect and knowledgeable human being is, of course, the imām. The Muʿtazilī argument that the appointment of a ruler is God's necessary *luṭf* has the eminently practical aim of legitimating authority. Murtaḍā's additional argument that such authority must be faultless is, however, purely ideal—although perhaps an inevitable result of the logic of *luṭf* if rigorously applied, for which reason certain Muʿtazilīs also did not consent to the rule of an "inferior" (*mafḍūl*) imām. This idealism was facilitated by the absence of the Shīʿī imām.

Concerning the virtues requisite for the imām, constant debate between the Muʿtazilah and Shīʿah eventually drew the Muʿtazilīs closer to Shīʿī views. Even though the Muʿtazilīs never accepted the Shīʿī thesis of a superior (*afḍal*), supremely knowledgeable (*aʿlam*), and inerrant (*maʿṣūm*) imām, they did agree that an oppressive (*ẓālim, jāʾir*), iniquitous imām was not fit for the office. They agreed that the imām must be both just and pious. An amusing story told by Abū al-Yusr Muḥammad ibn Muḥammad al-Bazdawī (d. 493/1099 or 1100) in his *Uṣūl al-dīn* illustrates this conviction of the Muʿtazilīs:

> Near the end of the Samanid period the Qadarīs[26] and Muʿtazilīs gained the upper hand in Bukhara. Even the vizier was sympathetic to them, and the Sunnīs were extremely upset. The amir had in his employ a certain Sunnī tutor who said to him one day: "These people do not recognize you as amir and sultan." "How is this so?" asked the amir. "Tomorrow you shall see," replied the tutor. The next day he gathered the Sunnīs in the palace and had the amir sit behind a curtain. He proceeded to ask them: "If a prince should fornicate, oppress the people, drink wine and sodomize young boys, knowing full well

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[23] Ibid., 167.
[24] Ibid., 149.
[25] Ibid., 67.
[26] That is, the proponents of free will: those who held that humans have a share in their own acts.

> that these things are forbidden, should he be deposed?" Those gathered readily replied: "No; rather the prince should repent of his sins." The tutor then brought the leaders of the Qadarī-Muʿtazilī faction and said to them: "A certain prince has unjustly seized the people's wealth, drunk wine, and sodomized young boys; should he be deposed?" All those present agreed that such a prince was to be deposed. The tutor now turned to the amir and declared: "These people are of the opinion that you should be deposed; they do not accept your authority...."[27]

Sayyid Murtaḍā also argues that it is necessary that there be imāms to succeed the Prophet because not everything contained in the divine law (*sharīʿah*) is supported by "decisive proof" (*dalīl qāṭiʿ*) found in the Qurʾān, by traditions resting on at least several uninterrupted transmissions (*mutawātir*), or consensus (*ijmāʿ*). When we see that human beings charged by God with the fulfilment of religious duties (s. *mukallaf*) are sometimes unable to find such proof for an injunction (*ḥukm*) and we recall that supposition (*ẓann*) is not useful for determination of the *sharīʿah*—and indeed, for religious affairs in general—we realize that there must be a person existing whose knowledge (*ʿilm*) is that of the Prophet and to whom the servant may refer in cases of supposition and doubt in order to secure certainty (*qaṭʿ, yaqīn*). That person is the imām, who has been appointed to this function by the Prophet.[28] In answer to those who would assert that the Qurʾān is sufficient for understanding of the *sharīʿah*, or that in those instances in which the Qurʾān is not sufficient, the *sunnah* suffices and there is thus no need of an imām to clarify the Word of God, Sayyid Murtaḍā points to the *mutashābihāt* (obscure verses) in the Qurʾān whose true meaning cannot be discerned. In many cases, he points out, such *mutashābihāt* are not clarified by the *sunnah*. In such instances we must depend on the words of the *imām* which he receives from the Prophet along with his appointment (*naṣṣ*); the pronouncements of the imām are neither obscure nor ambiguous. Thus the word of the imām is indispensable—it is a "necessity" (*ḍarūrah*)—and it yields certainty of the commands of God.[29]

Sayyid Murtaḍā's *Shāfī* became so popular that many Shīʿī scholars produced synopses for the use of both students and laymen. Shaykh Ṭūsī (d. 460/1067) was one of those who undertook this task; the result was *Talkhīṣ al-Shāfī*, the "summary" of *al-Shāfī*. The *Talkhīṣ* includes the following assessment of *al-Shāfī* and its author:

> I perceived that Sharīf Murtaḍā had touched on all the important points having to do with the imamate and that the proofs he had relied on were sound. The book is ambitious in its plan and extremely successful; everyone who has written on the subject afterward has relied on him. Both long-standing and

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[27] Bazdawī, *Uṣūl*, 191.
[28] Ibid., 168.
[29] Ibid., 305.

> recent objections raised by opponents [of the Shīʿah] are met by the book and their weaknesses demonstrated. However, the author does not follow the usualmethod of criticizing the theses of one's opponents, organizing the discussion by presenting proofs separately and dealing with objections one by one. The book can be used only by very learned persons ... Since some of my co-religionists have desired that I produce a summary and do away with repetitive passages, I have determined to do so. I have begun by demonstrating exactly how people have disagreed concerning the imamate and in a few instances I have presented arguments additional to those in the original work.[30]

Through the *Talkhīṣ*, al-Sharīf al-Murtaḍā's construction of the imamate continues to be studied, discussed, and elaborated in the academies today.

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[30] Abū Jaʿfar Muḥammad ibn al-Ḥusayn al-Ṭūsī, *Talkhīṣ al-Shāfī*, ed. al-Sayyid Ḥusayn Baḥr al-ʿUlūm, 4 vols. (Najaf: n.p. 1394/1974), I, 1.

THE SHĪʿITE ARGUMENT FOR THE NECESSITY OF AN INERRANT IMĀM

Ayatollah Muhammad Taqi Misbah-Yazdi

Muslims are generally agreed on the basic principles of their beliefs. They concur, for instance, on ethics and legal rules—including ritual, civil (*madanī*), and juristic (*ḥuqūqī*) law—as well as judicial (*qaḍā'ī*), penal (*jazā'ī*), and administrative (*siyāsī*) precepts, among other things. Nevertheless, a number of differences do exist in the community over certain details of the creed and the law, and the various sects and schools of thought are distinguished from each other on this basis. Such disagreements revolve mainly around two things: beliefs connected with theology (*kalām*); and matters having to do with the rules (in a general sense) of jurisprudence.[1] An outstanding example of the first type of disagreement is the dispute between the Ashʿarīs and Muʿtazilīs, while the existence of the four Sunnī schools of law illustrates the second. In the case of Shīʿīs and Sunnīs the basic disagreement is over the status of the cousin and son-in-law of the Prophet, ʿAlī ibn Abī Ṭālib, whom the Shīʿah regard as the successor of the Prophet but Sunnīs consider to be merely the fourth caliph. The Imāmī school is in fact distinguished from its Sunnī counterpart by this belief. The Shīʿah believe in the imamate of the twelve imāms, based on their *ʿiṣmah* (inerrancy or protection from sin), their divinely-conferred knowledge (*ʿilm*), and divine appointment (*naṣṣ*)

Here we must ask ourselves: is this simply a legal difference? Is it at heart a political disagreement, in the nature of a struggle between two political parties contesting an election with different candidates? Or does the difference spring from the creed and theology of the two schools, with the associated legal (*fiqh*) differences of only secondary importance? From the point of view of the Shīʿah at least, the difference between themselves and the Sunnīs is rooted in creed and theology, and the legal and political dimensions are secondary. Or to put it another way: the Shīʿī system of belief consists of a

[1] That is the principles of jurisprudence: the methods of deriving the law—ed.

series of interconnected doctrines forming a coherent whole; the imamate is one of these doctrines, and without it the order and integrity of the system is lost. In order to understand this statement it is necessary to provide the reader with an overview of the Shīʿī belief-system. This will serve to clarify the place of the imamate within that system and to explain the peculiar Shīʿī concern for the imamate and insistence on its necessity.

The first link in the belief-system of Islam is faith in One God, followed by belief in His essential (*dhātīyah*) and effective (*fiʿlīyah*) attributes.[2] According to Islam, just as God is Creator of all existent phenomena, so is He also their ruler. No creature stands outside His creatorship and lordship (*rubūbīyah*) Moreover, God creates nothing in vain; all is created according to His wise plan. Everything possessing length and breadth and existing in time is part of one, harmonious order and is governed by laws established according to the Divine Wisdom.

Humankind is but one of this infinite number of created beings; we are, however, distinguished from all others by consciousness (*shuʿūr*), will (*irādah*), and choice (*ikhtiyār*).[3] Thus we have a dual destiny—either eternal happiness or eternal misery. In this wise we have a special "lordship" (*rubūbīyah*) additional to that owned by other existents not possessed of choice. This may be called "legislative" (*tashrīʿī*) lordship. What the divine universal lordship means in relation to humankind is that God provides the *means* for voluntary action, including the ability to distinguish an intent or goal and the way to reach it; this is what makes conscious choice possible. Thus in His Wisdom He also compensates for any deficiencies in our senses and intellect through revelation. Here the necessity for revelation and prophethood becomes clear. For if God had left humanity to its own devices and not showed them the way to eternal bliss through the prophets, He would be like a host who invites a guest without providing him with an address!

However, with the passage of time and under the influence of various factors the teachings of the prophets underwent changes and distortions (*taḥrīfāt*). Whether intentional or not, this distortion reached a point where the guidance contained in the original message was lost. Consequently, the need arose for another prophet to bring the teaching of the past to life again and either add new teachings or, where necessary, replace ones already established.

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[2] Or "attributes of essence" and "attributes of act." The essential attributes are those which are always and necessarily true of God—for instance, God is always and necessarily All-Knowing. The effective attributes are those which are true of God while they are actualized by His act—for instance, God is He who makes live (but He may also be, at another moment, He who makes to die). See Shaykh Mufīd, *Taṣḥiḥ al-iʿtiqād* (also known as *Sharḥ ʿaqāʾid al-Ṣadūq*), pub. with *Awāʾil al-maqālāt*, ed. al-Shaykh Faḍl Allāh, Shaykh al-Islam al-Zanjānī & ʿAbbāsqulī Vajdī, Vāʿiẓ Charandābī, 2d ed. (Tabriz: n.p., 1371/1951-52), 185-186.

[3] The Shīʿah believe that humankind is possessed of free will—or perhaps more precisely, that they have a share in their acts. The author goes on to balance this assertion (below) by stating that "God provides the means" for this voluntary action—ed.

Should we expect this process of decline and renewal to continue to the end of time? Or is it possible that there be a complete and perfect law (*sharīʿah*) which is preserved from distortion, and that there is therefore no need for another prophet? Islam answers that the latter is the case, and Muslims affirm that Islam is the last divine law. The Muslim community believes that the Prophet Muḥammad is the last prophet and that the Noble Qurʾān, the original source of the law, has reached us sound and uncorrupted and shall remain ever so.[4]

At the same time, however, the Qurʾān does not set out all the teachings needed by humankind in detail sufficient for the conduct of daily life. This task was left to the Prophet, as the Qurʾān says: "We have revealed unto you the Remembrance so that you may explain to the people that which has been revealed for them (16:44)." Thus the *sunnah* was established as the second source of Islamic knowledge. The *sunnah*, however, is not preserved from distortion in the way the Qurʾān is. It has suffered some damage and a certain amount of extraneous material has been introduced into it; in fact, the Prophet himself predicted that people would falsely attribute sayings to him and relate them on his authority. In addition, the rush of events both before and after the migration of the Prophet from Makkah to Madinah obviously could not have allowed him to make adequate preparation to completely preserve it from future distortion. As a result, not all the laws of Islam can be determined relying only on the evidence of the *sunnah*.

Given these circumstances, what plan did divine providence devise after the death of the Prophet to continue to secure for the human race all the guidance it needs? It is precisely here that we find a missing link in the reasoning and belief-system of the Sunnīs. In Shīʿism the link is provided by the imamate, and it is firm and clear. According to the Shīʿah, elucidation of the precepts and laws of Islam and exegesis of both the "general" passages (*mujmalāt*) and "multivalent" passages (*mutashābihāt*)[5] of the Noble Qurʾān are entrusted after the death of the Prophet to those persons who possess both divinely-conferred knowledge and immunity from sin and error (*ʿiṣmah*), and who enjoy all the qualities and privileges of the most noble Prophet excepting revelation and prophethood itself. These privileges include sovereignty (*wilāyah*) and government (*ḥukūmah*). In other words, divine creative lordship (*rubūbīyah takwīnīyah ilāhīyah*) demands that such persons exist in the

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[4] The author here implicitly refutes the charge that Shīʿīs believe that the Qurʾān has been distorted in order to conceal passages that would have confirmed the claims of ʿAlī. That there has been no distortion (*taḥrīf*) of the Qurʾān is overwhelmingly the dominant view among Shīʿīs today, to the extent that the claim that the Shīʿah ever professed distortion is derided as calumny. The "distortion" referred to earlier in the essay is the gradual corruption and loss of the meaning of earlier scriptures such as the Torah and Gospel; after each fresh message was revealed, the cycle began anew—ed.

[5] That is passages which are not clearly intelligible either because their detailed application is not explicitly given, or because their rhetorical construction makes them susceptible of more than one interpretation—ed.

community, while the responsibility of divine legislative lordship requires that they be obeyed.

Thus in reality the institution of the imamate necessarily follows from the fact of revelation, and the Family of the Prophet, that is the imāms, continued the Prophet's duties. Indeed, in order to understand the importance of the imamate and the status of the imāms one need only refer to the well-attested (*mutawātir*) tradition in which the Prophet describes his Family as a "precious legacy" equal in weight to the Qurʾān: "Behold, I leave for you two weights: the Book of God and my Family." The imāms—without, of course, having prophethood conferred upon them—preserved the Prophet's heritage and elucidated it for the benefit of future generations. They were also appointed by God Himself to rule Islamic society. This holds true even though they were actually able to rule only a short time—it should not be forgotten that only some of the prophets themselves ruled over their people, and also for limited periods of time.

Thus we see that the question of the imamate belongs to the realm of theology and should be treated as an article of the creed. Neither is it to be regarded as belonging to the sphere of law, nor to the sphere of politics and mere history.

ISLAMIC JURIDICAL HIERARCHIES AND THE OFFICE OF MARJIʿ AL-TAQLĪDⁱ

Devin J. Stewart

It is commonly supposed that Islam, stressing the individual responsibility of the believer as it does, is an egalitarian religion and should therefore shun the location of religious authority in any exclusive social group. From a perspective shaped by modern democratic and/or Protestant Christian ideals, this constitutes one of the most appealing aspects of Islam. Consequently, manifestations of rigid religious authority in Islamic societies are seen by many students of Islam—and many Muslims as well—as both undesirable and unauthentic. Statements that there is no clergy or ecclesiastical hierarchy in Islam are commonplace.[2] Burton voices in extreme form this view of Islam's anti-authoritarian nature which continues to color much Western scholarship: "[E]very father in Al-Islam was made priest and pontiff in his own home, able unaided to marry himself, to circumcise (to baptize as it were) his children, to instruct them in the law and canonically to bury himself."[3]

Reacting to Shīʿī views of the imamate, scholars have seen Shīʿism as the embodiment of an authoritarian system and therefore a fundamental aberration from authentic Islam. As Goldziher sums up, "Thus if we wish to characterize in brief the essential difference between Sunnī and Shīʿī Islam, we may say that the former is based on the *ijmāʿ* and the latter on the authoritarian principle."[4] *Ijmāʿ*, "consensus," understood here as a quasi-democratic principle roughly comparable to popular or majority opinion, is supposed to

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[1] Author's note: The author would like to thank the participants in the conference for their comments and suggestions, a number of which have been incorporated in the essay. The views expressed and any errors contained therein are the sole responsibility of the author. This research was supported in part by the University Research Committee of Emory University.

[2] See e.g., George Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West* (Edinburgh: Edinburgh University Press, 1981), 271, 282.

[3] Richard Burton, "Terminal Essay," *The Thousand and One Nights* (Benares, n.d.), 181-182.

[4] Ignaz Goldziher, *Introduction to Islamic Theology and Law*, trans. Andras and Ruth Hamori (Princeton: Princeton University Press, 1980), 191.

characterize Islam in general, and the Shīʿīs, by locating authority in the imām, have violated that principle and forsaken the very basis of the religion. Fazlur Rahman claims, in an accusatory tone, "[T]he Shīʿa have, over the centuries, evolved a doctrine of Divine Right (both with regard to religion and political life) that is irreconcilable with the very spirit of *Ijmāʿ*."[5] Recent scholarship on both Sunnī and Twelver Shīʿī Islamic law seems only to confirm the contrast between "authoritarian" Shīʿism and "egalitarian" Sunnism. George Makdisi characterizes the classical Sunnī legal system as fundamentally individualistic and calls attention to the freedom and independence of both the layman and the jurist.[6] He contrasts the individualism of Sunnī Islam with the hierarchical features of Shīʿism as well as Judaism and Christianity:

> In contrast with Shiʿite Islam, with Judaism, and with Christianity, the religious system of Sunni Islam was characterized by a high degree of individualism. Sunni Islam had no ecclesiastical hierarchy to determine its orthodoxy. Unlike Christianity, it had no councils or synods. Unlike Judaism, it had no Gaon who ranked as the highest authority. Unlike Shiʿism, it did not refer back to the authority of an Imam.[7]

According to Makdisi's assessment, the Sunnī petitioner for a legal opinion (*mustaftī*) may adopt the opinion of any qualified jurist he chooses; he has complete freedom in this regard. In the eyes of the layman, therefore, all jurists are equal and no particular jurist has more pressing claim on his attention than any other. Furthermore, the emphasis on the jurist's individual effort in arriving at an opinion (*ijtihād*) seems to exclude any possibility of hierarchy, for no other jurist can interfere with this process.

In contrast, there is abundant evidence in modern Twelver Shīʿī legal establishments that a relatively elaborate hierarchy exists, particularly at the major centers of learning in Najaf and Qum, and this evidence is all the more striking because of its immediacy. It is not buried in chronicles and biographical compendia of earlier centuries, but readily observable in the modern history of Iran. Perhaps the most obvious feature of the hierarchy in the modern Shīʿī legal system is the position of *marjiʿ al-taqlīd*, or top legal

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[5] Fazlur Rahman, *Islam*, 2nd ed. (Chicago: University of Chicago Press, 1979), 170.

[6] Makdisi, *The Rise of Colleges*, 2, 199, 277, 281-82; "Institutionalized Learning as a Self-Image of Islam," in *Islam's Understanding of Itself. Eighth Giorgio Levi Della Vida Biennial Conference*, ed. Speros Vryonis Jr. (Los Angeles: University of California Press, 1983), 82-83; "Freedom in Islamic Jurisprudence: *Ijtihād*, *Taqlīd*, and Academic Freedom," in *La Notion de liberté au moyen age: Islam, Byzance, Occident*. The Penn-Paris-Dumbarton Oaks colloquia. IV: Session des 12-15 Octobre 1982, ed. G. Makdisi, Dominique Sourdel, and Janine Sourdel-Thomine (Paris: Les Belles Lettres, 1985), 79-88; "Scholasticism and Humanism in Classical Islam and the Christian West," *Journal of the American Oriental Society* 109(1989): 177; "Magisterium and Academic Freedom in Classical Islam and Medieval Christianity," in *Islamic Law and Jurisprudence: Studies in Honor of Farhat Ziadeh*, ed. Nicholas Heer (Seattle: University of Washington Press, 1990), 117-133; *The Rise of Humanism in Classical Islam and the Christian West with Special Reference to Scholasticism* (Edinburgh: Edinburgh University Press, 1990), 30-31.

[7] Makdisi, "Scholasticism and Humanism," 176.

authority for the Twelver Shīʿī layman, which provides for the concentration of religious authority in the hands of a few chief jurists. Studies on the position *marjiʿ al-taqlīd* have both assumed and emphasized that it is an exclusively Shīʿī phenomenon. Leaving aside the fact that the term "Ayatollah" has become a household word in the United States with strong connotations of power and authority,[8] the existence of this office is taken as yet another proof of the authoritarian bent of the Shīʿīs, and many are inclined to interpret the position of *marjiʿ al-taqlīd* as an inevitable extension of the same authoritarian principle which underlies the Shīʿī view of the imamate.

Recent studies on the position of *marjiʿ al-taqlīd* have generally been undertaken with an explicit concern to explain the historical basis for the Shīʿī legal establishment's political power in modern Iran. In general their theoretical approach has been to look back in history, taking the 1978-79 Islamic revolution as a starting point and then going back through the 1891-92 Tobacco Protest to the Shīʿī legal establishment of nineteenth-century Iraq.[9] The present essay takes a different approach, with somewhat wider scope. It attempts to examine the position of *marjiʿ al-taqlīd* within the general historical frame of juridical hierarchy, an issue which is not limited to Shīʿī Islam of the last one hundred and fifty years but concerns the entire history of Islamic legal establishments, both Sunnī and Shīʿī. The essay by no means intends to provide a comprehensive treatment, but merely presents selected evidence that Islamic juridical hierarchies existed before the modern period and that, at least historically speaking, such hierarchies are not exclusively Shīʿī, alien to Islam, or inconsonant with general Islamic principles.

It is generally accepted that the position of *marjiʿ al-taqlīd* developed in Shīʿism in the mid-thirteenth/nineteenth century with the emergence of either Muḥammad Ḥasan Najafī (d. 1266/1850) or his student Murtaḍā al-Anṣārī (d. 1281/1864) in that position at Najaf in southern Iraq, the foremost center of Shīʿī religious learning at the time.[10] The *marjiʿ al-taqlīd* has a tripartite function: he is a muftī who grants legal opinions, a *mudarris* or professor of law, and a *raʾīs* or head of the legal establishment. The position is based on at least the two following features: that one jurist—or occasionally, several—holds a top position in a recognized hierarchy of legal scholars, and that the layman is enjoined to follow *his* opinions, and not those of other jurists, on the

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[8] One may note here such preposterous turns of phrase as "the Ayatolla of rock and rolla."

[9] See e.g., Juan R. Cole, "Imāmī Jurisprudence and the Role of the ʿUlama: Murtaza Ansari on Emulating the Supreme Exemplar," in *Religion and Politics in Iran: Shiʿism from Quietism to Revolution*, ed. Nikki R. Keddie (New Haven: Yale University Press, 1983), 46.

[10] Denis MacEoin, "Orthodoxy and Heterodoxy in Nineteenth-Century Shīʿism: The Cases of Shaykhism and Babism," *Journal of the American Oriental Society* 110 (1990): 323-329, 326; Ahmed Kazemi Moussavi, "The Establishment of the Position of Marjaʿiyyat-i Taqlid in the Twelver-Shiʿi Community," *Iranian Studies* 18 (1985): 35-51; Abbas Amanat, "In Between the Madrasa and the Marketplace: The Designation of Clerical Leadership in Modern Shiʿism," in *Authority and Political Culture in Shiʿism*, ed. Said Amir Arjomand (Albany: SUNY Press, 1988), 98-132, esp. p. 99; Cole, "Imāmī Jurisprudence," 34, 41.

grounds that he is the most learned jurist available and therefore the most reliable guide for the believer. It is further supposed that this office is unique to Shīʿism and that its emergence as a practical feature of the Shīʿī legal establishment was an innovation supported by a concomitant theoretical discussion in works on jurisprudence. An examination of Islamic history shows, however, that similar statuses, though not designated by the same exact title, existed long before the nineteenth century in both Shīʿī and Sunnī legal establishments, and that the theoretical justifications for such hierarchies also existed in much earlier Islamic legal methodology, both Shīʿī and Sunnī. The advent of the modern Shīʿī position of *marjiʿ al-taqlīd* involves primarily a difference in degree and not a major innovation in the legal system.

Theoretical works on jurisprudence and historical sources concerning the lives and activities of jurists provide abundant evidence of hierarchy within pre-modern Sunnī and Shīʿī legal establishments in various historical periods and regions of the Islamic world. Such hierarchies have often been quite well defined, though their degree of formality has varied widely, and careful reading of the sources can uncover some of the rules and mechanisms by which they functioned. Theoretical indications or justifications of hierarchy appear in most works on legal theory under the rubrics of *ijtihād*, *taqlīd*, or *istiftāʾ*, topics included in nearly all *uṣūl al-fiqh* works since the fourth/tenth century. A particularly important topic discussed in this context is the concept of *aʿlamīyah*, the obligation of the layman to consult not just any qualified jurist but the most learned of those available. This has been recognized as a crucial theoretical basis for the modern Shīʿī office of *marjiʿ al-taqlīd*.

Aʿlamīyah: Consulting the Most Learned Jurist

It has been suggested in scholarship on Shīʿism that one of the main theoretical underpinnings of the Shīʿī position of *marjiʿ al-taqlīd* is *aʿlamīyah*, the doctrine that the layman (*muqallid* or *mustaftī*) must follow the opinions of not just any qualified *mujtahid*, but of the one *mujtahid* recognized as the most learned.[11] Following the death of *marjiʿ al-taqlīd* Ayatollah Burūjirdī in March 1960, uncertainty over the succession to his position led to the publication of a collection of essays concerning the position of *marjiʿ al-taqlīd* by a number of Iranian scholars.[12] Sayyid Abū al-Faḍl Mūsawī Zanjānī, one of the scholars in the group, holds that knowledge (*ʿilm*) is the paramount quality of the *marjiʿ al-taqlīd*, and that "the most learned" (*aʿlam*) scholar has precedence over "the most just" (*aʿdal*).[13] He adds that if there is a difference of opinion between *mujtahid*s, the layman should follow the opinion of the most learned scholar.[14]

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[11] Moussavi, "The Establishment of the Position of Marjaʿiyyat-i Taqlid," 35, 39.

[12] The collection is entitled *Baḥthī dar bārah-yi marjaʿiyat va-rūḥānīyat* (Tehran, 1382/1962). Ann K. S. Lambton, "A Reconsideration of the *Marjaʿ al-Taqlīd* and the Religious Institution," *Studia Islamica* 20 (1964): 115-135.

[13] Ibid., 121-122.

[14] Ibid., 122.

This represents the standard view in modern Shīʿī jurisprudence, but there is some confusion as to when this requirement came to be standard. Sayyid Murtaḍā Jazāʾirī, another author in the same collection, asserts that the requirement of following the opinions of "the most learned" is a relatively recent innovation which has occurred only in the last three or four hundred years, and his colleague Sayyid Maḥmūd Ṭāliqānī agrees that the concentration of authority in a single "most learned" scholar is a comparatively recent development.[15] Ahmed Kazemi Moussavi makes a similar argument in his article on the position of *marjiʿ al-taqlīd*, claiming that the term *aʿlam* was first used in Shīʿī legal scholarship by the sixteenth-century scholar Ḥasan ibn Zayn al-Dīn al-ʿĀmilī (1011/1602) in his *Maʿālim al-dīn*, and that this theoretical principle only became incorporated into the juridical system in the nineteenth century.[16] Abbas Amanat holds that *aʿlamīyah*—superiority in learnedness—became the key prerequisite for *marjiʿīyat-i tāmm* (absolute or sole authority of one *marjiʿ*) and suggests, "The final recognition of *aʿlamīyat* as chief requisite for sole *marjiʿīyah* may have emerged as late as the time of Āqā Ḥusayn Burūjirdī in the late 1950s."[17] Juan Cole cites Anṣārī's Persian legal manual *Ṣirāṭ al-najāt* as requiring the layman to follow the most learned jurist, but does not specify which elements of Anṣārī's arguments, if any, are innovative.[18] Nevertheless, his discussion implies that Anṣārī was the first scholar systematically to provide the theoretical background for the office of *marjiʿ al-taqlīd*; he holds that Anṣārī "was responsible for much of the institutional and ideological elaboration of the role of the supreme exemplar (*marjiʿ-i taqlīd-i aʿlā*)."[19]

The concept of *aʿlamīyah*, however, developed much earlier than the nineteenth century in Shīʿism. Al-Sharīf al-Murtaḍā (d. 436/1044) holds in *al-Dharīʿah ilā uṣūl al-sharīʿah*, one of the earliest extant Shīʿī texts of *uṣūl al-fiqh*, that according to the more reliable opinion the layman must consult the jurist who is most learned (*aʿlam*) and most pious and observant (*awraʿ wa-adyan*).[20] The seventh/thirteenth-century jurist al-Muḥaqqiq al-Ḥillī (d. 676/1276) holds in his *Maʿārij al-uṣūl* that one is free to chose between *mujtahid*s if they are equal in probity (*ʿadālah*) and knowledge (*ʿilm*), but that one is obligated to follow the opinion of the most learned (*aʿlam*) *mujtahid* if they are not equal. One is even obligated to follow the opinion of the most learned *mujtahid* rather than the most just (*aʿdal*).[21] Al-ʿAllāmah al-Ḥillī (d. 726/1325) states that the layman (*muqallid*) should refer to the most

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[15] Ibid., 124-125.

[16] Moussavi, "The Establishment of the Position of Marjaʿiyyat-i Taqlid," 39.

[17] Amanat, "The Madrasa and the Marketplace," 125, n. 4.

[18] Cole, "Imāmī Jurisprudence," 43-44.

[19] Ibid., 46.

[20] al-Sharīf al-Murtaḍā, *al-Dharīʿah ilā uṣūl al-sharīʿah*, 2 vols., ed. Abū al-Qāsim Gurjī (Tehran: Dānishgāh-i Tihrān, 1346 H.Sh./1967-69), II, 317.

[21] Najm al-Dīn al-Ḥillī, *Maʿārij al-uṣūl*, ed. Muḥammad Ḥusayn al-Riḍawī (Qum: Maṭbaʿat Sayyid al-Shuhadāʾ, 1403/1982-83), 201.

learned (*aʿlam*) and most ascetic (*azhad*) jurist.[22] Thus it is clear that the condition of *aʿlamīyah* is not a recent phenomenon which has arisen in the last few centuries in Twelver Shīʿī law, but rather a fairly standard feature of Shīʿī legal theory found regularly in works of jurisprudence from the early fifth/eleventh century until the present.

Furthermore, the condition of *aʿlamīyah* appears not only in Twelver Shīʿī jurisprudence but in Sunnī jurisprudence as well. There has been considerable debate in Sunnī *uṣūl al-fiqh* works between the view that the layman may choose to practice according to the opinion of any qualified jurist and the view that he should follow the opinion of the most learned jurist. The latter opinion has clearly been important for many centuries in the Sunnī legal system, although Makdisi's emphasis on the Sunnī layman's complete freedom implies otherwise. Already by the fourth/tenth century, the prominent Shāfiʿī jurists Abū al-ʿAbbās Aḥmad ibn ʿUmar Ibn Surayj (d. 306/918) and al-Qaffāl al-Shāshī (d. 365/976) hold that the layman should follow the most learned (*aʿlam*) and pious (*awraʿ*) jurist if more than one is available.[23] Āmidī (d. 631/1234) cites Aḥmad Ibn Ḥanbal (d. 241/855), in addition to Ibn Surayj and Qaffāl, as holding this opinion.[24] The early Ḥanbalī ʿUmar ibn al-Ḥusayn al-Khiraqī (d. 334/945) held that when faced with two conflicting opinions, the layman should follow that of the most learned and pious jurist (*al-afḍal fī ʿilmihi wa-dīnih*).[25] In *al-Muʿtamad fī uṣūl al-fiqh*, Abū al-Ḥusayn Muḥammad ibn ʿAlī al-Baṣrī (d. 436/1044) states that if the opinions given by two jurist differ, the layman must follow that of the most learned (*aʿlam*) and most pious (*adyan*) jurist.[26] Al-Khaṭīb al-Baghdādī (d. 463/1071) writes that the layman should consult the most learned (*aʿlam*) and most qualified (*amthal*) jurist when seeking an opinion.[27] Abū Isḥāq al-Isfarāʿinī (d. 418/1027) and ʿAlī ibn Muḥammad al-Kiyā al-Harāsī (d. 504/1110) both held it was necessary to consult the most learned (*aʿlam*) jurist.[28] Ghazālī (d. 505/1111) reports that many legal theorists have considered it an obligation to follow the best (*afḍal*) jurist on the grounds that he is the most learned (*aʿlam*).[29] Ghazālī's own opinion is that between two jurists, the layman should follow the opinion of the best qualified (*afḍal*); he should give precedence to the most learned in law (*afqah*) over the most pious (*awraʿ*); and he is free to choose between them

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[22] Ibn al-Muṭahhar al-Ḥillī, *Tahdhīb al-wuṣūl*, MS British Museum, Or. 4213, fol. 107b.

[23] Abū Isḥāq al-Shīrāzī, *Kitāb al-lumaʿ* (Beirut: Dār al-Nadwah al-Islāmīyah, 1408/1987-88), 121.

[24] Sayf al-Dīn al-Āmidī, *al-Iḥkām ilā uṣūl al-aḥkām*, 4 vols. (Cairo, n.d.), IV, 204.

[25] Muwaffaq al-Dīn ʿAbd Allāh ibn Aḥmad Ibn Qudāmah al-Maqdisī, *Rawḍat al-nāẓir wa-jannat al-munāẓir* (Cairo: al-Maṭbaʿah al-Salafīyah, 1395/1965), 207.

[26] *al-Muʿtamad fī uṣūl al-fiqh*, 2 vols. (Beirut: Dār al-Kutub al-ʿIlmīyah, 1403/1983), II, 364.

[27] al-Khaṭīb al-Baghdādī, *Kitāb al-faqīh wa-al-mutafaqqih*, 2 vols. (Beirut: Dār al-Kutub al-ʿIlmīyah, 1400/1980), II, 177.

[28] Muḥammad ibn ʿAlī al-Shawkānī, *Irshād al-fuṣūl ilā taḥqīq ʿilm al-uṣūl*, ed. Abū Muṣʿab Muḥammad Saʿīd al-Badrī (Beirut: Muʾassasat al-Kutub al-Thaqāfīyah, 1413/1993), 252.

[29] Ghazālī, *al-Mankhūl min taʿlīqāt al-uṣūl*, ed. Muḥammad Ḥasan Hītū (Damascus: Dār al-Fikr, 1400/1980), 479.

only when they are equal in all respects.[30] The Ḥanbalī Ibn Qayyim al-Jawzīyah (d. 751/1350) holds that the layman must consult the most learned (*aʿlam*) jurist.[31] The Egyptian Shāfiʿī jurist Isnawī (d. 772/1370-71) requires that the layman follow the opinion of the most learned (*aʿlam*) and most pious (*anraʿ*) jurist; if two jurists are equal in learning, he must follow the opinion of the most pious (*adyan*); if one has greater learning but the other is more pious, then he must follow the opinion of the most pious.[32] Qarāfī (d. 684/1285) reports that the argument for *taqlīd* of the most learned scholar is that for every matter concerning religion one should rely on that person most qualified for the job. Just as one should consult an expert in warfare on military matters, so should one consult the most learned legal scholar on law.[33] The Andalusian Mālikī jurist Shāṭibī (d. 790/1388) holds the layman is obliged to consult the most learned jurist, but warns that the process of determining which scholar is actually the most learned, termed *tarjīḥ*, should be undertaken by citing the relative merits and positive qualities of scholars rather than through mean-spirited criticism harping on scholars' defects.[34]

On the other hand, a number of Sunnī jurists hold that it is not necessary for the layman to follow the opinions of the most learned scholar. Al-Qāḍī Abū Bakr al-Bāqillānī (d. 403/1013) holds that the layman is free to choose among jurists even if one is more learned than the rest.[35] The Ḥanbalī jurist al-Qāḍī Abū Yaʿlā (d. 458/1065) reports that the layman may follow the opinions of any *muqallad* (preferred legal authority) he chooses, because, just as he is not expected to arrive at the answer to a particular legal problem himself, he is not expected to distinguish the most learned jurist.[36] The famous Shāfiʿī scholar Abū Isḥāq al-Shīrāzī (d. 476/1083) allows that it is not necessary for the layman to follow the opinions of the most learned jurist, and that this is the most correct (*aṣaḥḥ*) opinion.[37] The Andalusian Mālikī jurist Abū al-Walīd al-Bājī (d. 474/1071) observes that many of those who have written on *uṣūl al-fiqh* have held that the layman is obligated to consult the most learned (*afḍal*) mufti, but that this opinion is not correct; the layman may

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[30] Ghazālī, *Mankhūl*, 483.

[31] Muḥammad ibn Abī Bakr, Ibn Qayyim al-Jawzīyah, *Iʿlām al-muwaqqiʿīn ʿan rabb al-ʿālamīn*, 4 vols. (Beirut: Dār al-Kutub al-ʿIlmīyah, 1411/1991), IV, 196, 201.

[32] Jalāl al-Dīn ʿAbd al-Raḥmān al-Isnawī, *Nihāyat al-uṣūl fī sharḥ Minhāj al-wuṣūl ilā ʿilm al-uṣūl*, 3 vols. (Cairo: Maṭbaʿat Muḥammad ʿAlī Subayḥ, 1389/1969), III, 217.

[33] Aḥmad ibn Idrīs al-Qarāfī, *Sharḥ tanqīḥ al-fuṣūl fī ikhtiṣār al-maḥṣūl fī al-uṣūl* (Cairo: Dār al-Fikr, 1393/1973), 443.

[34] Ibrāhīm ibn Mūsā al-Shāṭibī, *al-Muwāfaqāt fī uṣūl al-sharīʿah*, 4 vols. (Beirut: Dār al-Kutub al-ʿIlmīyah, 1411/1991), IV, 193-199.

[35] Āmidī, *Iḥkām*, IV, 204.

[36] al-Qāḍī Abū Yaʿlā, Muḥammad ibn al-Ḥusyan al-Farrāʾ, *al-ʿUddah fī uṣūl al-fiqh*, 5 vols. (Riyad: Aḥmad ibn ʿAlī Sayr al-Mubārikī, 1410/1990), IV, 1226.

[37] Abū Isḥāq al-Shīrāzī, *al-Tabṣirah fī uṣūl al-fiqh* (Damascus: Dār al-Fikr, 1400/1980), 415; idem, *Kitāb al-lumaʿ*, 121.

consult any mufti he chooses.[38] Ibn al-Ḥājib (d. 646/1249) permits the layman to adopt the opinion of a scholar who is not the most learned (*taqlīd al-mafḍūl*).[39] Ibn Qudāmah (d. 620/1223) records that the layman is free to choose among the available *mujtahid*s, and further claims that Aḥmad Ibn Ḥanbal most likely held that it was permissible to consult a jurist who was not the most learned (*al-mafḍūl*).[40] Āmidī states that this is the opinion he has chosen (*al-mukhtār*).[41] Qarāfī writes that according to prevalent (*mashhūr*) opinion it is not necessary to refer to the most learned jurist,[42] and Shawkānī (d. 1250/1832) reports that this is the opinion of most Shāfiʿīs.[43]

This brief survey makes it clear that the stipulation of *aʿlamīyah* is not exclusively Shīʿī. It is true that Twelver Shīʿī works on *uṣūl al-fiqh* seem to stress this point more consistently than do Sunnī works, but the number of prominent Sunnī jurists of various schools who hold the same view is striking. While a number of Sunnī jurists such as Qarāfī and Shawkānī hold that the prevalent view supports the layman's freedom to choose between muftis, Makdisi's portrayal of this freedom as an absolute and essential feature of Sunnī Islam seems too categorical.

Levels of Jurists and Juristic Competence

Sunnī texts of jurisprudence beginning with Ghazālī's *al-Mustaṣfā min ʿilm uṣūl al-fiqh* list a number of sub-categories of *ijtihād*. Wael Hallaq has examined many such lists, and it is not necessary to repeat the typology of each author here; it is sufficient to note that Sunnī legal theorists between the fifth/eleventh and the tenth/sixteenth centuries identify from two to seven distinct categories of jurists based on levels of juridical competence.[44] While some theorists suppose one or several of the top categories to be empty or unattainable in their own time—reflecting, in part, a tendency to bemoan the decadence of the present—they clearly assume that the remaining categories are adequately represented by contemporary scholars. Furthermore, one suspects that they have firm convictions concerning their own status and that of their contemporaries within the specific schemes they propose. While these theoretical typologies of jurists have a number of significances—Hallaq uses them to argue that the gate of *ijtihād* was not in fact closed—they also indicate the existence of relative ranks within the legal profession. One suspects that

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[38] Bājī, *Iḥkām al-fuṣūl fī aḥkām al-uṣūl*, ed. ʿAbd al-Majīd Turkī (Beirut: Dār al-Gharb al-Islāmī, 1407/1986), 729-730.

[39] Ibn al-Ḥājib, *Mukhtaṣar al-muntahā*, 2 vols. (Cairo: Maktabat al-Kullīyāt al-Azharīyah, 1403/1983), II, 307.

[40] Ibn Qudāmah, *Rawḍat al-nāẓir*, 207.

[41] Āmidī, *Iḥkām*, IV, 204.

[42] Qarāfī, *Sharḥ tanqīḥ al-fuṣūl*, 443.

[43] Shawkānī, *Irshād al-fuṣūl*, 452.

[44] See Wael B. Hallaq, "Was the Gate of Ijtihād Closed?" *International Journal of Middle Eastern Studies* 16 (1984): 3-41, esp. pp. 29-30.

they are in reality an attempt to justify the existence of practical ranking within Sunnī legal establishments; or at least to describe a contemporary situation in theoretical terms. The categories of jurists represented seem similar to those of Ibn al-Humām (d. 861/1456), who divides qualified jurists into two categories, *akābir* "master jurists," who speak out on pressing issues, and *aṣāghir* "lesser jurists," who remain silent out of deference.[45]

Protocol for Writing Fatwas

Significant evidence for the existence of a recognized hierarchy in the legal establishment of seventh/ thirteenth-century Egypt is found in the work of the Mālikī jurist Qarāfī on the duties of muftis and judges.[46] The elaborate protocol Qarāfī sets forth for a mufti answering a question already answered by another colleague demonstrates a highly developed sense of rank within the legal establishment. The wording of the second mufti's response as well as where he chooses to write it on the sheet (*ruqʿah*) containing the petition are determined, according to Qarāfī, by the second muftī's rank relative to that of the first. Qarāfī's statements presuppose that each mufti in the city is able to determine approximately where he stands in a pecking order of qualified jurists and that this is common knowledge in the profession. Both the detail in which Qarāfī describes this process and the terms he uses reveal the kind of negotiation in which the mufti engaged when answering a legal question already posed to other jurists. The two key terms in his discussion are *tawāḍuʿ* or *ittiḍāʿ* "considering oneself lower in rank" and *taraffuʿ* "considering oneself higher in rank."[47] For example, he instructs the would-be mufti:

> If the second mufti considers himself lower in rank than the first mufti, he should write his response under the first response, but if he considers himself higher in rank than the first mufti he should write alongside the first response, to either the right or left of it (*in ittaḍaʿa kataba khaṭṭahu taḥta al-awwal wa-in taraffaʿa kataba qubālatahu fī yamīn al-khaṭṭ aw shimālihī*).[48]

The mufti thus makes a conscious claim as to his rank within the legal establishment by writing his *fatwa*s in a certain manner. It is possible to see how a fairly reliable ranking could be established as a result of repeated claims like this and repeated responses by other muftis.

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[45] Sherman Jackson, "In Defense of Two-Tiered Orthodoxy: a Study of Shihāb al-Dīn al-Qarāfī's *Kitāb al-iḥkām fī tamyīz al-fatāwā ʿan al-aḥkām wa-taṣarruſāt al-qāḍī wa-al-imām*" (Ph.D. diss., University of Pennsylvania, 1991), 50-52.

[46] Ibid.

[47] Shihāb al-Dīn al-Qarāfī, *al-Iḥkām fī tamyīz al-fatāwā ʿan al-aḥkām wa-taṣarruſāt al-qāḍī wa-al-imām* (Cairo: al-Maktab al-Thaqāfī, 1409/1989), 122-123.

[48] Qarāfī, *Iḥkām*, 123.

Selecting the Most Learned Jurist

Some modern scholars suggest that the process of recognition of the "most learned" scholar has been rather informal or haphazard, or at least that it has depended on the highly subjective judgement of the layman. Abbas Amanat, for example, stresses that the choice of which jurist to accept as the most learned is left entirely up to the layman, and that this works against formalization of the institution.[49] This implies that the requirement of *aʿlamīyah* did not provide, or was insufficient as, the basis for a hierarchy among legal scholars. Such lack of formal control over selection of the most learned jurist would render the legal establishment rather amorphous. This was, in fact, one of the major concerns of medieval Sunnī jurists who opposed the requirement of *aʿlamīyah*. For this reason scholars such as al-Qāḍī Abū Yaʿlā held that it is impossible for the layman, who is not a trained jurist, to determine which jurist is actually the most learned and it is consequently unreasonable to ask him to do so. Similarly, Fakhr al-Dīn al-Rāzī (d. 606/1209) writes in his *Maḥṣūl* that many scholars held that the layman does not have to determine who is the most learned jurist, "because legal scholars have never reprimanded the common people for failing to investigate the conditions of the legal scholars" (*liʾanna al-ʿulamāʾ fī kull ʿaṣr lā yunkirūna ʿalā al-ʿawāmm tark al-naẓar fī aḥwāl al-ʿulamāʾ*).[50]

The appearance of absolute freedom on the part of the layman is, however, deceptive. The layman is not on his own in the selection of a jurist to consult; he is expected to ask someone familiar with such matters. The information he obtains ultimately derives from members of the legal profession themselves, who are expected to know which one of their group is the most learned. As Cole points out, "Even the consensus about which *mujtahid* is the most learned of all is built by the *mujtahid*s themselves, and they transmit it to the layman, at least according to the ideal schema."[51] It is true that the hierarchy within the legal profession is organized by the members themselves and is not determined directly by some outside body such as the ruler, but this does not mean that it is ill-defined or amorphous, even if it appears more flexible than other organizations. It is clear, for example, that within Islamic cities such as Fez, Baghdad, Cairo, Damascus, or Istanbul, as within the modern Shīʿī *ḥawzah*s or centers of learning at Qum and Najaf, jurists had a good idea of their own standing within a relational hierarchy as well as the standing of their fellow jurists. Through the course of normal social, academic, and legal interaction this became common knowledge. Thus one finds repeatedly in works on jurisprudence that the layman is instructed to consult either the legal scholars themselves in order to determine who is the most learned, or one, two,

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[49] Amanat, "The Madrasa and the Marketplace," 100-101.

[50] Fakhr al-Dīn al-Rāzī *al-Maḥṣūl fī ʿilm al-uṣūl*, 2 vols. (Beirut: Dār al-Kutub al-ʿIlmīyah, 1408/1988), II, 533.

[51] Cole, "Imāmī Jurisprudence," 46.

or more reliable witnesses who would know the best person to consult.[52] Indeed, it is not improbable that establishing a ranking of the jurists available for consultation within a region was one of the essential functions of the legal profession.

The fifth/eleventh-century scholar al-Khaṭīb al-Baghdādī provides a detailed description in *al-Faqīh wa-al-mutafaqqih* of the procedure a layman must follow in choosing a jurist to consult. He writes that when a layman in a specific region (*maḥallah*) seeks a response to a legal question, he must ask a pious and reliable witness who the most learned (*aʿlam*) and best (*amthal*) of the local jurists is, that he might direct his question to that scholar.[53] He adds that if the layman seeks guidance from a group of jurists, they have an obligation to point out to him the best mufti (*afḍal al-muftīn*) and the most learned scholar among them in matters of the law (*aʿlamuhum bi-aḥkām al-dīn*).[54] If they suggest more than one jurist, the layman should begin by consulting the oldest (*asann*) and most experienced (*al-akthar minhum riyāḍatan wa-durbatan*) of those proposed.[55] He adds that if a layman wishes to record the responses of several muftis on one document (*ruqʿah*), he should ask the oldest (*asann*) and most learned (*aʿlam*) first.[56] Not only colleagues and members of the community but teachers are involved in this process. Al-Khaṭīb al-Baghdādī explains:

> It is encouraged that the jurist announce the ranks of his advanced students, cite their merits, and let their relative competence be known so that after his passing the people might study under them and consult them concerning legal cases.[57]

Baghdādī's instructions and remarks imply that there are definite relative ranks (*marātib*) among jurists, that petitioning laymen should pay careful attention to these ranks, that the important members of the community are expected to know who the most learned jurists are, and that the jurists themselves are required to make this known to the general public.

Thus determination of the most learned jurist is not as haphazard or subjective as many suppose. Rāzī argues that it is indeed possible for the layman to determine the most learned jurist: *yuʿlamu al-afḍal bi-al-tasāmuʿ wa-al-qarāʾin* "the most learned jurist may be known through public report and contextual evidence."[58] Similarly, ʿAḍud al-Dīn al-Ījī (d. 756/1355) argues that:

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[52] See e.g., Shawkānī, *Irshād al-fuṣūl*, 452. There are wide differences of opinion on this issue, and Bāqillānī supposedly held that the jurist in question should be subjected to an oral exam by his peers.

[53] Baghdādī, *Kitāb al-faqīh*, II, 177.

[54] Ibid., 179.

[55] Ibid.

[56] Ibid., 181.

[57] Ibid., 139.

[58] Rāzī, *Maḥṣūl*, II, 534.

> Determination of the superior standing of a jurist (*tarjīḥ*) is not impossible for the layman (*ʿāmmī*) because it becomes clear to him from public report (*al-tasāmuʿ*), from the fact that other jurists consult [the leading jurist] while he does not consult them, and from other [indications], such as the large number of his petitioners, the deference other jurists show him, and their attestation of his superior learning (*faḍl*).[59]

Ījī considers that the status of the most learned jurist becomes common knowledge and is therefore readily accessible to the layman.

Discussions of legal consultation (*istiftāʾ*) are usually framed atomistically, within the context of a layman consulting a jurist concerning a single case. They often imply that until this particular problem arose, the layman never had to consider whom to consult. This is, of course, unrealistic; such a situation could occur only if there were a stranger in town who happened to face a pressing legal issue. As a member of local society, the layman would probably know which jurist he should consult on legal issues almost as well as he would know which barber to consult to get his hair cut. In fact, Rāzī compares a town's jurists with its doctors, holding that if a man with a sick child does not consult the town's doctor, he will be considered negligent, and that if the care prescribed by two doctors in town differs, he will be considered negligent if he does not follow the opinion of the more knowledgeable of the pair.[60] One should not lose sight of the fact that jurists participate in the social system; even if the layman himself has not established a stable relationship with a particular jurist, his acquaintances or neighbors will have done so.

Portrayal of the process of soliciting a legal opinion as atomistic has perhaps contributed to the idea that the *marjiʿ al-taqlīd*—the authority the layman chooses to follow for all his religious legal problems over a considerable period of time—is quite different from the mufti portrayed in earlier works on legal theory. Thus Arjomand, referring to a statement on *taqlīd* by the sixteenth-century Shīʿī scholar Aḥmad al-Ardabīlī (d. 993/1585), remarks, "[A] new trend has set in. The layman is no longer the voluntary seeker of legal advice (*mustaftī*) of the medieval Shīʿite literature, and is gradually assigned the fixed legal status of "follower" (*muqallid*) as subject to clerical authority."[61] However, the distinction between mufti and *muqallad* does not hold up historically. Stable attachment to a legal authority begins, in fact, quite early. Already in the sixth/twelfth century, Ibn Zuhrah al-Ḥalabī (d. 585/1189-90) argues against an unnamed Shīʿī opponent who claims the unanimous consensus of Shīʿī jurists (*ijmāʿ al-ṭāʾifah*) that the Shīʿī layman must consult a mufti and perform his obligations according to the mufti's opinion (*wujūb rujūʿ al-ʿāmmī ilā al-muftī wa-al-ʿamal bi-qawlih*).[62] In the

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[59] ʿAḍud al-Dīn al-Ījī, *Sharḥ mukhtaṣar al-muntahā*, 2 vols. (Cairo: Maktabat al-Kullīyāt al-Azharīyah, 1408/1983), II, 307.

[60] Rāzī, *Maḥṣūl*, II, 534.

[61] Arjomand, Authority and Political Culture, 263.

[62] Ibn Zuhrah al-Ḥalabī, *Ghunyat al-nuzūʿ*, in *al-Jawāmiʿ al-fiqhīyah* (Qum: Maktabat al-Marʿashī al-Najafī, 1404/1984), 486.

view of Ibn Zuhrah's opponent, the layman here is not merely a voluntary seeker of legal advice. Even earlier, in the fifth/eleventh-century, the Ḥanbalī jurist al-Qāḍī Abū Yaʿlā refers to the fact that the layman chooses a *muqallad*, a "reference for the adoption of opinions," and not simply a mufti, apparently emphasizing a stable relationship.[63] Ghazālī's discussion of *taqlīd* in his early work *al-Mankhūl* implies an extremely stable relationship between the layman and his chosen legal authority. At one point, Ghazālī addresses the obligations of the layman (*muqallid*) when his chosen legal authority (*muqallad*) dies, reporting that all scholars of jurisprudence agree he can no longer follow the opinions of the deceased jurist. He holds that the layman must then follow the opinions of another *mujtahid* who was a contemporary of the deceased jurist, or failing that, follow the opinions of the most accomplished jurist available.[64] This statement implies, of course, that a layman will have chosen a single jurist as a legal reference and will refer to his opinions consistently in order to fulfill his religious obligations; he is thus in a situation quite similar to that of the modern Shīʿī layman with respect to the *marjiʿ al-taqlīd*.

Historical Evidence of Juridical Hierarchy

While it appears that use of the term *marjiʿ al-taqlīd* itself dates from the nineteenth century, it is also clear that accomplished Shīʿī legal scholars were often recognized as the most learned jurists of their day and served as supreme legal authorities for the layman as well as heads of the legal establishment long before the nineteenth century. Lists of the *marājiʿ al-taqlīd* which go back to the fourth/tenth century are anachronistic, but such projects do contain a modicum of truth.[65] There is abundant evidence of strong hierarchical features in Shīʿī legal establishments in pre-modern times. In the later Safavid period, for example, the *Shaykh al-Islām* of Isfahan was often recognized as the chief authority for the entire Empire, and the creation of the office of *Mullā-Bāshī* in the later Safavid period seems to have institutionalized this phenomenon.[66] In an official decree issued in 939/1533, Shah Ṭahmāsb I (930-84/1524-76) recognized the jurist ʿAlī ʿAbd al-ʿAlī al-Karakī (d. 940/1536) as the leading

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[63] al-Qāḍī Abū Yaʿlā, *ʿUddah*, IV, 1226.

[64] Ghazālī, *Mankhūl*, 480.

[65] See e.g., Muḥammad Ḥusayn al-Ḥusaynī al-Jalālī, *Naṣīr al-Dīn al-Ṭūsī, ḥayātuhu wa-falsafatuh* (Najaf [privately typeset], 1389/1969), 45-47, for a list beginning with Jaʿfar ibn Muḥammad Qawlawayh (d. 369/979); ʿAbd al-Raḥīm ʿAqīqī Bakhshāyishī, *Fuqahā-yi nāmdār-i Shīʿah* (Qum: Kitābkhānah-yi Marʿashī, n.d.), 454-457, for a list beginning with Ḥasan ibn ʿAlī ibn Abī ʿAqīl al-ʿUmānī (d. before 369/979); ʿAlī Davānī, *Zindigānī-i Zaʿīm-i Buzurg-i Āyat Allāh Burūjirdī* (Qum: Maṭbaʿah-i Ḥikmat, 1340 H.Sh./1961), 18-35 [cited in Amanat, "The Madrasa and the Marketplace," 125 n. 4], for a list going back to Kulaynī (d. 328/939).

[66] *Tadhkirat al-mulūk*, ed. V. Minorsky (London: E.J.W. Gibb Memorial Series, N.S. 16, 1943), 41; Said Amir Arjomand, "The Mujtahid of the Age and the Mullā-bāshī: An Intermediate Stage in the Institutionalization of Religious Authority in Shīʿite Iran," in Arjomand, *Authority and Political Culture*, 80-97.

jurist of the Empire, having authority over all the other scholars.[67] The honorific titles *khātam al-mujtahidīn*, "seal of the mujtahids" and *mujtahid-i zamān*, "mujtahid of the age" were commonly used to refer to leading jurists throughout the Safavid period.[68] Sayyid Ḥusayn ibn Ḥasan al-Karakī (d. 1001/1592-93), for example, was known as *khātam al-mujtahidīn* from the later years of Shah Ṭahmāsb's reign until the early reign of Shah ᶜAbbās (996-1038/1587-1629). He not only gained recognition as the leading authority in the Empire, but also asserted his authority over other scholars. They apparently tolerated his domination, out of political expediency and because none of them could best him in debate. Sayyid Ḥusayn also led opposition to the pro-Sunnī policies of Shāh Ismāᶜīl II (984-85/1576-77);[69] this occurred centuries before the famous "Tobacco Protest" of the nineteenth century which has been seen by many scholars as marking the emergence of the Shīᶜī *ᶜulamāʾ* into the political arena. Finally, while it is true that the titles *khātam al-mujtahidīn* and *mullā-bāshī* current in this period are profane or informal in that, like the modern honorifics Āyat Allāh, "sign of God," and Āyat Allāh al-ᶜUẓmā "greater sign of God," they are not discussed in works on legal theory, the positions to which they refer clearly share many of the features of the modern *marjiᶜ al-taqlīd*.

In both Sunnī and Shīᶜī Islam, one of the most common terms used to refer to the most prominent scholar in a given field was *raʾīs*, and the noun referring to that rank was *riʾāsah/riyāsah*.[70] In most centers of Sunnī legal learning, one scholar within each *madhhab* was recognized as the most accomplished legal authority, and this scholar was granted the title of *raʾīs al-madhhab*, literally "chief" or "head man" of the legal school. For example, Sakhāwī (d. 902/1497) reports of the Egyptian Ḥanafī jurist ᶜAbd al-Raḥmān ibn ᶜAlī al-Tafahnī (d. 835/1432) that "the position of leadership of the jurists of his *madhhab* devolved upon him" (*intahat ilayhī riyāsat ahl madhhabih*).[71] Sherman Jackson has also noted that the term *shaykh al-madhhab* referred to the headmaster or leading jurist of the Mālikī *madhhab* in Cairo during the Mamluk period,[72] and Makdisi has compared the *raʾīs* of a given *madhhab* to

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[67] See Said Amir Arjomand, trans., "Two Decrees of Shāh Tahmāsp Concerning Statecraft and the Authority of Shaykh ᶜAlī al-Karakī," in Arjomand, *Authority and Political Culture*, 250-262.

[68] Said Amir Arjomand, "The Mujtahid of the Age," 80-97; idem, *The Shadow of God and the Hidden Imam* (Chicago: University of Chicago Press, 1984), 137.

[69] See *The History of Shah ᶜAbbās the Great*, 2 vols., trans Roger M. Savory (Boulder, Colorado: Westview Press, 1978), I, 205, 233.

[70] On this term in general, see Roy Mottahedeh, *Loyalty and Leadership in an Early Islamic Society* (Princeton: Princeton University Press, 1980), 129-157. On *riʾāsah* among scholars in particular, see pp. 135-150. Mottahedeh concentrates on the field of *ḥadīth* rather than law. On *riʾāsah* within the legal field, see Makdisi, *The Rise of the Colleges*, 129-133. Amanat has also noted the use of *riyāsah* in Shīᶜī contexts. Amanat, "The Madrasa and the Marketplace," 102.

[71] Shams al-Dīn Muḥammad al-Sakhāwī, *al-Ḍawʾ al-lāmiᶜ li-ahl al-qarn al-tāsiᶜ*, 12 vols. (Cairo: Maktabat al-Quds, 1353-55/ 1934-36; reprint, Beirut: Dār Maktabat al-Ḥayāt, n.d.), IV, 99.

[72] Sherman Jackson, "In Defense of Two-Tiered Orthodoxy," 50-52.

the head of a guild.[73] As mentioned above, Makdisi stresses the individualism of the classical Sunnī legal system, but if all jurists are created equal, how can the position of *raʾīs*, which would seem to imply some concentration of authority in one person, exist? One might rather describe the classical Sunnī legal establishment in a given area as a meritocracy; while all jurists potentially had the same chance to rise to a leading position, they could not all actually do so. When a leading jurist did emerge, he did so, at least theoretically, as a result of his superior intelligence, application, and skill in debate, and others were free to challenge him at any time. Makdisi describes the situation of the *raʾīs* as similar to that of the top gunfighter in Westerns or the world champion in boxing: the right to the position was determined by disputation.[74] Nevertheless, it is conceivable if not inevitable that this process of challenge and debate would create something resembling a hierarchy or pecking order among the jurists. While Makdisi does not note any other element of hierarchy apart from this one position of top man, the institution of *riyāsah* does suggest that all jurists were in fact not equal.

The position of *riyāsah* may also have referred to the scholar's position in relation to laymen. For example, it is reported about the jurist Ibn ʿAmrūs (d. 452/1060) that "the position of leadership for giving legal opinions in Baghdad devolved upon him" (*intahat ilayhi al-fatwā bi-Baghdād*).[75] Similarly, Udfuwī (d. 748/1347) remarks concerning the Egyptian jurist Mūsā ibn ʿAlī al-Qushayrī al-Qūṣī (d. 685/1286-87) that "the position of leadership in Qūṣ for the granting of legal opinions devolved upon him" (*wa-intahat ilayhī riʾāsat al-fatwā bi-Qūṣ*).[76] ʿAbd al-Wahhāb al-Shaʿrānī (d. 973/1565) states of the Egyptian Shāfiʿī Shihāb al-Dīn al-Samnūdī (d. 921/1515-16): "the position of leadership in granting legal opinions devolved upon him for a long time" (*intahat ilayhī al-riʾāsah fī al-fatwā muddatan ṭawīlah*).[77] The emphasis on the granting of legal opinions suggests that the *raʾīs* mentioned in such statements in biographical dictionaries was equivalent to the "most learned jurist" mentioned in works on legal theory.

Perhaps the clearest and most famous historical example of hierarchy in Sunnī legal establishments is the Ottoman learned hierarchy. The highly-stratified Ottoman legal hierarchy was headed by the position of *Shaykh*

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[73] George Makdisi, "The Guilds of Law in Medieval Legal History: An Inquiry into the Origins of the Inns of Court," *Zeitschrift für Geschichte der arabisch-islamischen Wissenschaften* 1 (1984), 240; "La Corporation à l'époque classique de l'Islam," in *Presence de Louis Massignon: Homages et témoignages. Textes réunis par D. Massignon à l'occasion du Centenaire de L. Massignon* (Paris: Maisonneuve et Larose, 1987), 45; *The Rise of Humanism*, 21.

[74] Makdisi, The Rise of Colleges, 133.

[75] Ibid., 150.

[76] Jaʿfar ibn Thaʿlab al-Udfuwī, *al-Ṭālʿ al-saʿīd al-jāmʿ li-asmāʾ al-fuḍalāʾ wa-al-ruwāt bi-aʿlā al-Ṣaʿīd* (Cairo: al-Maṭbaʿah al-Jamālīyah, 1333/1914), 381.

[77] ʿAbd al-Wahhāb al-Shaʿrānī, *al-Ṭabaqāt al-ṣughrā* (Cairo: Maktabat al-Qāhirah, 1390/1970), 57.

al-Islām or chief mufti of the capital, Istanbul.[78] Beginning in the early ninth/fifteenth century, the chief mufti of the Ottoman capital (first Bursa, then Edirne, then Istanbul) was recognized by the ruler as the leading juridical authority in his realm. The position was gradually incorporated into the complex hierarchy of judgeships, law professorships, and posts as muftis controlled by the Ottoman government. By the middle of the tenth/sixteenth century, with the tenure of the famous Ebüssuʿūd Efendi (952-82/1545-74), the *Shaykh al-Islām* was not only recognized as an authority in granting legal opinions throughout the Empire but also exercised power over an Empire-wide hierarchy of judges and jurists centered in Istanbul.

Students of Islamic legal history might be inclined to see the Ottoman legal hierarchy as an anomaly due to the unprecedented degree of government control over the legal establishment under Ottoman rule. There are, however, many other examples of legal hierarchies in periods and areas without such rigid government control. ʿAbd al-Wahhāb al-Shaʿrānī's *al-Ṭabaqāt al-ṣughrā*, a biographical dictionary of contemporary Cairene scholars in the first half of the tenth/sixteenth century, provides important insights into the workings of the legal and scholarly establishment in late Mamluk and early Ottoman Egypt. His work is limited to jurists of one Islamic city—Cairo—and only those whom Shaʿrānī himself knew.[79] Shaʿrānī's comments demonstrate that as an active member of the legal establishment, he felt there was a readily observable hierarchy of jurists in Cairo and that the rank of a scholar could be determined in a more or less effective and objective manner. He completes the section on scholars with whom he had studied with a biography of Shihāb al-Dīn al-Ramlī (d. 957/1550) and remarks, "I have closed this chapter with [Ramlī] because he died later than the others mentioned above. He was, however, in my opinion more learned (*aʿlam*) than all of his peers."[80] This remark evidently responds to an expectation on the part of the reader that the biographer should arrange biographees' notices in order of their rank in learning. It also implies that the rank of a jurist was common knowledge, at least among the educated public. In a later passage, Shaʿrānī states that he intends to arrange the chapter on his contemporaries who are still living according to their *madhhab* only, "without presenting them in the order of the most learned (*afḍal*) within each *madhhab*, because of our ignorance of what their actual ranks will be when they die (*li-jahlinā bi-ḥaqīqat maqāmihim alladhī yamūtūna ʿalayh*)."[81] This statement demonstrates even more clearly that he considered individual scholars to hold specific ranks with the legal

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[78] The following remarks are based on R.C. Repp, *The Müfti of Istanbul: A Study in the Development of the Ottoman Learned Hierarchy* (London: Ithaca Press, 1986). For a summary sketch of the hierarchy as it developed by the mid-sixteenth century, see the table on p. 26.

[79] It appears, however, that the work was completed by a scholar of the following generation, perhaps a student of Shaʿrānī, since death dates are given for some of Shaʿrānī's contemporaries who died after him. Nevertheless, the above statements hold *grosso modo*.

[80] Shaʿrānī, *al-Ṭabaqāt al-ṣughrā*, 69.

[81] Ibid., 91.

establishment, not unlike the hierarchy of modern Shīʿī jurists. In one instance, Shaʿrānī even uses the term *marjiʿ*, "reference" or "authority," to describe the leading jurist. The notice on Muḥammad ibn Shihāb al-Dīn al-Ramlī (d. 1004/1596) reads, "He is now the authority for the people of Egypt in the issuing of legal opinions" (*fa'innahu al-ān marjiʿ ahl Miṣr fī taḥrīr al-fatāwā*).[82] This term is of course familiar from the Shīʿī term *marjiʿ al-taqlīd*, and seems to be used here to describe a similar if not nearly identical function.

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The conflict between individualism and hierarchy has been one of the great tensions in Islamic legal systems. While Islamic legal establishments have encouraged disputation and debate, they have also recognized and rewarded the talent and experience of individual jurists. The famous Shāfiʿī scholar Abū Isḥāq al-Shīrāzī writes in the introduction to his biographical dictionary of legal scholars:

> This is a short work which mentions the legal scholars, their genealogies, the length of their lives, their death-dates, the praise of other scholars for them indicating the [degree of] learning [they attained], their students, followers, and fellows—all that of which the jurist cannot afford to be ignorant if he is to know whose opinion should be considered in the establishment of consensus and whose dissent should be taken into consideration.[83]

Here Shīrāzī advocates the *ḥadīth* scholars' method of personal criticism (*jarḥ wa-taʿdīl*) for use in the evaluation of legal opinions. He claims that a scholar's relative status among his peers is an important consideration in judging the weight of a particular opinion, a process crucial to the formation of consensus on a particular ruling and thus of central importance in the elaboration of Islamic law in general. Shīrāzī's position, however, appears diametrically opposed to that expressed by the famous Shīʿī jurist Zayn al-Dīn al-ʿĀmilī (d.-965/1558). ʿĀmilī warns his fellow scholars to judge opinions on their intrinsic merit alone: "Do not be one of those who know truth by the man, lest you fall into the abyss of error!" (*wa-lā takun mimman yaʿrifu al-ḥaqq bi-al-rijāl * fa-taqaʿa fī mahāwī al-ḍalāl*).[84] Neither of these views can be said to be unauthentic, un-Islamic, or even atypical, and students of Islam will do well to keep the tension between them in mind when investigating the history of Islamic law and legal institutions.

Thus we conclude that hierarchical features, including the position of leading authority for the layman, were present in Islamic legal establishments

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[82] Ibid., 122.

[83] Abū Isḥāq al-Shīrāzī, *Ṭabaqāt al-fuqahā'*, ed. Iḥsān ʿAbbās (Beirut: Dār al-Rā'id al-ʿArabī, 1390/1970), 31.

[84] Zayn al-Dīn al-ʿĀmilī, "Risālah fī ṣalāt al-jumʿah," in *Rasā'il al-Shahīd* (Qum: Maktabat Baṣīrātī, 1313/1895-96), 89.

long before the nineteenth century in both Sunnī as well as Shīʿī environments. These phenomena in themselves cannot be seen as innovations. It does appear, however, that the hierarchical system of the Twelver Shīʿī legal establishment became gradually more rigid and formalized, particularly in the center of learning in Najaf during the nineteenth and twentieth centuries and in Qum since the establishment of the center there by ʿAbd al-Karīm Ḥāʾirī in 1922.

There are many possible reasons for the development of the modern Shīʿī juridical hierarchy. Cole suggests that the threat of Babism and a weak Shah in Iran may have played a significant role in the establishment of the post of *marjiʿ al-taqlīd*.[85] Certainly, improved transportation and communication has worked towards the centralization of the legal establishment and increased the authority of prominent jurists in Qum and Najaf at the expense of "local authorities" (*marājiʿ maḥallīyah*), such as the leading Shīʿī jurists in Mashhad, Lebanon, and other regions. *Khums* funds which were in earlier times used at a local level are now sent directly to the leading legal authorities, thus increasing their power.[86]

Most significantly, however, the establishment of the post of *marjiʿ al-taqlīd* seems to have been part of a larger, gradual process of legitimating the exclusive authority of the legal scholars in reaction to the Akhbārīs, who challenged that authority most severely in the seventeenth and eighteenth centuries. The exclusive authority of the jurists was championed by Muḥammad Bāqir ibn Muḥammad Akmal al-Bihbihānī (d. 1205/1790), described by one of his students as "the renewer of the forgotten way of the legal scholars and the reviver of the abandoned works of the ancients" (*mujaddid mā indarasa min ṭarīqat al-fuqahāʾ * wa-muʿīd mā inmaḥa min āthār al-qudamāʾ*).[87] This laudatory statement does not preclude that Bihbihānī may have introduced new, formalizing features into the legal establishment. The trend towards formal hierarchy has continued through the nineteenth and into the present century. There seems to be an ever-increasing insistence on the exclusive authority of the legal scholars, and the institution of *marjiʿ al-taqlīd* is only one aspect of this formalization.

Particularly important for the formalization of the hierarchy is the rise of the genre of *rasāʾil ʿamalīyah* or "practical treatises," such as Anṣārī's *Sīrāṭ al-najāt*. These are legal manuals for the layman published by aspiring legal authorities; they are generally prefaced by an introductory section on *ijtihād* and *taqlīd*, thus emphasizing the necessity of following the opinions of a living *mujtahid*. The first work of this kind is apparently Muḥammad Ḥasan Najafī's *Najāt al-ʿibād fī yawm al-maʿād*, which, Muḥsin al-Amīn asserts, served as the basis for the lay manuals of all subsequent *marājiʿ al-taqlīd*, including Murtaḍā al-Anṣārī, Mīrzā Ḥasan al-Shīrāzī, Shaykh Rāzī, al-Ḥājj Mullā ʿAlī

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[85] Cole, "Imāmī Jurisprudence," 41-42.

[86] Lambton, "A Reconsideration of the Marjaʿ al-Taqlīd," 132.

[87] Muḥsin al-Amīn, *Aʿyān al-Shīʿah*, 10 vols. (Beirut: Dār al-Taʿāruf lil-Maṭbūʿāt, 1403/1983), IX, 182.

ibn al-Mīrzā Khalīl, Māmaqānī, Sharābiyānī, Āqā Riḍā al-Hamadhānī, Shaykh Muḥammad Ṭāhā Najafī, Sayyid Kāẓim al-Yazdī, and Sayyid Ismāʿīl al-Ṣadr.[88] In more recent times, the Arabic manual *al-ʿUrwah al-wuthqā* by Muḥammad Kāẓim al-Yazdī (d. 1337/1919) and *Tawḍīḥ al-masāʾil* by Ḥusayn ibn ʿAlī al-Burūjirdī (d. 1380/1960) have served similar purposes.[89] Modarressi places these works under the general rubric of collections of *fatwās*, and includes along with them other works dating to as early as the sixth/twelfth century.[90] It seems, however, that the *risālah ʿamalīyah* constitutes a distinct genre, distinguished by being directed at the layman in particular, claiming basic yet comprehensive coverage of the rulings that provide for the ordinary believer's everyday needs, and including a short introductory discussion of *ijtihād* and *taqlīd* emphasizing the believer's obligation to practice according to the opinions of a living authority. It is true that some of these works, including *Najāt al-ʿibād* itself and, for example, *Wasīlat al-maʿād fī sharḥ najāt al-ʿibād* by Ismāʿīl ibn Aḥmad al-Ṭabarsī al-Nūrī (d. 1321/1903) lack an introductory section on *ijtihād* and *taqlīd*, but such introductions have now become a standard feature of the genre.[91] The *risālah ʿamalīyah* represents more of an innovation in form and presentation than a change in ideology. Anṣārī's discussion of *taqlīd* in *Ṣirāṭ al-najāt* probably contains little that is innovative in Shīʿī thought, but the manner in which the obligation to follow the most learned jurist is presented and stressed immediately at the beginning of the work and repeatedly throughout the introduction (in Persian, the language of most of Anṣārī's lay audience) is striking. It is clear that at present the status of *marjiʿ al-taqlīd* is closely associated with publication of a *risālah ʿamalīyah* and that this is recognized as the crucial step in *taṣaddī*, "putting oneself forward" as a legal authority, that is claiming the status of *marjiʿ al-taqlīd*.[92] It seems that the origins of the two institutions of *marjiʿ al-taqlīd* and *risālah ʿamalīyah* are related.

Another formalizing institution which apparently arose in the nineteenth century among the Shīʿah and is now a standard part of legal education at Najaf and Qum is the practice of granting the *ijāzat al-ijtihād* to students who have shown themselves to be competent jurists. The *ijāzat al-ijtihād* is a license or authorization to grant legal opinions based on independent investigation, essentially equivalent to the *ijāzah bi-al-iftāʾ wa-al-tadrīs* of the classical Sunnī legal system which Makdisi has likened to a doctorate of law.[93] It is not clear exactly when the practice of granting this authorization arose, but

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[88] See ibid., 149.

[89] Hossein Modaressi Tabātabāʾī, *An Introduction to Shīʿī Law: A Bibliographical Study* (London: Ithaca Press, 1984), 100.

[90] Ibid., 95-100.

[91] Nūrī, *Wasīlat al-maʿād*, 2 vols. (Tehran, 1311/1894). For an example of a recent *risālah ʿamalīyah* with an introduction on *ijtihād* and *taqlīd*, see Muḥammad Bāqir al-Ṣadr, *al-Fatāwā al-wāḍiḥah*, 8th printing (Beirut: Dār al-Taʿāruf lil-Maṭbūʿāt, 1403/1983), 103-117.

[92] Jalālī, *Ṭūsī*, 47.

[93] Makdisi, *The Rise of Colleges*, 148-152; *The Rise of Humanism*, 20.

there is no indication of it during the Safavid period. For example, the many *ijāzah*s collected in Muḥammad Bāqir al-Majlisī's great compendium of Shīʿī tradition *Biḥār al-anwār* are all for the transmission of *ḥadīth* and other specific works.[94] In one of the few accounts of attaining the rank of *ijtihād* which exist, given in Ibn al-ʿAwdī al-Jizzīnī's biography of Zayn al-Dīn al-ʿĀmilī (d. 965/1558), the famous Shīʿī jurist known as "The Second Martyr," there is no *ijāzah*; nor was he studying at the time with any important teacher who could have granted such an *ijāzah*. It appears that Zayn al-Dīn simply decided on his own that he was ready at a specific moment in 944/1537-38 to exercise *ijtihād*; he then waited four years before announcing it publicly.[95] The *ijāzat al-ijtihād* had certainly become prevalent by the mid-nineteenth century, for Muḥsin al-Amīn reports that Muḥammad Ḥasan Najafī was known for being quite permissive in licensing *mujtahid*s, and taught about sixty *mujtahid*s during his career.[96]

Use of the term *ijtihād* in preference to others such as *iftāʾ* may point to an origin during the Akhbārī-Uṣūlī controversy of the seventeenth and eighteenth centuries. At this time the terms *mujtahid* and *ijtihād* came into much wider use, "*mujtahid*" rather than "Uṣūlī" becoming the common term used in opposition to "Akhbārī." During the sixteenth century, the term *mujtahid* seems to refer to a Shīʿī jurist of particularly high stature and not just a qualified mufti. Ḥusayn ibn ʿAbd al-Ṣamad al-ʿĀmilī (d. 984/1576) could claim that there was no *mujtahid* alive at the time even though he himself was an important legal authority in the Safavid Empire,[97] while Sayyid Ḥusayn ibn Ḥasan al-Karakī, recognized as the leading jurist of the Empire, was often called simply *The* Mujtahid.[98] It appears to have been only later, as a result of the Akhbārī controversy, that the term *mujtahid* came to be applied commonly to any qualified jurist; the *ijāzat al-ijtihād* likely became prevalent at the same time.

Thus the modern Shīʿī juridical hierarchy is not very different from other historical Sunnī juridical hierarchies; in fact, it has yet to become as rigid, formalized, and stratified as, for example, the Ottoman learned hierarchy. Even the *international* recognition of leading Shīʿī authorities is not unique to the modern Shīʿī establishment, but existed in earlier times among both Shīʿīs and Sunnīs. Al-Shaykh al-Mufīd (413/1022) and al-Sharīf al-Murtaḍā (d. 436/1044), Shīʿī scholars who resided in Baghdad, received petitions for legal opinions from Syria and Iran. During the Mamluk period, the *fatwā*s of the leading jurists in Cairo were published in Damascus and vice-versa, and

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[94] Muḥammad Bāqir al-Majlisī, *Biḥār al-anwār*, vols. 107-110 (Tehran: al-Maktabah al-Islāmīyah, 1391/1971-72).

[95] ʿAlī ibn Muḥammad al-ʿĀmilī, *al-Durr al-manthūr*, 2 vols. (Qum: Maktabat al-Marʿashī al-Najafī, 1398/1978), II, 183.

[96] Muḥsin al-Amīn, *Aʿyān al-Shīʿah*, IX, 149.

[97] Ḥusayn ibn ʿAbd al-Ṣamad al-ʿĀmilī, *al-ʿIqd al-Ḥusaynī* (Yazd: Chāp-i Gulbahār, n.d.), 31.

[98] Eskandar Monshi, *The History of Shah ʿAbbas the Great*, 2 vols., trans. R.M. Savory (Boulder, Colorado: Westview Press, 1978), I, 205.

the Ottoman *Shaykh al-Islām* was certainly recognized as an authority outside Anatolia. Relative independence from government might also be proposed as a distinguishing feature of the modern Shīʿī legal establishment, particularly in comparison to the Ottoman learned hierarchy or other modern Sunnī legal establishments. Against this view, one should note that many Sunnī legal establishments in pre-Ottoman periods also enjoyed a large degree of independence from the government. The only substantial difference between the modern Shīʿī juridical hierarchy and Sunnī legal establishments in general is in their sources of income. The income of Sunnī legal establishments has tended to come from religious endowment (*waqf*) funds, whereas the income of the modern Shīʿī legal establishment derives primarily from the *khums*, half of which is set aside for the administration of the major centers of learning. These two sources of income are collected and administered in different ways and are subject to different economic constraints, and this inevitably has an effect on the structure and workings of the juridical hierarchy.

SUPREME AUTHORITY (MARJIʿĪYAH) IN SHĪʿISM

Ayatollah Muhammad Ali Taskhiri

The concept of supreme religious authority (*marjiʿīyah*) in Shīʿism is predicated on the doctrine of *ijtihād* (independent legal reasoning) and *taqlīd* (following or "emulating" the legal decisions of a jurist qualified to perform *ijtihād*). *Ijtihād* and *taqlīd* are the basic principles underlying the endeavor to understand and put into practice legal rulings (s. *ḥukm*). Through these Islam expresses both its versatility and realism.

Of course, not everyone is capable of inferring a legal ruling, particularly in view of the many centuries which separate us from the relevant texts. It is therefore necessary that there be specialists in the *sharīʿah* and in *ijtihād*; the rest of the population is presented with the *mujtahids*' inferences (s. *istinbāṭ*), and acts accordingly. This is the meaning of the verse of the Qurʾān which reads: "Nor should the believers all go forth together [into battle]: if a contingent from every group remained behind, they could devote themselves to studies in religion and admonish their people when they returned to them, that they [might learn] to guard themselves [against evil]" (9:122).[1] Moreover, in order that *ijtihād* be denied to those who are unqualified to exercise it, certain principles and rules have been developed to ensure that it be precise and that it correspond as closely as possible to the actual divine injunction (*al-wāqiʿ*) relevant to the situation at hand.[2]

According to the Shīʿah, the gates of *ijtihād* remain open. This is because *mujtahids* differ in the way they infer (n. *istinbāṭ*) the legal rules, while at the same time no opinion, no matter how eminent the person issuing it, may exclude another opinion (provided, of course, that it has been arrived at in accordance with the accepted procedure). It is wrong to assume that the verses

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[1] One of the standard proof-texts for the authority of the religious class—ed.

[2] For the probabilistic aspect of *ijtihād*, see the preface to the chapter on jurisprudence—ed.

of the Qurʾān which forbid "disagreement" (*ikhtilāf*)[3] refer to differences which arise naturally in the course of sound inference from the texts; rather they refer to disputes having to do with practical attitudes (*al-mawāqif al-ʿamalīyah*).[4]

Muslims have employed this system of *ijtihād* and *taqlīd* for centuries. However, many scholars, relying either on rational proofs (*al-istidlālāt al-ʿuqalāʾīyah*) or out of scrupulosity in regard to *sharīʿah* rulings, have stipulated that when different responsa (s. *fatwā*) are issued the layman must "emulate" the jurist who is most learned (*aʿlam*). This last requirement has helped to ensure that the office of *marjiʿīyah* would emerge as a natural feature of the Shīʿī structure of authority. In addition, a number of scholars by virtue of their extraordinary prestige and learning became exemplars (s. *marjiʿ*) for the entire community. Indeed, in a few cases the weight of their authority virtually shut the doors of *ijtihād* for others; this is said to have been true of al-Shaykh al-Mufīd, Shaykh Ṭūsī, and al-Shahīd al-Awwal.[5] Another powerful factor in the development of the institution of *marjiʿīyah*, especially in recent times, has been the fragmentation and persecution of the Shīʿī community. Persecution has resulted in yearning for a religious leadership which could give the community a united voice and defend its rights.

No one can deny that the *marjiʿīyah* has played a crucial role in the intellectual, political and social life of the community. Its importance has been further assured by its assumption of a governmental or executive (*wilāʾī*) role. This role is based on texts which lay down the requirement of juristic knowledge (*fiqh*) as a condition for holding the office of chief executive (*walī al-amr*). In the past, executive authority has enabled the *marjiʿīyah* to accomplish such tasks as reconciling political factions, organizing the collection of the fifth tax (*khums*) and alms (*zakāt*), administering the religious academies (s. *ḥawzah*), providing important social services, and preserving a distinctive collective Shīʿī personality. In our own time, we are faced with complex social developments involving many novel problems and unprecedented political and social ideas—not to mention the influence of certain hostile elements. The *marjiʿīyah* has responded to these challenges by expanding its awareness of new realities and refining both its theory and practice. Shīʿism has seen many positive changes in this direction in the great academies of Najaf, Qum, and Mashhad. Unfortunately, we cannot discuss these developments here; suffice it to say that the curricula are no longer limited to such traditional concerns as the canonical prayers and ritual purity, but have gradually begun to include subjects more directly related to current social concerns. Much work, however, remains to be done.

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[3] E.g. 78:3 and 11:118—ed.

[4] Apparently parallel to the term "*al-mawqif al-Islāmī*" (Islamic position) used by the author below—ed.

[5] The first two scholars mentioned were active in the fourth/tenth century, the third in the eighth/fourteenth century—ed.

One issue which has preoccupied both the clergy and laity is the method of choosing the supreme religious authority (*al-marīʿ al-aʿlā*). This problem has become more acute as the number of *mujtahid*s and schools of thought have increased and the struggle against the forces of unbelief and "world arrogance" has mounted. It manifests itself most clearly when there is a successive loss of great jurists in a relatively short period of time. This has happened in our own day with the loss of the Grand Ayatollahs (Āyat Allāh al-ʿUẓmā) Muḥammad Bāqir al-Ṣadr, ʿAbd Allāh al-Shīrāzī, Khomeini, Khūʾī, Sabzavārī, Gulpāygānī, and Arākī—may God have mercy upon them all.[6] Partly as a result, doubts have been raised about the traditional procedures for choosing a *marjiʿ* and particularly about the relationship between the *marjiʿīyah* and governmental or executive authority (*wilāyat al-amr*). The meaning of "superiority in learnedness" (*aʿlamīyah*) has also undergone reevaluation. Is *aʿlamīyah* to retain its traditional meaning of greatest ability to infer rules concerning the usual matters? Or should it also take into account other factors such as knowledge of social issues and international politics, or the ability to recognize the areas for which legal rules should be distinguished,[7] so that the "most learned" will be the most aware of the Islamic position (*mawqif Islāmī*) on an issue? The importance of this last point may be appreciated when we take into account the close relationship in all areas of human life between "Islamic positions" and Islamic legal rules and concepts.

Such questions are being raised in our day not only on an intellectual but also a general, cultural level. It is high time they were discussed from both points of view, however different the language of the two discourses may be. We can no longer distance ourselves from them, burying our heads in the sand and simply letting events take their course. The methods through which the *marjiʿīyah* was formerly elected, in which the result depended not only on the actual status of the prospective *marjiʿ* but also on certain other factors, including his ability to promote himself, are inadequate. Perhaps they were sufficient in the past when there was fragmentation and "weakness," but in this age of Shīʿī ascendancy throughout the Muslim world, in an age in which the Shīʿah are leaders in the struggle against "tyranny" and arrogance, they are counterproductive. We cannot simply leave matters as they are, particularly when we see that arrogant and hostile forces are poised to destroy the Islamic revolution by attacking the *marjiʿīyah* and attempting to gain influence through it.

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[6] Ayatollah Muḥammad Bāqir al-Ṣadr of Iraq was executed by Saddam Hussein in 1980; his political thought is discussed in the essay by Talib Aziz included in this volume. Ayatollah Shīrāzī was a prominent opponent of the Pahlavi regime; he returned to Iran from exile in Najaf in 1975 and died after the revolution, in 1984. Khūʾī, probably the leading *marjiʿ* of the Shīʿī world in his time, resided in Najaf until his death at an advanced age in 1992. Gulpāygānī, established at Qum, was instrumental in the administration and organization of the academies there; he died in 1993. The Grand Ayatollahs Sabzavārī and Arākī were deceased in 1994 and 1995—ed.

[7] For this strategy of jurisprudence, see the essay by Ayatollah Muhaghegh-Damad.

We thus need a new method in harmony with the *sharīʿah* rules of choosing the *marjiʿ*. We need to distinguish the basic role of the *marjiʿīyah* from accretions. Above all, it must be kept in mind that the *marjiʿīyah* is only a *marjiʿīyah* in so far as it issues *fatwās*; it is the duty of the *marjiʿ* to examine actual realities and events in light of the texts and other Islamic sources and then to infer the Islamic position on such matters using whichever elements of *ijtihād* are required. In order for the *marjiʿ* to serve as a general authority for all sectors of the community and in order for him to remain fully aware of all the community's juristic problems and everything required to distinguish the correct social, legal, and political position, he should seek the assistance of a committee of senior scholars capable of issuing legal opinions as well as leading specialists in the area for which an authentic Islamic position needs to be identified. It may no longer be possible for any individual, isolated *ijtihād* to address all contemporary problems. The establishment of a *fatwā* council (*dār al-ifṭāʾ*) made up of prominent jurists may be the best solution to this problem, especially since all the principles of *taqlīd* (most notably the "custom of reasoned persons "—*bināʾ al-ʿuqalāʾ*) are in agreement with it.[8]

At the same time, leadership of the community should clearly be left to the chief executive (*walī al-amr*) who is in actual charge of the affairs of the community. It is absurd to think that there could be two leaders in one community or religious group—let alone that each and every jurist can have absolute authority over the lives, wealth and personal relations of all the faithful in every part of the world. Islamic political theory, social reality, and the custom of reasoned persons, as well as the texts which deal with Guardianship (*wilāyah*), militate against such an idea. Guardianship is one and indivisible. Thus we are forced to conclude that the traditional procedure of choosing a jurist for the office of *marjiʿ* is no longer useful. In fact, it presents weaknesses which make it vulnerable to the machinations of the enemy.

The term "*marjiʿīyah*" itself appears to be derived from traditions that enjoin the faithful to turn to or "resort" (*rujūʿ*) to the jurists. One example of such a tradition is the signed epistle (*tawqīʿ*) [of the twelfth imām during his Lesser Occultation] in which he says: "As for day-to-day events (*al-ḥawādith al-wāqiʿah*), refer to the transmitters of our [the imāms'] *ḥadīth*...."[9] Following

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[8] One of the rational arguments for *taqlīd* is that it is the habit of reasoned persons to seek guidance from experts, rather than relying on their own limited knowledge or skill; thus, for instance, a sick person will seek the advice of a doctor rather than trying to cure himself. (This is known as "the resort of the ignorant to the learned"—*rujūʿ al-jāhil ilā al-ʿālim*.) The author presumably means here that it has been the custom of reasoned persons to refer to more than one learned authority when the matter to be considered requires expertise of various kinds, or consideration from several points of view. He returns to this argument in his second essay in this book. For further discussion of the custom of reasoned persons, see the essay by Ayatollah Muhaghegh-Damad and preface to the chapter on jurisprudence—ed.

[9] See al-Ḥurr al-ʿĀmilī, *Wasāʾil al-Shīʿah*, 20 vols., ed. Muḥammad al-Rāzī [Beirut: Dār al-Turāth al-ʿArabī, 1391/1971-72], XVIII, 101 {*K. al-qaḍāʾ, Bāb wujūb al-rujūʿ fī al-qaḍāʾ wa-al-fatwā ila ruwāt al-ḥadīth ..., ḥadīth* #9}. (The Imām's instruction was in answer to a follower who had asked about "unanswered questions which have come up"; it has been understood that

indications left by the imāms, the community understood that true leadership resided with the jurists, since their guidance was closest to that of the divinely-protected (*maʿṣūmah*) leadership [of the imāms] in learning and conduct. The community also had in hand statements from the imāms which emphasized that judges were required to possess excellence in jurisprudence (*fiqh*), just as the imām was required to possess knowledge (*ʿilm*), that the jurist is the "fortress of this community"[10]—and so on. However [despite texts praising the jurists and comparing them with the imāms], "resort" has not always included all aspects of leadership. The exemplary scholars mentioned above and a few others like them were able to dominate the whole range of responsa because of their personal capabilities, and not on the basis of any established principle.

In contrast to the *marjiʿīyah* [which may be shared between several authorities], governmental or executive authority (*wilāyat al-amr*) is indivisible; it does not vary from one area of the world to another. For the Islamic state is one, its law is one, and the guardian-jurist (*walī al-amr*) is supreme steward over everyone (provided we discount certain views formed during long periods of disintegration of caliphal authority, which affected even the jurists' outlook on Islamic political authority).[11] That there must be one Guardian (*walī*) and not several is also clear from the history of the House of the Prophet. Here there are two fundamental points to be made. First, none of the proofs for Guardianship includes any text which may be taken in whole or part to mean that Guardianship belongs to every jurist. On the contrary, a multiplicity of guardians is refuted by the tradition. For instance, from the sound transmission (*ṣaḥīḥah*) of Ḥusayn ibn Abī al-ʿAlāʾ about the Imām Jaʿfar al-Ṣādiq,:

> I asked Abū ʿAbd Allāh [al-Ṣādiq], "Can the earth be without an imām?" "No," he answered. I asked, "Can there be two imāms at one time?" "No," he answered, "unless one of them is silent (*ṣāmit*)."[12]

And Ibn Bābawayh writes:

> If it is asked why it is not possible for two or more imāms to exist on earth at the same time, there are many reasons. One reason is that there is never any conflict or discord in the action and management of one single person—while the action and management of two persons can never be in full accord.[13]

The second point to be made is that no person has ever possessed all the qualifications necessary for both supreme legal authority (*marjiʿīyah*) and

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by day-to-day or actual events is meant novel circumstances which give rise to questions not explicitly covered by the texts—ed.)

[10] E.g. Kulaynī, *al-Uṣūl min al-Kāfī*, *K. faḍl al-ʿilm*, *Bāb faqd al-ʿulamāʾ*, *ḥadīth* #3. This *ḥadīth* is used by Khomeini in his argument for "the rule of the jurist"—ed.

[11] The author seems to envision an ideal situation of world Islamic government; he has spoken of this elsewhere in his writings—ed.

[12] Kulaynī, *al-Uṣūl min al-kāfī*, *K. al-ḥujjah*, *Bāb anna al-arḍ lā takhlū min ḥujjah*, *ḥadīth* #1.

[13] Ibn Bābawayh, al-Shaykh al-Ṣadūq, *ʿIlal al-sharāʾiʿ* (Najaf: al-Maktabah al-Ḥaydarīyah, 1385/1966), 254. (Ibn Bābawayh, in his style, goes on to list several other reasons—ed.)

supreme executive authority (*wilāyat al-amr*) with the power to dispose of property and other legal matters for all Muslims—or even, for that matter, all Shīʿīs. In fact, until the end of the fifth century A.H. the jurists were actually uncertain how to spend the "Imām's portion" of the *khums* (fifth) tax.[14] It was subsequently determined that the *khums* does not belong to the Imām in person, but rather to his office as protector of the community and implementer of the *sharīʿah*—although even then scholars continued to disagree on the details.[15]

Be that as it may, we believe that the office of supreme authority as it made its appearance on the stage of Shīʿī history has been beneficial to the community. It has continued to evolve along with the complexity of human relations and has tried to answer the need for a leadership of the learned capable of uniting the community. Despite certain organizational weaknesses, it has played a brilliant role in the struggle against undesirable innovation (*bidaʾ*), colonialism, and tyranny. And it has achieved all this without benefit of any official authority, save in a few periods such as that of al-Muḥaqqiq al-Thānī in the Safavid era and Kāshif al-Ghiṭāʾ during the time of the Qajars.[16] In fact, the *marjiʿīyah* has always faced opposition in official circles and has had to rely instead on its moral prestige among the faithful.

The *marjiʿīyah* is an assemblage of juristic principles. It is also a natural result of the increasing complexity of society and need for unity in the face of a hostile world. The principles on which the *marjiʿīyah* is based may be divided into two categories: the proofs for *taqlīd* [of a living jurist], including the condition of superiority in learnedness (*aʿlamīyah*); and proofs of the "guardianship of the jurist" (*wilāyat al-faqīh*). All these grew in time so that the *marjiʿīyah* became the only practical authority for society. In the course of these developments, however, many questions were raised. One concerned the actual choosing of the top legal authority (*marjiʿ*). Was it to be left to take its natural course, in accordance with the dictum, "God knows best where He places His message," or should scholars devise another, more practical and reasonable procedure—especially in view of certain conspiracies against the school of the Family of the Prophet [Shīʿism] which threatened to destroy both it and the *marjiʿīyah*? Another question concerned the plurality of top legal authorities, which tended to lead to different stances on leadership and proper juristic procedure—not only between distant regions, but even in single cities

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[14] The share of the Imām, that is the twelfth imām, is half the *khums* or fifth tax prescribed in the Qurʾān (8:41); presently, Shīʿīs contribute the *sahm al-imām* to members of the religious class, who are thought to represent the Imām—ed.

[15] See for example Shaykh Yūsuf al-Baḥrānī, *Ḥadāʾiq al-nāḍirah fī aḥkām al-ʿitrah al-ṭāhirah*, 25 vols, ed. Taqī al-Abrawānī (Najaf: Dār al-Kutub al-ʿIlmīyah, 1377/1957), XII [Najaf: Dār al-Kutub al-Islāmīyah, 1382/1962 or 63], 470.

[16] Originally from the Jabal ʿĀmil area of present-day Lebanon, al-Muḥaqqiq al-Thānī was employed by the Safavids to spread Shīʿism. Kāshif al-Ghiṭāʾ, who was involved in the Uṣūlī-Akhbārī controversy, found favor with the Qajar government and was involved in several political episodes—ed.

such as Najaf or Qum. And then there was the question of whether to rely for responsa on a council of jurists, or to rely solely on one jurist despite different temperaments among scholars, increasing diversity of life-styles, and complexity of social relations—not to mention the possibility of individual self-interest leaving its mark on the development of the community.

Questions such as these, however, tended to remain in the background, both because of the positive influence of the *marji'iyah* on the life of the community, and because Shī'ī weakness and fragmentation prevented ordinary people from going through the necessary painstaking examination of different responsa and the status of different legal authorities. Nor had the forces of "arrogant" hostility penetrated the Shī'ī community to the extent they have today, since they had not yet realized its spiritual influence [upon Muslims at large].

Following the victory of the Islamic Revolution in Iran under the leadership of the great jurist (*marji'*) Imām Khomeini, the *marji'iyah* gained renewed strength. At the same time, conspiracies of a kind never seen before were mounted against its very existence. Nevertheless, the questions discussed above remained relatively unimportant. For one thing, the actual leadership of the community was now in the hands of the *marji'iyah* itself, and the government was preoccupied with affairs of state. The *marji'iyah* realized that its first priority had to be the Revolution, while the full support of the masses prevented whatever disputes there may have been from having any practical effect. Thus, when a certain person opposed to the *marji'iyah*'s role in the Revolution tried to obstruct its development, the Muslim masses themselves repudiated him, and the crisis ended peacefully.[17]

However, subsequent developments brought these debates once again to the fore. One was the death of Imām Khomeini and transfer of power to his faithful student [the present "Guardian-Jurist" (*walī al-faqīh*), Khamenai] who, although a great jurist with an acute awareness of the issues and problems to be faced, was nevertheless not a well-known *marji'*. This event was followed by the death of several other *marji's* of the community such as Khū'ī and Gulpāygānī, as related above. In the meantime, there were attempts to infiltrate the *marji'iyah* itself, some involving foreign elements. And finally, new interpretations of "superiority in learnedness" appeared which envisioned a *marji'iyah* with greater power to infer (n. *istinbāṭ*) legal rulings than previously conceived by our jurists (may God have mercy on them all), especially in certain areas of the law.

These interpretations regarded [juristic] *marji'iyah* as only one element of *a'lamiyah*. Two other important elements were the ability to understand events in relation to the time and location in which they take place and expertise in determining the welfare (*maṣlaḥah*) of the Islamic community. Ability to understand the structure of Islam as a whole and the interrelationship of its

[17] Several figures, some within the religious hierarchy itself, were opposed to the association of the *marji'iyah* with the state. The author may be pointing to any of these—ed.

elements was also considered important, since it is here that concepts and legal rulings that affect life on a practical level and distinguish Islam from ideologies such as socialism and capitalism are to be found.

As for the future of the *marjiʿīyah*, we must again emphasize that the present situation of the Shīʿī community absolutely does not allow that there be two functioning centers of power or two active guardians (s. *walī*), as there were in the past. Those who care for the welfare of the community and the future of the Islamic Revolution must do their utmost to ensure either that it is combined with the leadership so that it retains its present character, or that it properly resumes its original function of issuing responsa by attempting to arrive at generally consistent legal positions. The latter can be accomplished by incorporating other *mujtahid*s [other than the Guardian-Jurist] into the institution (*ḥawzah*) of the supreme *marjiʿ* (*al-marjiʿ al-aʿlā*)—the supreme *marjiʿ* itself being chosen in a realistic manner in order to avoid certain dangers—and by having jurists in general [outside the institution of supreme *marjiʿ*] cease issuing *fatwās*. The best alternative, in other words, is a consultative council of jurists (*shūrā al-iftāʾ*). This is entirely consistent with the legal proofs that make *taqlīd* an accepted part of our legal system.

First, however, we must reassess the underlying rationale of superiority in learnedness. The very concept is open to debate. Before Shaykh Anṣārī, who died only in 1281/1864, there was no explicit *sharīʿah* definition; indeed, the jurists had no clear idea of it at all.[18] Our present understanding of *aʿlamīyah* is therefore likely derived from customary usage (*ʿurf*) and the custom of reasoned persons. If we re-examine the legal proofs for *aʿlamīyah*, we will find that they too depend entirely on the custom of reasoned persons, to which the *sharīʿah* in fact assigns them.[19]

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[18] Anṣārī says in the *Maṭāriḥ al-anẓār*: "The one who is superior in learnedness is he who has the greater faculty (*malakah*) [for *ijtihād*] and greater ability to deduce [rulings] according to the established rules" (Abū Qāsim al-Kalāntarī, *Maṭāriḥ al-anẓār. Taqrīrāt al-Shaykh al-Aʿẓam al-Anṣārī* [Qum: Muʾassasat Āl al-Bayt, 1404/1983 or 84; repr. of lithograph], 307). This was also stated by Abū al-Ḥasan al-Iṣfahānī [d. 1946] and al-Muḥaqqiq al-ʿIrāqī [expert in jurisprudence, also known as Āghā Ḍiyāʾ al-Dīn, d. 1361/1942]. The author of *al-ʿUrwah al-wuthqā* [Sayyid Muḥammad Kāẓim Yazdī, d. 1281/1864] says: "What is meant by 'most learned' is having more knowledge of the rules and texts that concern the problem at hand, and being more informed of precedents (*naẓāʾir*) and tradition, as well as having a better understanding of the tradition—in short, being better at deduction" (*al-ʿUrwah al-wuthqā, Taqlīd, masʾalah* #17). Sayyid Muḥammad Mujāhid [al-Ṭabāṭabāʾī, d. 1242/1826 or 27] states explicitly that no jurist before Anṣārī had defined *aʿlam*; see his *Mafātīḥ al-uṣūl* ([Qum]: Muʾassasat Āl al-Bayt, n.d.; repr. of lithograph), 632. It seems that Anṣārī was the first to stress the rule of doing *taqlīd* of the most knowledgeable, followed by disciples such as Mīrzā Rashtī, al-Sayyid al-Fishārakī, and al-Sayyid Thiqat al-Islām, who finally established the concept. We do, however, find mention before Anṣārī of the most learned in a particular town; for instance, Kāshif al-Ghiṭāʾ[the pre-eminent scholar of his time, d. 1227/1812, thus about half a century before Anṣārī] emphasizes this and "the best in defending Islamic territory."

[19] More precisely, the author states that the *sharīʿah* assigns the matter to the "custom of reasoned persons" (*binā' al-ʿuqalā'*) and "conduct customary among reasoned persons," (*al-sīrah al-ʿuqalā'īyah*), these phrases being equivalent—ed.

However, as we shall see presently, the conduct customary among reasoned persons is not appropriate to the concept of *ʿalamīyah* as it is presently conceived. Surely the *sharīʿah* would not have left something which affects all aspects of the life of the individual simply to the custom of reasoned persons! In any case, the majority of Muslims do exactly the opposite; they refer to any well-informed *mujtahid*, without considering the issue of *ʿalamīyah*. These are some of the matters connected with the *marjʿīyah* which must be subjected to thorough discussion and debate before an ideal solution can be found.

Let us now turn to the relation of *ijtihād* and *taqlīd* to knowledge of the law. We may define *ijtihād* as the process of doing the utmost one is able (*istifrāgh al-wusʿ*)[20] to infer (n. *istinbāṭ*) from detailed legal proofs (*adillah*) either the legal rulings of the *sharīʿah*, or actual duties—whether those duties are related to the law or to reason. We may also define it as the process of referring the ancillary branches (*furūʿ*) of the law to primary legislative roots (*uṣūl*) sanctioned by the law. Whether we define it in these or similar ways (leaving aside the contention that *ijtihād* is invalid conjecture),[21] then, it being recognized that *ijtihad* is necessary for the continued application of the *sharīʿah*, we need not justify it in detail.

Ijtihād, the purpose of which is to preserve Islamic legal rulings from decay, is an obligation "fulfilled by the action of some members of the community (*kifāʾī*)," rather than an "absolute obligation incumbent on every person (*ʿaynī*)." This is made clear in the following verse of the Qurʾān [already cited above] which urges Muslims to acquire knowledge of the legal sciences:

> [I]f a contingent from every group remained behind, they could devote themselves to studies in religion and admonish their people when they returned to them, that they [might learn] to guard themselves [against evil] (9:122).

One argument for *ijtihād* not being an absolute obligation is the great hardship such an obligation would entail;[22] the precedent established by those who solicited responsa from the disciples of the imāms and traditionists [rather than attempt to determine answers themselves] is another. By the same token, permission for *taqlīd* for those who are not capable of *ijtihād*, that is who are not *mujtahid*s, is all but self-evident; the author of *Kifāyat al-uṣūl* ("The Compleat Jurisprudence") even describes *taqlīd* as "an innate, natural state."[23]

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[20] The phrase is part of the standard definition of *ijtihād*—ed.

[21] Invalid conjecture = *ẓann ghayr muʿtabar*. That is leaving aside the argument (made, for instance, by Akhbārī Shīʿīs) that *ijtihād* cannot be valid, because it is not based on certain knowledge—ed.

[22] Since then every person would be obliged to acquire the expertise for and spend their time in legal deduction, which would not allow them to do their other work necessary for the functioning of society—ed.

[23] Ākhūnd Muḥammad Kāẓim al-Khurāsānī, *Kifāyat al-uṣūl* (Beirut: Muʾassasat Āl al-Bayt li-Iḥyāʾ al-Turāth, 1411/1990), 472. The author, who died in 1911, was a student of the famous Anṣārī—ed.

The validity of *taqlīd* is also confirmed by the conduct customary among reasoned persons (*al-sīrah al-ʿuqalāʾiyah*). Moreover, it was practiced in early Islamic society, indicating that it was legally approved (n. *imḍāʾ shaʿī*); proof-texts from the Qurʾān and Prophetic Tradition could also be cited.

Nevertheless, [it is said that] when a scholar attains to the rank of *mujtahid*, he is not allowed to follow another *mujtahid*. This was clearly stated by Shaykh Anṣārī in his treatise on *ijtihād* and *taqlīd*;[24] in addition, those who assert that there is agreement among the jurists on this point argue that there is absolutely no circumstance in which it is permitted for persons possessing the faculty (*malakah*) of *ijtihād* to emulate others who are incapable of it. [On the other hand], al-Muḥaqqiq al-Qummī, author of the *Qawānīn*,[25] distinguishes between those who are actually able to employ this faculty and those who are [for some reason] not able to do so. He states that "proof [that the *mujtahid* is absolutely forbidden to do *taqlīd*] resides in the fact that he is, according to consensus, obliged to act upon his valid conjecture (*ẓann*) **if he is able to arrive at it**." He continues:

> This proof relieves most people [from the obligation of exercising *ijtihād*], leaving but a few [obliged]. There is, however, a point here which precludes consensus, since one might not be able to arrive at a valid conjecture for lack of time. Thus it appears that the opinion that there is permission [for the *mujtahid* to do *taqlīd*] if time is short, and that [following] a ruling [of another person] in such a case is valid, is the stronger one.[26]

Khūʾī remarks on Shaykh Anṣārī's dictum as follows:

> What he says is true, for [determination of] rulings to be applied to circumstances arising in time is the exclusive province of those who possess the faculty of *ijtihād*, either by virtue of general knowledge or through application of proofs and textual indications (*amārāt*), as appropriate, **and who are [actually] able to arrive [at such rulings] through these means.**[27]

Thus it seems that the custom of reasoned persons by which the ignorant refer to the learned also applies to a *mujtahid* who is prevented in some way (for instance, by lack of time) from inferring rulings. This provision becomes even more striking when we imagine that [given the explosion of knowledge in modern times] there might be whole fields in which such persons may not yet be able to infer rulings.

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[24] Published in *Majmūʿah rasāʾil fiqhīyah wa-uṣūlīyah*, ed. ʿAbbās al-Ḥajiyānī (Qum: Maktabat al-Mufīd, 1404/1983).

[25] Mīrzā-yi Qummī (d. 1231/1816), a leading *marjiʿ*, wrote the *Qawānīn al-uṣūl* (sometimes also know as *al-Qawānīn al-muḥkamah*) on the principles of jurisprudence—ed.

[26] *Qawānīn al-uṣūl*, 2 vols. (Tehran: al-Maktabah al-ʿIlmīyah al-Islāmīyah, 1377/1958), II 163.

[27] (Emphasis here and above added by ed.). Mīrzā ʿAlī al-Gharawī al-Tabrīzī, *al-Tanqīḥ fī sharḥ al-ʿUrwah al-wuthqā*, 6 vols. (Qum: Muʾassasat Āl al-Bayt [1984]), I, 30 {*K. al-ijtihād wa-al-taqlīd*}. These are notes on Ayatollah Khūʾī's lectures on Ṭabāṭabāʾī Yazdī's (d. 1281/1864) seminal *al-ʿUrwah al-wuthqā*; Yazdī's work and other commentaries on it are cited often by the author in this essay—ed.

Returning to the question of *aʿlamīyah* or superiority in learnedness, let us recall again that it means that the one who possesses it has greater *faculty* (*malakah*) than his peers for inferring rulings.[28] The criterion here is not greater output. It is true that many scholars defined *malakah* quite broadly, taking it to mean the ability to infer precise Islamic norms for all matters encountered in life. It is also true that this definition has been generally accepted among Shīʿī scholars, particularly in recent times.[29] Nevertheless, a number of Shīʿī scholars who lived after al-Shahīd al-Thānī (d. 966/1558) did not even hold the requirement of *aʿlamīyah* to be necessary.[30] Here we can briefly consider only a few of the legal proofs relevant to this important issue.

We shall begin with proofs against the necessity of resorting to the most learned, even when it is known who the most learned is. One argument relies on the observation that the textual proofs that allow one to follow a jurist (*faqīh*) are unconditioned.[31] These include the verse of the Qurʾān that states that a group should "warn their people when they return to them, that they may beware" (9:122), the verses which advise the believers to "Ask those who know, if you do not know" (16:43; 21:7), the verses which admonish people not to conceal (*k-t-m*) what they know (e.g. 3:187), and certain traditions of the imāms.[32] In fact, we hear that on most occasions the faithful resorted to jurists who did not possess superiority in learnedness, even when it was known that their *fatwā*s conflicted. This was accepted practice for centuries in early Islam. Nor was resort to other than the most learned [expressly] prohibited, a fact which in itself constitutes an independent argument. Moreover, the well-

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[28] Muḥammad Taqī al-Ḥakīm, *al-Uṣūl al-ʿāmmah lil-fiqh al-muqāran* ([Beirut]: Dār al-Andalus, 1979), 659: quoting al-Āmidī's *Iḥkām al-aḥkām*.

[29] It has also been accepted by Sunnī jurists such as Aḥmad ibn Ḥanbal, Ibn Surayj, and al-Qaffāl [al-Shāshī, d. 570/1114], the Shāfiʿī, among others. It is, in addition, the opinion preferred by Ghazālī (see *al-Mustaṣfā min ʿilm al-uṣūl*, ed. Muḥammad Sulaymān al-Ashqar, 2 vols. [Beirut: Muʾassasat al-Risālah, 1417/1997], II, 382 {*arkān al-ijtihād*}, and the view reported to have been held by Muḥammad ibn al-Ḥasan [al-Shaybānī] (see Muḥammad Saʿīd al-Bānī, *ʿUmdat al-taḥqiq fi al-taqlīd wa-al-talfiq* [Damascus: al-Maktab al-Islāmī, 1401/1981], 54). [Al-Bānī quotes Shaybānī as follows: "He who is learned imitates him who is more/most learned—*aʿlam*—and he does not imitate those who are lesser than him or equal to him"—ed.]

[30] For instance, the son of al-Shahīd al-Thānī [Abū Manṣūr Ḥasan, d. 1011/1602] says: "If one of them is more learned and better fulfils the requirement of 'justice,' they should follow him. This is the belief of the Companions of the imāms whose words have reached us. They argue that reliance on the statements of those who are more learned is more probable and certain—**though some have preferred personal choice in this matter**" (*Maʿālim al-uṣūl* [also known as *Maʿālim al-dīn*], ed. ʿAlī Muḥammad [Qum: Dār al-Fikr, 1374/1995], 339; emphasis added by ed.). See also Sayyid Muḥsin al-Ṭabāṭabāʾī al-Ḥakīm, *Mustamsak al-ʿUrwah al-wuthqā*, 14 vols. (Qum: Maktabat Āyat Allāh al-ʿUẓmā al-Marʿashī, 1391/1980 or 81), I, 26 {commentary on "Ijtihād wa-taqlīd," *masʾalah* #12}.

[31] Lit., relies on the "unconditioned application" (*iṭlāq*) of the verses and traditions cited, that is takes them to mean all jurists, without any restriction such as degree of learnedness. The author relies on the argument of unconditionality or unrestrictedness of proofs at several points in both his essays in this volume—ed.

[32] The author simply says "the verses of *al-nafr*, *al-suʾāl*, and *al-kitmān*"—ed.

known transmission (*mashhūrah*) of Ibn Khadījah sanctions recourse to anyone who has "some knowledge" of the imāms' rulings.[33] Indeed, there are many traditions enjoining recourse that do not specify that it be to the most learned.

It may also be argued that if we broaden the definition of most learned to include knowledge of all Islamic concepts and rulings, as well as the subject-matter of those rulings in all areas of human life, it becomes very difficult [to define and identify the "most learned"]. These difficulties have only increased with time, and the religious academies now generally tend toward the idea of approximate rather than absolute superiority. A third argument is the custom of reasoned persons, which advocates recourse [of the ignorant] to the learned, not the most learned; while a fourth argument, related to the third, is the agreement of the Prophet's Companions on this issue—indeed, even their consensus (*ijmāʿ*).

A number of objections have been raised to these arguments [by those who maintain that *aʿlamīyah* is a necessary requirement]. For instance, it has been pointed out that what is at issue is what happens when it becomes apparent that one jurist is more learned than another—while the reports [used to argue that recourse is not restricted to the most learned] presuppose, as Shaykh Anṣārī says, no awareness of difference in learnedness; presuppose, in fact, that one believes jurists to be approximately equal. However, we have no way of knowing if resort was of this kind [i.e. with the people unaware of difference in learnedness], such that the traditions could be taken as proof for that. The rest of the proofs [denying that it is not necessary to resort to the most learned] have also been debated and discarded.

Let us now turn to proofs for the necessity of resort to the most learned. The first such proof is that "emulation" (*taqlīd*) is already established as law by the Qurʾān and Prophetic Tradition (*sunnah*), or by custom (*sīrah*), while at the same time, unconditioned legal norms (s. *muṭlaq*) cannot include two opposites [and therefore, to avoid such contradiction, the less learned must follow the more learned]. Here is the crucial point for the purposes of our own discussion, as we intend to consider a situation in which it is known that the legal opinions of a learned jurist and more learned jurist are incompatible.

As for the custom of reasoned persons, [it is asserted that] it proceeds according to recourse to the most learned when differences in learning are known to exist. This custom [it is said] is "confirmed by actual practice (*mumḍāh*)." When the legal opinion of the less learned jurist consequently loses its status as authoritative legal proof (*ḥujjīyah*), recourse to the more learned becomes mandatory, it having already been established that precaution

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[33] "*man yaʿlam shayʾan min* ..." See al-Ḥurr al-ʿĀmilī, *Wasāʾil*, XVIII, 4 {*K. al-qaḍāʾ, Bāb anna-hu yashtariṭ fi-hi al-īmān wa-al-ʿadālah* ..., *ḥadīth* #5}. See also Ibn Bābawayh, *Man lā yaḥḍuru-hu al-faqīh*, ed. Ḥasan al-Mūsawī al-Khurāsānī, 4 vols. (Tehran: Dār al-Kutub al-Islāmīyah, 1390/1970), III, 2 {*Bāb man yajūz al-taḥākum ilay-hi* ..., *ḥadīth* #1}.

(*iḥtiyāṭ*) is not necessary, since it leads to difficulty.[34] [It is also said] in regard to the custom of reasoned persons that it advocates recourse to the more learned except when disagreement is known to exist, and that it is this custom that is confirmed by actual practice. Sayyid al-Khūʾī apparently relies on this principle alone.

However, it is sometimes asserted concerning the above that it is indeed possible to conceive of the unconditioned application of two opposing legal opinions [and therefore the *fatwā* of the most learned does not deprive the *fatwā* of the less learned of the status of authoritative legal proof].[35] In any case, we are not aware of any custom of reasoned persons confirmed by actual practice, of the kind described above. Instead, we find that reasoned persons refer to experts [in general], especially those who possess approximately the same expertise, even when they are generally aware of differences in opinion between those experts and others who are more expert. This practice is followed for several reasons. One is that it is simply easier. Another is that, even when conforming to the actual divine injunction (*wāqiʿ*) is a prime consideration, there is [still] a reasonable possibility of doing so [by referring to any learned person, rather than necessarily the most learned].

In other words, there is nothing known that should reasonably compel us to resort to the jurist who is more learned when there is another qualified jurist available.[36] Here we are speaking in a legal context, in which *ijtihād* is acknowledged to be an accepted legislative process possessed by both [the learned and more learned] in sufficient measure to carry out their duties. It is meaningless to relate "resort to the most learned" to those cases we often see described by our scholars of hesitation on the part of an individual between two experts in a critical matter. Nor are we aware of any actual practice which would make resort to the most learned a legal norm, particularly in view of the fact that it was common legal custom to resort to any of the Companions or learned followers of the imāms [without distinguishing between them on the basis of their learning], and that there was never any serious objection to this widespread phenomenon.[37] In fact, the imāms used to refer their followers to their disciples without specifying that they be superior in their learning.[38]

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[34] Precaution in this case would mean avoiding emulating the wrong jurist by refraining from emulating either. But such precaution (so say those who argue that one is obliged to resort to the more learned) cannot be applied, since it leads to the difficulty of leaving a Muslim without anyone to emulate, and therefore no guidance in religion—ed.

[35] This is a key argument in the author's essay "Combining Legal Opinions," in the next chapter—ed.

[36] Gharawī, *Tanqīḥ*, I, 142 [see also 142-148] {*al-Ijtihād wa-al-taqlīd*}.

[37] Imām Khomeini presents this idea as follows: "It is necessary to discuss 'the custom of reasoned persons' in relation to preference for the opinion of the most learned where disagreement exists, whether in general or in specific issues. Should such preference be regarded as imperative, or it is merely a good precautionary measure? The second possibility should not be regarded as unlikely, since both opinions do have a basis and do possess the requirements of being authoritative legal proofs (*ḥujjīyah*) and supported by evidence (*amārīyah*)." However, Khomeini then counters his own proposition on the grounds that one cannot be lenient in a

Moreover, the undue hardship (*ʿusr*) [occasioned by requiring resort to the most learned] becomes more apparent day by day as the Islamic world expands and the number of *ʿulamāʾ* increases, while Islam continues at the same time to maintain a comprehensive, universal world view. It becomes even more striking when we examine more closely the views on *aʿlamīyah*, already quoted above, held by the author of *al-ʿUrwah* [*al-wuthqā*],[39] or if we wish to consider that superiority in learnedness includes all Islamic positions in life. It may also be useful here to quote at length that great scholar Muḥammad Ḥasan al-Najafī.[40] Najafī says:

> [The relevant *ḥadīths*] refer to the imāms' deputies during the period of Occultation and submission of disputes (*tarāfuʿ*) to and emulation (*taqlīd*) of the less excellent (*mafḍūl*), whether disagreement was known to exist or not. It is evident that there was permission [to follow the less excellent], both because of the unconditioned proofs for their appointment, which imply the prerogative of all scholars over all the people [without restriction or condition]; and because of the continuous custom of seeking responsa from them and their issuing those responsa despite differences in excellence. The assertion that one is to prefer (n. *rujḥān*) a candidate as more excellent on the basis of [mere] conjecture (*ẓann*) also tends to undermine the argument for *aʿlamīyah*—along with the fact that resort to the most learned may in many instances be obviated when it becomes necessary that the less excellent [re]examine those instances in his own time, whether he is in agreement with the more excellent [jurist who issued opinions] in past times or not.[41] Thus there is no evidence, either from reason or tradition, which would compel one to act upon such a preference. In fact, it may even be that what should be preferred is the principle of sanction

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matter so grave as the *sharīʿah* (Jaʿfar Ṣubḥānī al-Tabrīzī, *Tahdhīb al-uṣūl, taqrīran li-baḥth ... Rūḥ Allāh al-Mūsawī al-Khumaynī*, 3 vols. [Qum: Muʾassasat Ismāʿīliyān (1985)], II, 550).

[38] This is supported by many traditions in which the Imām [Jaʿfar al-Ṣādiq] refers people to [his Companions] Muḥammad ibn Muslim al-Thaqafī, Abū Baṣīr Yūnus ibn ʿAbd al-Raḥmān, Muʿādh ibn Muslim—and so on, regardless of superiority in learnedness. Nor is it correct to say that the Imām knew that they would not disagree in their legal opinions; in fact, it could even be claimed that he was certain they would disagree, that being the most natural outcome. There is an example of one of these traditions in Kashshī's *Rijāl*. He reports in his chapter on "Knowing the Worth of Transmitters" that Jaʿfar ibn Wahb said: "Aḥmad ibn Ḥātim reported from Māhawayh that he said: 'I wrote to Abū al-Ḥasan the third [that is the tenth imām] asking him from where I should take the attributes of my religion.' His brother also wrote the Imām concerning the same problem and the Imām replied to them both: 'I understand what you mean. Rely for your religion on whomever loves us much and on whomever is much advanced in our affairs—and such persons will suffice you, God willing.'" (*Ikhtiyār maʿrifat al-rijāl*, ed. Mahdī al-Rajāʾī, 2 vols.) [Qum: Muʾassasat Āl al-Bayt li-Iḥyāʾ al-Turāth, 1404/1984], I, 15-16.

[39] The author, Sayyid Muḥammad Kāẓim Yazdī, says: "What is meant by 'most learned' is having more knowledge of the rules and texts **which concern the problem at hand, and being more informed of precedents** (*naẓāʾir*) and tradition, as well as having a better understanding of the tradition—in short, being better at inference" (*al-ʿUrwah al-wuthqā, taqlīd, masʾalah* #17; emphasis added by ed.).

[40] Shaykh Muḥammad Ḥasan al-Najafī (d. 1266/1850), author of the famous *Jawāhir al-kalām* on *fiqh*; Anṣārī was one of his students—ed.

[41] —according to the principle of Shīʿī jurisprudence that each case that arises be examined anew rather than left to the opinions of the past, since circumstances evolve and change, however slightly—ed.

of the Law of resort to the less excellent jurist, even when valid conjecture is more strongly in favor of the *fatwā* of the more excellent—somewhat parallel to the witness of two just men [where one may be more qualified than the other, but the witness of both is valid in the one case].

Thus, assuming that there is, from the point of view of reason, no bar to emulating (n. *taqlīd*) the less excellent, the unconditioned proof for the appointment (*naṣb*) of such a person [to a position of authority] and the efficacy of his ruling in cases which happen to present themselves [*al-wāqiʿah*, that is cases for which there is no previous determination] dictate that his valid conjecture (*ẓann*) be accepted as authoritative legal proof (*ḥujjīyah*) ... and that this is only right and just and according to what God has sent down. Thus it is permitted to refer to such persons for emulation also.

Najafī continues:

One might even say that the worthiness of the less excellent jurist and his appointment cause his receipt of revenues and authority [or Guardianship—*wilāyah*] to function in the same way as those of the more excellent (that is as regards certainties which do not require a great deal of sorting out of doubtful details). This is especially so when we consider the clear texts that appoint all those fitting the description above, and not just the most excellent. Otherwise, the text would have read "Make arbiter between you the most excellent, who knows what is permitted and forbidden" and not simply "a man who knows..."[42] This is obvious even at first glance.... Thus it is clear that the texts that speak of precedence are irrelevant to the issues which concern us here: competence to arbitrate, to begin, and then emulation [*taqlīd*]—whether there is known to be a difference of opinion [between the less excellent and more excellent] or not. That our jurists relied on these texts to prove the matter [of preference for the most excellent] is strange indeed. One went so far as to take this to be the main implication of the texts, even though it is well known that some have disagreed; he claimed consensus (*ijmāʿ*) in its favour (although not unqualifiedly), going into great detail.... Others asserted that the less excellent has no authority (*wilāyah*) whatsoever in the presence of the more excellent. Such difference of opinion certainly indicates lack of an effective consensus. It fact, the opposite may be true, for the imāms, despite the fact that they were themselves available, used to command their followers to resort to Companions such as Zurārah, Muḥammad ibn Muslim, and Abū Baṣīr; and the Messenger of God allowed some of his Companions to give legal judgment despite the presence of the Commander of the Faithful [ʿAlī], who was more qualified than any of them. The author of the *Durūs*[43] also states: "By consensus, even if the imām is present in an area, if he is asked to give legal judgment, he may turn over judgment to someone else."

Najafī finally concludes that "the appointment of the less excellent jurist, the submission of disputes to him and emulating him—whether he is known to differ in opinion [from the more excellent] or not—are all allowed."[44]

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[42] al-Ḥurr al-ʿĀmilī, *Wasāʾil*, XVIII, 100 {*K. al-qaḍāʾ, Bāb wujūb al-rujūʿ fī al-qaḍāʾ wa-al-fatwā ilā ruwāt al-ḥadīth ... ḥadīth* #6}.

[43] The author of the *al-Durūs al-sharʿīyah fī al-fiqh al-Imāmīyah* is Shams al-Dīn Muḥsin ibn Makkī al-ʿĀmilī, al-Shahīd al-Awwal, d. 786/1384.

[44] Muḥammad Ḥasan al-Najafī, *Jawāhir al-kalām fī sharḥ sharāʾiʿ al-Islām*, 42 vols. (Najaf: al-Maktabah al-Islāmīyah/ Tehran: Dār al-Kutub al-Islāmīyah or al-Maktabah al-Islāmīyah,

Moreover, the Akhbārī jurist Ḥurr al-ʿĀmilī [d. 1104/1693] states in the course of refuting the Uṣūlīs that

> [A]ny doctrine of *taqlīd* requires that the one doing *taqlīd* (*al-muqallid*) know that he is emulating an absolute[45] *mujtahid*—which, obviously, he has no way of knowing. Thus he would be charged with that which he could not bear[46]—as would also be the case if he were to be charged with distinguishing the most learned of two *mujtahid*s, or among many.[47]

And [Ayatollah Muntaẓirī] the author of *Wilāyat al-faqīh* ("The Guardianship of the Jurist") says:

> Those wishing to argue that superiority in learnedness is not a consideration may cite as [one] proof ... the establishment during the lifetimes of the Prophet and imāms of the custom of resorting to individual Companions regardless of superiority in learnedness, even though the Companions clearly differed in their degree of excellence.[48]

[The Shīʿī jurist] Tūnī (d. 1071/1660 or 61) says in his *al-Wāfiyah* simply that: "*Taqlīd* is accepting the legal opinion of one who is subject to error, without having to adduce any proof;[49] in addition ... it is also required of a mufti who is asked for a *fatwā* that he be righteous and trustworthy."[50] Tūnī never refers to superiority in learnedness. In addition, ʿAllāmah [al-Ḥillī] says in his *Qawāʿid*: "If a jurist is known to be more excellent, people must turn to him for arbitration of disputes (*al-tarāfiʿ*) during the Occultation.... But when the imām is present, it seems probable that there is permission to switch

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1378-1404/1958 or 59-1983 or 84), XL (1398/1977 or 78), ed. Maḥmūd al-Qūchānī, 43-46 {*K. al-qaḍāʾ*, *Masʾalah* #3}. [The submission of disputes or *tarāfiʿ* spoken of by Najafī here and at the beginning of the quoted passage is a judiciary function, lesser than the function of exemplar for *taqlīd*—as can also be seen in ʿAllāmah Ḥillī's statement a few paragraphs below—ed.]

[45] Absolute = *muṭlaq*, that is a *mujtahid* competent in all areas of the law—ed.

[46] God does not "impose duties which cannot be borne" (*taklīf bi-mā lā yuṭāq*—though ʿĀmilī says here "*yuṭīq*"); this principle functions as a legal maxim—ed.

[47] Muḥammad Ibn al-Ḥasan al-Ḥurr al-ʿĀmilī, *al-Fawāʾid al-Ṭūsīyah*, ed. Mahdī al-Lājawardī and Muḥammad Darūdī (Qum: al-Maṭbaʿah al-ʿIlmīyah, 1403/1983), 411. [Ḥurr al-ʿĀmilī rejects *taqlīd* altogether because he takes the "Akhbārī" position that only the words of the imāms have authority, and not rulings constructed upon the texts by the jurists—ed.]

[48] *Dirāsāt fī wilāyat al-faqīh wa-fiqh al-dawlah al-Islāmīyah*, 4 vols. (Beirut: al-Dār al-Islāmīyah, 1409/1988), II, 179. Though Muntaẓirī's discussion of superiority in learnedness is found in his chapter on the judicial function, like Najafī he also addresses the issuing of legal opinions. Najafī, however, is more explicit in that he addresses the situation in which disagreement between jurists is known to exist.

[49] That is error (*khaṭaʾ*) in determining the opinion of the inerrant one [meaning the Prophet, or for the Shīʿīs, the imāms]. This is also the definition given by Ghazālī ["*qabūl qawl bi-lā ḥujjah*"] in his *Mustaṣfā* (II, 462).

[50] ʿAbd Allāh ibn Muḥammad al-Bushrawī al-Khurāsānī, "al-Fāḍil al-Tūnī," *al-Wāfiyah fī uṣūl al-fiqh*, ed. Sayyid Muḥammad Ḥusayn al-Raḍawī al-Kashmīrī (Qum: Majmaʿ al-Fikr al-Islāmī, 1415/1994), 299.

(n. *ʿudūl*) to the less excellent ... and this is also the rule for emulation [*taqlīd*] of legal opinions."[51]

A second proof for the necessity of resort to the most learned [following the first, which the author has now refuted at length] is consensus (*ijmāʿ*). But this proof is invalid (*bāṭil*), whether we interpret consensus [merely] as the agreement of jurists' viewpoints or as their agreement actually revealing (n. *kāshif*) the opinion of the inerrant (*maʿṣūm*) one [i.e. the absent twelfth imām]. The proof is imperfect because there is actually no agreement; in fact, it may be claimed that at certain times in the past the opposite was agreed upon. Therefore this "consensus" clearly cannot be considered to reveal the opinion of the inerrant one.[52]

The third proof for the necessity of resort to the most learned depends on certain reports (*riwāyāt*). One is the "accepted report" (*maqbūlah*) of ʿUmar Ibn Ḥanẓalah, which supports the judgment of the "most learned" (*afqah*).[53] This report, however, is concerned with the judiciary, not legal opinions. Another report concerns Imām ʿAlī's testament to his governor [appointed over Egypt] Mālik al-Ashtar, in which he says: "Choose the best of your subjects to judge among the people."[54] This, however, also deals with the judiciary. There is also the report from the *Ikhtiṣāṣ* [of Shaykh al-Mufīd] in which the Prophet says: "Only those who are fit for leadership (*riʾāsah*) are deserving of it. On the Day of Resurrection, God will not direct His attention to those who call the people to themselves while there are others who are more learned than them."[55] This report, however, is incompletely transmitted [*mursalah*, that is the chain of transmission does not reach back to the Prophet]. Moreover, it deals with Guardianship (*wilāyah*) and sovereignty (*ḥukūmah*) [and not the issuing of legal opinions]. There is also another report from Imām Muḥammad ibn ʿAlī al-Jawād [the ninth imām], where he says to his paternal uncle:

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[51] *Qawāʿid al-aḥkām [fī maʿrifat al-ḥalāl wa-al-ḥarām]*, 2 vols. (Qum: Manshūrāt al-Raḍī, n.d. [offset of lithograph, 198?]), I, 200-201 {*Kitāb al-qaḍāʾ, maqṣad* #1, *faṣl* #1}.

[52] Those who carefully study the views of the *ʿulamāʾ* will not be able to discover any such consensus. We have already pointed out that some who lived after al-Shahīd al-Thānī denied that primacy in knowledge was necessary at all. Even in the case of al-Sayyid al-Murtaḍā (d. 436/1044), who is said to have stated that there was consensus among the Shīʿah regarding the necessity of primacy in learnedness, we find that primacy is spoken of only for particular towns [and not throughout the Shīʿī world]. Nor is it mentioned by Shaykh Ṭūsī, Ibn Zuhrah, al-Muḥaqqiq al-Ḥillī, al-ʿAllāmah al-Ḥillī, or al-Shahīd al-Awwal [famous scholars who lived from the 5th/11th to the 8th/14th centuries]. Moreover, those who do mention it after al-Muḥaqqiq al-Thānī do not speak of this kind of *ijmāʿ*, as for example al-Shahīd al-Thānī [966/1558] in his *Masālik [al-afhām]*, Mullā Māzandarānī [one of the leading *ʿulamāʾ* of the Safavid period, d. 1081/1670], the author of the *Maʿālim [al-Dīn*, Abū Manṣūr Ḥasan, d. 1011/1602], Shaykh Bahāʾī, Mīr Dāmād [both d. in the early 17th C.], and so on. See the excellent essay by al-Shaykh al-Dhākirī in *al-Ḥawzah*, nos. 56 & 57.

[53] Al-Ḥurr al-ʿĀmilī, *Wasāʾil*, XVIII, 75 {*K. al-qaḍāʾ, Bāb wujūh al-jamʿ bayn al-aḥādīth al-mukhtalifah, ḥadīth* #1}.

[54] *Nahj al-balāghah*, "Letter" (*Kitāb*) #53.

[55] Majlisī, *Biḥār al-anwār*, 110 vols. (Beirut: Muʾassasat al-Wafāʾ, 1403/1983), II, 110 {*K. al-ʿilm, Bāb dhamm ʿulamāʾ al-sūʾ, ḥadīth* #16}.

> O uncle, it will be a grave matter indeed when you stand before Him tomorrow and He asks you: "Why did you give legal opinions to my servants concerning things you do not know while there were others in the community more learned than yourself?"[56]

Again, this report is incompletely transmitted and cannot be used as proof. In addition, it concentrates on the issue of lack of learning of the mufti [rather than on learnedness or degrees of learnedness].

The fourth proof for the necessity of resort to the most learned is that his legal opinion is nearer to the actual divine injunction (*al-wāqiʿ*), and therefore one has no choice but to follow it. Sayyid Khūʾī answers this argument by saying that if by "proximity" is meant that the *fatwā*s of such a jurist are nearer in actuality, that statement cannot be accepted; and if what is meant is that they tend potentially to be nearer, such "natural" proximity cannot be taken as a basis for *taqlīd* or its necessity.[57]

And finally, the fifth proof for the necessity of resort to the most learned depends on the rational [i.e. logical] principle (*al-aṣl al-ʿaqlī*) which dictates that we must decide between [the two alternatives of either] designation (*taʿyīn*) of the most learned, or choice (*takhyīr*) [on the part of the emulator between following the most learned, or following any learned jurist]. However, since we have already been satisfied [that resort to the most learned is not necessary] by "proof through independent legal reasoning" (*al-dalīl al-ijtihādī*)—in this case, the custom of reasoned persons—there is no longer any room for this rational principle, since it is posterior [in the hierarchy of proofs]. It is strange that some scholars proceeded directly to this argument before considering any of the authoritative *ijtihādī* arguments.[58]

Thus, while *taqlīd* is certainly necessary, following the "most learned" is not. I have, in any case, tried here to set out my position on this aspect of the

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[56] A similar *ḥadīth* in Majlisī, *Biḥār*, II, 114 {*Bāb al-ʿilm, al-nahī ʿan al-qawl bi-ghayr al-ʿilm, ḥadīth* #5}—ed.

[57] Gharawī, *Tanqīḥ*, I, 147. [Khūʾī presents at length several arguments related to these two points, of which the following might serve to clarify the author's paraphrase: "If what is meant is 'natural' or 'innate'(*ṭabʿīyah* [sic]) or 'inevitable' (*iqtiḍāʾīyah*) proximity, meaning that it is in the nature of the more learned for his *fatwā* to be closer to the actual divine injunction than others' *fatwā*s, the minor premise [of the syllogism] is valid as claimed. But there is no major premise to go along with it, since 'natural' proximity is not a basis for *taqlīd* or the obligation of *taqlīd*. And if what is meant is actual proximity, meaning that the *fatwā* issuing from the more learned jurist is closer to the actual divine injunction than that of the less learned in fact, the minor premise is not established, and there is no basis for it. This is because it cannot be said that the *fatwā* of the more learned jurist is absolutely (*muṭlaqan*, that is always and without exception) closer. For it might happen that the opinion of the less learned would accord with the accepted opinion (*al-mashhūr*) [of past jurists], including the verdict of authorities such as our Shaykh Anṣārī, the author of the *Jawāhir* [Najafī], and others many times more learned than those living now. In this case, if the *fatwā* of the more learned were in conflict with the accepted opinion, how could it be closer to the actual divine injunction than the opinion of the less learned?"—ed.].

[58] Refer to [Muḥammad Bāqir] al-Ṣadr's discussion in his *Durūs fī ʿilm al-uṣūl*, 3 vols. (Beirut: Dār al-Kitāb al-Lubnānī/Dār al-Kitāb al-Miṣrī, 1978-80), III, pt. 1, 185-187.

Shīʿī *marjaʿīyah* clearly. After all, when we speak of the *marjaʿīyah*, we are speaking of religious leadership, and religion is the most precious thing we have.

The following points should also be made clear. First, there must be a complete separation between the office of mufti and the executive office (*walī*). These involve different duties, rest on different sets of proofs, and have quite different characteristics altogether. There is no strong basis in the proofs for the notion that every jurist (*faqīh*) is an executive (*walī*). To accept such a notion inevitably leads to a theory of Islamic government admitting hundreds of leaders all ruling at once—and consequently to breakdown in the public order authority is meant to establish in the first place. The idea that every jurist has executive authority needs to be seriously reconsidered, as it is also connected to the problem of the public treasury and Islamic taxes.

Second, the proofs require (and Islam naturally demands) that *ijtihād* be exercised freely within the circle of the *ʿulamāʾ*. There is to be no blind *taqlīd*, especially in legal (n. *fiqh*) matters. It is also clear from the proofs that *ijtihād* is the natural way to arrive at legal rulings (s. *ḥukm shaʿī*); the legal proof (*ḥujjah shaʿīyah*) which results is regarded as "excused" (n. *taʿdhīr*) if it does not exactly correspond to the "actual" (*wāqiʿ*) inferred rule, and "fulfilled" (n. *tanjīz*) if it does. This [distinction] of course, is [relevant] in relation to the *mujtahid* [who infers the ruling]; all others [i.e. those who emulate the rulings of the *mujtahid*] may follow any legally permitted ruling arrived at through the process of *ijtihād* [whether in the category of *taʿdhīr* or *tanjīz*].[59] This has been the procedure followed by Muslims through the ages. Though it may lead to individuals taking different courses of action, or to the emergence of differences within society, it does represent the basic principle of *ijtihād*.

At the same time, it is the unity of the [office of] *walī* and the precedence of his ruling over all *fatwā*s and instances of *ijtihād* that guarantee a coherent, unified social program and development. We also need to be attentive to coherence in the lives of individuals. There are two ways to accomplish these goals. The first is to select a general "resort" or *marjiʿ* for legal opinions from among qualified candidates, and to limit disagreements [between *mujtahid*s which arise naturally in the course of the process of *ijtihād*] to scholarly activity. Or, we could set up a kind of consultative body for the issuing of *fatwā*s, composed of the best *ʿulamāʾ* and other experts. It would be the task of this "Consultative Responsa Council" (*Dār al-Istishārīyah lil-Iftāʾ*) to carefully review questions presented to it before issuing a single, unified *fatwā*, arrived at either by consensus (*ijmāʿ*) or through a simple majority. The proofs for *taqlīd* do allow such a scheme. It is strange indeed to see some among us vigorously denying the possibility of a solution already accepted by other peoples and practiced by reasonable persons among them.[60] Perhaps such individuals lack the courage to reconsider long-established practices.

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[59] See the discussion on probabilism in the preface to the chapter on jurisprudence.

[60] The argument of "the custom of reasoned persons"—ed.

If we are going to preserve the *marjʿīyah* as it is [that is under individual authority, rather than in the hands of a council], the qualifications to be kept in view when selecting the "general *marjiʿ*" (*al-marjiʿ al-ʿāmm*) must be made clear. For instance, the candidate must be extremely learned, with an innate grasp of the various dimensions of Islam. In this way he will be able to realize the goal of *ijtihād* defined by Ayatollah Muḥammad Bāqir al-Ṣadr where he says:

> I think we are all agreed on the broad outlines of the goal toward which and under the influence of which *ijtihād* moves. The goal is to enable Muslims to apply Islamic concepts to their own lives. And this will be possible only when *ijtihād* works to define the main features of such concepts, and not just the details.[61]

In order for this condition to be met, the candidate must first be fully competent in the law, its principles (*uṣūl*), and history. He must also be able to fully grasp the various relevant opinions and theories and confidently come up with his own opinion. This in turn can be accomplished only if he is fully aware of current circumstances and events; he must then concentrate all his expertise on inferring the Islamic legal rulings, while paying close attention to issues of time and place. He must also be abundantly possessed of the faculty of "justice" or *ʿadālah*,[62] show integrity in adhering to Islamic principles,[63] and faithfully apply the *sharīʿah* and its rulings to himself and his behavior. For the sixth imām, al-Ṣādiq says: "Consider carefully from whom you take your knowledge! We, the People of the House have in every generation just men (s. *ʿādil*) who keep away the distortion of extremists, the alterations of liars, and exegesis of the ignorant."[64] There is no doubt that the description contained in this report applies to *mujtahid*s who were followers of the imāms.

[The "general *marjiʿ*," if this is the form of *marjiʿīyah* we wish to retain, should also be] objective and independent in his opinions, and should protect the best interests (*maṣlaḥah*) of the community. These conditions are necessary in order to ward off personal or special interests inimical to Islam. Resisting all such pressures, the *marjiʿ* should carry out the responsibilities of "resort" for responsa (*marjiʿ fatwāʾī*) by always presenting the general Islamic view and adhering to the principle of revolutionary change in life—for this was the way of the prophets: "We have sent to every community messengers so that they might worship God and ward off the oppressors" (Q. 16:36).

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[61] Cited in *Dāʾirat al-maʿārif-i tashayyuʿ*, eds. Javādī, Khurramshāhī, and Fānī (Tehran: Bunyād-i Islāmī-i Ṭāhirī, 1366/1988), s.v. "Ijtihād" (unsigned).

[62] That is he must be pious and righteous, and this must be reflected in his comportment—ed.

[63] —or "line"—*khaṭṭ*. Judging by his other writings, the author here means refusal to yield to the West or Westernization—ed.

[64] Abū al-ʿAbbās ʿAbd Allāh ibn Jaʿfar al-Ḥimyarī, *Qurb al-isnād*, ed. ʿAbd al-Mawlā al-Ṭurayḥī (Najaf: al-Maṭbaʿah al-Ḥaydarīyah, 1369/1950), 51-52.

[Finally, the candidate for general *marjiʿ* should] be able to shoulder the burden that the office entails. There is no use in a *marjiʿīyah* that cannot do so, however many other qualifications it might possess. The *marjiʿ* cannot be weak, surrounded by hangers-on, or under the influence of groups without any regard for what is best for Islam. The community is, after all, passing through a sensitive phase. The *marjiʿ* must possess an understanding of current social and political issues and be able to address them. Above all, he must be able to make clear basic Islamic positions.

POPULAR SOVEREIGNTY IN CONTEMPORARY SHĪʿĪ POLITICAL THOUGHT

Talib M. Aziz

The greatest legacy of the Iranian revolution will most likely lie in the introduction of the concept of political Islam into the world arena. Although Islam informed the political doctrine of many social movements in the Muslim world before the outbreak of the Iranian revolution, it was the upheaval in Iran that made the concept of political Islam a more profound reality for Muslims and non-Muslims alike. The revolution has shown Islam to be a doctrine separate from liberalism and communism, a doctrine that can stir the masses, topple regimes, and serve as a basis for distinctive political systems. One result of this development has been that Islamists have come to be regarded as more of a threat to the status quo than their revolutionary predecessors, the Jacobins and Marxists—for their political agenda appears to advocate an Islamic political system that is anti-Western in every aspect.

Islamists have no common plan to achieve their goal of an Islamic political system. Their differences range from disagreement over the nature and structure of such a system to division over whether there should be many Islamic nation-states or one international polity. Yet all these models have been influenced, directly or indirectly, by the Iranian experience, if only because the Islamic Republic of Iran was the first Islamic state to exist in modern history. This holds true even though many Islamists are critical—even severely critical—of the Iranian revolutionary experience and its political results. Shīʿīs are less likely to disregard the revolutionary Iranian regime; some even view it as a kind of proto-messianic fulfilment. This is not to say, however, that all Shīʿīs approve of the Iranian experiment. Even a significant number of Shīʿī jurists advocate quite different types of political systems and socioeconomic relations within an Islamic society, rejecting even the most basic assumptions relied upon by Ayatollah Khomeini. This paper examines a few such dissenting views. The aim is to introduce the reader to the current range of opinion among Shīʿī jurists concerning political matters; it must not

be imagined that the views of the present Iranian leadership completely dominate the debate.

This study is in two parts. The first part presents the views of Ayatollah Khomeini and those who advocate the idea of "*wilāyat al-faqīh*" (governorship of the jurist),[1] the fundamental dogma of the present Iranian regime. The second part introduces three prominent contemporary Shīʿī jurists who offer alternative political models. I will refer to the proponents of *wilāyat al-faqīh* as "Statists," since they advocate total control of the affairs of the *ummah*, the Islamic community, by the state. The second group I call "Populists," since each of the jurists discussed advocates more popular input into the political system. This taxonomy is useful for discussion of the concept of popular sovereignty in Shīʿī Islamic jurisprudence. The development of such a concept is critical for Shīʿism because the essence of the whole Shīʿī movement has been the premise of "divine selection" (*naṣṣ*) of the ruler. The idea of popular election of political authority (*ikhtiyār*) is quite foreign to Shīʿism and has rarely been advocated by prominent jurists.

Finally, I would like to emphasize that I do not seek in this paper to favor one ideology over another. My only aim is to present different views on the political spectrum. Consequently, I will not indulge in arguing or proving the textual validity of one assertion or another; this should be reserved for a study in jurisprudence, which the present essay is not.

The Statist Model

Although the idea of *wilāyat al-faqīh* can be regarded on one level as a realistic attempt by Shīʿī jurists to solve the problem of authority in Islamic society, the concept is actually quite utopian. It proceeds from the rational premise familiar from classical Shīʿī political thought that civil society needs government to organize its affairs in order to fend off anarchy and destruction[2] and that there has always been a social system of some kind and a governing elite to administer it. According to this worldview, there is no evidence that man has ever lived in the "state of nature" proposed by European social-contract theorists. From the smallest social unit—the family, the clan, or the tribe—to the most advanced and complex units such as nations and empires there has always been social hierarchy, division of labor, and coercive measures to protect the existing social system.[3] Thus political authority is inherently legitimate because it maintains harmony in the social order. As Khomeini remarks:

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[1] *Faqīh* may mean jurist, theologian, and/or preacher. For the purpose of this essay, however, *faqīh* is equivalent to jurist, one who specializes in *fiqh* (jurisprudence).

[2] Kāẓim al-Ḥāʾirī, *Asās al-ḥukūmah al-Islāmīyah* (The Basis of Islamic Government) (Beirut: Maṭbaʿat al-Nīl, 1399/1979), 13.

[3] Ibid., 14.

> Government is needed to establish justice, [a system of] education, to secure order, to override injustices, to protect borders, and to safeguard people from foreigners [the enemy]; such needs are obvious to the human rational faculty regardless of time and place.[4]

Jurists in favor of *wilāyat al-faqīh* have argued that government is so critical to the survival of humankind that God intervenes to ensure a suitable political environment. History has shown that man is incapable of electing the right individuals to leadership and that his ignorance has led him to devise unjust socioeconomic orders that have threatened his happiness or survival. Thus, given that God is Just and consequently bound by this nature of His to do that which is best for His creatures, He must have directed humankind in His revelations to the best government and suitable leaders.

This is the jurists' first argument for the necessity of divine intervention in political affairs. The second argument has a more jurisprudential flavor. The jurists assert that since Islamic teachings encompass all aspects of human life,[5] there must also be guidance provided for political issues. Whoever does not believe that Islam is all-encompassing in this manner admits the deficiency of the revelation.[6] In fact, the heritage and teaching of Islam indicate that political issues are central to its message. The Prophet of Islam founded and led a political state; he judged between its citizens and punished aggressors. Moreover, the nature of Islam itself makes it necessary that believers live only within the framework of an Islamic state. The collection and distribution of religious taxes according to God's will, defending the Muslims and the land of Islam from oppressors and invaders, enforcing Islamic moral and penal codes, and unifying the Muslims in one community are some of the duties that can only be realized through the instrument and power of a political order.[7] Thus, as a result of both the rational and jurisprudential argument, political legitimacy and leadership are divinely ordained. They are not, according to the Statists, contingent on individual choice and free will. Ayatollah Kāẓim al-Ḥā'irī, a well-known contemporary jurist and professor in the academy at Qum, candidly writes:

> There is no sense in placing legislative power or determination of the type of political system in the hands of the people. They are ignorant about a great deal concerning even themselves, not to mention their profound ignorance of the world and its mysterious workings. [This is in contrast to] the Wise Creator who has revealed to them laws and commandments that confer happiness and guide them to the right path. Therefore it is improper for a Muslim to believe in democracy or to practice it, even in order to elect the executive branch, except if Islam has ordained such a thing.[8]

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[4] Ruhollah Khomeini, *Baḥth istidlālī ʿilmī fī wilāyat al-faqīh* (A Jurisprudential Study of the Governorship of the Jurist) (Beirut: Muʾassasat al-Falāḥ, 1405/1985), 11.

[5] Ibid., 11-12.

[6] Ibid., 10-11.

[7] Khomeini, *al-ḥukūmah al-Islāmīyah* (Islamic Government), 4th ed. (n.p., n.d.), 24-37.

[8] Ḥā'irī, *Asās*, 64.

Jurists who argue for a Statist model have also maintained that the most knowledgeable should rule the community, because such persons will act in the best interests of the whole community rather than out of ignorance bound to cause harm to every member. The most knowledgeable would also be sincere and self-denying and would look after the general well-being, not his own.[9] Thus the philosopher-king of Islam is a god-fearing jurist, well versed in Islamic teaching and laws and pious enough to seek the grace of God rather than his own gain.

Of course, the classical religious argument specifies that divinely-guided individuals, that is the prophets and imāms, are the natural guardians of the people. However, in the absence of the twelfth imām, the leadership of the Islamic community (so it is asserted by the Statists) shall pass to whomever most closely resembles those divine individuals, that is to the most pious and knowledgeable among people. Jurists are therefore the "natural" inheritors of the authority of the Prophet because of their awareness of the teaching and commands of God. The jurists' role is to safeguard religion, preach the word of God, and guide the people toward their ultimate destiny. Their political role, in other words, is identical to the role of the prophets and imāms. The *sharīʿah* accordingly instructs people to seek guidance from these learned men in all matters, *including worldly affairs*. Supporters of the Statist theory refer to certain *ḥadīth*s of the Prophet and imāms advising people to seek guidance from those who know and teach Islam. For instance, the twelfth imām advises his Shīʿah:

> As for events that may occur (*al-ḥawādith al-wāqiʿah*), refer to the transmitters (*rawāt*) of our tradition [or teaching], who are my proof (*ḥujjah*) over you, and I am the Proof of God [over you].[10]

Such *ḥadīth*s are accepted by the Shīʿah in general as evidence of the status and authority of learned men. It is the issue of which *ḥawādith* or "events that may occur" one should refer to jurists that divides Shīʿī thinkers into proponents and opponents of *wilāyat al-faqīh*. Ayatollah Khomeini has argued that since the limits of the term *ḥawādith* are not specified, the indication is that guidance should include temporal as well as spiritual matters, or worldly as well as religious affairs. Accordingly, Khomeini concludes that the jurists should inherit the vast—indeed absolute—political authority of the Prophet and imāms in its totality.[11] The duties of the jurists consequently include command of the armed forces, collection of religious dues and distribution of the funds to the needy, and the obligation of "enjoining good and forbidding evil" as the Prophet used to do. The jurists, Khomeini declares, "are the Prophet's trustees (*umanāʾ*) in all matters associated with his prophethood, the

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[9] Khomeini, *Ḥukūmah*, 45-47, 55.
[10] Ibid., 78.
[11] Ibid., 51, 88-89.

most obvious of which are leadership of the community and dispensing of social justice." [12]

Wilāyat al-Faqīh in Perspective

Khomeini's writings on Islamic government focus on the question of legitimate political authority, the very subject which has preoccupied Shīʿī jurisprudents and theologians for centuries. The classical argument concerns the divine appointment of the Shīʿī imāms. Khomeini and the jurists of the Statist school, however, extend the argument to include the divine right of the jurists to rule the Islamic community. This follows from Khomeini's assertion that the texts indicate beyond reasonable doubt that the Prophet and imāms chose the jurists as their heirs or deputies.[13] Hence it is they who are the legitimate rulers of the Islamic community, and their authority should be recognized and edicts obeyed.

Once the jurists' right to political power has been established, the obligation of the community toward them follows logically. The only distinction between the authority of infallible leaders (according to Shīʿī doctrine, the Prophet and imāms) and that of the jurists is that jurists are not lawgivers, but only interpreters of the law. The jurist may only derive legal rules to meet changing circumstances. For this reason Khomeini rejects the idea that the Islamic state should have a legislative body or a parliament; instead there should be a 'Planning Council' (*majlis al-takhṭīṭ*).[14] However, other aspects of the authority of the Prophet do devolve upon the jurists. They include the waging of offensive *jihād* against the unbelievers, a power historically believed by Shīʿī jurists to be the exclusive domain of the infallible imāms.[15] Ayatollah Ḥāʾirī has argued this at length in an independent treatise.[16] In fact, according to the Statists the power of the jurists inherited from the Prophet and imāms encompasses all human relations. When in 1988 President Khamenai, the present jurist-leader of Iran, publicly indicated in a Friday sermon that the Islamic state has no jurisdiction over the personal life or the private property of the individual, Ayatollah Khomeini openly denounced him and proclaimed in a public statement that

> Islamic government, since it is the extension of the authority of the Prophet and holy imāms, is considered one of Islam's fundamental tenets, having precedence over even devotions such as performing prayers, fasting, or pilgrimage.... Thus, for example, the government can abrogate the ritual duties of *ḥajj* or revoke legal contracts undertaken when those contracts are perceived

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[12] Khomeini, *Baḥth*, 31.

[13] Ibid., 56-62.

[14] Khomeini, *Ḥukūmah*, 42.

[15] Abdulaziz A. Sachedina, *The Just Ruler in Shīʿite Islam* (London: Oxford University Press, 1988), 105-118.

[16] Ḥāʾirī, *al-Kifāḥ al-musallaḥ* (The Armed Struggle) (Qum: Intishārāt al-Rasūl al-Muṣṭafā, n.d.), 9-72.

> to be detrimental to its interests, whether they pertain to religious matters or not.[17]

Furthermore, since government of the jurist is the only legitimate political regime on earth during the Occultation of the Mahdi, total submission to its authority is expected from the people. This is ultimately so because the state acts in the best interests of the people since it is headed by the best mind and finest soul, that is the qualified, devout jurist. The jurist and his state have the responsibility to guide people to their destiny. According to Ḥāʾirī, the rule of the jurist overcomes the deficiencies of the people in realizing or comprehending their own best interests.[18] The jurist is hence likened to a father taking care of his children, or a guardian of orphans[19] (in Islamic law, the proper upbringing and ultimate welfare of minors are judged solely by their guardians).[20] The "jurist-guardian" may seek the advice of others or consult with experts, but he alone possesses the expertise and knowledge necessary for leadership and only he has the power to make decisions. In the words of Khomeini:

> We should make use of those with scientific and technical expertise in the administrative, [planning] and management functions [of the state]. But as for the supreme administration of the state, dispensing justice, providing security, sanctioning equitable social relationships, and just rule and adjudication between people, these are the functions of the jurist alone.[21]

There is no room for dissent from the authority of the jurist holding the power of *wilāyat al-faqīh*. Although his edicts are not divinely-mandated as are the laws of the Prophet, they have virtually the same status and must be obeyed even by other jurists who disagree with their textual authenticity or derivation. This system of authority clearly contradicts classical theory according to which all jurists are the rightful heirs of the imāms and the leading jurist is only a first among equals. The Statists counter this observation with the argument that an orderly society requires a stable legal system. Thus the dissent of even other jurists must not be admitted, for the sake of the unity of the *ummah* and the survival of the legitimate Islamic regime. If dissent is to be allowed or expressed, it should be within the close circle of jurists and in the course of adjudication,[22] that is it should be limited to differences in juristic opinions concerning the extraction of legal rules (*aḥkām*) in which, according to classical theory, each jurist may be right or wrong. Such dissent must not spread to the public arena where it would cause disorder; hence the jurist with de facto political power has the final say.

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[17] For the full text of Khomeini's letter to President ʿAlī Khamenai, see *Iṭṭilāʿāt*, 7 Jan. 1988.
[18] Ḥāʾirī, *Asās*, 141-142.
[19] Ibid., 166.
[20] Ibid., 50.
[21] Khomeini, *Ḥukūmah*, 133-134.
[22] Ḥāʾirī, *Asās*, 189-197.

The Populist Argument

Not all Shīʿī jurists subscribe to the argument that they possess the divine and exclusive right to rule Islamic society. Although those I call "Populist" do not dispute the idea that the imām is the legitimate successors of the Prophet, they raise serious objections to the legitimacy of jurist rule. Chief among these dissenters is, ironically, the onetime designated heir of Khomeini, Ayatollah Muntaẓirī.

Muntaẓirī's elegant work *Dirāsāt fī wilāyat al-faqīh* is intended from one point of view as a political treatise in defense of "governorship of the jurist" and a justification for the political system of post-revolutionary Iran. In the course of Muntaẓirī's defense, however, he reviews in depth all the Prophetic traditions supposed to support the legitimacy of jurist rule. He comes to the conclusion that not all these traditions are authentic (*muʿtabar*) or sound (*ṣaḥīḥ*).[23] Muntaẓirī explicitly states that "there is no conclusive proof that these traditions demonstrate the designation of the authority of the jurist."[24] Their meanings have either been misinterpreted,[25] stretched,[26] overstated,[27] or the textual evidences relied upon have been weak altogether.[28] The definite and the most sound tradition, he argues, delegates authority to the totality of the jurists and not to one alone.[29]

Nonetheless, Muntaẓirī deduces a different argument to defend the authority of the jurist enshrined in the constitution of the Islamic Republic of Iran. His argument rests not on the divine right of the jurist, but on the divine right of the people to participate in politics. Muntaẓirī argues that God has instructed the people to conduct their affairs in consultation with each other, to honor their contract (*ʿuqūd*), and to respect their oaths of allegiance (*bayʿah*). It is obvious, according to Muntaẓirī, that these religious responsibilities form the basis of political relationships and are therefore the foundation of the Islamic state.[30] For instance, the *bayʿah* (oath of allegiance) resembles a social contract between the people and their leader. Thus:

> *[B]ayʿah* in essence signifies the means to establish authority, when contract and consent have been achieved. It is well known that the [Arabian] tribes when they needed a chief to protect their [tribal] system and defend it against outsiders invited a person found suitable [to lead them] to conclude a contract, setting out between them the terms and obligations of the contract. When agreement was reached, it was instituted by shaking hands.[31]

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[23] ʿAlī Ḥusayn Muntaẓirī, *Dirāsāt fī wilāyat al-faqīh* (Studies on the Governorship of the Jurist), 2 vols. (Qum: al-Markaz al-ʿĀlamī lil-Dirāsāt al-Islāmīyah, 1408/1988), I, 489.
[24] Ibid.
[25] Ibid., 461-466.
[26] Ibid., 467-477.
[27] Ibid., 430-455
[28] Ibid., 427-429
[29] Ibid., 478-488.
[30] Ibid., 493-500.
[31] Ibid., 523.

Thus, suggests Muntaẓirī, popular election of the head of the Islamic state has more religious legitimacy than the divine appointment of the jurist as argued by Khomeini and others of the "Statist" school. In other words, leadership of the Islamic state during the Occultation of the twelfth imām is legitimate only through social contract (*ʿaqd*) between the people and the sovereign. Muntaẓirī cites many textual evidences to support this view.[32]

Muntaẓirī's emphasis on popular sovereignty does not mean, however, that the jurists are left with no role to play. Although he argues that the people have the divine right to choose their leader, he also maintains that their choice is confined to those who are "competent." Since the Islamic state must enforce the commands of God and not man-made laws, competency means knowing the divine commands. The people must therefore choose someone from amongst those learned individuals who are versed in the *sharīʿah*. In sum, Muslims must elect only qualified jurists as their leaders.[33] If others are chosen, they may lead the people astray.

Muntaẓirī's theory manages both to reserve a leading political role for the jurist and offer a solution to the problem of plurality of authority. The failure to allow for plurality has been a weakness in the doctrine of *wilāyat al-faqīh* since according to classical theory the divine right to rule belongs to the jurists in general and every jurist has the right to claim authority, not just one exclusively. The problem of plurality is made more acute by the classical doctrine that every Shīʿī in order to gain salvation must conform exclusively to a rule constructed by a recognized jurist of his choice (that is he must consistently do *taqlīd* of one living *mujtahid* chosen out of the number of those available). The authority of Ayatollah Khomeini was thus hindered and challenged to some degree by other grand jurists such as Sharīʿat-Madārī and Ṭāliqānī, since each considered himself a legitimate heir of the twelfth imām. In Muntaẓirī's scheme, however, once *bayʿah* has been concluded between the jurist and the electorate, everyone, including other jurists, must obey him. Because legitimacy is secured only through election and social contract, other jurists have no divine claim to leadership once the people have spoken. The jurist-leader henceforth has complete authority not only over the legislative, executive and judicial functions of government,[34] but also over all aspects of social life.[35] Muntaẓirī explicitly denies other jurists in the Islamic state even their traditional religious authority, that is the authority to guide their followers in their everyday affairs.[36] Plainly put, he disqualifies them from one of the most basic Shīʿī religious principles and practices: that a believer should refer to one, qualified jurist of his choice.[37] Instead, all members of the jurist-led state must obey the laws and commands of the political system.

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[32] Ibid., 500-512.
[33] Ibid., 489, 491.
[34] Ibid., II, 51-55.
[35] Ibid., 24-25.
[36] Ibid., 86-109.
[37] Ibid.

Central to Muntaẓirī's theory is the idea that religious as well as civil affairs are the domain of the Islamic government. Political pluralism is intolerable to Muntaẓirī, to the point that he argues that the jurists are not allowed to publicly announce the sighting of the moon.[38] He observes that the determination of the new month radically affects the observance of important rituals such as the Ramadan fast and pilgrimage to Makkah and that the sighting of the moon has consequently given rise to differences between jurists and caused social disarray. Therefore, claims Muntaẓirī, the Islamic government has sole jurisdiction in this socio-religious matter.[39] Clearly, the jurist-leader is the only source of legitimate authority in the Islamic state.

Although Muntaẓirī's main focus is on the role of the popularly-elected jurist in the Islamic state, he also elaborates on the dynamics of popular sovereignty. He seems to consider that the masses are mature and responsible enough to make a sound decision in electing their leader; this is in direct contrast to theorists of *wilāyat al-faqīh*, who have argued that the masses are too emotional and largely too ignorant to make wise decisions. Muntaẓirī also doubts that it is possible for each and every person to participate in electing the jurist-leader. Even at the dawn of Islam, he argues, it was impossible for Muslims to convene in one place and cast their votes. Instead, only the residents of Madinah, that is the first believers of Islam, had the right (or at least the possibility) to chose the caliph. This limited group acted as representatives of the whole Islamic community, who were mostly converts to the faith.[40] Muntaẓirī deduces from this precedent that the people should elect representatives from well-qualified and pious individuals who will in turn form a council to choose the jurist-leader. In other words, his vision of the political system resembles a representative theocracy with some features of a parliamentary system.[41]

The Underpinnings of Popular Sovereignty

The concept of popular sovereignty is most evident in the works of Muḥammad Bāqir al-Ṣadr of Iraq. Ṣadr was the founder of the first Shīʿī political party in Iraq, the Islamic Daʿwah, and the intellectual leader of the Arab Shīʿī "fundamentalist" movement. He was a renowned champion of *wilāyat al-faqīh* well before the rise of the Islamic Republic of Iran; yet he also advocated greater involvement of the masses in politics.[42] His emphasis on popular sovereignty is consistent with his general theory and perspective on

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[38] Ibid., 593-610.
[39] Ibid., 796-780.
[40] Ibid., I, 553-562 and 577-579.
[41] Muntaẓirī holds that an Islamic political system must be a theocracy. See ibid., I, 10.
[42] On Ṣadr's political activism and intellectual achievement, see my "The Role of Muhammad Baqir al-Ṣadr in the Shīʿī Political Activism in Iraq from 1958-1980," *International Journal of Middle East Studies* (Spring 1993): 207-222.

politics in Islam. For Ṣadr, popular sovereignty and the governorship of the jurist are two faces of the same coin; both are integral to Islamic politics.

Ṣadr bases his political theory on two fundamental Islamic ideas about man's destiny on earth. These are, first, that God has entrusted man with a vicarial role; and second, that man receives divine guidance and achieves salvation while on this earth.[43] Both ideas are derived from his understanding of the story of the creation of man as narrated in the Qurʾān. According to Ṣadr, Adam (personifying mankind) was created to live on earth yet to be superior to all creatures, including the angels in heaven:

> God has honored man with vicarship (*khilāfah*) on earth, for he is unique among the beings of the universe. [God honored him by choosing him] to be His delegate on earth, and through this vicarship he became worthy of having the angels bow before him.[44]

This superiority was confirmed by man's capacity to acquire divine knowledge, that is the names which God taught him. Ṣadr goes on to state that Adam and Eve's short residence in heaven, their experience with Satan, their sins, and their repentance were only to prepare them to live on earth.[45] God warned Adam and Eve of their enemy, Satan, and promised henceforth to provide them guidance. It was due to this human experience that man gained the intellectual and spiritual capacity to live and prosper on earth on his own and to uphold the divine responsibility of vicarship (*waṣīyah*).[46]

Vicarship, according to Ṣadr, implies that man as the agent of God on earth possesses free will, that is freedom to act according to his understanding of his divine mission. At the same time, of course, he has the capacity to do either good or evil. Plainly put, he is by nature an amoral creature. What causes him to tend either toward good or evil are two internal and two external mechanisms: the former are his reason and his passions, the latter are divine guidance and Satan's deceptions. The crucial factor in keeping man on the "straight path" in this scheme is the divine guidance that God sends to man in time of need to enable him to reinforce his rationality and control his passions, allowing him to reach toward perfection. It is as the bearers of this divine guidance throughout history that the prophets have appeared. The prophets are, moreover, witnesses (*shuhadāʾ*) to the progress of man on earth and his steadfastness in undertaking the responsibilities of vicarship. Thus the divine drama of life on earth depends on two actors, the vicar and the witness; it is divided between the role of man and that of God, between man's free will and divine guidance.

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[43] Although it is mainly in Ṣadr's short pamphlet *Khilāfat al-insān wa-shahādat al-anbiyāʾ* that he defines these two concepts, his previous works contain more of his political theory.

[44] Muḥammad Bāqir al-Ṣadr, *Khilāfat al-insān wa-shahādat al-anbiyāʾ*, (The Vicarship of Man and Witness of Prophets) in Ṣadr, *al-Islām yaqūd al-ḥayāt* (Iran: Vizārat-i Irshād, n.d.), 133.

[45] For details of Ṣadr's views on this early period of human life, see Kāẓim al-Ḥāʾirī, "al-Tafsīr al-mawḍūʿī lil-Qurʾān," *al-Ḥiwār al-fikrī wa-al-siyāsī* 32, (Muḥarram/August 1406/1985): 63-65.

[46] Ṣadr, *Khilāfat*, 152-153.

The vicarial role in turn implies certain qualities of man: that he belongs to no one but God; that he is responsible only to God; that he renders service to the Most High; and that he is equal to others before the Lord.[47] In political terms, this means that man is bound in universal brotherhood to other men; that he has a mission to fulfil as the agent of his own free will before God; that he is free to act according to his capacity; and that he will be treated equally before the law. These divine privileges parallel the natural rights of man as understood by Jacobins and Liberals: progress, equality and liberty.

Revelation is meant to protect the rights and privileges of man and secure his progress. The carriers of this revelation are the Prophet and infallible imāms, who are therefore also responsible for safeguarding God's message and laws from distortion by ensuring that man does not neglect his vicarship and intervening when corruption becomes rampant in society.[48] In this way the Prophet or imām becomes not only the spiritual but also the political point of reference for the masses.

All this can easily be accepted of the prophets and imāms; it is when we ask if the jurists are fit for this role that doubt arises. Ṣadr advances the proposition that the jurist, more specifically the Grand Jurist or *marjiʿ* of the Shīʿī hierarchy, succeeds the prophets and imāms as the "witness." Does the jurist possess the qualities necessary to act as a witness over humankind? Ṣadr argues that he does, for his high intellectual and spiritual training guard him from mischief better than others. Ṣadr defines the *marjiʿ* as

> [h]e who has through his individual efforts and long forbearance achieved a continuous, comprehensive, and vibrant grasp of Islam and its sources. [The *marjiʿ* is one who has] gained deep piety so that [Islam] controls his life and behavior.[49]

Thus, although the Grand Jurist is not designated by God as a witness as are the Prophet and imāms, his attributes clearly qualify him for this responsibility. In this connection Ṣadr cites the following verse:

> Surely We sent down the Torah, wherein is guidance and light; thereby the **prophets** who had surrendered themselves gave judgment for the Jews, as did the **masters** and the **rabbis**, following whatever portion of God's Book they were given to keep and were *witnesses* to [emphasis added] (5:44).[50]

According to Ṣadr, God here identifies those who can rule by the Book and act as witnesses as the prophets, the masters (that is the imāms), and the rabbis (that is the jurists).[51]

Ṣadr goes on to define the relation between the 'jurist-witness' and the vicars of God, that is between the *marjiʿ* and the people within the Islamic state. His model suggests that there is a division of power between the two

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[47] Ibid., 135-136.
[48] Ibid., 145.
[49] Ibid.
[50] Arberry's translation, modified.
[51] Ṣadr, *Khilāfat*, 144.

main actors and that their power is limited by a system of checks and balances. On the one hand, it is the witness or jurist who exercises political power and whose juristic opinions are the legal standard of the legislative process;[52] on the other, ultimate political power rests with the people as the electorate. Ṣadr emphasizes that political rights are consistent with the prophetic tradition of receiving the oath of allegiance (*bayʿah*) from the people. Even the prophets and imāms, though they were specifically appointed by God, still sought the *bayʿah* from their people in order to "emphasize the importance of such public rights and to put into practice the theory of vicarship."[53] Ṣadr concludes that it is the people who are to assume the executive and legislative powers of government. Here a difficulty arises. Perhaps it is acceptable, even in a theocracy, for people to elect their leaders and government officials. Is it possible, however, for them to legislate God's laws? Should not this role be assigned to the witness? Ṣadr's answer is somewhat ambiguous.

Although Ṣadr, like all Muslim thinkers, believes that Islamic law is comprehensive and covers all areas of life, he also leaves room for human legislation and man-made laws in the Islamic state. He argues that, although Islam has laid down certain rules that must be followed, there is a large sphere of unlegislated matters which Providence has intentionally left for human endeavor and within which men may legislate as their circumstances require. Thus while there are certain fixed or permanent (*thābitah*) laws of the *sharīʿah* that are binding as articles of the constitution, there are other areas (specifically two areas) in which popular opinion is taken into account. The first is the area of laws in which jurists may offer different legal opinions on certain unsettled issues. In such cases the people may vote for one of the interpretations through their legislators. The second is the 'discretionary sphere,' (*minṭaqat al-farāgh*) for which God has left no specific rules or regulations; most of this area is related to socioeconomic issues. In both these spheres, according to Ṣadr, human legislators can derive and enact laws by referring to the basic tenets and general principles of Islam.[54] (The jurist-witness may still veto legislation he considers to be in conflict with these tenets and principles.) Thus for Ṣadr, there are two spheres of law, the divine and the civil. Both are within the domain of Islamic jurisprudence, but the jurist legislates in one sphere, and the people in the other.

As for checks and balances, Ṣadr begins by acknowledging that, traditionally, the *marjiʿ* dealt with sociopolitical matters in a rather simple manner. He did not rely on any institutional structure to exercise his authority. Decisions concerning the welfare of the whole community were made largely in consultation with relatives and close associates. Ṣadr proposes instead an

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[52] Ibid., 145, 168-170; and Ṣadr, "*Lamḥah tamhīdiyah ʿan mashrūʿ dustūr al-jumhūrīyah al-Islāmīyah*" (Preliminary to the Constitution of the Islamic Republic), in Ṣadr, *al-Islām yaqūd al-ḥayāt*, 12-13.

[53] Ṣadr, *Khilāfat*, 162.

[54] Ṣadr, *Lamḥah*, 10-11.

"institution of *marjiʿīyah*"[55] in which committees of experts in different fields give advice to and execute decisions taken by the *marjiʿ*. This structure, he maintains, will not only prevent the jurist-witness from making arbitrary decisions but will also serve to train new jurists for the responsibilities of "witness."[56] The power of the jurist-witness is also checked by free competition for the position.[57] The jurist must demonstrate his intellectual and spiritual qualities to the public and it is the right of the people to elect their *marjiʿ* from among the various candidates.[58] The principle of election distances Ṣadr's system from the Platonic notion, deeply embedded in Shīʿī juristic thought, that the one with the best mind and finest soul is automatically entitled to rule. Instead, power is vested in the people. Thus the vicarship of humankind includes the weighty responsibility of appointing the *marjiʿ*; it appears that during the Occultation of the twelfth imām the people are virtually in the position of God in electing their leaders.

In short, Ṣadr undoubtedly advocates a more open system than other theoreticians of *wilāyat al-faqīh*. He characterizes his political system as a "modified democracy" and speaks strongly against authoritarian rule:

> Islamic [political] theory rejects monarchy, or indeed dictatorship in any form.... Instead it advocates a system that provides all the positive elements of democracy, in addition to certain other features that guard it against corruption.[59]

Annulling Juristic Sovereignty

We will now turn to the political views of Muḥammad Jawād Mughniyah, a prominent Shīʿī jurist and prolific writer from Lebanon. Mughniyah has produced many works on religious subjects. While most of these are popularizations, some of his books on jurisprudence, positive law, and exegesis of the Qurʾān are profound and critical scholarly investigations. One of these, *Fiqh al-Imām al-Ṣādiq*, was praised by Ṣadr as a masterpiece for its understanding of the social dimensions of Islamic law.[60] Mughniyah's last work, *al-Khumaynī wa-al-dawlah al-Islāmīyah* (Khomeini and the Islamic State), although lacking a thesis or an analytical theme, is an incisive critique of Khomeini's *al-Ḥukūmah al-Islāmīyah*. It is probably the only work of a

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[55] Ṣadr labels his modernized version of *marjiʿīyah* "*al-mawḍūʿīyah*" (institutional or objective), in contrast to the traditional form of *al-fardīyah* (individualistic or subjective). See his "*Uṭrūḥāt al-marjiʿīyah al-ṣāliḥah*" (Theses on a Suitable Marjiʿīyah) in Kāẓim al-Ḥāʾirī, *Mabāḥith fī ʿilm al-uṣūl* (Qum: Maktab al-Iʿlām al-Islāmī, 1407/1988), 92-100.

[56] Ibid., 96-97.

[57] Ṣadr refers to the traditional method of selection of the *marjiʿ* as the "natural process of historical precedence." See his *Lamḥah*, 13.

[58] Ibid., 14.

[59] Ibid., 17-18.

[60] Ṣadr, "*Al-fahm al-ijtimāʿī lil-naṣṣ*" (The Social Interpretation of Religious Texts) in Ṣadr, *Ikhtārnā lak* (Beirut: Dār al-Zahrāʾ, 1402/1982), 91.

Shīʿī jurist to attack the basic premises of Khomeini's political thought at the height of his success during the revolution. The book has not been in print since its first edition in 1979.

Mughniyah begins by questioning Khomeini's claim that the jurists inherit leadership of the Islamic state from the prophets and imāms. He employs both rational and jurisprudential argument to refute this claim. He begins by pointing out that the jurists are clearly not possessed of the superior qualities one would expect of divinely-chosen individuals; therefore the scope of their authority must be limited to their stature or qualifications.[61] When God appointed the prophets and imāms, their authority was absolute because they were immune from error and therefore could not misuse their power. Their laws and decisions were always for the best individual and public interest. This is not so for the jurists. They are fallible human beings who are "subject to forgetting, pride, deception, and personal emotion, and who are influenced by their environment."[62] They should not expect unquestioning obedience from the people. Generally, the rational premise Mughniyah advances is that "difference in status (*manzilah*) must definitely correspond to difference in consequences (*āthār*)."[63] What Mughniyah means is that the scope of authority of the infallible ones (the prophets and imāms) must be greater than that of those who are fallible (the jurists). This is why the infallible prophets and imāms are "more entitled to the believers than the believers to themselves" (Q. 33:6); but this cannot be the position of the jurists. Mughniyah cites the similar views of well-known Shīʿī jurists such as Anṣārī, Baḥr al-ʿUlūm, and Nāʾīnī.[64] Mughniyah also disputes Khomeini's assertion that Islamic religious taxes are for the purpose of financing government and not only for the care of the poor and the needy. No evidence, Mughniyah maintains, can be found in the Qurʾān or Prophetic Tradition to confirm such a claim. He points out that Khomeini, "who has great interest in textual proof," has not produced such proof,[65] and that the texts in fact explicitly state that these taxes are meant for the welfare of the unfortunate.[66]

In sum, Mughniyah considers that sovereignty in the absence of the infallible imām belongs to the people in general, and not to the jurists alone.[67] The people, including jurists, should elect representatives who will then enact legislation, execute laws, and establish order. Mughniyah further argues that most of the functions of the state concern administration and social affairs,

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[61] Muḥammad Jawād Mughniyah, *Khumaynī wa-al-dawlah al-Islāmīyah* (Beirut: Dār al-ʿIlm lil-Malāyīn, 1400/1979), 61-62.

[62] Ibid., 59.

[63] Ibid, 61.

[64] Mughniyah, *Khumaynī*, 62-64. Anṣārī, Baḥr al-ʿUlūm, and Nāʾīnī were three prominent jurists of the nineteenth and early twentieth centuries whose works became basic textbooks of jurisprudence (*uṣūl al-fiqh*).

[65] Ibid., 100.

[66] Ibid., 99-103.

[67] Ibid., 65.

matters which are not addressed by any religious texts or laws.[68] He thus concludes that the extrapolation of laws

> must be left for *ʿurf* (common law) and for the experts to determine in accord with general welfare, even if this means imitating the West, as long as *ḥarām* is not legalized or *ḥalāl* prohibited.[69]

Mughniyah's views on political authority stem from his conviction that the nature of the state, whether Islamic or non-Islamic, depends solely on the nature of its constitution, laws, and practices, not on the nature or class of its leaders.[70] He further maintains that the Islamic state can borrow the wisdom of others even in the legal sphere if this serves the general good. To support his views Mughniyah cites textual traditions that value the reign of the just non-Muslim ruler above the unjust Muslim ruler, since in the first instance the people benefit from justice while in the second they suffer from tyranny.[71] Mughniyah invokes the authority of Ayatollah Sharīʿat-Madārī, one of Iran's grand jurists and a vocal opponent of Khomeini. He quotes Sharīʿat-Madārī as follows:

> The concept of Islamic government is vague, and has given the impression to others of rudeness and dictatorship. This fear is made more acute by our refusal to add the word 'democratic' to the phrase 'Islamic Republic.' What we advocate is that the people govern themselves; that is what an 'Islamic republic' is. It is not permissible for one individual or one class to rule alone. It is the right of the people to freely elect their representatives to parliament, and the obligation of any government that wishes to rule once it has been appointed by the President of the Republic is to gain a vote of confidence from parliament. Furthermore, when parliament legislates it must consider the views of the majority. Such laws will not be in conflict with Islam because the great majority of the people [in Iran] are Muslims.[72]

Thus Mughniyah and Sharīʿat-Madārī both consider that popular sovereignty overrules the prestige of the jurist.

Conclusion

The Statist school believes that authority is divine; only God may appoint rulers to lead the community. Because of their knowledge of the revelation and texts and their superior moral qualities, responsibility for government falls upon the jurists. Many texts indicate that the jurists are the sole heirs of the Prophet, the source of guidance, and the means to safeguard God's law. Unconditional obedience to their rule is thus required. It is the jurist who should extrapolate laws from the texts, enforce them, and establish justice and security. This does not mean, according to the Statists, that the jurist legislates.

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[68] Ibid., 65-66.
[69] Ibid.
[70] Ibid., 71.
[71] Ibid., 72-73.
[72] Ibid., 74-75.

It is not in the power of the individual to legislate God's laws, because the revelation and the Tradition of the Prophet has provided a comprehensive legal system for all times. The duty of the Islamic ruler is rather to execute the divine will. As for the people, their role is to voluntarily obey the legitimate government, since its rulings are assumed to be both in the individual and public interest.

At the opposite end of the spectrum, the Populist school denies that the jurists are the only legitimate political heirs of the Prophet and imāms. Their knowledge of jurisprudence qualifies them to be judges and their piety makes them a source of guidance for others, but these merits do not qualify them to rule. The state is a social phenomenon which has evolved steadily throughout history as an instrument of justice, public security and social welfare; it is not concerned only with religious issues. Thus more than jurists are needed to administer it. It is the people as a whole who are responsible for selecting experts in different scientific and technical fields qualified to administer and govern the state, for God has advised the people to conduct their affairs in consultation with each other (see Q. 42:38) and the Prophet and imāms in their time accepted the counsel of the people. Therefore general elections can be considered a legitimate means of selecting leaders and government officials. Furthermore, the people's representatives have the right to legislate laws that are beneficial to public welfare and the maintenance of social justice, as long as these do not violate divine scripture. In sum, the purpose of the state according to the Populists is to serve social justice and the public, and this is also the ultimate purpose of the divine laws and commandments.

There is another interesting point to be added to this summary. Although Statists advocate a more rigid political system with less room for popular participation, they are more liberal in their interpretation of the texts. Only after establishing the rational argument do they justify it by Qurʾānic verses and Prophetic Tradition. Their strongest juristic arguments rely on *ijmāʿ* (consensus of the jurists) and their strategy is to broaden the application of the texts. Populists, on the other hand, tend to adhere to the literal limits of the text. For instance, they say that if the texts do not state that the jurist should rule, then one should practice (as is Shīʿī custom), "precaution" (*iḥtiyāṭ*) and not go beyond what is revealed or known in order to avoid doing wrong. That is if the text portrays the jurists as guides for others and protectors of God's message, one should not infer that they are the legitimate rulers but rather limit oneself to the cautious conclusion that they are to be only preachers and lawyers. Likewise, if God does not forbid Muslims to borrow beneficial social practices and laws from others, this is the meaning of the texts and they are free to do so.

Thus contemporary Shīʿī jurists have very different understandings of basic political questions, even though they are graduates of the same traditional religious academies of Najaf and Qum. The jurists examined here have all made major contributions to the field of jurisprudence; debate among such

persons is an encouraging sign of the vigor of political life in the Shīʿī world. The present study has identified two poles within this debate: the Statist and the Populist. Nevertheless, one must recognize nuances among thinkers. One might speak more justly of an Islamic political spectrum concerning a whole range of issues (see the chart below). In placing Shīʿī thinkers on the suggested political spectrum one must examine their views on a number of political concepts. I have chosen concepts such as source of authority, legitimacy of the sovereign, scope of power of the sovereign, basis of political stratification, degree of submission by the people, purpose of the state, and nature of the legislative process. Where a thinker does not directly address a concept, I have estimated his position on the spectrum from his general teaching.

ISLAMIC POLITICAL SPECTRUM

	Populist				Statist
	Mughniyah	Ṣadr	Muntaẓirī	Khomeini	Ḥāʾirī
Concept of					
Authority	Belongs to the people			Entrusted to the jurists	
Legitimacy	Popular			Divine	
Power	Pluralism and check-and-balance of center of power			Absolute power to the sovereign jurist	
Political Stratification	Equal opportunity to assume political power			Hierarchy based on knowedge of divine laws and teachings	
Submission	Submission conditional on fairness of political regime			Total submission to the legitimate Islamic ruler	
Purpose of the State	To insure social justice			To allow humankind to worship God	
Legislative Process	Deputies of people entrusted with legislation of positive laws and social rules			Extrapolation of laws from the *sharīʿah* by the jurist	

Among the five jurists examined, the Statist Ḥāʾirī and Populist Mughniyah are at the far ends of the spectrum. For instance, Ḥāʾirī supports the idea that God grants sole legitimacy to the state and that power hence rests with the leader-jurist. Mughniyah, on the other hand, places the people at the center of the Islamic state and maintains that the jurists have no legitimate divine claim to state authority except through popular election. The other three jurists fall between these two extremes. Khomeini supports the idea that the jurists as

representative of the Prophet and imāms have divine authority to rule; however, he does not believe the scope of their power to be universal. Ṣadr distributes power evenly between the people and jurist, but when disagreement arises between jurists, the people act as the final arbiters by voting for the suitable legal opinion. Ṣadr even gives the people the legal right to elect the jurist competent to lead the Islamic state. As for Muntaẓirī, although he denies that the jurists are absolutely entitled to political power, he argues that Muslims should elect only a competent jurist and delegate all power to him, since only the jurist is fully qualified to rule an Islamic theocracy. Thus while legitimacy according to Muntaẓirī belongs to the people, ultimate authority rests with the elected jurist.

III

JURISPRUDENCE: BETWEEN LAW AND IDEOLOGY

Islamic law has faced a formidable challenge in the modern world. In the face of this challenge, it has largely retreated, or found use as a symbol for political legitimation. At the same time, the focus of Islamic thought, including discourse about law, has changed. Intellectual activity has been largely redirected toward the construction of Islam as an integrated system or ideology with a political orientation—in effect, a fortress capable of withstanding Western incursions. This reorientation has de-privileged the interpretative endeavors of traditional Islamic learning, including the law. It has also created space for the participation of non-clerics who claim to derive their authority directly from the texts, whether these be Western-influenced, future-minded "intellectuals" or modernity-rejecting, past-idealizing "fundamentalists." The *ʿulamā'* find themselves competing with these voices.

The Shīʿī religious class has kept a fairly firm footing in this world of shifting discourses. This success is no doubt partly due to history and politics, not least to the advent of the Iranian Islamic Revolution. Certain peculiarities of Shīʿism, however, may also be cited. One is the availability to the *ʿulamā'* of independent legal reasoning (*ijtihād*). In the legal theory, the functioning of *ijtihād* is, of course, strictly circumscribed. But the *idea* or perception of *ijtihād* has developed its own power. For one thing, combined with the structure of authority and jurist elitism described in the previous chapter, it grants the *ʿulamā'* an effective monopoly on legal thought; as Ayatollah Taskhiri reminds us, the rules of *ijtihād* have been developed "to ensure that it may be denied to those who are unqualified to exercise it." When discourse is framed in legal terms—and the Shīʿī *ʿulamā'* have been quite successful in dictating this frame—non-clerical thinkers, who have not undergone the very long training required for the demanding discipline of the law and *ijtihād*, are at a disadvantage. In the opinion of this author, this is why ʿAlī Sharīʿatī and ʿAbd al-Karīm Soroush, both non-clerical intellectuals, do not approach legal thought. In order to compete, they must shift the frame of reference entirely, for example to the Shīʿī mythology, to sociology, or to Western-inspired philosophy.[1]

Second, many Shīʿīs have come to view *ijtihād* as *the* distinctive doctrine of Shīʿism, as that which sets it apart from Sunnism and renders it more

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[1] Soroush's work "Expansion and Contraction of the Sharīʿah" (*Qabḍ va-basṭ-i sharīʿat*) concerns neither jurisprudence nor the law, but rather a philosophy of law in an epistemic framework unfamiliar to Islam.

dynamic and suited to the modern world. Ayatollah Muhaghegh-Damad expresses this by now common self-view in his essay. The *ʿulamāʾ* rely on this perception of their intellectual activity to project their authority onto modern issues and problems. In fact, the clerics' supervision of *ijtihād* has made them, in their own eyes and in the eyes of some others, the custodians of Shīʿī modernism. In this they have also been aided by a long tradition of philosophy.[2] The attachment of many of the *ʿulamāʾ* to philosophy and to the philosophical thought of modern thinkers such as ʿAllāmah Ṭabāṭabāʾī (d. 1981), who has been credited with the revival of philosophy in the academy, as well as "Martyr" Muṭahharī, the Islamic clerical-intellectual and close associate of Khomeini assassinated in the first year of the Revolution, has eased their advance to wider perspectives. It has also allowed them to absorb educational reform of the kind described in the previous chapter and recommended by Ayatollah Shabistari below. It has even served as a basis for dialogue with Western thought. In this way, the Shīʿī *ʿulamāʾ* have competed quite effectively with non-clerical claims to authority, so that at present they have partly taken over the function of the "intellectuals," while "fundamentalism" is hardly known in the Shīʿī world.

The four essays presented in this chapter all emerge from the context of the Islamic Republic of Iran. The first author, Ayatollah Muhaghegh-Damad, is a high court judge. He has also served, post-revolution, as Professor of Law at the University of Tehran and other institutions of higher learning, Director of the Judicial Drafting Committee of the Iranian Parliament (*Majlis*), and a member of the Council for Civil Law Responsa. Ayatollah Muhaghegh-Damad has written and lectured extensively on jurisprudence (*uṣūl al-fiqh*), family law, international law and the law of human rights. His writings have in general a liberal, reformist cast, although firmly anchored in the Islamic legal tradition.

The second author, Dr. Ahmad Mahdavi-Damghani, is resident in America, where he is reader in Arabic literature and theology at Harvard University and Research Associate at the Middle East Center of the University of Pennsylvania. From 1963 to 1981, he served in the Chamber of Notaries of Iran in various capacities, including that of President; the marriage contract he describes was one of the chief concerns of that body. Dr. Mahdavi, although a *mujtahid*, is part of a generation of Iranians that experienced de-clericalization under Reza Shah.

The third author, Ayatollah Muhammad Ali Taskhiri, has been introduced in the chapter on authority. As in the previous essay, he draws on classical jurisprudence in an effort to establish a theoretical background for the practical functioning of the Iranian Shīʿī theocracy. The intricacy of Shīʿī legal thought is fully displayed here. The last author, Ayatollah Muhammad Mujtahid Shabistari, is the most profoundly influenced by Western thought of all these

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[2] For some of the connections between philosophy and law and dialogue between the jurists and philosophers, see the essay in the last chapter by Hossein Ziai.

scholars. He has written extensively on Islamic law and social philosophy, drawing on Western thought not, he has said, for the sake of imitation, but to provide a sound intellectual or "scientific" (*ʿilmī*) basis for Islamic thought. He served at the Islamic Center in Hamburg (an experience shared by the late Ayatollah Beheshti, as well as President Khatami), and is fluent in German. Two German philosophers widely discussed in clerical circles in Iran are Kant and Heidegger; Ayatollah Shabistari cited as additional influences on his thought (here given in chronological order) Schleiermacher, Bonhoeffer, Bultmann, and Habermas. The concerns of these philosophers with hermeneutics, adapting religion to modernity, religion and rationality, and deliberative democracy are reflected in his essay.

Ayatollah Shabistari's essay also contains an ecumenical reference. Although the reference is a passing one, the author, as well as Ayatollah Muhaghegh-Damad, have taken it up in their other writings. Ecumenism—primarily as regards Christians and Jews—has been much discussed among higher-ranking members of the clergy for at least the past two decades. This is a significant development in Shīʿī juristic thought, which has not been in the past particularly tolerant of non-Muslims. Part of the background to President Khatami's call for "dialogue between civilizations" lies in this kind of intellectual ferment presently taking place among the clergy.

The Iranian context of the essays in this chapter concerns the theocratic nature of the present regime. According to Khomeini, the "Guardianship of the Jurist" and Islamic government are necessary in order to guarantee the administration of Islamic law. With the realization of a theocracy, however, this necessity has turned back on the law, for it is now demanded of it that it administer the state. The Constitution itself says, as Muhaghegh-Damad notes, that government is to rely on "the continual *ijtihād* of qualified jurists." The Iranian *ʿulamā'* are consequently faced with the monumental task of re-defining and extending the law. Ayatollahs Muhaghegh-Damad, Taskhiri, and Shabistari are all engaged in this project, each in his own way. As will be seen below, the result is that, even if practical application has been made difficult by underdevelopment of the classical law in the public sphere,[3] there has been at least a re-activation and re-orientation of legal *thought*.

Ayatollah Muhaghegh-Damad's article on "The Role of Time and Social Welfare in the Modification of Legal Rulings" has two broad themes. One is the dynamism of *ijtihād*. The other is, in a word, statism. In fact, these themes, repeated in the other essays here, may be collapsed, since the dynamism of *ijtihād* is ultimately in the service of the state.

Ayatollah Muhaghegh-Damad's account of *ijtihād* is the one now generally cited as the juristic doctrine of the Islamic Republic. The Ayatollah begins by asserting that, while legal rulings corresponding to the Islamic devotions (*ʿibādāt*) are "fixed," those aimed at social relations (*muʿāmalāt*) are "variable." The variable aspects of the law change according to the "needs of

[3] See Asghar Schirazi, *The Constitution of Iran* (London: I.B. Taurus, 1997).

the times." The link between this division and statism is the concept of "civil rules" (*al-aḥkām al-wilāyatīyah*). For, according to the Ayatollah, civil rules are precisely those which are variable. Thus control of them belongs to the government, "which may either extend or limit them in accordance with the social benefit or harm involved."

Mohaghegh-Damad follows here in a long tradition of reformist thought. As Shabistari notes, the concept of fixed and variable areas of the law has been widely discussed by both Sunnīs and Shīʿīs—notably in the Sunnī world by the great Egyptian reformer of the latter part of the nineteenth century, Rashīd Riḍā. Among the Shīʿah, Muḥammad Ḥusayn Nāʾīnī (d. 1936) in his seminal work "Government According to Islam" also speaks of two areas of the law. One area is explicit in the texts, and one is not. The area that is not explicit "follows benefits and the needs of time and place ... and is subject to change." These variable laws, according to Nāʾīnī, are to be administered by the clergy or other valid appointee.[4] ʿAllāmah Ṭabāṭabāʾī outlines a similar system, calling the rulings laid down by the government *ikhtiyārāt-i valī*—the ruler's option.[5] Muṭahharī has treated the same idea and its practical application at length.[6] Nāʾīnī, Ṭabāṭabāʾī, and Muṭahharī have had considerable influence on a range of religious thought in Iran, from liberal to conservative.

Muhagegh-Damad's own definition of "civil rules," paired with his assertion that changes in these rules may result in "shift from private to public relevance," allows him to justify state intervention in labor relations and in marriage and divorce. Both have been controversial areas of government activity in the Islamic Republic. Efforts to formulate a labor law in order to establish state control over the economy as well as to meet the demands of workers for protection and benefits have again been complicated by the essentially private nature of Islamic contract law. Labor legislation has been delayed by as much as a decade.[7] In the case of marriage and divorce, while the state has successfully established control over the personal law through its own articles and "Special Civil Courts," there is still tension between these institutions and the *sharīʿah* ideal, which envisions the intervention of a judge only where the parties are unable to regulate their own affairs. Muhagegh-Damad's argument that the verse of the Qurʾān which reads: "If you fear a breach between them [husband and wife], appoint an arbiter...." (4:35) imposes, in modern times, judicial arbitration of divorce serves to justify this intervention. (In fact, the Act which appoints the Special Civil Courts as arbiter in case of disagreement between the parties cites the same verse and

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[4] *Tanbīh al-ummah wa-tanzīh al-millah dar asās va-uṣūl-i mashrūṭiyat yā ḥukūmat az naẓar-i Islām* (Tehran: Firdawsī, 1334/1955), 98 ff. (in the fourth chapter).

[5] *Islām wa-iḥtiyājāt-i vāqiʿ-ī-i har ʿaṣr* (Islam and the Actual Needs of Each Age) (Tehran: Kānūn-i Intishārāt-i Muḥammadī [1969]), 42; tr. into Arabic as *Islām wa-mutaṭallabāt al-taghyīr al-ijtimāʿī* (Islam and the Demands of Social Change) (Beirut: al-Maktabah al-Islāmīyah al-Kubrā, 1398/1978).

[6] *Islām va-muqtaḍiyāt-i zamān*, 2 vols. (Tehran: Ṣadrā, 1370/1991).

[7] Schirazi, *Constitution*, 206 ff. and *passim*.

interpretation.) The Ayatollah's similar reading of the verse concerning polygyny also subjects it to state arbitration.

Perhaps the most conspicuous instance of theocratic statism in the personal law in Iran today is the government-issued marriage contract. This contract has both a historical background, and a background in Shī'ī law.

Personal law is too important an instrument of social control in the modern nation-state to be left to private right. The formulation of a code of personal law is the first indication of state control in this important area; codification was accomplished in Iran early in the twentieth century under the newly-established Pahlavi regime. At that time, marriage contracts were also produced by the state and strictly registered. One feature of the contract, which provided at least the option of balancing male license in divorce, was permission to insert conditions, including the condition that the wife have the right to divorce herself on behalf of her husband. With the passing into law of the landmark "Family Protection Act" of 1967, the clause delegating divorce to the wife, in the event of certain violations of her rights specified in the contract itself, was made compulsory. Following the Islamic Revolution of 1979, close supervision of marriage and divorce was absent for a short time. However, the Islamic Republic soon re-established this supervision, for much the same reasons as the previous regime and through much the same mechanisms.

The result is the marriage contract described by Mahdavi-Damghani. This document is imposed on all marriages, with the exception of most *mut'ah* marriages, which are not registered even though the contract also accommodates them. Notarization and registration are extremely strict. The outstanding feature of the contract remains the inclusion of clauses to be signed at the option of the parties. The contract is again structured so that the wife obtains the right to divorce herself if any of the clauses chosen are violated. There is, in addition, a clause to the effect that the court may in a contested divorce transfer up to half the husband's property to the wife. This addresses the chief disability of a repudiated wife.

Ayatollah Muhaghegh-Damad attacks the same disability by proposing that the divorced wife's maintenance be fixed at a very substantial sum, "in accord with the needs of the times"; the recent instruction to the courts that they may, by a strict interpretation of Islamic law, award the wife "back-pay" for housework has a similar intent. Such measures are, on the one hand, consistent with the ideology of "Islamic feminism." Aided by the activism of women themselves, this mode of thought has gained much ground in Iran, including in official circles. They may also, however, be viewed simply as a strategy of state control. For if personal law cannot be abandoned, for reasons mentioned above, to private right, much less can it be left to the virtually unrestricted prerogative of males. By balancing male prerogative through strengthening the wife's position relative to her husband (even if only potentially, for Dr. Mahdavi allows that transfers of property are not often

effected) and then appointing itself to control this balance, the state gains substantial power.

Conditioned marriage contracts are known elsewhere in the Islamic world, where they serve as instruments of legal reform, or are secured by families (often prominent families) in favor of their daughters. In the Subcontinent, for instance, where the Ḥanafī school predominates, such contracts have long been concluded.[8] They have not, however, been uncontroversial, with some arguing that a conditioned contract trivializes marriage,[9] and conservatives resisting proposals to include in the contract a provision making divorce automatic for women whose husbands take a second wife—as in recent Egyptian discussions, where it was argued that this would infringe on the *sharīʿah*. It seems that delegated divorce has been less controversial than the inserted conditions, even though the latter may be, as in the Iranian case, the basis for delegation.

The majority opinion of Shīʿī law, however, explicitly sanctions conditioned contracts and thus, by extension, conditioned marriage contracts. One might think this Shīʿī position to be dictated by their *muʿah* marriage, since, as a marriage for a fixed term, *muʿah* is a conditioned contract in essence. The Shīʿī opinion is, however, shared by the Ḥanbalīs, or rather by the majority opinion of that school; the Egyptian law allowing for conditioned contracts is based on the Ḥanbalī position.[10] Thus both the Shīʿah and the Ḥanbalīs consider that conditions in a contract are allowed, unless the condition be contrary to the contract itself. In fact, both argue from the same verses of the Qurʾān (detailed by Mahdavi)—although, of course, from different *ḥadīth*s.

It is partly this approval in Shīʿī law of conditioned contracts that has allowed the Islamic Republic not only to largely accept the document put in place by the previous regime, but to revise and extend it. In fact, many Iranian Shīʿīs, including Dr. Mahdavi, consider allowance of conditions to be one of the evidences of an especially high regard of Shīʿism for women. The final test of such a contract is, of course, the practical result. Several studies have been completed of court arbitration of divorce in Iran.[11] Although Dr. Mahdavi, citing the privacy of his clients, preferred not to give many details, he does add to this picture by describing some typical complaints brought before the court.

Ayatollah Taskhiri's "Combining Legal Opinions" continues a theme begun in his earlier essay on supreme juristic authority. Having established that following of the most learned *mujtahid* is not an undisputed Shīʿī norm, he takes the next step in dispersing personal judicial authority by arguing that

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[8] See Lucy Carroll and Harsh Kappor, eds., *Talaq-i Tafwid: The Muslim Woman's Contractual Access to Divorce* (n.p., Women Living Under Muslim Laws, 1996).

[9] See for example Kawthar Kamāl ʿAlī, *Shurūṭ ʿaqd al-izdiwāj fī al-sharīʿah al-Islāmīyah* (Cairo: Dār al-Iʿtiṣām, 1399/1979), 77.

[10] A summary of the arguments of the four Sunnī schools is found in Kamāl, *Shurūṭ*.

[11] See for example Ziba Mir-Hosseini, *Marriage on Trial: A Study of Islamic Family Law* (London: I.B. Tauris, 1993).

the opinions of several *mujtahid*s may be combined. The advantage of combination (*tabʿīḍ*) mentioned explicitly by Ayatollah Taskhiri is permission for "discretionary rulings," that is rulings that allow for some flexibility in the application of the law.

The Ayatollah's prescription is part of the continued search by Iranian jurists for strategies to facilitate the functioning of the theocracy. Thus he envisions that *tabʿīḍ* will make possible state centers which will apply their own *ijtihād* in order to administer government policy. Evidently, such centers, if instituted, would have the advantage of both decentralizing and institutionalizing juristic authority. Assuming that the centers are to concentrate on different policy areas, they would also allow for juristic specialization, including specialization in different areas of extra-legal knowledge needed to make practical and policy decisions. Such *ijtihād* "centers," it seems to this author, would further submerge that personal juridical authority which has been the hallmark of Shīʿism, but which is inconsistent with the political superstructure of the Iranian theocracy. What seems to be proposed here is, in fact, a bureaucratization of *ijtihād* which goes beyond Taskhiri's suggestion in his previous essay for a general "*fatwā* council."

On the other hand, the Ayatollah's suggestion of *tabʿīḍ* does seem to allow for an ongoing activity of interpretation at some level of government. This is in keeping with the peculiar nature of the Shīʿī *ijtihād*. In the Sunnī world, in contrast, *tabʿīḍ* or, as it is more commonly known, *talfīq* has typically been employed as a tool for producing Islamically-legitimated laws for the purpose of working them into codes.

If Ayatollah Taskhiri presents a thoroughly legalistic approach to the problems of Islamic government, Ayatollah Mujtahid Shabistari may be counted one of those clerical intellectuals oriented primarily toward social and political thought and the philosophical questions that underlie them. His essay argues for *ijtihād* as a social and historical, rather than primarily legal process. He calls this "*kalām-i jadīd*"—the new theology. This term is currently used to characterize a kind of thought that aims to integrate different areas of Islamic knowledge into one organic system or ideology. Numerous books and articles have appeared on this subject in recent years.[12]

Shabistari begins from the premise that *ijtihād*, like all processes of interpretation, is a *human* process, conditioned by human perceptions, institutions, and the state of human knowledge at the time it takes place. In short, no perception is possible without pre-conception; each instance of text-interpretation is conditioned by the environment in which it takes place. Not

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[12] How the term "new theology" was coined is unclear. The word used for new—*jadīd*—connotes in Islam renewal; cf. *tajdīd* and *mujaddid*. The Indian savant Shibli Numani (d. 1914) wrote a book in Urdu—later partly translated into Persian—called *ʿilm-i kalām-i jadīd*, the contents of which however bear only a faint resemblance to the new theology currently discussed.

all *ijtihād*, however, is equal. An *ijtihād* which looks to the past, attempts to isolate itself from the social environment, or fails to take into account current advances in knowledge cannot, in the view of Ayatollah Shabistari, properly be called *ijtihād*. For the rationale of a living, dynamic *ijtihād* is that it addresses current problems with full awareness of the circumstances surrounding them (this being the accepted Shīʿī view). Thus the best *ijtihād*—in fact, according to Shabistari, the only true *ijtihād*—addresses present social realities while availing itself of all areas of knowledge, including, currently, the social sciences. In the Ayatollah's view, this was the *ijtihād* practiced by the first generations of Islam and thereafter by the great jurists.

The radical hermeneutical proposition underlying these views has excited some criticism against their author; Ayatollah Shabistari himself observed that his approach has found little acceptance. For if there is no true or authoritative interpretation of the text, if interpretation changes with the environment—where is religion? If reception of the scriptures is conditioned, what is the value of the revelation? Such are the questions traditional Islamic literalism poses to any liberal plan of reform. Mohaghegh-Damad addresses this anxiety by stating that religion does not *necessarily* change as the times change but only according to social needs, and that part of the unique value of the law lies precisely in its "stability." Religion therefore consists of at least a stable core of precepts and rulings, including, of course, those pertaining to the *ʿibādāt* or devotions. This position of Mohaghegh-Damad is based on his confidence in the immutable logic of the legal sciences. For Shabistari, who cannot share this view, religion dwells rather in certain basic moral imperatives which endure through time. (Here the Ayatollah seems to adopt Rashīd Riḍā's scheme, understanding it to be more than simply a division between the *ʿibādāt* and *muʿāmalāt*.) These imperatives or principles, Dr. Shabistari says, are commensurate with the "natural and normative (*maṭlūb*) order of human life." The rulings associated with them have an "original" (*takwīnī*) or "natural" (*tabīʿī*) basis, matched to an "inherently sound and stable human nature." Shabistari seems to endorse a theory of natural law.

The political results of Shabistari's views are treated in the preface to the previous chapter. What role does he assign Islamic law? On the one hand, he maintains that government must be guided by religious norms. These norms cannot be confined to individuals, for secular government "has never been accepted in the Islamic world." From this point of view, the good government is (at least for Muslims) a government that promotes religious values, even if the institutions in which that government is embodied will vary. At the same time, Shabistari escapes the conclusion that rule belongs to the jurist by democratizing *ijtihād*—somewhat in the same manner as has been done with *ijmāʿ* by some Sunnī modernists. The best *ijtihād* is the most widely informed *ijtihād*, and *ijtihād* is most informed when it takes in the opinions of as many people as possible, including the masses, who have a vital stake in the

outcome. The jurist is distinguished from other participants only by his responsibility for the "formal" stage of *ijtihād*.

Nor, according to Shabistari, will the resulting legislation be "holy" legislation, infraction of which amounts to disobedience of the *sharīʿah*. This is because only religious duties expressly laid down by the Prophet are holy, whereas state laws are derived from human experience and understanding. Conforming to the law of the state is merely a rational imperative; obedience to or violation of the law acquires a "moral or religio-legal aspect" only as it impacts on the social order. Here Shabistari takes quite a different approach from Ayatollah Taskhiri, who envisions an all-embracing system of Islamic law. The mission of the law, Taskhiri has said, is to fill the "vacant legal sphere" (*minṭaqat al-farāgh al-qānūnī*); he dismisses the traditional restraining principle of *iḥtiyāṭ* or precaution in carrying out the law as unsuited to real life. Shabistari's position seems similar to that of Ayatollah Ṣadr who, as we saw in the previous chapter, defines the "vacant sphere" as the area in which Islam has not legislated and which is therefore left to human legislation only under the general guidance of Islam. These opposite views of the competence of the law mark a fundamental divide between activist-conservative and liberal thought today.

In general, Shabistari posits broad and elastic definitions of Islamic law and Islamic government which may be applied to any time and place to effectively "Islamicize" a wide variety of political and legal arrangements. Mohaghegh-Damad and Taskhiri, on the other hand, are present-minded; they concentrate on juristic devices that may serve to extend and legitimate law in the Islamic Republic already established. Shabistari finds this approach unsatisfactory because it is piecemeal; by constantly resorting to legal devices rather than recognizing that religion must express itself wholly in terms of the civilization in which it is contained, Muslims "will be forced to live in what they believe to be an unhealthy society." For Shabistari, legitimation also proceeds *upward* from moral and societal norms and from the people. For Ayatollahs Mohaghegh-Damad and Taskhiri, on the other hand, the problem is to extend the legitimate authority of an Islamic government already established *downward* to the law and other institutions.

Despite basic differences, however, these three activist Shīʿī jurists draw on the same legal concepts in order to lend flexibility to the law. The concepts are: public interest, reason, customary law, and probabilism.

The system described by Mohaghegh-Damad ultimately rests on the utilitarian concept of benefit or *maṣlaḥah*. The distinction between primary and secondary rulings discussed by Ayatollahs Muhaghegh-Damad and Shabistari, the related principle that *sharīʿah* rules may be suspended in the face of "necessity" (*iḍṭirār*), and Taskhiri's emphasis on discretionary rulings (s. *rukhṣah*) are also ultimately aimed at the goal of benefit. For Shabistari, permanent laws which are in harmony with the nature of humans and human society always "serve to secure their best interests." Similarly, although

Taskhiri's argument for combination involves a fine consideration of the classical tradition, his final, most trenchant argument is that *tabʿīḍ* and discretionary rulings will result in "benefits" (*fawāʾid*; *maṣlaḥah ʿāmmah*) for society.

"Benefit" has not generally been well regarded in Shīʿī law. This view is a survival of an earlier bias against legal reasoning. (A vestige of that bias can be seen in Mohaghegh-Damad's careful assertion that considerations of benefit and harm—not, supposedly, as in Sunnī law—are linked to explicit legal proof in the text.) Our jurists, however, rehabilitate *maṣlaḥah* completely. They do so in order to accommodate the need to legislate for a modern society. *Maṣlaḥah* has, in fact, become a prime legal instrument in the Islamic Republic, to the extent that in 1988 a "Council to Distinguish the Best Interests of the Regime" (*Majmaʿ-i Tashkhīṣ-i Maṣlaḥat-i Niẓām*) was established to press legislation deemed necessary for the functioning of the state. *Maṣlaḥah* in this new, statist role might better be translated as "the goals of public policy."

Shīʿism favors "reason" (*ʿaql*) in both the law and theology. In Shīʿī jurisprudence, *ʿaql* is counted one of the four bases of the law. Moreover, Shīʿī theology, like the Muʿtazilī theology on which it is modelled, is founded on a rationalist worldview. Thus reason is thought capable of distinguishing good and evil independent of revelation—for these are values inherent in creation, and to which the acts of God Himself necessarily conform.

There would seem to be a natural link between reason in theology and reason in the law. Yet *ʿaql* as a basis of the law has more resembled a tightly-controlled system of logic aimed at elaborating the circumstantial application of the text than an independent source of knowledge. For it is in its origin simply the principle of legal reasoning, parallel to that of analogy or *qiyās* in Sunnī law, but appearing under a different name, more palatable because it has not been condemned by the imāms. That said, the question of the exact role of reason in the law has never been settled. Some jurists argue for a wider definition, while others seek to bind it more closely to the text. The nature of the dispute can be seen in the dicta of two well-known contemporary jurists. Whereas Ayatollah Muntaẓirī in his "Rule of the Jurist" declares reason to be "the mother of all proofs,"[13] Ayatollah Ṣadr states that *ʿaql* is not to be taken in its wide sense, or to mean that it may be applied to "open" matters where only probable assumptions can be made, but pertains instead strictly to points "in which there is complete certainty ... without any possibility of error."[14]

Ayatollah Taskhiri's essays illustrate the use of reason as a strict system of logic. Both Ayatollahs Mohaghegh-Damad and Shabistari, however, ultimately rely for their constructions on rationalism, rather than reason in the restricted sense suggested by Ṣadr. Even if Mohaghegh-Damad attempts, by

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[13] *Dirāsāt fī wilāyat al-faqīh wa-al-fiqh al-Islāmīyah*, 2 vols. (Beirut: al-Dār al-Islāmīyah, 1409/1988), I, 493.

[14] *al-Maʿālim al-jadīdah lil-uṣūl* (Najaf: Maṭbaʿat al-Nuʿmān, 1385/1965 or 66), 34-36.

the qualification mentioned above, to avoid being carried away by rationalism, his liberal application of *maṣlaḥah* clearly rests on the jurist's ability to *objectively* determine standards of benefit and harm in society. The great Sunnī reformer Muḥammad ʿAbduh was led by his quest for reform to a theology tinged with Muʿtazilī rationalism; for the reforming Shīʿī jurist, that worldview is already in place.

Ayatollah Shabistari's use of reason is freer still. He begins by arguing that reason is fully consistent with revelation; "reason is the interior prophet of humankind." This argument and phrase are not foreign to Shīʿism.[15] For Shabistari, however, reason is uppermost; revelation, itself subject to free interpretation, acts only as a general guide. He also cites the principle of theology that the believer must arrive at the articles of the creed by his own reason rather than by emulation (*taqlīd*) to argue for employment of the same reason by the people in social affairs. "Those who have known God through reason," he argues,"and understand from their own experience the meaning of social life will certainly be able to contribute opinions, even if they are not jurists." The Shīʿī doctrine of free will is invoked by Shabistari in a similar way, to mean popular will. One can sometimes hear free will remarked upon in like manner by Shīʿīs, including members of the religious class, as well as statements to the effect that "Shīʿism is the religion of reason." Here we are no longer speaking of the law or reason in the law. This is theology being made to yield social and political meaning.

The concept of customary law plays an important role in the legal thought of Mohaghegh-Damad and Shabistari. The status of custom as a legal proof is explained in the essay by Mohaghegh-Damad. This "custom of reasoned persons" seems the equivalent of simple Ḥanafī "custom" (*ʿurf* or *ʿādah*), the difference being that in Shīʿism the suggestion of an innate wisdom of humanity is made explicit. (It is also parallel to the "common sense" or *ʿaql ḥissī* of the Akhbārīs.) For Mohaghegh-Damad, the high status of this proof—which is freely resorted to in juristic discussions in the Islamic Republic—means that "it can definitely be stated that Islamic law is a customary (*ʿurfī*) law in the full sense of the word." Shabistari's thought is wholly an argument for the primacy of customary law, linked to divine norms by the ultimate conformity of human custom with reason; if we were to place him in a Western, secular context we might assign him to the sociological school of jurisprudence. By treating Islamic law as customary law, these scholars attempt to render it more responsive to society.

The Shīʿah say that the qualified *mujtahid* does his utmost to come as close as possible in his ruling to the actual divine injunction (*al-wāqiʿ*). Since, however, he does not possess the certain knowledge of the Prophet and imāms but proceeds only as best he knows according to his understanding of the texts, his ruling is not necessarily the "right" one (*ṣawāb*); there is a margin of

[15] Cf. Kulaynī, *al-Uṣūl al-kāfī*, {*K. al-ʿaql, ḥadīth* #12} (the *ḥadīth* addressed to Hishām).

"error" (*khaṭaʾ*).[16] This is the probabilistic aspect of the Shīʿī and also of the Sunnī legal systems. Some jurists, however, have argued that all opinions are *ṣawāb*. Modern Shīʿī jurists perceive this difference between themselves and the Sunnīs—that while most Sunnīs assert that the ruling of all jurists is "right," the Shīʿah believe that, since an actual divine injunction does always exist and since, in the absence of the Imām, the human mind is not wholly equal to grasping it except in certain limited cases, the jurist is most likely to be in error.

Both Ayatollahs Taskhiri and Shabistari rely on this doctrine, although for different purposes. For Ayatollah Taskhiri, since *khaṭaʾ* is a natural condition of *ijtihād*, the opinion of the more learned *mujtahid* is no more likely to approach the *wāqiʿ* than that of the less learned. In fact—here he relies on Ayatollah Ṣadr—the multiplicity of opinions and dialogue between them that arises in the process of *ijtihād* is a resource on which Islam may draw to formulate systems of thought suitable to modern times. Thus for Taskhiri, probabilism lends flexibility to law and authority so that they may be bent to the practical needs and political structure of the theocracy. For Shabistari, on the other hand, the fact that "after the Occultation of the Imām, no person, no matter what his position, can claim to be fully informed of the correctness of a legal view" means that all views, including the views of non-jurists, must be considered in *ijtihād*. Probabilism here is not taken in the traditional, juristic sense, but becomes instead a principle of open society or democracy.[17]

It will be seen that the ultimate aim of much of this juristic thought is to carry the law beyond itself, to make it, in effect, into something different than merely law—certainly different than the private law of the classical *sharīʿah*. In short, as suggested in the first paragraph of this essay, there is an effort here to construct a systematic, functioning ideology. What distinguishes our Shīʿī jurists is that, through vigorous interpretation, they attempt to make this ideology out of the law directly.

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[16] The salvation of the followers of the *mujtahid* is nevertheless guaranteed by their faithful emulation (*taqlīd*) of him; responsibility for the rightness or error of the ruling lies with the *mujtahid*, whose sincere effort or *ijtihād* in turn suffices with God.

[17] This part of Shabistari's system resembles Soroush's thought, which is influenced in turn by Karl Popper. It may be that the similarity arises from consideration of a common problem, the problem of error, in similar contexts of theories of probabilism.

THE ROLE OF TIME AND SOCIAL WELFARE IN THE MODIFICATION OF LEGAL RULINGS

Ayatollah Seyyed Mostafa Muhaghegh-Damad

Imāmī jurists are committed to two basic principles: the finality of the prophethood of Muḥammad, and the endurance of religion (*baqā' al-dīn*). The combination of these two principles immediately raises the question of temporal change.[1] Times change quickly, circumstances alter, and historical evolution takes place. How is it possible for religion, which is essentially stable, to regulate societies which are constantly being transformed? How can religion and a changing society be adapted and reconciled to each other? This question has occupied the minds of many Islamic scholars, both Shīʿī and Sunnī. Ibn Qayyim al-Jawzīyah (d. 751/1350), the noted Ḥanbalī traditionist and jurist, remarks that

> [l]egal opinions (s. *fatwā*) differ according to the different times, places, circumstances, intentions (*niyāt*) and interests [under whose influence they are issued].... Because this fact has not been recognized, a great error has found its way into jurisprudence and unnecessary, even sometimes unbearable difficulties have been imposed—while in reality the *sharīʿah*, which guarantees the greatest degree of human welfare possible, has never entailed hardship.[2]

Shīʿīs have proposed several solutions to the difficult problem of adapting the constant of religion to the variable of time, all of which may be regarded as falling under the heading of "permanent ijtihād" (*ijtihād mustamirr*).[3] In this

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[1] *taghyīr va-taḥavvul-i zamān*

[2] Muḥammad ibn Abī Bakr Ibn Qayyim al-Jawzīyah, *Iʿlām al-muwaqqiʿīn ʿan rabb al-ʿālamīn*, 4 vols. (Cairo: Dār al-Ḥadīth, n.d.), III, 1.

[3] This is a term used in Shīʿī *fiqh*; it is the "opener of the gate of *ijtihād*" (*fattāḥ bāb al-ijtihād*), thus opposed to the "closing of the gate of *ijtihād*" (*insidād bāb al-ijtihād*) of the Sunnīs. It is described in Article VI (a) of the Sixth Basic Principle of the Constitution of the Islamic Republic of Iran as "the permanent *ijtihād* of qualified jurists (*fuqahā'*) on the basis of the Book and the *sunnah* of the inerrant ones [the Prophet and imāms], peace be upon them all."

essay I will outline some of the principles of jurisprudence underlying *ijtihād mustamirr* and then present a few examples of such solutions.

A fundamental principle of *ijtihād* important to the present discussion is the "custom of reasoned persons" (*binā' al-ʿuqalā'*). This is one of the legal proofs (*adillah*) employed by Shīʿī jurists and an important source of Shīʿī *fiqh*. The "custom of reasoned persons" does not consist of knowledge based on the pure reason discussed by Kant. Rather it is that which is customarily perceived as reasonable (*maʿqūl ʿurfī*)—that which is agreed upon by those possessed of reason. It consists of "independent standards" (*mustaqillāt*), that is standards transmitted independently of any proof in the *sharīʿah*—again, as determined by the custom of reasonable persons. To put it another way, the reason (*ʿaql*) employed by the Shīʿah is neither speculative (*naẓarī*), nor practical (*ʿamalī*); it rather consists of views generally (*mashhūr*) and customarily accepted by intelligent persons as applicable to their daily lives. The legal proof (*dalīl*) for policy matters (*siyāsāt*), which in jurisprudence are known as "social relations" (*muʿāmalāt*), is not, according to the Shīʿah, to be found in the *sharīʿah* texts, that is in the Qurʾān or books of *ḥadīth*. The initial source of legal norms for policy matters such as contracts of purchase, rental and sale, discharge of debts, inheritance [sic], compromise between debtor and creditor (*ṣulḥ*), limited partnership (*muḍārabah*), temporary sharecropping (*muzāraʿah, musāqāh*)[4] and so on is for the most part the custom of reasonable persons. Given the role of this principle, it can definitely be stated that Islamic law is a customary (*ʿurfī*) law in the full sense of the word. We find reference to this in the Qurʾān where the Prophet is urged to "hold to forgiveness, and command that which is accepted (*ʿurf*)" (7:199).

Also of great significance for the process of *ijtihād* is the principle that certain Islamic legal rulings (*aḥkām*; s. *ḥukm*) may change according to the harm (*mafsadah*) or benefit (*maṣlaḥah*) involved. The desire to maximize benefit when issuing legal opinions directly affects the evolution of the legal system. Benefit may play a role in three areas. The first is the deduction of primary legal rulings (*istinbāṭ al-aḥkām al-awwalīyah*).[5] In the opinion of the Shīʿah, legal rules follow benefit and harm. That is, rulings are made on the basis of some essential prerequisite (*malāk*) involving either benefit or harm

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[4] See note 18 of the essay by Ayatollah Shabistari, below.

[5] Rulings aimed at circumstances (*mawḍūʿāt*) because of the characteristic (*ʿunwān*) of the circumstances themselves are called "primary rulings" (*aḥkām awwalīyah*); whereas rulings aimed not at the characteristics of the circumstances themselves but at other characteristics are called secondary (*thānawīyah*) rulings. For example, drinking wine is a "circumstance" (*mawḍūʿ*) concerning which God has issued a ruling of prohibition; this is a primary ruling in relation to the drinking of wine because it pertains to the characteristic (*ʿunwān*) of that very act. However, when a person is forced to drink wine—if he is "compelled" (*muḍṭarr*)—the ruling is one of permission. This is a secondary ruling; it is legislated concerning the same circumstance (the drinking of wine), but here not for the sake of the primary characteristic [of the act] but a secondary one, that being the state of compulsion—Ayt. M.D. (One is legally "compelled," and therefore permitted to drink wine if not drinking would result in greater harm, for example, dying of thirst—ed.)

to humankind—for, so it is reasoned, if the rules did not have this dimension they would not have been laid down by God in the first place. (This is true of all rules, whether in the category of *ḥalāl* [permitted], *ḥarām* [forbidden], *wājib* [obligatory], *mustaḥabb* [recommended], *makrūh* [detested], or *mubāḥ* [indifferent].) This principle is expressed by jurists in the maxim: "causes yield both general and particular applications" (*al-ʿilal tuʿamim wa-tukhaṣiṣ*). For example, if we read in a legal text that "Alcohol is forbidden because it inebriates," we deduce that the cause (*ʿillah*) and essential prerequisite (*malāk*) for the prohibition is inebriation. That is to say, the "harm" of inebriation is the cause for the prohibition of alcohol. Thus the jurist may extend the prohibition to all inebriating substances.

Here we should note that, in the Shīʿī school, benefit and harm are determined on the basis of textual evidence of legal rules (*adillah*) taken from the law (*shaʿ*), so that it is only when the jurist distinguishes the considerations of benefit and harm that have been the causes (*ʿilal*) of the rules *from the textual evidence* (*adillah shaʿīyah*) that he is able to decisively state that the rule revolves around those considerations. For jurists in other schools the scope for determining the "cause" of a law is wider; they do not require, as Shīʿī scholars do, that the legal proof be explicit in the text (*manṣūṣ*). In their view the jurist is entitled to proceed regardless of the method used to determine the cause of the legal ruling and the benefit or harm on which the ruling depends. Thus they consider methods such as analogy (*qiyās*) and "discerning the public interest" (*istiṣlāḥ*) actual sources of law. These sources are not present in the same way in Imām *fiqh*.

The second area of the law in which benefit plays a role is that of civil rules (*al-aḥkām al-wilāyatīyah*). Here it is necessary to understand that *fiqh* rules are divided into two general categories. The first category consists of fixed rules (*al-aḥkām al-thābitah*): for instance, obligatory and forbidden acts. These rules do not change with time and place and are not determined by the government. The second category consists of legal rules subject to change. These rules depend on some underlying premise (*aṣl awwalī*, lit. "primary principle"); for instance, rules relating to private property depend on the underlying premise of the right to control one's own wealth. In this example the principle is expressed in the legal maxim *al-nās musallaṭūn ʿalā amwālihim*—"people have sole authority over their own property." The exact determination of rules in this category, in contrast to the first, is left to the government, which may either extend or limit them in accordance with the social benefit or harm involved. It is for this reason that we call them *aḥkām wilāyatīyah*—"civil" rules. All instances in which there is some leeway and discretion (*jawāzāt*, *tarkhīṣāt*) fall under this heading, and discretionary rulings (*aḥkām tarkhīṣīyah*) are rulings which the law has not made compulsory, allowing instead a certain license and freedom. This freedom is conditioned by the underlying premise and its limits are set by the Islamic government, which may adjust them as considerations of benefit or harm demand. For

instance, if it were found that property rights entailed some harm to others, those rights would be curtailed, in accordance with the maxim "*lā ḍarār*"—"no harm [to other parties should result from a ruling]." Another example is the imposition of taxes; in this instance the ruler or judge[6] might decide that failure to pay taxes caused harm to society, so that payment would become obligatory in order to remove that harm.

The third part of the law in which benefit plays a role is in determining areas subject to legislation. Since a finding of benefit or harm determines what is to be subject to legislation—that is since change in benefit or harm necessarily results in change in the legislative head, leading to change in the rules themselves—it is for the judge or ruler to distinguish these aspects. For instance, the Qurʾān states: "Do not dispose of the wealth of the orphan except in the best way" (6:152). Here determination of the best interest of the minor is left to the ruler or judge who is addressed by the verse, and the action he decides to take may change according to changes in benefit. The difference between this and the previous category is that in the former the ruler merely takes legal action in instances where benefit or harm is directly involved, whereas in the latter he actually decides what the subject or head of the law shall be. Another difference is that in the previous category it is only the judge or ruler's evaluation of benefit which is effective, whereas in this category ordinary persons may also distinguish the subject of the law and act in accordance with it.

We will now proceed to examine the practical workings of *ijtihād* as it deals with changing times and attempts to secure the best interests of society.

The first solution offered by Shīʿī law involves taking into account the factor of temporal change in response to day-to-day events or incidents (*al-ḥawādith al-wāqiʿah*, "actual events").[7] This is the simplest solution. However, before proceeding to examine this approach further, it is necessary to clear up one important point. Some have imagined that law, like other social phenomena, *necessarily* changes as times change—that it is modified in accord with scientific discoveries and social needs as quickly and easily as water flows. This proposition is not supported by the philosophy of law and it is, to my mind, entirely wrong. It is wrong because the process involved in the evolution of law is different from the process involved in simple temporal

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[6] The term *ḥākim* may mean either. It is used in the famous *Maqbūlah* or "acceptable tradition" of ʿUmar ibn Ḥanẓalah. That tradition is sometimes understood to indicate the authority of the jurists; it is cited in Khomeini's "Guardianship of the Jurist," where *ḥākim* is taken to mean ruler—ed.

[7] The phrase is taken from a well-known *ḥadīth* of the twelfth imām in which he instructed his follower who had enquired about "unanswered questions which have come up": "As for day-to-day events, refer to the transmitters of our [the imāms'] *ḥadīth*" (see al-Ḥurr al-ʿĀmilī, *Wasāʾil al-Shīʿah*, 20 vols., ed. Muḥammad al-Rāzī [Beirut: Dār al-Turāth al-ʿArabī, 1391/1971-72], XVIII, 101 {*K. al-qaḍāʾ, Bāb wujūb al-rujūʿ fī al-qaḍāʾ wa-al-fatwā ilā ruwāt al-ḥadīth* ...}). By day-to-day or actual events are meant novel circumstances which give rise to questions not explicitly covered by the texts—ed.

change. This is quite clear. The value of law is in its stability; whenever law becomes unstable its authority lessens and society begins to break down. Law and justice go hand in hand: law is the foundation of justice, and justice, which is meted out under the protection of the law, requires order. Order, in turn, requires stability, and as long as there is no stability, there can be no order and finally, no justice. Thus statements to the effect that the world is constantly in the grip of change, that certain advances in technology or discoveries have been made, or, as Heraclitus says, "one cannot step twice into the same river," or that the *fiqh* of the last millennium and a half has no meaning or relevance are entirely without substance and indefensible. For law is not merely a method or a matter of personal taste. Methods and approaches change, but the law does not change easily. Rather it is constant, due to the peculiar nature of the law and legal rules. The more an idea is rooted in history, the more it will be regarded as justified and acceptable. Or to put it another way, human thought and knowledge have a definite basis, so that not every legal standard may be considered obsolete because of the advance of time. In my opinion, legal evolution must always go hand in hand with social exigencies; it is evolution in the needs and requirements of society that necessitates change in the law.

Let us consider the thinking of the jurists regarding the *ḥadīth*. Shīʿī jurists have their own particular approach to the problem of conflicting traditions. For them, jurisprudence is based on the theological (*kalām*) belief that all the pronouncements of the Prophet throughout his life and all the pronouncements of the imāms until the Occultation of the twelfth imām comprise one doctrine which is the basis of the law (*fiqh*). Thus they are constantly engaged in a process of interpretation. Let us say, for example, that a certain statement of the Prophet has come down to us and then another from the eleventh imām three centuries later. The Shīʿī jurist compares the two and determines the relation between them. He may find that one is "generally applicable" (*ʿāmm*) and the other "applicable to particular situations" (*khāṣṣ*), that is, more restricted, or one "absolute" (*muṭlaq*) and the other "conditional" (*muqayyad*). He interprets the two traditions as if they had come from one person; otherwise his approach is meaningless. If, on the other hand, the two dicta are opposed in such a way that they cannot be reconciled, the procedure is to discard one and retain the other, on the understanding that one must be sound (*ṣaḥīḥ*) and the other false (*bāṭil*). The jurist does not take into account the different times and places in which the reports were issued; that they come from two different imāms living in different times is not relevant to the exegetical process. This is still the most common approach among Shīʿī jurists to the traditions of the imāms.

A new and different approach was taken by the prolific theologian Fayḍ Kāshānī (d.1091/1680). Kāshānī was perhaps the most prominent scholar to address himself to the role of temporal change in *ijtihād*. According to Kāshānī, whenever the jurist is faced with two reports one of which is later

than the other, the later is preferred. Both reports are correct, but each was meant to apply to its own time. That is, the earlier imām had a certain view of the welfare of society, while the later imām assessed the social needs of his time differently. This approach is apparent in Kāshānī's *al-Uṣūl al-aṣīlah* ("The Fundamental Principles of the Law") where he writes:

> The last report is occasioned by the time [in which it was issued] (*al-akhīr muqtaḍā waqtihī*), every time having its needs in the context of which action takes place. This does not involve abrogation (*naskh*) [of one tradition by another], for *naskh* does not exist after the Prophet. The same rule applies to preference for the statement of a living [imām over a deceased imām], for he is more knowledgeable as to the action required by the times.[8]

The *naskh* which took place in the time of the Prophet meant that a legal rule (*ḥukm*) was effective until a certain date, after which it was abrogated. Kāshānī, however, states that *naskh* is no longer possible after the Prophet; rather, since needs change with the times, the legal rule itself changes. This differs from *naskh* in that the time of the abrogated legal rule is not repeated. That is to say, in the case of *naskh* the legal rule is completely cancelled and no longer has any validity, whereas the altering of legal rules according to the needs of the age means that the law last legislated is addressed to present, transient conditions and if those needs were to change so that the original conditions again obtained, the first law would again apply. Thus in Kāshānī's opinion the law changes according to the needs of the times, and it is the task of the jurist to determine those needs. This is an entirely different view from that of other jurists, and even though Kāshānī's discussion pertains to the problem of conflicting traditions it might well be taken as a guide for *ijtihād* based on the social needs of different times.

Let us look at a few examples of "the needs of the times." One factor which may lead to evolution of legal rules is basic changes in perception. As the jurist contemplates a legal ruling, he must also consider the circumstances in which it existed. Did certain variables such as custom or the economic or social fabric play a role in its legislation, or not? A great many *sharīʿah* rules may change completely in light of such considerations. For instance, in the Qurʾān we encounter this phrase addressed to men concerning their marital life: "Live with them in accordance with that which is recognized as good (*al-maʿrūf*)" (4:19). Cohabitation "in accordance with that which is recognized as good" is the foundation of Islamic family law and the foundation of all individual laws pertaining to the rights of married women. In past times when social and economic life was much different and women were housewives, essentially consumers confined to the home without economic responsibility or the need to earn a living, this Qurʾānic phrase had a particular meaning. Does cohabitation "in accordance with that which is recognized as good" have the same meaning today? In the past, the maintenance (*nafaqah*) due to a wife after divorce was calculated by the jurist at a very low rate. Is the requirement

[8] (Tehran: [lithograph], n.p., 1350 H.Sh./ 1971-72), 86.

of marriage in accordance with that which is recognized as good met in our age by the same low maintenance fixed a thousand years ago? Certainly not! Thus it is clear that, although the rate of maintenance is fixed by textual evidences of the law (*adillah sharʿīyah*), it is not fixed as an "objective standard" (*qaḍiyah ḥaqīqīyah*), to use a term derived from logic, but rather as a conditional or "external standard" (*qaḍiyah khārijīyah*). The distinction between these two is one of the key issues in legal reasoning.[9] Generally speaking, an external standard is connected to an external reality, whereas the subject matter of an objective standard is general, natural (*ṭabīʿī*), and invariable. If, for instance, one of the imāms had been asked a thousand years ago about the maintenance due to a woman after divorce, he might have mentioned clothes, a dwelling, or food, indicating that according to the external standard of the social life of those times maintenance consisted of something like the fixed payment mentioned above. Neither the education of women nor means of transportation was as important as it is today. Thus maintenance is an external and not an objective standard. On the other hand, "marriage in accordance with that which is recognized as good" is a general legal rule (*ḥukm*) of the *sharīʿah*, and since times always change and social and economic conditions evolve, the Qurʾān here lays down a standard whose criteria are subject to change.

A second solution offered by Shīʿī jurists to the problem of changing circumstances has to do with the basis of the application of the law (*majrā al-ʿamal*). It is evident that there have been many *fiqh* laws whose basis of application has completely changed in the last thousand years. Jurists must take these developments into account when issuing religious opinions. One example is the issue of slavery. In the engagements which took place at the time of the rise of Islam, slavery was considered permissible. This was because of the necessity of retaliation or, in the terminology of international law, balance of power. Each side would take slaves. If a Muslim were taken prisoner, the enemy would enslave him and he could be bought and sold. Islam was not able at that time to abolish slavery; had it done so unilaterally, it would have made itself weaker in relation to those who sought to destroy it. (One should also take note of the fact that even when slavery was a common feature of warfare it was only permissible (*jāʾiz*) to enslave others; it was not a religious duty (*wājib*) or ruling principle of Islam.) The times have now changed. Society has evolved and the international community has agreed to abolish slavery; the institution of slavery has disappeared. It is now necessary to conclude that slavery is also forbidden by Islamic law, for the basis of application of the law of slavery has changed. The jurist cannot claim that since in the past prisoners of war were enslaved, they must be enslaved today. Islamic countries have readily signed the international conventions on slavery, and the abolition of slavery is not in any way inconsistent with Islamic law.

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[9] On *qaḍiyah ḥaqīqīyah* and *qaḍiyah khārijīyah* see the author's *Iḥtikār az naẓargāh-i fiqh-i Islāmī* (Tehran: Nashr-i ʿUlūm-i Islāmī, 1360 H.Sh./1981-82), 50ff.

A third juristic strategy concerns a shift from private to public relevance of the law. When issuing a religious opinion, the jurist is aware that some Islamic laws under certain conditions had an individual or private aspect which has been shed with the passing of time. What were once private rights have become of general or public relevance. One example is the entirely new field of labor relations. Until recently the concept of labor relations was unknown and the relationship between an employer and employee was conducted entirely on the basis of a contract of hire. That is, a contract was concluded strictly on the basis of hire of labor for wages, with no government oversight. The employee would work the number of hours he or she liked, and the employer would pay whatever wages he or she liked. Nor was the employer obliged to provide a properly equipped workplace. However, as technological advances began to affect the workplace and large companies were formed with thousands of employees, the private rights of employer and employee became public rights. Government intervention has now resulted in labor laws that limit the freedom of both parties and place them in a particular framework. The rationale is that if a worker is allowed to enter into a contract as a free agent, he is liable to get himself into a situation in which he eventually becomes disabled and a burden on society. Thus the head of society[10] intervenes and limits the freedom of the parties to conclude a contract. This is one example of a shift from private to public rights.

In many cases this process takes place naturally and of itself. For instance, there was a time when social relations were not as complex as they are today. In the tribal society of the past people lived more separately from one another and marriage was considered an entirely private matter. But is it reasonable to suppose, given the fact of social evolution, that these conditions hold true for all of history and that family law should always be a matter of private right in which the government has no role to play? I believe that even the text of the Qurʾān proves otherwise. God says: "If you fear a breach between the two [husband and wife], appoint an arbiter from his family and an arbiter from her family" (4:35)—that is if mutual dislike develops, send arbiters so that they will not separate before arbitration. To whom is the phrase "if you fear" addressed, that is who is to appoint the mediator? Certainly not the husband and wife who are parties to the conflict. The answer is found in another verse: "As for the thief, both male and female, cut off their hands" (5:38). Here one must also ask: to whom is the imperative "cut off" directed? Certainly it is not the people of the neighborhood or bazaar who are called upon to cut off the hands of the thief. In both verses the one addressed is, in fact, the head of the society.[11] It is the head of the society who cuts off the hands of the thief, who appoints an arbiter in case of marital discord, and without whose permission divorce may not take place. These are examples of the effects of social change

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[10] *mudīr-i jāmiʿah*, lit. the director of society.

[11] Here the author uses both the terms *mudīr-i jāmiʿah* (head of the society) and *ḥākim* (judge or ruler)—ed.

on the evolution of the law; in the absence of social imperatives and of a state judiciary[12] I would not give the *fatwā*s I have given here.

The same rule applies to the verse of the Qur'ān concerning polygyny which reads: "Marry of the women who seem good to you two or three or four, but if you fear that you shall not be able to be just, then [only] one" (4:3). Is the person addressed here the man who seeks to marry, who is always looking for a new wife and never pauses to think about what he is doing? It is obvious that the verse is communicating more than just moral advice. What the Qur'ān means is that when a man wants to remarry there should be a judicial authority (*marjaʿ qaḍā'ī*) who will lay down conditions for the new marriage, investigate his financial means, and assess his reasons for remarrying and his affairs in general. If the authorities do not grant the request, the courts will not register the marriage.

There is another verse of the Qur'ān which reads: "As for those from whom you fear disobedience, admonish them and desist from conjugal relations, and strike them" (4:34). That is first admonish, then banish, and then, as a final measure, strike women who behave immorally, who become, as is said in *fiqh* discussions, '*nushūz*' (disobedient), going out of the house without the permission of their husbands and forming inappropriate attachments. The problem here is that if the verse is taken as giving permission to the husband to admonish, banish, and even strike his wife as he sees fit, the result is slavery in the full sense of the word. It is obvious that intervention of the courts is called for. Then when a women complains to the court that her husband has beaten her the judge may question him and he will have to justify himself. I believe that the party addressed in the verse is not the husband, but society. The verse makes clear the underlying principle of the law, which may be construed as follows: the first time a woman is "disobedient" and it is feared that she is forming inappropriate attachments, the court should guide her; the second time, the court may give the man permission to demonstrate his anger and reproach her; and the third time, the court may apply punishment at its discretion.[13] The remedy is thus carried out, as the Qur'ān suggests, in three stages, according to the law and by the courts and justice system. This is another example of how social evolution transforms private into public rights.

A fourth area in which changing times should be taken into account when exercising *ijtihād* concerns scientific and technological advances. Such advances may also necessitate a change in the religious opinions of a jurist. I will again cite examples from family law. It has been allowed that a man has the right to nullify (n. *faskh*) a marriage if his wife is afflicted with leprosy. Article 1123 of the Civil Code of Iran grants this right. But if a very quick and effective treatment for the disease is discovered (in fact, I am not aware whether it has been discovered or not), should this right persist? Certainly it

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[12] *ḥākimīyat-i dawlatī*.

[13] Discretionary punishment = *taʿzīr*.

should not, because whereas at the time the law was written leprosy was a virulent and incurable disease and the husband would have been immediately infected, this is no longer the case. The same would apply to other dangerous or debilitating diseases which formerly invoked the right of *faskh*.

The fifth and last matter to be considered is change of place. Let us take as an example the problem of determining the time of puberty (*bulūgh*). One sees a great deal of variation in religious opinions having to do with this matter. At what age does puberty occur? When does it occur for a female, and when for a male? The opinion most widely accepted (*mashhūr*) by scholars is that girls reach puberty at the age of nine. However, when all the various opinions are taken into account, one realizes that one is faced with a case of an "external standard," since the rulings have been conditioned by climate. Had a petitioner from a certain tribe and another living some distance away come and enquired of the imām concerning this matter, the answers they received would no doubt have been different. Does this not tell us that puberty should be regarded as consisting of radical changes in the physical development of a young person? One simply cannot compare an Arab girl living in a hot climate with another from the north of Sweden in this respect. The difference is due to the fact that each girl lives in a different part of the world; a girl who lives in Kufah in Iraq might not have reached puberty at the age of nine, quite different from a girl from the Arabian peninsula [sic]. Thus the condition (*sharṭ*) of puberty is the actual reaching of the stage of puberty in physical terms; this is what is meant in the Qurʾān by the phrase "they reached..." (*balaghna*).[14] This is the true meaning of the word; it does not refer to the fixed age of nine or, in the case of boys, fourteen. What underlies the differing opinions of the jurists is their effort to distinguish the true criterion (*miʿyār ḥaqīqī*) of the ruling.

Thus we see that, although the law is to be regarded as a fixed standard, legal rules may change when certain external factors are carefully assessed. These external factors arise in the course of time and the new ruling is often addressed to changing social needs. Here I have given a few examples of altered rulings according to my own *ijtihād*; many others could be cited.

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[14] Where this word appears in the Qurʾān (thrice in 2:231-234) the phrase is *balaghna ajalahunna*: "they have reached their term," and the reference is not to puberty but to the period of time, determined by the menstrual cycle, which a man must wait to divorce his wife. It appears that the author is drawing a parallel between the two physical conditions based on the coincidence of terms. That is, since the word *balaghna* in the Qurʾān refers to the completion of a physical process (menstruation) rather than a fixed term, it must also have the same sense when used to speak of puberty—ed.

THE MARRIAGE CONTRACT IN IRANIAN CIVIL LAW

Ahmad Mahdavi-Damghani

The word most often used in the Civil Code of Iran[1] for marriage is the Arabic term "*nikāḥ*."[2] The Iranian civil code, like most law books, does not define *nikāḥ*. However, commentators on the Code have described it as "a legal tie established by contract between a man and a woman which grants them right of sexual enjoyment of one other"[3] or "the contract by which a tie of marriage is created entailing fixed and special consequences."[4] Evidently *nikāḥ* is equal to the contract (*ʿaqd*) that establishes certain ties between two persons, difference of sex also being essential for the validity of *nikāḥ*.

The Civil Code of Iran is formed on the model of the Twelver Shīʿī legal school. Shīʿī personal law exhibits some differences from the Sunnī schools of law. Thus a "Unified Law" (*Qānūn-i Vāḥidah*) of the Code provides for the Sunnī minority (as well as Christians, Jews, and Zoroastrians) by specifying that non-Shīʿīs follow their own law in matters of marriage, divorce, wills, and inheritance. This law is administered by personnel drawn from the respective communities.

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[1] The Code (Qānūn-i Madanī-i Iran) was instituted in 1931 and is substantially the same today. Some articles have been struck or introduced; in other instances the wording has been altered to make the intent clearer. The most extensive changes were made in 1967 as a result of the "Family Protection Act"; further changes were made in 1982. The Code consists of a Preamble and three 'Books' (*jild*), the second of which is devoted to marriage and divorce. The articles (*mavādd*) are numbered consecutively throughout the Code; thus the references below are to the article number only. The Code may be consulted in Ghulāmriḍā Ḥujjatī-Ashrafī, *Majmūʿah-ʾi qavānīn-i asāsī-i madanī* (Kitābkhānah-ʾi Ganj-i Dānish, 1370 H.Sh./1991).

[2] Persian "*izdivāj*" and "*vaṣlat*" also appear; see articles 1035, 1060, & 1110; and articles 1145, 1035, 1037, and 1028 respectively.

[3] Sayyid Ḥusayn Imāmī, *Ḥuqūq-i madanī*, 5 vols. (Tehran: Kitābfurūshī-i Islāmīyah, 1363 H.Sh./1984), IV, 268.

[4] Ibid.

According to present Iranian law, there are two types of *nikāḥ*. The first is permanent (*dāʾimī*) marriage. Such a tie cannot be broken except through divorce (*ṭalāq*) or annulment (*faskh*) of the original contract, actions which are themselves conditional on certain requirements enumerated in the law. The second type of marriage is temporary (*muvaqqat*) or "dissoluble" (*inqiṭāʿī*) marriage, more commonly known as *muʿah* (lit. "enjoyment"). This type of marriage is contracted between a man and woman for a fixed term; the contract requires that the term be wholly established in the contract and also that the sum or amount of the dower (*mahriyah*, *ṣidāq*) be specified. Temporary marriage is peculiar to the Shīʿī school.

Though not a part of formal Islamic law, the social customs of proposal and engagement are also officially recognized in the Civil Code. Article 1034 states simply that "one may propose to any woman for whom there is no bar to marriage." The next article, however, provides that "the promise of marriage does not establish a bond of marriage" and specifies that either party may renege on the previous agreement or promise. If the expectation of marriage is not fulfilled, the man has the right to recover sums paid to the woman or her parents, including the dower.

It is worth mentioning that Iranian custom does not generally allow the marriage of girls before the age of fourteen or fifteen, while in urban areas a girl is usually not considered ready for marriage until she has completed her secondary schooling. On the other hand, certain local conditions and customs in areas in the south and southwest of Iran, for instance the Persian Gulf and Baluchistan, lead to girls who have not yet reached fourteen being physically prepared for marriage. According to Shīʿī law, although the marriage of a pre-pubescent girl is valid, the husband does not have the right of sexual enjoyment until she comes of age. Should the husband attempt to become intimate with her and damage her sexual organs, she may leave the marriage without obtaining a divorce. In fact, the man is forbidden for life to contract any subsequent marriage with her; he is also compelled to compensate her for her injury and resulting defect, as well as providing maintenance (*nafaqah*) for as long as she shall live.[5]

An important point of difference between Shīʿism and the Sunnī schools of law is the matter of guardianship (*walāyah*). In Shīʿism guardianship is relevant only in the case of the marriage of a virgin.[6] Shīʿī jurists consider that such a marriage is conditional on the approval of the father, or in the absence of the father the paternal grandfather (some say the paternal grandfather may serve even if the father is living). If the father and paternal grandfather are both

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[5] Muḥaqqiq al-Ḥillī, *Sharāʾiʿ al-Islām fī masāʾil al-ḥalāl wa-al-ḥarām*, ed. ʿAbd al-Ḥusayn Muḥammad ʿAlī, 4 vols. (Najaf: Maṭbaʿat al-Ādāb, 1389/1969), II, 291 & 270; Ṭūsī, Ibn Ḥamzah, *al-Wasīlah ila nayl al-faḍīlah*, ed. Muḥammad al-Ḥassān and Sayyid Maḥmūd al-Marʿashī (Qum: Maktabat Āyat Allāh al-Uẓmā al-Marʿashī, 1408/1987), 313.

[6] For the purposes of *walāyah*, a woman is considered virgin so long as her virginity is not lost in the context of a valid contract; there may thus be a difference between physical and legal virginity. This detail, however, is not mentioned in the Civil Code.

deceased, the requirement for guardianship is waived.[7] Some Shīʿī jurists even hold that a girl who has never married but is nevertheless intellectually mature (*rashīd*), that is who is completely aware of her interests and needs, can marry whomever she wishes without permission from her father or paternal grandfather.[8] In any case, the guardian cannot marry the girl without her consent; guardianship in marriage is more aptly described as the joint guardianship of the bride and her father or grandfather, since the contract may not be concluded without the agreement of both.

In order to secure the rights of the girl it is also provided that if she finds a suitable husband and introduces him to her guardian but the guardian does not give his consent to the marriage, she may apply to a judge to cancel the guardianship, subject to certain conditions. This provision is found in Article 1043 of the Civil Code where it is stated:

> The marriage of a virgin, even if she has reached puberty, is conditional on the agreement of her father or paternal grandfather [subject to the provision that] if the father or paternal grandfather withholds consent[9] without valid reason, the girl may appeal to the Special Civil Courts,[10] provided she fully makes known [the identity of] the man who wishes to marry her and the conditions of marriage and dower agreed between them. Notice shall then be given by said court to the father or paternal grandfather, and following a period of fifteen days from the date of notice without satisfactory reply of the guardian the court may issue permission for marriage.

In the various Sunnī schools, on the other hand, guardianship is of the utmost importance and may be assigned not only to the grandfather, father, and brother, but to all of the agnates (*aṣabah*) in succession and when the agnates are exhausted to members of the female line (*kalālah*). Moreover, guardianship is valid even if the woman has been previously married, that is if she is not a virgin. In contrast, in Shīʿī law a woman who enters upon a second or other subsequent marriage acts for herself; no guardian is required. In fact, some jurists have not considered guardianship necessary for the validity of marriage at all.[11] It should also be mentioned that if the father or paternal grandfather intends to marry the girl to a man who is not her social

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[7] That is unless the female is under age, in which case the religious judge serves as guardian. This provision also does not appear in the Civil Code since, of course, such a marriage is not recognized.

[8] Muḥammad ibn Jamāl al-Dīn Makkī al-ʿĀmilī, al-Shahīd al-Thānī, *al-Lumʿah al-Dimishqīyah*, ed. Muḥammad al-Kalāntar, 10 vols. (Beirut: Dār Iḥyāʾ al-Turāth al-ʿArabī, 1403/1983), V, 116.

[9] This withholding of agreement is termed "*ʿaḍl*."

[10] *Dādgāh-i Madanī-i Khāṣṣ*; a branch of the courts established after the Revolution to hear family law cases.

[11] Abū Jaʿfar Muḥammad ibn al-Ḥasan al-Ṭūsī, *Kitāb al-khilāf*, 3 vols. (n.p., Dār al-Maʿārif al-Islāmīyah, [1956]), II, 363; ʿAllāmah Ḥillī, *Taḥrīr al-aḥkām*, litho., scribe: ʿAlī Muḥammad Gulpāygānī, 2 vols. (n.p., Muʾassasat Āl al-Bayt lil-Ṭibāʿah wa-al-Nashr, 1314/1896), 4 {*K. al-nikāḥ*}.

equal according the standards of society, his guardianship according to the law is ineffective.[12]

In Shīʿī law, witness (*ishhād*), that is the requirement that two males witnesses the marriage, is not obligatory[13] and only some jurists are even of the opinion that it is "recommended" (*mustaḥabb*), that is not obligatory but still pleasing to God. Thus in the Civil Code of Iran the requirement of witnesses is not mentioned. However, in keeping with the notion that witness is recommended or pleasing to God the official register does provide a space where the names and signatures of the witnesses are recorded and it is customary for witnesses to be present at the ceremony. But again, strictly from the point of view of Shīʿī law, the presence or absence of witnesses has no bearing whatsoever on the validity and binding nature of the contract. Witnesses are neither necessary to hear the actual conclusion of the contract nor to announce the marriage to others. By contrast, in the Ḥanafī and Shāfiʿī schools a contract cannot be concluded without the presence of two just male Muslim witnesses; Shāfiʿī even adds the condition that they be possessed of sight and hearing.[14] As for the Mālikī school, although it concedes[15] that the validity of the contract is not damaged if two witnesses cannot be found at the time, the couple is absolutely forbidden to consummate the marriage and the man forbidden to take his bride to his place of residence before the witnesses are gathered and apprised of the contract.[16]

There are many points concerning marriage on which the Shīʿī school of law agrees with the Sunnī schools, for instance dower (*mahr*) and the conditions under which marriage is forbidden (*ḥarām*).[17] Shīʿī and Sunnī law also agree that a marriage contracted while in the state of ritual consecration (*iḥrām*) on the pilgrimage is invalid, that right of annulment (*faskh*) cannot be a condition of the contract itself, and that there are certain physical and mental defects that have the effect of annulling the marriage. However, as the purpose of this essay is to discuss the distinctive character of the Shīʿī marriage contract in Iran, we shall continue with a feature which is confined to Shīʿism: the fixed-term or *muʿah* marriage, popularly known in Iran as "*sīgheh*" (literally, "text" or "formula").

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[12] A point made in most of the law books; see e.g., al-Shahīd al-Thānī, *Lumʿah*, IV, 117.

[13] Ṭūsī, *Khilāf*, II, 363.

[14] Abū Barakāt ʿAbd Allāh ibn Aḥmad al-Nasafī, *Kanz al-daqāʾiq fī fiqh al-Ḥanafiyah* (Cairo: Maṭbaʿat al-Ḥusaynīyah, 1328/1910), 86; Abū Ḥāmid al-Ghazālī, *al-Wajīz fī fiqh madhhab al-Imām al-Shāfiʿī*, 2 vols. (Cairo: Maṭbaʿat al-Ādāb, 1317/1899-1900), II, 4.

[15] Concession = *rukhṣah*.

[16] Ibn Abī Zayd al-Qayrawānī, *al-Risālah*, published as *La Risala, épître sur les éléments du dogme et de la loi de l'Islam selon le rite malikite*, trans. & ed. Léon Bercher (Algiers: Éditions Populaires de l'Armée, 1975), 172.

[17] The chief conditions being consanguity, relation by marriage, foster relationship established through nursing at the same breast, and the marriage of a Muslim woman with a non-Muslim man.

According to Shīʿī belief and the consensus (*ijmāʿ*) of Shīʿī jurists, fixed-term marriage is legal and valid. Permission is explicitly given in Qurʾān 4:24: "As for [those women] whom you seek to enjoy (*istamtaʿtum*—formed from the same root as *mutʿah*), give them their recompense as a duty." *Mutʿah* was commonly practiced in the time of the Prophet and during the caliphate of Abū Bakr, as well as for some time at the beginning of ʿUmar's caliphate. ʿUmar then forbad it; but some of the Companions and Successors continued to consider it licit (*ḥalāl*). They even issued legal opinions to this effect, as did for instance Ibn ʿAbbās, Ubayy ibn Kaʿb, Abū Saʿīd al-Khudrī, ʿAbd Allāh ibn Masʿūd, Jābir ibn ʿAbd Allāh al-Anṣārī, Saʿīd ibn Jubayr, Ṭāʾūs, ʿAṭāʾ, and al-Suddī. Their statements on the permission for *mutʿah* and the invalidity of ʿUmar's proscription may be found in the relevant books of law.[18] The Shīʿah argue that ʿUmar was not allowed to forbid that which had been allowed by the Qurʾān and the Prophet, and that there is no reasonable evidence that the verse cited above along with the precedent of the Prophet and his Companions had been cancelled.

Thus the Civil Code of Iran in articles 1075-1077, 1095-1097, 1113 and 1120 lays down the laws and duties attached to this type of marriage. Marriage for a fixed term is formed on the model of permanent marriage and the laws that apply to one apply to the other, with the exception that marriage for a fixed term does not provide for maintenance (*nafaqah*) and inheritance. Maintenance may apply if it is stipulated in the contract, or where it has become customary to stipulate it; on the other hand, the parties to a fixed-term marriage may not under any circumstance inherit from each other. It is also laid down in the Civil Code that if the term of marriage agreed by the parties is not explicitly stated, the marriage becomes perforce a permanent marriage, while if the amount of dower is not specified, the contract is void.[19]

Another feature of the Shīʿī law of marriage, and one which will occupy most of our attention in this essay, is the option of the parties to add conditions (s. *sharṭ*) to the contract. The basis for this option is found in Shīʿī contract law,[20] according to which one may make a contract or clause of a contract contingent on any condition one wishes. This may be accomplished either in the contract itself or in the course of another contract binding on both parties;[21] the party or parties to whom the condition applies are then compelled to observe the condition. The proof verses of the Qurʾān are 5:1, which reads "fulfill your undertakings," 17:34, "keep the covenant," and 23:8, "those who faithfully keep their pledge and covenant." The validity of added clauses is

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[18] For instance Shams al-Dīn Muḥammad ibn Aḥmad ibn ʿUthmān al-Dhahabī, *Siyar al-aʿlām al-nubalāʾ*, ed. Shuʿayb al-Arnaʿūt and Ḥusayn al-Asad, 23 vols. (Beirut: Muʾassasat al-Risālah, 1401/1981), VI, 333.

[19] Article 1095.

[20] Note that the Islamic marriage contract is formed on the model of a contract of sale—ed.

[21] That is a "*lāzim*" contract; a contract binding only on one party (for instance, guardianship) is termed "*jāʾiz*." Examples of such contracts in which clauses may be inserted, additional to the original marriage contract, are given below.

also based on the tradition of the Prophet in which he said: "The Muslims are to fulfill their conditions (*al-muslimūn ʿind shurūṭihim*), save conditions which make licit illicit or illicit licit"[22] and the tradition from the sixth imām al-Ṣādiq in which he says "The Muslims are to fulfill their conditions as long as they accord with the Book of God...."[23]

The only restriction is that the added condition not be contrary to the law or contrary to the essence (*muqtaḍā*, lit. 'exigency') of the contract itself. A condition contrary to the law might be, for example, one which involved the serving of alcohol, while by "a condition contrary to the essence of the contract" is meant a condition which, if put into effect, would prevent the realization of the aim and benefit envisioned by the parties to the contract. For instance, if someone should sell a house on the condition that the buyer himself never sell it, this is a condition contrary to the essence of the contract, which is transfer of that very benefit to the purchaser; equally so if it is stipulated in a permanent marriage contract that the husband not be allowed intercourse with his wife. Such conditions are obviously void and ineffective. They may also cancel the original contract. For example, in the case just cited in which the condition stipulates that the husband is forbidden sexual intercourse with his wife, while some lawyers have declared the condition void but the contract valid, others have reasoned that a marriage that prohibits sexual relations defeats the intent or purpose of the contract and thus renders the contract itself void (*bāṭil*). Similarly, a contract of permanent marriage cannot be conditional on a right of annulment (*khiyār-al-faskh*), for example a condition to the effect that if the husband or wife find themselves discontent after a specific period of time, they may annul the marriage.[24] It is not possible to conclude a contract of permanent marriage containing such a clause because the permanency which is the essence of the contract is thereby undermined. Apart from this particular condition and other unsound (*fāsid*) conditions contrary to the law or contrary to the essence of the contract (of the kind already illustrated), the parties may insert any condition they please. Thus in accord with Shīʿī law, Article 1119 of the Civil Code of Iran states:

> [T]he two parties to the marriage contract may insert any condition that is not contrary to the essence of said contract either in the contract itself or in another [*khārij*] binding contract.

In present-day Iran all marriages must be recorded using a pre-printed contract. The contract described here dates from1997. It was issued by the

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[22] ʿAlāʾ al-Dīn ʿAlī al-Muttaqī ibn Ḥusām al-Dīn al-Hindī al-Burhān Fūrī, *Kanz al-ʿummāl fī sunan al-aqwāl wa-al-afʿāl*, ed. Bakrī Ḥusaynī and Ṣafwat al-Saqā, 16 vols. (Beirut: Muʾassasat al-Risālah, 1405/1985), II, 1948.

[23] Kulaynī, *Furūʿ al-kāfī*, ed. ʿAlī Akbar al-Ghaffārī, 8 vols. (Tehran: Dār al-Kutub al-Islāmīyah, 1378/1958), V, 169; Ṭūsī, *Tahdhīb al-aḥkām*, ed. al-Sayyid Ḥasan al-Mūsawī al-Kharsān (Tehran: Dār al-Kutub al-Islāmīyah, [1970]), VII, 22.

[24] Such annulment can occur only if physical defects that prevent intercourse are discovered in either partner. In this case the dower is also forfeited.

Courts (*dādgustarī*) of the Islamic Republic of Iran and registered by the Notarial Commission (*Sāzmān-i thabt-i asnād va-amlāk*). A short preamble relates the joys of married and family life; it is meant for Shīʿīs, but there are different texts for minorities. Each contract is numbered by the notary and spaces are provided for notarial information such as the date of the marriage and date of registration. Spaces are provided for the "complete particulars" of the wife and then the husband, and on the same page for an answer to the question: "Does the husband have another spouse, or not?" (although polygyny is, in reality, rare in Iran these days). A blank page is then provided for the particulars of the dowry, including the signatures of the spouses. This part of the contract is compulsory for *muʿah* marriages, but not for permanent marriage; a couple entering into a permanent marriage may enter "not applicable" ("*nadārad*") and sign. (Nevertheless, it is customary to pay dowry, called "*mahr*," and *mahr* these days can involve quite large sums of money and property.) The document continues with a space for the "type of contract" (*nawʿ-i ʿaqd*), that is whether permanent or for a fixed term, i.e. *muʿah* ("*dāʾim*" or "*munqaṭiʿ*").

The remainder of the contract consists of pre-printed clauses. All the conditions are optional, but they are preceded by a "notice" (*tadhakkur*) warning that marriage bureaus are bound to fully explain the conditions to the spouses and see that those agreed to are signed. This notice reinforces the duty of the notary to convey the meaning of the contract particularly to clients who are illiterate; since the clauses are largely favorable to the woman, the notary may be seen as taking on the role of her advocate to some degree.

The printed clauses are headed by the phrase: "Conditions included in the contract or outside binding contract (*ʿaqd-i khārij-i lāzim*)." The mention of an "outside binding contract" allows the signatories to consider that the marriage contract itself is not conditioned. This is partly for the comfort of Sunnīs (although some Sunnī scholars, like the Shīʿah, do permit conditions in the marriage contract, again provided that they are not contrary to its essence).[25] However, some Shīʿīs also do not like the idea of inserting conditions into the marriage contract itself; the reference to an outside contract allows them also to consider the conditions a separate undertaking.

The contract contains two main clauses, with twelve numbered sub-clauses under the second main clause. The first main clause provides that if the husband should decide to divorce his wife without obtaining her prior agreement, the court may order that he transfer up to half his property gained during the term of his marriage to her. The clause reads as follows:

> [I]f divorce is not approved by the wife and the court determines that the husband's petition was not a result of failure of the wife to fulfill her duties as a spouse or unseemly behavior on her part, the husband is compelled to freely

[25] Iran does have a small Sunnī population. For instance, Ḥanafīs are found in the North (Gurgān, Istarābād) and in the Southeast close to the borders of Afghanistan, and there are Shāfiʿīs resident in Kurdistan.

transfer to the divorced wife up to half his intact property gained during the term of marriage, or an equivalent to be determined by the court.

The second main clause stipulates that if any of its sub-conditions is realized, once the violation of the condition has been established and the court issues its final judgement the husband delegates to the wife irrevocable power of attorney (*vikālat bi-lā ʿazl bā ḥaqq-i tavkīl*) to divorce herself in any way she wishes—that is either through *khuʿ* (at her own instance with no right to carry away property, including dower, from the marriage) or *rajʿī* divorce (the "revocable" divorce in which the woman may be taken back during the *ʿiddah* or waiting period). This provision is in accord with Shīʿī law, Article 1119 of the Civil Code, and the Family Protection Act of 1967 and subsequent amendments. Although these two clauses are optional and require the signature of the husband and then wife in the spaces provided, they are very rarely not signed.

The next page of the contract provides a space for the witnesses; although witness is not required in formal Shīʿī law, at least two witnesses usually sign. There is also a space for the signatures of two "introducers" (*muʿarrifayn*), that is persons who have previously known the bride and groom and can vouch for their identities; usually the witnesses serve if they know the partners well.

The twelve further pre-printed optional conditions of the official contract which precipitate the right of the wife to divorce herself are as follows:

1)Refusal of the husband to provide sufficient maintenance (*nafaqah*) for a period of six consecutive months, for whatever reason, along with the impossibility of compelling him to pay, or equally failure of the husband to grant other rights of the wife for a period of six months along with the impossibility of compelling him to do so. The rights of the wife mentioned here include the right to sexual intercourse (a right guaranteed by *sharīʿah* law). In both pre-and post-revolutionary Iran situations have arisen in which men have stayed abroad for extended periods; this clause is partly intended to address such situations.

2)Abusive or unpleasant behavior toward the wife that tends to make married life unbearable for her. Some of the claims the author has seen made on the basis of this condition are the husband's staying out at night and drinking, or persistently attending social events without the wife, or even, in one case, constantly ignoring family and other duties to carry out religious exercises.

3)Affliction of the husband with an incurable disease that poses a danger to the wife or is otherwise unbearable. A modern-day example of such a disease might be affliction with AIDS. This condition is often invoked in instances in which total paralysis or other calamitous injury befalls the husband.[26]

4)Insanity in cases in which annulment (*faskh*) is not already allowed by *sharīʿah* law. *Sharīʿah* law allows annulment on grounds of insanity only if it

[26] The Iran-Iraq war greatly increased the number of such claims.

is invoked when the insanity is first discovered; this clause was meant to address cases in which the wife had initially borne some mental condition of her husband but eventually found it intolerable.

5)Failure of the husband to heed the ruling of the court forbidding him to work at an occupation considered by the court to be contrary to the interests and standing of the family. The main issue here is the suitability of the husband's employment to the dignity of the wife; if the wife were a university professor but the husband took work as a masseur, for instance, a claim might be accepted by the court. (These comments, of course, pertain to the valuation of professions in Iranian society.) Or the husband's employment might be simply repugnant to the wife for reasons not directly related to social standing; for instance, she might object to her husband working as a washer of the dead.

6)Sentencing of the husband to an inalterable prison term of five years or more, or imposition of a fine which the husband fails to pay and which thus leads to the same penalty, or sentence of both prison and a fine which result together in the same penalty. A claim can be made on the basis of this condition only after the punishment has begun, since certainty that it will be imposed does not exist before.

7)Indulgence by the husband in a harmful or obsessive habit (*ʾtiyād*) that in the opinion of the court adversely affects family life and makes life difficult for the wife. The most common claim under this condition is drug addiction, although a claim involving gambling would also be possible. The author has even seen cases in the past in which an obsession with keeping pigeons (a hobby popular in some parts of the country which is nevertheless looked upon as somewhat disreputable) was submitted as the basis for a claim.

8)Desertion by the husband of family life without just cause, determination of "abandonment of family life" and "just cause" being at the discretion of the court, or absence of six months without valid excuse. This condition differs from condition One in that it may be invoked even if maintenance is paid.

9)Sentencing of the husband for commission of a crime which leads to his serving a penalty inconsistent with the standing of the family, whether that be a *ḥadd* penalty (a penalty specified by the revelation) or *taʿzīr* (discretionary punishment).[17] Examples of such penalties are those imposed for theft or drinking of alcohol. Determination that the punishment is inconsistent with the standing of the family is at the discretion of the court, which takes into consideration factors such as the social standing of the wife and custom. Thus for example if the husband of a dancer is an addict or drug dealer, the condition is not likely to lead to divorce; but if the addict or dealer is under

[17] Examples of *ḥadd* penalties are those for theft and false accusation of adultery; the punishment in such cases is fixed. All other offenses are met with *taʿzīr*, that is punishment at the discretion of the judge. *Taʿzīr* penalties may range from rebuke to severe corporal punishment, though it is generally maintained that *taʿzīr* punishment should be less severe than the punishments for *ḥadd* crimes—ed.

sentence while his wife is a member of parliament, there are grounds for a claim.

10)Divorce is also allowed if after five years the wife has not had a child by the husband, either because he is sterile or as a result of other physical conditions.

11)Divorce is also allowed if the husband goes missing and does not reappear for a period of six months after his wife notifies the court.

12)Divorce is also allowed if the husband takes another wife without the consent of the first wife or if in the opinion of the court he fails to maintain "justice" between the plural wives.[28]

Again, although the conditions enumerated above are optional, failure of the parties to sign any of them is rare.

Any number of other conditions may be appended and signed by both parties in the two pages provided at the end of the contract. The couple usually adds only a few such conditions, but if needed more may be added on a page reserved for "remarks" (*mulāḥiẓāt*). In order to be valid and actionable, the language of the clauses must be cast with the aid of a notary or approved by a notary afterward. A common added clause is the condition that the wife be free to travel abroad without the express consent of her husband, such permission being normally required by Iranian law. Other conditions seen by the author list extra gifts for the wife, fix the couple's place of residence, or specify the visits of relatives, for instance limiting the visits of children from previous marriages or requiring that children from a previous marriage live with the couple. The pre-printed conditions of the Iranian marriage contract tend to empower the woman, and added conditions are most often of the same kind, but there is certainly no bar to conditions favorable to the husband: for instance a condition that allows the husband to absent himself for a period of more than six months, or even that he may take another wife without her permission. Nor does delivery of the marriage contract prevent the couple from adding still more conditions at any time during the marriage. These, however, must be concluded in a separate binding contract drawn up by a notary; they cannot be added to the original document, since it has already been concluded. There is virtually no limit to the form such separate contracts may take, but a fairly common occurrence is for the couple to draw up a contract as part of the solution to a family quarrel. This contract will then have the effect of limiting the future actions of the parties, on pain of divorce.

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[28] This in accord with the verse of the Qurʾān which states: "And if you fear that you shall not [be able to] do justice, then [marry] one [only] (4:3)."

COMBINING LEGAL RULINGS

Ayatollah Muhammad Ali Taskhiri

This essay is devoted to the juristic status and implications of "composite legal rulings" (*talfīq* or *tabʿīḍ*). By *talfīq* we mean not being bound by the legal opinion of a single *mujtahid*, and following in practice the legal opinion of more than one *mujtahid*, whether in a case in which the actions are separate from one another, or a case of a composite action in which the components are linked (*al-ʿamal al-murakkab al-irtibāṭī*). Al-Bānī, the author of an excellent study on *talfīq*, defines it as

> arriving at a means (*ṭarīqīyah*) [of completing an act] not dictated by a [single] *mujtahid*, but composed of two or more statements with regard to one situation, the outcome of which is a compound juristic fact not espoused by any one jurist alone. Take, for instance, the case of someone who follows the Shāfiʿī legal school in the ablutions for prayers by passing his hand over some of his hair and after performing his ablutions touches a woman unrelated to him, an act which according to the Ḥanafī school does not invalidate ablutions. His ablutions are a composite juristic fact not found in either of the two legal schools.[1]

Clearly the author refers in this example to a case in which *talfīq* does not extend to the linked components of the act, since it is a matter of emulating one person in the part having to do with ablutions and another in the [separate] part having to do with touching a strange woman. It is natural that those who intend to argue in favor of *talfīq* in a composite action the components of which are linked should begin in this way, by arguing on the basis of independent actions.

In Shīʿī law books, *talfīq* ["patching" or "concocting"] is called instead *tabʿīḍ* ["dividing" or "assorting"]. I myself prefer this term because *talfīq* has certain negative connotations. Sayyid Muḥammad Kāẓim Yazdī [d.

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[1] Muḥammad Saʿīd al-Bānī, *ʿUmdat al-taḥqīq fī al-taqlīd wa-al-talfīq* (Damascus: al-Maktab al-Islāmī, 1401/1981), 91-92.

1281/1864] says in his *al-ʿUrwah al-wuthqā*: "If there are two *mujtahid*s equal in learning, one may emulate whomever one wishes, and *tabʿīḍ* in the various questions is permitted."[2] He also says:

> If two *mujtahid*s are equal [in knowledge], one may choose *taqlīd* of whichever *mujtahid* one wishes. It is similarly allowed to practice *tabʿīḍ*, even in rulings pertaining to one action. Thus, for example, if one jurist issues a ruling necessitating the pose-sitting (*jilsat al-istirāḥah*) during the prayers and preference for pronouncing the peace-salutation (*taslīm*) with the four praise formulas thrice,[3] and another jurist issues the opposite ruling, the emulator may emulate the first in the preference for the peace salutation and the other in regard to the pose-sitting.[4]

Imām Khomeini also says: "If two *mujtahid*s are equal in learning, the layperson may choose to resort to either. He is similarly allowed to practice *tabʿīḍ* with regard to the various [legal] problems, taking some of them from one *mujtahid* and some from the other."[5]

In his survey of views on *talfīq*, al-Bānī argues that although it was not known during the lifetime of the Prophet, since it could not exist while Islamic laws were still being legislated, it was nevertheless widely practiced during the time of the Companions and their Successors. Muslims used to seek the legal opinion of one jurist on one issue and the opinion of someone else on another. There is no record of anyone stating that it was necessary to observe only the rulings of the school of the person one had chosen to emulate. Nor was this reported from any of the founders of the four legal schools or other *mujtahid*s; in fact, we find statements from them which suggest the opposite. Al-Bānī concludes:

> It appears that the adoption of the opinion of one learned Companion on one issue and the opinion of another on another issue during the time of the first generations of Islam (*salaf*) cannot be called *talfīq*, even if the final outcome was a composite legal principle representing the opinion of neither of the two muftis. What we have here instead is a natural, inadvertent intermingling of the views of different jurists, comparable to the blending of foreign words into the Arabic language.[6]

We thus see that *talfīq*, in the sense we have been speaking of it here, is a modern issue.

We also find a statement in a collection of essays edited by the well-known [Sunnī] scholar al-Kawākibī to the effect that what is called '*talfīq*' "is actually

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[2] *al-ʿUrwah al-wuthqā, Taqlīd, masʾalah* #33.

[3] *Jilsat al-istirāḥah* (sitting to rest) is done briefly either before or after the prayers. *Taslīm* is a salutation of "peace" at the conclusion of the prayer. The four praise formulas are *subḥān Allāh* (Glory be to God), *al-ḥamdu lillāh* (Praise be to God), *lā ilāha illā Allāh* (there is no God except Allāh) and *Allāhu akbar* (God is great). They are said to have been taught by the Prophet to his daughter Fāṭimah and are repeated during and after the prayers—ed.

[4] *al-ʿUrwah al-wuthqā, Taqlīd, masʾalah* #65.

[5] Khomeini, *Taḥrīr al-wasīlah*, 2 vols. (Beirut: Dār al-Taʿāruf, 1401/1981), I, 6 {*Fī furūʿ al-taqlīd, masʾalah* #8}.

[6] Al-Bānī, *ʿUmdat al-taḥqīq*, 94.

pure *taqlīd*." The author of the essay, a certain al-Mujtahid al-Tabrīzī, argues that the layperson is "inherently incapable of distinguishing between different ranks of *mujtahid*s, and is thus permitted to emulate the opinion of any *mujtahid* for any legal problem." He then asks:

> Can any Muslim imagine that Abū Ḥanīfah would have refused to pray behind Mālik ibn Anas, or that he would have refused to eat the meat of an animal slaughtered by Jaʿfar [al-Ṣādiq]? Such fanaticism would never have occurred to them![7]

The author then repeats the widespread opinion that it is not necessary to commit oneself to following a particular *madhhab*.

It may be useful here to also quote from ʿAbd al-ʿAlī al-Anṣārī's [d.1225/1810 or 11] *Fawātiḥ al-raḥamūt*, his commentary on Ibn Abī Shakūr's [d. 1119/1707 or 1708] *Musallam al-thubūt* [itself a commentary on Ghazālī's *Mustaṣfā*]. Anṣārī writes:

> [It is said that] constancy [in emulating a single jurist or school] is not obligatory, and that shifting from one to another is permissible. This is the truth which should be accepted and believed—although one must not move about for frivolous reasons, frivolity being just as unlawful in choosing a particular legal school as it is in other things. There is no obligation except what God has made obligatory—for judgement belongs to Him alone. God has laid no obligation on anyone to follow the legal school of any of the imāms [that is the founders of the Sunnī legal schools]. Making it an obligation is creating a new law. One might also add that disagreement among religious scholars is an act of mercy and leniency by God toward His creatures.[8]

Although we have related the view of the great Imāmī Shīʿī jurist Sayyid Muḥammad Kāẓim Yazdī permitting *tabʿīḍ* (and this view is supported by others as well), it is still not widespread. This is not only because emulation of the most learned has been overwhelmingly favored. It is also because situations in which it is possible to even distinguish relative degrees of learning so that the subject can be discussed are rare. In any case, it is important to re-examine the proofs for *ijtihād* and *taqlīd*, remembering that even when a view does not reach the degree of consensus (*ijmāʿ*) that reveals the opinion of the Legislator [that is the Prophet], it may nevertheless prove interesting and instructive.

Let us begin with the opinion of al-Sayyid Muḥsin al-Ḥakīm.[9] In his gloss on Problem Thirty-Three of *al-ʿUrwah al-wuthqā* in his *Mustamsak* he says:

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[7] ʿAbd al-Raḥmān al-Kawākibī, *Umm al-qurā* (Cairo: al-Maṭbaʿah al-Miṣrīyah bi-al-Azhar, 1350/1931), 132-133.

[8] *Fawātiḥ al-raḥamūt bi-sharḥ Musallam al-thubūt fī uṣūl al-fiqh*; with Ghazālī, *al-Mustaṣfā min ʿilm al-uṣūl*, 2 vols. (Dār al-Kutub al-ʿIlmīyah, 1983/1403; reprint Cairo: Būlāq, 1324/1906-1907), I, 406. [Here, "shifting" = *intiqāl*; "*ʿudūl*" is more commonly used in this essay—ed.]

[9] Ayatollah Muḥsin al-Ḥakīm, born in Najaf and resident there at the time of his death in 1970, was a leading *marjiʿ* in Iraq and throughout the Shīʿī world—ed.

> You know well that because of the disagreement of *mujtahid*s in legal matters, authoritative legal proof (*ḥujjīyah*) cannot apply unconditionally [because of the logical principle that unconditionality cannot include two opposites]. Thus, by consensus, one has to be restricted in whom one resorts to (n. *marjiʿ*); and the legality of *tabʿīḍ* depends on this consensus extending to choice (*takhyīr*) between jurists for the purpose of *tabʿīḍ*. Yet it is far from clear that consensus includes such a thing—and I would not readily agree with those who claim that it does. Rather, it appears from the arguments of those who object to "shifting" by moving to a *mujtahid* in a matter in which they had already emulated another that *tabʿīd* is also forbidden. Readers are invited to review these arguments for themselves. Similarly, it is argued that common usage during the time of the inerrant ones was against *tabʿīḍ*. The principle of *tabʿīḍ* is evidently not without its problems. Of course, if we take [the essence of] *taqlīd* to be **commitment** (*iltizām*) to act according to the dictum of a designated *mujtahid* [rather than the action itself], there would be nothing in *tabʿīd* to prevent the unconditioned application of the proofs for *ḥujjīyah*.[10]

Ḥakīm has clarified this point in another context, where he states that if *taqlīd* is taken to be **action** based on the opinion of another, then [in a case where *mujtahid*s are equal in stature, only] when *mujtahid*s agree is it possible to, in effect, emulate them all without having to designate any particular one. If, however, they disagree, then the group as a whole can no longer be regarded as authoritative proof (*ḥujjah*), since their disagreement necessarily entails contradiction. Nor can a single one be designated, because there are no grounds for preferring him; and they cannot cancel each other out, since that would be contrary to consensus and customary usage [since the emulator would be left with no one to emulate]. *Ḥujjah* or authoritative proof must thus lie in that which serves to distinguish the one to be followed—and that is "commitment." This commitment is a preliminary to *taqlīd*, and not *taqlīd* itself.[11]

Ḥakīm raises another issue [related to *tabʿīḍ*] in his gloss on "Problem Sixty-Five" [of the discussion of *ijtihād* and *taqlīd*] in the same work. This concerns a single action the components of which are linked, which is carried out in accordance with two separate legal opinions but is at the same time at variance with both those opinions. His reply is that, assuming that *tabʿīḍ* is permitted, the disagreement of a *mujtahid* taken by itself does not impinge on matters in which he is not being emulated. He then adds:

> **If you say that** the *mujtahid* who rules against the necessity of the pose-sitting in the prayers is aiming his ruling at a prayer that contains three praise formulas, or similarly that the *mujtahid* who rules that there should be only one praise formula presupposes the inclusion of the pose-sitting, so that eliminating the pose-sitting and limiting the praise formulas does not [in actuality]

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[10] Muḥsin Ṭabāṭabāʾī al-Ḥakīm, *Mustamsak ʿalā al-ʿUrwah al-wuthqā*, 14 vols. (Qum: Maktabat Āyat Allāh al-ʿUẓmā al-Marʿashī, 1391/1980 or 81), I, 61-62 {*al-Ijtihād wa-al-taqlīd, masʾalah* #33}.

[11] *Mustamsak*, I, 11-13 {*al-Ijtihād wa-al-taqlīd, masʾalah* #8}. And thus, the author of this essay apparently implies, since it is the emulator's own choice that constitutes proof for following a particular *mujtahid*, the emulator may shift from one to another, as he chooses—ed.

> constitute an act according to the [joint] ruling of both *mujtahid*s, even through a kind of amalgamation, **I answer that** even when the parts are linked [in the act] through inclusion (*thubūt*) and omission (*suqūṭ*), this does not necessarily mean that they are linked in the legal opinion.[12]

Thus Ḥakīm does not find this problematic. [As indicated above], the problem, in his view, lies in lack of proof that could include both of two variant legal opinions held by two *mujtahid*s of equal stature—for there is no consensus or customary usage that can support the two opinions [at once] and lend them authority. (This situation may be compared to one in which, having decided against superiority in learnedness as a requirement for *taqlīd*, we also find that the legal opinions of two jurists contradict one another.) However, even if we accept Ḥakīm's premise that *taqlīd* is action, different from commitment to act [and thus consider the problem solved, since proof resides in commitment, as argued above], we may still make the additional argument that the proofs are valid in both instances of conflict between two opinions [that is both where the *mujtahid*s are thought to be equal in learning, and where it is known that there is a difference in learning]. We can make this argument by referring to what we said earlier about it being the custom during the whole of the formative period of Islam to refer to *mujtahid*s and there being repeated commands to do so. For, as we already said in our earlier essay in this book,[13] this would naturally have been done with awareness that difference in learning existed—indicating that the proofs do apply also to this circumstance.

The late Sayyid al-Khūʾī, for his part, defines *taqlīd* as reliance on the opinion of another at the point of action.[14] Thus, in treating the problem of divergent legal opinions issued by two *mujtahid*s of equal stature and whether they may both be authoritative or not, he states emphatically—even though the practice is well attested among jurists—that choice (*takhyīr*) between the two is unacceptable.[15] This, he says, is because [of the principle of logic that] unconditioned proofs cannot include two contradictory things [i.e. two *fatwās* that are inconsistent with one another]. Furthermore, according to Khūʾī, it cannot be established that the conduct customary among reasoned persons favors choice. Rather, reasoned persons rely on caution (*iḥtiyāṭ*).[16] Moreover, the custom sanctioned by the religious law (*al-sīrah al-mutasharriʿīyah*)

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[12] Ibid., 101-103.

[13] See particularily from the middle of page 169 to the middle of 170.

[14] Mīrzā ʿAlī al-Gharawī, *al-Tanqīḥ fī sharḥ al-ʿUrwah al-wuthqā*, 6 vols. (Qum: Muʾassasat Āl al-Bayt [1984]) I, 77-82 {*al-Ijtihād wa-al-taqlīd, masʾalah* #65}.

[15] That is in a situation in which the emulator is aware that a difference in learning exists. Most laypersons, says Khūʾī, will not be aware of such a difference, and it is obvious that they may choose to emulate either *mujtahid*; the unconditioned proof will include both *fatwā*s. See Gharawī, *Tanqīḥ*, I, 166-167 {*al-Ijtihād wa-al-taqlīd, masʾalah* #13}—ed.

[16] Khūʾī goes on to argue that the observable external behavior of reasoned persons when they know, for instance, that different physicians have different opinions on a matter is not to rely for medical advice on one, but rather to practice, if possible, caution (that is to follow the opinion of neither); see ibid., 167. For "caution," see note 19 of this essay—ed.

[which seems to approve choice] does not indisputably reach back to the time of the Legislator [that is the Prophet].[17] For one thing, the traditions that suggest consensus on this point are transmitted only on a single authority (s. *khabar wāḥid*) and cannot be relied on. The whole problem, he says, is really a modern one not discussed by jurists.[18]

I, on the other hand, have argued that it is indeed possible to cite custom sanctioned by the religious law [in favor of choice between different legal opinions]. I have even argued, on the basis of observable evidence of such custom throughout time and especially in the formative period of Islam, that it is decisive. I also asserted in my earlier essay that it is possible to imagine that authoritativeness (*ḥujjīyah*) could extend to two divergent legal opinions—not on the basis of the legally obligated Muslim (*mukallaf*) being aware of the contents of both opinions and facing the problem of combining opposites, but by simply combining them [in practice]. There is, after all, nothing to prevent a person from desiring of his own accord to accomplish something in one of two ways when both ways would realize his purpose. Or, to put it another way, making it easier for those charged with religious obligations (s. *mukallaf*) to refer to *mujtahid*s even when they are known to disagree is beneficial in that it leads to a general desire on the part of the *mukallaf* to act upon one of several legal opinions, which would then be carried out in the course of a legally sanctioned action. We do not find here anything detrimental or contrary to the dictates of reason.

Thus, for example, the state may set up different centers for issuing its dictates, aware that the independent legal reasoning (*ijtihād*) of these centers will result in varying interpretations of the law and different understandings of the intent of the ruling power. The state would then overlook any unintended infractions resulting from these differences in an effort to realize the greater common good of implementing its laws as fully as possible. We might even imagine the ruler of such a state publicly outlining such a plan without anticipating any problem in its being accepted.

As for *iḥtīyāṭ* (caution), it has no place in most legal situations, especially when we consider this issue on a general human level.[19] In fact, Khūʾī finally concludes his investigation by allowing that he envisages the granting of the

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[17] The *sīrah mutasharriʿīyah* refers to the practice of those who lived in the time of the Prophet. The rationale behind this principle (similar to one discussed in the Sunnī theory of consensus) is that if a practice existed at that time among the community, it must have had a basis in the law (*bayān sharʿī*), that is in the text of the Qurʾān or *ḥadīth*, even if we are unable today to discern what that might have been. A *sīrah mutasharriʿīyah* may sometimes have the status of *ḥujjah* or "authoritative proof." Compare to "the custom of reasoned persons" discussed in the essay by Dr. Muhaghegh-Damad and in the preface to this chapter—ed.

[18] Gharawī, *Tanqīḥ*, I, 166-168 {*al-Ijtihād wa-al-taqlīd, masʾalah* #13}.

[19] Caution, from the standpoint of a legal situation, involves either carrying out all actions possible in order to ensure the correct one has been accomplished; or refraining from any action, to avoid doing one which is wrong. Neither of these strategies, the author seems to suggest, is practical, for persons in their daily lives cannot be overburdened, and they must act—ed.

status of authoritative legal proof (*ḥujjīyah*) to either [contradictory legal opinion], provided that the opinion is followed, and that this is established (n. *thubūt*) as a reasonable thing. However, he then goes on to argue against such a thing actually being attested (n. *ithbāt*), on the grounds that the proofs grant authority (*ḥujjīyah*) to the *fatwā*s of jurists without that being restricted to the element of "commitment" [and therefore it must extend to "action," and the conflict again arises].[20] It might, on the other hand, be claimed that even though authoritativeness (*ḥujjīyah*) is not limited in ordinary circumstances to "commitment" [but applies rather also to action], the usual, common (*ʿurfī*) understanding of a situation in which there is contradiction between two alternatives forces one to accept such a limitation. This "common understanding" becomes clear when we recall certain reports that indicate that where there are two contradictory traditions, there should be leniency and the worshipper may follow whichever one he wishes, in the spirit of "absolute submission" (*taslīm*).[21]

In any case, it may be argued that those who hold that *taqlīd* is merely "commitment" to follow, such as [Ākhūnd Khurasānī, d. 1911], author of the *Kifāyat* [*al-uṣūl*], and [Sayyid Yazdī, d. 1281/1864], author of *al-ʿUrwah* [*al-wuthqā*], who states that *taqlīd* is "being committed to act according to the dictum of a designated *mujtahid*, even if the act is not subsequently completed," do not face this problem.[22]

Furthermore, since most scholars of the four [Sunnī] schools do not stress superiority in learnedness, and since they regard all the schools together as partaking of the truth, they have in the opinion of the majority of their jurists to permit *talfīq*. We have not come across any strong argument supporting those who reject it.

In addition, in an appendix to his study, Sayyid Khūʾī distinguishes between a situation in which a conflict between two legal opinions is not known, and a situation in which it is known, where both opinions are acted upon in a single composite action with the constituent parts linked. He permits *tabʿīḍ* in the first instance, but forbids it in the second, for the reason that [perception of] the soundness of the linked constituent parts is also linked. Thus [in the example of the prayer given above], if one were to perform one

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[20] Ibid., 170-171 {*al-Ijtihād wa-al-taqlīd*, *masʾalah* #13}. Thus contrary to the argument of al-Ḥakīm above, and ruling out choice. *Thubūt* and *ithbāt* are technical terms. They refer to the two stages of a subjective (*ʿtibārī*) matter. *Thubūt* refers to the "establishment" of the existence of a thing in reality; *ithbāt* refers to its external "attestation" by *sharīʿah* or rational proof. See *Dāʾirat al-maʿārif-i tashayyuʿ*, eds. Javādī, Khurramshāhī, and Fānī (Tehran: Bunyād-i Islāmī-i Ṭāhirī, 1366/1988), s.v. "*Thubūt va-ithbāt*," by Muḥammad Riḍā Anṣārī—ed.

[21] Some *ḥadīth*s state that one must not question any of the purported words of the imām in any way; one simply "submits" to them and receives reward for doing so, whatever the validity of what one has heard—ed.

[22] Ākhūnd Muḥammad Kāẓim al-Khurāsānī, *Kifāyat al-uṣūl* (Beirut: Muʾassasat Āl al-Bayt li-Iḥyāʾ al-Turāth, 1411/1990), 472; Sayyid Muḥammad Kāẓim Yazdī, *al-ʿUrwah al-wuthqā*, {*Taqlīd*, *masʾalah* #8}.

part in accordance with one legal opinion, all the while thinking it possible that it might not be in accord with the actual divine injunction [because one was aware that the other opinion was against it], and then performed the other part in accord with the other legal opinion, and also thought that it might be invalid [for the same reason], one would have no legitimate proof for and would have to doubt the soundness of one's whole prayer. No *mujtahid* would rule that it was sound and it would have to be repeated, which is exactly what happens when something is invalid.

It seems that Sayyid al-Ḥakīm's view [that choice is permitted in both situations] is actually more solid, since we cannot really make a difference between them on the basis [suggested by Khūʾī].

Supposing that we have managed to establish the permission for *talfīq*, let us now turn to the next, related subject—that of discretionary rulings (s. *rukhṣah*). [ʿAbd al-ʿAlī al-Anṣārī], the author of *Fawātiḥ al-raḥamūt*, writes:

> It thus follows [from the argument that it is not necessary to adhere exclusively to one legal school] that it is allowed to follow the discretionary rulings of the various schools. [It is said that] it may be that those who object to shifting between legal schools want to prevent people from following [only] the discretionary rulings. But Ghazālī states that there is no legal obstacle [in the way of following discretionary rulings], since human beings have the right to proceed as is easiest for them if the law presents no impediment or prohibition and they have the means to do so.[23]

He then adds:

> However, one must not follow discretionary rulings for frivolous reasons—as in the case, for instance, of a Ḥanafī playing chess in accordance with the ruling of the Shāfiʿī school for the purpose of entertainment—or of a Shāfiʿī allowing himself to drink a mildly intoxicating beverage in accordance with Ḥanafī rulings, again merely for his own amusement. Of course, all this may already be unlawful according to consensus, since frivolity is prohibited by decisive textual proof.[24]

Moreover, Yazdī says in his *al-ʿUrwah al-wuthqā* that "in order for there to be permission to practice *talfīq*, there must be permission to follow discretionary rulings, even if this is not the original intention."[25] Why, then, have some scholars refused to allow it? It may be that they fear that allowing discretionary rulings will lead to antinomianism. Humans are, after all, inclined by nature to lighten the burden of religious obligations, and if a person follows only discretionary rulings he will lose his commitment. Permission to follow discretionary rulings may also lead to actual fraud, for instance through trying to find loopholes for forbidden acts by combining two rulings. It could lead to disobeying the ruling of a judge or to unlawfulness and corruption in general.

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[23] II, 406.
[24] Ibid.
[25] *Taqlīd, masʾalah* #33.

Such motives may indeed be present in some guise in certain situations. It is this which has led jurists to prohibit the principle [of *talfīq* or *tabʿīḍ*] which underlies them, on the grounds that that which leads to a prohibited act should also be prohibited. It may even be that some of the reasons given above for not allowing discretionary rulings can, if they are convincingly proven, constitute an argument for rejecting it as a whole.

The truth is, however, that we cannot close the door to something clearly in accord with juristic principles simply because there is a possibility it might lead to fraud, corruption or disobeying a judge's ruling—at least not unless the situation becomes extreme. In any case, most people do not follow discretionary rulings for frivolous reasons. Let us not be diverted by fanciful stories; the way is open.

There could be many benefits in allowing *tabʿīḍ* and discretionary rulings. First [as we have already mentioned], we cannot close a door facilitating [human life] which juristic principles have left open. Why should we prevent someone making use of a discretionary ruling whose juristic validity is generally acknowledged? There are situations in which such rulings can have a significant impact, for instance in marriage and divorce.

Second, any plan for a coherent Islamic program which can regulate day-to-day life requires recourse to specific legal opinions. These do not necessarily have to be discretionary rulings. They only have to accord with the common good and function together to form an integrated system. This is already sometimes seen as a fundamental consideration in choosing an opinion. The resulting system may, for example, be employed in determining the beginning of lunar months [e.g. in order to determine the beginning of the fasting month of Ramadan], the invalidity of divorce pronounced in anger, and so on. Thirdly, Muslim scholars working to discover ways of life (s. *madhhab ḥayātī*) such as, for instance, an Islamic economics or social structures may come across opinions that are compatible with one another and which, even though issued by different authorities, present a common approach. That approach can then be advanced as an instance of independent legal reasoning (*ijtihād*). This is precisely what the great *mujtahid* Muḥammad Bāqir al-Ṣadr accomplished with his book "Our Economics." Ṣadr explains that

> [A]ny system of economic thought is discovered in the course of independent legal reasoning applied to the critical understanding and harmonizing of the texts and adapting the evidence contained therein to a single hypothesis. We know that *ijtihād* varies according to the different ways *mujtahid*s understand the texts and reconcile apparent contradictions, as well as in the general approach they adopt to juristic thinking. We also know that *ijtihād*, as long it functions and fulfils its role within the framework of the Qur'ān and Prophetic Tradition and remains faithful to certain general requirements, enjoys an authentic legal and Islamic character. This is why we have such a wealth and range of economic thought in Islam, all of it Islamic and sanctioned by the *sharīʿah*. This makes it possible to choose the strongest elements in each area in order to address [real] problems in life and realize the highest aspirations of Islam. What is at issue is the scholar's fundamental right to freedom and to

> apply his own discretion.... Exercise of this right within the general framework of *ijtihād* may sometimes even be necessary for the process of discovering [Islamic rulings or positions].[26]

Ṣadr then asks if it is really necessary that the *ijtihād* of each individual *mujtahid*, as far as it produces rulings, reflect a fully-developed system of economic thought built on a foundation consistent with those rulings. He denies that this is so, commenting that the

> The *ijtihād* from which such rulings are derived is, after all, subject to error. This being so, it is always possible that the *ijtihād* of a *mujtahid* will contain an element foreign to the "reality" of Islam.... We must distinguish between the Islamic law brought by the Prophet and the representation of that law produced by a specific mujtahid.[27]

Thus, while the Law is one, *ijtihād* produces a plurality of opinions. Surely facilitating *tabʿīḍ* and even discretionary rulings is desirable, provided that it is not abused.

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[26] *Iqtiṣādunā*, 4th ed. (Beirut: Dār al-Taʿāruf, 1401/1981), 415-416.
[27] Ibid., 418-419.

RELIGION, REASON, AND THE NEW THEOLOGY

Ayatollah Muhammad Mujtahid Shabistari

It is often said that Islam is a "way of life," capable of addressing all life's problems in every age. This statement, though undoubtedly true, is often used to suggest that human knowledge[1] and reason (*ʿaql*) have no place in Islamic law. It is taken to mean that religion and reason are opposed and thus to deny humanity the power to live fully through revelation. There are some who would have us believe that until humankind is negated, there is no room for God and that until reason is denied there is no room for revelation. These people assign to the law (*fiqh*) a function it never had. In fact, when properly integrated in one system, religion and reason together enable humankind to take flight in the modern world. What can the true meaning of "Islam is a way of life" be? What are the roles of religion and reason in our lives? The present essay is devoted to answering just these questions.

The Hermeneutics of Islamic Law

The three elements of religious life are belief in God and the Prophet, understanding of the *sunnah*, and conduct of one's life in accord with the teachings of the Prophet. Muslims originally believed that these were realized only with the aid of human knowledge, that is with the aid of reason. To begin, Islam teaches that belief in God and the Prophet requires exercise of independent judgement (*ijtihād*) rather than reliance on blind imitation (*taqlīd*).[2] This is why God and Muḥammad were conceived of differently at different times in Islamic history. Each thinker or sect viewed the divine attributes, prophethood, the next world, and so on in its own particular way—

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[1] *maʿārif-i basharī*.

[2] The Shīʿī imāms were strong supporters of the use of reason in fundamental beliefs (*uṣūl al-dīn*), as evidenced by ʿAlī's speeches collected by al-Sharīf al-Raḍī in his "Path of Eloquence" (*Nahj al-balāghah*), as well as the pronouncements of the other imāms.

rather like the story of the blind men and the elephant. Their different conclusions were obviously not due to change in the objects viewed. What did change was the knowledge and experience through which they grasped and expressed general realities. In other words, *ijtihād* is carried out with the aid of whatever human knowledge is current in a particular age and society. (In fact, as I shall explain presently, religious understanding and religious life in general is not possible except through such knowledge.) This process underlies the evolution of religious thought. Early Islamic thought, which favored *ijtihād* in faith and belief, granted human learning its proper place in religious life and understood that religious knowledge, like other human knowledge, is subject to change. The notion favored in some quarters that religion and reason are somehow opposed is a dangerous one which entered Islam only at a later stage; the first Muslims were never reluctant to acquire knowledge and face new realities.

Let us take as an example the exegesis of the Qurʾān. There is no doubt that the Qurʾān treats many philosophical, theological, mystical (*ʿirfānī*), legal, and political matters. However, no exegete or Islamic scholar can approach the meanings of the Qurʾān without a set of tools, these being the knowledge and intellect we have spoken of. (In fact, that one can explore the text of the Qurʾān in every age with the knowledge of that age is the best proof of its divine origin.) The existence of different methods of exegesis—whether through transmitted texts (*tafsīr bi-al-maʾthūr*), using one's own opinion (*raʾy*) and independent judgement (*ijtihād*), or "exegesis of the Qurʾān through the Qurʾān" (*tafsīr al-Qurʾān bi-al-Qurʾān*)—arises from this very circumstance. Each approach involves certain prior assumptions (s. *maqbūlah*) as to the nature of the revelation, the role of the Prophet, and even human and divine speech. Exegesis through transmitted texts, for example, is based on the prior assumption that the Qurʾān, having been bestowed by God on the Prophet rather than "acquired" by him and therefore entirely accessible only to him, can be understood only with reference to transmitted reports. The most important prior assumptions drawn from human knowledge underlying exegesis through *raʾy* and *ijtihād* are that the text of the revelation is addressed to all human beings in all ages and that, although not human speech, it may be analyzed and its meaning approached through methods used in the investigation of human language. Exegesis of the Qurʾān through the Qurʾān, which has become quite popular in the Islamic world in the last century, is the most complete method of exegesis through *raʾy* and *ijtihād*. It is based on the assumption, additional to those enumerated above, that the Qurʾān is a harmonious and integral whole, so that different parts explain each other.[3] It often happens that devotees of various styles of exegesis state that they are extracting the pure meaning of the Qurʾān, without any preconceptions. This is no more than a pretence. It is impossible. The truth is that in any process of

[3] The Shīʿah originally favored the extensive use of reason in exegesis, and we have numerous examples of the imāms' approval of exegesis of the Qurʾān through the Qurʾān.

exegesis meaning is first generated by humans and only subsequently "understood" from words and text; whether consciously or unconsciously, the exegete proceeds according to certain assumptions he brings to the text.

Independent legal judgement (*ijtihād*) involves a similar process. Legal judgement consists of the deduction (*istinbāṭ*) of legal rulings (*aḥkām sharʿīyah*) relevant to human actions from the Qurʾān and *sunnah*. This intellectual endeavor of the *mujtahid*s, like belief and scriptural exegesis, rests on prior assumptions derived from human knowledge. In applying the rules of jurisprudence (*uṣūl al-fiqh*) the jurist consciously draws on such assumptions. Jurisprudence is, after all, a kind of legal logic. Whether in the field of "semantics" (*mabāḥith al-alfāẓ*) or "investigation through reason" and "investigation of the practical principles" (*al-mabāḥith al-ʿaqlīyah wa-al-ʿamalīyah*),[4] jurisprudence is essentially a development of Islamic linguistics, theology (*kalām*), and other learning. It is important to note that by such a development we do not mean the gradual discovery of realities of which our forbears were unaware. Rather we mean change in the "applied sciences,"[5] that is areas of knowledge that evolve according to developments in modes of human existence, new needs, expectations, thoughts, and sentiments—in a word, the social evolution of humankind. Such sciences involve subjective thought, and their mission is to discover new realities, enabling humankind to live in the world by ordering a set of practical perceptions. Jurisprudence is one of these sciences (albeit a particularly profound and powerful one) and, like them, is part of subjective human thought.

Thus far we have spoken of the conscious use by the jurist of human knowledge. There is, however, another stage in which the jurist relies unconsciously on his general knowledge and prior assumptions. Let us imagine that a jurist wishes to deduce a ruling from the Qurʾān and *sunnah* related to politics. This is an exacting process, involving careful selection of verses and reports and close examination of their contents, evaluation of the chains of transmission and reliability of the reporters (*rijāl*), investigation of contradictions between the reports, comparison, selection, and then further comparison of the reports with the Qurʾān and well-known opinions of the past—and so on. However, even in the midst of this complex intellectual endeavor the jurist's activities are directed by his own sentiments regarding the answer he expects to his question. If he comes to the text with no prior conception or theory of political relations, however unconscious or dimly

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[4] *Mabāḥith al-alfāẓ*—the study of denotations or, roughly, "semantics"—concerns textual proofs furnished by the literal sense of words or phrases; *al-mabāḥith al-ʿaqlīyah* or investigation through reasoning concerns the derivation of rules not explicit in the text; and *mabāḥith al-uṣūl al-ʿamalīyah* or "investigation of the practical principles" concerns certain general guiding principles the jurist resorts to in case of absence of textual proof (for example, "*istiṣḥāb*," the principle that a state of affairs or ruling is assumed to remain in force in the absence of any contrary indication)—ed.

[5] *ʿulūm-i ibzārī*.

perceived, he will not be able to deduce anything about the subject on which he intends to rule. On the other hand, if a jurist is a firm believer in equality and freedom, he will naturally be inclined to seek out the verses or reports in which these values are most apparent. The same would apply to a jurist who was disposed to favor a more authoritarian form of government. Thus it often happens that, while one jurist may find a weak point in a text and set it aside, another will take a less critical view and proceed according the text that favors or confirms his prior inclinations. This kind of thing takes place at every stage of the process of *ijtihād*, leading to different processes of deduction and often completely different legal opinions (s. *fatwā*). Like any scholar, the jurist must first ask a question of the text, and half the answer is in the way the question is posed. This is especially true in cases involving social, political, and economic matters; not only the jurist's religious beliefs but also his understanding of human nature, truth, justice, politics, economics, and even industry and science may play a role in the process of deduction.

There is, of course, no doubt of the existence in Islam of a body of permanent (*dāʾimī*; *abadī*) rulings; the belief that Muḥammad was the last prophet sent to humankind is based on this premise. However, the *mujtahid* must determine God's rulings for the age in which he lives, and this is possible only when he has first discerned whether the duty (*taklīf*) laid down by rulings in the Qurʾān and *sunnah* is "fixed" (*thābit*), or not fixed and therefore limited to a certain time, place or society (a subject I shall take up below). This cannot be determined simply from the text in which the ruling is found. For instance, the Qurʾān says: "God permits trading, and forbids usury" (2:275). We know that the rulings contained in the verse—permission to trade, and prohibition of interest—are permanent. But how do we know it? Most jurists consider a ruling permanent because it is "absolute" (*muṭlaq*). That is since there is no limitation (*qayd*) specified in the verse, it must include all times and societies; the comprehensiveness and permanency of the verse are said to result from its literalness or "apparency" (*ẓuhūr*).[6] This seems a satisfactory solution. But it raises another question—how is the apparency of a word determined? Can a word or phrase be "apparent" without a set of prior assumptions shared between the speaker and hearer? For instance, in the case of the verse "God permits trading, and forbids usury" (2:275) it is already supposed that the Qurʾān is the last prophetic revelation and must therefore lay down the eternal law of God; that human beings and human society are naturally such that at least some laws will be permanent and always serve to secure their best interests; and that permission to trade and prohibition of interest are not related to any mutable aspect of social life. It is in light of such assumptions that the verse under consideration is declared "apparent" in its application, which means in turn that the ruling it communicates applies to all times and societies. Some of these prior assumptions have to do with Islamic beliefs concerning

[6] Apparency of a text in the science of jurisprudence results when each word conveys a particular meaning which can be immediately and easily understood—ed.

prophethood, while others arise from a world view which envisions an inherently sound (*sālim*) and stable human nature as playing a fundamental role in society. If such assumptions did not exist, verses and *ḥadīth*s would have to be considered "general" (*mujmal*) in their application rather than apparent.[7]

In any case, the point I wish to make is that these assumptions of the jurists originate in theology and social philosophy rather than from within jurisprudence proper—and that if the jurist is not informed by such assumptions, he will be completely unable to apprehend either the permanency or mutability of a ruling. Islamic culture has always been an integral whole; even where jurists do not explicitly resort to Islamic philosophy, theology, and so on, they must still somehow make use of them in their *ijtihād*. During the first centuries of Islam, there was no separation between the law and the other human sciences. The great jurists such as Shāfiʿī, Shaykh Ṭūsī, and al-Sharīf al-Murtaḍā came to the study of the law through theology, and the opinions of theologians were cited in works of jurisprudence under the heading "the belief of the theologians" (*qawl al-mutakallimīn*).

The Shīʿī imāms also drew on extra-legal knowledge to enable them to discern permanent principles embedded in the *sunnah* (although in their case their knowledge came directly from the Prophet, the pure source of divine revelation). For instance, both payment of a share of the alms (*zakāt*) to "those whose hearts are to be reconciled" and the division of the spoils (s. *ghanīmah*) equally among the people rather than according to who had first entered Islam were part of the *sunnah* of the Prophet.[8] According to the imāms, they were also permanent rulings laid down in order to preserve certain basic principles. The first verse establishes that resources must be allocated to Muslims and non-Muslims alike who do useful work in society. Islamic society as an association of persons living alongside other peoples and societies must never neglect the principle of "reconciling hearts." This is a permanent principle of domestic and international politics; not everything can be solved through force. The second verse establishes that the public wealth of Muslim society belongs to all equally; religiosity or religious identity cannot be taken as an excuse for the unequal distribution of benefits. The imāms' conclusion that these two *sunnah*s embodied permanent principles was based on assumptions about truth and justice inherent in their social philosophy.

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[7] Or "non-specific," that is the intended meaning would not be exactly clear. According to the science of *uṣūl*, a text may be considered *mujmal* for a number of reasons—for instance, because the antecedent of a pronoun is not clear, or because of the use of figurative language—ed.

[8] "Those whose hearts are to be reconciled" is one of the categories of persons to whom the *zakāt* is to be paid, according to Q. 9:60; the words reportedly originally referred to the people of Makkah who converted to Islam en masse upon the conquest of the city by the Muslims—ed.

Permanent Rulings and the Natural Order of Human Life

Let us now clarify the question of permanent rulings and rulings subject to change. According to many Islamic scholars, human life includes fixed and variable aspects. The permanent divine rulings, that is the *sharīʿah*, pertain to the fixed aspects because it is only in these cases that realization of a permanent ruling is possible; the variable aspects, on the other hand, are subject to constant re-evaluation by the jurists.[9] If a jurist wishes to claim that a ruling derived through deduction (*istinbāṭ*) and *ijtihād* is a permanent one, he must first carefully ensure that the "circumstance" (*mawḍūʿ*) at which the ruling is aimed is fixed or, as I prefer to put it, it must be clear in such cases that the ruling has an "original" (*takwīnī*) and "natural" (*tabīʿī*) basis and is consequently aimed at the preservation of a natural order [and not one thrown up by temporary conditions], whether with regard to the individual or society. This is necessary to establish the possibility of promulgation (*imkān jaʿl*) of a permanent rule, without which the claim that the rule is a permanent one will not be accepted. (Indeed, the jurist's identification of the "circumstances" of a ruling can be very complicated; but until it is accomplished, he will be unable to arrive at a specific legal opinion through correlation of the general rules.) The concept of permanent rulings and rulings subject to change—that is that one may speak of permanent rulings laid down by God as part of the *sharīʿah* only where promulgation or realization of a permanent rule is possible, according to its "circumstances"—has been used by contemporary Muslim thinkers to address the question posed by the West, "How can religion, which is constant and inalterable, serve a changing society?" They answer that the fixed, divine law (*sharīʿah*) is directed at areas of human life that are also fixed, while responsibility for legislation of duties (s. *taklīf*) relevant to changing aspects of life falls to the Islamic state.[10]

Some scholars look at the matter in another way. They state that it is not possible to determine where the promulgation of a permanent ruling is possible and where it is not. They focus instead on change in the circumstances (s. *mawḍūʿ*) of rulings, asserting that many of the rulings found in the Qurʾān and *sunnah* are connected with particular circumstances which no longer exist in our age and whose place has been taken by other circumstances. Thus we are no longer obliged to act according to those rulings—although if their circumstances were to occur again, the rulings would be the same as they were previously, and we would be so obliged.[11] In the case of fresh circumstances, they say, if we were to come across a relevant ruling contained in the general sense (*ʿumūmāt*) of the Qurʾān and *sunnah*, we

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[9] Modern thinkers who have discussed this idea or touched upon it in some way include, among Shīʿīs, ʿAllāmah Ṭabāṭabāʾī, Ayatollah Muṭahharī, and Ayatollah Muḥammad Bāqir al-Ṣadr, and among Sunnīs, Muḥammad ʿAbduh, Mawdūdī, and Sayyid Quṭb.

[10] The question of *al-aḥkām al-wilāyatīyah*; see the preface to this chapter.

[11] As explained by Muhaghegh-Damad in this chapter—ed.

would also act according to it; but if not, it is left to the Islamic state to determine the duties involved.

It is evident, however, that this solution also depends on distinguishing between the fixed and variable aspects of life, even if its advocates do not say so explicitly. They have decided beforehand what belongs to the natural order and what does not, although they have not given that concept the prominent place in their thought it should have. Clearly, whenever it is said that "circumstances have changed," we are speaking not of a natural and normative (*maṭlūb*) order of human life, but one in which change is inevitable and therefore for which there cannot be a permanent ruling. We insist, in accordance with the Qur'ānic prohibition, that alcohol is prohibited; but we do not insist on the principle of freedom of contract between worker and employer—in fact, we limit that freedom through law. Obviously, the first case belongs to a fixed and normative order, while the second lies outside that order.

As jurists engaged in *ijtihād*, we know that we are absolutely forbidden to slavishly imitate the jurists of the past in deducing rulings from the textual proofs (*adillah*). Just so, we cannot follow them in determining where the "natural order" of human life lies and to which cases it applies. The gate of *ijtihād* must remain completely open in this respect also if there is to be true *ijtihād* among the jurists instead of *taqlīd* by so-called jurists of other jurists—something which unfortunately occurs quite often.

Without doubt, we are in need of a new *ijtihād* which goes beyond *fiqh* and *uṣūl* to embrace subjects such as society, history, economics, politics, and psychology.[12] That these sciences are based on theories which are the result of independent judgement[13] and thus constantly evolving does not prevent us from benefitting from them. As human beings, we are bound to submit to the realities of our times. If we do not attain to the actual ruling[14] one hundred percent, we can approach it relatively. What is more important is that we harmonize religious knowledge with other knowledge rather than engaging in intellectual games; we must recognize that since law (*fiqh*) is itself a kind of human knowledge, it cannot be incompatible with other human knowledge. If we do not do so, the law will remain underdeveloped and lose its logic as a system. Thus the most important non-legal *ijtihād* for Muslim thinkers today is to construct a comprehensive theory of human nature and social change. This theory must be based both on scientific and philosophic knowledge available about humankind and on revelation; today's law will not be today's law without it. Our jurists in the past, having taken account of change in

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[12] It is not enough to study mysticism and the practical philosophy of the past to form theories of human nature and society, as some scholars imagine. Philosophy also necessarily evolves as it encounters new problems and circumstances. The mechanisms of change in human society are detected by science, not philosophy; one cannot grasp the daily realities of life through philosophy.

[13] *naẓariyāt-i ijtihādī*.

[14] The author appears to refer to the actual ruling (*wāqi'*) laid down by God—ed.

human life, distinguished cases in which specific rulings of the Qurʾān and *sunnah* were the rulings of the Prophet's government and had temporary value, and others in which rulings were meant to oversee the custom (*ʿurf*, *ʿādah*) of the time. Sometimes they also cancelled a particular application in favor of a general one. Their methods were directly tied to their pragmatism and their understanding of the fixed and mutable aspects of human life. Our view of human life today is, of course, very different from theirs, and our legal deductions must be appropriate to that view.

If the belief that *ijtihād* as a process cannot be separated from human knowledge is finally accepted in the religious academies (*ḥawzah*), we shall have to introduce new fields of study, including the social sciences. Some of these subjects are already taught, but in a non-scientific way or with some meaningless object in view such as "founding an Islamic sociology." (Sociology and similar disciplines have their own methods which, if altered and combined with others, result not in another sociology, but something else altogether. There is no such thing as an "Islamic" sociology.) What is desirable instead is that those who perform *ijtihād* understand that it is not possible in today's world to issue opinions on politics, economics, and social affairs without current knowledge of those fields. When the curriculum of the academies is broadened, it will become clear that where political, economic, and social problems are concerned, the science of *uṣūl* is the near and direct preface to *ijtihād*, and knowledge of some of the conclusions of the social sciences and other subjects the far and indirect preface. Both together are necessary for *ijtihād*. It will also become clear that the jurists of the past habitually took advantage of knowledge and theories current in their time.

Unfortunately, today in our religious academies we possess neither a philosophy of civil law nor a philosophy of ethics that has been fully worked out and written down; we have neither a philosophy of politics nor a philosophy of economics. This has happened because we have isolated ourselves from the social sciences. Without a firm basis in theory, how can we issue sound legal opinions or speak about universal values? How can we function in international scholarly settings? How can the Islamic movement avail itself of a strong intellectual foundation and place itself in the context of other ideologies and cultures? In the past, figures such as Fārābī and Naṣīr al-Dīn al-Ṭūsī tried to lay down just such an intellectual foundation[15]—but not more. Some of our scholars have begun to speak of fixed and mutable aspects of social life, and we do now have the beginnings of a philosophy of economics. However, even these limited studies have had little impact on the academies. Most of our students of law and jurisprudence, determined to lock

[15] The philosopher and polymath al-Fārābī (d. 339/950) is particularly known for his work in political philosophy and the classification of sciences; he is often regarded by Muslims today as an early Islamic political scientist and sociologist. Naṣīr al-Dīn al-Ṭūsī (d. 672/1274) was, among other things, a philosopher theologian, and ethicist; one of his accomplishments was the incorporation of philosophy into Shīʿī *kalām*—ed.

themselves away in their ivory towers, still imagine them to be unrelated to the science of *fiqh*. A small number even believe that the pronouncements of the classic thinkers represent the final truth and that everything that needs to be said on the subject of jurisprudence has already been said—whereas the role of these great scholars was merely to broach certain subjects in a preliminary way. There is still much work to be done. In our present circumstances in the Islamic Republic of Iran, how is a religious government which views itself as bound by the *sharī'ah* to avail itself of modern techniques of organization and management without an intellectual foundation? Many problems in the Islamic Republic of Iran could be solved if theories of social change could find a place in our religious thought, but this will be possible only when they have been introduced into our academies. It will be possible when subjects such as "dispensation in case of dire necessity" (*ḍarūrah*); primary and secondary characteristics (s. *'unwān*) [of acts subject of legislation]; determination of the best interests of the individual or society; possible conflict between those interests and primary rulings; and the priority of social welfare are discussed in the academies in a scientific manner.[16] It will be possible when the *sharī'ah* is viewed as a value-system, and we address the natural order of human life.

The Role of a Dynamic Islamic Law

As we conceive of a system of law it is necessary to ask ourselves: is it within the competence of *fiqh* to dictate the political, economic, social, and cultural systems of a society? Clearly, it is not. Rather the role of *fiqh* is limited to answering legal questions occasioned by governments and societies which are founded by human beings according to their own history and experience. It is not the place of *fiqh* to determine which forms of government or institutions are appropriate; *fiqh* may only decide if particular types of institutional structures are permissible from the point of view of Islamic law and lay down the legal duties (s. *taklīf shar'ī*) of those who govern.

This point becomes clear if we understand why the early Muslims turned to *ijtihād*. How did the science of *fiqh* develop in this initial period? Or to put it more precisely, what role did *fiqh* play in what was called *mu'āmalāt* (social intercourse) and *siyāsāt* (government affairs)? What we find is that, while during the twenty-three years of the Prophet's mission laws and decrees governing social life were legislated through the Qur'ān and *sunnah*, subsequent developments in Islamic society demanded suitable exegesis of the text capable of defining the legal duties of Muslims in the face of new circumstances (*ḥawādith*).[17] Muslims found themselves compelled in the

[16] For instance, do contradictions actually exist in such cases, or are rules that conform to the best interest of society bound to a certain time and special circumstances, so that there is no real contradiction between "best interest" and primary rulings? [On primary and secondary characteristics and rulings and dire necessity see the essay by Ayatollah Muhaghegh-Damad, note 5—ed.]

[17] See the essay by Muhaghegh-Damad, note 7.

course of family life, work, trade, and politics to act in novel situations, and they wanted to know the measure of such actions according to the Qurʾān and *sunnah*—whether they were forbidden (*ḥarām*), incumbent (*wājib*), valid (*ṣaḥīḥ*), invalid (*bāṭil*), and so on. This posing of questions related to new developments in human society is precisely what we call "*ijtihād*." *Ijtihād* in social intercourse and government affairs was always addressed to actual questions and problems; never did the jurists comb through the texts on their own initiative in an attempt to establish a body of applied law (*furūʿ*). Had life remained exactly as it was in the time of the Prophet, there would have been no *ijtihād*.

Thus the Qurʾān and *sunnah* are not meant to dictate modes of human life, but to guide the natural evolution of society. Humans discover for themselves ways of adapting to the environment and structuring society so as to improve the conditions of their lives, while the Qurʾān and *sunnah* direct this dynamic process and ensure that it proceeds smoothly according to Islamic values and the Islamic world view. This is the essence of *ijtihād*.

Let us take as an example the political and economic institutions addressed by the law (*fiqh*) in the past. These were not themselves products of the science of the law (*ʿilm al-fiqh*). Some can be traced back to Arab society in Makkah and Madinah, and some originated with conquered peoples from whose experience the Muslims sought to benefit. For instance, the customs of "*bayʿah*" (pledging of allegiance) to a ruler and "*shūrā*" (decision by consensus) were both current among the Arabs before Islam, and the various ministries and chanceries of the caliphate were modelled on the experience of other nations. Almost all forms of contract were already found among the Arabs or other peoples before Islam, including rental, sale, gift (*hibah*), compromise between creditor and debtor (*ṣulḥ*), pledge of security (*rahn*), limited partnership (*muḍārabah*), temporary sharecropping (*muzāraʿah*, *musāqāh*),[18] marriage, divorce, and so on. Even much of the law of war and peace was already in place.[19] In each case, the role of the Qurʾān and *sunnah*, and subsequently of jurisprudence, was limited to harmonizing existing laws with Islamic ethics and the Islamic world view and abolishing manners and customs opposed to them. The majority of completely novel laws of the Qurʾān and *sunnah* concerned prohibitions, for instance against interest, usurpation of property,[20] political acts based on unequal relationships of power,[21] concentration of wealth, and so forth. They did not concern

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[18] *Muzāraʿah* is sharecropping for a fixed period of time; *musāqāh* is sharecropping for one crop period, however long that may be—ed.

[19] See Jawād ʿAlī, *al-Mufaṣṣal fī taʾrīkh al-ʿArab qabl al-Islām*, 10 vols. (Beirut: Dār al-ʿIlm lil-Milāyīn, 1976-78), V, 526-634.

[20] "Consuming" (*akl māl*) unlawfully (*bi-al-bāṭil*)—the phrase used by the author—is condemned in several places in the Qurʾān, eg. 4:29—ed.

[21] The author uses Qurʾānic terms: "*Jabbār*"—a powerful person who uses that power to oppress others—and "*mustaḍʿaf*"—those without power, who are consequently oppressed. See the preface to this chapter—ed.

institutions. Shāfiʿī once said: "There is no policy but that it must accord with the Law" (*lā siyāsah illā wāfaqa al-sharʿ*). The well-known jurist Ibn ʿAqīl criticized Shāfiʿī, saying that if he meant that only institutions in accord with the *sharīʿah* could be established, he was correct, but if he meant that only institutions actually mentioned by the Prophet could exist, he was wrong—and had attributed error to the Companions besides, since their administration made use of much that was new.[22]

Bayʿah and *shūrā* are good examples of institutions already in place which were incorporated into Islam. Some Muslims scholars claim that the Qurʾān specifies these two as the only true forms of Islamic government. In fact, both *bayʿah* and *shūrā* existed among the Arabs before Islam. Even apart from this undeniable fact, the statement is inconsistent with the Qurʾān itself. Religious and hereditary authority are also mentioned in the Qurʾān (for instance, the rule of David and Solomon) and thus must also be considered legally sanctioned (*mashrūʿ*) by the revelation. If we study the Qurʾān carefully, we see that the fundamental criterion it lays down for government is not a particular form or type—which it does not even present as a religious concern—but justice. Government may take different forms among different peoples, as indeed it has done throughout history. What remains fixed and constant is the one fundamental value of government, justice. If a people concludes on the basis of its knowledge and experience and by its own will that an elected[23] or consultative[24] government is most likely to secure justice, the religious duty will be precisely the establishment of that government. To take an example from our own history, during the Constitutional Period the question was raised if it was permitted for Muslims to live under a constitutional regime,[25] while after the Islamic Revolution the question was if a republican regime was compatible with Islam. We know that the jurists performed *ijtihād* and issued legal opinions approving each form of government in its time—although the legitimacy [adj. *mashrūʿ*] of constitutional government was perceived as deriving from the limitations it placed on the powers of the Qajar monarchs,[26] while the Islamic Republic was recognized as fundamentally consonant with Islam, a product of authentic Islamic thought on the one hand and the exigencies of the times [*muqtaḍiyāt al-zamān*] on the other. Neither of these instances of *ijtihād* would have been possible without prior knowledge (whether this knowledge was thorough or not need not concern us) of the two types of government. This was not *fiqh*

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[22] See Ibn Qayyim al-Jawzīyah, *al-Ṭuruq al-ḥukmīyah*, ed. Aḥmad ʿAbd al-Ḥalīm al-ʿAskarī (Cairo: al-Muʾassasah al-ʿArabīyah lil-Ṭibāʿah wa-al-Nashr, 1380/1961), 15ff.

[23] *Intikhābī*.

[24] *Shurāʾī*.

[25] The Constitutional movement in Iran, which took place in the first decade of this century, saw much debate among the religious scholars about the legitimacy of this form of government—ed.

[26] See for instance Nāʾīnī's valuable work *Tanzīh al-millah wa-tanbīh al-ummah*. [On Nāʾīnī see Abdul-Hadi Hairi, *Shīʿism and Constitutionalism in Iran* (Leiden: E.J. Brill, 1977)—ed.]

knowledge proper, but rather knowledge of politics, history, and so forth. We also see that the present constitution of the Islamic Republic of Iran addresses matters such as the organization of ministries, executive and working committees, parliament, the institution of the presidency, finance, the revolutionary guard, high courts, and so on. The proper organization and role of each of these can be understood only from past human experience; the role of the science of *fiqh* is limited to determining if such arrangements are acceptable from the point of view of Islamic law. In other words, religion does not dictate types of political institutions; it merely guides them.

Had the notion that *fiqh* is meant to establish modes of human life or particular types of government gained currency early in Islam, Islamic law (had it developed at all) would never have spread beyond the Arabian peninsula. Islam spread quickly and peacefully[27] because it officially recognized the various modes of human life it encountered, interfering only to the extent needed to bring them in line with the Islamic world view and Islamic ethics. This is why Imām ʿAlī, who received his Islam directly from the Prophet, commanded Mālik al-Ashtar, the governor of Egypt: "Do not take away the sound *sunnah* practiced from ancient times in this country." In fact, the ability of humankind to discover modes of life is a sign of divine order and grace. The Qurʾān recognizes humankind as ruler of the earth, as a being who causes the earth to flourish and creates civilization and culture; and it tells us that divine guidance comes not only by way of the prophets but also in the innate human capacity to create its own life. This is what is meant by the saying, "Reason is the interior prophet of humankind, just as the prophets are humanity's exterior reason."[28] The children of Adam are noble in the eyes of God not only because they are conscious of their Creator, but because He "carries them on the land and the sea" (Q. 17:70) so that they may subjugate it for their own use. Those who wish to deny the unique, inspired capacity of humankind to constantly create civilization and culture attempt to forbid them "the adornment of God" (Q. 7:32) to which they are entitled. Islam did not come to entirely replace human culture and civilization as it had been known until that time, but rather to crown it with *tawḥīd* (monotheism). Fortunately, most Muslims in the first centuries rejected the idea that they were to be governed by the literal sense (pl. *ẓawāhir*) of the Qurʾān and *sunnah* and preserved the role of knowledge and reason. Had they not done so, Islamic civilization and culture would not have survived.

The most immediate consequence of the view of Islamic law outlined above is that the jurist constantly directs his attention to the changing realities of social life, even as he takes into account the textual proofs. In addition to seeking the answer to a particular question through semantics, reason, and the

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[27] Here I mean not the political expansion of Islam but the spread of Islam itself and Islamic beliefs.

[28] Apparently a reference to the similar saying of the seventh imām; see Kulaynī, *al-Uṣūl al-kāfī, K. al ʿaql wa-al-jahl, ḥadīth #12* (the ḥadīth addressing Hishām)—ed.

practical principles,[29] he keeps in mind the fundamental goals of the *sharīʿah* as a whole: preservation of life, family, property, and religion.[30] To put it another way, our jurist is a realist; he is acutely aware that the goal of his *ijtihād* and legal opinion is to address the actual concerns of human beings, not to perform an intellectual feat with no relation to the outside world. Because his endeavor has real importance, he does not give a conditional response, declaring, for instance, that if the circumstance (*mawḍūʿ*) at which the ruling is aimed is such-and-such, the ruling must be this or that. Instead, he carefully distinguishes the circumstances and proceeds to lay down the ruling.[31] To issue a conditional *fatwā* and leave it to others to distinguish the circumstances is to lose oneself in abstractions. Nor is it possible for the jurists to formulate a theory of the basic goals (*maqāṣid*) of the *sharīʿah* without taking into account human knowledge, including the social sciences; the questions the *sharīʿah* seeks to answer are, after all, ultimately those which also concern political theorists, sociologists, economists, and so on. Legal opinions are not the criteria for justice, but justice the criterion for legal opinions; to put it another way, *fatwā*s are the instruments of justice.

Thus when Muslims, prompted by changes in the realities of life and progress in human knowledge, discover new modes of life and social patterns they wish to live by, the duty of the jurist will be to determine the legal duties (s. *taklīf*) pertaining to those modes and patterns. *Ijtihād* must be an ongoing process. When as Shīʿīs we say that one must imitate (do "*taqlīd*") of a living *mujtahid* in the applied law (*furūʿ*), we mean that only a living *mujtahid* can be aware of the realities behind the question posed. The "working out of particulars from general principles" (*tafrīʿ al-furūʿ min al-uṣūl*) spoken of by the imāms[32] means to examine the problems of each age of human civilization in light of the principles of jurisprudence and the *sharīʿah*. It is present realities which generate the applied law, not the realities of the past or the mind of the jurist.

During the first centuries of Islam when the science of the law (*ʿilm al-fiqh*) was perfectly aligned with the realities of social intercourse and government affairs, the law books were full of new laws (*furūʿ*) which had sprung from those realities. The well-known Shīʿī jurist Ṭūsī (d. 460/1067) writes in the preface to his book *al-Mabsūṭ* ["The Detailed"] that he composed the work in order to demonstrate how extensive was the possibility in Shīʿī jurisprudence

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[29] See note 4 above—ed.

[30] Fundamental goals = *maqāṣid*, a term referring to what are thought to be the basic, underlying goals of the *sharīʿah*. The *maqāṣid* and their implications for the law were first extensively discussed by the jurist Ibrāhīm ibn Mūsā al-Shāṭibī (672/1388)—ed.

[31] Circumstance (s. *mawḍūʿ*) = the exact aspect of an act or situation at which a ruling is aimed; distinguishing these is one of the intricacies of the process of *ijtihād*. If the *mujtahid* speaks to the particular situation of a real person, the circumstances are known—ed.

[32] Lit. "derivation of the branches from the roots." See al-Ḥurr al-ʿĀmilī, *Wasāʾil al-Shīʿah*, 30 vols. (Qum: Muʾassasat Ahl al-Bayt li-Iḥyāʾ al-Turāth, 1409/1988-89), XXVII, 61-62, *ḥadīth* #51—ed.

of deriving laws. But he did not simply conjure up laws out of his own imagination. They were the result of questions that had come up in the course of more than three hundred years of the political, social, and daily life of real persons. The Sunnīs had already applied themselves to these same questions using their own mode of *ijtihād* which made use of analogy (*qiyās*) and discretion (*istiḥsān*). Their complaint against the Shīʿīs was that since they did not employ these types of reasoning, they could not respond to many questions which needed answers. Ṭūsī's contribution was to prove that they could indeed be answered using the Shīʿī *ijtihād*.

Today an important part, or perhaps most, of the problems we must deal with are "novel matters" (*mustaḥdathāt*). Muṭahharī's investigation of [religious] duties (s. *taklīf*) under capitalism, a system which he described as a new phenomenon in history, is one example. To cite only a few others: Whereas once the question to be answered was whether the pledge of allegiance (*bayʿah*) of "those who loose and bind" was a legitimate basis of authority, the novel matters we need to take into account today are popular elections and revolutions. Long ago, the crucial question was if it was permissible for a ruler to delegate power to governors and viziers; today the question is if any ruler can enjoy a monopoly of power. Whereas once the jurists concerned themselves with which person should rule and what his qualifications should be, today we must ask ourselves how those in power must rule. Instead of asking if it is permissible for the ruler to fix the value of currency, we should study how economic planning and free enterprise can be reconciled. Whereas once the jurist may have been called on to define the duties of the public inspector (*muḥtasib*), the crucial question in our time is: Does the state have the right to maintain influence over every aspect of the life of its citizens? In the past, jurists were concerned with defining the boundaries of the domain of Islam and the "domain of war" (*dār al-Islām*, *dār al-ḥarb*), but today we must ask ourselves if it is permitted to violate the sovereignty of any people or nation. Rather than repeating old arguments about the duty to learn a profession, we should be examining the effect of an industrial economy on spiritual values. We must search in the Qurʾān and *sunnah* for solutions to contemporary problems such as these. This is what is meant by the universality of Islam; otherwise, Islam belongs to the Hijaz.

Islamic Government and Freedom

I have argued that the Qurʾān and *sunnah* do not specify particular forms or institutions of government. It may be useful to clarify this statement in the context of current debates in the Islamic world about the rule of Islam in the modern nation-state.

There are three theories of government currently favored by Muslim thinkers. The first is that the Qurʾān and *sunnah* (*sunnah* meaning the words, actions, and decisions of the Inerrant Ones [s. *maʿṣūm*, that is the Prophet and imāms]) set out both the moral foundation and form of government—that they

contain, in fact, all the elements of a constitution. According to this view, only rulings that existed in the time of the Prophet are legally sanctioned (*mashrūʿ*). Thus Muslims are eternally obliged to conform to the government specified by the texts and are prohibited from setting up any other; any questions that arise are to be answered by the Qurʾān and *sunnah*. Civilizations must fit this garment; if the garment does not fit, the civilization must be altered, or if it cannot be altered, it must be replaced. Where it is not possible to discard a whole civilization and way of life of a people (and it will never be possible), Muslims will be forced to live in what they believe to be an unhealthy society, resorting to secondary rulings[33] [allowed by maxims] such as *al-ḍarūrah tubīḥ al-maḥẓūrāt* ("dire necessity secures permission for things otherwise forbidden") or *mā jaʿala ʿalaykum fī al-dīn min al-ḥarj* (Q. 22:78, "God has not laid upon you any hardship in religion") [in order to justify less than strict adherence to the *sharīʿah* necessitated by their surroundings]. Moreover, since the constitution, according to this view, is wholly derived from the *sharīʿah*, and therefore divine, the government on which the constitution is based must also be divine, and its decisions will have religious value. Such a government will come to be regarded as "holy" and beyond criticism.[34]

The second theory is that only the moral basis of government is addressed in the Qurʾān and *sunnah* and may properly be called religious. (This moral basis, as should be clear from the discussion above, is part of the fixed aspect of the *sharīʿah*, whereas particular forms of government spoken of in the Qurʾān pertain to a particular time and place). When civilization is faced with change—which must happen in any case—the constitution of the government also changes and institutions take on different forms. According to this view, Muslims are bound to preserve the moral foundations of government through every material and spiritual circumstance; but they are not charged to preserve any special form of government. A constitution is a garment sewn to fit civilization. If civilization changes, the garment should be altered, or, if necessary, a new one sewn—on condition that basic values be preserved and divine prescriptions and prohibitions observed to the greatest extent possible. Such a government will be a product of Islamic thought, that is of the deliberations of persons. It will not be identical with the *sharīʿah*, and will therefore be open to criticism; it will be recognized as human, not divine.

The third view of government espoused by some Muslim intellectuals today is that the ethical imperatives of the Qurʾān and *sunnah* are addressed only to individual morality (including, of course, the conduct of those in power). This is what is understood in the Muslim world by "separation of

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[33] The author actually says "secondary characteristics" (*ʿanāwīn thānawīyah*), that is characteristics of acts that remove them from the category of "forbidden." See the essay by Muhaghegh-Damad, note 5—ed.

[34] This is a dangerous development. Although a particular form of government may at first represent fundamental religious values, as time passes it becomes, almost inevitably, the instrument of a particular group or class. The moral foundation of the regime is then sacrificed for the sake of special interests—while its "religious" guise obscures its real nature.

church and state." Those who espouse this view maintain that Muslims must not only choose the kind of government best suited to their interests, but also elect basic social values.

However, when the moral basis of society is left to human choice without preserving a role for religion, many problems arise. One cannot simply in some way extend individual ethics to the functions of government. Individual ethics cannot serve as a criterion for basic laws or the morality of government decisions. Religious human beings must have at their disposal a set of moral, religious criteria to deal with such important matters. They cannot proceed without referring to such criteria; this is the meaning of religious life. This theory, in any case, has never really been accepted in the Islamic world. I bring it up here only to highlight the basic difference between it and the view that we are bound to preserve the moral basis of government outlined in the Qurʾān and *sunnah*. We will now turn again to the second theory.

When we acknowledge the role of human knowledge in *ijtihād*, we are also compelled to admit that human beings charged by God with religious duties (*mukallaf*) live in the stream of history, in which the values derived from the Qurʾān and *sunnah* guide us while government proper is left to human knowledge and reason. This is the true meaning of the unity of politics and religion—religion gives direction to policy. It will also be perceived that policy must first be studied by specialists, employing science and reason, to determine if it is sound; only then is it the turn of religious experts to determine if the proposed measure conflicts with basic values. The first stage, of course, can be effectively accomplished only if those with conflicting opinions engage in free debate so that the strengths and weaknesses of various schemes are brought to light. There can be no restrictions or prejudgments. Only after a thorough and impartial discussion is it the turn of the jurists to determine if a proposed law contradicts general policy and religious values. Otherwise, where in the Qurʾān and *sunnah* is modern industry addressed? Under what general aspect of the law as laid down in the texts do we find indication as to whether agriculture or industry should be given first priority in the economy? That such matters are not directly addressed in the Qurʾān and *sunnah* does not, of course, point to any defect in the scriptures. They remain the source of abiding and unchanging values, but the reason conferred by God on humankind also has a role to play.

Another consequence of the premise that human knowledge enters into *ijtihād* is that any qualified person may engage in it; or to put it another way, there is to be no restriction on who may contribute opinions about the compatibility of a regime or law with religious principles. Issuing *fatwā*s is the right of every qualified jurist; it is not limited to one alone. It must be said that after the Occultation of the Imām no person, no matter what his position, can claim to be fully informed of the correctness of a legal view and prevent discussion of alternate views. There is bound to be a range of opinions concerning Islamic principles in politics and economics or about whether a

particular form of government or policy expresses Islamic values.[35] Many people have spoken of the freedom of *ijtihād* in Islam, especially in Shīʿism, but the real meaning of this freedom has been lost. The fact is that *ijtihād* is not limited to a person or a class, precisely because it is itself human knowledge combined with other kinds of human knowledge, and thus cannot be a "divine gift" granted to a selected few. Prophethood is a gift of God which belongs only to some, but this is not the case with *ijtihād*. That is to say, while it is true that formal *ijtihād* and granting of *fatwā*s are the prerogative of the religious class, others are also entitled to opinions about whether the *fatwā* is best calculated to secure justice, or not. These outside opinions have the effect of guiding the jurist's *ijtihād* and directing his attention toward crucial questions. His *ijtihād* will then be a real *ijtihād* contributing to the growth and dynamism of the law, rather than simply repetition of past opinions.

It must also be understood that a *fatwā* is merely an expert view, not a divine imperative exempt from discussion and criticism. Just as there is no "holy" government, even if that government is proved to be consonant with religious values, there is no such thing as a holy *fatwā*. The basis for obedience to a *fatwā* or law is purely rational. Imagine the people of a village who share a particular way of life and set of customs and who act according to those norms; their conformity is a rational matter, not a duty of the religious law (*taklīf shaʿī*). So it is for the people of a country who live according to a particular constitution and set of laws; obeying those laws is a matter of reason, not a duty of the religious law. Religious duties have been laid down by the Prophet and are found in the Qurʾān and *sunnah* (this includes duties inferred through *ijtihād* and through valid conjecture [*ẓann*] deduced [n. *istinbāṭ*] using rational principles). However, laws and policies derived from human knowledge and experience and not from the Qurʾān and *sunnah* cannot be considered part of religion, and acting upon them is not a religious duty.

This said, it must not be forgotten that whenever one disobeys a government law or decision by failing to discharge a duty or by performing a forbidden or immoral act, the characteristic (*ʿunwān*) of the act does lend it a moral or religio-legal aspect. For instance, running a red light is an act with no religio-legal characteristic (*ʿunwān shaʿī*); but if one disobeys the signals consciously intending to foul city traffic, that action will be immoral, and thus of course also blameworthy (*madhmūm*) from the point of view of the religious law. If, on the other hand, the driver of a vehicle enters the intersection on a red light only because he or she is in a hurry and without intending harm, the act is not immoral (although it is irrational, in the sense that in violating a known obligation one leaves oneself open to punishment). Similarly, withholding part of one's taxes not because one intends to strike a blow at society but simply because of reluctance to part with hard-earned money or because the taxpayer believes that municipal services provided do

[35] Note that we refer here, as throughout the essay, to social intercourse and political affairs; the religious observances (*ʿibādāt*) are another matter.

not justify full payment is irrational—since in the end payment will be extracted, and probably a fine or punishment besides—but one cannot claim that it is contrary to the religious law. However, again, if it were demonstrated that such an act had a characteristic which came under the heading of the religious law, a religious ruling would result.

Thus neither the *fatwā*s of the jurists nor legislation and government policy are "holy." Here is the place to speak of the role of the people in their government. Qualified jurists may issue religious opinions adjudging the Islamic value of political or economic measures or particular laws or policies, while political scientists and economists may suggest forms of government, policies, and laws they believe to be in the best interests of society and likely to preserve fundamental values. However, both the jurist and "expert" carry out only the theoretical work. It is the people who must take the practical step of ratifying religio-legal or scientific opinions, either directly or through their elected representatives.[36] It cannot be denied that only qualified jurists may issue formal opinions concerning Islamic values. But this does not mean that the opinions of the people are useless, or that they should confine themselves to "emulating" (n. *taqlīd*) the jurists. The principle that Muslims cannot rely on emulation in matters of belief but are obliged as far as they are able to use their own reason tells us that the believer who knows God through reason cannot be without some opinion as to the values God envisions for society. Every person understands the good and evil in such things to some extent; they are not mysterious or hidden. When a fundamental law or value is promulgated in the name of God, those who have known God through reason and understand from their own experience the meaning of social life will certainly be able to contribute opinions, even if they are not jurists.

When an opinion is advanced, it inspires debate; it creates a space for thought. It also serves to focus legal thinking on reality. The jurists find themselves actually guided by popular opinion, and real problems are addressed. Thus the Islamic prohibition of emulation in the basic principles of religion (*uṣūl al-dīn*) necessarily leads to debate and reflection on religious values in society. To stifle this debate or substitute emulation of the jurists is to thwart the natural consequences of knowledge of God gained through reason; eventually the very essence of thought will be negated. Society can mature only when it remains dynamic and open. Religion will then serve to lend direction to change in society, rather than stifling it.

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[36] Nevertheless, even the people cannot prevent a group or person from expressing their views; to do so would be to close the door of *ijtihād*, which is a violation of the religious law. The people may accept one view and reject others, but they may never close the door of *ijtihād*. *Ijtihād* has meaning only when beliefs and opinions encounter each other in a free atmosphere of open discussion; only then is the jurist able to remain constantly aware of changes in circumstances necessitating change in the law.

IV

SHĪᶜISM AND SUNNISM: HISTORY AND SELF-VIEWS

Western scholarship has tended to account for Shīʿism by differentiating it from Sunnism, and ascribing any similarities to the influence of Sunnism on Shīʿism. Part of the reason for this approach lies in the history of the study of Islam in the West. For Western scholars encountered Sunnism before they did Shīʿism, and consequently absorbed some of the Sunnī worldview. Even as Shīʿism became more familiar in the twentieth century, the academies, the living heart of the tradition, remained difficult of access and important texts unpublished. The study of Shīʿism may be said to have come of age with the Islamic Revolution of 1979. Following this event, keen interest in the West in the political impact of Shīʿism and heightened scholarly activity was matched among Shīʿīs by a renewed interest in the recovery of their tradition and a significant effort of self-explanation.

The essays discussed below approach Shīʿism not as a variation of Sunnī Islam, but Shīʿism and Sunnism together as different configurations of a shared tradition. This approach assumes that, as Christopher Melchert points out, "we cannot understand the development of Shīʿism in isolation from Sunnism, nor the development of Sunnism without considering the Shīʿah." When sectarian differences are removed from the foreground, underlying themes of the tradition may also come more clearly into view. The issues of authority and legal reasoning will serve as examples here.

In the chapter on authority, it was suggested that the charismatic rule of the imāms had marked a major point of difference between Shīʿīs and Sunnīs. A closer look reveals a common theme underlying this variation. This theme is the necessity of obedience (*ṭāʿah*) to personal authority. As Blankinship demonstrates, absolute obedience to the leader was regarded as an inviolate principle of politics in early Islam. The duty of obedience (*ṭāʿah*), often mentioned in the Qurʾān in relation to the Prophet but also extended to subsidiary authorities,[1] is a topic of the *ḥadīth* literature of both groups. "God has made obedience to us a duty," the imāms are made to say; "listen to and obey" your rulers, the Prophet says in the Sunnī texts.[2]

The principle of obedience persisted in subsequent Islamic history, both as an ideal and a practical ethic. For the Shīʿah, since rule did not come more than briefly within the grasp of any of the imāms, obedience was removed to the

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[1] See Q. 4:59 and 4:80. The last, containing the phrase "who obeys the Prophet, obeys God," is extended by both Shīʿīs and Sunnīs in their *ḥadīth*s to include rulers or imāms.

[2] Cf. Kulaynī, *al-Uṣūl al-kafī*, *K. al-ḥujjah*, *Bāb farḍ ṭāʿat al-ʾimmah* and Bukhārī, *Saḥīḥ*, *K. al-aḥkām*, passim.

plane of meta-history. This is the origin of the ideal of *wilāyah* of the imāms, which in this context took on the meaning of absolute obedience secured by devotion and love. *Wilāyah* in the practical, political sense was also said by some to remain compulsory during the Occultation, provided the ruler was "just."[3] The Sunnīs, in the meantime, developed their own image of the ideal ruler—as expounded, for instance, by Māwardī (250/864), with some themes similar to Shīʿism[4]—and declared that *bayʿah* or allegiance would be due to him. Even when faced with the historical reality of caliphs and other rulers who were rarely ideal, obedience remained paramount. The ruler must be obeyed "even if...," say some Sunnī *ḥadīth*s; "oppression is better than turmoil," concluded some Sunnī political theorists.[5] The duty of obedience for Shīʿīs and Sunnīs ceased only if the ruler were "unjust," or "rebelled against God."[6]

In modern times, the theme of personal obedience emerges with force in Khomeini's assertion in his "Guardianship of the Jurist" that disobedience to the jurist in government affairs is equivalent to disobedience to the Prophet. Khomeini's predecessor Nāʾīnī also imposes a duty of absolute obedience to the ruler, even though the ruler in his scheme is not a religious leader.[7] The radical Egyptian Islamist group al-Takfīr wa-al-Hijrah, citing the *ḥadīth*, conspicuous in both the Sunnī and Shīʿī canon, that he who dies without having pledged allegiance to the ruler "dies not a Muslim," declares the establishment of the caliphate a religious obligation (although the group at the same time insists, in Khārijī-like fashion, that an unjust imām must be deposed).[8]

Thus obedience to the personal authority of a ruler—even, in some formulations (not all), obedience to a ruler who is unideal—can be said to have

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[3] See Wilferd Madelung, "A Treatise of the Sharīf al-Murtaḍā on the Legality of Working for the Government," *BSOAS* 43 (1980): 18-31.

[4] P. Crone and M. Hinds argue that the pattern of authority in the early caliphate also was similar to that of the Shīʿī ideal of the imām; see their *God's Caliph* (Cambridge: Cambridge U.P., 1986).

[5] Bukhārī, *K. al-aḥkām*, passim; see E.I.J. Rosenthal, *Political Thought in Medieval Islam* (Cambridge: Cambridge U.P., 1962), 44 (citing the thirteenth-century Shāfiʿī jurist Ibn Jamāʿah). Ibn Jamāʿah's establishment of the premise of the necessity of an *imām* on rational grounds and invoking God's Grace also parallels the Shīʿī *kalām* argument.

[6] See Madelung, "Treatise"; Bukhārī, *K. al-Aḥkām*. Faced with an unjust ruler, the Shīʿah were required not to rebel but to accommodate themselves to the situation, for instance through *taqiyah* or dissimulation of belief.

[7] *Tanbīh al-ummah wa-tanzīh al-millah dar asās va-uṣūl-i mashrūṭiyat yā ḥukūmat-i Islāmī* (Tehran: Firdawsī, 1334/1955), 99 (in the fourth chapter).

[8] *al-Farīḍah al-Ghāʾibah*, tr. by Johannes J.G. Jansen as *The Neglected Duty. The Creed of Sadat's Assassins and Islamic Resurgence in the Middle East* (New York: Macmillan, 1986), 165-166, 191-192. Not only insistence on the personal authority of a religiously legitimate ruler, but also the argument of the group for an Islamic state parallels exactly that made by Khomeini in his famous treatise: the precepts of the law are obligatory; therefore an Islamic state is an obligation; for "something without which something which is obligatory cannot be carried out becomes itself obligatory" (165).

had significant value in the Islamic tradition. With secondary, sectarian differences set aside for the moment, the way is opened for discussion of this basic principle—as well as comparisons to cases outside Islam, since religious legitimation is, obviously, a widespread phenomenon. Could, for instance, the emphasis on personal loyalty be attributed to a concern for order and community solidarity in the face of shifting sovereignties, as well as the embodiment of the state in persons rather than in durable institutions? It may also be significant that focus on the ruler as the ultimate guarantor of political/cosmic order parallels the ideal of kingly authority in archaic religions.

In the chapter on authority, Devin Stewart suggested another theme—hierarchy—underlying both Shīʿī and Sunnī *juridical* authority. As Stewart relates, Western attention has focused on an apparently absolute difference between the Shīʿah and Sunnīs on this point. Shīʿism is thought to be hierarchical; Sunnism is thought to be opposed to hierarchy, by nature and spirit. However, hierarchy is not, as has often been thought, confined to modern Shīʿism. The Shīʿī clerical establishment appears to us to be necessarily more stratified than its Sunnī counterpart simply because it exhibits that characteristic at this point in history. Stratification has actually varied at different times and due to various factors—for instance, in modern Shīʿism because of, among other factors, the gathering of followers around the printed, widely disseminated "practical treatises" of learned divines. Stewart demonstrates that the principle by which these hierarchies are ranked—preference for the opinion of the most learned scholar (*aʿlamiyah*)—has been acknowledged by both Shīʿīs and Sunnīs.

To put it somewhat differently than Stewart: hierarchy within a body of authority, in this case a corporation of religious specialists, serves a dual purpose. It regulates admission to the body, for without an internal standard made clear by ranking—whether that ranking is explicit or subtle—there can be no real criterion for admission, and thus no firm control of the body over the authority it claims, whether religio-legal authority or another kind. At the same time, hierarchy focuses the authority of the body more certainly on its subjects, since they are more clearly able to envision the range of persons toward whom they might direct their loyalty. Hierarchy, in other words, though it may at some times be more well defined and at others less so, is a natural feature of corporate authority, including clerical authority. Thus Shīʿī and Sunnī cannot be wholly distinguished on this basis.

In this case, it might be useful to direct our attention to what would then be the exceptional circumstance—the assertions of some Muslim scholars that *aʿlamīyah* of a mufti or *mujtahid* is *not* material to his authority, and that the opinions of all, both the more and less learned, are valid. Stewart relates numerous opinions of this kind from Sunnī authorities. Ayatollah Taskhiri, in the course of constructing his own argument against *aʿlamīyah*, relates a few similar Shīʿī opinions. The curbing of unchecked hierarchical tendencies is

often a theme of religious protest or reform. Could these exceptional opinions be similarly motivated? The Shīʿī and Sunnī dicta taken together will yield a more complete set of data with which to test this thesis.

In the previous chapter, it was also suggested that Shīʿī law had been subject to tension between textual literalism and freedom of interpretation. The tension, of course, has also been evident in Sunnism, where it was partly responsible for the differentiation of the law schools. This in itself is hardly remarkable. For traditions that hope to find truth in texts, stipulation of meaning and the methods and limits of that activity are naturally controversial. The point here is that the positions of both schools have shifted. No position can be said to be characteristically Shīʿī or Sunnī. To give one broad and by now widely-discussed example, the Shīʿī *ḥadīth* texts show many of the Shīʿah to have been originally attached to Traditionalism, through which they expected to attain certainty (*yaqīn*). Gradually, however, in exchange for the power to legislate in a wider area, the majority gravitated toward probabilism (*ijtihād* = "best try") and were satisfied with estimable supposition (*ẓann muʿtabar*).

More than this, both the Shīʿah and Sunnīs have accommodated different attitudes toward legal reasoning within their own camp at the same time. To put it another way, the two groups have been distributed across the spectrum in shifting configurations. Melchert establishes just such a pattern for the ninth and tenth centuries, arguing that neither of the groups now labelled "Shīʿī" and "Sunnī" was entirely congruent with Traditionalism or Rationalism. With regard to the Shīʿah, he argues that they were not, as has often been thought, thoroughgoing Traditionalists. Rather, they held to a middle position which combined Rationalism and Traditionalism. This attitude is evident in Kulaynī's fourth/tenth century *al-Uṣūl al-kāfī*, the first canonical book of *ḥadīth* of the Shīʿīs. On the one hand, the author collects narratives belonging to the most extreme Traditionalism. On the other, his collection is framed within a Rationalist worldview, as his preface invokes a rational theodicy to demonstrate the necessity of Traditional knowledge, and then immediately proceeds to a chapter in praise of Wisdom (*ʿaql*). The debate and occasional accommodation in the *ḥadīth*s between imām authority and independent legal reasoning of the Companions (explored in this volume by both Poonawala and Liyakatali Takim) may be taken as further evidence of a middle way. Melchert establishes the middle way not only from internal evidence, including the careers of prominent Shīʿī *ʿulamāʾ*, but also from interaction between the Shīʿah and various Sunnī groups. In this way he is able to place the Shīʿah and (Sunnī) Shāfiʿīs *together* as "semi-rationalists."

Thus apparent sectarian difference is not necessarily the first salient fact when approaching the problem of Islam in history. Sectarian difference is, however, useful in understanding the self-views of Shīʿīs and Sunnīs. This is a different (even if not entirely separate) study, as worthy of attention as the historical record.

A self-view is not affected directly by realities outside the subject, but by perceptions of those realities mediated by elements of the self-view already in place. The self-view, however, may exercise direct and powerful influence on the "real world," for it largely determines the action and reactions of the subject to that world. A self-view may also compel the *internal* development of the subject, as it may formulate somewhat novel assertions about itself in order to maintain that view in the face of new realities. This dynamic may actually work to transform elements of the self-view, as the subject, wishing to maintain an ideal image of self, finds that it is compelled to significantly adjust that image in response to significant pressure from the outside world. Such newly-acquired elements of a self-view may be among the most passionately held and defended.

The endeavor of Shīʿī Muslims to adjust their views of themselves to meet the modern world and their own political realities has led to several somewhat novel assertions of this kind. For instance, as was remarked in the last chapter, many Shīʿīs today regard active, dynamic *ijtihād* as peculiar to Shīʿism; some are also pleased to think of Shīʿism as uniquely rational. Shīʿism has been perceived by some participants in the tradition to be particularly sensitive to the rights of women, or to be a movement of revolution. Of course, neither *ijtihād* nor Shīʿī rational theology is original to Shīʿism or compatible with some of its own canonical texts; nor have they functioned in the past in the wide and active sense understood by these persons. And Shīʿism has more often been quietist than "revolutionary." Since, however, Shīʿīs choose this self-view, as far as they are participants in the tradition, it becomes so. Such perceptions, however acquired, will have a significant impact on behavior. Thus, for instance, whatever the historical reality of the perception of Shīʿism as radical or revolutionary,[9] as a self-view it is real, and has the potential to make history.

Self-views are also formed through a process of differentiation of the self from an "other." The long history of polemics between Shīʿism and Sunnism indicates that they have often been involved together in this dynamic. Originally common positions—for instance, as Blankinship and Walker relate, similar accounts of the event of Ghadīr Khumm, or, as Shaykh Shams al-Din points out, a similar tendency to exalt founding figures—have become obscured. The core of Shīʿī self-differentiation from Sunnism has been its particular reading of history, which matches ʿAlī and the line of legitimate imāms against a record of betrayal and persecution (even though, as Blankinship and Ahmad Kazemi Moussavi point out, the actual relations of ʿAlī and his descendants with their non-Shīʿī contemporaries and supposed enemies were cordial). Professor Shahidi imparts some of this view. Sunnism, for its part, has differentiated itself from Shīʿism, and thus consolidated its view of itself as "moderate" and "orthodox," by portraying the Shīʿah as

[9] Nikki Keddie discusses this issue in her essay in the last chapter. She also argues that the "revolutionary" self-view is not as widespread as often thought.

heterodox, extremist, or even foreign to Islam; this is the view refuted by Shams al-Din. Differentiation may also take more subtle forms. The Shīʿī self-views cited in the previous paragraph, for instance, implicitly posit Sunnism as the other. Ayatollah Misbah-Yazdi uses Sunnism in a similar way as an antithesis to confirm the necessity of an inerrant imām.

Here, however, we will focus on lesser-known trends that have *moderated* the process of self-differentiation. One trend results from the efforts of the Shīʿah, under pressure from the larger community, to maintain an ideal image of self by significantly adjusting that image. If Shīʿīs have been portrayed as "extreme" and even outside the pale of Islam, they have sometimes reacted by discarding or moderating some of their less well-regarded beliefs. As Moussavi points out, the locus of many of these beliefs has been the Shīʿī Traditions; the tendency of Uṣūl Shīʿism to downgrade the *ḥadīth* in the process of interpretation may be partly attributed to a desire to put some of their "extremist" heritage behind them. The doctrine of *badāʾ* or the choosing of an action by God other than that which He had originally destined, the view that the Shīʿī community alone are true believers, extravagant claims about the powers and personalities of the imāms, and the idea that the ʿUthmānic Qurʾān in our hands today has been altered to obscure the rights of the imāms—all of which have their origin in the Tradition—had already been moderated or discarded by the fourth/tenth century. With the exception of *badāʾ*, these beliefs have at most a limited place in the Shīʿī self-view today. In fact, alteration or *taḥrīf* of the Qurʾān has become a issue of a different kind for Shīʿīs, as they passionately argue that it is nothing more than a calumny of the Sunnīs against them.

This view of the Shīʿah of themselves as "moderate" does seem to have support in the historical record. According to Moussavi, extreme Shīʿī beliefs developed in isolation from the more moderate views of the imāms, propagated by traditionists who did not have much contact with them. Shams al-Din cites texts in the *ḥadīth* record itself that portray the imāms as disapproving of certain beliefs of their Companions. This circumstance, however, raises problems of a different kind. For if important Companions of the imāms on whose authority we have the *ḥadīth* literature are unreliable—if, in fact, the imāms themselves are recorded as having criticized them—on what does the integrity of the Shīʿī *ḥadīth* record rest? The Shīʿīs cannot, as the Sunnīs do, exonerate the imāms by condemning the *ḥadīth* transmitters. Liyakatali Takim describes the delicate operation through which Shīʿī scholars have managed to maintain their self-view, repudiating extreme beliefs while preserving the integrity of both the imāms and the traditionists.

The dynamic of self-differentiation has also been moderated by Shīʿī borrowing from Sunnī thought. This process and the transition from Traditionalism to legal reasoning it helped to bring about are described by Moussavi. The familiarity of Shīʿī scholars with Sunnī juristic and modernist thought and their willingness to draw on Sunnī works of this kind are evident

in several essays in this volume. Even where the source is not explicitly cited—as in Mohaghegh-Damad's discussion of *maṣlaḥah* or Ayatollah Taskhiri's reference to the *maqāṣid* or "underlying goals" of the *sharīʿah*—we may be justified in postulating a Sunnī background, as the Sunnī texts (for instance, of Ghazālī, Ṭūfī, and Shāṭibī) are known and discussed by Shīʿī scholars, or at least the more learned among them.

Sunnīs have not been so receptive to formal Shīʿī thought. Although there have been gestures by important Sunnī figures toward Shīʿism, Shīʿī thought tends to be regarded, *a priori*, as tainted by heterodoxy, due to the mechanism described above. Sunnīs have, however, assimilated the founding figures of Shīʿism into their worldview; as Moussavi relates, some even professed *al-tashayyuʿ al-ḥasan* or "moderate Shīʿism" on this basis. In this area, Shīʿīs have not been able to reciprocate; they have not been able to accommodate Sunnī heros such as Abū Bakr and ʿUmar. This is because sectarian history (which is also the basis of an elaborate mythology, discussed in the next chapter) is so absolutely central to the Shīʿī worldview. Thus the main fault lines between the Shīʿī and Sunnī worldviews persist.

At the moment of this writing, political realities seem to be working in favor of moderating self-differentiation. At the level of international politics, states and rulers in the past have both used sectarian difference to consolidate their power and minimized it in order to facilitate foreign policy. Episodes of both kinds are discussed by Moussavi. At present, the one Shīʿī state, the Islamic Republic of Iran, has found it expedient to emphasize commonalities with Sunnīsm in order to allow a wider scope for its foreign policy and thus balance Western opposition. As Iran has moderated its revolutionary stance and the perceived threat from it has subsided, Sunnī states such as Saudi Arabia have also moved closer to what might be regarded as their natural position—building relations with Muslim polities in order to fortify their own position and counterbalance Western influence.

It is true that political equations at the level of the nation-state have more often led to accentuation than muting of differences between the sects—for instance, in Iraq, Bahrain, Afghanistan, and Pakistan. This trend, however, is not universal, as witness the relatively good relations between Shīʿīs and Sunnīs in Kuwait and Lebanon, both secured by political expediency. In the Lebanese case, it was the lengthy civil war that brought the two sides (whose previous relation had more resembled that of master and servant) together as allies. Sunnī and Shīʿī in Lebanon now form one powerful Muslim bloc balanced against Christian elements.

Individual Shīʿīs and Sunnīs must also deal in a modern world with a wider political context, again including the reality of Western domination. This often disposes them, at least at crucial moments and among those less attached to popular religion, to overlook sect in favor of a simple "Muslim" identity transcending both national and sectarian boundaries. Because it rests more on

politics than religion, such Muslim identity tends to press sectarian differences further into the background.

In the final analysis, however, arrangements and impulses imposed by political necessity cannot in themselves reverse long-established habits of self-differentiation. They can only suppress them, as long as the necessity lasts. Politics moves and changes quickly; the complex of self-views and views of the other resists change. For this reason, despite common political interests, the pattern of Shīʿī-Sunnī rapprochement has remained one of individual ventures on the part of a few intellectuals and *ʿulamāʾ*, rather than a sustained movement with a wide base. The rapprochement initiated by Shaykh Shaltūt, Rector of al-Azhar, and Ayatollah Burūjirdī in the 1950's is one example. The movement launched by their personalities and personal relationship could not be finally institutionalized. Shīʿism was not permanently included in the Azhar curriculum, and the institute and publications that were to carry the movement forward were closed down by Sadat after the Islamic Revolution, then moved to Tehran. To return to the case of Lebanon, a long prepatory period of dialogue between pioneer *ʿulamāʾ* reaching back to the beginning of this century has also produced landmarks, but limited change in the landscape. We may mention the efforts of the famous Shīʿī *ʿālim* Muḥsin Amīn (d. 1952), who promoted "doctrinal unity" (*tawḥīd al-kalimah*), and of the Shīʿī ʿAbd al-Ḥusayn Sharaf al-Dīn (d. 1957), for instance in his influential work *al-Murājaʿāt* ("Re-Statements"), in which he reproduces an exchange of irenic letters between himself and a Sunnī shaykh.[10] During the civil war, the Sunnī learned divine Saʿīd Shaʿbān (d. 1999) founded the "Union of Muslim Scholars" or *Tajamuʿ al-ʿUlamāʾ al-Muslimīn*. More recently, the head of the Lebanese "Supreme Shiite Council" Muhammad Mahdi Shams al-Din (whose essay appears in the first chapter of this volume) has attempted to put sectarian history aside and at the same time make a place for popular sovereignty by declaring that Shīʿism and Sunnism are no more than two "trends" (*tayār*) of Islam, and that since both the Shīʿī imamate and Sunnī caliphate are unrealizable ideals, the rule for both groups has become "the guardianship of the community over itself" (*wilāyat al-ummah ʿalā nafsih*). Muḥammad Ḥusayn Faḍl Allāh, sometimes identified as the "spiritual head of Hizbollah," often seems to address his *fatwās* to a general Muslim, rather than a Shīʿī audience. He has declared ahistorical the Shīʿī sectarian tale that pictures the Caliph ʿUmar or his servant striking Fāṭimah and causing her child to abort. Here Faḍl Allāh prefers history to the traditional sectarian self-view—a bold move.

Faḍl Allāh's ventures have met, however, with much resistance—as have those of other *ʿulamāʾ* and intellectuals who have trodden a similar path. His view of the incident of ʿUmar and Fāṭimah, for instance, actually inspired demonstrations against him during the pilgrimage season. Such resistance is largely centred in popular religion. For the worldview and rituals of popular

[10] An English translation of this work is available at www.al-islam.org.

religion are firmly anchored in sectarianism, and its adherents are more inclined to interpret the world from the viewpoint of their local environment, than place the local environment in wider political contexts. Popular religion remains a powerful force within Shīʿism; this and other diverse trends are discussed in the next section.

THE IMĀMĪS BETWEEN RATIONALISM AND TRADITIONALISM

Christopher Melchert

A leading theme in the history of Islamic theology and law has been the opposition of rationalism and traditionalism. Rationalists have generally been inclined to rely on reason to elaborate theology and the law, while traditionalists have relied on the evidence of scripture, mainly the Qurʾān and *ḥadīth* reports.[1] The leading theological parties of the ninth and tenth centuries C.E. are usually identified as the *Ahl al-Sunnah* (Sunnīs), the Muʿtazilīs, and the Shīʿah, with the Sunnīs generally seen as the "traditionalists" and the Muʿtazilīs as rationalists.[2] These labels, however, are misleading. "*Ahl al-sunnah*" was certainly one of the traditionalists' names for themselves, but the traditionalist program of the ninth century was much narrower than later Sunnism and it only confuses matters to refer to the traditionalists as Sunnīs. As for the Muʿtazilīs, to identify all rationalists with them is to exaggerate their importance and correspondingly to neglect other groups of rationalists. A wing of the nascent Ḥanafī school of law provides one example of non-Muʿtazilī rationalism: the assault on tradition by al-Maʾmūn's Inquisition was inspired by Ḥanafīs, not Muʿtazilīs.[3] It is better to conceive of the main opposing parties simply as traditionalists (respecting only scriptural sources of law and theology) and rationalists (including the Muʿtazilīs but not limited to them).

In the middle stood a third party who might have called themselves the *mutakallimūn* of the Ahl al-Sunnah—the systematic theologians of the

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[1] Note that I use "traditionalist" to denote a theological position, reliance on scriptual sources, and "traditionist" to denote a collector of *ḥadīth* reports (traditions). The terminology goes back to George Makdisi, "Ashʿarī and the Ashʿarites in Islamic Religious History," *Studia Islamica* 17 (1962): 49.

[2] E.g., *GAS* 1, chaps. 5, 6.

[3] See *EI*[2], s.v. "Miḥna," by Martin Hinds, with fairly full references to sources and previous studies.

traditionalists—but whom I shall call the "semi-rationalists."[4] In theology, they took up the tools of *kalām* (systematic theology) in defense of traditionalist doctrines. In jurisprudence, they formally based their opinions on the evidence of textual sources, mainly the Qurʾān and *ḥadīth*, rather than common sense or the opinions of earlier jurists.[5] Unlike traditionalist jurists, however, they sometimes disparaged overemphasis on *ḥadīth*, applied rational procedures to the evidence, and elaborated *uṣūl al-fiqh*, the theory of jurisprudence. They were often identified with the nascent Shāfiʿī school of law.

The Shīʿah may also be identified in terms of rationalism and traditionalism. It has become a commonplace that most of the Shīʿah of the ninth and tenth centuries were traditionalists, unlike the Imāmīs of the eleventh century and after.[6] Early Shīʿī jurists staunchly rejected *raʾy* (personal opinion), *qiyās* (analogy), and even *ijtihād* (interpretive reasoning), which they identified with impermissible *raʾy*.[7] Abdulaziz Sachedina has observed that traditional (*samʿī*) evidence was decisive for Ibn Bābawayh (d. 381/991-992), whereas the evidence of reason was decisive for al-Shaykh al-Mufīd (d. 413/1022?) and later Imāmī writers.[8] My own investigations in the biographical literature suggest this modification: that the supposedly traditionalist Shīʿah of the ninth and tenth centuries were in fact largely a semi-rationalist middle party—traditionalist, perhaps, by self-definition and intention, but willing to argue for their position in rationalist style. These Shīʿah were similar to other semi-rationalists such as the Shāfiʿīs with whom they were often aligned. The actual traditionalists bitterly opposed this

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[4] For more on this party, see Christopher Melchert, "The Adversaries of Aḥmad Ibn Ḥanbal," *Arabica* 44 (1997): 234-253. Josef van Ess suggests the name *ahl al-ithbāt* for this group, but it was not a term they used of themselves; moreover, it refers to a theological issue of the ninth century, the nature of God's attributes, whereas "semi-rationalist" also suggests their characteristic juridical position. See: "Ibn Kullāb und die Miḥna," *Oriens* 18-19 (1965-1966):92-141, trans. with additional notes by Claude Gilliot, "Ibn Kullāb et la *Miḥna*," *Arabica* 37 (1990):173-233.

[5] The books of Muḥammad ibn al-Ḥasan al-Shaybānī (d. 189/805) and Saḥnūn (d. 240/854) typify rationalist methods: *ḥadīth* reports may be quoted, but the decisive voice is usually common sense or an earlier jurisprudent, most often Abū Ḥanīfah for Shaybānī, Mālik for Saḥnūn. Aḥmad Ibn Ḥanbal typifies traditionalism: asked whether he preferred the *Jāmiʿ* of Sufyān al-Thawrī or the *Muwaṭṭaʾ* of Mālik, he answered: "Neither the one nor the other: incumbent on you is *athar*" (i.e. *ḥadīth* reports, whether from the Prophet or his Companions; Ibn Abī Yaʿlā, *Ṭabaqāt al-Ḥanābilah*, ed. Muḥammad Ḥamīd al-Fiqī, 2 vols. [Cairo: Maṭbaʿat al-Sunnah al-Muḥammadīyah, 1371/1952], I, 207). The juridical works of the leading semi-rationalists Karābīsī, Abū Thawr, and Dāwūd al-Ẓāhirī are not extant, but examine the *Mukhtaṣar* of Muzanī, Shāfiʿī's Egyptian disciple, and *Tahdhīb al-āthār* of Ṭabarī: their semi-rationalism falls somewhere between the two extremes.

[6] See Moojan Momen, *An Introduction to Shīʿī Islam: The History and Doctrines of Twelver Shīʿism* (New Haven: Yale Univ. Press, 1985), 74-79.

[7] Hossein Modaressi, "Rationalism and Traditionalism in Shīʿī Jurisprudence: A Preliminary Survey," *Studia Islamica* 59 (1984): 148ff.

[8] Abdulaziz Sachedina, "A Treatise on the Occultation of the Twelfth Imāmite Imam," *Studia Islamica* 48 (1978): 109-124, esp. 111-116.

semi-rationalist middle party, and Ḥanbalī opposition to the Imāmīs in the tenth century seems to be a continuation of Ḥanbalī opposition to other semi-rationalists in the ninth.

The Proto-Imāmīs between Rationalism and Traditionalism

The Imāmīs or Twelver Shīʿah did not assume a recognizable form before the early tenth century. However, there was a party loyal to the correct series of imāms going back to the time of Jaʿfar al-Ṣādiq that they recognized as their predecessors. The views of certain of these predecessors later accused of anthropomorphism have been cited as proof that the Imāmīs were originally traditionalists. Actually, they seem to have occupied a middle position. Hishām ibn al-Ḥakam (d. 179/795-796?), an associate of Jaʿfar al-Ṣādiq later prominent in Imāmī *ḥadīth* literature, was accused after his death of assigning a body to God (*tajsīm*). In his own time, however, he was no extreme traditionalist; he is said to have been a Jahmī before his conversion at the hands of Jaʿfar.[9] His later position concerning the Qurʾān was to propose that it was a *ṣifah* (character) of God's, hence not to be called "creature" or "creator"[10]; the later Muʿtazilī leader Abū al-Qāsim al-Balkhī (d. 319/931?) was identified with a similar position, surely indicating that Hishām was not notably traditionalist.[11] Stories are related of Hishām's repudiation by the imāms Mūsā al-Kāẓim, ʿAlī al-Riḍā, and Muḥammad al-Jawād; these accounts presumably emanated from more traditionalist Imāmīs.[12]

The evidence strongly suggests that the Nishapuran al-Faḍl ibn Shādhān (d. 260/873-874) also sought a middle position. Ibn Shādhān apparently wrote a *Kitāb al-sunan*, normally the hallmark of a traditionalist, as well as at least one book against the *falāsifah* (pure rationalists).[13] In a semi-rationalist direction, on the other hand, he produced a collection of juristic problems as considered by the prominent semi-rationalists Abū Thawr, Shāfiʿī, Dāwūd

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[9] Kashshī, *Rijāl*, ed. al-Sayyid Aḥmad al-Ḥusaynī (Karbala: Muʾassasat al-Aʿlamī lil-Maṭbūʿāt, n.d.), 220ff, 229.

[10] Abū al-Ḥasan al-Ashʿarī, *Die dogmatischen Lehren der Anhänger des Islam*, ed. Helmut Ritter, 2d ed. (Wiesbaden: Franz Steiner, 1963), 582. "Neither creator nor create" is the position that traditionalists remembered of Jaʿfar al-Ṣādiq himself; e.g., ʿAbd Allāh ibn Aḥmad, *Kitāb al-sunnah*, ed. Muḥammad ibn Saʿīd ibn Sālim al-Qaḥṭānī (Dammam: Dār Ibn al-Qayyim, 1406/1986), I, 151ff.

[11] Ashʿarī, *Dogmatischen Lehren*, 582.

[12] Kashshī, *Rijāl*, 237ff.

[13] *Kitāb al-sunan* is named by Ibn al-Nadīm, *Kitāb al-fihrist*, ed. Gustav Flügel, with Johannes Roediger and August Mueller (Leipzig: F. C. W. Vogel, 1872), 231; Najāshī, *Rijāl*, II, 169. Ṭūsī ascribes *Kitāb al-sunan* to another scholar by the same name in *al-Fihrist*, ed. Muḥammad Ṣādiq Āl Baḥr al-ʿUlūm (Najaf: al-Maṭbaʿah al-Ḥaydarīyah, 1356/1937), 151. Najāshī also names a *Kitāb al-radd ʿalā al-falāsifah* (*Rijāl*, II, 169), while Ṭūsī names a *Kitāb al-radd ʿalā man yaddaʿī al-falsafah fī al-tawḥīd wa-al-aʿrāḍ wa-al-jawāhir wa-al-juzʾ* (*Fihrist*, 150). In Ibn al-Nadīm's catalogue of books by traditionalist jurisprudents (*fuqahāʾ ahl al-ḥadīth*), over half the authors named are credited with a book concerning jurisprudence called *Kitāb al-sunan* (Ibn al-Nadīm, *Fihrist*, 225-236).

al-Ẓāhirī, and others.[14] He also refuted the Ḥashwīyah (extreme traditionalists) and dealt with classic questions of *kalām*.[15] His credo included the assertion that God has a body (*kalām* speculation in the line of Hishām ibn al-Ḥakam), but also the traditionalist dogma that the words God has used to describe himself mean some unexplained thing other than what they mean when applied to creatures.[16] It seems clear, in sum, that al-Faḍl ibn Shādhān was no traditionalist; he was rather another figure in the middle.

Ibn Shādhān's Nishapuran contemporary Abū Yaḥyā al-Jurjānī appears to have been another Shīʿī (proto-Imāmī) semi-rationalist caught in the conflict between semi-rationalism and extreme traditionalism. Like Ibn Shādhān, he wrote against the Ḥashwīyah.[17] At one point he was threatened with mutilation and death for falsifying *ḥadīth* by the governor of Khurasan, Muḥammad ibn Ṭāhir (r. 248-259/862-863-872-873). Among those who had denounced him to the governor was said to be a Muḥammad ibn Yaḥyā al-Rāzī, possibly identical with the traditionalist leader Muḥammad ibn Yaḥyā al-Dhuhlī (d. 258/872).[18] The charge of falsifying *ḥadīth* was refuted with the help of the famous traditionist Muslim (d. 261/875), who had himself broken with Muḥammad ibn Yaḥyā al-Dhuhlī over Muslim's characterization of the pronunciation of the Qurʾān as create.[19]

Nor was the Qummī school of the later ninth century thoroughly traditionalist. ʿAbd Allāh ibn Jaʿfar (fl. 290's/902-912), who moved between Qum and Kufah, is credited with a *Kitāb al-tawḥīd wa-al-istiṭāʿah wa-al-afāʿīl wa-al-badāʾ*, a book on "the ascription of divine unity, human capacity to act,

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[14] Ṭūsī, *Fihrist*, 150ff.

[15] Najāshī, *Rijāl*, II, 168ff. On the equation of the Ḥashwīyah with the traditionalists around Aḥmad, see A. S. Halkin, "The Hashwiyya," *Journal of the American Oriental Society* 54 (1934):1-28.

[16] Ṭūsī, *Ikhtiyār maʿrifat al-rijāl*, ed. Ḥasan al-Muṣṭafawī (Mashhad: Dānishgāh-i Mashhad, 1348 H.Sh./1970), 540.

[17] Ṭūsī, *Fihrist*, 58ff; Ibn Shahrāshūb, *Maʿālim al-ʿulamāʾ*, ed. Muḥammad Ṣādiq Āl Baḥr al-ʿUlūm (Najaf: al-Maṭbaʿah al-Ḥaydarīyah, 1380/1961), 22ff.

[18] Dhuhlī also wrote letters warning Aḥmad Ibn Ḥanbal and Abū Zurʿah al-Rāzī about the heresy of Dāwūd al-Ẓāhirī that the Qurʾān was *muḥdath* (that it had appeared in time) and had Bukhārī expelled from Nishapur for suggesting his pronunciation of the Qurʾān was create. Al-Khaṭīb al-Baghdādī, *Tārikh Baghdād*, 14 vols. (Cairo: Maktabat al-Khānjī, 1349/1931), II, 31; VIII, 373ff; Ibn Abī Yaʿlā, *Ṭabaqāt*, I, 58; Dhahabī, *Siyar aʿlām al-nubalāʾ*, 25 vols. (Beirut: Muʾassasat al-Risālah, 1401-9/1981-88), XIII (ed. ʿAlī Abū Zayd, 1403/1983), 99, 103 = Dhahabī, *Tārikh al-Islām*, ed. ʿUmar ʿAbd al-Salām Tadmurī, 32 vols. to date (Beirut: Dār al-Kitāb al-ʿArabī, 1407 or 08/1987—), XX (A.H. 261-280), 92.

[19] Khaṭīb, *Tārikh*, II, 31; XIII, 103; Dhahabī, *Siyar*, XII (ed. Ṣāliḥ al-Samar 1404/1983), 460, 572 = *Tārikh* XIX (A.H. 251-260), 270; XX (A.H. 261-280), 188. Abū Yaḥyā's story is told by Kashshī, *Rijāl*, 447. Among Abū Yaḥyā's books, Ṭūsī names a *Kitāb al-radd ʿalā al-Ḥanbalī*, which might have been directed against Dhuhlī in particular (*Fihrist*, 59); Muḥammad ibn Yḥayā (i.e. Dhulī) is quoted as naming Aḥmad Ibn Ḥanbal his imām in matters between himself and his lord, that is in theology (Dhahabī, *Siyar*, XII, 282 = *Tārikh al-Islām* XIX [A.H. 251-260], 341). (However, the title appears as the more general *al-Radd ʿalā al-Ḥanbalīyah* in Ibn Shahrāshūb, *Maʿālim*, 23.)

the nature of actions, and whether God may change his mind" dealing with classic problems of *kalām*.[20] Saʿd ibn ʿAbd Allāh (d. 301/913-914?), sometimes said to have met the twelfth imām, is credited with a long series of books on juristic questions as well as books on the good and bad of traditionists; however, he is also credited with theological works, including a refutation of the Mujbirah, the Shīʿī term for semi-rationalists like the Ashʿarīs, and a *Kitāb al-istiṭāʿah*, discussing a principal question of the Muʿtazilīs.[21] ʿAlī ibn ʿAbd Allāh, another, probably later Qummī, wrote a *Kitāb al-istiṭāʿah alā madhhab ahl al-ʿadl*, a book on divine and human responsiblity for our actions according to the doctrine of the Muʿtazilīs.[22]

In the next century too, the supposedly traditionalist wing of the Imāmīs looks in many ways more like the middle group with whom the Ḥanbalīs were so angry. Ibn Duʾal al-Qummī (d. 350/961-962) is credited with a *Kitāb al-sunan*, usually the sign of a traditionalist.[23] On the other hand, *Kitāb khalq al-ʿarsh* or "Book of the Creation of the Throne" sounds more like a work in the semi-rationalist middle range.[24] Abū Ṭālib (d. Wāsiṭ, 356/966-967) wrote a book on *tawḥīd* (divine unity), *ʿadl* (divine justice), and the imamate, all of which point to engagement with the Muʿtazilīs.[25] Similarly, the famous Ibn Bābawayh was a leader of the anti-Muʿtazilī school of Qum, but he was no thorough traditionalist. For example, he denied the possibility of seeing God in the afterlife and asserted that men's actions were create, although by "pre-estimation" (*taqdīr*) rather than "production" (*takwīn*).[26] These seem typical formulations of the semi-rationalist middle, reminiscent of the moderate theologian Abū al-Ḥasan al-Ashʿarī (d. 324/935-936?). On occasion Ibn Bābawayh strikingly endorses the doctrines of previous semi-rationalists; for example, Dāwūd al-Ẓāhirī's doctrine of a *muḥdath* Qurʾān that was increate but had appeared in time.[27]

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[20] Ṭūsī, *Fihrist*, 128. Cf. Najāshī, *Rijāl*, II, 18ff. Although *istiṭāʿah* might sometimes refer to the question of when the pilgrimage to Makkah becomes incumbent (see Kashshī, *Rijāl*, 131, 133), in the context of *al-afāʿīl* it almost certainly refers to the question of human and divine responsibility for our actions, one of the two questions over which Aḥmad Ibn Ḥanbal expressly disagreed with the Muʿtazilah (Ibn Abī Yaʿlā, *Ṭabaqāt*, I, 145, 184; cf. I, 343).

[21] Najāshī, *Rijāl*, I, 402ff.

[22] Ibid., II, 77.

[23] Ibid., 232.

[24] Ibid., 233.

[25] Ibid., 42.

[26] Wilferd Madelung, "Imamism and Muʿtazilite Theology," 17, 19f. in T. Fahd, ed., *Le Shīʿisme imāmite* (Paris: Presses universitaires de France, 1979), repr. in *Religious Schools and Sects in Medieval Islam* (London: Variorum Reprints, 1985).

[27] Ibn Bābawayh, *Kitāb al-tawḥīd*, ed. Hāshim al-Ḥusaynī al-Ṭihrānī (Tehran: Maktabat al-Ṣadūq, 1387/1967-68; reprint, Beirut: Dār al-Maʿrifah, n.d.), 227, 229.

The Assault on Ṭabarī

The first notable target of Ḥanbalī activism in the tenth century was the historian, Qurʾānic commentator, and jurist Muḥammad ibn Jarīr al-Ṭabarī (d. 310/923). At the end of his life the Ḥanbalīs virtually blockaded his house, preventing anyone from coming to study under him.[28] He is said to have been buried by night, for the Ḥanbalīs had met and prevented his burial by day.[29] Other Ḥanbalīs had done something similar almost seventy years before to Muḥāsibī (d. 243/857-858), whom Aḥmad had disparaged for engaging in *kalām*.[30]

In jurisprudence, Ṭabarī is certainly to be identified with the semi-rationalist Shāfiʿī position; for a time, he followed his teacher Dāwūd al-Ẓāhirī in jurisprudence.[31] Our earliest extant biographical dictionary of the Shāfiʿīs counts Ṭabarī among them, even though most later biographers count him the founder of his own school.[32]

Ṭabarī belongs in a treatment of Shīʿī semi-rationalism because the Ḥanbalīs seem to have taken him for a Shīʿī. We have four accounts of why the Ḥanbalīs were angry with Ṭabari. The best known admittedly has nothing to do with Shīʿism: that Ṭabarī offended the Ḥanbalīs by dismissing Aḥmad Ibn Ḥanbal as merely a traditionist and not a jurist. It is true that Ṭabarī omits to cite Aḥmad's opinions alongside the opinions of other jurists in the extant portions of his book on juridical controversies. However, this account of the conflict comes only from the tendentious Ibn al-Athīr;[33] although it is repeated by later writers, it is not found in earlier works such as those of Ibn Miskawayh (d. 421/1030) and al-Khaṭīb al-Baghdādī (d. 463/1071).

A second explanation is that Ṭabarī offended the Ḥanbalīs by proposing a different interpretation of one or another verse of the Qurʾān, in effect denying

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[28] Al-Ḥākim al-Naysābūrī, *Tārīkh Naysābūr*, *apud* Dhahabī, *Siyar* XIV, (ed. Shuʿayb al-Arnaʾūṭ & Ibrāhīm al-Zaybaq, 1403/1983), 272 = *Tārīkh* XXIII (A.H. 301-320), 281; Khaṭīb, *Tārīkh*, II, 164.

[29] Ibn Miskawayh, *The Concluding Portions of "The Experiences of the Nations"* I: *Reigns of Muqtadir, Qahir and Radi*, ed. H. F. Amedroz, The Eclipse of the ʿAbbasid Caliphate I (Oxford: Basil Blackwell, 1920), 84; Thābit ibn Sinān, *Tārīkh*, *apud* Ibn al-Jawzī, *al-Muntaẓam fī tārīkh al-mulūk wa-al-umam*, ed. Muḥammad ʿAbd al-Qādir ʿAṭā & Muṣṭafā ʿAbd al-Qādir, 19 vols. (Beirut: Dār al-Kutub al-ʿIlmīyah, 1412/1992), XIII, 217. Both accounts implicate *al-ʿāmmah* ("the general"), not Ḥanbalīs. However, both go on to explain why the Ḥanbalīs were angry with Ṭabarī, while Ibn Kathīr changes the term to *ʿāmmat al-Ḥanābilah* (*al-Bidāyah wa-al-nihāyah fī al-tārīkh*, 14 vols. [Cairo: Maṭbaʿat al- Saʿādah, 1351-58/1932-39], XI, 14). On *al-ʿāmmah* as a synonym for the Ḥanbalīs, see Simha Sabari, *Mouvements populaires à Bagdad à l'époque ʿabbaside, IXe-XIe siècles* (Paris: Adrien Maisonneuve, 1981), 148, n. 18.

[30] Sulamī (*Kitāb miḥan al-Ṣufīyah*), *apud* Khaṭīb, *Tārīkh* VIII, 215ff.

[31] Ibn al-Nadīm, *Fihrist*, 234; Khaṭīb, *Tārīkh*, VIII, 373.

[32] ʿAbbādī, *Kitāb ṭabaqāt al-fuqahāʾ al-Shāfiʿīyah*, ed. Gösta Vitestam, (Leiden: E. J. Brill, 1964), 52; Ibn al-Ṣalāḥ al-Shahrazūrī, *Ṭabaqāt al-Shāfiʿīyah*, ed. and abr. al-Nawawī, Hamidiye (Istanbul) 537, 7b.

[33] *Al-Kāmil fī al-tārīkh*, ed. C.J. Tornberg, 13 vols. (repr. Beirut: Dār Ṣādir, 1385-86/1966-67), VIII, 134.

Muḥammad an honor at the Resurrection (being seated on God's Throne) that the Ḥanbalīs insisted was his; or alternatively, interpreting away an anthropomorphism ("his two hands are extended").[34] This explanation seems more likely, for we hear of bloody fighting between the Ḥanbalīs and followers of Ṭabarī over the enthronement of Muḥammad in the year 317/927-928.[35] On the other hand, there is surprisingly little evidence for such interpretations from Ṭabarī's Qurʾān commentary.[36]

The third explanation is that Ṭabarī was accused of *rafḍ*, extreme Shīʿism.[37] In particular, he was said to favor the Shīʿī juridical position concerning the ritual purification of the shod feet before prayer. The evidence seems clearly against Ṭabarī's being an extreme Shīʿī. Dominique Sourdel has examined both Ṭabarī's creed and his commentary on the Qurʾān for indications of Shīʿī positions at famous points of disagreement. His finding is "never."[38] In addition, Ṭabarī is said to have denied that the eleventh imām Ḥasan al-ʿAskarī had any children, and asserted that whoever did not acknowledge Abū Bakr and ʿUmar as rightly guided imāms should be killed.[39] Finally, Shīʿī scholars do not count him one of themselves.[40]

Yet Ṭabarī did have some Shīʿī followers. Two Imāmīs who related *ḥadīth* reports of Ṭabarī were Muḥammad ibn ʿAbd Allāh al-Qaṭṭān (d. 378/988), also sometimes said to have been a Muʿtazilī,[41] and Abū al-Mufaḍḍal al-Shaybānī (d. 387/997).[42] The Mesopotamian Imāmī ʿAlī ibn Muḥammad al-ʿAdawī wrote a continuation of Ṭabarī's history comprising about three thousand folios.[43] Among Ṭabarī's most prominent followers in the tenth century was al-Muʿāfā ibn Zakarīyā al-Nahrawānī (d. 390/1000), an expert in grammar and lexicography as well as jurisprudence and *ḥadīth*. Nahrawānī was said to relate many of the *ḥadīth* reports to which the Shīʿah inclined,[44] and among his

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[34] Yāqūt, *The Irshād al-arīb ilá maʿrifat al-adīb*, ed. D. S. Margoliouth, 7 vols. (Leiden: E. J. Brill, 1907-27), VI, 436, concerning Q.17.79; Ibn al-Jawzī, *Muntaẓam*, XIII, 217 concerning Q.5.64. On the controversy over Q.17.79, see the helpful summary by Franz Rosenthal, "General Introduction," *The History of al-Ṭabarī*, 38 vols. (Albany: State University of New York Press, 1985-), I, 71-77.

[35] Ibn al-Athīr, *Kāmil*, VIII, 213. Ibn al-Athīr does not name Ṭabarī, but the occasion of the fighting, the interpretation of Q.17.79, was one over which Ṭabarī had been at odds with the Ḥanbalīs in his lifetime. See previous note.

[36] See Rosenthal, "Introduction," I, 71-77.

[37] Ibn Miskawayh, *Concluding Portions*, I, 84; Ibn al-Jawzī, *Muntaẓam*, XII, 217.

[38] See Dominique Sourdel, "Une Profession de foi de l'historien al-Ṭabarī," *Revue des études islamiques* 36 (1968):177-199.

[39] Dhahabī, *Siyar*, XIII, 122, 275 = *Tārīkh*, XXIII (A.H. 301-320), 281; Ibn Ḥajar, *Lisān al-Mīzān*, 7 vols. (Hyderabad: Majlis Dāʾirat al-Maʿārif, 1329-31/ 1911-1912/13), V, 101.

[40] "He was *ʿāmmī* of *madhhab*," comments Ṭūsī, *Fihrist*, 178.

[41] Baghdādī, *Tārīkh*, V, 465; Dhahabī, *Mīzān al-iʿtidāl*, ed. ʿAlī Muḥammad al-Bijāwī, 4 vols. (Cairo: ʿĪsā al-Bābī al-Ḥalabī, 1382/1963), III, 606; Ibn Ḥajar, *Lisān*, V, 224, 229ff.

[42] Dhahabī, *Mīzān*, III, 607. He may have been particularly interested in Ṭabarī's researches on Ghadīr Khumm: see Najāshī, *Rijāl*, II, 322.

[43] Najāshī, *Rijāl*, II, 94.

[44] Khaṭīb, *Tārīkh*, XIII, 231.

leading authorities was Muḥammad ibn Hammām (d. 332/944), also a leading authority of the Imāmī Ibn Abī Zaynab al-Nuʿmānī (d. ca. 360/970-971).[45] Moreover, the leader of the Ḥanbalīs against Ṭabarī is usually said to have been Abū Bakr Ibn Abī Dāwūd (d. 316/929), a prominent traditionist notorious for aspersing ʿAlī.[46] Whatever Ṭabarī's actual personal views, it is entirely plausible that the Ḥanbalīs should have associated him with Shīʿism.

The last explanation of why the Ḥanbalīs so adamantly opposed Ṭabarī is that he upheld a heresy concerning the pronunciation of the Qurʾān (*lafẓ*).[47] Although it comes in only a fairly late source, this confirms his identification as a semi-rationalist. Whatever the chief reason for Ḥanbalī hostility, the Ḥanbalīs seem to have gone after Ṭabarī both as a member of the hated middle party (thus he was attacked for *lafẓ* and anti-literalistic interpretations of the Qurʾān) and as dangerously close to the Shīʿah (thus he was accused of *rafḍ* and supporting the Shīʿī position on ritual purification of the shod feet, *al-masḥ ʿalā al-khuffayn*). Ṭabarī's attackers apparently considered the semi-rationalists and Shīʿah to be in the same camp. His persecution was in fact the first blow in a long struggle by the Ḥanbalīs of Baghdad against the Shīʿah. The Ḥanbalīs must have seen this struggle not as a new endeavor or major reorientation but rather as a continuation of their opposition to the semi-rationalists in the ninth century.

Shīʿīs among the Shāfiʿīs

It is not surprising that Shīʿism and semi-rationalism were not entirely distinct in the minds of the Ḥanbalīs for, apart from the semi-rationalism of the Shīʿah in their own school, there were a number of Imāmī Shāfiʿīs. The Shīʿī bibliographer Ibn al-Nadīm (fl. 377/987) says of Shāfiʿī himself that he was strongly Shīʿī.[48] He expressly points out another man who was outwardly a Shāfiʿī but inwardly a Shīʿī (of the Imāmī school): one Abū al-Ḥasan Muḥammad ibn Aḥmad ibn Ibrāhīm (b. 281/894-895).[49] Masʿūdī the littérateur

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[45] Ibid., III, 365; XIII, 231. Ibn Abī Zaynab's *Kitāb al-ghaybah* would constitute the basis of all later Imāmī works on the Occultation, according to Jassim M. Hussain, *The Occultation of the Twelfth Imam* (London: Muhammadi Trust, 1982), 7. Ibn Abī Zaynab quotes Muḥammad ibn Hammām more often than any other traditionist except Kulaynī and Ibn ʿUqdah.

[46] Ibn al-Jawzī, *Muntaẓam*, XIII, 217. On Abū Bakr Ibn Abī Dāwūd's aspersing ʿAlī, see Ibn Ḥajar, *Lisān*, III, 295, and Abū Nuʿaym, *Geschichte Isbahans*, ed. Sven Dedering, 2 vols. (Leiden: E. J. Brill, 1931, 1934), II, 211.

[47] Ibn Ḥajar, *Lisān*, III, 295.

[48] Ibn al-Nadīm, *Fihrist*, 209.

[49] Ibid., 197. So, at any rate, his name appears in our printed version; Ṭūsī, however, cites Ibn al-Nadīm as his authority for a different name, Abū al-Ḥusayn Muḥammad ibn Ibrāhīm ibn Yūsuf al-Kātib (*Fihrist*, 159ff), and this is also the name in Najāshī, *Rijāl*, II, 280. Ibn Shahrāshūb gives the name Abū al-Ḥasan Muḥammad ibn Ibrāhīm ibn Yūsuf (*Maʿālim*, 97). Ṭūsī adds that Ibn ʿAbdūn (d. 423/1031-32) had identified this man as "Abū Bakr al-Shāfiʿī" (on Ibn ʿAbdūn see Najāshī, *Rijāl*, I, 228ff). There was a famous Baghdadi traditionist by this name called Muḥammad ibn ʿAbd Allāh ibn Ibrāhīm whose date of death (354/965) when compared

(d. 345 or 346/c. 957) was another Shīʿī Shāfiʿī; he studied jurisprudence under Ibn Surayj.[50] The famous littérateur and vizier to the Buyids al-Ṣāḥib Ibn ʿAbbād (d. 385/995), who was at least sympathetic to the Imāmīs and probably Muʿtazilī in theology, was said by Ibn al-Najjār to be a Shāfiʿī in jurisprudence.[51] As another example, Nāshiʾ al-Aṣghar (d. 365/975?), who praised the ʿAlids in poetry, studied *kalām* under the rationalist Abū Sahl al-Nawbakhti, and called himself a Shīʿī, was an adherent of the Ẓāhirī school in jurisprudence, which makes him very close to the semi-rationalist Shāfiʿīs.[52]

At the same time, Imāmī jurists patterned their work on the Shāfiʿī school. The interest of al-Faḍl ibn Shādhān in Shāfiʿī jurisprudence has been noted already. The Kufan Abū al-Qāsim ʿAlī ibn Aḥmad (d. 352/963) wrote a *Kitāb al-fiqh ʿalā tartīb al-Muzanī* ("The Book of Jurisprudence according to the order [of topics] of al-Muzanī"), indicating at least some direct dependence on the leading Shāfiʿī writer of the previous century, the writer whose *Mukhtaṣar* was the subject of a commentary by almost every chief of the Baghdadi Shāfiʿīs of the tenth century.[53] We hear that in 323/935, following further struggles between the Ḥanbalīs and the followers of Ṭabarī in 317/929-930, the Ḥanbalīs incited blind men to attack the Shāfiʿīs from mosques.[54] When viewed in light of the partial merging of Shīʿī and Shāfiʿī identities described above, this incident takes on a different meaning. It may be that those attacked were followers of the semi-rationalist theologian Abū al-Ḥasan al-Ashʿarī; they may also have been followers of Ṭabarī, who was counted a Shāfiʿī. On

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with Ibn al-Nadīm's report of the Shīʿī's date of birth suggests they may have been the same person; see Sezgin, *GAS*, I, 191. However, biographies of Abū Bakr al-Shāfiʿī the traditionist do not blame him for Shīʿism—indeed, he is said to have dictated *ḥadīth* reports extolling the Companions at a time when the Buyid authorities had forbidden it, probably in 351/962; see Khaṭīb, *Tārīkh*, V, 456ff. Another Baghdadi we might consider is the traditionist Abū al-Ṭayyib Muḥammad ibn Aḥmad ibn Ibrāhīm (fl. first half 4th/10th cent.), banished at some point from the Maghrib for manifesting his Muʿtazilism there (Ibn Ḥajar, *Lisān*, V, 60). His *nisbah* is wrong, but his name agrees with our report from Ibn al-Nadīm.

[50] Subkī, *Ṭabaqāt al-Shāfiʿīyah al-kubrā*, ed. Maḥmūd Muḥammad al-Ṭanāḥī & ʿAbd al-Fattāḥ al-Ḥulw, 10 vols. (Cairo: ʿĪsā al-Bābī al-Ḥalabī, 1383-96/1964-76), III, 456ff.

[51] *Apud* Ibn Ḥajar, *Lisān*, I, 413. Ibn Ḥajar also reports a contradictory identification from the hostile Abū Ḥayyān al-Tawḥīdī that al-Ṣāḥib Ibn ʿAbbād was rather a Ḥanafī. However, Ibn Ḥajar's direct quotation from Abū Ḥayyān concerns not jurisprudence but loyalty to ʿAlī: "He was a Shīʿī according to the doctrine of Abū Ḥanīfah and the position of the Zaydīyah" (*K. al-Atbāʿ*, *apud Lisān*, I, 414). As for his theological affiliations, we have many contradictory reports; however, scholarly consensus seems satisfied that he was a Muʿtazilī. See *EI*[2], s.v. "Ibn ʿAbbād," by Cl. Cahen and Ch. Pellat; Wilferd Madelung, "Imamism," 20.

[52] Ṭūsī, *Fihrist*, 115.

[53] On the works of Abū al-Qāsim, see Najāshī, *Rijāl*, II, 96; Ṭūsī, *Fihrist*, 117. On the commentary on the *Mukhtaṣar* of Muzanī, see Christopher Melchert, *The Formation of the Sunni Schools of Law* (Leiden: E.J. Brill, 1998), 101, 102. Abū al-Qāsim later left the Imāmīs to join the sect of the Mukhammisah, but it is certain that he wrote his book after the order of Muzanī before his transfer (Ṭūsī, *Fihrist*, 117).

[54] Ibn al-Athīr, *Tārīkh*, VIII, 308.

the other hand, it seems equally possible that the Shāfiʿīs whom the blind men attacked were Imāmī Shīʿīs who adhered in jurisprudence to the Shāfiʿī school.

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It is true that rationalism was not the only focus of Ḥanbalī attacks on the (Imāmī) Shīʿah of Baghdad.[55] Some of these attacks clearly had to do with what the Ḥanbalīs considered excessive ʿAlid loyalism; thus, for instance, they disparaged the practice of visiting the tombs of the imāms.[56] Many other incidents evidently had political implications; for example, a proposal by the caliphal chamberlain to formally curse Muʿāwiyah and his son Yazīd which caused Ḥanbalī rioting in 321/933, and the writing of curses against the first three caliphs and other Companions by order of Muʿizz al-Dawlah, opposed by the Ḥanbalīs in 351/962.[57] It would be difficult to attribute such outbreaks to Shīʿī semi-rationalism. There were also popular attacks on the Shīʿah in connection with which the Ḥanbalīs are not mentioned; for example, the pillaging of Karkh, the Shīʿī district of Baghdad, in 338, 340, and 346.[58]

The Imāmīs themselves by and large finally shifted away from semi-rationalism. In theology, the Muʿtazilism of Abū Sahl al-Nawbakhtī gradually prevailed over the course of the tenth century. In jurisprudence, the Shīʿah consolidated their own systems, ending formal dependence on the Shāfiʿī school: Abū al-ʿAbbās al-Ḥasanī (fl. mid-10th cent.) taught a Zaydī system,[59] while al-Sharīf al-Murtaḍā (d. 436/1044) laid out the Imāmī system.[60] Still, involvement with the Shāfiʿīs ended only gradually; for example, Abū al-Ṭayyib al-Ṭabarī (d. 450/1058), chief of the Shāfiʿī school in Baghdad, seems to have had a foot in both the Imāmī and Muʿtazilī camps, and Ṭūsī, Shaykh al-Ṭāʿifah (d. 459/1067?), studied under him.[61]

Thus the bio-bibliographic material indicates that the Imāmīs and their immediate forebears in the ninth and tenth centuries are to be located, in the main, amongst the semi-rationalists. The Imāmīs were neither rationalists nor traditionalists; rather they sought a middle path between the two. Certainly we

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[55] Simha Sabari has conveniently summarized the chronicles; see *Mouvements populaires*, ch. 4, esp. 104-112.

[56] Ibn Miskawayh, *Concluding Portions*, I, 322.

[57] Ibid., 260; Ibn al-Jawzī, *Muntaẓam*, XIII, 316; XIV, 140. See Sabari's discussion, *Mouvements populaires*, 149, n. 35.

[58] Ibn al-Jawzī, *Muntaẓam*, XIV, 75, 84, 109; Ibn Kathīr, *Kāmil*, XI, 221, 224.

[59] Ibn al-Murtaḍā, *Die Klassen der Muʿtaziliten*, ed. Susanna Diwald-Wilzer (Wiesbaden: Franz Steiner, 1961), 114.

[60] "The first to expatiate on the talk of the Imāmīyah concerning jurisprudence" (Ibn Ḥajar, *Lisān*, IV, 224). His importance is confirmed by the appearance of students of his who produced works in the classical style on both *fiqh* and *uṣūl al-fiqh*: Ibn Shahrāshūb, *Maʿālim*, 29, 80, 118ff, 135, 144.

[61] Al-Ḥākim al-Jushamī (al-Bayhaqī), *Sharḥ ʿUyūn al-masāʾil*, *apud* Fuʾād Sayyid, ed. & comp., *Faḍl al-iʿtizāl wa-ṭabaqāt al-Muʿtazilah* (Tunis: al-Dār al-Tūnisīyah lil-Nashr, 1393/1974), 385.

cannot understand the development of Shīʿism in isolation from developing Sunnism. Further researches will no doubt situate the Imāmīs more precisely, and identify more precisely different tendencies amongst them. In particular, examination of Imāmī juridical texts should refine our understanding of their relation to the Shāfiʿī school. Nor can we understand the development of Sunnism without considering the Shīʿah. It is only in light of Imāmī semi-rationalism that it makes some sense that the Ḥanbalīs should have alternated between attacks on the Shīʿah and attacks on the Ashʿarīs. This was not an erratic swing from one group of supposed enemies to another but rather a direct, sustained attack on the same enemy: those who would insinuate rationalist methods in a traditionalist guise.

EVOLUTION IN THE BIOGRAPHICAL PROFILES OF TWO ḤADĪTH TRANSMITTERS

Liyakatali Takim

This paper examines the biographical profiles (*tarājim*) of two important Imāmī[1] personages. The two *rijāl* (*ḥadīth* transmitters) concerned are Zurārah ibn Aʿyan (d. 150/767) and Hishām ibn al-Ḥakam (d. 199/814). I have chosen these particular *rijāl* because, in contrast to the other associates of the *imām*s, they are frequently mentioned in Sunnī as well as Imāmī texts, thus enabling comparison between different presentations. This comparative approach allows us to detect both evolution in the biographical profiles of the *rijāl* concerned and the ascription of views and beliefs to a person that may have occurred at a later time. As will be seen, in some instances the Imāmīs accepted and vindicated the views and beliefs ascribed to their *rijāl* in the Sunnī works, while in others they vehemently rejected these views and used various hermeneutical arguments to ward off accusations from the *rijāl*.

Zurārah ibn Aʿyan

Although Zurārah is a very important figure in Imāmī *rijāl* and *ḥadīth* works, less is heard of him in the third-century Sunnī texts. Ibn Qutaybah (d. 276/891) simply characterizes him as a 'Rāfiḍī'(a pejorative term applied to Shīʿīs).[2] Jāḥiẓ (d. 255/868-8) in his *Kitāb al-ḥayawān* comments only that he was the "*raʾīs* (head) of the Shīʿīs."[3] Later Sunnī biographical works such as those of Dhahabī (d. 748/1348) and Ibn Ḥajar (d. 852/1449) merely reproduce earlier

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[1] The term Imāmī will in this paper refer to second/third century Shīʿīs who held certain views and beliefs which were subsequently incorporated into the Twelver Shīʿī school of thought.

[2] ʿAbd Allāh ibn Muslim Ibn Qutaybah, *Kitāb al-maʿārif* (Cairo: Dār al-Maʿārif, 1389/1969), 624.

[3] Muḥammad al-Mahdī, Baḥr al-ʿUlūm, *al-Fawāʾid al-rijāliyah*, 3 vols. (Najaf: Maktabat al-ʿĀlimayn al-Ṭūsī wa-Baḥr al-ʿUlūm, 1385/1965), I, 232; Muḥsin al-Amīn, *Aʿyān al-Shīʿah*, 11 vols. (Beirut: Dār al-Taʿāruf, 1403/1951), VII, 47.

statements about Zurārah. A fuller picture of Zurārah's Imamism and his alleged beliefs from the Sunnī point of view is given by Fasawī (d. 277/892), one of the earliest Sunnī authors to mention him. Fasawī quotes Muḥammad ibn Sammāk, a Companion of the sixth imām, as saying:

> When I wanted to go for the pilgrimage, Zurārah ibn Aʿyan, the brother of ʿAbd al-Malik, told me: "If you meet Jaʿfar ibn Muḥammad (al-Ṣādiq), give him my regards and ask him to tell me whether I will go to Paradise or to hell." I met Jaʿfar ibn Muḥammad and asked him: "O son of the Messenger of God, do you know Zurārah ibn Aʿyan?" He said: "Yes, [he is] a Rāfiḍī and a wicked (*khabīth*) person!" I told him that Zurārah had sent his greetings and asked whether he would go to Paradise or hell. He [al-Ṣādiq] said: "Tell him he will go to hell." Then he continued: "Do you know how I know that he is a Rāfiḍī? He maintains that I have knowledge of the unseen (*al-ghayb*). Whoever claims that anyone but God, the Most High, knows the unseen is an infidel, and he will go to hell." When I arrived in Kūfah, Zurārah came to receive me along with the others. He asked me: "Did you fulfill my request?" I told him what al-Ṣādiq had said. He said, "Indeed, the son of the Messenger of God has dissimulated (*ittaqā*)."[4]

Whether factual or contrived, this report is an important indication not only of what Zurārah and other Imāmīs were thought by Sunnīs to have believed in the middle of the third century, but also the Sunnī view of the Imām's reaction to such beliefs. Zurārah is portrayed as a "Rāfiḍī" who believed in the imām's, specifically al-Ṣādiq's, knowledge of the unseen through divinely-inspired knowledge (*ʿilm*). Al-Ṣādiq's repudiation of Zurārah, on the other hand, serves to confirm al-Ṣādiq as a respectable figure who declined extravagant claims concerning his person.

Shīʿī reports admittedly use a similar strategy to distance the imāms from extremist beliefs. In many Sunnī works, however, disagreement between the imāms and their followers is extended to basic Imāmī doctrines such as the imāmate and *ʿilm*; it is thus suggested that such doctrines were originally introduced by the *rijāl*. It is to be remembered that imāms such as Muḥammad al-Bāqir and Jaʿfar al-Ṣādiq enjoy a high position in the Sunnī biographical and *ḥadīth* works.[5] A person of the stature of al-Ṣādiq could not be rejected; Sunnī tradition thus sought to absolve him from any blame for Imāmī beliefs by attributing them to figures such as Zurārah. Of course, because there are no second-century biographical sources extant, it is difficult to establish with certainty whether it was in fact the imāms or the *rijāl* who formulated distinctive Shīʿī doctrines. However, the sources demonstrate that by the third

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[4] Yaʿqūb ibn Sufyān al-Fasawī, *Kitāb al-maʿrifah wa-al-taʾrīkh*, 3 vols. (Baghdad: Riʾāsat Dīwān al-Awqāf, 1394/1974), II, 672.

[5] See for example ʿAbd Allāh ibn Muḥammad al-Jurjānī Ibn ʿAdī, *al-Kāmil fī ḍuʿafāʾ al-rijāl*, 7 vols. (Beirut: Dār al-Fikr, 1406/1985), II, 555; Fasaw, *Maʿrifah*, II, 745; Ibn Abī Ḥātim, *al-Jarḥ wa-al-taʿdīl*, 9 vols. (Hyderabad: Maṭbaʿat Majlis Dāʾirah, 1372/1952), I, sec. 1, 487; Muḥammad ibn Aḥmad al-Dhahabī, *Mīzān al-ʿtidāl fī naqd al-rijāl* (Cairo: ʿĪsā al-Bābī al-Ḥalabī, 1382/1963), I, 414; Ibn Ḥajar al-ʿAsqalānī, *Tahdhīb al-tahdhīb*, 12 vols. (Hyderabad: Maṭbaʿat Majlis Dāʾirat al-Maʿārif, 1325/1907), II, 104.

century Sunnīs blamed the *rijāl* for concocting Imāmī beliefs which the Imāmīs maintained were transmitted from the imāms themselves. ʿUqaylī (d. 322/933) even cites a report from Sufyān (al-Thawrī?) to the effect that Zurārah had never met al-Bāqir![6]

Zurārah is not presented in a good light in any of the Sunnī works considered here. Ibn ʿAdī, for instance, states that Zurārah and his brothers were extreme in their Shīʿism and that Zurārah was "the most wicked in profession of belief" (*ardaʾuhum qawlan*).[7] Zurārah is also remembered by the Sunnīs as a heresiarch. The Zurārīyah, according to the heresiographer al-Shahrastānī (d. 548/1153), maintained that knowledge possessed by an imām is innate and not acquired;[8] this report is not improbable given Zurārah's belief in the imām's *ʿilm*.

Imāmi reports concerning Zurārah, including those cited by the author of the earliest extant *rijāl* work, Muḥammad ibn ʿUmar al-Kashshī (d. 368/978), are inconsistent. In one of many favorable traditions al-Ṣādiq is reported to have said: "But for Zurārah, I think my father's traditions would have perished."[9] According to other reports, Zurārah was so closely associated with al-Ṣādiq that he asked the Imām questions pertaining to the *ḥajj* (pilgrimage) over forty years.[10] Al-Ṣādiq is also quoted as stating that Zurārah and three other associates were "the protectors (*ḥuffāẓ*) of religion and the confidants (*umanāʾ*) of my father in matters pertaining to the *ḥalāl* and *ḥarām*" (legal prescriptions and prohibitions)." "They are," he continues, "the repositories of my secrets and through them all innovations (*bidaʿ*) are nullified."[11] It is reported that the Imām instructed his Companion Fayḍ ibn al-Mukhtār to receive his traditions from Zurārah, for it was only with him that the proper and unadulterated *ʿilm* was to be found.[12]

These favorable traditions are juxtaposed by Kashshī with other, derogatory texts. For instance, when Zurārah reported a tradition from al-Bāqir on the question of inheritance, al-Ṣādiq is alleged to have said, "As for what Zurārah has narrated from Abū Jaʿfar [al-Bāqir] I cannot refute it, but in the Qurʾān God has said... ." Al-Ṣādiq then proceeded to quote a verse (4:11) that contradicted the tradition Zurārah had reported.[13] Other traditions found in Kashshī suggest that a rift had developed between the Imām and Zurārah. For

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[6] Muḥammad ibn al-ʿUqaylī, *Kitāb al-ḍuʿafāʾ*, 4 vols. (Beirut: Dār al-Kutub al-ʿIlmīyah, 1405/1984), II, 96.

[7] Ibn ʿAdī, *Kāmil*, III, 1095.

[8] Muḥammad ibn ʿAbd al-Karīm al-Shahrastānī, *Muslim Sects and Divisions: The section on Muslim Sects in Kitāb al-milal waʾl-niḥal*, trans. A. Kazi & J. Flynn (London: Keagan Paul, 1984), 160.

[9] *Ikhtiyār maʿrifat al-rijāl*, ed. Ḥasan al-Muṣṭafawī (Mashhad: Dānishgāh-i Mashhad, 1389./1969), 133.

[10] Muḥammad ibn ʿAlī Ibn Bābawayh, al-Ṣadūq, *Man lā yaḥduruhu al-faqīh*, 4 vols. (Qum: Imām al-Mahdī, 1404/1983), II, 306.

[11] Kashshī, *Rijāl*, 137. On the identity of the other three *rijāl* see supra, 41.

[12] Ibid., 136.

[13] Ibid., 134.

instance, Zurārah is reported to have said: "May God have mercy on Abū Jaʿfar [al-Bāqir]! But as for Jaʿfar, my heart has turned away from him (*fī qalbī ʿalayhi lafiah*)." When he was further questioned, Zurārah claimed that he had turned away from the Imām because he had revealed his defects.[14]

Zurārah is accused in reports in the Imāmī sources of disagreeing with the sixth imām on theological matters. His definition of *istiṭāʿah* (man's capacity to perform acts) was that the ability to act existed independently of the actual performance of the act. Because of this view he was cursed by al-Ṣādiq.[15] On one occasion Ziyād ibn Abī Hilāl visited al-Ṣādiq and told him of Zurārah's view of *istiṭāʿah*. Al-Ṣādiq replied: "This is not what he asked me, and I did not reply to him in this manner; he has lied against me. May God curse Zurārah!" When Zurārah was told what al-Ṣādiq had said, he remarked: "He gave me [the definition of] *istiṭāʿah* from he knows not where. This companion of yours [al-Ṣādiq] does not have insight into the words of [intelligent] men (*laysa lahu baṣīrah bi-kalām al-rijāl*)."[16] It was mainly due to Zurārah and Muḥammad ibn Muslim's views on *istiṭāʿah* that both were cursed by al-Ṣādiq and accused of *biḍʿah* (innovation). Whatever the theological implications, Zurārah was clearly seen as challenging the Imām's version of this doctrine. In fact, Zurārah's teachings in Kufah seem to have differed from those of al-Ṣādiq in general, leading the Imām to censure him on many occasions. Jaʿfar al-Ṣādiq is reported to have stated that Zurārah "shall not die except having strayed (*tāʾih*)."[17] He is also quoted as saying: "I do not dissociate myself from Zurārah, but you [the people] come with a [distorted] *ḥadīth* from him. If I acquiesce, you will accept [his word]. I simply say that whoever has said this, I dissociate myself from him."[18]

Zurārah's challenge to the views held by the imāms may have begun in al-Bāqir's time. One report relates how Zurārah had asked the Imām concerning a ruling on inheritance by a grandfather. Al-Bāqir asked Zurārah to see him the following day when he would show him the "*Kitāb al-farāʾiḍ*" (Book of Divine Ordinances) supposed to have been dictated to ʿAlī by the Prophet. When Zurārah visited al-Bāqir the following day, the Imām was sleeping, so his son al-Ṣādiq read (*aqraʾahu*) the book with him. When Zurārah studied the contents, he found them to differ from the rulings known among the masses. As he read through the book, Zurārah remarked: "[This is] invalid (*bāṭil*)," until he finished. When al-Bāqir asked him the following day about the book, Zurārah said: "It is invalid; there is nothing [correct] in it." Al-Bāqir replied: "But what you have read is the truth (*al-ḥaqq*) which the Prophet dictated to ʿAlī." Zurārah reports that at that point "Satan entered [my heart] and whispered (*waswasa*) in it. [I thought] how does he know that it is

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[14] Ibid., 144.

[15] Ibid., 147; see also Etan Kohlberg, "Barāʾa in Shīʿī Doctrine," *Jerusalem Studies in Arabic and Islam* 7 (1986): 158.

[16] Kashshī, *Rijāl*, 147.

[17] Ibid., 149.

[18] Ibid., 146.

the Prophet's dictation and the handwriting of ʿAlī?" However, before he could voice his doubts, al-Bāqir said: "O Zurārah, do not doubt! By God, why should I not know the dictation of the Prophet and the handwriting of ʿAlī, for my father related to me from my grandfather that the Commander of the Faithful told him that... ." The tradition ends with Zurārah repenting his doubt of the Imām's words.[19]

The chief source of conflict between the imāms and their disciples seems to have been the dichotomy between *raʾy* (personal opinion) and *riwāyah* (transmission of traditions of the imāms). Many traditions found in Imāmī sources forbid the followers of the imāms from using *raʾy* and *qiyās* (analogy) due to the refractoriness caused by independent thinking. Those practising *raʾy* and *qiyās* are labelled the followers of Abū Ḥanīfah. It was to discourage *raʾy* among his followers that the seventh imām Mūsā al-Kāẓim (d.183/799) reportedly cursed Abū Ḥanīfah for employing *raʾy* against the *riwāyah* of ʿAlī ibn Abī Ṭālib.[20] "But for Abū Ḥanīfah," al-Bāqir is made to declare, "the people would have found the truth."[21] There was a particular reason why the imams discouraged *raʾy* and accentuated *riwāyah*. If carried too far, *raʾy* would decrease the imāms' authority, since the *rijāl* would no longer be bound by their pronouncements. An important topos in the Imāmī biographical literature is thus the lauding of disciples who had memorized and preserved the *ḥadīth* of the imāms. In contrast, those who resort to *raʾy* and *qiyās* are severely condemned for deviating from the teachings of the imāms. The same principle applied to the post-Occultation Imāmī *fuqahāʾ* (jurists), whose authority depended largely on inferential deductions from the *ḥadīth*s of the imāms; reliance on *raʾy* by the masses posed a threat to their authority also.[22] It is to be remembered that the Imāmī world view depends on the orientation of the faithful to the sole authoritative figure of the imām who leads the faithful to salvation through his narrations. The use of *raʾy* can be seen as a breach of this world view, since it suggests an alternative source of guidance.

Zurārah was apparently in the forefront of the movement to employ *raʾy*. A tradition cited by Kashshī reports that Ibn Miskān stated that he and his companions once mentioned to Zurārah something concerning the *ḥalāl* and *ḥarām*. Zurārah's reply was based on his own opinion. Ibn Miskān asked him: "Is this according to your view or [based on] a narration?" Zurārah replied: "Is

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[19] Muḥammad ibn Yaʿqūb al-Kulaynī, *al-Furūʿ al-kāfī*, 6 vols. (Tehran: Dār al-Kutub al-Islāmīyah, 1391/1971), IV, 94-95. See also Muḥammad ibn Jaʿfar al-Ṭūsī, *Tahdhīb al-aḥkām*, 10 vols. (Tehran: Dār al-Kutub al-Islāmīyah, 1365/1945), IX, 271.

[20] Muḥammad ibn Yaʿqūb al-Kulaynī, *al-Kāfī fī ʿilm al-dīn*, 4 vols. (Tehran: Daftar-i Farhang-i Ahl al-Bayt, n.d.), I, 73.

[21] Ibid., II, 240.

[22] The question of the gradual development of the authority of the Imāmī *fuqahāʾ* is dealt with by N. Calder: "The Structure of Authority in Imāmī Shīʿī Jurisprudence" (Ph.D. diss., School of Oriental and African Studies, 1979) and Abdulaziz Sachedina, *The Just Ruler in Shīʿite Islam: The Comprehensive Authority of the Jurist in Imānite Jurisprudence* (New York: Oxford University Press, 1988).

not the authority of independent reasoning (*raʾy*) better than traditions (*āthār*)?"[23] Zurārah's recourse to *qiyās* (analogy) is evident from another report in which he used it to overcome his Syrian opponent, prompting al-Ṣādiq to remark to the Syrian, "His *qiyās* overcame your *qiyās*."[24] The activities of *rijāl* such as Zurārah indicate the growing authority of the disciples, who gradually assumed the role of "functional imāms" in places such as Kufah even though their authority was bound to remain partial while the imāms were physically present. Eventually, as the importance of the *rijāl* increased, they advanced to a position from which they challenged the imāms' own pronouncements on theological and juridical issues. It may have been this growing authority of some of the *rijāl* that led to derogatory reports about Zurārah and others like him.

A number of *ḥadīth*s attempt to reconcile contradictory reports by mitigating al-Ṣādiq's condemnation. The Imām is quoted as telling Zurārah's son Ḥusayn, in an apparent attempt at propitiation:

> Tell your father: "I wish you well for this world and for the hereafter. I am, by God, happy with you. Do not pay attention to what the people say henceforth."[25]

Kashshī also cites the following report in the form of a message from al-Ṣādiq to Zurārah entrusted to another of Zurārah's sons, ʿAbd Allāh. The message reads:

> I find fault with you [O Zurārah] so as to defend you from my direction. Assuredly, the people and enemies hasten to [seek out] anyone whom we have taken as an associate and whose position we have praised. [They do this] in order to harm those whom we love and whom we have taken as associates. People reproach such persons because of our love for them and they consider it appropriate to harm or even kill them. Thus we criticize you because you are well known due to [your relationship with] us and your devotion to us.... I desired to find fault with you so that they would praise your authority in religion, in spite of [my criticisms of] your shortcomings and imperfections. Thus do we repel their evil from you....[26]

Kashshī's long profile of Zurārah confirms that he was without doubt one of the four eminent disciples of al-Ṣādiq. Kashshī's reports, although contradictory, also attest to the fact that many Imāmīs referred questions of theology and jurisprudence to him in his capacity as the agent (*wakīl*) of the Imām in Kufah. It is evident that Zurārah and others of the *rijāl* would at times resort to their own independent formulations of various points. This led the imāms to curse their own close associates. Kashshī's profile finally substantiates points that emerge from Fasawī's report on Zurārah: his identity as a "Rāfiḍī" (a proponent of Imāmī doctrines) and his belief in al-Ṣādiq's *ʿilm*.

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[23] Kashshī, *Rijāl*, 156.
[24] Ibid., 277.
[25] Ibid., 141.
[26] Ibid., 138; Sachedina, *The Just Ruler*, 46.

In some narrations in the Imāmī sources we have seen Zurārah attribute al-Ṣādiq's disapproval of him to *taqiyah*, cautionary dissimulation. However, while *taqiyah* may help to explain some unfavorable remarks, it does not account for Zurārah's propogation in Kufah of ideas about theological and ritual points which contradicted those of the Imām. In addition, many of the curses issued by al-Ṣādiq appear in the form of responses to Zurārah's distortions of the Imām's teachings rather than general public censure; that is it was only when Imāmīs coming from Kufah had informed al-Ṣādiq of Zurārah's teachings that the curses were issued. These utterances appear to have been aimed at cautioning Imāmīs against referring to Zurārah in their religious rulings. They were not proclamations to the Muslim community at large. If unfavorable utterances by the imāms could be attributed solely to their concern for their disciples' safety, why are there no such remarks recorded against Muḥammad ibn Abī ʿUmayr and ʿAlī ibn Yaqṭīn, both of whose lives were in far greater danger?[27] The curses can be reconciled with other reports in which al-Ṣādiq urges his followers to refer to Zurārah only by assigning them to a later date when the rift between the two became evident.

Another point which emerges from Kashshī's profile of Zurārah concerns his acknowledgement of the seventh imām al-Kāẓim as al-Ṣādiq's successor. Here again we encounter contradictory reports. Kashshī notes that after al-Ṣādiq's death Zurārah sent his son ʿUbayd to Madinah to enquire about the Imām's successor, for there had been much controversy concerning his identity. However, Zurārah died before ʿUbayd returned from Madinah and therefore did not acknowledge al-Kāẓim's imamate. Kashshī also quotes Zurārah as saying: "My belief concerning the identity of the Imām is in accordance with the news my son ʿUbayd shall bring to me." Other reports suggest that Zurārah took the Qurʾān as his imām while he waited to learn of the identity of al-Ṣādiq's successor.[28]

However, al-Kāẓim is also quoted in Kashshī as saying that Zurārah had expressed doubts about his imamate, but that he had sought forgiveness for him from God.[29] Both Ashʿarī (d. 330/941) and Shahrastānī remark that Zurārah initially accepted the imāmate of ʿAbd Allāh, the eldest surviving son of al-Ṣādiq, but when he could not answer the questions posed to him by the Imāmīs, many (including Zurārah) rejected his imāmate.[30] Both Ṭūsī (d. 460/1067) and Najāshī (d. 450/1058-9) maintain that Zurārah died in 150/767, two years after al-Ṣādiq's death. If this is true, Zurārah would certainly have heard of al-Kāẓim's imāmate in the intervening period and

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[27] On Ibn Abī ʿUmayr see Abū al-Qāsim al-Mūsawī al-Khūʾī, *Muʿjam rijāl al-ḥadīth*, 23 vols. (Qum: Manshūrāt Madīnat al-ʿIlm, 1398/1978), XIV, 279. On ʿAlī ibn Yaqṭīn see ibid., XII, 227.

[28] See Ibn Ḥajar al-ʿAsqalānī, *Lisān al-Mīzān*, 8 vols. (Beirut: Dār al-Fikr, 1409/1988), II, 586.

[29] Kashshī, *Rijāl*, 155.

[30] Abū Ḥasan ʿAlī ibn Ismāʿīl al-Ashʿarī, *Maqālāt al-Islāmīyīn*, ed. Muḥammad Muḥyi al-Dīn ʿAbd al-Ḥamīd, 2 vols. (Cairo: Maktabat al-Nahḍah al-Miṣrīyah, 1389/1969), I, 102-103; Shahrastānī, *Muslim Sects*, 160. There is, however, no record of Zurārah travelling to Madinah to question ʿAbd Allāh.

should have acknowledged it—but no such acknowledgement has been recorded. Nor does Zurārah relate any traditions from al-Kāẓim. All this raises many questions for later Imāmīs about Zurārah's reliability since, in their view, one who does not acknowledge the imām of the time is destined for hell.

Despite these problems, the Imāmī texts seek to rehabilitate Zurārah. This is an important measure since he is seen by Imāmī scholars as an indispensable disciple upon whom many *ḥadīth*s depend. The rehabilitation or idealization of Zurārah begins early, with Ibn Bābawayh (d. 381/991). To absolve him from the charge of failing to acknowledge the imamate of al-Kāẓim, Ibn Bābawayh cites a report conspicuously absent in Kashshī's profile. In it, the eighth imām, al-Riḍā (d. 203/818), states that Zurārah had in truth accepted his father's imamate. According to this report, Zurārah sent his son ʿUbayd to Madinah merely to seek al-Kāẓim's permission to proclaim his imāmate.[31]

Later scholars such as Ṭūsī and Najāshī restore Zurārah's reputation simply by omitting mention of any negative reports. Ṭūsī only notes that Zurārah was a grammarian, adding that he composed books on *istiṭāʿah* and *jabr* (determinism);[32] Najāshi merely praises him, stating that he was a *qāriʾ* (Qurʾān reciter), *faqīh* (jurist), theologian, poet, man of letters (*adīb*), and truthful in what he reported. Zurārah was, remarks Najāshī, "*shaykh aṣḥābinā fi zamānih*" (the eminent teacher among our companions in his time).[33]

Contemporary Imāmī biographical works also tend to idealize Zurārah rather than reconcile the contradictory reports about him. Ayatollah Khūʾī, until his death in 1992 one of the supreme religious authorities of the Shīʿī community, attempts to completely exonerate Zurārah and portray him as an exemplary disciple. He dismisses the unfavorable reports in the Shīʿī sources as having weak links in the *isnād*s (chains of *ḥadīth* transmission). In the case of one unfavorable report which has a strong *isnād*, Khūʾī asserts that it cannot be accepted because it is an "isolated" (*khabar wāḥid*) tradition which cannot oppose the many other favorable traditions. Khūʾī also points to the traditions about Zurārah in which the excuse of *taqiyah* is mentioned.[34]

Mamaqānī (d. 1932), another well-known modern religious scholar, also advances the view that al-Ṣādiq's disparaging remarks were due solely to *taqīyah*. His approach differs from Khūʾī's, however, in that he considers that it is not sufficient to examine the *isnād* and its deficiencies. How, he asks, can we reject more than thirty unfavorable traditions based only on weak *isnād*s, especially when the purport of these traditions is repeatedly transmitted (*mutawātir al-maʿnā*)? The only way to explain these remarks is by appealing

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[31] Muḥammad ibn ʿAlī Ibn Bābawayh, al-Ṣadūq, *Kamāl al-dīn wa-tamām al-niʿmah* (Qum: Muʾassasat al-Nashr al-Islāmī, 1405/1984), 75.

[32] Muḥammad ibn Jaʿfar al-Ṭūsī, *al-Fihrist*, (Qum: Manshūrāt al-Sharīf al-Riḍā, 1404/1983), 74.

[33] Aḥmad ibn ʿAbbās al-Najāshī, *Kitāb al-rijāl* (Qum: Maktabat al-Davārī, 1397/1976), 125.

[34] Khūʾī, *Muʿjam*, VII, 236.

to *taqiyah*, says Mamaqānī.[35] Evidently, Imāmī authors are more concerned with preserving Zurārah's image as a faithful and reliable Companion than providing a substantive analysis of the alleged differences between him and al-Ṣādiq. In fact, much effort is directed by later Imāmī biographers at rehabilitating disciples such as Zurārah, raising them, at times, to levels higher than those accorded them in the earlier works. The reasons for this idealization will become clear in the biographical profile of the next transmitter.

Hishām ibn al-Ḥakam

Hishām ibn al-Ḥakam, an independent but controversial theologian, was one of the foremost disciples of the sixth imām Jaʿfar al-Ṣādiq. Although he is not profiled in Sunnī biographies, references to him are found scattered in numerous Sunnī theological, polemical, and heresiographical works. In all these he is portrayed as a major Imāmī figure constantly engaged in defending Imāmī beliefs, for instance the infallibility (*ʿiṣmah*) of the imāms. However, it is his peculiar theology which is the chief target of the Sunnī sources.

One of the earliest references to Hishām is in Ibn Qutaybah's *Taʾwīl mukhtalaf al-ḥadīth*, where it is remarked that Hishām had debated with Abū al-Hudhayl al-ʿAllāf, al-Naẓẓām, and al-Najjār, three prominent Muʿtazilī theologians of the third/ninth century.[36] Hishām was, adds Ibn Qutaybah, a Rāfiḍi and a *ghālī* (extremist) who believed that God has *aqṭār* (dimensions), boundaries (*ḥudūd*) and measurable breadth (*ashbār*); he was also a believer in extreme predestination (*al-ijbār al-shadīd*).[37] In his *ʿUyūn al-akhbār* Ibn Qutaybah elaborates on Hishām's alleged predeterministic views; he apparently claimed that God could punish His creatures even though He had imposed on them duties which they could not undertake.[38] Hishām's writings are characterized in a similar manner by Khayyāṭ (fl. 3d/9th C.), a contemporary of Ibn Qutaybah, in his polemical *Kitāb al-intiṣār*. Here Hishām is accorded a very prominent position; according to Khayyāṭ, he was the "*shaykh* and *ʿālim* of the Rāfiḍīs."[39] Khayyāṭ accuses him of believing that God does not know a thing until it comes to exist because knowledge of a thing follows its existence, and that God's knowledge is therefore produced in time.[40] According to Khayyāṭ, Hishām argued that if God had foreknowledge of a person's disbelief (*kufr*), there would be no point in sending prophets to one

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[35] ʿAbd Allāh Mamaqānī, *Tanqīḥ al-maqāl*, 3 vols. (Tehran: Intishārāt-i Jahān, 1350/1931), I, 441.

[36] ʿAbd Allāh ibn Muslim Ibn Qutaybah, *Taʾwīl mukhtalaf al-ḥadīth* (Beirut: Dār al-Jīl, 1392/1972), 14. On Hishām's discussions with Abū al-Hudhayl see also ʿAlī ibn al-Ḥusayn al-Masʿūdī, *Murūj al-dhahab*, 4 vols. (Qum: Dār al-Hijrah, 1404/1984), IV, 21-22.

[37] Ibn Qutaybah, *Taʾwīl*, 48.

[38] Ibn Qutaybah, *ʿUyūn al-akhbār*, 4 vols. (Cairo: Dār al-Kutub, 1344/1925), II, 142.

[39] ʿAbd al-Raḥīm ibn Muḥammad al-Khayyāṭ, *Kitāb al-intiṣār wa-al-radd ʿalā Ibn al-Rāwandī al-mulḥid* (Beirut: al-Maṭbaʿah al-Kāthūlīkīyah, 1377/1957), 37.

[40] Ibid., 50, 81.

whom He knew would not believe anyway. Can a wise person ever ask anything from one who he knows will not answer him? Hishām, adds Khayyāṭ, maintained this view on God's *ʿilm* (knowledge) to his death.[41]

Accusations concerning Hishām's corporeal beliefs are repeated in all Sunnī sources from Ibn Qutaybah's time onward, but the heresiographer Ashʿarī provides a more elaborate account. Apart from stating that Hishām and his companions believed in *tajsīm* (corporealism), Ashʿarī says that they claimed that their Lord had a body, had qualities of finiteness (*nihāyah*), limitations (*ḥadd*), was tall (*ṭawīl*), wide, that His length was equivalent to His width, and so on.[42] Ashʿarī further quotes the Muʿtazilī Abū al-Hudhayl al-ʿAllāf as accusing Hishām of believing that God moves at times (*yataḥarrak*), and is still at others; at times He sits while at others He stands.[43] Hishām is even said to have likened God to a crystal or pure ingot shining like a round pearl.[44] On the other hand, Ashʿarī also remarks that Hishām held no less than five views on his Lord in one year.[45] Sunnī sources do not present a consistent picture of this aspect of his thought.

As for Hishām's Shīʿī beliefs, Khayyāṭ states that he maintained that most of the Companions of the Prophet had erred in rejecting the rights of ʿAlī. This, comments Khayyāṭ, is the Rāfiḍī view "well known among us."[46] Hishām is also said to have believed that the prophets can sin but not the imāms, the reason being that if the prophets sinned, revelation (*waḥī*) would correct them. Since revelation was not available to the imāms, they could not be corrected and hence they could not sin.[47] Later heresiographies such as those of Ibn Ḥazm (d. 457/1064) and Shahrastānī ascribe Shīʿī views to Hishām that are absent in the earlier texts. For instance, Shahrastānī accuses Hishām of

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[41] Ibid., 86.

[42] Ashʿarī, *Maqālāt*, I, 106, 281.

[43] Ibid., I, 107.

[44] Wilferd Madelung, "The Shiʿite and Khārijite Contribution to Pre-Ashʿarite Kalām" in *Islamic Philosophical Theology*, ed. Parviz Morewedge (Albany, N.Y.: State University of New York Press, 1979), 122. Hishām's belief that God was a body was based on his theory that only bodies have existence; see *EI*^{2}, s.v. "Hishām ibn al-Ḥakam," by Wilfred Madelung.

[45] Ashʿarī, *Maqālāt*, I, 108.

[46] Khayyāṭ, *Intiṣār*, 101. Khayyāṭ's statement is corroborated by the assertion of the Muʿtazilī al-Ḥākim al-Jushamī (d. 494/1101) that it was Hishām and his companions who introduced the idea of the *takfīr al-ṣaḥābah* (pronouncing the Companions of the Prophet infidels) into Islam; see Etan Kohlberg, "The Attitudes of the Imāmī Shīʿīs towards the Companions of the Prophet" (Ph. D diss., Oxford, 1971), 74. See also the report of the historian Masʿūdī (d. 346/957), who describes Hishām's defence of *naṣṣ* (divine designation) of the imām and refutation of *ikhtiyār* (popular election) in the course of a symposium arranged by the Abbasid vizier Yaḥyā al-Barmakī: *Murūj al-dhahab*, III, 371-372.

[47] Ibid., 121. The third century Imāmī scholar Faḍl ibn Shādhān also defends the belief in a divinely-protected imām in his *Kitāb al-īḍāḥ* (Beirut: Muʾassasat al-Aʿlamī, 1402/1982), 184-185.

believing in ʿAlī's divinity, a belief not referred to in any of the earlier works.[48] There may have been a tendency among Sunnī writers to identify Hishām as an arch-heretic and tag him with increasingly outrageous opinions—although Hishām was a figure unusual enough that one cannot rule out the possibility that at least some ascriptions were real.

Early Imāmī *ḥadīth* and *rijāl* works confirm the accusations of corporealism against Hishām, but ward it off from the imāms. Thus Kulaynī cites a tradition that depicts ʿAlī ibn Abī Ḥamzah[49] as telling al-Ṣādiq: "I have heard Hishām reporting from you that God is a body (*jism*)," a charge which the Imām denied.[50] Another report indicates that when an associate described Hishām's corporealism to al-Kāẓim, the Imām retorted: "May God curse him (*qātalahu Allāh*); does he not realize that a body is limited (*maḥdūd*)?"[51] It would appear from these reports that Hishām was still being condemned by the Imāmīs for his corporealism even in al-Kāẓim's time; moreover, no tradition cited by Kulaynī refutes these charges or suggests that he retracted his beliefs. So loathsome were these views of Hishām, according to Tradition, that the tenth imām al-Hādī is reported to have said: "He [Hishām] is not one of us. We are dissociated (*barāʾ*) both in this world and in the next from one who believes that God is a thing."[52] There is only a single report in the early sources (in Kashshī) that attempts to refute the charge of corporealism against Hishām. The report states that al-Ṣādiq had converted Hishām to Imāmism after he had been a follower of Jahm ibn Ṣafwān, a famous anthropomorphist; Hishām, it is implied, retracted his views after his conversion.[53]

Nevertheless, there are other Imāmī traditions that accentuate Hishām's close association with al-Ṣādiq. A report cited by Ṣaffār (d. 290/900) relates how Hishām met al-Ṣādiq in Minā and asked him five hundred questions about various controversies. The Imām told him what to reply.[54] Because of this incident Hishām maintained that his doctrine was based on the teachings of the Prophet and the imams.[55] Hishām was even reportedly educated by al-Ṣādiq so that he could indulge in polemics and defend Imāmī beliefs on his behalf, and the Imām is said to have preferred Hishām to other disciples when defending Imāmī beliefs, despite his inexperience. The Imām asked him, for

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[48] Shahrastānī, *Muslim Sects*, 160. On Hishām's views of God's *ʿilm* see also I. Friedlander, "The Heterodoxies of the Shiʿites in the Presentation of Ibn Ḥazm," *Journal of the American Oriental Society* 28 & 29 (1907): 52.

[49] On whom see Khūʾī, *Muʿjam*, XI, 231.

[50] Kulaynī, *Kāfī*, II, 140.

[51] Ibid., I, 142.

[52] Ibn Bābawayh, al-Ṣadūq, *al-Āmālī*, (Qum: Kitābkhānah-i Islāmīyah, 1404/1983), 277.

[53] Kashshī, *Rijāl*, 256.

[54] Muḥammad ibn al-Ḥasan al-Ṣaffār, *Baṣāʾir al-darajāt fī faḍāʾil Āl Muḥammad* (Qum: Maktabat Āyat Allāh al-Marʿashī, 1404/1983), 123; Kashshī, *Rijāl*, 274.

[55] Kashshī, *Rijāl*, 274. The early Imāmī author Barqī (d. 274/887) also writes that Hishām was a Companion of both al-Ṣādiq and al-Kāẓim. See Aḥmad ibn Muḥammad al-Barqī, *Kitāb al-rijāl* (Tehran: n.p., 1383/1963), 35, 48; see also Kashshī, *Rijāl*, 278.

instance, to dispute with a Syrian on the question of the imāmate,[56] and he is also reported to have outwitted the Muʿtazilī ʿAmr ibn ʿUbayd (d. 144/761) in a discussion on the necessity of an imām.[57] Most Imāmī traditions favorable to Hishām are reports of debates such as these; his success in a disputation in the presence of the caliph Hārūn al-Rashīd is even supposed to have led to his taking refuge in Kufah until his death.[58] It appears that although he was suspected of being a corporealist by Imāmīs as well as by Sunnīs, he was still respected for his effective defence of Imāmī beliefs.

An important issue in Hishām's profile which emerges beginning with Kashshī is his role in the seventh imām al-Kāẓim's death. One report states that the Imām had ordered him to temporarily avoid engaging in debates during the Caliphate of al-Mahdī (d. 159/785) due to the danger this would pose to the Imām's life.[59] Other texts suggest that Hishām did not do as he was asked; he is quoted as saying: "Persons like me cannot be restrained from debate."[60] Hishām was consequently held responsible by some Imāmīs for al-Kāẓim's imprisonment and death.[61] Nevertheless, the eighth imām al-Riḍā is reported to have said that, although Hishām was responsible for the death of al-Kāẓim, the Imāmīs were to follow him (*tawallāhu*) and to accept his authority (*wilāyah*).[62] This last report is a striking illustration of the ambiguity of the Imāmī sources concerning Hishām; his reputation does not appear to have been well established. When asked about Hishām's reliability, al-Riḍā is supposed to have replied that he was an upright person and that many people were jealous of him.[63] It seems that there was a need to reconcile Hishām's prominent status with his part in al-Kāẓim's death, and the best way to achieve this was through a supporting utterance from an imām. However, despite such assurances, suspicions against Hishām persisted. Thus the ninth imām al-Jawād (d. 220/835) is reported to have instructed a disciple not to pray behind Hishām's companions as, presumably, they had followed him in his beliefs.[64] A later scholar, Saʿd ibn ʿAbd Allāh al-Qummī (d. 301/913), composed a treatise called "The Book of the Blemishes (*mathālib*) of Hishām and Yūnus [ibn ʿAbd al-Raḥmān]."[65]

As in the case of Zurārah, the rehabilitation of Hishām appears to have begun in the fourth century. Mufīd (d. 413/1022) begins by rejecting the various accusations against him. For instance, he claims that the Muʿtazilīs

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[56] Kulaynī, *Kāfī*, I, 240.
[57] Ibid., I, 239. See also Masʿūdī, *Murūj al-dhahab*, IV, 22.
[58] Kashshī, *Rijāl*, 258-259.
[59] Ibid., 266.
[60] Ibid., 271.
[61] Ibid., 262.
[62] Ibid., 268-269.
[63] Ibid., 270.
[64] Ibid., 279.
[65] Saʿd ibn ʿAbd Allāh al-Ashʿarī al-Qummī, *Kitāb al-maqālāt wa-al-firaq* (Tehran: ʿAṭāʾī, 1383/1963), Introduction.

falsely accused Hishām of believing that God does not know of a thing until it exists:

> And we know nothing of what the Muʿtazilīs report [concerning this matter].... Our opinion is that it has been fabricated. We have found no books composed by him [on this subject] nor any reliable account of any discussion. What he said about the foundation of the imamate and the test [*al-imtiḥān*, that is God's testing of the faith of His servants] indicate the contrary of what his detractors say about him.[66]

Ṭūsī in turn describes Hishām as one of the "eminent associates" (*khawāṣṣ*) of al-Kāẓim and a pillar of strength in *kalām* (theological disputation).[67] Neither he nor Najāshī even mentions Hishām's corporealism; they confine themselves instead to praising him for defending Imāmī doctrines. Al-Sharīf al-Murtaḍā (d. 436/1044) tries to circumvent the problem of Hishām's views on God's *ʿilm* in a different way, by interpreting his statements as a reference to *badāʾ* (God's change of his decree, a distinctive Shīʿī doctrine), which he presents as tantamount to abrogation (*naskh*), a principle accepted by all Muslims.[68] Hishām's importance as a theologian and the desire of the Imāmīs to preserve his reputation is also evident in the titles of works attributed to him. These include not only many theological works, for instance treatises on the imamate and free will and predestination, but also polemical writings. Thus, for example, he is reported to have refuted the Zaydī belief in the imāmate of the "inferior" (*al-mafḍūl*) and rejected the Muʿtazilī view on Ṭalḥah and al-Zubayr.[69]

Again, as in the case of Zurārah, the rehabilitation of Hishām continues in later Imāmī biographical works. Ibn Shahrāshūb's (d. 588/1192) *Maʿālim al-ʿulamāʾ* quotes praises of Hishām missing in earlier works and accords him an even higher status. He presents a report in which al-Ṣādiq declares Hishām to be "foremost (*rāʾid*) in defending our rights and nullifying the false beliefs (*bāṭil*) of our enemies." The Imām continues: "He who opposes Hishām has surely opposed us and has deviated (*alḥada*) [from the right path]."[70]

Among modern Imāmī *rijāl* scholars, Ayatollah Khūʾī begins by quoting the favorable comments on Hishām, saying that although the *isnād*s of most such reports are weak, there is no need to closely scrutinize them since it is clear that Hishām was generally acknowledged as an eminent disciple.[71] However, when he treats remarks against Hishām, Khūʾī examines the *isnād* of each tradition and points to the defective transmitters. For example, in examining a tradition from al-Riḍā with a strong *isnād* which links Hishām

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[66] Martin J. McDermott, *The Theology of al-Shaikh al-Mufid* (Beirut: Dar el-Machreq, 1978), 143-144, quoting *Awāʾil al-maqālāt*.

[67] Ṭūsī, *Fihrist*, 176.

[68] McDermott *Theology*, 392, quoting al-Sharīf al-Murtaḍā's *al-Shāfī fī al-imāmah*.

[69] Najāshī, *Rijāl*, 304-305.

[70] Muḥammad ibn ʿAlī Ibn Shahrāshūb, *Maʿālim al-ʿulamāʾ fī fihrist kutub al-Shīʿah wa-asmāʾ al-muṣannifīn* (Tehran: Maṭbaʿat Fardīn, 1353/1934), 115-116.

[71] Khūʾī, *Muʿjam*, XIX, 286.

with the murder of al-Kāẓim, Khūʾī argues that it must be rejected and returned to those able to answer it (*lā budda an narudda ʿilmahā ilā ahlihā*)[72] as the report, although supported by a strong *isnād*, is isolated and cannot oppose the numerous traditions in favor of Hishām. Furthermore, Khūʾī adds, it is well known that al-Kāẓim was killed not because of Hishām's debates but because he was the leader of the Imāmīs. Khūʾī then turns to the question of Hishām's corporealism. He states that, even if we admit that Hishām used the word *jism* to refer to God, he was wrong in doing so and probably used it in a metaphorical sense. He interprets Hishām's statement that God is a body as meaning that He cannot be compared to human beings and hence bears no resemblance to them. Khūʾī concludes that the accusations of corporealism against Hishām were fabricated by his adversaries out of jealousy. He makes no attempt to address the various reports of Hishām's corporealism cited in Sunnī works.[73]

Mamaqānī in his profile of Hishām quotes Majlisī (d. 1111/1699) as stating that Hishām revised his opinions when he realized that his imām was not happy with them, a view absent in previous texts. This report, declares Mamaqānī, is enough to exonerate Hishām from any blame. Like Khūʾī, he states that traditions concerning Hishām's corporealism arose out of jealousy.[74] As for other unfavorable reports against Hishām, Mamaqānī simply attributes them to *taqiyah*. It was in Hishām's interest that he be blamed for al-Kāẓim's death; this protected him from non-Imāmīs. If he was truly responsible for the Imām's death, asks Mamaqānī, why would the ninth imām al-Jawād praise him?[75]

Rehabilitating Hishām has certainly been more difficult than rehabilitating Zurārah, given the accusations of corporealism against him and his beliefs concerning God's *ʿilm*. Nevertheless this had to be accomplished since Hishām is presented in the *ḥadīth* literature as a defender of Imāmī beliefs; many Imāmī theological doctrines, including *ʿiṣmah*, the *ʿilm* of the imāms, and the Prophet's appointment of ʿAlī as his successor, are based on traditions narrated by him.[76]

In the idealization of prominent *rijāl* such as Hishām and Zurārah one can discern the Imāmī belief in religious guidance from authorities who cannot commit any error or inadvertent act that would affect the authoritativeness of

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[72] The phrase indicates that the author is not able to provide a completely satisfactory answer. He therefore returns the matter to those who have the infallible *ʿilm*, that is the imāms. During my visit to Najaf in October 1988, I had hoped to meet Khūʾī and to question him on his defense of the *rijāl*. Due to his ill health, I was not able to speak to him. I was, however, able to speak to one of his students, Sayyid al-Mahdī al-Kharsān. When I asked him about the rejection of a *ṣaḥīḥ* but unfavorable report he dismissed the question, suggesting to me that he would prefer not to answer.

[73] Khūʾī, *Muʿjam*, XIX, 294.

[74] Mamaqānī, *Tanqīḥ*, III, 294.

[75] Ibid., 298.

[76] For Hishām's traditions see Khūʾī, *Muʿjam*, XIX, 410.

what they transmit. The idealization of the *rijāl* also indicates the need to authenticate the present: to establish, document and idealize the roots of a tradition which were not at first universally accepted. The "ideal *rijāl*" in their role as spokesmen of the imāms also serve to legitimize the authority of the post-*Ghaybah* jurists and scholars. It can be argued that by rehabilitating Zurārah, Hishām, and others, Shī'ī scholars ultimately consolidate and reinforce their own authority as the spokesmen of the Hidden Imām.

SUNNĪ-SHĪʿĪ RAPPROCHEMENT *(TAQRĪB)*

Ahmad Kazemi Moussavi

I

One of the consequences of Islamic resurgence has been a shift in emphasis from sectarian differences to pan-Islamic unity. The formal *taqrīb* (rapprochement) movement began in the twentieth century with dialogue among Muslim legal schools.[1] However, rapprochement has existed in many forms throughout Islamic history, even if it has often faced difficult obstacles, both religious and political. In this essay I will review the past history of *taqrīb* and then consider the prospects for its success in light of current developments. Especially important to this discussion is the trend outside formal Shīʿism known as *al-tashayyuʿ al-ḥasan* ('moderate Shīʿism'), a supra-sectarian orientation which has been overshadowed by the emphasis of scholars on Shīʿī extremism.

The history of Shīʿī-Sunnī rapprochement effectively begins with Imām Jaʿfar al-Ṣādiq (d. 148/765), the sixth imām of the Shīʿah. Jaʿfar's teachings are the main source of Shīʿī jurisprudence and he is considered the founder of the Shīʿī legal school, which has thus become known as the 'Jaʿfarī' school. However, his contribution cannot be understood except against the background of Sunnī jurisprudence. Ayotollah Burūjirdī (d. 1961) one of the most celebrated contemporary collectors of the traditions of the imāms and a pioneer in Shīʿī-Sunnī rapprochement, suggests that the Imām maintained a continuous dialogue with his Sunnī contemporaries in which he presented both his transmitted knowledge (*ʿilm*) and *ijtihād* (juristic reasoning).[2] The sixth

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[1] Although I use the term *taqrīb* throughout to refer to positive contact between Sunnīs and Shīʿīs, the expression *al-taqrīb bayn al-madhāhib al-Islāmīyah* (rapprochement among Islamic legal schools) was coined only in the early decades of this century by Sunnī and Shīʿī scholars.

[2] See Ridā Ustādī, "Āsār va-taʾlīfāt-i Āyat Allāh Burūjirdī," *Ḥawzah* 42-43 (March-July 1991): 215 & 287-304.

imām became a symbol of the common source that nourished both Shīʿī and Sunnī juristic doctrine. He inherited his position and knowledge from his father Muḥammad al-Bāqir, the fifth imām (d. 117/735), but he also maintained contact with his maternal grandfather Qāsim ibn Muḥammad ibn Abī Bakr (d. 108/726), the well-known Successor and one of the seven jurists who shaped the traditional foundations of Sunnī jurisprudence.[3] Muḥammad al-Bāqir's marriage with Umm Farwah, the granddaughter of Abū Bakr, already demonstrates the close friendship between his father ʿAlī ibn Ḥusayn (d. 95/713), who had survived the massacre at Karbala to become the fourth imām, and his contemporaries among the non-Shīʿī *ʿulamāʾ*. It appears that the dispute over the early caliphal succession did not affect normal social relations between the ʿAlids and their Sunnī counterparts at this time.

However, most of the collectors of tradition were apparently not entirely aware of or in tune with the teachings of the imāms, and thus maintained a distance from Sunnism not characteristic of them. This may be attributed to the fact that the imāms' teachings were collected chiefly by the Shīʿī school of Qum and Ray, by such figures as Abū Jaʿfar Muḥammad ibn al-Ḥasan al-Ṣaffār al-Qummī (d. 290/902), Muḥammad ibn Yaʿqūb al-Kulaynī (d. 329/940), and Ibn Bābawayh, al-Ṣadūq (d. 381/991). Only a small amount of material from the original transmitters of Jaʿfar al-Ṣādiq's juristic heritage, most of whom belonged to the Iraqi Shīʿī milieu, has been preserved,[4] and we have little record of the Imām's teachings from his contemporaries or near-contemporaries in Madinah and Kufah where he lived and travelled. Because the Shīʿī authors of Qum and Ray were isolated from the Hijaz and Iraq where the imāms lived, they tended to distance themselves from existing Sunnī precedent. Thus the collections from the Qum/Ray school contain traditions on sensitive matters such as the distortion of the Qurʾān, which later jurists, including Shaykh Mufīd (d. 413/1022) and Shaykh Ṭūsī (d. 460/1067), were compelled to repudiate. This is true even of the canonical *al-Kāfī* (perhaps because of its all-inclusive nature, as indicated by the title—"The Complete").

Nevertheless, Shīʿī-Sunnī rapprochement received a new impetus in the area of *ʿilm al-uṣūl* (jurisprudence) with Shaykh Mufīd, the intellectual leader of the Shīʿī community in Baghdad. Mufīd was indirectly a disciple of Abū Sahl Ismāʿīl al-Nawbakhtī (d. 311/923), himself known for propagating 'moderate Shīʿism.' By adopting the *ʿilm al-uṣūl*, Mufīd checked the influence of Shīʿī traditionism in Iraq. This was significant because traditionism, that is exclusive reliance on the traditions of the imāms, both prevented the Shīʿah

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[3] Muḥammad Abū Zahrah, *Taʾrīkh al-madhāhib al-Islāmīyah*, 2 vols. (Cairo: Dār al-Fikr al-ʿArabī, n.d.), II, 254-255. The other six Successor jurists were: Saʿīd ibn al-Musayyab, ʿUrwah ibn al-Zubayr, Abū Bakr ibn ʿUbayd, ʿUbayd Allāh ibn ʿAbd Allāh, Sulaymān ibn Yasār. and Khārijah ibn Zayd.

[4] See Shaykh Āghā Buzurg Ṭihrānī, *al-Dharīʿah ilā taṣānīf al-Shīʿah*, 26 vols. (Beirut: Dār al-Aḍwāʾ, 1402/1983), II, 125-167. These are the so-called *aṣḥāb al-uṣūl*, the possessors of the *uṣūl* or notebooks in which the words of the imāms were noted either directly from them or from one of their close Companions.

from joining in the development of jurisprudence and was the locus of much anti-Sunnī feeling and extremism. The move away from traditionism therefore facilitated dialogue between the scholars of the two communities. Shaykh Mufīd's continuous contacts and constructive exchange of views with his Sunnī counterparts made him one of the Shīʿī jurists most cited in Sunnī (as well as Shīʿī) works.[5]

Shaykh Mufīd was followed in his move away from traditionism and toward rational argument by his disciple, al-Sharīf al-Murtaḍā (d. 436/1044). Murtaḍā wrote a number of treatises on Islamic theology and jurisprudence intended to present Shīʿī views to the larger community. His *al-Dharīʿah* addresses both Shīʿī and Sunnī topics of jurisprudence, thus in effect separating the field of jurisprudence from the more controversial topic of theology (*kalām*); these two disciplines had previously been closely intertwined.[6] He was even appointed by the Abbasid caliph to the position of *naqīb* (chief syndic) of the ʿAlawids of Baghdad. In his *al-Intiṣār*, presented to the Sunnī vizier ʿAmīd al-Mulk al-Kundurī, Murtaḍā complains that Shīʿism is singled out for criticism by some Sunnī thinkers who nevertheless ignore their own more problematic differences with Shāfiʿī or Abū Ḥanīfah.[7]

Murtaḍā's disciple al-Ṭūsī, 'Shaykh al-Ṭāʾifah,' at first seemed to lean toward traditionism. In his youth he composed *Tahdhīb al-aḥkām* and *al-Istibṣār*, two complementary collections of *ḥadīth*; these works comprise two of the four canonical books of Shīʿī tradition. Later, however, he also wrote extensively on jurisprudence. He composed *al-Nihāyah* following the Uṣūlī method; this remained a standard work for centuries after. He also contributed another important work, *al-Mabsūṭ*, in which he expanded on the details of jurisprudence, again using rational, Uṣūlī arguments. In order to accomplish this task, Ṭūsī also drew upon Sunnī, especially Shāfiʿī, jurisprudence. His next step was to write *al-Khilāf*, a comparative work containing the viewpoints of most Islamic legal schools. Ṭūsī's approach in these works is so similar to the Sunnī approach that it has led Modarressi to remark:

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[5] See for example ʿAlī ibn Abī al-Shaybānī, Ibn al-Athīr, *al-Kāmil fī al-tāʾrīkh*, ed. Abū al-Fidāʾ ʿAbd Allāh al-Qāḍī, 10 vols. (Beirut: Dār al-Kutub al-ʿIlmīyah, 1407/1987), VIII, 138; Muḥammad ibn Aḥmad ibn ʿUthmān al-Dhahabī, *Mīzān al-iʿtidāl*, ed. ʿAlī Muḥammad al-Bijāwī, 4 vols (Beirut: Dār al-Maʿrifah, 1382/1963), IV, 26, 30; ʿAbd al-Ḥayy ibn al-ʿImād al-Ḥanbalī, *Shadharāt al-dhahab fī akhbār Murūj al-Dhahab*, 4 vols (Beirut: Dār al-Kutub al-ʿIlmīyah, n.d.), II, 199; Ibn al-Nadīm, *The Fihrist of al-Nadīm*, ed. & trans. Bayard Dodge, 2 vols. (New York: Columbia University Press, 1970), I, 443; and ʿAbd al-Jalīl Qazwīnī Rāzī, *Kitāb al-naqḍ*, ed. Sayyid Jalāl al-Dīn Ḥusaynī Urmavī (Tehran: Chāpkhānah-ʾi Sipihr, 1371 H.Sh./1952), 179.

[6] Abū al-Qāsim ʿAlī ibn al-Ḥusayn al-Mūsawī, al-Sharīf al-Murtaḍā, *al-Dharīʿah ilā uṣūl al-sharīʿah*, ed. Abū al-Qāsim Gurjī, 2 vols. (Tehran: Dānishgāh-i Tihrān, 1363 H.Sh./1985), I, 2.

[7] *al-Intiṣār*, ed. Muḥammad Riḍā al-Sayyid Ḥasan al-Kharsān (Najaf: al-Maṭbaʿah al-Ḥaydarīyah, 1391/1971), 2.

> These two books were modelled upon Sunnī works, and through them an important part of Sunnī legal scholarship passed into Shīʿī law facilitating its further development. Shīʿī law at this stage benefitted much from the heritage of Sunnī legal thought of the early centuries of Islam.[8]

For a period of two hundred years after Ṭūsī, there were no significant doctrinal developments in Shīʿī jurisprudence. However, we do have some evidence, such as the *Kitāb al-naqḍ* written in approximately 560/1261 by ʿAbd al-Jalīl Qazwīnī, a moderate Shīʿī author, that Shīʿī-Sunnī polemics could take the form of rational argument. Qazwīnī's emphasis on the rational, Uṣūlī side of Shīʿism reveals that the Shīʿah were alert to the possibility of better contact with Sunnīs through this kind of argumentation. Despite his polemical approach, Qazwīnī states that the Shīʿah had never considered Sunnīs to be their enemies or infidels.[9]

The next important step in Shīʿī-Sunnī relations was taken by the scholars of the Shīʿī center of Ḥillah, especially by ʿAllāmah Jamāl al-Dīn Ḥasan Ibn al-Muṭahhar al-Ḥillī (d. 726/1325) and his uncle al-Muḥaqqiq al-Ḥillī (d. 676/1277). ʿAllāmah contributed to the development of Shīʿī jurisprudence partly by drawing on Sunnī models; his writings represent the peak of Shīʿī-Sunnī interaction on an intellectual level. In his comprehensive work *Tadhkirat al-fuqahā'* ("Biographies of the Jurists"), ʿAllāmah not only classifies and compares the opinions of various Sunnī schools; he also attempts to make his own contributions to Sunnī law. For instance, he treats the topic of *bayʿah*, that is the formal pledge of allegiance to the leader of the community, a subject not directly relevant to Shīʿī jurisprudence because of the absence of the Imām.[10] ʿAllāmah also wrote a commentary on the Sunnī scholar Ibn al-Ḥājib's (d. 646/1249) *Mukhtaṣar al-muntahā fī al-uṣūl* which was praised in turn by the well-known Sunnī traditionist Ibn Ḥajar al-ʿAsqalānī (d. 852/1449).[11] On the other hand, ʿAllāmah's political attachment to the Mongol court provoked negative reactions among Sunnīs. This is reflected in Ibn Taymīyah's (d. 728/1327) polemical *Minhaj al-sunnah* in which, as ʿAsqalānī points out, the author goes out of his way to refute Shīʿism.[12] Despite Ibn Taymīyah's work, however, ʿAllāmah's religious attitude commanded the general respect of Muslim society. Ḥāfiẓ Abrū (d. 834/1430), another Sunnī author, recalls ʿAllāmah's presence at the court of the Ilkhanid king Oljeitu:

> Shaykh Jamāl al-Dīn Ḥasan ibn al-Muṭahhar al-Ḥillī came to the court. He was an erudite man, the learned student of Khwājah Naṣīr al-Dīn [al-Ṭūsī]. His prestige in the sciences of theology and jurisprudence was unique. He had

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[8] Hussein Modarressi Tabataba'i, *An Introduction to Shīʿī Law* (London: Ithaca Press, 1984), 44.

[9] Qazwīnī, *Naqḍ*, 496.

[10] ʿAllāmah Ibn al-Muṭahhar al-Ḥillī, *Tadhkirat al-fuqahā'*, 2 vols. (Tehran: al-Maktabah al-Murtaḍawīyah [litho. reprint], 1388/1968), I, 453.

[11] In his *al-Durar al-kamīnah*, ed. Muḥammad Sayyid Jād al-Ḥaqq, 5 vols. (Cairo: Dār al-Kutub al-Ḥadīthah, 1385/1966), IV, 135 & 138.

[12] Cited in ʿAlī Davānī, *Mafākhir-i Islām*, 4 vols. (Tehran: Amīr Kabīr, 1364 H.Sh./1985), IV, 251-252.

> written numerous books, two of which he brought to be presented to the king when in audience.... Shaykh Jamāl al-Dīn never argued in a partisan way. He was diligent in paying respect to the Companions [of the Prophet], may God be pleased with them.[13]

It was during this same period, that is in the late fourteenth and early fifteenth centuries, that the idea of *al-tashayyuʿ al-ḥasan* or moderate Shīʿism and the practice of exalting the virtues of ʿAlī ibn Abī Ṭālib somewhat in the Shīʿī manner gained momentum among Sunnīs. This was especially true of the Sufi orders. Momen describes the movement as follows:

> The rapprochement between Shiʿism and Sunnism was to have an even greater impact on Sunni Islam. Firstly, among Sunnis there developed a tendency to what is called *tashayyuʿ ḥasan* (good or moderate leaning towards Shiʿism). This meant extolling the virtues of ʿAlī and condemning Muʿāwiyah and Yazīd but without going to what was considered the extreme of Twelver Shiʿism and rejecting the first three Caliphs and exaggerating the position of ʿAlī and the Imams. But, even more importantly, the Sufi orders, which were in the process of being formed into organized schools with chains of successive leaders during this period, also took a pronounced pro-Shiʿi turn in their mode of thought and expression.[14]

This pro-Shīʿī turn was due to the Sufi appropriation of the idea of the charismatic sainthood of the imāms, for instance by the great Spanish theosophist Ibn ʿArabī (d. 638/1240). Thus the Sunnī world demonstrated its willingness to join with Shīʿīs in love and respect for the House of the Prophet (provided there were no juristic consequences, that is provided charismatic sainthood would not affect or interfere in the principles of *sharīʿah* beyond the limits of Uṣūlī interpretation).

Soon, however, rapprochement was cut short by the Safavid triumph in Iran. Safavid power rested on Turcoman tribes whose ideas did not fit into any recognized frame of Shīʿī thought. In the meantime, Ḥillah had already been destroyed by another kind of extremism: the revolt of Sayyid Muḥammad Mushaʿshaʿ (d. 866/1461). The few efforts in the following two centuries to bring Shīʿism and Sunnism closer together can be attributed to political motives rather than desire for dialogue. Mindful of the stability of their regime, the Safavid rulers tried to balance the extremism of their Turcoman Qizilbash supporters by recruiting Shīʿī jurists more tolerant of Sunnism from Jabal ʿĀmil (present day South Lebanon). One of the most famous of these moderate immigrants was Shaykh ʿAlī al-Karakī (d. 940/1533), who had received the title of 'Mujtahid of the Age' from Ṭahmāsp, the second Safavid king. Karakī had successfully curbed the killing of Iranian Sunnī *ʿulamāʾ* by arguing that he could convert them through argument. There were subsequently two attempts to actually re-establish Sunnism in Iranian territory, by the Safavid ruler

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[13] Ḥāfiẓ Abrū, *Majmaʿ al-tawārīkh*, cited by Muḥammad ʿAlī Muwaḥḥid in *Safarnamahʾi Ibn Baṭūṭah* (Tehran: Nashr-i Āgāh, 1370 H.Sh./1991), 521.

[14] Moojan Momen, *An Introduction to Shiʿi Islam*. (New Haven, CT: Yale University Press, 1985), 96.

Ismāʿīl II (d. 985/1578) and again by the Sunnī ruler Maḥmūd Afghān (d. 1135/1722). Ismāʿīl II intended to put an end to Shīʿī sectarianism, while Maḥmūd Afghān was motivated primarily by a desire to reverse the state Shīʿism of the Safavids and thus reconcile Iran to the rest of the Islamic world. Finally Nādir Shāh (1160/1747), the first ruler of the Afshār dynasty after the Afghān interregnum, made an effort to bring about an accord between Shīʿism and Sunnism with the aim of establishing better relations with Iran's powerful Sunnī neighbour, the Ottoman Empire. He proposed that Iranians should abandon the extreme Shīʿism forced upon them by Shāh Ismāʿīl, while the Ottomans were to recognize Shīʿism as the fifth official school of law.[15] Nādir did not succeed in doing anything more than prohibiting the public vilification (*sabb*) of the first three caliphs—a significant step, nevertheless, in reducing sectarian tension.

In the meantime, rapprochement through jurisprudence suffered a setback as the Akhbārī school, led by Muḥammad Amīn Astarābādī (d. 1036/1626), rejected the use of Uṣūlī principles in interpretation of the *sharīʿah*, maintaining instead that the traditions (*akhbār*) of the imāms were sufficient to determine the law. In particular, the Akhbārīs put the Uṣūlī *ʿulamāʾ* on the defensive by charging them with adopting Sunnī notions, including the principles of *ijtihād* and *qiyās* (juristic analogy). As a result of this development, there was no longer any real doctrinal contact between Shīʿism and Sunnism until Usulism re-established itself at the beginning of the 13th/19th century.

The restoration of Sunnī-Shīʿī relations was resumed again on a different level with the modernist thinker and pan-Islamist Sayyid Jamāl al-Dīn Asadābādī, also known as 'al-Afghānī' (d. 1313/1897). Although educated in the Shīʿī center of Najaf, Sayyid Jamāl al-Dīn promoted rapprochement by placing his identity as a Muslim ahead of his sectarian orientation. Sayyid Jamāl's main concern was not Shīʿī-Sunnī differences but rather the encounter of Islam with Western values. Nevertheless, his productive relationships with such Sunnī thinkers as the Egyptian reformer Shaykh Muḥammad ʿAbduh were the beginning of a new, explicitly political movement toward reconciliation of doctrinal differences. Afghānī also influenced some Shīʿī scholars, for example Shaykh Muḥammad Ḥusayn Kāshif al-Ghiṭāʾ (d. 1954), the author of the apologetic treatise *Aṣl al-Shīʿah wa-uṣūluhā* ("The Origin of the Shīʿah and their Principal Beliefs") and Sayyid ʿAbd al-Ḥusayn Sharaf al-Dīn al-ʿĀmilī (d. 1957), the author of the first Shīʿī work on rapprochement, *al-Fuṣūl al-muhimmah fī taʾlīf al-ummah* ("Crucial Points Relevant to the Reconciliation of the Community"). Although Afghānī did not directly address Shīʿī juristic thought, his ideal of Islamic unity did contribute to supra-sectarianism in the Muslim world.

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[15] See ʿAbbās Iqbāl, "Vathīqah-ʾi Ittiḥād-i Islām-i Nādirī," *Yādgār* 4:6 (February-March 1948), 43-55.

II

In reviewing the history of Sunnī-Shīʿī rapprochement we have seen several common features in the approach of Shīʿīs and Sunnīs to Islam. One of these is love and respect for the people of the Prophet's house. Another is the development of a similar *ʿilm al-uṣūl* (science of the principles of Islamic jurisprudence). Sunnī and Shīʿī views of *ʿilm* (the transmitted knowledge of the traditions) and, in the area of legal methodology, *ʿaql* [16] (the use of reason) are also analogous. Use of *ijtihād* for the adapting of legal rules to new circumstances presents another parallel. All these areas may in the future provide suitable grounds for constructive dialogue between Sunnīs and Shīʿīs. Here, however, we shall restrict ourselves to discussion of *ijtihād*.

Application of revealed knowledge to daily circumstances requires some degree of personal reasoning. This effort of personal reasoning is called *ijtihād* (lit. "exertion of effort"). As the modern Malaysian thinker Syed Muhammad Naquib al-Attas points out, there are two kinds of knowledge, "that given by God to man; and that acquired by man by means of his own effort of rational enquiry based upon experience and observation.... [The latter] is discursive and deductive and it refers to objects of pragmatical value."[17] Thus we see that *ijtihād* is an attempt to gain knowledge through rational enquiry. *Itjihād* may be seen as both a channel and source of knowledge: it is a channel in the sense that it interprets and supplements the transmitted knowledge (*ʿilm*) of the *sharīʿah*, and a source in the sense that it results in new knowledge, that is 'probable knowledge' (*ẓann*). Strictly speaking, however, *ijtihād* is a channel for application of revealed knowledge based exclusively on the *sharīʿah*. Through *ijtihād* the unity of the *sharīʿah* is preserved, or, to borrow Hashim Kamali's words, the "harmony between revelation and reason" is maintained.[18] In other words, the personal exercise of human reasoning functions as a legitimate instrument by which revealed knowledge is applied to new situations.

Since the late first century of Islam, *ijtihād* was exercised in the *sharīʿah* in two different ways: interpretive and opinionative. Interpretive *ijtihād* was practised mostly by the people of the Hijaz but also by the traditionists (*ahl al-ḥadīth*) and early Shīʿīs; some of these later flourished in the Mālikī, Ḥanbalī, and Imāmī schools. Their jurisprudence was the so-called "traditionist jurisprudence" (*fiqh al-athar*) in which *ijtihād* was limited to

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[16] The contemporary author Muḥammad Taqī al-Ḥakīm compares *ʿaql* in the Uṣūlī and theological senses, discussing Shīʿī and Muʿtazilī views, as well as Ghazālī. See his *al-Uṣūl al-ʿāmmah lil-fiqh al-muqārin* (Najaf: Ahl al-Bayt, 1979).

[17] Muhammad Naquib al-Attas, *Islam and Secularism* (Kuala Lumpur: ABIM, 1978), 74-75. On the Islamic conception of knowledge in general see Franz Rosenthal, *Knowledge Triumphant. The Concept of Knowledge in Medieval Islam* (Leiden: Brill, 1970), 28-32 and Wan Mohd. Nor Wan Daud, *The Concept of Knowledge in Islam and its Implication for Education* (London: Mansell, 1989), 32-38.

[18] Muhammad Hashim Kamali. *Principles of Islamic Jurisprudence* (Kuala Lumpur: Petanduk Publications, 1989), 463.

interpretation of the texts of the traditions. In opinionative jurisprudence (*fiqh al-raʾy*), on the other hand, analogical reasoning (*qiyās*) and juridical preference (*istiḥsān*) prevailed; this trend was crystallized by the people of Iraq in the Ḥanafī school.[19]

The emergence of *qiyās* as the predominant justification of *ijtihād* could not, however, contain other developments in Islamic jurisprudence. One was the insistence of the school of Imām Jaʿfar al-Ṣādiq on the combined traditions of the Prophet and imāms instead of *qiyās*. The Shīʿī school rejected *ijtihād* because it was identified with *qiyās* and because the Shīʿīs gave priority to the interpretive traditions of the imāms as the sole authoritative source of knowledge. Another development was the formulation of a comprehensive theory of jurisprudence by Shāfiʿī (d. 204/819). Shāfiʿī shaped Islamic jurisprudence into an organic method for determining the applicability of the Qurʾān, Tradition, or *qiyās* in each case. His system provided a framework for the practice of *ijtihād*, which Muslims have depended on ever since. As a result, *ijtihād* was confined to learned persons possessing both knowledge of the Qurʾān and Tradition and the ability to apply them according to *uṣūlī* principles. Following al-Shāfiʿī, scholars such as Abū al-Ḥusayn al-Baṣrī (d. 436/1044), Imām al-Ḥaramayn al-Juwaynī (d. 479/1086), and Abū Ḥāmid al-Ghazālī (d. 505/1111) continued to elaborate on the principles and application of jurisprudence, including *ijtihād*.[20] It was al-Ghazālī who by providing new definitions for *ijtihād* and *qiyās* placed them in two theoretically separate spheres. He characterized *qiyās* as part of "the method of inference" (*kayfiyat al-iqtibās min maʿqūl al-alfāẓ*), placing *ijtihād* in the category of "qualification of indicators of the legal rules."[21] The Shīʿī scholars of Ḥillah, as the late Ayatollah Muṭahharī suggested, benefited from Ghazālī's definition of *ijtihād* and incorporated *ijtihād* in the Shīʿī legal system.[22]

Shīʿī adoption of *ijtihād* in the seventh/thirteenth century signals a new round of rapprochement with Sunnism. As Wilferd Madelung points out, it was at this time that the school of Ḥillah explicitly admitted that legal norms were "often based on theoretical considerations (*al-iʿtibārāt al-naẓarīyah*) not deduced from the literal meaning of the tradition text."[23] Evidently al-Muḥaqqiq al-Ḥillī, the foremost exponent of this school, was led by his conception of "theoretical consideration" to redefine *ijtihād* as valid *ẓann*, that is valid probable knowledge, by making a distinction between *ẓann* as the

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[19] Abū Zahrah, *Madhāhib*, 245-250.

[20] Ghazālī, for instance, provided a definition of *ijtihād* which is still valid for both Sunnīs and Shīʿīs; see his *al-Mustaṣfā min ʿilm al-uṣūl*, 2 vols. (Cairo: Muʾassasat al-Ḥalabī, 1322/1904-5), II, 350.

[21] Ghazālī, *Mustaṣfā*, I, 315-316 and II, 228, 350.

[22] Murtaḍā Muṭahharī, *Ijtihād dar Islām: Baḥthi darbārah-yi marjiʿiyat va-rūḥāniyat* (Tehran: Shirkat-i Sahām-i Intishār, 1341 H.Sh./1962), 41.

[23] "Authority in Twelver Shīʿism in the Absence of the Imam," in *La Notion d'autorité au Moyen Âge. Islam. Byzance. Occident*, ed. George Makdisi, Dominique Sourdel, and Janine Sourdel-Thomine (Paris: Presses universitaires de France, 1982), 168.

speculative component and *qiyās* and unrestricted reasoning (*raʾy*) on the other.[24] Here it should be noted that unrestricted reasoning had already been abandoned by Sunnī jurists following Shāfiʿī, Ibn Ḥazm and Ibn Ḥanbal's criticism of the abuse of *qiyās*. It is apparent that Muḥaqqiq and especially ʿAllāmah were impressed by Ghazālī and Ibn Ḥājib's redefinitions of *ijtihād*.[25] This redefinition, "utmost intellectual endeavor in search for the [most appropriate] legal rule" (*istifrāgh al-wusʿ li-ṭalab al-ḥukm al-sharʿī*) incorporates rational (*uṣūlī*) theoretical considerations, but does not necessarily depend on *qiyās*. (In al-Shāfiʿīs definition, in contrast, *ijtihād* and *qiyās* are identical.)[26] Once the distinction between *ijtihād* on the one hand and *qiyās* and *raʾy* on the other was accepted by the Shīʿīs, they fell in line with the Sunnī view.

The Shīʿī school of Ḥillah established the doctrine of the necessity of *ijtihād* in the seventh/thirteenth century. Later in the tenth/sixteenth century Shaykh ʿAlī al-Karakī ruled that only the opinion of a living *mujtahid* should be followed, thus ensuring the continuity of *ijtihād*. Yet at the same time that the Shīʿah adopted *ijtihād* and limited *qiyās*, Sunnī jurists of this period began to raise doubts about the existence of *mujtahid*s and subsequently claimed that the 'gates of *ijtihād*' were closed. Of course, this claim is now considered to be the result of historical developments, with no support in the legal theory of *ijtihād*.[27] Discussion and practice of *ijtihād* did, in fact, continue among the Sunnīs; the Ḥanbalīs actually held that there can be no period of history free of a *mujtahid* and Ibn Qayyim al-Jawzīyah (d.751/1350), the noted Ḥanbalī jurist and traditionist, openly criticized the supposed finality of the *ijtihād* of the four founders of the Sunnī schools (Abū Ḥanīfah, Mālik, al-Shāfiʿī, and Aḥmad ibn Ḥanbal).[28] These statements, however, do not mean that they encouraged a comprehensive *ijtihād*, such as, for instance, that of Abū Ḥanīfah. Thus the positions of Shīʿī and Sunnī scholars on *ijtihād* were now reversed, with the Shīʿah emphasizing the necessity of on-going *ijtihād* and the Sunnī community severely limiting its application. The subsequent history of rapprochement on this issue concerns the growing acceptance of *ijtihād* by Sunnī scholars.

The Sunnī world began to revive the spirit of *ijtihād* in modern times under the influence of the teachings of Sayyid Jamāl al-Dīn al-Afghānī, Muḥammad

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[24] al-Muḥaqqiq al-Ḥillī, *Maʿārij al-uṣūl* (Tehran: [lithograph], 1892), 117-121.

[25] See Muṭahharī, *Marjaʿīyat*, 41. Even al-Muḥaqqiq and ʿAllāmah's arrangement of the chapters of *uṣūl al-fiqh* are more in line with Ibn al-Ḥājib and Ghazālī than with those of Shīʿī scholars such as Murtaḍā and Ṭūsī. Compare Muḥaqqiq's *Maʿārij* and ʿAllāmah's *Tahdhīb* with the *Dharīʿah* of Murtaḍā and *ʿUddat al-uṣūl* of Ṭūsī, then compare all these with Ibn al-Ḥājib's *Mukhtaṣar al-uṣūl* and Ghazālī's *Mustaṣfā*.

[26] See *al-Risālah*, ed. Aḥmad Muḥammad Shākir (Beirut: al-Maktabah al-ʿIlmīyah, 1359/1939), 477.

[27] Kamali, *Principles*, 493.

[28] Muḥammad Ibn Abī Bakr Ibn Qayyim al-Jawzīyah, *Iʿlām al-muwaqqiʿīn*, (Beirut: Dār al-Fikr, 1397/1977), IV, 262-263.

ʿAbduh (d. 1905), ʿAbduh's disciple Rashīd Riḍā (d. 1935), and the Indian Muslim thinker Muḥammad Iqbāl (d. 1938). Shaykh Muḥammad ʿAbduh considered *ijtihād* a legitimate means of relating Islamic teachings to the modern world. "If we content ourselves with the *fatwā*s of past *mujtahid*s [such as Abū Ḥanīfah]," he declared, "we shall deprive Muslims of the practical application of Islamic norms."[29] ʿAbduh's disciple Rashīd Riḍā held that *ijtihād* is imperative for all legal thinking; its dynamism, he stated, promotes public welfare.[30] Muḥammad Iqbāl proposed a body of juriconsults to institutionalize *ijtihād*.[31] According to Iqbāl, "the teaching of the Qurʾān that life is a process of progressive creation necessitates that each generation, guided but unhampered by the work of its predecessors, should be permitted to solve its own problems."[32]

Still later, Shaykh Maḥmūd Shaltūt (d. 1963), the Egyptian rector of the university-mosque of Al-Azhar, envisaged two forms of *ijtihād*: collective and individual. "*Ijtihād*," he wrote, "is a source of plurality of ideas, not discord, because the different schools are united by their belief in the paramount authority of the Qurʾān and the Tradition."[33] Applying his own *ijtihād*, Shaykh Shaltūt gave an explicit *fatwā* validating worship according to the Imām Shīʿī rite (*madhhab*). He ordered the word "sect" (*firqah*) deleted from the official document of the *fatwā* on the grounds that in Islam proper there are no sects, but only schools of doctrine.[34]

III

Given this background, how might *ijtihād* become a means of Sunnī-Shīʿī rapprochement? As the late Muslim thinker Hamid Enayat suggested, the adoption or re-adoption of *ijtihād* by some Sunnīs in modern times is itself a sign of *taqrīb*: "A convergence has thus slowly taken shape between the positions of both sides, and in theory, the Shīʿīs should now draw comfort from the Sunnī conversion to their view that *ijtihād* is indispensable to the proper understanding of the religious rules."[35] However, it is important to note that Sunnī practice of *ijtihād* was historically little affected by developments in Shīʿī jurisprudence. Because of the political orientation of Shīʿism, its intellectual achievements have never reached the Sunnī milieu (with the exception of *al-tashayyuʿ al-ḥasan* through the medium of Sufism); thus

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[29] Quoted in Lajnah min al-Asātidhah, *al-Ijtihād wa-al-tajdīd fī al-tashrīʿ al-Islāmī* (Tunis: al-Sharikah al-Tūnisīyah lil-Tawzīʿ, [1975]), 377.

[30] Hamid Enayat, *Modern Islamic Political Thought* (Austin: University of Texas Press, 1988), 81.

[31] Muhammad Iqbal, *The Reconstruction of Religious Thought* (Lahore: Muhammad Ashraf, 1986), 163.

[32] Ibid., 168.

[33] Enayat, *Political Thought*, 49.

[34] Ibid.

[35] Ibid., 48.

despite ample Shīʿī adoption of Sunnī principles, hardly any case of the reverse trend can be found.[36] Sunnī *ijtihād* declined and rose again independently of Shīʿī jurisprudence, and the reasons for the apparent convergence in modern times should be sought in other factors.

One important factor in contemporary juristic rapprochement was the friendly relations between Shaykh Shaltūt and the Shīʿī *marjaʿ* (supreme *mujtahid*) Ayatollah Burūjirdī (d. 1961). We have already mentioned that Ayatollah Burūjirdī's initiative in re-formulating the traditional sources of Shīʿī law led him to regard Sunnī tradition as the background of Shīʿī jurisprudence. This approach won him regard in Sunnī circles, further facilitating his contacts with the Sunnī world. In 1947 Burūjirdī dispatched his clerical envoy Muḥammad Taqī Qummī to Cairo. There he established "Dār al-Taqrīb bayn al-Madhhāhib al-Islāmīyah," that is "The Center for Rapprochement among Islamic Legal Schools." In 1959, after several years of contacts, Shaykh Shaltūt issued a *fatwā* authorizing the teaching of Shīʿī jurisprudence at Al-Azhar University. Hamid Enayat evaluates the *fatwā* as follows:

> When Shaltūt gave his *fatwa*, Shiʿi studies had been absent from the curriculum of that university for over nine hundred years. Although Al-Azhar was created in 361/972 by an Ismaʿili Shiʿi, the Fatimid Caliph al-Muʿizz, two centuries later the Sunni Ayyubis turned it into a center of orthodox scholarship. Thus rather than constituting a simple case of curriculum reform, Shaltūt's *fatwa* indicated a major psychological breakthrough.[37]

The spirit of Shaltūt's conciliatory approach was carried forward by two other prolific Muslim authors. Shaykh Muḥammad Abū Zahrah, the contemporary Egyptian scholar, dedicated a large portion of his magnum opus *Taʾrīkh al-madhāhib al-Islāmīyah* ("History of the Islamic Schools") and also a part of another book, *Uṣūl al-fiqh* ("Bases of the Law"), to Shīʿī law. In his writings he attempted to reduce the differences between Shīʿism and Sunnism to the sphere of jurisprudence, ignoring Shīʿī esoteric imamology. The effect of Abū Zahrah's approach is evident in later literature. A contemporary Arab author has written:

> We do not call for the abolition of the rites (*madhāhib*), because it is unrealistic.... We believe that these rites must continue to exist, because they are important as schools of thought and intellectual undertakings which must be respected, if not necessarily accepted. We endorse the call of our teacher Muḥammad Abū Zahrah for the abolition of sectarianism (*ilghāʾ al-ṭāʾifīyah*), 'sectarianism' being understood as the fanatical insistence of a group of people on the validity of one opinion to the exclusion of all others.[38]

From the Shīʿī side, the Lebanese thinker Muḥammad Jawād Mughnīyah (d. 1979) wrote a comparative work entitled *al-Fiqh ʿalā al-madhāhib*

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[36] Muḥammad Jaʿfar Langrūdī, *Maktabhā-yi ḥuqūqī* (Tehran: Ganj-i Dānish, 1370 H.Sh./1991), 255.

[37] Enayat, *Political Thought*, 48-49.

[38] Fahmī Huwaydī, "Faḍḍ al-ishtibāk al-fikrī bayn al-Muslimīn," *al-ʿArabī* 351 (February 1988): 85-86.

al-khamsah—"Islamic Law According to the Five Schools"—which treats the Shīʿī rite as the fifth school of law in addition to the four Sunnī schools.

A second factor in juristic rapprochement in modern times has been the juristic pragmatism, bordering on Sunnī pragmatism, of many Iranian revolutionary leaders. Two examples of this approach are the institution of the Friday congregational prayers and the principle of the priority of public welfare (*maṣlaḥah*) in legal rulings.

The Friday congregational prayer was declared in abeyance by the early Shīʿī jurists pending the return of the Imām of the Age. Under Safavid rule, the Uṣūlī *mujtahid* of the time, Shaykh ʿAlī al-Karakī, ruled for the necessity of the Friday prayer behind any qualified jurist who might assume the office of Imām Jumʿah.[39] However, because of the opposition of other *mujtahid*s such as Ibrāhīm Qaṭīfī (d. 944/1537) and Shaykh Muḥammad Ḥasan Najafī (d. 1262/1845), the Friday congregational prayer did not become institutionalized among the Shīʿah. In the twentieth century Ayatollah Muḥammad Khāliṣī attempted again to establish the Friday prayer, possibly under the influence of his contacts with the Sunnī jurists of Egypt and Palestine.[40] It was finally only through the efforts of Ayatollah Khomeini (d. 1989) and Ayatollah Ṭāliqānī (d. 1979) that the Friday congregational prayer was again firmly established.[41] This required the *ijtihād* of these two important figures, an *ijtihād* clearly influenced by renewed contact with Sunnīs.[42]

Another principle that had long fallen into disuse in Shīʿī jurisprudence was public welfare (*maṣlaḥah*). *Maṣlaḥah* does not have a basis in tradition, that is in the Shīʿī collections of *ḥadīth*, for it was considered a practice of the Companions not endorsed by the Shīʿī imāms. Ayatollah Khomeini adopted this principle in a new political context using his personal *ijtihād*. In a *fatwā* issued in 1988 he not only revived *maṣlaḥah*, but also set up a consultative body charged with the task of investigating public welfare in order to guide policy decisions. The functioning of this consultative body may be regarded as another kind of *ijtihād*.

A final factor in contemporary *taqrīb* in the area of law lies in the machinery proposed by the rulers of the Islamic Republic of Iran to institute *wilāyat al-faqīh* or "rule of the jurist." This includes an assembly of experts to elect the ruling jurist or "leader." Traditionally, the Shīʿī doctrine of the imamate has precluded any role of the community in choosing the ruler.

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[39] See Said Amir Arjomand, *The Shadow of God and the Hidden Imām* (Chicago: University of Chicago Press, 1984), 134-136.

[40] Said Amir Arjomand, "Ideological Revolution in Shiʿism," in *Authority and Political Culture in Shiʿism*, ed. Arjomand (Albany: State University of New York Press, 1988), 188.

[41] In October of 1979, Ayatollah Khomeini issued a *fatwā* exhorting Shīʿis to say their prayers behind Sunnī leaders; see Enayat, *Political Thought*, p. 51.

[42] The Bahraini scholar Dr. al-Oraibi, whose essay on Shīʿism in Bahrain appears elsewhere in this book, argued forcefully in the conference that the Friday prayer was never suspended in Bahrain and that this has been, in general, an Iranian phenomenon—ed.

However, it is now admitted by proponents of the rule of the jurist that an assembly of experts is authorized to determine the leader's qualifications; here is another example of the new Shīʿī pragmatism.[43] These provisions entrenched in the original Iranian constitution of December 1979 are similar to the principles of election and *bayʿah* which are central to the Sunnī doctrine of the imamate as formulated by jurists such as Imām al-Ḥaramayn al-Juwaynī (d. 478/1085)[44]—although it must be admitted that, while Juwaynī emphasized the capability of the imām, Shīʿī theory concentrates on restricting the imamate to the jurists.[45] The election of "the ruling jurist" thus provides common ground between Shīʿīs and Sunnīs, at least in the constitutional sphere. On the other hand, the juristic nature of these new developments in Shīʿism has been overshadowed by their political implications, with the result that the rapprochement through *ijtihād* which they imply has been overlooked.

IV

I now turn to the practical possibilities for furthering rapprochement between Sunnīs and Shīʿīs. Long ago the heresiographer Abū al-Ḥasan al-Ashʿarī (d. 324/936) included all Muslims in the appellation 'Islāmīyīn' and then labeled differences *ikhtilāf al-muṣallīn* ("variants among those who pray"). In our time Seyyed Hossein Nasr has viewed sectarianism as a kind of religious pluralism, stating that "Islam displayed homogeneity, and sectarianism facilitated the participation of a large community with different traditions in Islam."[46] This kind of intellectual activity, which involves a basic re-thinking of community relations and the meaning of 'Islam' as a whole, may serve to mute sectarian differences.

Since the 1950's several organizations whose aim is to promote understanding between Sunnīs and Shīʿīs have been active—although all are yet far from their declared goals. Formal organizations such as Dār al-Taqrīb (now based in Tehran) continue to attempt to identify common ground for rapprochement and to work out the details necessary for agreement. Since 1989, a "Week of Unity" has been declared by the Iranian government on the occasion of the anniversary of the Prophet's birth. The "Majmaʿ al-Taqrīb," also based in Tehran, sponsors an international religious conference at this time. In August 1994, the seventh conference on *taqrīb* was convened in Tehran. The first issue of *Risālat al-Taqrīb* ("Journal of Rapprochement") along with about a dozen essays on the subject was issued at the beginning of

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[43] See the essay in this volume by Talib Aziz on the issue of popular election in Shīʿism—ed.

[44] This similarity was noted at the Eleventh Conference of Muslim Social Scientists of North America, 1982, by the author and Dr. Muhammad Salim El-Awa. See A.K. Moussavi, "Murūrī-i intiqādī bar Kitāb-i Ghiyāth al-umam fī iltiyāth al-ẓulam." *Taḥqīqāt-i Islāmī* 5:1-2 (1990): 135-145.

[45] See Juwaynī, *Ghiyāth al-umam wa-iltiyāth al-ẓulam* (Qatar: University of Qatar, 1400/1980), 68-72.

[46] *Ideals and Realities of Islam* (New York: Praeger, 1967), 148.

the conference. These documents included a letter by the Secretary General of the conference to Shaykh ʿAbd al-ʿAzīz bin Bāz, the chief mufti of Saudi Arabia, concerning Shīʿī positions on intercession and other controversial subjects. However, Sayyid Jaʿfar Shahīdi, a professor of the University of Tehran, complains that since the establishment of the Majmaʿ al-Taqrīb a number of Sunnīs have accused it of trying to encourage Sunnīs to join the Shīʿah school, while Shīʿīs have also accused it of pushing Shīʿīs to adopt Sunnī law.[47]

International scholarly conferences have also played a role, although a somewhat limited one, in rapprochement, especially in the areas of theology and jurisprudence. Three such conferences took place in Iran—in Tehran, Qum, and Sabzavar—in the first half of 1993. Given the growing importance of Malaysia and Indonesia in the Islamic world, a similar conference in June of 1993 in Kuala Lumpur should not be overlooked.[48] In each of these cases, however, the spirit of *taqrīb* evinced did not result in any formal agreement.

On the other hand, Shīʿī and Sunnī scholars have found common cause in the need to react to the incursion of Western values into the Muslim world; in this way new channels of communication have been opened. The encounter with modernity in the Shīʿī world has generated new priorities and ideas which have often overshadowed sectarian differences, and a new generation of Shīʿī *ʿulamāʾ* has tried to synthesize Islamic tenets and modern socio-economic realities. Some of this thinking has found acceptance in Sunnī circles. For instance, the writings of the Iraqi Shīʿī cleric and thinker Sayyid Muḥammad Bāqir al-Ṣadr (d. 1980) have won wide recognition in the Muslim world, including among Sunnīs. Some Sunnīs have begun to incorporate Ṣadr's proposals on Islamic economy and banking into their legal thought, the first time this has happened, and his *Our Philosophy* is also widely read and appreciated in the Arab world.[49] Sunnīs have also been affected, although to a lesser degree, by the writings of Ayatollah Murtaḍā Muṭahharī (d. 1979), a jurist and philosopher whose ideas continue to be widely discussed in present-day Iran. Many of his works have been translated into Arabic, Urdu, and Malay; in 1988 a religious foundation was even established in his name in Indonesia. The reason for such interest in Muṭahharī in Indonesia, according to one observer, is his ability, like Ṣadr, to address modern questions.[50] Muṭahharī, again like Ṣadr, was acquainted with both Western philosophy and Marxism and addressed these modern ideologies in his work.[51]

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[47] Sayyid Jaʿfar Shahīdī, "*Khuṭawāt naḥw al-taqrīb*," *Risālat al-taqrīb* 1:1 (Ramaḍān 1413/February 1993), 52.

[48] See *al-Nadwah al-ʿālamīyah lil-taqrīb bayn al-madhāhib al-Islāmīyah* (Kuala Lumpur, July 3-4, 1993), 13.

[49] Translated by Shams C. Inati (London: Muhammadi Trust, 1987); see p. x.

[50] See in general Haidar Baqir al-Habshi, *Mutahhari Mujtahid Dan Mujtahid* (Bandung: Mizan Publishers, 1990).

[51] Murtaḍā Muṭahharī, *Majmūʿah-i āthār-i Āyat Allāh Muṭahharī*, 3 vols. (Tehran: Instishārāt-i Ṣadrā, 1370 H.Sh./1991), III, 409-448 and 586-598.

The examples of Ṣadr and Muṭahharī point to the fact that not only Islamic thought but also Sunnī-Shīʿī understanding requires an intellectual level higher than that of the traditional *ʿulamāʾ*. Because of their scholarly approach and academic contacts, both Ṣadr and Muṭahharī were moderate in their Shiism and were able to perceive Islam from a non-sectarian point of view.[52] If there is any possibility for Sunnī-Shīʿī understanding, it lies on the emergence of a new generation of *mujtahid*s who can combine traditional knowledge with modern scholarship in an effort to revive Islamic values. This would create new priorities which would leave behind historical differences and generate a natural dialogue in which sectarian differences would fade into the background.

[52] Ayatollah Muṭahharī treats such Sunnī reformers as Muḥammad ʿAbduh, ʿAbd al-Raḥmān al-Kawākibī, and Muḥammad Iqbāl with considerable respect; see his *Nahḍat-hā-yi Islāmī-i ṣad sāl-i akhīr* (Tehran: Intishārāt-i Ṣadrā, 1370 H.Sh./1991), 36-53. Ayatollah Ṣadr wrote a polemical book called *Fadak fī al-tāʾrīkh* when he was still a teenager. This book, according to Chibli Mallat, "betrays a sectarian Shīʿī tone which soon disappeared from Ṣadr's language until it came back to the fore at the time of his confrontation with the Baʿth in the late 1970's" (Mallat, *The Renewal of Islamic Law* [New York: Cambridge University Press, 1993], 9). It should be added that even in this work, Ṣadr's almost total reliance on Sunnī sources and his mild language toward the Rightly-Guided Caliphs, including Abū Bakr and ʿUmar, are striking; see *al-Majmūʿāt al-kāmilah li-Muʾallafāt al-Sayyid Muḥammad Bāqir al-Ṣadr*, 15 vols. (Beirut: Dār al-Taʿāruf lil-Maṭbūʿāt, 1990), XI, 25-32. Despite Ṣadr's political involvement in the Shīʿī *al-Daʿwah* party, his works *Our Philosophy* and *Our Economy*, his main legacy and the fruit of his mature thought, are religiously moderate. For the Shīʿī context of Ṣadr's later political activity see Hanna Batatu, "Iraq's Underground Shīʿī Movements: Characteristics, Causes and Prospects," *The Middle East Journal* 35:4 (Spring 1981): 578-594.

V

SHĪᶜISM BETWEEN MYTHOS AND LOGOS

This volume has focused almost exclusively on juristic, Uṣūlī Shīʿism. Juristic Uṣūlism, however, is only one aspect of the Shīʿī movement. In this preface I argue that a more essential characteristic of Shīʿism has been openness and even persistent attachment to myth and ritual. Thus I see juristic Uṣūlism as actually a countertrend or lesser domain within the movement (although certainly a very significant one).

The vigorous *mythos* of Shīʿism has its source in Shīʿism's peculiar history as a minority movement within Islam. For, as Lévi-Strauss reminds us, myths are created to solve paradoxes that cannot be solved on the level of reality or in ordinary perception—"the purpose of myth is to provide a logical model capable of overcoming a contradiction."[1] And the Shīʿah (understanding Lévi-Strauss on a psychological, and not only formal level) are afflicted with just such a perplexing and wounding paradox—the failure of their divine mission and apparent success of their enemies, and this in the context of a religious movement (Islam) not only triumphalist in spirit, but triumphant in fact. Thus they have been compelled to address the contradiction of their situation by elaborating upon the central sacred narrative of their history, the narrative of ʿAlī and the imāms. In the course of this elaboration, they gathered diverse materials from the environments in which they found themselves, assembling them into a rich mythology and digesting the rituals that accompanied them.

Given the great store of textual, popular, and ritual material, the origin and function of the constituent themes of Shīʿī mythology could no doubt be worked out in many different ways. We are also in a position to contextualize Shīʿī myth, since we have substantial historical material at our disposal, as well as to trace its origins, since Near Eastern, Jewish, and Christian myths are already well studied. These tasks, obviously, cannot be accomplished here. Nor will the many controversies associated with the study of myth and ritual or related questions such as sacrifice be addressed—although I have, of course, had to make certain assumptions as a basis for argument. All that will be required to propose the mythic-ritual complex of Shīʿism are some preliminary suggestions. For this purpose I will sketch a picture of the Shīʿī imām as a combination of semi-divine king, of the kind so important in the ancient Near East, and tragic hero. The sketch below draws on a few well-known themes, but also on lesser-known material from the earliest (pre-tenth century) texts which would likely not be accepted or even recognized by most

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[1] "The Structural Study of Myth," *Journal of American Folklore* 68 (1955): 443.

Shīʿīs today—except perhaps, as far as it addresses irreducible human concerns, by the unconscious. To define Shīʿī orthodoxy, however, is not our concern; our concern is merely to demonstrate an essential quality of the movement.

The first myth of Shīʿism is that of the heroic but tragic ʿAlī ibn Abī Ṭālib. Beginning in the lifetimes of the imāms themselves, the Shīʿī movement in its various branches elaborated on his legend by seizing on additional mythic themes circulating in the Near East. The submerging through this process of the historical personalities of the imāms is evident not only from hagiographic motifs (e.g. prescience and other miracles), but by the recapitulation of ʿAlī's legend in the lives of his descendants. Even with the constraint of a historical record, the pattern is remarkably consistent. In fact, the whole cycle of imāms can be regarded as the completed narrative of one personality, beginning with ʿAlī and ending with the Twelfth imām.

Like hero and king, the imām is of privileged birth. His privilege is secured not only through the male line—a reflection of historical circumstance, as well as Arab custom—but also, as in other Near Eastern traditions and the classical world, through females (a theme evident initially in emphasis on the line of imāms descended from the Prophet's daughter Fāṭimah, and thereafter in tales told of some of the imāms that their mothers were special slave-girls, delivered to their fathers by Providence). The hero is divinely-chosen from birth (a Shīʿī dogma, reinforced by hagiographic accounts). He is even of royal descent (the fourth imām's mother is said to have been the daughter of the last king of Iran before the conquest, and the Twelfth Imām's slave-girl mother the daughter of the Byzantine emperor, while certain of the imāms are referred to as "king" [*shāh*, *malik*] in popular narratives, and ʿAlī and his sons are associated with the lion, a royal symbol). The imām-hero is persecuted, threatened with death, and finally murdered (the imāms to whom history would assign a natural death are said by Shīʿī tradition to have been poisoned). Most significantly for Shīʿī ritual, martyrdom is the result not simply of loss in battle, but betrayal (ʿAlī is basely betrayed by the community, including those who had claimed to be his partisans, in his claim to the caliphate, and then ultimately murdered by the Khārijīs, his former supporters; Ḥusayn is betrayed by the people of Kufah who had sworn to stand by him; the imāms rue their followers who betray their secrets and place them in danger, while the Companion Hishām ibn al-Ḥakam is said by some to have caused the death of the seventh imām; the eighth imām al-Riḍā, and in fact all the imāms who lived under the ʿAbbasids, are betrayed by members of what might be regarded as a branch of their own family; the Twelfth Imām goes into hiding because too few of the Shīʿah are willing to support him). The hero/divine king is in effect sacrificed by his subjects, and reborn in his successor.

But another layer of ethical meaning had to be added to this ancient drama of regeneration to preserve its appeal for an audience seeking to fend off a chaos and bring about a just order of different kinds than those dreaded and

desired by the original carriers of the myth. In being transposed, the myth was inverted: the community bore the guilt for (rather than enjoyed the benefit of) the now tragic death of the king. It was now charged with reconstructing the universe through penitence for its acts. This is the mythic core of the Shīʿī rituals described in two essays in this chapter, to which we will return below.

In order to retain meaning in the scheme of a linear-historical rather than seasonal-cyclic worldview, the drama also had to be resolved in history. The early sects were evidently struggling with this problem, as one of the causes of their splitting was the different resolutions they offered to it: the imamate had simply ended and there was to be no succession; the imām would disappear, in an ill-defined condition of "Occultation" (the solution finally chosen); the imām would ascend and become divine altogether—and so on. The culmination of most of these views was an eschatological restoration. The Sunnīs, of course, developed a similar eschatology. The Shīʿī myth, however, took in more elaborate and diverse themes, and more emphasis was placed upon it.

The Shīʿī movement also assembled its own cosmogonic myths to describe the original and ideal order of the universe before the disorder introduced by history—to establish, in other words, the mythic time to be restored. For the earliest period, we have the evidence of the *ḥadīth*s collected in the time of the imāms. (Much of the *ḥadīth* referred to in this preface even takes the *form* of extended mythic or hagiographic narrative, rather than the short dicta found in the Sunnī collections.) At least some parts of the movement drew directly on Mesopotamian themes, for the *ḥadīth*s speak of a primordial time in which order is brought out of watery chaos through separation of sweet and salty waters, and humankind is created of different qualities of mud kneaded with those waters. The autochthonous myth here serves to privilege the Shīʿī community and their imāms together, since they are both created of one clay different from that of the rest of humankind. We are reminded of how, in ancient Mesopotamia, the well-being of the community and of the king were inextricably linked. This is the ideal social pattern established by Shīʿī cosmogony. The myth of the primordial covenant, already known to Islam from Judaism and so central to Sufism, is also fitted by the Shīʿīs to this theme.

These are a few possible connecting strands in the web of Shīʿī mythologies. Individual episodes easily yield their own mythic content. The Occultation of the Twelfth Imām, for instance, is a myth of ingenious inversions—although certainly a familiar one! The child-imām escapes the death intended for him by his persecutors—while hardly spied by his followers and with his existence doubted by many, and thus in a sense not yet fully existent or socially valid—by descending into the earth, the place of death. He re-emerges to conquer death (the cave and well into which he disappears suggesting the womb and birth-passage) and live perpetually upon the earth as a grown man. The hero has completed his quest. The pattern of an initiation rite also seems to survive here from some unknown antecedent—although it

is difficult to see what meaning it had in the new mythic context into which it was transferred.

The Shīʿī impulse toward myth-making can also be detected in a lavish symbolism, the language of myth. (Here it should be remembered that the Shīʿah were conscious of the functioning of symbolism, as they regarded the scriptures as a system of symbols with esoteric meaning.) Take, as an example, water: ʿAlī's mission is published near the spring of Ghadīr Khumm in the Arabian desert; he is said by some of the early Shīʿī extremists to "ride in the clouds" (like the thunder god who gives rain); Ḥusayn and his companions are martyred in a desert while denied access to the waters of the Euphrates, for which blood, another symbol of life, is substituted; the Twelfth Imām disappears not only in a cave but down a "well"; the faithful Shīʿah will meet together with ʿAlī and his family in heaven by a particular basin or pool to which they alone have access. In the myth of the imāms, water symbolizes wisdom and life. The theme addresses the relation of the two, their loss and recovery.

We will now turn to the several forms of Shīʿism discussed in the essays in this chapter, touching at the same time on the countervailing force of the Shīʿī *logos*, juristic Uṣūlism.

The first two essays in this chapter, on the ebb and flow of rationalism and traditionalism in Bahrain and the mystical speculation of Aḥmad al-Aḥsāʾī, deal with tendencies associated with Akhbārism. Akhbārism as a formal school of thought represents that stream of the Twelver movement which rejected the interpretational strategies taken up by Uṣūlism, determining instead to maintain a direct link to the imāms through sole reliance on the corpus of their reported sayings (*akhbār*). There has also been a non-dogmatic *tendency* in Shīʿism to question legal interpretation, without engaging in critique of the Uṣūlī structure of authority. This tendency has been attractive to many individual learned Shīʿīs, including, in periods when there was no bitter rivalry between the two groups (such as in later Safavid times and at the present), Uṣūlī clerics.

Although formal Akhbārism now claims only a small minority of the adherents of Twelver Shīʿism, chiefly, in fact, the residents of Bahrain, this school has much to tell us about the fundamental processes of Shīʿī *mythos*.[2] The appeal of the Akhbārī tendency seems obvious. It promises to recover the experience of the direct, charismatic authority of the imāms, without the

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[2] Note, however, that there are differences of opinion concerning the origin of Akhbārism. Moojan Momen, stating the position accepted by Western scholarship, writes that "the Akhbārīs represented a stream of thought that had been present among Shīʿī *ʿulamāʾ* from the earliest days of Twelver Shīʿism" (*An Introduction to Shiʿi Islam* [New Haven, CT: Yale University Press, 1985]); whereas Ayatollah Muṭahharī, agreeing with the position of many Uṣūlīs, states that, "The Akhbārīs claimed that the original Shīʿīs, up to the time of the Shaykh al-Ṣadūq, were all followers of the Akhbārī doctrine, but the truth is that Akhbārism ***as a school with basic postulates*** did not exist more that four centuries ago" ("The Principle of Ijtihād in Islam," tr. John Cooper, *Serat* 10, 1; www.al-islam.org/al-serat/ijtihad.htm) [emphasis added].

mediation of epistemic authority. It re-creates the intimate relation between the imāms and the community which is so central to Shīʿism; as Shīʿī cosmogony and eschatology demonstrate, Shīʿī imamology is as much about this relation as about the imāms themselves. If we probe deeper, however, we find that Akhbārism is also about a mode of relating to the text. For the Akhbārīs require—and this for them is axiomatic—that each believer experience and apprehend the texts of the imāms' sayings directly (the presentations and explanations of the learned men of Akhbārism are held merely to aid the believer in approaching the text). That is to say, the text is encountered as myth; not, as in Uṣūlism, as an artifact to be used in the process of interpretation. Like myth, it is simply presented, not explained. It is truth as told; this is why it is insisted that the texts, if not obfuscated by intellection, yield *yaqīn* or "absolute certainty." This direct *participation* in the text (the Arabic language of which cannot easily be understood by ordinary persons) seems to be in the order of formalized symbolic behavior, and might therefore also be viewed as ritualistic.[3] In fact, a ritualistic attitude to the text is recommended in the *ḥadīth*s themselves, which demand that the believer submit (n. *taslīm*) to the words of the narrative without reflection or question. This ritual-mythic mode of relating to the text is even said by the *ḥadīth*s to be more important than the ultimate validity of the text (that is whether the words heard were truly the words of the imām, or not).

Akhbārism was only one of the influences on Shaykh Aḥmad al-Aḥsāʾī (d. 1241/1826), whose teachings would be taken up after his death by the mystical, theosophic Shaykhī movement. In fact, Aḥsāʾī studied with Uṣūlī as well as Akhbārī teachers. He even held some positions characteristic of Uṣūlism; for instance, according to Cole, he held that, even though *taqlīd* was not permitted in credal matters, laypersons were obliged to refer to trained jurists for legal judgements. His central tenet, however, is squarely in the tradition of the perennial Shīʿism of Akhbārism: that the only source of authority—the source, in fact, of absolute certainty—is the imāms. Exactly in the spirit of *taslīm*, Aḥsāʾī rejected the science of *ḥadīth* criticism, claiming that he could sense and experience the authenticity of the imāms' words directly. Thus he was able to assert that all his knowledge came directly from them and that his declarations were in perfect conformity with theirs. Aḥsāʾī's insistence, highlighted by Cole, that each believer must find the truth for himself, the learned or enlightened being limited to the role of indicator or "awakener," also matches Akhbārī notions of authority, which may equally be called "individualistic."

Aḥsāʾī's devotion, in common with Akhbārism, to the unmediated word of the *ḥadīth*s provides him with a rich source on which to base his own

[3] To complete this proposition, one would have to examine verbal or other symbolic body behavior accompanying reception of the text. To the knowledge of this author, there are no investigations of Akhbārī religious life that might reveal such practices. Akhbārism in general is seriously under-studied.

speculations. His myth-making aims to fill the gap between Shīʿī cosmogony and eschatology (both of which are presented in detail in the *ḥadīth*s) with a cosmology (which the *ḥadīth*s rarely refer to) in which the imāms are the central principle. In other words, he aims to construct a myth that will integrate the imāms into present time. Or, since the central concern of Shīʿī myth is the relation between the imāms and the community, one should rather say that he aims to bring that relation into present time.

Aḥsāʾī may be exceptional in that he deploys myth-making as a conscious technique, deliberately using symbol to excite and inform the imagination. Nevertheless, his *bricolage*, however intentional and sophisticated, is still characteristically Shīʿī. Construction of elaborate cosmologies, for instance, has been a typical strategy of Shīʿī imamological speculation. Through this avenue, Shīʿism has absorbed themes from Neo-Platonism, Gnosticism—even Zoroastrianism. Shīʿism has also easily assimilated elements of popular religion[4] and had, at times, close links with Sufism. In the case of Aḥsāʾī, Cole mentions the influence of a "little known" East Arabian tradition, that is the popular religion, perhaps including Ismāʿīlī survivals, of the province of al-Aḥsāʾ. As for Sufism, Aḥsāʾī expresses his vision partly through the mystic symbols of color, alphabet-mysticism, and numerology, as well as in his development of the archetypal symbol of the cosmic tree. These images are present in the original Shīʿī texts. Aḥsāʾī produces his own version of Shīʿī myth by elaborating on material received from this corpus, lending credence to his claim that his doctrine is "in entire accord with the traditions of our imāms,"[5] but also revealing the creative possibilities of Shīʿī themes.[6]

The Shīʿī tradition, however, placed some limits on creativity, and naturally so, for such fecundity could be dangerous to itself. The issue of authority marked one important boundary. Thus, as Cole relates, Aḥsāʾī could not tolerate the authority of the Sufi *pīr*s, since that would compete with the absolute and infallible authority of the imāms. Mystical and philosophical speculation were also at times regarded with suspicion. In the view of the Akhbārīs, or at least of purist Akhbārism, these activities were invalid because they had no basis in the words of the imāms. Al-Oraibi confirms this to be the attitude of Akhbarism in Bahrain today. The Uṣūlī *mujtahid*s also sometimes (not always) disapproved of the construction of worldviews alternate to the juristic one. Here again it was authority that was at issue, since alternative imamology embedded in exotic cosmologies might circumvent the epistemic authority of the *mujtahid*s. Thus Aḥsāʾī's successors, the Shaykhīs, stirred up

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[4] See further comments below.

[5] Henry Corbin, *L'École Shaykhie en Théologie Shiite* (Tehran: Taban, 1967), 13.

[6] For Aḥsāʾī's tree and color symbolism, see Cole, "Cosmologies of Shaykh Ahmad al-Ahsaʾi," *Studia Islamica* 80 (1944): 146-163. The tree and other vegetal symbols as well as color are evident in the pre-Kulaynī Twelver sources, i.e. Barqī, *Maḥāsin*, Ḥimyarī, *Qurb al-isnād*, Ṣaffār, *Baṣāʾir*, and the *Tafsīr*s of Furāt, ʿAyyāshī, and Qummī; a few *ḥadīth*s of this kind were also accepted into the slightly more sober *Kāfī* {see *K. al-īmān wa-al-kufr, Bāb al-muʾmin wa-ʿalamāti-hi*}.

hostility by speaking of a saintly individual or hierarchy which would allow the believers direct, experiential access to an intermediate world of archetypes inhabited by the imāms. Speculative imamology could also lead, as in the case of the Bābī movement, to outbreaks of messianism, since it leapt over one of the barriers to messianic fervor erected by Twelver Shīʿism—the dogma that the Mahdī is in Occultation *in this world as a living human being* (and thus more surely absent than if he were dwelling on some other plane).

There was, in addition, a countercurrent within Shīʿism organized on the basis of a hermeneutics antipodal to the processes of myth. Beginning in approximately the mid-tenth century, Shīʿī myths were ordered and enclosed in a rationalist worldview. The truths of those ancient narratives would no longer be simply told; they would be systematically demonstrated. Rational demonstration of the universal knowledge (*ʿilm*) and inerrancy of the imāms has already been discussed in the preface on authority. The insistence of Twelver Shīʿism that the earth can never be without an imām is another example of a "rationalized" myth. In its origin, this is a mythical theme. With the danger of social and cosmic chaos looming in the background, the succession of monarchs has commonly been hedged about with public ritual designed to give assurance that there is no discontinuity in rule. The threat of cosmic chaos at a break in succession is acknowledged in the original Shīʿī texts forthrightly; "If the earth were without an imām," the sixth imām is made to say, "it would surely collapse!"[7] In the rationalist worldview, on the other hand, causality is established; the necessity of a perpetual imamate is discernable by reason and explained as proceeding logically from God's necessary Justice and Grace.[8]

Uṣūlī legalism travelled still further from the mythic world of symbol, intuition, and experience by interposing a complex operation of legal interpretation between the believers and salvation afforded by the imāms. The words of the imāms were no longer simply presented. They were no longer held to be evident, or even universally applicable. Instead, they were submitted to the external criteria of *ḥadīth* criticism—even subordinated to reason—and used, as suggested above, as an artifact in the process of deductive reasoning. By insisting on a living *ijtihād*, that is by insisting that rulings would be valid only for the case for which they were produced (with new cases requiring a fresh determination), the Uṣūlī *mujtahid*s focused the attention of the believers not only on their own authority in place of the direct authority of the imāms, but on present endeavors, in a present time and on an earthly plane. This semi-mundane emphasis of juristic Uṣūlism could hardly be more different than the timeless, transcendent qualities of myth and theosophic speculation.

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[7] Kulaynī, *Kāfī*, *K. al-ḥujjah*, *Bāb anna al-arḍ lā takhlū min ḥujjah*, passim.

[8] For inerrancy, *ʿilm*, and perpetual imamate in rational theology see the chapter on the imamate in Ibn al-Muṭahhar al-Ḥillī, *Al-Babu l-Hadi Ashar. A Treatise on the Principles of Shiite Theology*, tr. Wm M. Miller (London: Royal Asiatic Society, 1958).

There is, no doubt, a real tension between these two aspects of Shīʿism. This tension has been evident in the friction between the orthodox *ʿulamā'* and Sufism and, in the eighteenth century, between the *ʿulamā'* and theosophy. It has even contributed to critical breaks within Shīʿism, as witness the division between the formal movements of Uṣūlism and Akhbārism, the emergence of Sufistic, syncretistic sects such as the Ahl al-Ḥaqq and Bektashis in the fifteenth century at the margins of Shīʿism, and the case of Bābism.

Nevertheless, the *mythos* and *logos* of Shīʿism are largely accommodated to each other, and the Shīʿī movement is best seen as a composite of the two. The mixed positions held by many Shīʿī scholars are one evidence of this composite character. A partial rapprochement between Uṣūlism and Akhbārism was noted above; on the Akhbārī side, some *ʿulamā'* have also been attached to rationalism. The declared heterodoxy of mythos-oriented movements such as the Sufi orders under the Safavids in the late seventeenth century and the Shaykhīyah in the nineteenth century was not immediately clear or unanimously agreed upon by the *ʿulamā'*, with external factors of politics and jealousy over authority playing an important role in anathematization. Al-Oraibi demonstrates that in Bahrain, presently the chief stronghold of Akhbārism, there have been shifts between Uṣūlism and Akhbārism as well as flourishings of "rational" (that is speculative) thought, including philosophy, Sufism, and theosophy. The reinvigoration of philosophy and openness to theosophical mysticism (*ʿirfān*) in the academies at this present time of high Uṣūlism also confirms that the relation between the two faces of Shīʿism is a very complex one.

Shīʿī Illuminationist (*Ishrāqī*) philosophy or theosophy might even be viewed as an effort to produce a synthesis between these two aspects. Hossein Ziai traces just such a development, concentrating on the approach of the theosophers to the two crucial points of discord between juristic and speculative Shīʿism: epistemology and authority. According to Ziai, emphasis in the canonical books of *ḥadīth* and other reports from the imāms on "knowledge of the Unseen" (*ghayb*), esoteric knowledge (*ʿilm*), and knowledge through inspiration (*ilhām*) disposed Shīʿī philosophy toward epistemological theories that could accommodate such notions. Thus many Shīʿīs were initially attracted to Avicenna's idea of Union with the Active Intellect, since it allowed for "the possibility of man's attaining instantaneous scientific knowledge without following scientific procedures." It was, however, finally the "unified epistemological theory" of the Illuminationist philosophers that found most favor in Shīʿism, since in the Illuminationist doctrine of Knowledge by Presence (*al-ʿilm al-ḥuḍūrī*) intuitive cognition was also conceived as a noetic process, leading to real and useful knowledge—knowledge, moreover, which was linked with present reality and would thus be constantly revised in accord with it. In other words, (returning to our theme), Illuminationist epistemology succeeded in reconciling the cosmic, intuitive, timeless world of *mythos* with the semi-mundane, rationalist, time-

conscious jurisprudence of the Shīʿī *logos*. This synthesis having being accomplished, the Shīʿī philosopher/theosophists were also able to assimilate the extraordinary knowledge and capacities of the imāms—pre-eminently the capacity to rule, which had originally been regarded as a concomitant of that knowledge—to the most learned (*aʿlam*) members of the religious class. It therefore became possible to identify the Mystic-Philosopher with the *marjiʿ* or Jurist-Guardian; the conflict over authority was no more.

This theosophical synthesis was the result of centuries of intellectual work, culminating as recently as the nineteenth century in the writings of Mullā Hādī Sabzavārī. Nevertheless, as Ziai notes, it is appreciated by only the "most intelligent" of the gnostics, jurists, and philosophers. A wider, if less explicit, accommodation between the mythic and ratio-legal worlds of Shīʿism is evident in the remarkable status of popular religion (understood here as the religion of the laity, in contrast to the learned tradition of the clergy). Popular religion and popular beliefs occupy a central position in Shīʿism. Neither are they marginalized by the "high" tradition, nor have there been significant efforts on the part of representatives of that tradition to purge or reform them. In fact, the high tradition must ultimately appeal for its own legitimacy to the great sacred narratives of Shīʿism and popular rituals which re-enact them. This fact of Shīʿism is seen in the legal doctrine, established in the sixteenth century, that the *ʿulamāʾ* are the "general deputy" (*al-nāʾib al-ʿāmm*) of the twelfth imām. As Ziai mentions, some of the prestige among the masses of the high-ranking clerics derives from this association. For instance (although he would never have claimed that it was so), during the time of Khomeini, one could hear among Iranian and even Lebanese Shīʿī common folk the tale that he regularly met in the night with the Imām.[9]

The Shīʿī propensity for gathering and embellishing myth and ritual is thus given virtually free reign. Moreover, because of the absorptive power of the central sacred narrative, the popular religion does not act, as popular religion tends to do, as a moderate critique of the high tradition. Instead, it reinforces that tradition and the prestige of its bearers, the *ʿulamāʾ*. In this way, the *logos* and *mythos* each maintain their own, separate worldview, but are still able to meet and greet the other. The folk pay homage to the exclusive custodians of sacred literacy, the learned *ʿulamāʾ*, by seeking their opinions, while the *ʿulamāʾ*, more often the lesser but also the greater, join in composing and reciting the devotional literature and elaborate liturgies celebrating the passion of the imāms. Both come together in the *communitas* of the numerous shrines.

But it is not this relation that is so remarkable. Similar relations between the "high" and "low" are maintained in other traditions. Such relations might

[9] Beginning in the fourth/tenth century, some of the *ʿulamāʾ* had proposed that the Imām would always be of their number. While this doctrine served the practical purpose of establishing among the Shīʿah the validity of the jurisprudential principle of *ijmāʿ* or Consensus (see Devin J. Stewart, *Islamic Legal Orthodoxy* [Salt Lake City: University of Utah Press, 1998], 155 ff.), it is also known by at least some of the folk, and appears to increase the status of the clerics in their eyes.

even be thought typical of traditions focused on the division between clergy and laity. What is remarkable is that the accommodation in Shīʿism is so complete and uncontested—if there is any "Protestant" movement, it comes from a few non-clerical or non-religious intellectuals—and that it is actually overbalanced in favor of the affective, experiential *mythos* beloved of popular religion. (In fact, while the situation described in the previous paragraph obtains for Iran, Iraq, and Lebanon, Nikkie Keddie avers that in Pakistan, the importance of the *ʿulamāʾ* in relation to the Muḥarram and ʿĀshūrāʾ celebrations is diminished altogether.) This is strikingly evident in the place in Shīʿism of the doctrine of intercession. Intercession and its cognate, redemption, the rewards for penitence, are the pole of Shīʿī cosmogony, cosmology and eschatology, and (as Keddie also suggests) the ultimate goal of every ritual, from visiting the shrines, to hearing the passion, to self-flagellation during ʿĀshūrāʾ. Intercession would seem to be inconsistent both with the rationalist theodicy of Shīʿī *kalām* and balance of a juristic system based on value for acts. Nevertheless, in deference to *mythos*, intercession remained enshrined in the *kalām* (though essentially undigested) and co-exists, apparently, with juristic legalism.

It is in this light that the Shīʿī rituals should be considered. As symbolic participation in a powerful mythology and, as we shall see below, by their very nature as rituals, they are capable of generating meaning for the whole tradition. Their efficacy in the culture is not confined to the stratum of "popular" or "folk" religion. With this in mind, let us examine the processes and multiple meanings of that most famous manifestation of Shīʿī ritual penitence, the "self-flagellation" celebrations of ʿĀshūrāʾ.

The first evident fact of the ʿĀshūrāʾ rituals is intense engagement of the body. (This engagement is vividly described by Pinault and Keddie; there is no need to repeat the details here.) In the celebration of ʿĀshūrāʾ, the body is not simply an instrument; it is the body that is at issue. Or, as Cole comments in the case of the Shaykhīs, the body "is itself a symbolic discourse," miming a hidden world from which it is prevented by the very fact of its being a body. The human desire to construct a sensory analogue or gain sensory experience of the other world is innate and pre-ideologic. That desire has led to similar actions of the body in different cultures; for instance, repetitive, rhythmic movement, or, as in the present case, self-mortification. (Whether these similarities have their origin in psychology or biology is beyond the scope of our investigation here). Using a phenomenological and synchronic approach, Pinault draws several parallels between the Christian and Shīʿī ceremonies at this level of basic ritual action. His investigation confirms that in ʿĀshūrāʾ, we are dealing with the deepest human impulses—so deep that the ritual must be carefully controlled to prevent individualistic outbursts.

The myth that forms the background of the ʿĀshūrāʾ rituals and the relation of the celebrants to that myth (both of which are again repeated in the Christian case) also conform quite obviously to archetypal patterns. The

participants do penance for the death of a divine or semi-divine figure. At the same time, they incarnate him by imitating his suffering. And by incarnating him—as truly and literally as possible, by re-creating the marks of his earthly experience on their bodies and letting the divine substance within them flow forth—they repeat his sacrifice. This sacrifice is both expiatory and redemptory—the flagellants disassociate themselves from Ḥusayn's murderers and identify themselves as his Shīʿah, securing merit and intercession.

Thus if, as according to Keddie, the Iranian Westernizing middle class of the Pahlavi period wished to dissociate themselves from this and other Shīʿī rituals on the grounds that they were primitive or "irrational," we may simply say that they were correct. For the rituals are on the one hand expressive of an ancient mythology; and on the other, *qua* ritual, they powerfully invoke ancient patterns and profound human instincts—we have dared to call them "archetypes."

Of course, myths and rituals, however "archetypal," present themselves differently in different cultural contexts and particular circumstances. Deriving from fundamental human experience, they remain open to and even attract new expressions of that experience. This rule obtains even where, as in Shīʿism, diffusion of a religious tradition has resulted in a roughly similar cultural pattern overall. Thus for instance, on the level of ritual, self-mortification and shedding of blood are much less important in Lebanon than in Pakistan or Iran (or *were* less important, Iranian practice having influenced the Lebanese Shīʿah for some decades now). Similarly, the ritual drama called "*taziyeh*" originated and remains most popular in Iran, where it may have had a European inspiration; while some of elements of the Muḥarram celebrations on the Sub-Continent betray the influence of local, "Hindu" traditions. The Shīʿī mythology has borne both activism and quietism. In modern times, it has been consciously adapted to politics (as witness, most recently, the Iranian Revolution and Iran-Iraq war); or, even more consciously, re-made into a set of humanistic values (members of the Khoja Ithnā' Ashʿarī community in Toronto, Canada, have been known to give their blood on ʿĀshūrā' to blood banks, a practice they brought with them from East Africa, where they would also set up village water projects to be activated on that day). The original mythology easily yields all these meanings, and more; as Keddie relates, it may even retain meaning for persons (for instance, "leftists") for whom the myths in their original guise have become vestigial. Despite the efforts of activist Shīʿī jurists to re-make theology and law as modern ideology, the *mythos* of Shīʿism may ultimately prove more enduring.

RATIONALISM IN THE SCHOOL OF BAHRAIN: A HISTORICAL PERSPECTIVE

Ali al-Oraibi

Bahrain was one of the earliest seats of Shīʿī learning, and the school of Bahrain has played a vital role in Shīʿī scholarship.[1] Although Bahrain is widely recognized for its traditionalist (Akhbārī) proclivities, its rationalism has been no less significant. This paper delineates four periods of rationalistic activity in Bahrain. The first was in the 7th/13th century, when the study of philosophy, theology, and mysticism opened new horizons for Shīʿīs and philosophy and mysticism were systematically integrated by the orthodox *ʿulamā'* into Shīʿī thought for the first time. The second period extends over two and a half centuries up to the middle of the 10th/16th century. During this time rationalism was literally dead as jurisprudence prevailed. In the third period, from the later Safavid era in the 11th/17th century to the 12th/18th century, the school of Bahrain was interested in philosophy only sporadically, mysticism disappeared, and theology flourished. The final period, lasting from the mid-nineteenth century to the present day, has witnessed a sharp decline of rationalism as all intellectual activity has become dormant. We will examine each of these periods in succession in order to highlight the achievements of the Bahraini school and distinguish the factors behind the rise and fall of rationalism.

From its beginnings in the 7th/13th century the school of Bahrain provided fertile ground for rationalism. No other Shīʿī center of learning was so preoccupied with the speculative sciences. The rationalist movement was instituted by three seminal thinkers: Kamāl al-Dīn Ibn Saʿādah al-Baḥrānī (d. ca. 640/1242), Jamāl al-Dīn ʿAlī ibn Sulaymān al-Baḥrānī (d. ca.

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[1] Shīʿī learning in Bahrain emerged in an indigenous Imāmī environment. The Imāmīs in Bahrain are not Ismāʿīlī converts, as some scholars suggest; they have been Imāmīs ever since Imamism crystallized. For a detailed discussion of this question see Ali al-Oraibi, "Shīʿī Renaissance: A Case Study of the Theosophical School of Bahrain in the 7th/13th Century" (Ph.D. dissertation, McGill University, 1992), 14ff.

670/1271), and Kamāl al-Dīn Maytham al-Baḥrānī (d. after 681/1282). Strangely enough, although all three figures are usually viewed as orthodox jurists, they never composed (to the best of my knowledge) any work on jurisprudence or related subjects. Their intellectual legacy lies rather in the realm of philosophy, theology, and mysticism.

In their philosophy, Ibn Saʿādah, ʿAlī ibn Sulaymān, and Maytham were deeply influenced by Ibn Sīnā. As a case in point, Ibn Saʿādah in his only surviving work, the *Treatise on Knowledge* (*Risālat al-ʿilm*), adopts Ibn Sīnā's definition of knowledge by admitting the philosophical notion of mental existence (*al-wujūd al-dhihnī*).[2] ʿAlī ibn Sulaymān was even more influenced by Ibn Sīnā, to the point that he became one of the leading commentators on his works. He produced a commentary on the *ʿAynīyah* poem attributed to Ibn Sīnā, another on his *Risālat al-ṭayr*, and a third on the recital of Salāmān and Absāl which Ibn Sīnā alludes to in his *Ishārāt*.[3] Maytham also wrote on a number of philosophical issues, particularly those related to theology such as epistemology and ontology. Despite these significant efforts, however, the school of Bahrain does not seem—judging by the material that has come down to us—to have constructed a complete philosophical system.

Nevertheless, on the basis of works such as these the school of Bahrain can be regarded as responsible for integrating philosophy into Imāmī Shīʿism. Granted, Naṣīr al-Dīn al-Ṭūsī was finally more influential than the Bahraini philosophers; but his activities are later than theirs. Ibn Saʿādah apparently died while his later commentator Ṭūsī was still in the Ismāʿīlī stronghold of Alamūt after the fall of Baghdad and had not yet assumed his role as the leading Imāmī intellectual. The same can be said of ʿAlī ibn Sulaymān, known as al-Ḥakīm, "the philosopher." He was a colleague of Ṭūsī and not his student, as several items of their correspondence testify. Some years ago I uncovered in the Majlis Sanāʾ library in Tehran (MS. #402, 79) a letter sent by Ṭūsī to ʿAlī ibn Sulaymān in which he refers to him as "the king of philosophers and theologians" (*malik al-ḥukamāʾ wa-al-mutakallimīn*). Ṭūsī also consults Baḥrānī on the problematic "recital of Salāmān and Absāl"; he mentions in this letter that he has enclosed what he believes to be the accurate version of the recital, along with his commentary upon it. He proceeds to seek ʿAlī ibn Sulaymān's advice on the work prior to including it in his *Sharḥ al-ishārāt*.

Bahraini theology in the 13th century was profoundly influenced by philosophy and mysticism. The only figure who confined himself to theology proper was Maytham, who focussed his attention on the question of the imamate. The importance he attaches to this question is explained by political developments in the Islamic world: the Sunnīs had lost most of their prestige

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[2] Naṣīr al-Dīn al-Ṭūsī, *Sharḥ masʾalat al-ʿilm*, ed. ʿAbd Allāh Nūrānī (Mashhad: Maṭbaʿat Jāmiʿat Mashhad, 1385/1965), 26. See also Ibn Sīnā, *al-Ishārāt wa-al-tanbīhāt*, ed. Sulaymān Dunyā, 4 vols. (Cairo: Dār al-Maʿārif, 1388-91/1968-71), II, 334.

[3] al-Oraibi, "Shīʿī Renaissance," 42-43.

due to the fall of the Abbasid caliphate, while with the advent of the Mongols the Shīʿīs had gained the upper hand. Remarkably, Maytham disagrees with his Shīʿī co-religionists concerning the principle of *lutf* (divine grace). This principle is cited by Imāmī thinkers to prove the necessity of the imamate; they say that God in His Grace would not leave the earth without the guidance of an imām. Maytham supplants *lutf* with the concept of *tamkīn* (enablement of man to carry out the religious duties imposed upon him). His argument for the imamate is therefore formulated as follows:

> Imamate is part of *tamkīn*, which is obligatory [upon God].
> That which is part of a thing that is obligatory, is itself obligatory.
> Therefore, the imamate is obligatory [upon God].

This is introduced by Maytham to replace the following classical Shīʿī syllogism:

> Imamate is *lutf*.
> Every *lutf* is obligatory [upon God].
> Therefore, imamate is obligatory [upon God].[4]

It is not clear why Maytham alters this widely-accepted Shīʿī axiom. He states that the syllogism employing *lutf* is "difficult to substantiate"; he may be retreating from the Ashʿarī criticism that Grace—that it the action of God in the best interests of His creatures—cannot be obligatory upon Him.[5]

Mysticism, whether understood as intellectual Sufism or gnosticism (*ʿirfān*), was another area of enormous activity in Bahrain in the thirteenth century. Bahraini mysticism is evident in the yet unpublished esoteric *Ishārāt* of ʿAlī ibn Sulaymān and the *Sharḥ al-ishārāt* of Maytham. Both figures uphold the notorious mystical doctrine of theomonism (*waḥdat al-wujūd*), evidently borrowed from their contemporary Ibn ʿArabī.[6] The mystics of Bahrain succeeded in interpreting mysticism in a manner compatible with Shīʿī imamology. This they accomplished by identifying the Seal of General Sainthood (*khatm al-wilāyah al-ʿāmmah*) with Imām ʿAlī, and the Seal of Particular or Muhammadan Sainthood (*khāṣṣah*) with the Awaited Imām, the Mahdi, departing sharply from Ibn ʿArabī who identifies the first with Jesus

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[4] Maytham al-Baḥrānī *al-Najāt fī al-qiyāmah fī taḥqīq amr al-imāmah* (Ms. Kitābkhānah-ʾi Āstānah-ʾi Quds, Mashhad, no. 804), 5.

[5] Another salient feature of Maytham's writings is his irenism. Whereas his contemporaries Ṭūsī and Ḥillī declare the enemies of Imām ʿAlī unbelievers and regard those who deny ʿAlī's right to the imamate as ungodly (*fāsiq*), Maytham remains silent. He even expresses admiration for certain Sunnī theologians and quotes Sunnī traditions, to the extent that it is said in Shīʿī circles that while the Sunnī Ibn Abī al-Ḥadīd can be mistaken for an Imāmī, the Imāmī Maytham can be mistaken for a Sunnī! (see al-Oraibi, "Shīʿī Renaissance," 52, 162). [Though sometimes considered a Sunnī, partly because of his leanings in the law, Ibn Abī al-Ḥadīd (d. ca. 656/1258), jurist, belletrist, and historian, is also the author of Shīʿī poetry and a famous commentary on the *Nahj al-balāghah*, attributed to the Imām ʿAlī—ed].

[6] Ibid., 195ff.

and the second with himself.[7] Thus it was the school of Bahrain which was responsible for establishing a systematic Shīʿī mysticism, and not Ḥaydar Āmulī, as most scholars have believed. In fact, Āmulī justifies his mystical inclinations by citing ʿAlī ibn Sulaymān and Maytham as two scholars who have trodden the mystical path before him.[8]

The Bahraini school of the 13th century also succeeded in working out a coherent synthesis of philosophy, theology, and mysticism; it can thus be characterized as a theosophical school. From its inception Bahraini theosophy greatly influenced the course of Shīʿī thought; it is reflected, for instance, in the work of Ibn Abī Jumhūr al-Aḥsāʾī (d. after 901/1497). This synthesis was, again, an independent achievement of Bahrain. It is true that the outstanding Shīʿī seminary in the 7th/13th century was the school of Ḥillah, with which the school of Bahrain maintained close ties, and that Ibn Saʿādah, who established the first independent center of learning in Bahrain, was a graduate of this school. However, even in this initial phase the school of Bahrain had a distinct regional flavor. It seems unlikely that it was influenced in its theosophy by the school of Ḥillah, since Ḥillah was for the most part preoccupied with traditionalism. This can be seen in Ḥillah's *fiqh*, and to a certain extent also in its *uṣūl al-fiqh*. Ḥillah showed no interest whatsoever in the speculative sciences, especially philosophy and mysticism. In fact, a certain antagonism to these subjects can be detected; this was certainly the case when Ibn Saʿādah was a student there.[9]

As faithful followers of Ibn ʿArabī, the theosophers of Bahrain likely did have links with him or with one of his followers such as Ṣadr al-Dīn al-Qunawī, who is quoted by Maytham. It appears that Qunawī was also quoted by ʿAlī ibn Sulaymān, since a passage in his *Ishārāt* appears word for word in Qunawī's *Miftāḥ ghayb al-jamʿ wa-al-wujūd*[10]—but we cannot, on the other hand, rule out the possibility that it was ʿAlī ibn Sulaymān who was quoted by Qunawī, for the theosophical school of Bahrain had already built an impressive reputation for itself. We even hear of the renowned mystic and poet Jalāl al-Dīn al-Rūmī (d. 672/1273) sending a letter to Ibn Saʿādah asking him about certain issues, in particular the gnostic notions of *qabḍ* (contraction) and *basṭ* (expansion).[11] In any case, relations between the theosophers of Bahrain

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[7] Ibid., 213-216.

[8] Ḥaydar Āmulī, *Jāmiʿ al-asrār*, ed. Henry Corbin and Osman Yahia (Tehran: Imprimerie Teban, 1969), 498.

[9] For instance, we hear of a prominent figure affiliated with the school, Quṭb al-Dīn al-Rāwandī (d. 583/1177), writing a *Tahāfut al-falāsifah* (Inconsistency of the Philosophers)—presumably on the pattern of al-Ghazālī's (d. 505/1111) work of the same name. See Quṭb al-Dīn al-Rāwandī, *Minhāj al-barāʾah fī sharḥ Nahj al-balāghah*, ed. ʿAbd al-Laṭīf al-Kūh-kamarī, 3 vols. (Qum: Maktabat Āyat Allāh Marʿashī, 1406/1985), I (intro.), 62.

[10] ʿAlī ibn Sulaymān, *al-Ishārāt* (Ms. University of Mashhad, no. 937), 7. Also Muḥammad Ibn al-Fanārī, *Miftāḥ al-uns fī sharḥ Miftāḥ ghayb al-jamʿ wa-al-wujūd* (Tehran: [lithograph], n.p., 1323/1904), 83.

[11] An excerpt from this correspondence is cited by a late historian, Muḥammad ʿAlī Āl ʿUṣfūr (d. 1289/1872): *al-Dhakhāʾir* (Ms. photocopy at al-Oraibi's private library in Bahrain), 177-178.

and the immediate followers of Ibn ʿArabī seem to have been mutual rather than one-sided. The exact nature and extent of this relation, however, is unclear and needs further investigation.

The rise of theosophy in Bahrain in the 13th century was prompted by several historical developments. Shīʿism had already met with a favorable political climate during the last days of the Abbasid dynasty. It is well known that al-Nāṣir (d. 622/1225), the powerful Abbasid caliph, was inclined toward Shīʿism. He is even described by some historians, including Ibn Ṭiqṭaqā[12] (d. 661/1262) and Ibn Kathīr[13] (d. 774/1372), as an actual Shīʿī; correspondence between him and ʿAlī Nūr al-Dīn, the son of Ṣalāḥ al-Dīn al-Ayyūbī (Saladdin), reveals that both held Shīʿī sympathies.[14] Such sympathies were translated into reality as the last Abbasid caliphs nominated Shīʿī viziers to their courts. It has even been speculated by some scholars that, had it not been for the Mongol invasion, the Abbasid caliphate would have been transformed into a Shīʿī kingdom.[15] Nor did the fall of Baghdad affect Shīʿīs greatly. If anything, it was a blessing in disguise. The Mongols were careful not to antagonize the Shīʿī community, as their relations with the Sunnīs had already been destroyed. They readily patronized the Shīʿī philosopher Naṣīr al-Dīn al-Ṭūsī, who ably rose to the occasion to foster the Islamic cause. Other Shīʿīs also held high administrative posts. Among them were ʿAṭā-Malik al-Juwaynī in Baghdad and ʿAbd al-ʿAzīz ibn Jaʿfar in Basrah; these two became patrons of Maytham, who wrote several of his works at their request or in their honor. Thus the advent of the Mongols actually invigorated intellectual life. It was the challenge of a non-Muslim power more than anything else that led to the flowering of a Shīʿī renaissance in both Ḥillah and Bahrain, culminating in the activities of ʿAllāmah Ḥillī (d. 726/1325).

On the local scene, Southern Iraq was ruled by the Shīʿī Mazyīdīs, with the city of Ḥillah as their capital. In Bahrain another Shīʿī dynasty, the ʿUyūnīs, ruled after ousting the Qarmaṭīs in 470/1077 with the assistance of the Saljūqs. The ʿUyūnī dynasty itself collapsed in 636/1238 and, after changing hands many times Bahrain came under the control of the Banū ʿUṣfūr, also possibly Shīʿīs, who assumed power no later than 651/1253 and endured until the 9th/15th century. Just as the presence of the Mongols led to increased intellectual activity elsewhere in the Islamic world, the presence of diverse ethnic groups served as a catalyst for Bahraini scholars. For instance, when the Jewish merchant Rabbi Benjamin paid a visit to mainland Bahrain in 1171, he

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[12] Muḥammad ibn ʿAlī Ibn Ṭiqṭaqā, *al-Fakhrī fī adab al-sulṭānīyah wa-al-duwal al-Islāmīyah* (Cairo: al-Maktabah al-Tijānīyah al-Kubrā, 1346/1927), 236.

[13] Abū al-Fidāʾ Ibn Kathīr, *al-Bidāyah wa-al-nihāyah*, ed. Aḥmad Abū Mulḥim, et al, 3rd ed., 14 vols. (Beirut: Dār al-Kutub al-ʿIlmīyah, 1408/1987), XIII, 116.

[14] ʿAbd Allāh al-Yāfiʿī, *Mirʾāt al-jinān*, 4 vols., 2d ed. (Beirut: Muʾassasat al-Aʿlamī lil-Maṭbūʿāt, 1390/1970), IV, 52-53.

[15] Āghā Buzurg al-Ṭihrānī, *al-Anwār al-sāṭiʿah*, ed. ʿAlī Munzawī (Beirut: Dār al-Kitāb al-ʿArabī, 1392/1972), intro., w.

estimated the Jewish population to be as high as five thousand souls in the city of Qaṭīf alone.[16] Groups such as these must have propagated their religious beliefs, at least as a defensive measure, prompting local Shīʿī scholars to redouble their own efforts.

Paradoxically, this favorable political climate eventually helped to stifle rational thought, leading to the second of the four periods outlined at the beginning of this essay. Shīʿī theology, which had reached maturity in the works of Naṣīr al-Dīn al-Ṭūsī, Maytham al-Baḥrānī, and ʿAllāmah Ḥillī, influenced the Ilkhanid monarch Khudabandeh to convert to Shīʿism and proclaim a Shīʿī state. The Shīʿī state in turn created a demand for Shīʿī jurists. Fakhr al-Muhaqqiqīn (d. 771/1370), the son of ʿAllāmah Ḥillī, was so obsessed with jurisprudence that the whole course of Shīʿī thought shifted toward it. This tendency was further reinforced by one of his disciples, Ibn al-Muṭawwaj al-Baḥrānī (d. 820/1417). As a result, rationalist thought was overshadowed. Finally, it ceased to exist altogether.

In mainland Bahrain in the Shīʿī state of the Banū Jarwān, Shīʿī jurists such as Ibn al-Muṭawwaj were appointed to the post of *qāḍī* (judge) and *ḥisbah* (market inspection and control of public morality).[17] The Shīʿī jurists of Bahrain were deprived of their tenured positions by the Sunnī rulers of the Banū Jabr who ousted the Banū Jarwān in the 9th/15th century, but immediately after, the new-born Safavid state began to recruit them for similar purposes. Many jurists migrated to Iran, where they filled various posts ranging from leadership of congregational and Friday prayers to chief judgeships and the office of Shaykh al-Islām. Among those who attained the prestigious office of Shaykh al-Islām were al-Sharīf Mājid al-Baḥrānī (d. 1028/1618), Shaykh Ṣāliḥ ibn ʿAbd al-Karīm al-Karzakkānī (d. 1098/1681), and Shaykh ʿAbd Allāh al-Samāhījī (d. 1135/1722).[18] As Bahrain itself came to be dominated by the Safavids, other jurists held the same positions there. They also assumed high-ranking administrative posts; for instance Shaykh Muḥammad ibn Mājid al-Māḥūzī (d. ca. 1130/1718) was nominated as the governor of Bahrain.[19]

The recruitment of Shīʿī doctors of law to government posts in Bahrain made their devotion to traditional disciplines almost inevitable. In addition, Akhbārism itself encouraged an aversion to speculative thought. The emphasis of Akhbārīs on the exclusion of reason from the juridical domain caused most,

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[16] Abbas Faroughy, *The Bahrein Islands (750-1951)* (New York: Verry, Fisher & Co., 1951), 59.

[17] Prof. J. Cole suggests that these positions conferred upon Imāmī jurists in Bahrain may not have existed anywhere else in the Islamic world of the fourteenth century. See Cole, "Rival Empires of Trade and Imami Shiʿism in Eastern Arabia, 1300-1800," *International Journal of Middle East Studies* 19 (1987): 180.

[18] Sālim al-Nuwaydrī, *Aʿlām al-thaqāfah fī al-Baḥrayn*, 3 vols. (Beirut: Muʾassasat al-ʿĀrif, 1412/1992), II, 215. See also Yūsuf al-Baḥrānī, *Luʾluʾat al-Baḥrayn*, ed. Muḥammad Baḥr al-ʿUlūm, 2d ed. (Najaf: Maṭbaʿat al-Nuʿmān, 1389/1969), 62, 68, 103.

[19] Nuwaydrī, *Aʿlām al-thaqāfah*, II, 223.

perhaps unconsciously, to discard it in other domains of thought also. Philosophy and mysticism in particular were fiercely condemned. Thus the famous Akhbārī jurist Niʿmat Allāh al-Jazāʾirī (d. 1112/1700) states that Shīʿī jurists such as himself tolerate the study of a part of philosophy, but prohibit the study of the discipline as a whole. He excuses Maytham al-Baḥrānī and others viewed as orthodox *ʿulamāʾ* by stating that, although no doubt accomplished in philosophy (Maytham he characterizes as "more versed in philosophy than Plato and Aristotle"), they do not believe in the results of philosophical discourse![20]

This attitude was echoed in Bahrain by the leading Akhbārī savant Shaykh Yūsuf al-Baḥrānī, who states that "Shīʿī jurists (*al-aṣḥāb*) are of the opinion that philosophers and those who imitate them are disbelievers." Baḥrānī goes even further in attacking Sufism and Sufis. His main target is Ibn ʿArabī, whom he anathematizes as a "*zindīq*" (dualist or disbeliever). No one is spared in his attacks, not even his fellow Akhbārī al-Fayḍ al-Kāshānī:

> Indeed he [Kāshānī], following the Sufis and philosophers, maintains a number of theses which lead necessarily to disbelief—I seek refuge in God! For instance, he seems to allude in his writings to the doctrine of theomonism (*wadat al-wujūd*). I have seen an odious treatise of his which clearly points to this doctrine. In it he follows the teachings of the heretic Ibn ʿArabī, and he quotes him often—even though he identifies him only as "one of the gnostics" (*baʿḍ al-ʿārifīn*) [not referring to him by name]. We have quoted some of his views from this and other treatises in our work refuting the Sufis.[21]

Yūsuf al-Baḥrānī expresses his exasperation with the Sufis whenever he finds the opportunity. While refuting Naṣīr al-Dīn al-Ṭūsī, he flies into a passion, attacking the mystics and assaulting Kāshānī in particular.[22]

Akhbārīs outside Bahrain were in the same frame of mind. For example, a student of Majlisī, writing a biography of Mīrzā Ibrāhīm, the son of Mullā Ṣadrā, eulogizes him as a "realization" (*miṣdāq*) of the Qurʾānic verse "He causes the living to issue from the dead" (6:95). Mīrzā Ibrāhīm deserves such

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[20] Yūsuf al-Baḥrānī, *al-Kashkūl*, 3 vols. (Beirut: Dār wa-Maktabat al-Hilāl, 1407/1986), I, 334; II, 142. See also Niʿmat Allāh al-Jazāʾirī, *al-Anwār al-Nuʿmānīyah*, 5 vols. (Tabriz: Sharikat-i Chāp, n.d.), III, 376.

[21] Yūsuf al-Baḥrānī, *Luʾluʾat al-Baḥrayn*, 121.

[22] Yūsuf al-Baḥrānī, *al-Durar al-Najafīyah* (Qum: Muʾassasat Āl al-Bayt li-Iḥyāʾ al-Turāth, n.d.), 135-145. A study of the disagreement between Baḥrānī and Ṭūsī regarding the cognition of God has been written by Ibrāhīm Dībājī; see "Bar-rasī-i andīshah-'i Ṭūsī va-Baḥrānī dar bāb-i maʿrifat-i Ḥaqq," *Kayhān-i Andīshah* 4 (1986): 59-73. On the subject of Kāshānī, we should mention (though many scholars have failed to do so) that at the end of his life he reached the conclusion that the speculative sciences—philosophy, theology, and Sufism—had no solid grounding. He actually wrote a book in which he expressed his regret at having wasted his time dealing with these subjects and emphasized that the Qurʾān and tradition are the only valid sources for sound knowledge. See: Muḥsin al-Kāshānī, *Risālat al-inṣāf* (Tehran: [lithograph, along with other treatises by the author], 1311/1892), 185-190.

praise, the biographer explains, because he did not follow his father in philosophy and mysticism.[23]

At the beginning of the third period, in the 11th/17th century, Akhbārism stormed the citadels of Shīʿī centers of learning. No seminary escaped its influence. Even the philosophical school of Isfahan had to make considerable concessions. Not even Mīr Dāmād and Mullā Ṣadrā, the outstanding philosophers of their age, could afford to neglect traditions, and they produced commentaries, albeit rooted in philosophy. These commentaries, Mīr Dāmād's *al-Rawāshiḥ al-samawīyah fī sharḥ al-aḥādīth al-Imāmīyah* and Ṣadrā's *Sharḥ Uṣūl al-kāfī*, are in reality gestures toward Akhbārism. Mullā Ṣadrā also attempted to preserve his religious authority by writing a book entitled *Kasr aṣnām al-Jāhilīyah*, in which he is extremely severe against the Sufis of his time. His intent was to show himself to be of the same opinion as the imāms, who are reported to have denounced Sufism.[24]

Having seen something of the attitude of Bahraini and Shīʿī scholars toward rational thought in this period, let us examine the achievements of the school of Bahrain in the areas of mysticism, philosophy, and theology. As for mysticism, no serious attempt was made to treat it in a systematic matter or as a genre. Some inclination toward mysticism is still apparent, as for instance in the case of a certain ʿAlī ibn Aḥmad ibn ʿAbd al-Salām (d. after 1109/1692) who was reported to be mostly interested in philosophy and gnosticism (*ʿirfān*).[25] A very interesting case in this regard is a commentary on the teaching of Ibn ʿArabī in which its author is identified as "Mawlānā Sayyid Hāshim." Prof. Osman Yahia assumes that the author is Sayyid Hāshim al-Baḥrānī (d. 1107/1690),[26] the author of *al-Burhān*, a work of Qurʾānic exegesis. For various reasons, this conclusion should not be accepted until the manuscript is unearthed. Having said this, one can by no means deny the link between Shīʿī traditionalism and mysticism. Ironically, Shaykh al-Baḥrānī calls his treatise refuting mysticism *al-Nafaḥāt al-malakūtīyah*; both words of the title are, as Āghā Buzurg al-Ṭihrānī remarks, intrinsically mystical.[27]

Philosophy was not neglected in Bahrain to the extent mysticism was during this period. Many scholars developed a strong interest in it, although only after the establishment of the Safavid state. Aḥmad ibn Ibrāhm Āl ʿUṣfūr (d. 1131/1718), father of Shaykh Yūsuf al-Baḥrānī, Sulaymān al-Māḥūzī, Aḥmad ibn Ibrāhīm (d. 1073/1662), Muḥammad ibn Saʿīd al-Maqābī

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[23] Yūsuf al-Baḥrānī, *Kashkūl*, I, 297.

[24] This type of compromise, however, did not prevent him from defending certain prominent Sufis and their apparently profane utterances, including Abū Yazīd al-Biṣṭāmī and his theopathic outburst "Glory be to Me, Glory be to Me, How great is my dignity!" See Ṣadr al-Dīn al-Shīrāzī, *Kasr aṣnām al-Jāhilīyah*, ed. M.T. Dānishpazhū (Tehran: Maṭbaʿat Jāmiʿat Ṭihrān, 1340 H.Sh./1962), 28-29.

[25] Nuwaydrī, *Aʿlām al-thaqāfah*, II, 145.

[26] Ḥaydar Āmulī, *Naṣṣ al-nuṣūṣ*, ed. Henry Corbin and Osman Yahia (Tehran: Ṭūs, 1988), intro. 45.

[27] Āghā Buzurg al-Ṭihrānī, *al-Dharīʿah ilā Taṣānīf al-Shīʿah*, 25 vols., 3d ed. (Beirut: Dār al-Aḍwāʾ, 1403/1983), XXIV, 252.

(d. 1125/1713), ʿAlī ibn Muḥammad al-Maqābī (d. 1160/1747), ʿAbd Allāh ibn ʿAlī (d. 1148/1735), and Dāwūd ibn Abī Shāfīz (d. 1017/1607) are examples of such scholars. When Ḥusayn ibn ʿAbd al-Ṣamad al-ʿĀmilī (d. 984/1576), father of Shaykh Bahāʾī, migrated to Bahrain, scholars there arranged a debate between him and Ibn Abī Shāfīz, who was regarded as a skillful dialectician. The latter emerged victorious in the exchange. This irritated ʿĀmilī, who composed satiric verses against his opponent:

Some people in Uwāl have set themselves
To obliterating knowledge;
Preoccupying themselves with "Why?" and "Why?"
Should you have a discussion,
You will find nothing in them
Except two phrases: "We do not yield," and "Why?"[28]

In his *al-Maqāṣid al-jalīyah fī sharḥ al-Fuṣūl al-Naṣīrīyah*, Ibn Abī Shāfīz leans toward philosophical theology. However, his philosophic outlook does not allow him to uncritically accept certain colorful theses of Muslim philosophers. For example, he hesitates to admit the existence of the internal senses, suggesting, it seems, that the soul can perceive particulars without the mediation of such senses.[29] He also rejects the philosophical principle that states that "from the one only one proceeds," charging that the arguments put forward in support of this principle are extremely flimsy.[30]

Nevertheless, notwithstanding the activities of Ibn Abī Shāfīz and other scholars, the literature available thus far suggests that philosophy in Bahrain after the thirteenth century failed to achieve any real originality. The topics Bahraini scholars occupied themselves with had already been thoroughly treated by all the major philosophers: subjects such as atomism (*al-juzʾ alladhī lā yatajazzaʾ*) and substances and accidents (*al-jawāhir wa-al-aʿrāḍ*).[31] There was much plagiarism. For instance, Sulaymān al-Māḥūzī, known as al-Muḥaqqiq al-Baḥrānī, wrote a commentary on the celebrated *ʿAynīyah* poem of Ibn Sīnā. This commentary can at best be considered an abridgement of an earlier commentary on the poem written by ʿAlī ibn Sulaymān, mentioned above. It is in fact a quotation, word for word, but without any acknowledgement of the source. Another outstanding feature of this philosophy was heavy dependence on the traditions of the imāms, for obvious reasons. Evidence of this can be seen in a book written on the human soul by ʿAlī ibn Muḥammad al-Maqābī; every point is supported by numerous *ḥadīth*s.

Logic is one area in which the school of Bahrain generated an immense literature, both in verse and prose.[32] Nothing of this genre, however, has

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[28] Yūsuf al-Baḥrānī, *Kashkūl*, III, 185.
[29] Dāwūd ibn Abī Shāfīz, *al-Maqāṣid al-jalīyah* (Ms. at the Religious School of Jidḥafṣ in Bahrain), 9-10.
[30] Ibid., 18.
[31] Nuwaydrī, *Aʿlām al-thaqāfah*, II, 21, 91, 159.
[32] Ibid., II, 62, 105, 207, 258. See also Āghā Buzurg, *Dharīʿah*, XXIII, 50-51.

survived; we know no more than what is stated in the biographical dictionaries.

The school of Bahrain was fairly active in theology in this period. Theological discourse was revived in the sixteenth century, and many Bahraini scholars in this period were *inter alia* theologians. However, their theology, similar to that abroad, was somewhat different than the theology of the thirteenth century. First, it was traditionalist, not philosophical. In addition, thirteenth-century theology had effectively dispensed with certain theological topics peculiar to Shīʿism based exclusively on tradition such as the doctrines of *badāʾ* (the "appearing" to God that something foreordained should be altered) and *rajʿah* (the "return" of the dead, chiefly martyred imāms, before the Day of Judgement).[33] With the advent of the Safavids, however, the doctrines of *badāʾ* and *rajʿah* once again became important to Shīʿī theological discourse. Great theologians such as Muḥammad Bāqir al-Majlisī (d. 1110/1699), al-Fayḍ al-Kāshānī, and ʿAbd Allāh Shubbar (d. 1242/1826) made a point of tackling these issues. Even philosophers such as Mullā Ṣadrā and Mīr Dāmād treated *badāʾ*, although they endeavored to philosophize it rather than taking a traditionalist approach.[34]

It was this theological environment which was to have the most enduring effect on intellectual activity in Bahrain. Theology was deprived of its philosophical dimension and certain notorious topics were emphasized, often in works dedicated exclusively to them instead of in context. The first of such writings was a treatise on *rajʿah* composed by Yaḥyā ibn ʿAsīrah al-Baḥrānī (d. after 967/1559), a student and representative of al-Muḥaqqiq al-Karakī[35] (d. 945/1538); Karakī himself wrote a treatise on *rajʿah*.[36] Among those who wrote on *badāʾ* were theologians such as Sulaymān al-Māḥūzī[37] and Aḥmad ibn Muḥammad al-Maqābī (d. 1102/1690).[38]

This theological development should be seen against its political background. The hostility between the Shīʿī Safavid state and Sunnī Ottoman

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[33] *Badāʾ*, for instance, seems to have been categorically repudiated by Ṭūsī on the grounds that it is based only on an isolated report attributed to the sixth imām al-Ṣādiq, a report upon which neither belief nor practice can be established. Ṭūsī also claims in the course of his refutation of Fakhr al-Dīn al-Rāzī that the Shīʿah do not believe in *badāʾ* (Naṣīr al-Dīn al-Ṭūsī, *Talkhīṣ al-muḥaṣṣal*, ed. ʿAbd Allāh Nūrānī, 2d ed. [Beirut: Dār al-Aḍwāʾ, 1405/1980], 422). Less open than Ṭūsī, Maytham al-Baḥrānī and ʿAllāmah Ḥillī merely insinuate its invalidity (Baḥrānī, *Qawāʿid al-marām*, ed. Aḥmad al-Ḥusaynī, 2d ed. [Qum: Maṭbaʿat Āyat Allāh al-Marʿashī, 1406/1985], 134; Ḥillī, *Nahj al-ḥaqq wa-kashf al-ṣidq*, ed. ʿAyn Allāh al-Urmawī [Qum: Muʾassasat Dār al-Hijrah, 1407/1986], 401-402). Following in their footsteps was al-Miqdād al-Suyūrī (d. 826/1422), whose approach to the subject of *badāʾ* is reminiscent of that of Ṭūsī (*al-Lawāmiʿ al-ilāhīyah fī al-mabāḥith al-kalāmīyah*, ed. Muḥammad al-Ṭabāṭabāʾī [Tabriz: Maṭbaʿat Shafaq, 1397/1976], 322).

[34] For further discussion on *badāʾ* see Ali al-Oraibi, "Shīʿī Renaissance," 116-119.

[35] Nuwaydrī, *Aʿlām al-thaqāfah*, I, 409.

[36] Āghā Buzurg, *Dharīʿah*, I, 93.

[37] Nuwaydrī, *Aʿlām al-thaqāfah*, II, 104.

[38] Ibid., 62.

empire is well known. This atmosphere was reflected in an ongoing sectarian debate as both parties strove to defend themselves and maintain their religious identities. The theological activity of the Safavid period was, in other words, the result of the efforts of the Shīʿī state to define itself. Nothing illustrates the situation better than the exchange of insults between Ibn Ruzbihān and his contemporary al-Qāḍī al-Ṭustarī (d. 1019/1609), recorded in the latter's work entitled *Iḥqāq al-ḥaqq*. It was in this context that Shīʿīs endeavored to emphasize and revise some of their controversial doctrines. Most of the literature generated on *badāʾ* and *rajʿah* belongs to the Safavid era.[39]

In Bahrain itself the situation was even more complicated, especially at the beginning of the 12th/18th century. The Shīʿī population paid dearly for the defence of their land against foreign powers. The Sunnī tribe of ʿUṭūb invaded Bahrain, as did the Khārijīs of Oman who were finally able after three incursions to defeat the Persian army and subjugate the islands. Subsequently the Wahhābīs also made an attempt to annex Bahrain.[40] The *ʿulamāʾ* of Bahrain became prime targets of foreign powers as they stood firm in defence of their country. The Khārijīs attacked a religious seminary located on a small island of Bahrain called Jazīrat al-Nabī Ṣāliḥ, massacring about seventy scholars; the vanished seminary has ever since been known as "Karbala." One of the victims of these incidents was Shaykh Ḥusayn Āl ʿUṣfūr (d. 1216/1802), a student and nephew of Shaykh Yūsuf al-Baḥrānī acclaimed as the *mujaddid* (rejuvenator) of the century.[41]

This political situation increased the zeal of Bahraini theologians for sectarian debate. However, rational thought, even the Muʿtazilism of the moderate Ibn Abī Ḥadīd who had himself been accused of being an extreme Shīʿī, was no longer acceptable; thus Shaykh Yūsuf wrote a work called *Salāsil al-ḥadīd fī taqyīd Ibn Abī al-Ḥadīd* ("Iron Chains to Bind Ibn Abī al-Ḥadīd"). Instead, theology depended almost entirely on tradition. Sayyid Hāshim al-Baḥrānī, who dedicated almost his entire career to defending the imamate, shows great awareness of traditions on the imamate in both Shīʿī and Sunnī collections. He bases his arguments solely on such traditions, leaving no room whatsoever for reason. Neither does he comment on the traditions. For example, in his *al-Maḥajjah fī mā nazala fī al-Qāʾim al-Ḥujjah* ("The Path to That Which Has Been Revealed Concerning the Proof [over Humankind], the Mahdī"), he enumerates one hundred and twenty Qurʾānic verses that tradition indicates are relevant to the awaited *imām*.[42] Sayyid Hāshim follows the same unique methodology—perhaps unprecedented in Shīʿī thought—in

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[39] Strangely enough, Āghā Buzurg attributes a treatise on *rajʿah* to ʿAllāmah Ḥillī (*Dharīʿah*, I, 92). Ḥillī's biographers do not mention this treatise, and the attribution must be viewed with suspicion.

[40] Yūsuf al-Baḥrānī, *Luʾluʾat al-Baḥrayn*, 442-443. See also N.G. Rumaihi, *Bahrain: Social and Political Change since the First World War* (London: Bowker, 1976), 6.

[41] ʿAbd al-Ḥusayn al-Amīnī, *Shuhadāʾ al-faḍīlah* (Qum: Dār al-Shihāb, n.d.), 308.

[42] Sayyid Hāshim al-Baḥrānī, *al-Maḥajjah fī mā nazala fī al-Qāʾim al-Ḥujjah*, ed. Muḥammad Munīr al-Mīlānī (Beirut: Muʾassasat al-Wafāʾ, 1403/1983).

all his books, for instance *Maʿālim al-zulfā*, *Nuzhat al-abrār*, *Ghāyat al-marām*, *Yanābīʿ al-maʿājiz*, and even his exegetical work *al-Burhān fī tafsīr al-Qurʾān*.

There are several other theologians of the same period who deserve careful study. Among them are Sulaymān al-Baḥrānī, Yūsuf al-Baḥrānī, and Ḥusayn al-Baḥrānī, a master of Shaykh Aḥmad al-Aḥsāʾī.[43] Although most if not all were primarily jurists, they nevertheless developed a keen interest in theology, and their writings on this subject up to the 13th/19th century, in both prose and verse, are extensive. Many poems in *urjūzah*, a meter used for pedagogical purposes, were composed and commentaries on them were offered either by the author himself or other scholars.[44] However, with a few exceptions, this kind of literature does not display any originality.

From the mid-nineteenth century down to the present day, intellectual activities in Bahrain have been almost insignificant. The school has lost its former prestige as a center of Shīʿī learning. This decline can be attributed to domestic and regional developments, as well as to the prevalence of Akhbārism. The Akhbārīs, who constitute the vast majority of Shīʿīs in Bahrain, adhere to the legal opinion that people may do *taqlīd* of dead authorities. As a conservative estimate, one can say that wholly half the Shīʿī population of the island of Bahrain presently does *taqlīd* of one of only three jurists: Shaykh Yūsuf, his nephew Shaykh Ḥusayn, and the latter's disciple Shaykh ʿAbd Allāh al-Sitrī (d. 1270/1853). This practice has discouraged the *ʿulamāʾ* from seeking the rank of *marjaʿīyah* (Grand Jurist), since competition with these three well-established, deceased scholars is daunting.

Nevertheless, a few persuasive theologians did emerge during this last period. One who should be mentioned is ʿAlī ibn ʿAbd Allāh al-Sitrī (d. 1319/1900), who migrated to Oman and subsequently to the Iranian city of Lijnah, where he met a violent death. While dwelling in the neighborhood of the Omani Khārijīs he wrote an impressive work on the imamate entitled *Manār al-hudā* as well as other polemical works. He also set himself the task of vindicating Islam in the face of Christian missionary activity, which had then just begun in the Gulf. In was with this aim in mind that he wrote his *Lisān al-ṣidq*, a thorough refutation of *Mīzān al-ḥaqq*, the work of an anonymous Christian. This book seems to have answered an urgent need, for no sooner was it completed than it was shipped to Bombay for publication in 1307/1888.[45] Sitrī's arguments are for the most part textual; he displays a good command of the Old and New Testaments. In general his theology is traditional, showing little trace of real philosophy. In his proofs for the existence of God, for example, one of the arguments he resorts to is the

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[43] To whom the next essay is devoted—ed.

[44] Nuwaydrī, *Aʿlām al-thaqāfah*, II, 17, 74, 322.

[45] It was first published in lithograph in 1320/1901 in Bombay. In 1985 it was edited by ʿAbd al-Zahrāʾ al-Khaṭīb and published in Beirut.

argument of generation (*ḥudūth*),[46] which is, philosophically speaking, problematic. In fact, he does not hide his disappointment with Muslim philosophers such as Fārābī, Ibn Sīnā, Abū al-Barakāt al-Baghdādī, and Suhrawardī, all of whose teachings, he asserts, contradict the Qurʾān, tradition, and consensus (*ijmāʿ*).[47] He attacks Sufism in the same way, especially the doctrine of the *Quṭb* (the saint who is the "Pole"). The *Quṭb*, Baḥrānī contends, can be none other than the *imām*.[48]

As we survey these developments it becomes apparent that politics played a large role in the rise and fall of rationalism in Bahrain—and indeed in the Shīʿī world in general. We have seen that under the non-Muslim Mongols, who patronized the sciences but were at the same time perceived as a religious threat, rationalism achieved remarkable gains. This is because reason was able to serve as a common denominator in debate between Muslims and non-Muslims. The Shīʿī traditions, obviously, could not play such a role. Under the Safavids, on the other hand, traditionalism came to the fore, since the traditions emphasize the distinctiveness of Shīʿism and were therefore useful in legitimizing the power of the Shīʿī Safavid state. In any case, whatever fluctuations there were in intellectual activity, the literature generated by the school of Bahrain is crucial for a balanced understanding of Shīʿī thought and should not be overlooked by modern scholarship.

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[46] ʿAlī al-Baḥrānī, *Lisān al-ṣidq* (Bombay: [lithograph], 1307/1888), 7.
[47] ʿAlī al-Baḥrānī, *Manār al-hudā*, ed. A. al-Khaṭīb (Beirut: Dār al-Muntaẓar, 1405/1985), 636.
[48] Ibid., 635.

INDIVIDUALISM AND THE SPIRITUAL PATH IN SHAYKH AḤMAD AL-AḤSĀʾĪ

Juan R.I. Cole

"Mysticism" is a notoriously difficult word to define. Most often, as with Troeltsch, mysticism is viewed as a spiritual current differentiated from other sorts of religiosity, either the high ritualism of the church or the egalitarian enthusiasm of the sect.[1] In Islam, of course, mysticism has been taken to be synonymous with Sufism. This paper is in large part about the attack on aspects of Sufism by a non-Sufi, Shaykh Aḥmad al-Aḥsāʾī (1753-1826), and it raises a number of questions.[2] Was Shaykh Aḥmad himself a "mystic," despite his anathemas against Sufism? If so, in what sense, or what senses? As for the definition of mysticism, the late Michel de Certeau suggested we speak instead of its "procedures," which he thought remarkably homologous with those of modern psychoanalysis. He saw these as

> 1) launching a radical attack against the founding principles of the historical system within which these procedures are carried out; 2) authorizing a critical analysis by establishing a space (be it "mystical" or "unconscious") posited as different but not distant from the configuration organized by those founding principles of the historical system; 3) specifying theory and practice through a central attention given to enunciation ("prayer" or "transference"), the interrogation of which eludes the logic of statements and is supposed to make possible the transformation of social "contracts" by setting out from the subjects' structuring relations; 4) supposing that the body, far from being ruled

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[1] Ernst Troeltsch, *The Social Teaching of the Christian Churches* (Chicago: University of Chicago Press, 1981).

[2] For Shaykhism see Henry Corbin, *L'École Shaykhie en Théologie Shiʿite* (Tehran: Taban, 1967), *idem*, *En Islam Iranien*, 4 vols. (Paris: Gallimard, 1971-72) and Mangol Bayat, *Mysticism and Dissent: Socioreligious Thought in Qajar Iran* (Syracuse: Syracuse University Press, 1982), 1-58. For Shaykh Aḥmad himself, see A.L.M. Nicolas, *Essai sur le cheikhisme*, vol. 1 (Paris: Paul Geuthner, 1910); Vahid Rafati, "The Development of Shaykhi Thought in Shiʿi Islam" (Ph.D. diss., University of California, Los Angeles, 1979); Ehsan Yarshater, ed., *Encyclopaedia Iranica* (London: Routledge and Kegan Paul, 1983-), s.v. "Ahsaʾi, Shaikh Ahmad b. Zayn al-Din," by Denis MacEoin.

> by discourse, is itself a symbolic language and that it is the body that is responsible for a truth (of which it is unaware); 5) seeking in representations the traces of the affects ("intentions" and "desires," etc., or motive and drives) that produce them, and perceiving the "tricks" (the rhetorical "devices") that produce the quid pro quos between the hidden and the shown.[3]

These procedures and the aims behind them suggest a set of criteria by which to evaluate Shaykh Aḥmad's thought, and perhaps also permit us to better understand his motives for rejecting Sufism.

Shaykh Aḥmad al-Aḥsāʾī, a native of Eastern Arabia educated in Bahrain and the theological centers of Najaf and Karbala in Iraq, spent the last twenty years of his life in Iran, mainly Yazd and Kermanshah. There he received the protection and patronage of princes of the Qajar dynasty, which had restored Shīʿism as Iran's state religion. He was much revered by the Iranian people; he rejected an offer from Fatḥ-ʿAlī Shāh (r. 1798-1834) to reside in the capital, Tehran, as a royal favorite for fear that his commitment to justice for the ordinary folk would eventually lead him into conflict with the court. Aḥsāʾī's speculative writings constitute one of the last great flowerings of Muslim theosophy before the impact of modern European thought in the nineteenth century. He came to consciousness at a tragic time for Shīʿī Islam as it was battered by the Sunnī Afghan invasion of Iran and dethronement of Shīʿism as the state religion, attacks of the anti-Shīʿī Wahhābī tribes of Arabia, and growing power of Russia and Britain.

What the French expounder of Islamic mysticism Henry Corbin termed "creative imagination" plays a central role in Shaykh Aḥmad's writings. Despite Islamic tradition's general discomfort with myth, Shaykh Aḥmad appeals to it, painting word-pictures of multi-colored divine thrones, footstools, and heavenly and earthly spheres as aids to spiritual focus.[4] Aḥsāʾī maintained an extremely complex relationship with his immediate intellectual heritage, the philosophical and mystical strands of the School of Isfahan, accepting its implications for gnosis (*ʿirfān*) and rational thought but rejecting any tinge of pantheism or metaphysical monism. In addition, Shaykh Aḥmad was influenced by a still little-known Eastern Arabian tradition of thought.[5] His use of symbolic language captured the imagination of tens of thousands

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[3] Michel de Certeau, *The Mystic Fable*, trans. Michael B. Smith (Chicago: University of Chicago Press, 1992), 8.

[4] See Juan R. I. Cole, "The World as Text: Cosmologies of Shaykh Ahmad al-Ahsaʾi," *Studia Islamica* 80 (1994): 145-163; Henry Corbin, *Creative Imagination in the Sufism of Ibn ʿArabi*, trans. Ralph Manheim (Princeton: Princeton University Press, 1969).

[5] For instance the theosopher Ibn Abī Jumhūr al-Aḥsāʾī (b. 1434) and the great Bahraini thinkers of the Safavid period (1501-1722). See: Juan R.I. Cole, "Rival Empires of Trade and Imami *Shiʿism* in Eastern Arabia, 1300-1800," *International Journal of Middle East Studies* 19 (1987):177-204; *EI*^{2}, s.v. "Ibn Abi Djumhur al-Ahsaʾi," by W. Madelung; *idem*, "Ibn Abi Gumhur al-Ahsaʾi's Synthesis of *Kalām*, Philosophy and Sufism," in *La signification du Bas Moyen Âge dans l'histoire et la culture du monde musulman: actes du 8me congrès de l'Union européenne des arabisants et islamisants [Aix-en-Provence, du 9 au 14 septembre 1976]* (Aix-en-Provence, 1978), 147-158.

in the Arab East, Iran, and India, and the controversial mystical Shaykhī order came to be established in his name, largely after his death.

Shaykh Aḥmad's spiritual enterprise bears some resemblance to Sufism insofar as he seeks knowledge (*ʿirfān*) of the divine and accepts a view of the cosmos as made up of hierarchies extending upward from the material to the intellectual. The believer's purpose is to move away from gross matter and animal instincts toward divine qualities and insights by means of spiritual and meditative exercises, dreams and trance-states. The metaphor of the wayfarer traversing this metaphysical lattice is also common to Shaykh Aḥmad and the Sufis. Yet at several key junctures Aḥsāʾī profoundly challenges the Sufism of the orders, especially in regard to its social structure and concepts of authority. What drives Shaykh Aḥmad to so vehemently criticize the position and role of the Sufi shaykh or pīr among whose ranks, after all, must be counted beloved figures of popular Iranian Islam such as Jalāl al-Dīn Rūmī and Shāh Niʿmat Allāh Valī?

Like many other Shīʿī thinkers, Shaykh Aḥmad believes that the Sufi shaykhs arrogate to themselves functions and stations appropriate only to the twelve imāms. He sees the entire phenomenon of Sufism, whether Sunnī or Shīʿī, as a Sunnī plot against the primacy of the House of the Prophet. I do not intend to dwell on this line of attack, which is after all not confined to Aḥsāʾī and is the least attractive element of his intellectual system. It appears to be more of a rhetorical device than an argument in its own right, an attempt for polemical purposes to discredit Sufism as inevitably Sunnī. It is never elaborated in any logical manner, but simply asserted. When Shaykh Aḥmad considers the objection that some Sufi orders are Shīʿī, and that perhaps the condemnations of Sufism in Shīʿī ḥadīth collections might be aimed solely at Sunnī Sufis, he replies that so-called "Shīʿī Sufism" must also be condemned because its adherents engage in esoteric interpretation (*taʾwīl*) of the traditions of the imāms.[6] In the final analysis, then, his objection is to a set of premises and methods.

The more serious critique of Sufism in Aḥsāʾī's work lies in two directions, both evident in the replies he gave from Yazd in 1811 to a certain Mullā ʿAlī Rashtī, who appears to have been a Shīʿī Sufi, perhaps a Niʿmatullāhī. First, Shaykh Aḥmad says that most Sufis in his experience adhere to the doctrine of the Unity of Being (*waḥdat al-wujūd*), which he understands as pantheism and finds logically absurd and doctrinally noxious. He deplores Ibn ʿArabī's ideas in this regard and regrets his influence even upon Shīʿī thinkers such as Mullā Ṣadrā and Mullā Muḥsin Fayḍ Kāshānī. One objection he raises to Unity of Being is the conclusion drawn from it by Ibn ʿArabī and some of his followers that all dualism is ultimately illusory. This compelled the Sufi observation that even Sāmirī, who in Islamic lore created the golden calf for

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[6] Shaykh Aḥmad al-Aḥsāʾī/Mullā ʿAlī ibn Mīrzā Jān Gīlānī Rashtī, 1266/1811, in Shaykh al-Aḥsāʾī, *Jawāmiʿ al-kalim*, 2 vols. (Tabriz: Muḥammad Taqī Nakhjavānī, 1273-1276/ 1856 or 7-1860), I, ii, 2, p 71.

the Children of Israel, was performing God's work, since God must be worshipped in every form, and that even Pharaoh was a believer. Shaykh Aḥmad, however, remains a determined dualist in the domains of ethics, doctrine and metaphysics. He thunders condemnation of moral turpitude and doctrinal error, and replies to the notion of "the good Pharaoh" with numerous quotations from the Qurʾān.[7]

Second, Shaykh Aḥmad is repelled by the adulation of Sufi pīrs by their disciples or *murīds*. The logic of this argument is interesting. First, Shaykh Aḥmad attempts to draw a distinction between Sufi pīrs, whose authority is illegitimate, and mystics or mystical knowers (*ʿurafāʾ*, s. *ʿārif*), whose enterprise is in accordance with Shīʿism. True mystics are recognized by their knowledge and their deeds. In regard to knowledge, they perceive the realities (*ḥaqāʾiq*); all their beliefs and knowledge are in accordance with the teachings of the imāms while not contradicting the exoteric beliefs of common Shīʿīs. That is, mystics pronounce words like those spoken by ordinary Shīʿīs, except that they understand the purport of these statements, whereas their true meaning might be hidden from the laity. This proposition recalls the argument of twentieth-century language analysts who maintain that flights of metaphysical rhetoric that cannot be expressed in language comprehensible to ordinary persons are meaningless. Shaykh Aḥmad seems to propose an analogous "ordinary language" criterion for mystical discourse, though of course he is not interested in excluding all metaphysical statements but only those propositions that stray too far from community consensus (e.g., most ordinary Shīʿīs do not think of Sāmirī and Pharaoh as, in reality, believers doing God's will). He differs from the language analysts in seeing such propositions as having both richer and thinner semantic levels, such that the mystic achieves a "thick" understanding, whereas the ordinary believer might understand only a "thin" surface meaning.[8]

Thus according to Aḥsāʾī those who impugn the exoteric beliefs of the community are simply ignorant and obdurate. For, he says, the Legislator (the Prophet Muḥammad) stated everything openly to all the people and did not neglect anything. It is forbidden for anyone to elucidate what he did not elucidate. The esoteric, then, does not contradict the exoteric; if it does, it is false. For the exoteric is the Truth constructed by the Prophet, and it is faith. It is tangible and universally believed and transmitted (*al-maḥsūs wa-al-mutawātir*), making no error possible; error is possible only in other things. The proof of the right position is therefore that it is in accordance with the exoteric aspects of Shīʿī belief and practice. Shaykh Aḥmad likens the exoteric and esoteric to the human soul and body. Were a human soul placed in an animal body, it would not suit it, and vice versa; the two are inevitably paired.

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[7] Ibid., 70.

[8] Cf. Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973) for the distinction between "thick" and "thin" description in ethnography.

What of the deeds of the true mystics? Shaykh Aḥmad says that, clearly, they will practice whatever was ordained by the Legislator, for he enjoined obligation in a form that accords with the being of the worshipper. Shaykh Aḥmad here becomes uncomfortable with the possible implication that human needs may in some way shape divine actions. He therefore specifies that the being of the worshipper is itself dictated by revelational Being. That is, the existential reality of the worshipping human being accords with revealed law because the latter is a prior ontological principle which has shaped the former. Mystics know that the essence of the inner reality of the law-abiding believer is esoteric worship (*al-ʿibādah al-bāṭinīyah*), which consists of right belief and knowledge. And the essence of exoteric religious obligation (*al-ʿibādah al-ẓāhirīyah*) is exoteric knowledge, which consists of the ritual worship and works established by the Legislator. In ordaining worship, the Prophet gave attention not only to the spirit and the heart, but also to the body and its members, all of which must be brought into play. Shaykh Aḥmad's holistic, body-and-soul conception of mystical progress leads him to condemn antinomian "mystics" who neglect the rituals as nothing more than ignoramuses. How can one's inner soul believe while one's outer body remains an infidel? he asks.[9] Here "esoteric knowledge" seems to be analogous to what Muslim philosophers would have called theoretical philosophy, whereas "exoteric knowledge" is equated with the practicalities of worship and ethical action, the equivalents of practical philosophy. Both are required by Shaykh Aḥmad, just as both are required by medieval thinkers such as Ṭūsī in his *Nasirean Ethics*.

Mullā ʿAlī Rashtī, Shaykh Aḥmad's main interlocutor in these matters, now pursues the question of the seeker's need for a guide, which Sufis insist involves an obligation to implicitly obey the pīr. Rashtī concedes that Sunnī pīrs may claim too much authority and charisma, trespassing on ground properly occupied by the imāms, but maintains that the Path does require a guide (*murshid*) and that it is not easy for even the Shīʿī seeker to arrive at the goal without one.

Shaykh Aḥmad in his reply refuses to concede this point to the Sufi Shīʿīs. Citing a well-known *ḥadīth*, he insists that one must enter a house through its doors, and that the imāms are the doors. The shortest path to God is that blazed by the Legislator, with all its prayers (individual and prescribed), ritual acts, virtues and deeds, concentration upon the kingdom of the heavens and the earth, and preparedness for death. These are enshrined in books possessed by the believers which contain law, way and truth (*sharīʿah*, *ṭarīqah*, *ḥaqīqah*). Shaykh Aḥmad then goes on to refer to a tradition of the Prophet that knowledge is not a matter of learning, but rather a light that descends upon the heart by God's grace. In another tradition, ʿAlī insists that knowledge is not in the heavens but in one's heart, and that believers should train themselves under the direction of spiritual mentors (*rūḥānīyūn*).

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[9] Ibid., 71-72.

The innateness of spiritual knowledge constitutes one of Shaykh Aḥmad's prime arguments against the need for a full-blown pīr of the Sufi sort. He says that such knowledge was displayed to creation in the preexistent World of the Atom (*ʿālam al-dharr*) when God posed the question to His potential creatures, "Am I not your Lord?" According to the Qurʾān, these then answered "Yes!" Thus no person will accept any knowledge he has not already encountered in primordial time. Teachers in this world are in reality mere awakeners (*munabbihūn*), and their admonitions merely reminders of pre-existent memories their "students" have forgotten. "Do you not see," he asks, "how when your teacher informs you of certain matters you accept only those you can perceive?" Your perception, he concludes, derives from the insights granted in the World of the Atom. Shaykh Aḥmad thus takes the Platonic theory of learning in an egalitarian direction; the most a guide can do is remind you of what you already essentially knew. The guide is not a superior being bestowing knowledge on the seeker. His only advantage is in serial time—he happened to recover a part of preexistent memory before the seeker did.

Pīrs are also redundant because the imāms comprise something like a collective Logos, mediating effectively between believers and God. Shaykh Aḥmad quotes a *ḥadīth*, without specifying from which imām it derives, that "We are the learned (*ʿulamāʾ*) and our partisans are the pupils (*mutaʿallimūn*)." The imāms guide those who emulate them to all good, while preventing those who oppose them from arriving at the truth. Only through their mediation (*bi-wāsiṭātihim*) does God bestow on any of His creatures being, light, nourishment, life and death, and only through them can the believer's prayers and deeds ascend to God. Here Shaykh Aḥmad cites ʿAlī's saying, "We are the knowers, and none knows God save by the path of our knowledge." Shaykh Aḥmad says that this statement has three meanings for the people of God. The first is that God can only be known by the attributes the imāms ascribe to him; all other descriptions of the divine are false. The second is that whoever claims to know God but does not know the imāms has not in fact known God, since they are His attributes (*ṣifātuh*) whereby He is made known—for a thing is not known save by its attributes, which are like knowledge of it and are the temple of its manifestation. The third is that the imāms possess esoteric knowledge which they impart to whomever they choose, in accordance with God's special command. The path is therefore their path, progress is toward them, and they are the signposts (*adillah*, *ʿalamāt*) along the way. Whichever of the three possible meanings of "knowledge" is chosen, Shaykh Aḥmad concludes, it is clear that there is no need for any guide (*murshid*) other than them. Those who guide to their path cannot be intermediaries in their own right, but merely awakeners or reminders.[10]

Nor, according to Shaykh Aḥmad, does the need mentioned by Rashtī for a companion on the path prove the necessity of adopting a *murshid*. For Sufis,

[10] Ibid., 72.

Shaykh Aḥmad observes, the *murshid* is the ship of salvation, the vehicle that carries the seeker over land and sea. But a companion is a fellow passenger, not the vehicle itself. Aḥsā'ī condemns Sufis who advocate that seekers imagine the image of their *murshid* when they make their intention (*niyah*) before performing their obligatory prayers or even contend that their prayers are not valid if the seeker neglects to do so. Astonished, Shaykh Aḥmad points out that the One being worshipped is Omnipresent, whereas the image of the *murshid* is limited (occupying, in a limited and distinct act of imagination, the lowest rung in the hierarchy of being, a position still somewhere in the level of *malakūt* or the world of dominion). The image of the pīr in the mind's eye is therefore only a this-worldly act of allusion (*ishārah malakūtīyah*). What is needed, Shaykh Aḥmad says, is the removal of the veils of glory (*subuḥāt al-jalāl*) without any allusion. The worshipper, in accordance with what the imāms have taught him, must turn toward God without any sense of allusion or direction, so that the Countenance of God appears. It is not permitted for a follower of the imāms to conjure up any image at the time he makes his intention. Even images of Muḥammad and ʿAlī are forbidden, since their images are limited, and the limited cannot attain to the unlimited.

Rashtī replies by asserting that the pīr is exalted over the seeker only because he has followed the path to the end and then selflessly come back down to the lowest levels to help others ascend it. Part of the purpose of the pīr's return and guidance is to prevent "an impulsive leap of emanation into time and space" (*tafrah fī al-fayḍ ka-al-makān wa-al-zamān*). (I do not entirely understand this elliptical statement of Rashtī; apparently he means that the divine emanation is to be received in a steady manner, allowing a smooth progression toward God. The pīr seems to be conceived of as a moderator of the flow of grace, so that it will not "overload" the seeker or catapult him to a stage for which he is not prepared).

Shaykh Aḥmad begins his reply by pointing to the arduousness of the mystical path, on which the wayfarer journeys through barren hills and steep inclines to be launched upon terrifying waves in billowing seas, encompassed by waves from above and below while jet-black clouds cast down thunder and lightning whose brilliance blinds onlookers. He concludes by quoting lines from an ode (*qaṣīdah*) about the perilous mystical voyage of ʿAbd Allāh ibn Qāsim al-Suhrawardī. However, he turns the image of the hazardous mystical path back upon the Sufis by asserting that no one can act as a guide save one who is unique, an "arrived one" whose soul is perfected by having traversed states in which it is satisfied (*muṭma'innah*), content (*rāḍiyah*), and radiantly acquiescent (*marḍiyah*) (Q. 89:28)—for one who is not perfect in his soul cannot perfect others, and were an imperfect person to attempt such guidance, seekers might emulate his imperfections. The possessor of virtue (*dhū al-faḍl*) may be of three sorts, Shaykh Aḥmad says. He may be like light, whose grace is greater than its reality warrants, so that it is able both to manifest itself and illuminate other things. Or he may be like a live coal, which is imbued with

grace in precise accordance with its reality, so that it is manifest in and of itself but possesses no excess by which it may illumine others. Or thirdly, he may be like a stone, the grace of which is less than its reality, so that it cannot even manifest itself, much less illumine others. The *murshid* must be of the first sort, and he may teach in two ways. First, he may descend to the level of the lowly just as the imāms did who even occasionally spoke the speech of animals in order to communicate with them. Second, he may elevate imperfect persons and perfect the seeker by means of his excess virtue. Shaykh Aḥmad implies that only the imām fits the description of an autonomous, perfect being capable of raising the lowly to heights of perfection. As for other guides, they can be at most awakeners and reminders.[11]

Mullā ʿAlī Rashtī's next question has to do with the concept of self-annihilation (*fanāʾ*) in the pīr. He begins by noting that, while some insist that one can only see the Goal through a thousand veils, that is, one can only see God through the pīr, others conceive of the pīr as a veil which must at some point itself be torn away in order for seekers to attain the ultimate Goal. In any case, he asks, what is the harm in approaching the goal through the intermediary of the pīr, provided the seeker's gaze is fixed upon the ultimate and true Goal—for in this way, one will see unity in multiplicity.

Shaykh Aḥmad in return continues to question the very premise that Sufi pīrs possess any valuable or true knowledge about God. He heaps scorn upon those who claim to be able to write volumes filled with divine secrets but say that they forbear because the people cannot accept the truth. In cases of the great, central principles of religion (*uṣūl al-dīn*), upon which there is general agreement, he insists that since the seeker knows that the pīr is not divinely protected (*maʿṣūm*) from sin, he should accept from him only what does not contravene the revealed Law. The seeker should always question the pīr about the reasoning behind his judgments and examine it closely to see if it accords with Islam. In cases of subsidiary or secondary law (*furūʿ*), which addresses disputed matters through the principles of jurisprudence, Shaykh Aḥmad states that it is necessary for the pīr to be a qualified jurisprudent in order to rule authoritatively; nor may he depart from Shīʿī consensus (*ijmāʿ*) without strong evidence. Aḥsāʾī here implies that the legal advice of those who do not possess jurisprudential expertise is worthless. He explicitly states that it is impermissible for the seeker to obey his pīr simply because he is attached to him; while it is allowed—indeed compulsory—to unquestioningly obey the imām, who is divinely protected (*maʿṣūm*), it is not allowed to give such obedience to an ordinary human being. Thus the pīr must offer evidence for his pronouncements that the seeker finds well-grounded and convincing.

Finally, Shaykh Aḥmad questions the ability of the pīr even to merely lift up the seeker, for the seeker has already determined his destiny by the answer given to God's summons in primordial time. We learn in the Qurʾān that when God asked, "Am I not your Lord?" all creation replied in the affirmative. But

[11] Ibid., 73.

some did so insincerely, harboring rancor toward God, and those souls are forever doomed to wickedness in this life. Insofar as each creature could freely decide in what spirit to answer the question, this is not a doctrine of predestination, but rather resembles the Hindu notion of karma, that past decisions and actions are responsible for the individual's prosperity or misfortunes in this life. In any case, a pīr cannot intervene in this life to reverse the consequences of a hypocritical answer at the primal scene. Here Aḥṣā'ī mentions the adherence of Ibn ʿArabī to Sunnism and his praise of Yazīd, the persecutor of Imām Ḥusayn; this, he believes, entirely disproves the notion that Ibn ʿArabī had any access to divine inspiration (*kashf*).[12]

Shaykh Aḥmad relies in this essay on the doctrine of Uṣūlī Shīʿism that, while formal jurisprudential training is necessary before someone can issue authoritative legal judgments, which the laity must obey, in matters of the principles of religion (*uṣūl al-dīn*) everyone must come to the correct conclusions through his or her own reasoning and effort. Blind emulation (*taqlīd*) of others in *uṣūl al-dīn* is impermissible. From this point of view, Sufism is entirely wrongheaded, for we find pīrs, often lacking in formal jurisprudential training, issuing opinions on matters pertaining to Islamic law and practice. Moreover, seekers are pledged to obey their pīrs unquestioningly even in matters that should be an individual responsibility such as faith and creed.

As for the Sufi concept of the annihilation (*fanā'*) of the base self, Shaykh Aḥmad accepts it in principle, but does not endorse Mullā ʿAlī Rashtī's formulation of "annihilation in the pīr." First, he points out that whereas Mullā ʿAlī was willing to speak of the pīr as a "veil" between God and believers, though perhaps a translucent one, for Shīʿīs the Imām ʿAlī is not such a veil. He implies that the imāms are therefore much better sources of grace than the pīrs. Further, there is no need to rend the veils separating us from the divine Essence (*dhāt*), for God's Essence is unknowable and we can know Him only through His manifestations (*maẓāhir*), names (*asmā'*) and attributes (*ṣifāt*) as represented by Muḥammad and the imāms. Nor however does Shaykh Aḥmad accept the Sufi idea that the goal must be seen through a thousand veils. Such veils do exist, but they must be rent. It is in his teachings concerning these veils that Shaykh Aḥmad's individualism is most strikingly evident.

According to Shaykh Aḥmad, while the divine Essence is inaccessible to ordinary believers, all humans possess attributes that constitute a manifestation to them of God. Therefore, although an annihilation of the divide between the seeker and God is impossible, it is possible to demolish the barrier between these persons and the internal manifestation of God within them. In Shaykh Aḥmad's formulation, this is His manifestation to you by means of yourself; your annihilation is within yourself (*wa-lakinnahu ẓuhūruh la-ka bi-ka fa-fanā'u-ka fī-ka*). Likewise, the "oneness" seen in multiplicity cannot be the oneness of God, as the Sufis assert, since that would imply an identity between

[12] Ibid., 74.

dust and the Lord of Lords. On the other hand, the created world does go back to a primal unity, sometimes mythically referred to as the Primal Water, wherein the first stable entity to emerge was the Primal Intellect (*al-ʿaql al-awwal*); this Intellect is the first branch of the tree of eternity in Ṣāqūrah.[13] It is thus possible for mystics to attain a perception of the unity of all created things on the plane of limited being, including the accidents and substances which fill the Most Great Depth (*al-ʿumq al-akbar*), by annihilating the barrier between their individual psyches and the manifestations of God within them. This unity, Shaykh Aḥmad says, is sometimes referred to as the Countenance of God. He is careful to say that what is achievable is a perception of the unity of the manifestations of the Primal Water, not of the Primal Water itself, since what comes later cannot directly perceive principles prior to its existence.[14]

The interface between human and divine therefore lies inside human beings. When, in 1819, another Shīʿī mystic, Muḥammad Mahdī Astarābādī, asked Shaykh Aḥmad for his commentary on the tradition "Whoso knows his self, knows his Lord," he replied that it was a variant attributed to the Imām ʿAlī of the Prophetic *ḥadīth* "He who is most knowledgeable about his self, is most knowledgeable about his Lord." Aḥsāʾī states that the validity of neither of these reports is challenged by the philosophers and clerics.[15] They have, however, differed as to its meaning, with many reducing it to insignificance by saying that the intent is that just as one cannot know one's self, one cannot know God. The real meaning of the tradition, Shaykh Aḥmad affirms, is that in creating human beings God endowed them with being (often symbolized by light and water), which, since it is bestowed upon them from an external source, Shaykh Aḥmad refers to as an extrinsic reality or essence (*kunh min rabbih*). This being can be bestowed upon humans because they have a receptivity (*qābilīyah*) to or patiency (*infiʿāl*) with regard to being, a receptivity that constitutes their intrinsic essence (*kunh min nafsih*). It is implied that ordinary human consciousness tends to reside in the intrinsic essence, and that special efforts must be made to break through to the extrinsic essence, which is that "self," knowledge of which is equivalent to knowledge of one's Lord. For knowledge of illumination entails knowledge of the illuminator. To put it another way, whoever has known an attribute has known the possessor of that attribute. Shaykh Aḥmad goes on to discuss at some length the metaphor of a flame viewed in a mirror. The form of the flame is like extrinsic being, whereas its apparition in the mirror is like intrinsic or passive being. One cannot know the essence of fire by means of its mirror-image, but one can attain some knowledge of the flame (its heat, for instance) by means of its actual form. In the same way, when perspicacious believers

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[13] A region of heaven; see Cole, "World as Text," 159.

[14] Ibid., 75.

[15] Shaykh Aḥmad al- Aḥsāʾī/Muḥammad Mahdī Astarābādī, 2 Ṣafar 1235/ 20 November 1819, *Jawāmiʿ*, II, 127-128.

behold their own reality—their own divine light or endowed being—they get an inkling of their Lord.

Of course, one begins one's spiritual evolution with a much fuller sense of one's intrinsic being than of one's extrinsic being. The former, which is nothing more than one's receptivity to the divine ontological light, is characterized by attributes and subjective consciousness which form a cloud of glory that obscures one's God-given essence. How, then, may we attain the knowledge of the true self that leads to knowledge of our Lord? Shaykh Aḥmad's answer might best be characterized as Shīʿī Zen. One must strip away all ordinary consciousness. Just as the Muʿtazilī scholastic theologians stripped away (*taʿṭīl*) the apparent attributes of God, ending only with the unadorned divine essence, so Shaykh Aḥmad counsels a similar stripping away of apparent human attributes as a means to self-realization.

> The way to strip away the veils is to cast off from your essence in your subjectivity and conscience all the qualities of your essence, and do not look at your motion or quiescence, your sleeping or waking, your crying or laughing ... your being the father of someone or the son of someone.... Everything that can truly be said to be a thing in every regard, cast it away out of your sight and give it no consideration, for it is different from your soul. If you join something to your soul in knowing your soul, you have not known your soul; you have only known something part of which is your soul. For instance, if you know your soul by virtue of its created nature, then you have known something composite, whereby you cannot [in turn] know God. For He is not composite and cannot be known by something composite. It is necessary to pierce the clouds of glory in their entirety ... in the sense that you strip your soul of all veils, that is, of all qualities, relationships, attributes, actions and conditions, until nothing is left but the essence alone.[16]

Inner spiritual exercises and the attainment of higher states of consciousness thus form a further basis for religious authority in Shaykh Aḥmad's system.

The Shaykh, like the Niʿmatullāhī pīrs who were his contemporaries, insisted on the spiritual experiences of the heart as a legitimation of religious authority, rather than accepting the mere mastery of legal details as in mainstream Uṣulism. Can he, then, be seen as a Sufi pīr of sorts?

This may seem an odd question given the dim view he has taken of the pīrs. It is, however, more complex than it might appear on the surface. Let us begin by reexamining the Shaykh's attitude to Ibn ʿArabī. It is clear that Shaykh Aḥmad accepted in broad outline much of the metaphysical scaffolding erected by Ibn ʿArabī. At one point he even quotes a commentary on the latter's *Bezels of Wisdom* about the imaginal world and other metaphysical realms, suggesting only minor corrections.[17] Apart from statements that strike him as pantheistic, he grows vituperative only at one point, when in the *Meccan Revelations* Ibn ʿArabī discusses the authority of the Sufi leaders as spiritual poles (*aqṭāb*, s. *quṭb*) channelling the grace of God

[16] Ibid., II, 129.
[17] Aḥsāʾī, *Kashkūl*, I, 94.

into the world. For Shaykh Aḥmad, this is damnable blasphemy, since only the Shīʿī imāms can play such a role.

Yet what Shaykh Aḥmad ultimately appears to propose is that while the divine grace is funnelled into this plane via the imāms, they have their contact-points in the person of mystics like Shaykh Aḥmad himself. That is, once the imāms are restored to their proper place as sole bearers of inspiration, it is permissible to speak of a contemporary Perfect Person (*insān kāmil*) arising to reflect the light of the Prophet's Family into this world. This Shīʿī guide can be no more than a reminder or awakener, but he will have advanced further on the spiritual path than the seeker. Shaykh Aḥmad's conception of moral perfection and the overflowing of grace in those who attain it is homologous with Sufi thought, differing only in its strong grounding in esoteric Shīʿī symbols and texts. If the Niʿmatullūhīs with their pīrs and their rootedness in the Persian mystical tradition bestowed a Shīʿī veneer on Sufism, Shaykhism might be seen as the embellishment of occult Shīʿism with selected Sufi motifs.

For Shaykh Aḥmad, then, the Shīʿī learned man is not simply a mundane thinker dependent on nothing more than the divine text and his intellectual tools for its interpretation. The Learned must have a spiritual pole (*quṭb*), a source of grace (*ghawth*) who will serve as the locus of God's own gaze in this world. Both pole and *ghawth* are common Sufi terms for great masters who can by their grace help their followers pursue the spiritual path. For Shaykh Aḥmad, the pole is the twelfth imām himself, the light of whose being is in the heart of the Learned. Tradition, he notes, says that believers benefit from the Imām in his Occultation just as the earth benefits from the sun even when it disappears behind a cloud. Were the light of the Imām as guardian (*mustaḥfiẓ*) to be altogether extinguished, the Learned would not be able to see in the darkness.[18]

Let us now return by way of conclusion to the "procedures" of mysticism outlined by Certeau. What of the "radical attack" on the prior and enveloping "historical system" common in mystics? Shaykh Aḥmad's rhetoric in this regard is confusing. He upholds Shīʿī tradition and attacks figures—Ibn ʿArabī, Mullā Ṣadrā, Mullā Muḥsin Fayḍ—whom most would categorize as mystics. And yet he is hardly a hidebound traditionalist or a literal-minded legalist. In a treatise not discussed above on the principles of jurisprudence for the Akhbārī Shaykh Ḥusayn Āl ʿUṣfūr of Bahrain, he even sees the proper operation of jurisprudential reasoning as depending on the illumination (*ishrāq*) received in the jurisprudent's heart from the twelfth imām.[19] Drawing on Harold Bloom, I would argue that here we are seeing a "belated mysticism" elaborated in the wake of centuries of previous work from the shadow of which Shaykh Aḥmad wishes to extricate his own ideas and which finds it necessary to attack not only dry legalists such as the Akhbārīs, but also a

[18] Shaykh Aḥmad al-Aḥsāʾī/Sayyid Sharīf ibn Sayyid Jābir, n.d., *Jawāmiʿ*, I, ii, 25:266.
[19] Shaykh Aḥmad al-Aḥsāʾī/Shaykh Ḥusayn Āl ʿUṣfūr, n.d. [1797], *Jawāmiʿ*, II, 42-46.

highly developed mystical Establishment embodied in Sufi orders and convent-based study of a canon that prominently featured the works of Ibn ʿArabī and his school.[20] The attack focuses on existential monism and the inadequacies of the *pīrī-murīdī* system, but leaves much else intact. The double-edged nature of the attack does not blunt, and should not obscure, its mystical intent and underpinnings. In his conception of the spiritual path as a process of "stripping away" (*taʿṭīl*) personality-attributes as a means of arriving at the divine reflection within oneself—at the extrinsic being bestowed by God—Shaykh Aḥmad has certainly delineated a space different from the founding principles of conventional legalist Shīʿism. It is also a space somewhat different from the "annihilation in the pīr" advocated by some Sufis, insofar as it insists on an egalitarian spiritual field and retention of the individual ego.

The theory and practice of this path are enunciated as a deepened or "thick" experience of Shīʿī daily ritual and scripture readings, in addition to a specific meditative technique taught and advocated by Shaykh Aḥmad himself. Although this point is not made explicit in the essays discussed above, it is safe to say that in Shaykh Aḥmad's system the body is very much a symbolic discourse within this path, as can be seen in the ceremonial elegance of the daily prayers, with their cosmic orientation and the expressive humility of prostration. Shaykhīs became famous for the meticulousness and self-abasement of their ritual visits to the shrines of the imāms during which they postured their bodies around the tomb, and they contrasted their corporeal ubiquity at the sacred places with the Uṣūlī Shīʿī tendency simply to come in and stand at the head of the tombs. Aḥsāʾī's famous and complex "four-body" metaphysics, which situates human beings at the intersection of the physical world and the world of Platonic forms, also points to the body as discourse.

The pursuit of gnosis or *ʿirfān* has implications for the social contract insofar as the sort of blind obedience in spiritual matters required of the seeker toward the pīr in Sufism is disallowed here. The entire Sufi social structure, with the head of the Order (*sajjādah-nishīn*) at the apex and deputies (s. *khalīfah*) in each city or region is attacked as based on a falsehood. In the realm of spirituality and the principles of religion, Shaykh Aḥmad advocates a more equal association of believers, some of whom are merely slightly more advanced and so able to help awaken or cue their co-religionists to their own latent spiritual potencies. However, this spiritual egalitarianism and individualism is still congruent with the hierarchical division of labor in the realm of legal discourse and practice, where the rulings of trained jurists must be obeyed by the laity.

Finally, Shaykh Aḥmad pays close attention to the rhetorical devices that produce the quid pro quo between the hidden and the apparent. The exoteric/esoteric divide is one of the more powerful plot devices in his system. Yet here too he attempts to reconfigure their relationship so as to stress the

[20] Harold Bloom, *Kabbalah and Criticism* (New York: Continuum, 1984).

necessity of absolute contiguity between the two, so that the esoteric produces no doctrinal or ritual deviation or innovation but simply reveals a more profound insight into the exoteric. This formulation allows him to simultaneously attack dry legalism (in which the esoteric dimension is missing altogether) and Sufism (in which the esoteric has been allowed to get out of control, coming loose from the matrix of the exoteric and producing doctrines such as the secret piety of Pharaoh).

The most striking aspect of Shaykh Aḥmad's critique of Sufism is its modernity. There are profound similarities between this early nineteenth-century Shīʿī evaluation and the reformist thought of twentieth-century thinkers such as Muḥammad Iqbāl. Individualism characterizes both thinkers. Existential monism, although a complex doctrine not reducible to simple pantheism, nevertheless does require ultimate submerging of the individual ego. So too do some ideas of annihilation or *fanāʾ* (although certain Sufis also believed in the survival of the soul in God, *al-baqāʾ billāh*, after the destruction of the base self). Both Aḥsāʾī and Iqbāl reject this loss of individuation. Both attack the authority-structure of the *pīrī-murīdī* system as inimical to individual initiative and to a conception of the community of believers (*ummah*) as an egalitarian association of free persons. Although Shaykh Aḥmad substitutes the imāms for the Sufi prīs as sources of spiritual authority, his hermeneutics are so subtle as to allow spaces for individual interpretation that might be foreclosed by a living pīr. Despite the hierarchical tendencies of later Shaykhism, Shaykh Aḥmad here claims to be no more than an awakener of others. While his thought can be seen as the culmination of certain medieval and early modern movements in Shīʿism, including esotericism (the Gnostic-leaning Bāṭinīyah), Illuminationism (the Ishrāqīs), and *ʿirfān*, aspects of his system suggest that he should also be viewed as a modernist reformer, an advocate of individualism in an Islamic context.

KNOWLEDGE AND AUTHORITY IN SHĪʿĪ PHILOSOPHY

Hossein Ziai

The source of authority in Shīʿism according to Shīʿī philosophy is "knowledge of the Unseen" (*ʿilm al-ghayb*), described as "extraordinary knowledge" (*ʿilm al-khawāriq min al-ʿādāt*).[1] Knowledge of the Unseen is said to be possessed by the twelve imāms. According to Shīʿī teaching, it may also be obtained by a select number of religious scholars through "inspiration" (*ilhām*). In this paper I discuss how philosophy—specifically the epistemological theory of Knowledge by Presence (*al-ʿilm al-ḥuḍūrī*)—and an intellectual (*ʿaqlī*) language of discourse have been utilized over the past five centuries to validate this doctrine. I begin by examining Islamic and Shīʿī belief concerning the Unseen. I then show how the institution of *wilāyah* or "Guardianship" originated with the fourth imām ʿAlī ibn Ḥusayn's (d. 95/713-4) claim of divine authority, based on the notion of an esoteric dimension of the Qurʾān and "inspiration" and set forth in his *al-Ṣaḥīfah al-kāmilah al-Sajjādīyah*, "The Psalms of al-Sajjād."[2] I then proceed to the Ishrāqī or "Illuminationist" philosophers, most significantly the great Suhrawardī (executed in 587/1191). The Illuminationists presented a revised concept of

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[1] The basic meaning of *ʿilm* is "knowledge," but also "science," synonymous with Latin *scientia*. Other related terms are *fiqh*, "acquaintance" (with the law), *ʿirfān*, "gnosis," and *falsafah*, Arabized "philosophy," also signifying "science."

[2] The same claim is made in the later four canonical Shīʿī books of *ḥadīth*. *Al-Ṣaḥīfah al-Sajjādīyah* has been chosen because it is highly revered by present-day Shīʿīs (although not the Ismāʿīlīs). The *Ṣaḥīfah* is a compilation of anecdotal tales of the Shīʿī imāms, formulaic blessings, supplications, and prayers, often grouped around a theme and carried by the faithful when on pilgrimage to shrines and mausoleums. Although the Arabic of the *Ṣaḥīfah* is uneven, it is commonly and widely accepted as the actual sayings of the fourth imām, known by his honorific title "Zayn al-ʿĀbidīn" (Adornment of the Believers) as well as "al-Sajjād" (he who prostrates himself). The edition used here is the bilingual text ed. and trans. by Wm. Chittick (London: Muhammadi Trust, 1988); Chittick believes it likely that not the entire text, but only "the original fifty-four prayers" were written by the Imām himself (Ibid., xx).

knowledge which further reinforced Guardianship. With the further development of Illuminationist thought during the "Scientific Revival" of the seventeenth-century School of Isfahan, Guardianship was given an even broader philosophical foundation, as well as a political application; this led in due course to a novel form of Shīʿī thinking and discourse. Since Suhrawardī's unified epistemology was utilized by the Safavids in their quest for legitimacy, and since it essentially provides the theoretical foundation for the Shīʿī institution of *marjaʿ al-taqlīd* or top legal authority as *valī-i faqīh* (guardian-jurist), the emphasis of the essay falls here. Shīʿī concepts of knowledge and authority were further elaborated in the nineteenth century, most significantly by the philosopher-mathematician Ḥājj Mullā Hādī Sabzavārī (d. 1295/1878), creator of a holistic system named *al-ḥikmah al-mutaʾallihah*, (Persian *ḥikmat-i mutaʾallihī*) or "Divine Philosophy." It is his thinking which provides the basis for consideration of the problem of knowledge and authority today. Thus I argue that, over the past one hundred and fifty years, Shīʿī philosophical discourse has developed into a support for the institution of Guardianship, which in the twentieth century becomes in turn an indicator of authority for temporal rule (*ḥukūmah*).

I. Knowledge of the Unseen

According to the Qurʾān, knowledge of the Unseen (*ghayb*) is exclusive to God—God alone knows the Unseen (Q. 5:109, 116; 9:78; 10:20).[5] The Unseen in the Qurʾān is contrasted with *shahādah*, the "visible" or "seen"; unaided, man can only know, or obtain, what he "sees," that is the world of *shahādah* (Q. 12:81). The Unseen may, however, be obtained through revelation (*waḥī*): "This is the tidings of things hidden (*ghayb*); We reveal it to thee, [Muḥammad]" (Q. 3:44; 11:49; 12:102). Revealed knowledge and its concomitants, such as miraculous powers, are bestowed by God's Will upon His chosen prophets: "And it is not [the purpose] of God to let you know the Unseen. But God chooseth of His messengers whom He will [to receive knowledge thereof]" (Q. 2:179). Thus human *ʿilm* may indeed serve both to confirm belief and establish rank. But according to the Qurʾān, it is obtained by time-dependent actions in this world. It is never given to humans suddenly or all at once; it is essentially distinct from God's *ʿilm* and never a "mystical," experiential *ʿilm* of holistic reality or related in any way to gnosis.

In short, the Qurʾānic edicts leave no doubt that man is incapable by himself of obtaining the treasures of the Unseen. Those who are given this knowledge by God, however, have extraordinary access not only to wisdom but to power. This is confirmed by the association of obtaining of the Unseen with "abundance and wealth" and triumph over adversity (Q. 7:188), Paradise

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[5] For a fuller account of the Unseen in the Qurʾān, see "Ḥāfez *Lisān al-Ghayb* of Persian Poetic Wisdom" in *God is Beautiful and He Loves Beauty. Festschrift in Honor of Annemarie Schimmel*, ed. J.C. Buergel and Alma Giese (Bern: Peter Lang, 1994), 449-469.

(Q. 19:61), and angels (Q. 6:50; 11:31). This Qurʾānic doctrine of the Unseen, including the association with power, has direct bearing on the Shīʿī doctrine of knowledge and authority.

The importance of the Unseen is reflected in all the exegetical literature, whether mystical, juridical, or philosophical and whether Sunnī or Shīʿī. Exegesis confirms that *ghayb* is a foundation of belief, and that revelation and *ghayb* are connected.[4] In short, *al-ghayb al-Qurʾān*, "the Unseen is the Qurʾān," and *man āmana bi-Allāh fa-qad āmana bi-al-ghayb*, "who believes in God believes also in the Unseen."[5] For Shīʿīs, however, the Unseen has added significance. For while Sunnīs agree that the Book is a "Clear Text" (*naṣṣ ṣarīḥ*), Shīʿīs believe that the written word contains an inner dimension necessary to uphold the Law but known only by the Prophet through Gabriel and preserved and passed down through the imāms. This esoteric knowledge includes the Unseen. In fact, knowledge of the Unseen is among the principles of Shīʿī doctrine. It bestows upon the recipient extraordinary power and foresight and the ability to do anything in the best manner in his era; the possessor of such knowledge becomes a veritable and living *axio mundi*. In general, popular Shīʿism accepts that prominent religious figures possess this special knowledge. At present a few select Shīʿī *mujtahids*, *ḥujjat al-Islāms* and Ayatollahs are thought to possess knowledge of the Unseen, bestowed upon them through mediation of the occulted twelfth imām.

II. al-Ṣaḥīfah al-Sajjādīyah and the Question of Knowledge

The *Ṣaḥīfah* establishes a number of fundamental principles of the Shīʿī view of knowledge. It is the first to employ such terms as *ilhām* (inspiration) and *al-khawāriq* ("extraordinary" knowledge and powers; in later texts *al-khawāriq min al-ʿādāt*) in laying down the doctrine of *ʿilm*, specifically the esoteric *ʿilm* of the imāms. The most important subsequent juridical sources for the doctrine of *ʿilm* are the four canonical Shīʿī collections of *ḥadīth*

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[4] According to the philosophers and theologians, the "connection" may be through the faculty of imagination (*al-quwwah al-mutakhayyilah*. Fakhr al-Dīn al-Rāzī, for example, discusses three qualities of prophets, the second of which concerns the relation between them and the *ghayb*: "The second quality of the prophet is in the strength of his faculty of imagination which [enables] him to see, in his state of wakefulness, the angels of God, to hear the Word of God, and to tell of present, past, and future unseen things (*al-Mabāḥith al-mashriqīyah*, 2 vols. [Hayderabad, Maṭbaʿat Majlis Dāʾirat al-Maʿārif al-Nizāmīyah, 1343/1924 or 25], II, 523. See also Maybudī, *Kashf al-asrār wa-ʿuddat al-abrār: Maʿrūf bi-Tafsīr-i Khwājah ʿAbd Allāh Anṣārī* (written by Abū al-Faḍl Rashīd al-Dīn al-Maybudī in 520 A.H. based partially on Anṣārī's work), 10 vols. (Tehran: Intishārāt-i Dānishgāh, 1331-39 H.Sh./ 1952 or 53 - 1960 or 61), I, 45-47; Muḥammad Rashīd Riḍā, *Tafsīr al-Manār*, 12 vols. (Cairo: Dār al-Manār, 1367-1375/1948-1956), I, 126-128; Abū al-Fidāʾ Ismāʿīl Ibn Kathīr, *Tafsīr a-Qurʾān al-aẓīm*, ed. Aḥmad Muḥammad Shākir, 5 vols. (Cairo: Dār al-Maʿārif, 1376/ 1956), I, 69-74; al-ʿAllāmah Muḥammad Ḥusayn Ṭabāṭabāʾī, *al-Mīzān fī tafsīr al-Qurʾān*, 20 vols. (Beirut: Muʾassasat al-Aʿlamī, 1377/1957 or 58-1974), I, 45-46.

[5] Rāzī, *Mabāḥith*, II, 523.

(including the most significant commentary on Kulaynī's *al-Kāfī*, *al-Shāfī* by Qazvīnī, and the profound though less-read commentary by Mullā Ṣadrā). These texts aim to "prove" the Shīʿī concept of extraordinary knowledge to be a universal truth. The doctrine is then steadily re-worked over the centuries through a three-fold filter of law (*fiqh*), gnosis (*ʿirfān*), and philosophy until it comes in the nineteenth century to define Shīʿism in theory and practice, including in today's Islamic Republic of Iran where *ʿilm* and *aʿlamīyah*—"superiority in learnedness"—are the basis of hierarchy in the clerical establishment.

There are fifty-four specific statements on knowledge, involving *ʿilm* or a derivative of the verb, in the *Ṣaḥīfah*. Almost all concern the extraordinary knowledge accessible to the imāms, knowledge which not only proves the legitimacy of Shīʿism but imparts extraordinary power (*qudrah*).[6] Knowledge is given to the imāms by God and is always obtained through *ilhām*—if the authorship of the text is accepted, one of the earliest if not the earliest use of this essential Shīʿī term beyond its signification in ordinary language and in the Qurʾān.[7] *Ilhām* serves as the main conduit by which unrestricted knowledge given by God continues after the Prophet's death. As we shall see, *ilhām* was later integrated by the philosophers into the set of technical terms specific to epistemological theory; it denoted an immediate mode of cognition and was employed in the construction of complex syllogistic reasoning. The prevalent philosophical view of *ilhām* was that it is a cognitive mode not unlike revelation (*waḥī*), but not solely given by God's choice. Rather humans, especially the philosopher-sages, mystics, and of course the Shīʿī *mujtahid*s may obtain inspirational knowledge through learning.

According to the *Ṣaḥīfah*, the imāms are also interpreters (s. *mufassir*) of the wonders associated with inspirational knowledge[8] and their knowledge allows them to attain the highest form of "enlightenment" (*inshirāḥ*, lit. expansion of the human breast leading to felicity[9]) through the "verification" or "confirmation" of belief (*taḥqīq al-maʿrifah*).[10] The imāms' knowledge is more perfect than that of other human beings;[11] here is one of the oldest instances in which the superlative "most knowledgeable" (*aʿlam*) is associated with the imāms and indicates an essential difference between them and the rest of humanity.

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[6] The term *qudrah* actually enters in later Illuminationist texts, which elaborate on the idea. See *The Book of Radiance*, ed. and tr. by H. Ziai (Costa Mesa, California: Mazda Publishers, 1998), 84-85. For the sense of *qudrah* in the *Ṣaḥīfah* see 63:11; 86:3; 118:1; 253-254:2.

[7] *Ṣaḥīfah* 4:15.

[8] Ibid., 134:5. Truly a prophetic quality. What is meant is interpretation of wondrous experiential knowledge, which humans may experience through dreams, visions and other types of extraordinary but real experiences. This doctrine may have been intended to further consolidate the imāms' authority.

[9] Ibid., 254:2.

[10] Ibid., 259:2.

[11] Ibid., 5:18.

Since this knowledge includes, or leads to, extraordinary power, it must be guarded lest it fall into the hands of adversaries and enemies of the imāms.[12] Most importantly, because the members of the House of the Prophet are the receptacles of divinely-inspired knowledge (*al-ʿilm al-ilhāmī*) and thus the locus of absolute and unrestricted knowledge, they are also given divine authority. This authority is believed to continue along with the Prophet's own esoteric knowledge. He never stated it to any one, with the exception of Fāṭimah (whose special significance is indicated by her honorific *umm abīhā*, "mother of her father") and ʿAlī, but it is partially embedded in the inner layer of Qurʾānic words; it has to be "seen" by later select knowing persons who have actualized within their selves the "Nūr Muḥammad," a light that permeates all the universe. Thus the imāms' inspired knowledge is associated with power (*qudrah*) qualified, to borrow from Rudolph Otto, with *tremendum*, *mysterium*, and *fascinans*; it includes an ability to perform superhuman acts and a demeanor (*ḥuḍūr*) which induces dread (*haybah*) and obedience (*ṭāʿah*).[13] Only the imāms may legitimately regulate the temporal duties of the faithful and act to secure "the rights of humans," *ḥuqūq al-khalq* (*khalq* may be extended to mean "creatures").[14] The members of the House of the Prophet ask God to inspire them with the best of His knowledge, which allows them to make valid choices and thus guide humankind aright.[15] In other words, they are blessed by God with a "knowledge-based" (*mubtanā ʿalā al-ʿilm*, equivalent to the common notion of *ʿilmī*) special ability which allows them to take on social responsibility by becoming "excellent guardians and true guides."[16] Guardianship and guidance may therefore be interpreted as political acts initiated by the imāms for the cause of "just" rule. In fact, the knowledge given to the imāms must be upheld by the sword;[17] this doctrine had great impact on the post-eighteenth-century activity and political action of the clergy. There is no similar Sunnī doctrine that prescribes divinely-sanctioned rule after the Prophet's death based on knowledge. One of the consequences of this theory is that each and every type of rule, including the caliphate, is considered a usurpation of the imamate and Guardianship.

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[12] At the time the Umayyad rulers of the first century, who it was said would abuse the knowledge if they gained access to it (ibid., 7:28).

[13] See note 7.

[14] Ibid., 86:3-4. "The rights of humans" is a concept which, though not widely discussed, is of cardinal importance in Shīʿī thought.

[15] Ibid., 118:1.

[16] Ibid., 74:22.

[17] Ibid., 4:15.

III. Knowledge and Authority According to Illuminationist Philosophy

Philosophy plays a central role in many domains in present-day Iran; to fully understand the current Iranian ethos, it is essential to understand philosophy. It is true that not only Sunnī but also the Shīʿī *ʿulamāʾ* were affected by the devastating blow dealt Islamic Peripatetic philosophy in the early twelfth century by Ghazālī's state-sponsored anti-rationalist text *Tahāfut al-falāsifah* ("The Collapse of the Philosophers"). Thereafter, philosophy as philosophy and not as the handmaiden of theology was marginalized, at best. The Shīʿī *ʿulamāʾ*, however, continued to have access to an emerging "text-book" genre on logical and philosophical techniques which omitted most of Ghazālī's twenty objections to rationalism (especially the three deemed most blasphemous and contrary to Revelation: creation, immortality, and God's knowledge of particulars).[18] Such primers in philosophy are still included in the madrasah syllabi in Iran, Iraq, and parts of India; some of the more famous (there are hundreds of others, nearly all in manuscript) are Abharī's (d. 663/1264) *Hidāyat al-manṭiq*[19] and *Īsāghūjī* (Isagoge), Dabīrān Kātibī's (d. 657/1276) *Shamsīyah*, and Taftazānī's (d. 791/1389) *Tahdhīb al-manṭiq*. Moreover, Shīʿī jurists in their *uṣūl* studies were adept at semantics, which they studied through philosophy as early as the age of Fārābī (d. 330/950) and the Muʿtazilīs. For instance, Fārābī's theory of "judgements" (*aḥkām*, that is conclusions reached subsequent to review of data) and their modalities includes demonstrated *aḥkām*[20] of the kind that might be used in a court case; this is the very stuff of jurisprudence. Nor was there a dearth of creative philosophy among the Shīʿah. Post-Avicennan philosophy in Iran, especially during the nineteenth and twentieth centuries, produced numerous texts. Unfortunately, these texts remain largely unknown, and the state of scholarship on philosophy from the twelfth century to the present is so poor that a full assessment cannot be made.[21]

This tradition of philosophy had its origin in the Iranian philosophers' reconsideration of Islamic Peripateticism. The Hellenic Peripatetics had molded Aristotle's views into a "unified" theory by, among other things, adding the principle and name of *noûs poietikós*, the Active Intellect. This became the most famous and widely-discussed principle of Peripatetic philosophy. Many Muslim thinkers, including Avicenna, believed it to be a

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[18] See Ghazālī, *The Incoherence of the Philosophers*, tr. Michael E. Marmura (Provo, Utah: Brigham Young University Press, 1997).

[19] *Hidāyat al-manṭiq* is Part One of *Hidāyat al-ḥikmah*. See GAL sI, 839-844.

[20] That is *superasma* as necessarily true *apodeixis* (*Anal. Post.* I.1, 79b 9-18).

[21] Thousands of manuscripts remain unstudied; hopefully more scholars will become aware of this fact. I have published some and written on others; see for example Shahrazūrī, *Sharḥ-i Ḥikmat al-ishrāq*/*Commentary on The Philosophy of Illumination* (Tehran: Muʾassasah-ʾi Muṭālaʿāt va-Taḥqīqāt-i Farhangī, 1372 H.Sh./1993); idem, with introduction and notes, Muḥammad Sharīf Niẓām al-Dīn Hirawī, *Anwārīyah: An 11th century A.H. Persian translation and commentary on Suhrawardī's Ḥikmat al-ishrāq*, 2d ed. (Tehran: Amīr Kabīr, 1358 H.Sh./ 1980); idem, *Knowledge and Illumination* (Atlanta: Scholars Press, 1990).

major breakthrough in epistemology; it was thought that this perfect and consistent theory could demonstrate any type of knowledge, including the highest form, revelation. Avicenna subsequently revised and expanded this thought, resulting in his theory of Intellectual Knowledge (*al-ʿilm al-ʿaqlī / al-burhānī*), viewed as one of his greatest achievements. Briefly, Avicenna's epistemological theory functions in a discrete mechanical universe, moved and regulated by ten of the cosmic separate entities, each being an intellect, Aristotle's *Noûs*. The Active Intellect regulates the sublunar entities and acts as "Giver of Forms" (*wāhib al-ṣuwar*) for a select few who thus gain absolute knowledge. This epistemological mode was immediately equated with prophethood.[22] Moreover, most significant and Avicenna's greatest achievement of all, a few minds upon meeting certain rigorous conditions[23] are elevated to the rank of "Union" (*ittiḥād*) or "connection" (*ittiṣāl*)[24] with the Active Intellect which in its capacity of Giver of Forms bestows such minds with the Forms of all knowables, taking them from passivity to actuality. Stated in ordinary language, such knowledge is revelation. Avicenna was widely accepted by the *ʿulamāʾ* because:

> [H]e attached the name prophecy to a broader range of phenomena than Alfarabi did. He recognized the possibility of man's attaining instantaneous scientific knowledge without following scientific procedures, something rejected by Alfarabi and to be rejected by Averroes. Through insight, the human soul establishes conjunction with the active intellect effortlessly, and from the active intellect's emanation the soul immediately receives the middle terms of syllogisms, the syllogisms themselves, and their conclusions. The ability to attain broad instantaneous scientific knowledge through insight is the "highest of the powers of prophecy."[25]

We can readily see Avicenna's appeal for the Shīʿah. And indeed, Avicennan philosophy continued to attract some seventeenth-century Shīʿī *ʿulamāʾ*, for instance Mīr Findiriskī (d. 1050/1640) and Shaykh Bahāʾī (d. 1031/1622). Nevertheless, a reaction to Peripatetic and Avicennan philosophy emerged in the form of the Ishrāqī or "Illuminationist" school. The founder of this school, Mīr Dāmād (d.1040/1631), realized that Avicenna was essentially an Aristotelian and his famous philosophic encyclopedia *Shifāʾ* an

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[22] The so-called Active Intellect was actually named by Aristotle himself as a kind of independently thinking *noûs* (*De Anima* III, 5, 430a), but the commentator Alexander of Aphrodisias introduced *noûs poietikós*.

[23] See Fazlur Rahman, *Avicenna's Psychology* (Oxford U.P., 1952), 10-17; 147ff.

[24] These and other terms were used rather loosely in discussing the important concepts of "sameness," "equality," "unity," and connection as a kind of identity or sameness—for the Peripatetics paid no attention to basic distinctions among what-is-sameness, what-is-identity, what-is simple numerical, and other types of equality. This major metaphysical problem caused many errors in Peripateticism, from its origins in late Antiquity through its Arabic version, and then as European vernacular replaced Latin. The prime example is Ficino's (d. 1499) Italian commentaries on Plato's *Dialogues* and his studies of Platonism and of philosophy in general.

[25] See Herbert Davidson's seminal study *Alfarabi, Avicenna, and Averroes on Intellect* (New York: Oxford U.P., 1992), 123.

elaboration of the Aristotelian scientific method. Eventually, through the writings of Suhrawardī (one of the formative influences of the school), as well as Shahrazūrī (d. after 688/1288), Ibn Kammūnah (d. 683/1284), Quṭb al-Dīn al-Shīrāzī (d. 710/1311), Manṣūr Dashtakī (d. 948/1541), Jalāl al-Dīn Davvānī (d. 908/1501) and Muḥammad Sharīf Niẓām al-Dīn Hirawī (d. 11th/early 17th C.), Illuminationism came to dominate Peripateticism. This happened for several reasons. For one thing, it had become quite well known that Peripateticized Aristotle was fraught with problems on such serious issues as creation, eternity, and immortality, as well as exhibiting fundamental logical gaps in the methodology of science; Islamic Peripateticism collapsed not only because of Ghazālī's clever rebuttal, but due to technical defects or logical gaps in its foundations. But Illuminationism also offered an epistemological theory that could accommodate Shīʿī doctrine more readily, as well as an Iranian symbolism integrated into a political doctrine, as we shall see below.

The most crucial epistemological problem was the concept of "intellectual knowledge" presented in *De Anima* III and *Metaphysics* XII. Briefly, in explaining how primary principles are obtained, the Stagirite named them "immediate" and "indemonstrable" (*Anal. Post.* I, 79ff). But he never developed a theory to explain these epistemic modes. Nor did the Peripateticism of the Aristotlean commentators of late antiquity or of Islam as fully re-worked by Fārābī and Avicenna pay much attention to the basic dilemma of the epistemology of immediate indemonstrable knowledge, preferring to concentrate instead on harmonizing reason and revelation.

The Illuminationist philosophers addressed this problem by developing a unified epistemological theory. Their most prior First Principles of science are obtained by a cognitive mode which is both "immediate" (in durationless time, *ān*) and not demonstrable by temporally extended syllogistic deduction. This mode is named "seeing" (*mushāhadah*, of the non-corporeal; *ibṣār*, of sense data), and is akin to the notion of "*ḥads*" or intuition. It is an immediate relational correspondence between a knowing (self-conscious) subject and knowable object, leading to knowledge of essence. The Illuminationists further demonstrated the validity of extraordinary knowledge gained through a combination of study of the intellectual sciences and strong intuition. This they accomplished through the construction of *aḥkām al-ḥads* (intuitive judgements) within the Illuminationist system so as to give them priority over the demonstrated results of syllogistic science. Thus intuition becomes a noetic process, not to be confused with generalized, subjective mystic visionary claims; it functions within the epistemology of "Knowledge by Presence" as *ibṣār* (common sight) in the corporeal world and *ishrāq wa-mushāhadah* (illumination and seeing) in the non-corporeal world. This "seeing" is similar to Fichte's technical use of *Anschauung*; it is as scientifically sound as the "witnessing" of stars and celestial objects by astronomers who are then able to predict celestial occurrences with mathematical accuracy. In short, the Peripatetics began the study of existing Reality in the stage of dyadic

differentiation, and their definitions, the cornerstone of syllogistic science, are all in the form of predicative propositions, which are tautological and thus do not lead to knowledge of Essence. But Illuminationist philosophy is founded upon a mode of knowledge said to be distinct from cogitation (*fikr*)—upon a primary "seeing" in durationless time (*ān*), *prior* to dyadic differentiation of Reality into Prime Matter and Form.[26] The Illuminationists equally demonstrated the validity of knowledge through *ilhām* considered as one of the types of immediate, non-inferential, pre-propositional intuitive modes of cognition, as well as other types of non-standard intellectual and intuitive knowledge.[27]

In this way the crucial gaps that result from the tautological nature of Aristotlean *horos* and *horismus* (*al-ḥadd al-tāmm*) put in the form of a predicative proposition are resolved. Thus, for example, "intuitive judgements" (*al-aḥkām al-ḥads*) are as valid as syllogistic reasoning, but prepropositional in form, similar conceptually to Plato's notion of "remembrance." Intuition links the human intellect to the world of *noumina*—or in the case of Shīʿism, to the "Unseen World." In sum, priority given the epistemic mode "immediate, durationless, intuitive cognizance" resulted in an elaborate epistemological theory. This theory had been called by the young, charismatic, and creative Suhrawardī, who was instrumental in devising it, "Knowledge by Presence" (*al-ʿilm al-ḥuḍūrī*).[28] His introduction to *Ḥikmat al-ishrāq* ("The Wisdom of Illumination") here quoted at length, illustrates its appeal for Shīʿī thinkers:

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[26] "*Irṣād jismānī wa-irṣād rūḥānī tuntaj min humā natāʾij muṣallamah yaqīnīyah.*" See Suhrawardī, *Ḥikmat al-ishrāq/Le livre de la sagesse orientale*, ed. Henry Corbin (Istanbul: Maarif Matbaasi, 1945), I (Introduction), 11.1. See also my *Shahrazūrī's Commentary* , I. Prolegomena.

[27] See my *Knowledge and Illumination*, Ch. III: 5, Ch. IV: 3.

[28] I cannot discuss Suhrawardī here, but refer the reader to a few good studies. The major biographical sources are: Ibn Abī Uṣaybiʿah, *ʿUyūn al-anbāʾ fī ṭabaqāt al-aṭibbāʾ*, ed. A. Mueller, 2 vols. (Koenigsberg i. Pr., 1884), I, 168; the edition I have used is that of N. Riḍā (Beirut: Dār Maktabat al-Ḥayat, 1384/1965), 641-646; Yāqūt, *Irshād al-arīb*, ed. D.S. Margoliouth, 7 vols., (Leyden: Brill, 1907-1927), VI, 269; Qifṭī, *Taʾrīkh al-ḥukamāʾ* (11th century Persian translation), ed. Bahman Dārāʾī (Tehran: Intishārāt-i Dānishgāh, 1347 H.Sh./1968), 345; Ibn Khallikān, *Wafayāt al-aʿyān*, ed. Iḥsān ʿAbbās, 8 vols. (Beirut: Dār Ṣādir, 1398/1978), IV, 268-274; Shams al-Dīn Muḥammad al-Shahrazūrī, *Nuzhat al-arwāḥ wa-rawḍat al-afrāḥ fī taʾrīkh al-ḥukamāʾ wa-al-falāsifah*, ed. Khurshīd Aḥmad, 2 vols. (Hayderabad: Maṭbaʿat Majlis Dāʾirat al-Maʿārif al-ʿŪthmānīyah, 1395/1976), II, 119-143. See also W.M. Thackston, Jr. *The Mystical and Visionary Treatises of Shihabuddin Yahya Suhrawardi* (London: The Octagon Press, 1982); Max Hoerten, *Die Philosophie der Erleuchtung nach Suhrawardī* (Halle: M. Niemeyer, 1912); Hellmut Ritter, "Philologika IX: Die vier Suhrawardī," *Der Islam* 24 (1937): 270-286 and 25 (1938): 35-86; Henry Corbin, *Suhrawardī d'Alep, fondateur de la doctrine illuminative* (Paris: G.-P. Maisonneuve, 1939); *idem*, *Les motifs zoroastriens dans la philosophie de Sohrawardī* (Tehran: Éditions Courrier, 1946); *idem*, *L'homme de Lumière dans le soufisme iranien* (Paris: Sisteron, 1971). See especially Corbin's Prolégomènes to each of his following critical editions of Suhrawardī's works: *Opera Metaphysica et Mystica* I (Istanbul: Maarif Matbaasi, 1945), *Opera Metaphysica et Mystica* II (Tehran: Institut franco-iranien, 1954); *Opera Metaphysica et Mystica* III (Tehran: Institut franco-iranien, 1970); and Hirawī, *Anwārīyah*.

> I [Suhrawardī] will write for you a book in which I mention what I have obtained by my intuition (*dhawq*) during my retreats (*khalawāt*) and moments of revelation (*munāzalāt*). In every seeking soul there is a portion of the light of God, be it abundant or little. And every scholar has intuition, be it perfect or not. Knowledge does not rest only among a particular group of people so that the doors of Heaven be shut behind them and the rest of the world be denied the possibility of obtaining more; rather the Dator Scientias (*wāhib al-ʿilm*), who stands by the "clear horizon" (Q. 71:23) is not stingy with the Unseen (*al-ghayb*).[29]

> The most evil age is the one which is lacking in personal endeavor, in which the movement of thought is interrupted, and door of revelations (*al-mukāshafāt*) is locked, and the way of visions (*al-mushāhadāt*) is closed.[30]

> The world has never been without philosophy, nor without a person who is in charge of its wisdom, possessing proofs and explanations. Such a person is God's vicegerent on earth (*khalīfat Allāh fī al-ʿarḍ*), and this will be so as long as there are heavens and earth.

> The group [of philosophers] include the "messengers" (*ahl al-sifārah*) and the "lawgivers" (*al-shārʿūn*) ... and others. Should it happen that in some period there is a philosopher proficient in both divine philosophy (*al-ḥikmah al-mutaʾallihah*) *and* discursive philosophy (*al-ḥikmah al-baḥthīyah*), he will have the leadership (*al-riʾāsah*), and [such a philosopher] is God's vicegerent (*khalīfah*). Should it happen that this not be the case, then a philosopher proficient in divine philosophy, but of middle ability in discursive philosophy [will have the leadership]. Should it happen that even this is not the case, then a philosopher who is proficient in divine philosophy, but who lacks discursive philosophy, is God's vicegerent. The earth will never be without a philosopher proficient in divine philosophy. Leadership on earth will never be given to the proficient discursive philosopher who has *not* become proficient in divine philosophy. Thus the world is never without a proficient divine philosopher, who is more worthy than he who is only a discursive philosopher; for inevitably, guardianship (*riʾāsah*) must be held [by someone]. By this leadership I do not mean only temporal control. Rather, the imām-philosopher may either be openly in command, or he may be in Occultation, [in which case] the multitude refer to him as "the pole" (*al-quṭb*); he will have the leadership even if it is in utmost concealment. When earthly rule (*al-siyāsah*) is in such a philosopher's hands, the age will be a luminous one (*zamān nūrānī*); but if the age is without divine management (*tadbīr ilāhī*), darkness will be triumphant.[31]

The theory of "Knowledge by Presence" is quoted in almost every text in the Intellectual Sciences. It is *the* theory named in almost all present-day publications by the Shīʿī *ʿulamāʾ* in the domains of philosophy (where it is argued), creed (*uṣūl al-dīn*), and gnosis (*ʿirfān*). Most important for the present discussion, the majority of theological and juridical studies of imamate and Guardianship (*wilāyah*) refer to this epistemological mode to demonstrate the validity of extraordinary knowledge, as well as God's knowledge of the

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[29] *Ḥikmat al-ishrāq*, 10-11.
[30] Ibid., 11.
[31] Ibid., 12.

particulars. Consider the following synopsis of Suhrawardī's theory: the laws of science formulated as A-propositions cannot be both necessary *and* always true, because future contingency (*al-imkān al-mustaqbal*) is a scientific principle and has priority over deduced laws. That is to say, $\Gamma(\alpha)\tau_v$ (τ_v = present time) formulated as, or equated with, the formula $\Gamma(\alpha) \Leftrightarrow \forall(\alpha)f(\alpha)$ are inherently refutable (similar to Popper's views), and may in fact in some future time and or/other possible world be demonstrated to be wrong, i.e. the universal affirmative proposition $\forall(\alpha)f(\alpha)$ set as the law $\Gamma(\alpha)$ at time τ_v will be negated; because at some later time $\tau_{v+\mu}$, something, say β—where β is included in α—may be observed which would negate the validity of $\Gamma(\alpha)$; that is: $\langle\rangle$ ("possibly") $\exists\beta$ at $\tau_{v+\mu}$, and $\beta = \neg$ ("not" i.e. *falsity of*) $f(\beta)$; and thus $\neg f(\forall(\alpha)f(\alpha)\tau_{v+\mu}$, and therefore $\forall(\alpha)f(\alpha)$ is proven false for $\tau_{v+\mu}$, thus $\Gamma(\alpha)$ cannot be a universal law valid at *all* times, present and future.

The consequences of this initially purely *scientific* endeavor to expand upon Aristotelian philosophy rather than blindly imitate it have been most evident in Shīʿī political philosophy and in the absolute role bestowed upon the ranking member of the clergy to act (among other things) as the scientist-observer of any particular time charged with redefining the principles of "science" (*ʿilm*). This is what is meant in contemporary Shīʿism when it is said that the ranking Ayatollah possesses absolute knowledge of every domain of science pertaining to the world of sense perception, as well as absolute knowledge of the realms of non-corporeal being—it is that he combines to a perfect degree discursive philosophy and intuitive philosophy, as defined by Suhrawardī and described above. This fundamental Shīʿī position did not appear suddenly; it goes back to the greatest philosopher of all time, the First Teacher himself.

It is also necessary to mention Ibn Turkah Iṣfahānī (d. 836/1432), referred to in the texts of the madrasah syllabi as "Ṣāʾin al-Dīn." He was among the first scholars to write jurisprudence in Persian, and also allegedly the first to make a serious attempt to harmonize *fiqh*, *ʿirfān*, and philosophy and define a common language of technical discourse. It is largely due to him that the Illuminationists were able to define and formulate a non-ordinary technical (meta-) language of discourse capable of presenting the common foundation of these three disciplines in order to arrive at a measure of agreement among them—that is to accomplish an almost impossible task never attempted by any other Islamic tradition of scholarship. As the learned philosopher Sayyid Jalāl al-Dīn Āshtiyānī has repeatedly stated, Ṣāʾin al-Dīn's contribution must be examined primarily through his ontologic-centred text, *Tamhīd al-qawāʿid*.[32] Renowned Shīʿī savants of the intellectual sciences (*ʿulūm-i ʿaqlī*, a term perhaps first popularized by Ṣāʾin al-Dīn himself) living in the late nineteenth and early twentieth centuries—such as Ḍiyāʾ al-Dīn Durrī, Āghā Mīrzā Muḥammad Qumshah-ʾī, Qumshah-ʾī's mentor Mīrzā Muḥammad ʿAlī

[32] ʿAlī ibn Muḥammad Abū Ḥāmid al-Iṣfahānī al-Khujandī, Ṣāʾin al-Dīn, *Tamhīd al-qawāʿid*, ed. Jalāl al-Dīn Āshtiyānī ([Tehran]: Anjuman-i Shāhanshāhī-i Falsafah-i Īrān, 2535/1976).

Muẓaffar, and Āghā Sayyid Muḥammad Kāẓim al-Lavāsānī al-Ṭihrānī—all studied *Tamhīd al-qawāʿid*.[33] Evidently, this text was considered significant and ranked highly in the madrasah syllabi. A virtual compendium of high Shīʿī intellectual theory, its central focus is the comparison and harmonization of the two schools of thought that comprise the intellectual heritage of Shīʿism: Peripateticism, largely as interpreted by Naṣīr al-Dīn Ṭūsī (d. 672/1274); and Illuminationism, studied in a somewhat tamed version by the commentators Shahrazūrī, Ibn Kammūnah, and Quṭb al-Dīn Shīrāzī. Scholars such as Nasr, Bihbihānī, and Dībājī hail the *Tamhīd* as a triumph in harmonization and believe this aspect has contributed to the author's success in constructing a "speculative mysticism"—although it might more aptly be designated "philosophical studies on fundamental ontological problems in the phenomenology and philosophy of religion." The author is given most to analysis of ontological problems such as the long-standing inquiry in Islamic philosophy into distinctions among *Das Sein*, *Das Seinde*, *Das Seinde-in-Ganzen* and *Dasein*; and the precise impact on epistemological theory of the priority or non-priority of *Das Anwesen* to *Das Vernehmen*.[34] In short, Ṣāʾin al-Dīn's innovative ideas, preserved in more than sixty works,[35] played a central role in the definition of intellectual processes that have shaped Iranian Shīʿism in ways more acceptable to the high-ranking jurists than philosophy ever could.

The *Tamhīd* has also greatly impacted twentieth-century Shīʿī thought. It may best be described in contemporary terms as a text on phenomenology and philosophy of religion, comparable in its methodology and objectives to such works as van der Leeuw's *Religion in Essence and Manifestation* and Eliade's *The Sacred and the Profane*. The critical difference is that Ṣāʾin al-Dīn's work includes a profound and elaborate examination of the metaphysics of the One and explicit statements, in ordinary language, that his purpose is to provide a "proof" for imamate and Guardianship. For him the theoretical synthesis of philosophy, *ʿirfān*, and jurisprudence serves both to harmonize intellectual and juridical traditions and prove the absolute validity of representative guardianship as the continuation of imamate.

Subsequent to Ṣāʾin al-Dīn, the "scientific revival" of the seventeenth-century Isfahan school presented a new and dynamic thinking based on innovative use of earlier philosophical thought, notably Suhrawardī and his

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[33] Proved in the recent seminal study by Manuchihr Ṣadūqī-Suhā, *Tārīkh-i ḥukamāʾ va-ʿurafāʾ-i mutaʾakhkhir bar Ṣadr al-Mutaʾallihīn/A Bio-bibliography of Post-Ṣadr-ul-Mutaʾallihīn Mystics & Philosophers* [sic] (Tehran: Anjuman-i Islāmī-i Ḥikmat va-Falsafah-i Īrān, 1359 H.Sh./1980), especially Section VII.

[34] Priority *not* in simple Euclidean spacio-temporal extensions of the real, *res*, but priority-qua-priority.

[35] See Sayyid ʿAlī Mūsawī Bihbihānī, "Aḥvāl va-āthār-i Ṣāʾin al-Dīn Turkah-'i Iṣfahānī," in *Collected Papers on Islamic Philosophy and Mysticism*, ed. Mehdi Mohaghegh and Hermann Landolt (Tehran: McGill University, Institute of Islamic Studies, Tehran Branch, 1349 H.Sh./1971), 87-45, 168-169.

commentators Shahrazūrī, Ibn Kammūnah, and Quṭb al-Dīn Shīrāzī. To name but a few of the accomplishments of the school: the concept of Eternal Creation (*ḥudūth dahrī*) was introduced; proof for God's knowledge was devised by applying the theory of Knowledge by Presence and naming His Knowledge "Presencing Knowledge" ("*ʿilm-i bārīʾ ḥuḍūrī ast*"); propagation of light was proposed through continuous sequences (such as 2^n) creating the Continuum-Whole, *al-ittiṣāl bidūn infiṣāl aṣlan fī al-kull*—and so on. The two leading figures of the school of Isfahan, the great Ishrāqī philosopher Mīr Dāmād (d.1040/1631) and his disciple Mullā Ṣadrā (d.1050/1640), found Suhrawardī's epistemology, as well as his continuum theory and light-propagation, well suited to their mission of harmonizing philosophy with *fiqh*, *uṣūl al-dīn*, and *ʿirfān* without offending the jurists by pronouncements on creation, resurrection, and God's knowledge.

At this time, the unified theory of Knowledge by Presence (*al-ʿilm al-ḥuḍūrī*) became a powerful tool for demonstrating not only the validity of *ilhām*, but also Safavid legitimacy.[36] Faced with Ashʿarī doctrinaire proofs of the legitimacy of the Ottoman caliphate,[37] the Safavids legitimized their spiritual authority and divine right to rule both through the Shīʿī notion of *ilhām* from the imāms, and the living memory, now brought once again to the fore, of Iranian kingship.

Legitimacy had been already partly secured by dreams experienced by Shāh Ṭahmāsp, founder of the Safavid dynasty, and his successors. For instance, Sulṭān Ḥaydar had a dream in which he was chosen by the Unseen to prepare the twelve-cornered Ḥaydarī crown as a sign of the royal authority of Safavid rule,[38] while in many dreams, Ṭahmāsp is invested not only with spiritual authority by luminous figures commonly accepted to be the imāms, but also with the royal authority of just Iranian rulers from Kaykhusraw to Artakhshīr.[39] Such dream episodes were commonly related by historians to

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[36] Though it has been little acknowledged, philosophical learning and concepts of *ʿilm* were a driving force in the building by the Safavids of a "new" Iran in the seventeenth century. The Safavids not only rescued an Iran divided, bankrupt, powerless, and exploited by marauding warlords; they also revitalized intellectual life, supporting state-endowed schools and renewing scholarship. Most important, Safavid rule resulted in institutionalization of the ideals and principles of Shīʿī thought. These had never before been cohesive or even discussed openly; scholars in Jabal ʿĀmil (in present-day Lebanon) had no idea what their counterparts in Yaman were studying.

[37] A legitimacy based on interpreted versions of principles expressed in classical Sunnī political texts, such as Māwardī's (d. 450/1058) *al-Aḥkām al-sulṭānīyah* and Abū Yaʿlā's (d. 458/1066) work of the same name.

[38] See Ḥusayn ibn Murtaḍā Ḥusaynī Astarābādī, *Taʾrīkh-i sulṭānī az Shaykh Ṣafī tā Shāh Ṣafī*, ed. Iḥsān Ishrāqī ([Tehran]: Intishārāt-i ʿIlmī, 1364 H.Sh./1985), 19-26.

[39] For examples see ibid., 19, 25-27, 35ff; see also Ibn Bazzāz, *Ṣafwat al-Ṣafā*, 2 vols. (Tehran: Intishārāt-i Zaryāb, 1376 H.Sh./1997 or 98), I, 1-7. Acceptance of this idea may have been facilitated by Firdawsī's *Shāhnāmah*. The *Shāhnāmah* was well known to the Iranian populace. Many knew it by heart, and storytellers (s. *naqqāl*) told of the heroic deeds of kings and champions all over the land. In fact, there is a dream-episode in the *Shāhnāmah* which parallels the view of Safavids as restorers of Iran's glory: that of Ẓaḥḥāk and the restoration of Kiyānid

lend divine authority to Safavid rule.[40] However, they lacked an intellectual foundation harmonious with the principles of revelation and not offensive to the *sharīʿah*; although the Safavids had decreed Shīʿī legalist tradition the law of the land, they still lacked Shīʿī-defined spiritual authority. What was needed was a political philosophy that could explain in "scientific" terms the legitimacy of divine authority of a Turkic ruler.

The kernel of this political philosophy was again provided by Suhrawardī. Suhrawardī's political doctrine "validated" an Islamicized version of the Iranian concept of divine authority of kings. His theory was so construed that the ruler need not be related by blood to Muḥammad's Arab clan; his authority would derive instead from knowledge and the ancient Iranian idea of the "aura of kingship" (*farr* or *farrah-'i īzadī*). I have named this "Illuminationist Political Doctrine" and have discussed it elsewhere.[41] Applied to the Safavids, it conferred legitimacy on either a monarch learned in both discursive and intuitive philosophy, or one who had constantly by his side a philosopher-sage who could counsel the ruler through "illumination" (*ishrāq*) and "seeing" (*mushāhadah*, similar to the idea of *ilhām*), as well as the science of philosophy. Guardianship (*wilāyah*), not originally part of Suhrawardī's model, was added as an integral and necessary component for the legitimization of Safavid rule. The monarch in Iranian Shīʿism henceforth was seen in terms akin to the ancient Persian rulers who possessed "divine glory" (*farrah-'i īzadī*). The Safavid monarch was thus, at least in principle, considered a divinely-inspired ruler with manifest signs of divine glory, possessing temporal authority with manifest power of rule. In this way Fārābī's prophet-lawgiver and First Ruler—the Philosopher-King of Plato—is transformed into the Shīʿī Guardian-Ruler. Consider the following excerpt from Suhrawardī's *Partaw-nāmah* or "Book of Radiance," in which we learn that:

> Any king[42] who learns wisdom (*ḥikmah*) and persists in his consecration (*taqdīs*) of the Light of Lights ... will be given the Great Royal Light (*kiyān*

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rule (*farrah-'i kiyānī*); see *Shāhnāmah*, ed. J. Mohl, 10 vols. (Tehran: Jībī, 1362 H.Sh./1984; repr., Paris, 1838-1878), III, 36. Another of the *Shāhnāmah*'s eighteen dream-episodes concerns Siyāvush's vision in which he is informed that "there is no way to turn away from God's justice" (ibid., II, 193,194). Firdawsī invokes the authority of the Prophet Muḥammad to legitimize such dreams, warning: "Behold that thou dost not consider dreams to be meaningless." He goes on to declare that "It [dreaming] is a part of the prophet's knowledge" and that "enlightened souls see in dreams, all existent things" (ibid., VI, 122). This confirms the essence of the Iranian-Islamic position regarding dreams as a principal channel of *ilhām*.

[40] See Ghiyāth al-Dīn al-Ḥusaynī, Khvānd Amīr, *Taʾrīkh-i ḥabīb al-siyar*, ed. Muḥammad Dabīr Siyāqī, 4 vols. (Tehran: Khayyām, 1363 H.Sh./1983), IV, 413ff. See also Henri Massé, *Anthologie persane* (Paris: Payot, 1950), 349-350.

[41] "Source and Nature of Authority: A Study of Suhrawardi's Illuminationist Political Doctrine," in *The Political Aspects of Islamic Philosophy*, ed. Charles Butterworth (Cambridge, Mass: Harvard University Press, 1992), 304-344.

[42] I read *har pādishāhī* instead of *har-ki*; cf. *Opera* I, 504. This reading is preferred by Corbin, but not Nasr; see *Opera* III, 81.

kharrah) and the luminous light [called] *farrah*. Divine light will bestow upon him the robe of Royal Authority and of majesty. He will become the natural ruler of the world (*ra'īs-i ṭabī'ī-i 'ālam*). He will receive aid from the lofty realm of the heavens, and whatever he says will be heard there. His dreams and his personal inspirations (*ilhāmāt*) will reach perfection.[43]

This Illuminationist use of *ilhām* readily appealed to the Shī'ah, not only because they were already familiar with it from the *Ṣaḥīfah Sajjādīyah*, but because it allowed for continual linkage with the twelfth imām.

IV. Sabzavārī and the Authority of the Religious Class

It was the great thinker Ḥājj Mullā Hādī Sabzavārī who finally succeeded, following the attempts of many others, in completely harmonizing reason and revelation through his "Divine Philosophy" (*al-ḥikmah al-muta'allihah*). His contribution, along with that of Ṣā'in al-Dīn, might be regarded as essentially a reworking of Suhrawardī's unified epistemology in a refined language more in harmony with jurisprudence (*fiqh*). Nevertheless, it did prove to be a crucial development in Shī'ī thought, for it was with him that the concept of guardianship was fully integrated within Shī'ī political theory and "given rational proof" (*burhānī shud*). Sabzavārī refined and made abundant use of Illuminationist meta-language (*lisān al-ishrāq*) in order to reformulate Knowledge by Presence so as to prove the legitimacy and authority of the imamate, and thus of Guardianship (*wilāyah*) in the absence of the twelfth imām.

This language has even been employed at times in texts on *uṣūl*, that is creed. It is clearly equivalent to our notion of "meta-language" today, in which terms are assigned significations and values and are not to be confused with symbols of some theosophical mystery no one knows and for which there is no textual evidence.[44]

Illuminationist philosophy, through several re-examinations and as finally articulated in the nineteenth century by Sabzavārī in an altered language made consistent with *'irfān* and with the principles of imamate and Guardianship or *wilāyah*, lives on today in Iran, where it continues to be discussed.[45] Because of it, philosophy may be said to be presently in harmony with Shī'ī thought, and even at points integrated with it, for it provides the jurists, gnostics, and philosophers with a common language of discourse so that the more intelligent members of each group actually read works by the other groups and agree on many, if not the majority, of issues that comprise what we know as Shī'ism today.

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[43] *Opera III*, 80-81, and cf. p. 194. See also Ziai, *Radiance*, 84-85.

[44] See *Ḥikmat al-ishrāq* I, Introduction.

[45] Ṣadūqī enumerates four hundred philosophers, each one with several texts to his name, from the late seventeenth century to the present. See Ṣadūqī, *Bio-bibliography*. I know of few other civilizations that have produced this many philosophers in three centuries.

One of the most significant principles allowing for the symbiotic continuation of *fiqh* and philosophy that has helped to define and direct present-day Shīʿism is that of "rational jurisprudence" (*fiqh-i ijtihādī*). To begin, exercise of reason in the legislative process serves to ensure the legitimacy of the *marjiʿ* or top legal authority. In addition, the lively and dynamic system of philosophy and logic intensely studied by a limited number of the most highly-regarded clergy-scholars not only ensures the internal consistency of a holistic Shīʿī system of thought, but posits priority of the "scientific" examination of the "Most Learned" (*aʿlam*) and the Supreme Ayatollah (*āyat allāh al-ʿuẓmā*) of the foundations of knowledge. This side of the Ayatollah's activity is not purely symbolic, nor is it limited to legalist problem-solving. Rather, the ranking Ayatollah must necessarily re-examine the principles of science (*ʿilm*) to ensure its validity. For valid science is required to legitimize government, which must be based on valid truths rather than the unchanging values proven by Suhrawardī to be an Aristotlean fallacy. Thus the highest-ranking or "most learned" (*aʿlam*) Ayatollah-jurist may refine, reformulate, and even renew the principles of "valid knowledge."[46] In this way he upholds the scientific validity of immediate and divinely-inspired knowledge as in every period laws and principles are deduced anew and refined in accord with the Shīʿī requirement of ongoing *ijtihād*. The significance of this is not merely academic; such an endeavor is central to the Shīʿī concept of legitimate government as spiritual *wilāyah* or guardianship.

Thus the early nineteenth century learned clergy were able to greatly refine Sabzavārī's system and supply further, novel interpretations of the theories of *marjiʿīyah* or source of authority and *aʿlamīyah* or superiority in learnedness. The doctrine of *vilāyat-i faqīh* or guardianship of the jurist is only the most recent designation of this theory; it is the logical conclusion of a long intellectual process which I have presented here only in minimum form.

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[46] *Al-ʿilm al-ṣaḥiḥ, al-ʿilm al-burhānī*, or *al-ʿilm al-yaqīnī*.

SELF-MORTIFICATION RITUALS IN THE SHĪʿĪ AND CHRISTIAN TRADITIONS

David Pinault

Lamentation liturgies during the month of Muḥarram commemorating the Imām Ḥusayn's battlefield death at Karbala (61/680) are observed by Shīʿī communities throughout the world. Ḥusayn's death frustrated the political hopes of the *shīʿat ʿAlī*, the "partisans of ʿAlī" who believed that leadership of the Islamic community should be reserved for the immediate descendants of the Prophet. Yet from a Shīʿī perspective, Ḥusayn's military defeat at Karbala did nothing to diminish his rank as an imām or spiritual leader; on the contrary, his death is honored as an instance of voluntary suffering in which he sacrificed his life to alert the Muslim community to the moral depravity into which it had descended under the leadership of the reigning Umayyad caliphs. Later Shīʿī interpretations of Karbala emphasized that Ḥusayn had offered his life to God as a "ransom" to atone for the sins of his fellow Muslims, both those of his generation and of later generations to come.[1] Among Shīʿī informants I interviewed in the Indian Subcontinent, the annual liturgies of Muḥarram serve not only to commemorate Ḥusayn's sacrifice but also to

[1] The vocabulary of "ransom" is derived from a Shīʿī esotericist reading of Qurʾān 37:107 (Abraham's sacrifice of his son): "And we ransomed him by means of a great sacrifice." The "great sacrifice" referred to in the Qurʾān is taken by Shīʿī commentators to be the Imām Ḥusayn; the ram slaughtered by Abraham is a typological prefiguration of Ḥusayn in his battlefield death at Karbala. See the Shīʿī scriptural commentaries on this verse by M.H. Shakir, *The Holy Quran: Arabic Text and English Translation* (Karachi: Habib Esmail Benevolent Trust, 1959), 673 and Sayyid Farmān ʿAlī, *Kalām Allāh* (Lucknow: Niẓāmī Press, 1980), 719. For interpretations of Karbala that link Ḥusayn's death to intercession and the forgiveness of sins, see Muḥammad Bāqir al-Majlisī, *Biḥār al-anwār* 110 vols. (Tehran: al-Maktabah al-Islāmīyah, 1385/1965), XLIV, 221-225; Lewis Pelly, *The Miracle Play of Hasan and Husain* (London: Wm. H. Allen & Co., 1879), 97-101; Reinhold Loeffler, *Islam in Practice: Religious Beliefs in a Persian Village* (Albany: State University of New York Press, 1988), 40-41, 176-177; and Ahmed H. Sheriff, *The Leader of Martyrs* (Elmhurst, NY: Tarike Tarsile Qurʾan, 1986), 48-50.

demonstrate that today's participants would have stood and died with Ḥusayn if they had been permitted to be present with him at Karbala.[2]

This essay focusses on the Shīʿī community of Hyderabad in the province of Andhra Pradesh, India and the *mātamī-gurūhān* or men's flagellation guilds which sponsor many of Hyderabad's most prominent Muḥarram liturgies. I compare the self-mortification rituals of Hyderabad's Shīʿī guilds with the penitential practices of thirteenth-century and fourteenth-century Christian Europe, in particular the confraternities known in Italy as *disciplinati* and in Germany as *Geisslergesellschaften*. A cross-cultural analysis will illuminate aspects of both medieval Christian practice and contemporary Islamic devotionalism. It will be my argument that, despite their locations in different cultures and times, these Shīʿī and Christian movements are institutionalized manifestations of popular piety sharing common concerns and common limitations. By common concerns I mean the desire to commemorate an event of sacred history through collective self-infliction of pain, rhythmic physical movement, and music and antiphonal chant. By common limitations I mean the hazards attendant on self-flagellation, namely the potential for loss of self-control and the risk of individualistic outbursts that might disrupt a liturgy and threaten an organization's corporate ritual activity. We will see that common concerns and limitations have resulted in analogous structural developments in the liturgical practices of both religious traditions.

I will begin with some introductory comments on the Christian flagellant movements of Italy and Germany in the thirteenth and fourteenth centuries. Scholars have pointed to social conditions and historical events leading to an upsurge in this form of devotionalism—for example, Guelph-Ghibelline warfare and resultant domestic disorder, and the outbreaks of plague culminating in the Black Death of 1349.[3] Medieval sources such as the so-called "Monk of Padua" emphasize the spontaneous and impulsive manner in which Christians became attracted to the cult of flagellation: "A sudden awareness of sin, unheard of by the age ... seized hold of the peoples of Italy.... Fear of the Lord rushed over them."[4] However, this penitential fervor expressed itself most characteristically not as impulsive, individual activity but as collective, highly organized rituals. Such liturgies were typically supervised by lay confraternities such as the Disciplinati di Gesu Cristo, founded in the Umbrian city of Perugia in 1259-60. These sodalities led penitential processions from town to town, each procession lasting thirty-three and one-half days (the number corresponds to the years Jesus is said to have spent on earth in his incarnate life). Acts of self-mortification performed during these

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[2] David Pinault, *The Shiites: Ritual and Popular Piety in a Muslim Community* (New York: St. Martin's Press, 1992), 99-108.

[3] Arthur Hübner, *Die Deutschen Geisslerlieder: Studien zum Geistlichen Volksliede des Mittelalters* (Berlin: Verlag Walter de Gruyter, 1931), 6-8. See also Stanley Sadie, *The New Grove Dictionary of Music and Musicians* (London: Macmillan, 1980), s.v. "Geisslerlieder," by Walter Salmen.

[4] Hübner, *Geisslerlieder*, 9.

processions were strictly regulated by *magistri* or "masters" who formed part of each gathering. These penitential acts were undertaken during the collective chanting of devotional songs known as *laudi spirituali* or *Geisslerlieder*; the length of time for each scourging was limited and determined in ways discussed in more detail below. The highly structured life of the *disciplinati* during each penitential procession extended from the flagellation ritual itself to deportment in daily life. The sodalities' statutes specified the clothing to be worn by participants, forbade swearing of oaths referring to the Passion of Jesus, and mandated that the "brothers" content themselves with beds of straw while journeying in procession. A sodality in Gubbio called the Compagnia del Crocifisso forbade its members to carry weapons; and Hugo von Reutlingen, a fourteenth-century German priest who observed the flagellant processions closely, noted that participant men were not allowed to bathe or trim their beards or speak with women unless they received permission from their *magistri*.[5]

Turning now from Christianity to Shīʿī Islam, we should note that Shīʿī lamentation liturgies also focus on the commemoration of a specific historical event. The Arabic term *mātam* refers in general to any act or gesture of mourning; in Shīʿism the term designates acts of lamentation for the Martyrs of Karbala. Such gestures may range from simple breast-beating with the open palm of one's hand to self-flagellation inflicted by means of daggers, chains, razors, or flails. My informants in Hyderabad justified the incorporation of acts of self-mortification into Shīʿī liturgy by citing the long lineage associated with *mātam*: gestures of mourning are said to have formed part of the first *majlis* (a term used in Shīʿism to indicate a Muḥarram lamentation-gathering) ever held, when, more than thirteen centuries ago, Ḥusayn's sister Zaynab, survivor of Karbala, organized a mourning-assembly while still in Damascus in honor of the slain Imām.[6]

In principle today's Shīʿī practice of *mātam* is not limited to the *mātamī-gurūhān* alone; any Shīʿī Muslim may elect to engage in breast-beating as an expression of grief for Ḥusayn (although Shīʿī women are strongly discouraged by the *ʿulamāʾ* from going beyond breast-beating to the shedding of their own blood). In actual fact I found that in Hyderabad it is the guild-

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[5] Hübner, *Geisslerlieder*, 10-13, 36-37; Paul Runge, *Die Lieder und Melodien der Geissler des Jahres 1349 nach der Aufzeichnung Hugo's von Reutlingen* (Leipzig: Breitkopf & Haertel, 1900), 26-27.

[6] Pinault, *Shiites*, 102. For an example of devotional literature on the subject of Zaynab and the first *majlis* in honor of Ḥusayn, see M.H. Bilgrami, *The Victory of Truth: The Life of Zaynab bint Ali* (Karachi: Zahra Publications Pakistan, 1986), 54-55. Some scholars have seen pre-Islamic antecedents for Muḥarram liturgies in the ancient Mesopotamian rituals celebrated in honor of the vegetation God Tammuz (see B.D. Erdemans, "Der Ursprung der Ceremonien des Hosein-Festes," *Zeitschrift für Assyriologie* 9 [1894]: 280-307). In this context it is worth mentioning that in Aeschylus' drama *The Libation Bearers*, the Chorus describes its grief at the death of Agamemnon by comparing its lamentation gestures to the self-mortification practiced by the mourning women of the Medes and Persians (Aeschylus, *Tragoediae: Choephoroe* [Oxford: Clarendon Press, 1902], lines 423-428).

members who consistently perform the most extreme forms of *mātam*; and it is these men's guilds that ensure that self-mortification is performed as nearly continuously as possible in public liturgical contexts during the most sacred days of Muḥarram. The guilds sponsor many *mātam*-liturgies that are open to the public. Private individuals organizing a Muḥarram celebration in a family chapel will also often invite a *mātamī-gurūh* to their homes for a specific event with the intent of having the guild lead the congregation in the performance of *mātam*; the reputation of these *mātamī-gurūhān* is such that their presence attracts greater numbers of people.

To appreciate the contribution made by the *mātamī-gurūhān* it is necessary to outline a typical *majlis* (pl. *majālis*) or lamentation-assembly of the kind arranged by the men's associations. The courtyard of the shrine fills with people who chat and socialize with each other. Children run about; individuals take tea and other refreshments from kiosks near the entrance. Then chanters step onto the courtyard's dais or platform, seating themselves directly before the *ʿalam*s (metal crests mounted on poles and incised with the names of the imāms and Karbala Martyrs, meant to represent the battle-standards carried by Ḥusayn's followers). The chanters pronounce opening prayers in honor of the Prophet's Family and then recite several *marthiyah*s, dirges commemorating the slaughter of the Martyrs. The congregation settles itself during this time and finds places to sit in the courtyard. Thereafter a preacher ascends the platform and delivers a lengthy sermon on some topic related to the sufferings of Ḥusayn and his followers (I will return to this question of *majlis*-sermons below). Following this sermon the congregation rises, while a *nawḥah-khvān*, a poet/reciter affiliated with the guild, takes the preacher's place. Standing behind the reciter in a semicircle is a chorus comprising some six or seven men. The reciter and chorus lead the congregation in the singing of the *nawḥah*s, poems in honor of one or another of the Karbala Martyrs. During this time congregation and chorus alike perform *mātam*, usually limiting themselves to the simplest form of one-handed breast-beating. (*Mātam* "with implements," involving the shedding of one's blood with razors, knives, and so on, is generally restricted to the eighth, ninth, and tenth days of Muḥarram, the tenth or ʿĀshūrāʾ, the date of Ḥusayn's death, being the focal point of the Shīʿī liturgical calendar.) The *nawḥah* is chanted as an accompaniment to the performance of *mātam*; this *mātam-nawḥah* unit performed by the men's guilds comprises a physically demanding exercise in which participants sing in loud, vigorous tones while striking themselves forcefully. Once the *nawḥah* is concluded, an emotional decrescendo is provided by several closing prayers recited quietly in honor of the Shīʿī imāms as participants bow in the directions of Karbala and Mashhad, toward the shrine-tombs of Ḥusayn and the eighth imām al-Riḍā (said to have been poisoned in 203/818 by the Abbasid caliph al-Maʾmūn, and thus also considered a martyr).

A word is in order here concerning the *majlis* congregation. A blending of heterogeneous social classes is very much in evidence; even more remarkable

is that many non-Shīʿīs, especially Hindus, are drawn to the shrines during the month of Muḥarram to honor Ḥusayn (Hyderabad is known for syncretistic Hindu-Shīʿī devotionalism). Social prestige and religious merit accrue to any sponsor who succeeds in inducing large numbers of people to come to his shrine for a *majlis*. As one guild-member said to me:

> If I'm the host, then my goal is that as many people as possible should come to my shrine. This time now, Muḥarram, is the only time of year you'll find a millionaire standing on a street corner asking everyone passing by, "Please come to my house." He'll invite even a rickshaw-puller, someone he won't even look at the rest of the year. That's why you see well-dressed old men walking around handing out printed announcements of their *majālis* to everyone they see; they're trying to get people to come to their homes for Muḥarram *majālis*.[7]

One might borrow the term *communitas* from Victor Turner's research to describe the process at work in Hyderabad's Muḥarram liturgies: a temporary dissolution of normal social distinctions, as people of varying classes and religious traditions gather for the veneration of a jointly honored figure.[8]

Within the context of Hyderabadi devotionalism, one of the key liturgical components in the achievement of *communitas* is the sermon preached during each *majlis*. The preacher chooses as his focus one or several of the Karbala Martyrs—Ḥusayn's infant child ʿAlī Asghar, pierced by an arrow during the siege; Zaynab, the Imām's sister, captured at Karbala and led in chains to Damascus; ʿAbbās, bodyguard and half-brother of Ḥusayn, killed trying to bring water from the Euphrates to the thirsting children. The preacher begins in a quiet and meditative tone with what is referred to as the *faḍāʾil* ("virtues"), an enumeration of the merits and outstanding moral qualities of the martyr under discussion. He then progresses to the *maṣāʾib* ("calamities"), a description of the sufferings and manner of death that befell the given martyr. Characteristic of the preachers I observed in Hyderabad is an increasing intensity of emotion throughout the *maṣāʾib* portion of the sermon: the speaker's voice rises in a wail, he gestures violently to suggest the blows visited on the innocent, he imitates the cries of Ḥusayn's children asking for water or of the surviving women of Ḥusayn's family as they beheld the corpse of the slain Imām. According to my informants, one mark of a good preacher is an ability to evoke the battle of Karbala so vividly as to trigger feelings of piety and personal involvement on the part of the congregation, so that members of the audience can visualize Karbala and imagine themselves as present with Ḥusayn on the battlefield. In the *majālis* I attended, the *maṣāʾib* repeatedly elicited from the congregation what might be termed a consistent set of patterned behavioral responses: those seated groaned loudly, slapped their thighs in token of grief, and hid their faces in handkerchiefs as they

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[7] Pinault, *Shiites*, 87.

[8] Victor Turner, "Social Dramas and Ritual Metaphors," in *Dramas, Fields, and Metaphors: Symbolic Action in Human Society* (Ithaca: Cornell University Press, 1974), 46-53.

sobbed. Precisely at this point, when the congregation's emotional involvement is at its highest, the preacher ends his sermon, and all present get to their feet. They are now ready to begin *mātam*, whether in the form of open-handed breast-beating or self-flagellation with flail or razor.

The emotional state of the participants is illuminated by a comment made to me by one of the *nawḥah-khvāns* belonging to a Hyderabadi guild called Parvānah-yi Shabbīr ("The Moths of Ḥusayn"): "We want to feel Ḥusayn's sorrow." Other Parvānah-yi Shabbīr officers recounted how, during the fighting at the Battle of Uḥud against the Quraysh of Makkah, Muḥammad was wounded in the mouth by a rock flung at him that smashed several of his teeth. In grief at the Prophet's wound, guild members told me, one of his Companions seized a stone and smashed it against his own teeth out of a desire to experience the same pain as had Muḥammad.[9]

With these remarks in mind let us consider Hugo von Reutlingen's fourteenth-century observations of Christian flagellant processions. He describes the hymns sung by German penitents during their self-scourging, then adds the following comment:

> Postea flectunt iterum genua, et magister eorum dicit: Ave Maria soessu muter Maria, erbarm dich ueber die armun ellinde cristenhait. Et ipsi dicunt hoc idem. Iterum dicit: Ave Maria. Et tunc omnes cadunt in formam crucis, et magister eorum adhortatur eos ad passionem Cristi recolendam et incipit: Ave Maria, ipsi et erigunt se et dicunt cum eo: Troesterin aller suender erbarm dich ueber alle totsuender unt ueber alle totsuenderin. Iterum incipit: Ave Maria, et ipsi cadunt formam crucis.
>
> (Afterwards they genuflect once more, and their master says: Hail, Mary, sweet mother Mary, have mercy on poor wretched Christendom. And they, too, say this as well. Then he says: Hail, Mary. Then all prostrate themselves in the shape of a cross; and their master exhorts them to recall Christ's passion. He begins: Hail, Mary. They rise and say with him: You who comfort all sinners, have mercy on all those guilty of mortal sin, men and women alike. Once more he begins: Hail, Mary; and they prostrate themselves in the shape of a cross.)

From the above text (in which the ritual is described in Latin but the prayers are rendered in German) it becomes clear that the prayers of both celebrant and congregants were delivered in the vernacular and hence were intelligible to all present. Note, too, that this liturgy includes not only a series of physical gestures on the part of the penitents—genuflection, rising, prostration with arms outstretched in the form of a cross—but also an address in which the flagellants' *magister* "exhorts them to recall Christ's passion." This passage may be compared with another contemporary description of medieval Christian penitential processions, this one by the Monk of Padua:

> Each of them held in his hands a whip of thongs; and with weeping and groans they flogged themselves fiercely on the back and shoulders to the point of bloodshed. Pouring out fountains of tears, as if with their corporeal eyes they

[9] Pinault, *Shiites*, 101-102.

perceived the actual passion of our Savior, they prayed in tearful song for the Lord's mercy and the help of God's mother.[10]

The monk's account hints at the personal emotional involvement underlying the actions performed in the liturgy: "as if with their corporeal eyes they perceived the actual passion of our Savior." This emotionally charged mood of imaginative visualization during the self-scourging apparently did not arise by chance but was actively inculcated among the participants and directed by the given confraternity's *magister*, as Hugo von Reutlingen's account makes clear: "Their master exhorts them to recall Christ's passion." Perhaps the penitent's faculty of imaginative visualization was also stimulated by the wording of the *laudi spirituali* or devotional hymns sung during the act of flagellation. Hübner cites the text of a *lauda* chanted by the "Disciplinati di Gubbio"; this piece was composed in the form of a dialogue, with Jesus speaking directly to the flagellants:

Shame on anyone who does not bear his cross;
Harder than stone is the heart of anyone
who is not moved to follow me ...
Who will be the penitent to accompany me to the cross
and bathe himself in tears while lamenting his sins?[11]

Like many of the *disciplinati*'s hymns, this *lauda* was sung in vernacular Italian and hence would have been immediately comprehensible to its auditors and singers. Hymns like these heightened the faculty of visualization in such a way as to transcend the barrier of time between present and past, between the commemorator and the event commemorated. One was encouraged not merely to be an observer of Christ's passion, but to involve oneself personally and actively, to the best of one's abilities, in what Jesus had undergone: hence the text's emphasis on bearing one's cross, following Jesus, and accompanying him to Golgotha. The act of self-scourging, which induces physical pain, became a way of making Jesus' sufferings from the remote past an actually felt part of oneself in the present moment.

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[10] Hübner, *Geisslerlieder*, 9.

[11] Ibid., 62-63. Imaginative visualization as a means of achieving personal emotional involvement with figures from sacred history has persisted in the Christian tradition from the medieval period to the present. Consider the *Spiritual Exercises* of Ignatius Loyola (Chicago: Loyola University Press, 1951), tr. Louis J. Puhl, S.J. In the section entitled "A Meditation on Two Standards" (pp. 60-63), Saint Ignatius invites the reader to visualize two opposing armies, those of Lucifer and Christ, each drawn up beneath its battle-flag: "Imagine you see the chief of all the enemy in the vast plain about Babylon, seated on a great throne of fire and smoke, his appearance inspiring horror and terror.... Consider Christ our Lord, standing in a lowly place in a great plain about the region of Jerusalem, His appearance beautiful and attractive." The reader is then instructed to pray to the Virgin Mary, "asking her to obtain for me from her Son and Lord the grace to be received under His standard." Imaginative visualization is also fostered in one of the most popular devotions in the Roman Catholic tradition, namely the meditations on the "five sorrowful mysteries" that may accompany the praying of the Rosary. See "Contemplating Jesus in the Rosary," *The Vatican II Weekday Missal* (Boston: Daughters of St. Paul, 1975), 2353-2356.

The Christian flagellants' *laudi* might profitably be compared with the *nawḥah* lamentation chants sung by Shīʿī guild-members during the act of *mātam*. My first example is a *nawḥah* composed in honor of *nawshah-yi Karbalāʾ*, the "bridegroom of Karbala," Qāsim ibn Ḥasan, who was betrothed to the Imām Ḥusayn's daughter, Fāṭimah al-Kubrā. Besieged at Karbala with their families, the young couple celebrated their marriage on the last night of the siege; shortly thereafter, Qāsim was killed in the final combat. The chant is performed by members of Parvānah-yi Shabbīr; throughout the song Qāsim is referred to by the honorific title of *shāh* or king:

Our hearts, too, are houses of lamentation for the king
(*qalb bhī hamāre hayn shāh ke ʿazākhāne*)
In lamentation for Qāsim are gift-offerings of tears;
O ʿAlī, the cry has gone forth: Qāsim has been slain!

This sound of *mātam* (*yeh ṣadā-yi mātam*) is a message of wakefulness;
For this reason flows the life-blood in our veins.
Our life is lamentation for the king;
he himself takes part in the *majlis*, innocent and wretched.
O ʿAlī, the cry has gone forth: Qāsim has been slain!...

O exalted one, in this sorrow there will arise a people who
beat their breasts (*ay rafiʿ is ghamm mayn qawm-i sīneh zan hogī*)
O ʿAlī, the cry has gone forth: Qāsim has been slain![12]

The language of this hymn for the bridegroom of Karbala is similar to stanzas from two *nawḥah*s sung by the Anjuman-i Maʿṣūmīn ("The Association of the Immaculate Ones"):

This sound of *mātam* which echoes forth
is the announcement of victory over care and affliction.
In the victory of truth is the oath made with tears:
Karbala - no god is there save God.[13]

O young men of lamentation (*ay nawjavānān-i ʿazāʾ*),
You embody the prayer of everyone's heart.
Truly, till the gathering of humankind on the Day of Resurrection
there will continue from breasts this sound of *mātam* (*mātam kī ṣadā*).[14]

Note, too, the lyrics composed by ʿAlī Javād Maqṣūd, a contemporary poet whose *nawḥah*s are sung by various Hyderabadi guilds such as Parvānah-yi Shabbīr and Maʿṣūmīn:

This *mātam* is Fāṭimah's prayer;
how could this *mātam* be stopped?
This *mātam* is a cry of challenge;
each tear is part of a passionate desire for victory.[15]

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[12] The text of this *nawḥah* appears in Parvānah-yi Shabbīr's chant-book, *Karbalāʾ wālay*, ed. Mīr Aḥmad ʿAlī (Hyderabad: Maktab-i Turābīyah, 1989), 34-35.

[13] Anjuman-i Maʿṣūmīn, *Duʿāʾ-i Fāṭimah: muntakhab-i nawḥajāt* (Hyderabad, n.d.), 11-12.

[14] Ibid., 8.

[15] Sayyid ʿAlī Javād Maqṣūd, *Yeh mātam kaysay rukjāʾay* (Hyderabad: Maktab-i Turābīyah, n.d.), 9.

In such verses we find that (to borrow a comment from John Herington in his examination of choral lyric in ancient Sparta) "the chorus begins to sing to itself, and about itself."[16] These *nawḥah*s dwell not just on the historical event of Karbala but on the liturgical commemoration of the event as enacted by the men's guilds. Many of the terms occurring in these poems—*mātam* (mourning/breast-beating/self-mortification), *sīnah-zanī* (breast-beating), *majlis* (Muḥarram liturgy), ʿAzāʾkhānah (House of Lamentation, a synonym for the Hyderabadi term ʿĀshūrkhānah, Muḥarram-shrine)—are taken from the vocabulary of religious liturgy in current use today. Such lyrics need to be evaluated in terms of their performance context. The poet has composed these verses specifically to be sung by *gurūhān* in a group liturgical setting, whether before fellow guild members only or in the presence of a large Shīʿī public. In some phrases the chorus is made to specify itself (*ay nawjavānān-i ʿazā'*: O young men of lamentation), but more common are references to ritual actions—cries, breast-beating, the shedding of tears—in which every person in the congregation will participate. Guild-adherents and other congregants alike are brought into the lyrics, in part through a technique of immediacy which breaks down the barriers of time: Qāsim is described not as a victim from the remote past, but as if only recently slain; the bridegroom himself is said to be present now in the liturgy; the future is glimpsed as a continuum of mourning extending from now till Judgement Day.

In comparing the Shīʿī and Christian rituals of lamentation and self-mortification, one notices that the liturgies of both religious traditions are organized so as to induce a common effect in the participants. The sermons and exhortations to recall events from the past (whether the death of Ḥusayn or Jesus), the wording of the hymns sung during the acts of self-mortification, the physical gestures undertaken by the congregation (whether breast-beating, scourging, weeping, genuflection, or prostration), all contribute to a state which can be described as somatic-imaginal empathy, in which bodily gesture and imaginative visualization are harnessed to generate a mood of participatory identification with figures from sacred history. What we see at work in both Shīʿī Islam and Christianity is a process whereby deliberately induced physical sensations contribute directly to the achievement of spiritual states. One may recall Godfrey Lienhardt's analysis of what he terms the "voluntary co-operation of the conscious person" in the attainment of religious rapture among the Dinka peoples of the Sudan. Lienhardt reports that in Dinka sacrificial rites many participants "deliberately encourage" in themselves the bodily twitches and spasms that signal for the Dinka the advent of spirit-possession. "The body is then quickly given over," Lienhardt continues, "to sensations and movements which faith and tradition lead the mind to expect in such circumstances, and to some degree wilfully anticipate." Nor does the somatic origin of the religious mood in any way weaken the validity of the

[16] John Herington, *Poetry into Drama: Early Tragedy and the Greek Poetic Tradition* (Berkeley: University of California Press, 1985), 21.

state thus attained: "The Dinka are less interested in the action of the conscious self in bringing about states of dissociation, than in the eventual replacement of the normal human personality in those who have surrendered themselves.... They are interested in 'what came about' rather than 'how it came to be'."[17]

Mutatis mutandis, something similar might be claimed with regard to Christian and Shīʿī flagellation rituals: blows to the body stimulate a state of empathetic identification with the blows suffered by Jesus and Ḥusayn. The popularity of self-mortification rituals in the Christian and Islamic traditions alike can be explained in part by the fact that these rituals allow historical tradition to be not merely intellectually apprehended, but emotionally experienced.

In this context it is worth considering the argument offered by William James in *The Varieties of Religious Experience* concerning the ongoing validity of religion in our age of twentieth-century science:

> So long as we deal with the cosmic and the general, we deal only with the symbols of reality, but as soon as we deal with private and personal phenomena as such, we deal with realities in the completest sense of the term.... You see now why I have been so individualistic throughout these lectures, and why I have seemed so bent on rehabilitating the element of feeling in religion and subordinating its intellectual part.... The recesses of feeling, the darker blinder strata of character, are the only places in the world in which we catch real fact in the making, and directly perceive how events happen, and how work is actually done. Compared with this world of living individualized feelings, the world of generalized objects which the intellect contemplates is without solidity or life.[18]

In James' view, only those realities which are personally experienced carry sufficient force to serve as pivotal insights around which to organize our lives. The data collected above from the Islamic and Christian traditions suggest that ritual is the mechanism that transforms the "world of generalized objects which the intellect contemplates" into "realities in the completest sense of the term." In the Abrahamic traditions in particular, this ineffable religious experience is achieved through emotional involvement in a specific historical event: in Judaism, the Exodus from Egypt; in Christianity, the passion of Jesus; in Shīʿī Islam, the tragedy of Karbala.

As we have seen, the commemoration of sacred history organized by confraternities in the Shīʿī and Christian faiths entails acts of self-mortification. In both traditions, however, displays of grief are structured and limited by the nature of the liturgy. Religious music has played a special role in this regard. In medieval Christian sodalities of *disciplinati*, penitents scourged themselves while chanting *laudi spirituali* together in a group. The mode was antiphonal: designated cantors led the chant, while the mass of participants responded

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[17] Godfrey Lienhardt, *Divinity and Experience: the Religion of the Dinka* (Oxford: Clarendon Press, 1961), 235.

[18] William James, *The Varieties of Religious Experience* (Harmondsworth: Penguin Books, 1982), 498, 501-502.

during the refrain. The sodalities' statutes stipulated the precise duration of time for each burst of self-scourging. In some instances observers noted that the time specified for flagellation was determined by the length of the hymn sung by the given confraternity; other groups mandated that each round of scourging be defined by the time needed to pray "five Paternosters and five Ave Marias." The "Monk of Padua" remarked that while the *disciplinati* employed devotional songs in their rituals, they did not permit participants to play musical instruments or sing profane love-ballads.[19]

When one also recalls that the sodalities' statutes offered detailed regulations concerning the penitents' deportment during the flagellant processions (restrictions on oaths, carrying weapons, talking with women, and so on), it seems clear that the *magistri* likewise wished to limit all acts of self-mortification to prevent penitential scourgings from degenerating into uncontrolled individualistic outbursts. Hübner cites a medieval source called the *Annales Mechovienses* which demonstrates how tragically a penitents' procession could end:

> Unmarried women, young and old, came out from the towns in procession, scourging themselves, running about as if insane, their hair disheveled, spending nights in the forests seeking a certain Gregory, whom they believed to be a saint. Led astray by the devil, however, a number of them perished.[20]

The Shīʿī men's guilds of twentieth-century Hyderabad likewise employ liturgical chant to structure and channel acts of self-mortification. To explain how this occurs I should note first that each of Hyderabad's several dozen *gurūhān* has its own characteristic style of *mātam*. *Gurūh-i Jaʿfarī*, for example, employs what is called "Iranian style" *mātam*: the mourner extends both arms straight up over his head, then drops them forcefully, striking his chest with both hands at once. Parvānah-yi Shabbīr favors a modified form of "Punjabi style" *mātam*, involving an alternate-hand stroke in which the participant strikes his chest with first his right hand, then his left, in turn. The guilds' *mātam*-styles are distinguished from each other by various nuances of form, including posture, the degree to which the torso sways or the elbow is bent, and the forcefulness of the blows. Moreover, the rhythm and tempo of a given *mātam*-style are determined by the *nawḥah* or lamentation-poem which is chanted by all present as an accompaniment to the act of self-mortification. The *nawḥah* thus imposes a discipline on all participants: they are expected to strike themselves in unison and in time to the chant, with the human chest serving as a percussion instrument sounded as part of a collective effort in a drumbeat response to the hymn. And this discipline pertains not only to the members of the *mātamī-gurūhān*. Others who participate in the many liturgies open to the public follow the example of the members and

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[19] Hübner, *Geisslerlieder*, 8-9, 42; Sadie, *New Grove Dictionary*, s.v. "Lauda Spirituale," by John Stevens and William F. Prizer.

[20] Hübner, *Geisslerlieder*, 13.

perform *mātam* only in that guild's style and in rhythm with that guild's *nawḥah*s for the duration of their attendance at the *majlis*.[21]

Study of the *mātam-nawḥah* unit thus reveals that the guilds' acts of self-mortification are far removed from free-form improvisation. All congregants at a guild's *majlis* are expected to perform *mātam* in a group setting rather than in isolation, and in a style determined by the particular *gurūh*. The tempo and rhythm of *mātam* are shaped by the *nawḥah*-chant, as is also its duration: one is expected to stop striking oneself as soon as the hymn ceases. At several gatherings I attended on ʿĀshūrāʾ in 1989 and 1991, when participants cut themselves with knives and flails, older guild members stood watchfully at the group's perimeter. These elders stepped in to reprimand overzealous flagellants if they persisted in *mātam* beyond the specified time or otherwise showed signs of doing themselves serious injury. Individualism and excess are frowned on. All these stipulations serve to curb the possibilities of grievous self-harm that are always present in such rituals, especially when a large percentage of the congregation is composed of male teenagers eager to prove their ability to tolerate pain. One has only to think of the flagellation cult of Artemis Orthia celebrated in ancient Sparta. The participants were boys and ephebes at the threshold-age between childhood and adult status; the cult took on the qualities of an initiation rite and endurance contest, in which Spartan youths competed with each other in displaying for how long they could bear ritual scourging in honor of the goddess. The Greek historian Plutarch, who witnessed these cultic ceremonies, noted that a number of boys died during the ritual flagellation.[22]

The *nawḥah*-chants of Hyderabad's Shīʿī guilds act as a safeguard against such excesses, channeling and defining the ways in which self-mortification may be performed. The role assigned to chant in the *mātamī-gurūhān* is all the more remarkable given the ambivalence towards music in the Islamic tradition. Recently, some contemporary Muslim critics of the Shīʿī *gurūhān* have derided their elaborately nuanced *mātam*-performances as mere dance.[23] It is true that the *mātam* of many Hyderabadi guilds might well be said to have affinities with dance: the participant's feet remain planted, but the *mātam*-style is governed by energetic bodily motions and patterned swaying of the torso in time to rhythmic chant. The disapproval of music and dance expressed by some Muslims stems from a concern to safeguard individuals from loss of moral self-control triggered by an onslaught of rhythmic sound or rhythmic motion. For example, a treatise on music by Ibn Abī al-Dunyā describes singing as an activity which "decreases shame, increases desire, destroys *murūwah* [manliness and masculine virtues], and indeed takes the place of

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[21] For a more detailed discussion of *mātam*-styles see Pinault, *Shiites*, 109-114.

[22] Plutarch, *Life of Lycurgus*, in Richard J.A. Falbert, tr., *Plutarch on Sparta* (Harmondsworth: Penguin Books, 1988), section 18, p. 30.

[23] See the criticisms gathered in Pinault, *Shiites*, 149-151.

wine and what drunkenness does."[24] The *mātamī-gurūhān* seem to have succeeded in resolving the longstanding Islamic ambivalence towards music: the guilds tacitly acknowledge the universal human attraction to rhythm and music, and then harness this attraction by incorporating religious chant and rhythmic motion into their liturgy. It is precisely the rhythmic *mātam-nawḥah* unit that serves as a carefully supervised means of emotional expression for participants in Hyderabad's Muḥarram observances.

An analogous process can be observed in the Christian penitential tradition. The many limitations on deportment imposed by the *disciplinati* on their adherents such as the ban on musical instruments and profane love-songs did not mean that music was barred altogether from the confraternities' liturgies. In fact, as the penitents scourged themselves while singing *laudi spirituali*, the hymns helped limit and define the acts of flagellation. Many European *lauda*-singers engaged in the practice of *travestimento spirituale* ("spiritual disguise", "religious masking")—to make the chant accessible to as many Christians as possible, they sang the *laudi* to the melody of popular troubadour songs or Carnival-tunes.[25] This harnessing of music for religious ends can be glimpsed as well in Florence during the period of the city's domination by the Dominican reformer Girolamo Savonarola. He condemned profane music as a source of temptation leading to sinful entanglements with the world; yet the genre of the *lauda* experienced a surge in popularity during this period in Florence, with Savonarola himself composing a number of *laudi*. The ambivalent status of music in late fifteenth-century Florence is mirrored in the notorious "Bonfire of the Vanities," held in the Piazza de' Signori at the beginning of the penitential season of Lent in 1497. On this occasion Savonarola encouraged the destruction of worldly objects which included not only "obscene books and pictures ... playing-cards, dice, [and] gaming tables," but also musical instruments such as lutes. The bonfire was entrusted to "a procession of boys" who "took up their positions on the steps and in the loggia of the Signori, singing *laudi* (hymns) in the vulgar tongue recently composed in praise of Jesus Christ and against Carnival," while setting fire to the Vanities.[26] Thus one form of musical expression was given to the flames while another was permitted to flourish.

I will close this study with some general comparisons of Shīʿī *mātamī-gurūhān* and Christian penitential sodalities. Active in each religious community, Muslim and Christian, is the wish to commemorate historical events and to achieve a feeling of intimacy with key historical personages—Karbala and Ḥusayn in one instance, Golgotha and Jesus in the other. The feeling of intimacy is achieved through a process of somatic-imaginal

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[24] Cited in Kristina Nelson, *The Art of Reciting the Qurʾān* (Austin: University of Texas Press, 1985), 43.

[25] Stevens and Prizer, "Laudi," 540-541.

[26] Ibid., 541; Roberto Ridolfi, *The Life of Girolamo Savonarola*, tr. Cecil Grayson (London: Routledge & Kegan Paul, 1959), 151-152, 183-184.

empathy, a recollection and visualization of the passion of Ḥusayn and Jesus, together with acts of self-mortification that make this passion a part of oneself and bridge the gap of time between participant and sacred personage. Self-mortification transforms intellectually acknowledged historical data into what William James called "full facts" or "realities in the completest sense of the term," that is, realities that become an emotionally experienced part of oneself.

Common to both the *disciplinati* and *mātamī-gurūhān* are the hazards attendant on self-mortification: not only the risk of grievous bodily harm, but also the risk of violent individualism, which threatens any association and any communally shared activity with a loss of structure, with a disintegrative centrifugal effect. These hazards are countered by ritual. In both the Christian and Islamic faiths, the act of self-mortification is hedged about by a meticulously articulated liturgy that structures and funnels religious fervor, employing a sequence of stipulated gestures, physical movements, and antiphonal chant. Representatives of orthodoxy in both Islam and Christianity have criticized the activities incorporated into flagellant ceremonies, especially the use of music, song, and rhythmic movements approximating dance. Nevertheless the Shīʿī and Christian confraternities have demonstrated through their regulatory statutes that they wish to remain acceptable to their orthodox co-religionists and are aware of the risks and potential for individualistic excesses engendered by the combining of flagellation with music and rhythmic gesture. With their collective, highly supervised ceremonies, where self-mortification is licensed but precisely calibrated, the confraternities of both religious traditions have functioned as structural molds into which is poured the creative ritual impulse in its raw molten form. What emerges may be characterized as liturgical artworks shaped by the defining matrix of corporate piety: in the Christian tradition, the *laudi spirituali* linked to the carefully regimented self-flagellation of the *disciplinati*; in the Islamic tradition, the *mātam-nawḥah* unit created by the Shīʿī men's guilds.

SHĪʿISM AND CHANGE: SECULARISM AND MYTH

Nikki R. Keddie

Shīʿism is both a creator and a subject of myth. That is to say, there are many strong myths both within Shīʿism and (particularly among Westerners and Sunnī Muslims), about Shīʿism. Many of these myths about Shīʿism are simply mistaken, while others generalize from one place or period or otherwise exaggerate. The situation of Shīʿism today, which is just as temporary as were past situations and does not reflect the whole of Shīʿism, leads many to distort or exaggerate by speaking of Shīʿism as such as especially characterized by political martyrdom, revolt, orientation to a single leader, and almost universal religiosity. By examining these myths critically, we should be able to appreciate better the dynamic nature of Shīʿism and how Shīʿism has continually changed in relation to time and place while retaining some basic ideas and practices that distinguish it from Sunnī Islam.

The Western world's image of Shīʿism today, built mainly upon recent political experience in Lebanon and Iran, consists largely of a series of dramatic oversimplifications. It is widely believed, for example, that Shīʿīs are especially inclined to engage in terrorist acts, even in face of certain death, because they have a "martyr complex" that inclines them to welcome violent death in their own cause. As part of this, Shīʿīs are often said to be especially inclined to fight holy wars (*jihāds*), because they believe that they will go directly to heaven if they are killed in such wars.

To start with the last point, the belief that "those who are slain in God's way [are not] dead; they live, finding their sustenance in the Presence of their Lord," (Q. 3:169) is all-Islamic, Sunnī as well as Shīʿī, and based on the same texts for both. Yet neither Sunnīs nor Shīʿīs through most of their history sacrificed themselves in holy wars at any greater rate than did Western Christians, who did not have similar texts. The West was the point of origin of numerous medieval wars to expand Christianity in Eastern Europe and the Iberian Peninsula, of the lengthy Crusades, of many wars against the Ottoman

Empire which had aspects of holy war, and Spanish conquests in the New World, as well as early modern religious wars which pitched Catholic against Protestant. These are too often forgotten by those who would characterize Muslims or Shīʿīs as especially prone to holy wars and sacrificing their lives in them. Muslims have been no more inclined to throw themselves into battle than have Christians, even in our century. While most Christians today do this more for the sake of secular nationalist than for religious ideologies, past and even some present struggles show that self-sacrifice for a religious cause is no more characteristic of Muslims than of Christians.

As for terrorism, different Christian and Jewish groups, other religious groups like the Sikhs, nationalists, and anarchists have at various times seemed the primary sources of such violent activities. What is true of a number of Iranians and Lebanese in the past decade cannot be taken to be characteristic of Shīʿism as such. Most Shīʿīs through most of history have been politically quietist, accepting of the powers that be and not especially inclined to holy war.

A related oversimplification sees Shīʿism as intrinsically revolutionary, especially as compared to Sunnism. In fact, as recent research has shown, the attitude of Shīʿīs toward revolution and established government has varied greatly over time. The majority or Twelver branch of Shīʿism to which both Iranian and Lebanese Shīʿīs belong has for most of its history been quietist in both fact and theory.[1]

Most of the past reputation of the Shīʿah for revolution arises from early sectarian and messianic Shīʿah and from the medieval Ismāʿīlī, so-called Sevener, branch of Shīʿism. The Twelvers were rarely rebellious. It is true that the early Shīʿah were often rebellious and messianic, seeing themselves as representative of the legitimate but politically unsuccessful leaders of the Muslim community descended from the first Shīʿī imām, ʿAlī. Later, the Ismāʿīlīs produced a number of rebellious sectarian movements, the most famous of which was the medieval "Assassins" who were known to the Crusaders and who gave rise to many myths and legends in both the West and the Middle East, as well as giving us our word "assassin."[2] However, what finally became the main line of Shīʿism developed with a very different political approach. Already in the early eighth century the fifth and sixth imāms of the Shīʿah spoke in favor of accepting existing political authorities (however non-Shīʿī), in effect separating out Shīʿī religious life, which they led, from the politics of the state. In holding this view, which continued for

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[1] On political changes in Shīʿism over time see especially Juan R.I. Cole and Nikki R. Keddie, eds., *Shiʿism and Social Protest* (New Haven: Yale University Press, 1986), particularly the editors' introduction; Yann Richard, *Shīʿite Islam* (Oxford: Blackwell, 1985); and Moojan Momen, *An Introduction to Shīʿī Islam* (New Haven: Yale University Press, 1985).

[2] On the Assassins see Marshall Hodgson, *The Order of the Assassins* (The Hague: Mouton, 1955); Farhad Daftary, *The Assassin Legends* (London:Tauris, 1994). On Shīʿī sects see al-Ḥasan ibn Mūsā al-Nawbakhtī, *Kitab firaq al-Shīʿah*, ed. Hellmut Ritter (Istanbul: Deutsche Morgenländische Gesellschaft, 1931).

centuries to be dominant in Twelver Shīʿism, the Shīʿah were similar to the mainstream Sunnīs. Both Sunnī and Twelver Shīʿī theologians spoke out for accepting existing governments. Contrary to scholarly mythology, there was also a large degree of separation of the religious institution—the closest thing to a "church"—and state in both medieval Shīʿism and Sunnism.[3] There was not the formal body of civil law found in the West, but administrative and much criminal law were in governmental hands. Thus despite periodic activism by both Sunnīs and Shīʿah, in which the Ismāʿīlī Shīʿah stood out, the main trend among both groups was toward accepting government, even though governments often paid little heed to Islamic rules. Although this acceptance was more often accompanied by resignation than enthusiasm, it was endorsed by both Sunnī and Twelver Shīʿī theory. Indeed, a key event of Twelver Shīʿism, the disappearance of the Twelfth Imām, has been plausibly interpreted by Montgomery Watt and others as resulting primarily from a desire on the part of the Twelver Shīʿah not to have a living and visible imām on earth who could rival temporal rulers.[4] (Naturally, believing Shīʿīs would not accept such a view, which implies the unreality of the Occultation. Watt shows how contradictory early Shīʿī writings are on this point.) Like many organized religions, Islam, both Shīʿī and Sunnī, generally accepted existing political and social structures.

Shīʿism is therefore not intrinsically revolutionary, even if the exclusion from rule of the imāms and their representatives did encourage and provide an ideological basis for various degrees of disaffection in a few pre-modern periods. The anti-establishment nature of Iran's clerical leadership at some recent points can be explained mostly by historical change and circumstance. It is due more to the evolving nature of the clerical role in Iranian Shīʿism, including its growing ties to the laity, than to Shīʿī ideology—although structure and ideology have been closely intertwined.

The Safavid dynasty, which brought Twelver Shīʿism as the state religion into majority Sunnī Iran in 1501, created a state with religious claims and characteristics. To some extent the Safavids reunited religion and politics, which had been largely separated since the earliest decades of Islam. They claimed legitimacy arising from an (invented) claim to descent from the imāms, employed religio-political officials, and went out of their way to patronize religious leaders. Yet, although the Safavids were religio-political, they were not, after their initial rise to power, rebellious or revolutionary.

By one of the paradoxes that characterize history, it was among the *ʿulamā'* patronized by the Safavids that a crucial step was taken toward the creation of a more independent, and increasingly oppositional, clergy. This step had its

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[3] See Nikki R. Keddie, *Iran and the Muslim World: Resistance and Revolution* (New York: New York University Press, and London: Macmillan, 1995), Chap. 13, "Islam, Politics, and Revolt: Some Unorthodox Considerations," and the works cited there.

[4] See the introduction and the chapter by W. Montgomery Watt in Cole and Keddie, *Shīʿism and Social Protest*, and W.M. Watt, *The Formative Period of Islamic Thought* (Edinburgh: Edinburgh University Press, 1973).

roots in the pre-Safavid period when, after the Occultation of the Twelfth Imām, it began to be felt that in the Imām's absence some source was needed for religious rulings. There then developed the institution of the *mujtahid*, whose learning and other qualities entitled him to give authoritative though not infallible rulings on religious and legal questions.[5]

In the Safavid period *mujtahid*s became increasingly powerful, and there arose a quarrel between those who thought that every believer must choose and follow a *mujtahid*, the so-called Uṣūlī or Mujtahidī school, and the Akhbārīs, who thought that all believers were equal and could themselves understand Shīʿī traditions (*akhbār*) from the imāms and that the institution of the *mujtahid* was a usurpation of the direct relationship between the believer and God. In this belief in a direct relationship with the divine the Akhbārīs resembled the non-Shīʿī Muslims.

It is usually said that Islam has no clergy, meaning primarily a group with the qualities and rights to intercede between people and God. This is roughly true for most Muslims. After the rise of the Uṣūlī school in Iran and Iraq, however, and particularly after their initial victory over the Akhbārīs in the late eighteenth century which became decisive in the nineteenth century, it can be argued that Twelver Shīʿism did develop a clergy whom believers were obligated to follow. This clergy became increasingly powerful, especially with the development of top-ranking *mujtahid*s who became sources of imitation (*taqlīd*) for their followers, including lower-ranking *mujtahid*s. All of this has helped to create in the present day a far more organized and easily mobilized cadre of *ʿulamā'* in Shīʿī Iran than exists anywhere else in the Muslim world, including among non-Iranian Shīʿīs, who in most cases are only beginning to imitate Iran's hierarchical structure.

The self-contained and increasingly powerful Iranian clerical hierarchy was strengthened in modern times by a number of material factors. The *ʿulamā'* controlled the collection and receipt of the major religious taxes, which in most other countries were increasingly collected by the government. Also, beginning with the overthrow of the Safavids by Sunnī Afghans in 1722, the Iranian clerical leadership dwelt for two centuries in Ottoman Iraq in the Shīʿī shrine cities of Najaf and Karbala beyond the political control of the Iranian government. These Iranian *ʿulamā'* were in some ways similar to the relatively independent medieval papacy which also lived beyond the control of rulers; Sunnī Muslim leaders who lived in the capital cities of rulers and were hence subject to their control were more comparable to the politically-controlled Orthodox church in Constantinople and Moscow.[6]

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[5] See Juan R.I. Cole, "Imami Jurisprudence and the Role of the Ulama: Mortaza Ansari on Emulating the Supreme Exemplar," in *Religion and Politics in Iran. Shiʿism from Quietism to Revolution*, ed. Nikki R. Keddie (New Haven: Yale University Press, 1983), 33-46.

[6] Nikki R. Keddie, "The Roots of the ʿUlama's Power in Modern Iran," in *Scholars, Saints, and Sufis*, ed. Keddie (Berkeley: University of California Press, 1972), 211-229.

The course of Shīʿī development described above should also be understood in social and class terms. The rebellious and generally messianic Shīʿah of the early Islamic period are known from information we have of their names, occupations, and locations to have included urban artisans, the lower middle class, and in part the poor, all of whom saw in the messianic hopes of early Shīʿism a way to escape the evils of the present and attain a future utopia. The concentration of rebellious religious movements in the first centuries of Islam, just when there were the most rapid economic and social changes, is probably no accident. These changes are generally considered in a positive light, as part of the building up of cities, a rural and urban economy, and new political forms. Yet like many revolts and rebellions, Shīʿī revolts in these conditions were triggered by the very "positive" economic and social changes that disrupted people's lives and created greater income differentials—or in some cases greater awareness of income differentials—than had existed previously. Revolt and rebellion, as is known from a variety of historical examples, are not characteristic of economic decline, grinding poverty, or stagnation.

The rise of the Safavids in the late fifteenth century represented a different type of revolt, as the Safavids were largely backed by nomadic tribes from Anatolia and Syria. Like the early Shīʿī rebels these tribes had a messianic view of Shīʿism, with elements of religious extremism and egalitarianism. Once the Safavids took power, like other originally rebellious dynasties in the Middle East such as the Abbasids and Fatimids they quickly adapted to ruling class ideas and realities. The Iranian ruling class centered on land and bureaucratic office, and the Safavids proceeded to put down their original unruly and autonomist tribal followers in favor of Iranian bureaucrats and landlords, along with a few *ʿulamāʾ* of Arab origin imported to strengthen Shīʿī leadership and ideology. The Iranian *ʿulamāʾ* remained largely allied with the ruling class through most of the nineteenth century, as suggested by their cooperation with the government to suppress the "heretical" Bābī religious movement in the 1840s, out of which the similarly persecuted (largely as apostate) Bahāʾī religion emerged in the 1860s.[7]

Yet by the late nineteenth century the Iranian *ʿulamāʾ* were no longer overwhelmingly reliable allies of the ruling class as were, to a greater or lesser degree, the great majority of leading *ʿulamāʾ* elsewhere in the Muslim world. Why this change toward periodic opposition to the government by many *ʿulamāʾ* occurred is not entirely understood. Clerical groups have often resented rulers' moves toward what is usually called "modernization" and its inevitable complement, secularization. Especially in the Islamic world, where the *ʿulamāʾ* have long been charged with major responsibility in such socially

[7] See Abbas Amanat, *Resurrection and Renewal. The Making of the Babi Movement in Iran, 1844-1850* (Ithaca, N.Y.: Cornell University Press, 1989); and Nikki R. Keddie, *Roots of Revolution: an Interpretive History of Modern Iran* (New Haven: Yale University Press, 1981), Chaps. 1-3 and the sources cited therein.

significant fields as law, education, and justice, such moves have brought a notable decrease in *ʿulamā'* power and income as education, justice, social welfare, and other spheres have been increasingly entrusted to those without religious training. As this happened, the *ʿulamā'* became more and more of a "clergy" on the western model, with their chief activities increasingly limited to the religious and spiritual.[8] The development of a centralized bureaucracy also decreased the power of the *ʿulamā'*. All this was, however, as true of *ʿulamā'* outside Iran as in it.

The hierarchisation of the Iranian *ʿulamā'* with the ability of a few leading *mujtahid*s to make authoritative rulings directing the actions of believers was crucial in encouraging the political mobilization of many of Iran's clerics. Probably just as crucial was Muslim dominance of the bazaar in Iran, which was significantly stronger than in other Islamic cities from Egypt to Istanbul where Christians and Jews, including foreigners, were important. The close social, personal, and economic relationships between bazaaris and *ʿulamā'* in Iran and the ability of bazaaris, led by merchants, to influence *ʿulamā'* to enter struggles against the government and imperialist powers also helps account for the periodic political activism of some of the Iranian *ʿulamā'* in the past century.[9] Abbas Amanat in an important article has shown that bazaaris and other laity played a crucial role in giving their support to certain leading *ʿulamā'*, which enhanced their position in a situation where there was no formal appointive or elective *ʿulamā'* hierarchy but rather one based on prestige, donations, and student following.[10]

The bazaar-*ʿulamā'* mobilization began in the Tobacco Protest of 1891-92, a mass movement that forced the annulment of a British tobacco concession, and this alliance has reappeared down to the present. In other words, it was the Iranian *ʿulamā'* more than any other *ʿulamā'* who had the means to make their discontent felt, both because of their historical evolution and because of their alliance with the bazaar, especially its powerful merchants. The importance of this historical and structural situation is suggested by the famous prohibition on using tobacco apparently initiated by merchants but issued and reiterated in the name of the leader of the Shīʿī *ʿulamā'* in Iraq in late 1891.[11] No other *ʿulamā'* leader in the world, and possibly no other clerical leader in the world, had the power—a power based, moreover, not on guns but on ideology and

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[8] Yann Richard, *Shiʿite Islam*, 79.

[9] See Nikki R. Keddie, *Iran and the Muslim World*, Chaps. 4, 5, "Why Has Iran Been Revolutionary?" I, II.

[10] Abbas Amanat, "In Between the Madrasa and the Marketplace: The Designation of Clerical Leadership in Modern *Shiʿism*," in *Authority and Political Culture in Shiʿism*, ed. Said Amir Arjomand (Albany: SUNY Press, 1988), 98-132.

[11] Farīdūn Ādamiyat, *Shurish bar imtiyāznāmah-'i rizhī: taḥlīl-i siyāsī* (Tehran: Payām, 1360 H.Sh./1983) among other points presents evidence that the famous tobacco boycott *fatwa* by the leader of the Shīʿī clergy was in fact drafted elsewhere and first issued in his name, a point already considered likely in my *Religion and Rebellion in Iran: The Tobacco Protest of 1891-92* (London: Frank Cass, 1966).

popular support—to quickly mobilize millions of people. (I should stress that this was not solely the power of a man or of the Shīʿī structure; had there not been a popular movement with major merchant leadership and urban participation, the decree would neither have been issued, nor, if issued, universally obeyed.) In the Sunnī world there was no doctrine or practice according to which there was one leading member of the *ʿulamā'* who could issue such universally valid decrees.

In addition, the weak Iranian government buffeted by Britain and Russia could neither assert its authority over the *ʿulamā'* nor cow the bazaaris. In Iran, unlike many other Middle Eastern countries, effective protest involving both the bazaar and *ʿulamā'* was not limited to one or two cities, but gained strength by being active in several cities. This was true in the Tobacco Protest, in the Revolution of 1905-1911, and in the Constitutional Revolution.[12]

The hierarchy, doctrine, and economic and political independence of the Iranian Shīʿī clergy thus made it possible for them to take a leading role in protest movements and revolutions. Iran also had a long tradition of revolts and rebellions, due in part to its position on the borders of major empires which disrupted and undermined but usually did not conquer it. In addition, Iranian pre-Islamic and Islamic religious traditions, while predominantly not rebellious, did include significant rebellious and messianic elements, and these have affected even some of the higher clergy, notably Khomeini. (Messianic ideas may be used to justify either quietism or revolt, depending on circumstances.) Finally, and a very important point apparently not noted by anyone previously, revolts and rebellions in Iran have all seen major participation by masses of people in several cities. Each participating city had *both* considerable autonomy *and* ties to the rest of the nation—again partly reflecting the importance both within and between cities of the *ʿulamā'*-bazaari alliance, as well as the large size, difficult communication, and multi-urban nature of Iran.[13]

The organizational strength of the Iranian *ʿulamā'* and bazaaris survived even the attacks of Reza Shah, which were in fact more considerable than those of his son, Mohammad Reza. The *ʿulamā'* in the Reza Shah period have scarcely been studied, but we may note the undermining of *ʿulamā'* control of

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[12] Recently some Iranian anticlerical historians, led by Farīdūn Ādamiyat, have denied any leading role of the *ʿulamā'* in Iran's revolts. Though they may be correct to stress the leading role of the bazaar more than previous authors have done, their absoluteness is unconvincing. Though it is true that merchants often took the lead in pressing *ʿulamā'* for support or decrees, in no other Muslim country would it have been considered crucial to try to obtain such support. *ʿUlamā'*-bazaar ties, *ʿulamā'* independence of the government, and the possibility of bringing large numbers of *ʿulamā'* together in a political cause were all unique to Iran and helped create an unparalleled number of modern revolts and rebellions. This was true despite the reluctance, foot-dragging, or abandonment of the cause of several *ʿulamā'*. Besides several writings of Ādamiyat, see Humā Nāṭiq, "Sar-aghāz-i iqtidār-i iqtiṣādī va-siyāsī-i mullāyān," *Alifbā*, n.s. 2 (Spring 1362 H.Sh./1983): 40-57.

[13] Nikki R. Keddie, *Iran and the Muslim World*, Chap. 5, "Why Has Iran Been Revolutionary? II: Multi-Urbanism in Iran's Revolts and Rebellions."

education and the law, ideological confrontation through the unveiling of women, and the creation of an official Iranian nationalist ideology, designed largely to replace Islam. Less studied have been the steps the *ʿulamā'* took to reorganize and strengthen their own organization and teaching, so that they emerged from the Reza Shah period with their structure largely intact and their centralization and ideology in some ways strengthened. Even though the *ʿulamā'* leadership was mainly quietist in the Reza Shah period and in the first two decades of his son's rule, it became progressively more centralized and succeeded in avoiding major organizational or ideological concessions; hence it was able to re-emerge from 1962 on, when the Shah's land reform, granting of votes to women, and perceived subservience to the U.S. aroused significant opposition among some *ʿulamā'* and their allies.[14]

The view outlined above rejects both the current Iranian official myth of a perpetually oppositional *ʿulamā'* and the myth of some intellectuals, mostly of Iranian birth, of a nearly always reactionary clergy. While *ʿulamā'* mostly supported existing governments they were also important in several modern opposition movements. It also is skeptical of the view common among both Westerners and Iranians, and both scholars and journalists, that the origins of modern Shīʿī rebellion and revolution are to be found especially in Shīʿī doctrine. What I have said so far stresses the social organization and development of Shīʿism in Iran rather than Shīʿī ideology. This is because the important organizational factor is often underrated, while ideology has fluctuated, with basic Shīʿī themes and features used in widely varying ways throughout history to support different political, social, and even religious views. Without an understanding of the institutional and organizational history of Shīʿism in Iran it is impossible to comprehend why oppositional developments have been characteristic of many of Iranʿs *ʿulamā'* in the past century. Given limitations of space, I have here been able only to sketch the barest outlines of these developments.[15]

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[14] See Shahrough Akhavi, *Religion and Politics in Contemporary Iran* (Albany: SUNY Press, 1980), and Ervand Abrahamian, *Iran between Two Revolutions* (Princeton: Princeton University Press, 1982).

[15] On the points brought out above see, in addition to works already mentioned, S.H. Nasr, H. Dabashi; S. V. R. Nasr, eds., *Expectation of the Millennium* (Albany: SUNY Press, 1989); S.A. Arjomand, *The Shadow of God and the Hidden Imam* (Chicago: University of Chicago Press, 1984); idem., ed, *Authority and Political Culture in Shiʿism* (Albany: SUNY Press, 1988); H. Algar, *Religion and State in Iran 1785-1906* (Berkeley: University of California Press, 1969); Nikki R. Keddie, ed., *Religion and Politics in Iran*; Martin Kramer, ed. *Shiʿism, Resistance, and Revolution* (Boulder: Westview Press, 1987).

Shīʿism and Myth

The central Twelver Shīʿī myth, which is a myth in the sense that Christ's crucifixion is a myth, even though their main events really occurred, is the death in battle for a just cause of the third imām, Ḥusayn, and his followers. Like the crucifixion, the death of Ḥusayn is a myth rich in multiple meanings, whose retelling and reenactment in public recitations and in the *taʿziyah* play are generally the central rites of Twelver Shīʿah all over the world. The basic historical framework involves the hopeless battle of Ḥusayn, who could gather only a small group of followers, against the man the Shīʿīs regard as a usurper, the Umayyad caliph Yazīd, represented by his evil general, Shimr. The sufferings of the small party, cruelly denied water in the desert, and deaths of the men and captivity of the women and children are emphasized.[16]

For Shīʿīs this event has many meanings. Many of the Pakistani Shīʿah I talked to in the 1980's stressed the righteousness and self-sacrifice for others of both Ḥusayn and his murdered father, ʿAlī. Others have noted that when tales of Ḥusayn's passion are recounted by women reciters or preachers, the emphasis may be on the suffering and death of innocent women and children, which women experience in their own lives. (Women preachers and reciters are particularly prevalent in Shīʿism, and effectively address gatherings and congregations of women and children; I have witnessed their eloquence and emotional force in both Iran and Pakistan.[17])

The dominant theme in Iran and probably elsewhere for most of history has, however, been of Ḥusayn as an intercessor for humans before God. This theme is stressed in some of the older scholarly literature and in some recent anthropological work, but it has not been much noted in recent non-anthropological writings, perhaps because it has been overtaken by another, more political, view. It is important to realize, however, that throughout Shīʿī history the passion of Ḥusayn does not seem to have been interpreted in a primarily political way, but rather in a way somewhat analogous to the Christian view of Christ. (This analogy is generally rejected by Shīʿīs and is far from complete; Ḥusayn's death occurred while he was actively battling for his just cause.) Ḥusayn was seen as someone who gave up his life for the sake of humanity and justice, and who could be appealed to to intercede with God in order to bring salvation to individual humans. Naturally, much more than a bargain with Ḥusayn was involved, and Shīʿīs all over the world identify strongly and emotionally with the sufferings of Ḥusayn and his

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[16] On this myth and varieties of its celebration see Mahmoud Ayoub, *Redemptive Suffering in Islam* (The Hague: Mouton, 1978); Peter J. Chelkowski, ed., *Taʿziyeh: Ritual and Drama in Iran* (New York: NYU Press, 1979); Yitzhak Nakash, *The Shiʿis of Iraq* (Princeton: Princeton University Press, 1994), Chap. 5; David Pinault, *The Shiites: Ritual and Popular Piety in a Muslim Community* (New York: St. Martin's Press, 1992).

[17] Many of the myths and stories surrounding Ḥusayn are found in Ayoub, *Redemptive Suffering*. I witnessed both men's and women's gatherings in Iran and Pakistan in 1970-1986, including Muḥarram mourning ceremonies in Lahore.

party; many tears, cries, and sobs occur among those who hear of their sufferings. The whole is a cathartic experience, ending with the hope of redemption through identification with Ḥusayn and his family and their sufferings.

In addition to this long-dominant meaning, however, there has from the beginning been a political, or potentially political, element in the myth. The historical event was itself political as much as it was religious. Ḥusayn represented the just cause of Shīʿism, and Shīʿīs believe in his right to lead the Muslim community as against the evil and usurping Umayyads. Many Shīʿah stress the sociopolitical righteousness of ʿAlī and Ḥusayn, and see their struggles primarily as struggles for social justice and equity.[18] This does not necessarily incline these Shīʿah to violent or armed struggle; it can alternatively lead to peaceful political or social action or, indeed, to no action at all.

The Ḥusayn story does, however, have rebellious or revolutionary potential. In the Iranian Constitutional Revolution of 1905-11 preachers proclaimed that the then-ruling Qājār dynasty were the Yazīds of the Age, while those who fought them fought the battle of Ḥusayn. This theme had already been voiced in writings by, among others, the famous Iranian-born pan-Islamist, Jamāl al-Dīn "al-Afghānī".[19] It reappeared with force with Khomeini both in his first activist movement in 1964 and in the Islamic revolution.

The anthropologist Mary Hegland has written a fine article showing how, in the course of a single year in an Iranian village, the image of Ḥusayn and his battle changed from that of an intercessor for humanity with God to that of a revolutionary leader against unjust tyranny. The year was, of course, the crucial year of the Iranian Islamic Revolution. After that year, the image of Ḥusayn came to incorporate both pictures.[20] Politicization of the Ḥusayn myth, culminating in its use as a paradigm for Islamic revolution, has been a phenomenon especially of recent decades and has gained ideological expression through various modern writers, especially the popular Islamic progressive thinker ʿAlī Sharīʿatī.[21] Even before Sharīʿatī, a radically politicized interpretation of Ḥusayn's actions had been published by a maverick Iranian scholar, Najafābādī.

The celebration of ten days' mourning for Ḥusayn is in some cases even more important outside Iran than it is in Iran. This is because the clerical establishment outside Iran, which focuses more on legal questions than on

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[18] See especially Mary Hegland, "Two Images of Husain: Accommodation and Revolution in an Iranian Village," in *Religion and Politics in Iran*, ed. Nikki R. Keddie, 218-235.

[19] Nikki R. Keddie, *Sayyid Jamal ad-Din "al-Afghani"* (Berkeley: University of California Press, 1972), 328, 384-385, citing petitions in Persian by Afghānī comparing his expulsion from Iran in 1891 to the treatment of Ḥusayn.

[20] See Hegland, "Two Images."

[21] See Mehdi Abedi and Gary Legenhausen, eds., *Jihād and Shahādat: Struggle and Martyrdom in Islam* (Houston: Institute for Research and Islamic Studies, 1986), 26.

Ḥusayn, is weaker and less organized than in Iran, while popular religion and preachers, for whom the Ḥusayn story is central, are stronger. When asked what their associations and experiences were with Shīʿism, nearly all Pakistani Shīʿah I talked to denied importance to non-Sufī *ʿulamāʾ* and referred almost exclusively to Ḥusayn, ʿAlī, and the Muḥarram celebrations. These celebrations involve the entire Shīʿī community, and numerous non-Shīʿah join in as well. They give a kind of multiclass communal identity to Shīʿism that in Iran was for some decades interrupted by large-scale middle class adoption of modern secular nationalist ideology and by the Pahlavi Shahs' discouragement of these ceremonies.[22]

In modern Iran the Pahlavi period saw an anti-Shīʿī and even anti-Islamic reaction by many middle class intellectuals, who wished to be modern, western, and nationalistic, with nationalism interpreted as the privileging of the pre-Islamic Iranian heritage over Islamic Iran. (In the 1970s such anti-Islamic and anti-traditional-Shīʿī nationalism was partly discredited because of its association with the repressive policies of the Pahlavi monarchy, but many educated Iranians continued to be anticlerical nationalists.)

In countries where the Shīʿah are a minority, however, as in Pakistan and Lebanon, there is more of a tendency on the part of educated people to state modern themes in Shīʿī terms, rather than to reject Shīʿī ideas as did many educated Iranians. One result is that in a country like Pakistan there is an entire range of beliefs from traditionalism through liberalism and Islamic radicalism that expresses itself as self-consciously Shīʿī. In Iran, in contrast, although a wide range of beliefs is also identified as Shīʿī, liberal modernists, especially those now in exile but formerly holding the same beliefs in Iran, tend not to identify their liberal and modernist beliefs as Shīʿī. This is suggested by informal polling I have done among Iranian students in my own classes. When I ask them what they think of when they hear "Shīʿism," they virtually unanimously say things like "fanaticism," "self-flagellation," "mourning," or other (to them) negative signifiers. When I asked the same question of educated, equally liberal, Pakistani Shīʿah, however, they universally responded with phrases such as "justice," "equity," and "concern for humanity." In these examples different perceptions of the Muḥarram celebrations are involved.

In Iran, where the Shīʿah are the great majority, educated people before the Islamic Revolution felt no need to identify with and defend Shīʿism as such; they felt essentially free to abandon it for other ideologies. My Iranian students, as was clear from further conversation, see Shīʿism and the Muḥarram ceremonies as characteristic of "irrational fanatics" who engage in "barbarous" practices like self-flagellation. Pakistani Shīʿīs, however, who are part of a minority that feels the need to defend its identity against the Sunnī

[22] For details, including a description of one such mourning, see Nikki R. Keddie, "The Shiʿa of Pakistan," (Working Paper, Los Angeles: Von Grunebaum Center for Middle Eastern Studies 1993).

majority in an atmosphere of Islamic (effectively Sunnī) rule, identify, often strongly, with Shīʿism and its ceremonies. They see these ceremonies as an expression of a great battle for justice, equity, and human rights. Naturally this latter interpretation enters into the views of those in Iran who do identify with Shīʿī ceremonies, although it may not be as dominant an element as it is with educated liberal Pakistanis.

The Pakistanis provide a good cross-cultural comparison with Iranian Shīʿah, as one of the myths about Shīʿism is that Iranian Shīʿism is the norm all over the world. It is often assumed that doctrinal developments centered in Iran and Iraq also represent practice outside Iran. In other words, Shīʿism is often interpreted in ways that not only homogenize it temporally over the centuries, as has been seen, but also spatially. The Shīʿah of other countries also provide significant contrasts to Iran, and they have now begun to be studied seriously.[23]

Comparing Diverse Shīʿīs

My two trips to Pakistan in 1985 and 1986 gave me a chance to observe Pakistani Shīʿah and to compare and contrast them with Iranians. There are two main points of contrast: one is the difference between being part of a minority and being in a majority, which, among other things, inclines liberal and secular Pakistani Shīʿah to identify with Shīʿism far more than liberal and secular Iranians do. The other is in Pakistan's virtual lack of the organized clerical structure which has been so important in modern Iranian Shīʿism. In both aspects, most Shīʿah in the world are more like the Pakistanis than the Iranians; in fact, Iran's highly organized clerical structure is unique. An important ramification of the weak clerical structure in Pakistan and perhaps elsewhere is that it is rare to go to a clerical figure for legal and other guidance—Sufi and popular religious leaders or one's own mother and family are much more frequent sources of advice. Although Pakistani Shīʿah say that they (like Iranian Shīʿah) follow the guidance of a "source of imitation" (*marjiʿ*) or leading cleric (Khomeini and Khūʾī of Iran and Iraq were the two alternatives named to me in 1985-86), I found none who could mention an actual issue or occasion on which they had followed such clerical guidance. The real if often hidden issue for the Shīʿīs of Pakistan is not doctrinal, but the need for a non-Sunnī destination for the payment of religious taxes, since for Shīʿīs these are owed to the *ʿulamāʾ* as representatives of the Hidden Imām. It seems likely that talk of the universal following of a *mujtahid* increased in

[23] See especially Nakash, *The Shīʿīs of Iraq*; Fouad Ajami, *The Vanished Imam: Musa al Sadr and the Shia of Lebanon* (Ithaca: Cornell University Press, 1986); Juan R.I. Cole, *Roots of North Indian Shiʿism in Iran and Iraq* (Berkeley: University of California Press, 1989); Chibli Mallat, *The Renewal of Islamic Law: Muhammad Baqer as-Sadr, Najaf and the Shīʿī International* (Cambridge: Cambridge University Press, 1993); Augustus Richard Norton, *Amal and the Shiʿa* (Austin: University of Texas Press, 1987); Juan R.I. Cole and Nikki Keddie, eds., *Shiʿism and Social Protest*.

Pakistan after the Zia al-Haqq government tried to collect religious taxes itself through a tax on bank accounts and Shīʿī opposition forced these taxes to be suspended for themselves.

Shīʿīs in Pakistan frequently told me, even when they were secular leftists, that Shīʿism had taught them the virtues of justice, compassion, self-sacrifice, and the like (not via the teaching of mullas, but through the Muḥarram ceremonies and what their mothers and others had taught them). The simple lifestyle of ʿAlī and his and Ḥusayn's self-sacrifice for a just cause are seen as embodying the basic beliefs of Shīʿism. A few also stated something which I never heard from an Iranian though basic doctrines are the same in both countries—that the Five Pillars of Islam the Sunnīs stress all involve external acts and that among the Shīʿah these Five Pillars are less important than the five Shīʿī foundations which have a meaning in belief and doctrine: Prophecy, Unity (of God), Resurrection, Imamate, and Justice. The foundation they stressed was justice (and this stress does appear in Iranian political Islam). I do not wish to enter a Shīʿī-Sunnī controversy, and I realize that Sunnīs would not accept this characterization of their differences with the Shīʿah. My point is another one—as a minority, educated Pakistani Shīʿah have positive and altruistic associations with Shīʿism, while many Iranian intellectuals have for decades tended to have negative ones, with the exception, of course, of intellectual followers of Khomeini or of other self-identified Shīʿīs such as the left Islamic Mujāhidīn-i Khalq. Iran has much less of the widespread Pakistani phenomenon of secularist intellectuals with a positive identification with, and interpretation of, Shīʿism.[24]

Cross-class identification in Pakistan with Shīʿī values and practices is most evident in the Muḥarram mourning ceremonies for Imām Ḥusayn, (which I witnessed and participated in, in Lahore, in 1986). Virtually the entire Shīʿī community, along with some Sunnīs, attends a series of sessions (s. *majlis*) in meeting places in homes, special buildings, and villages in the first nine nights of Muḥarram. Many of these gatherings are multiclass affairs, particularly when landholders put them on in villages. I was invited by members of the leading Qizilbash family, one of whom was a woman Minister of State, to attend a village *majlis*, where the entire Qizilbash clan gathered night after night, and where male and female preachers told the story of the martyred Imām and his family to often-weeping (separated) male and female hearers. Food was also served; it was only at this point that the Qizilbash separated from the ordinary villagers.

Other events in town included massive attendance at Shīʿī shrines, with visits to models of Ḥusayn's shrine at Karbala, which are known in Pakistan and India as *taʿziyah*s and which play a key role in the final Muḥarram

[24] The Pakistanis who gave me their views on the five Shīʿī foundations (which not all Shīʿīs would stress more than the five pillars of Islam) were mostly educated professionals. The modern Shīʿī view of the important tenet of Justice as meaning social justice more than its early sense of "the unity and justice of God" (taken from the Muʿtazilīs) is, however, widely typical.

processions. Over the final endless night-into-day of the ninth and tenth of Muḥarram there are several gathering spots, especially in the crowded old city, for the final ceremonies; these are preceded by hours, sometimes days, of chest-beating by boys and men. Key to the ceremony is the emergence, after preaching, of a caparisoned horse who has now become Ḥusayn's, and who is paraded around the city in an hours'-long procession. This I witnessed from the town compound of the Qizilbash, who again presided over a multiclass, unifying ceremony. The main horse begins from their old-city compound every year. (Most of the Qizilbash live in a modern suburb, others in the old city or village). The multiclass identification is not simply a matter of show and patronage. Men of all classes participate in the most dramatic part of the ceremonies, the self-flagellation with chains that end in blades and cause a free flow of blood. One Qizilbash man I had met had been warned not to beat himself because of his heart condition, but he did so anyway and had a heart attack. (I accompanied a relative who visited him in the hospital.) Clearly there is a strong multiclass identification with unified rituals that in the minds of most Pakistani Shīʿah are the essence and center of Shīʿī meaning.

This cross-class identification with Shīʿī ceremony contrasts greatly with what I knew of Iran before 1979, and not only because the Pahlavis discouraged these ceremonies. Most Iranians with modern educations I knew would not have wanted to participate in such ceremonies even had it been easier to do so. This difference is, again, largely due to the minority status of Pakistani Shīʿīs which makes all classes eager to express their Shīʿī identity. It is, however, probably also partly due to the persistence in Pakistan of what is loosely called feudalism. The continued existence of many large landlords, often with old holdings, encourages a cultural tie between landlord and villager, which undoubtedly has negative aspects that I did not directly witness. It should also be noted that the virtual lack of a Shīʿī hierarchical structure puts the wealthy Shīʿah, more than the *ʿulamā'*, in charge of Shīʿī observances. The preachers at these ceremonies appear subordinate to the wealthy families who bring them to their compounds. None of the Muḥarram ceremonies I saw or heard about took place in a mosque, or was arranged by clergy. Non-Shīʿī participation in these ceremonies is strong in South Asia, as are other forms of "mixing," but this does not negate their communal importance.

Shīʿism and Secularism

The idea that Shīʿīs everywhere behave politically in ways that express their religiosity is, like many of the myths discussed above, heavily based on events since the start of the Iranian Revolution in 1978, and has little basis in any earlier or more universal reality. It would be more accurate to argue, at least for the past two centuries, for which we have good data, that Shīʿīs worldwide have been more inclined to favor secularist governments and policies and to join secularist parties than have Sunnīs. Although the question of modern Shīʿī

secularism has not been researched extensively, enough information is already available from people writing on related matters to demonstrate the past and even present strength of secularism among Shīʿīs.

One clear reason why Shīʿīs often favor secular governments and parties is that outside Iran they are in most cases minorities, or even if in the majority as in Iraq, hold few or no high government positions. This means that the government machinery is controlled by Sunnīs, either secular, Islamist, or something in between. In these circumstances, it is in the self-interest of Shīʿīs to favor secularist governments that will treat Shīʿīs and Sunnīs equally and not discriminate against Shīʿī law and practices. This practical secularism necessarily leads to a less religiously-oriented general ideology, as a true believer finds it hard to accept a secular government that backs non-religious laws, education, and so forth.

Several examples of such Shīʿī secularism are known to me, and more probably exist. In Pakistan the vast majority of Shīʿah backed Benazir Bhutto's PPP, which had an overwhelmingly secular program. They opposed Zia al-Haqq and others with "Islamically" oriented programs, which favored the Sunnīs. The Shīʿīs organized against Zia's law dictating that the *zakāt* religious tax be taken from bank accounts; it is said that their exemption created many instant Shīʿīs with bank accounts! This campaign and others against the enforcement of (Sunnī) Islamic law caused many Shīʿīs to appear, or in some cases to become, more Shīʿī-religious than they had been, since the campaigns of necessity stressed differences between Shīʿī and Sunnī law and practice. They were not at first, however, signs of special religiosity.

In Pakistan, I was told more than once that a common saying was, "Scratch a Shīʿī and find a secularist." Although the Khomeini movement has a following among Shīʿīs, especially among the popular classes and students, some of these are more "political" than "religious" in orientation, expressing pride in an important Shīʿī leader who had shaken the world. The ex-editor of the important Shīʿī-owned Islamabad newspaper, *The Muslim*, was simultaneously pro-Khomeini, liberal, and secularist—not a unique combination for Pakistan's Muslim intellectuals. Although Pakistan's Shīʿīs now tend to speak in more religious terms than they would have twenty years ago, they still tend to support the secularist and intercommunal PPP and their apparent religiosity is so intertwined with conjunctural politics that there is no certainty that it will continue.

In Iraq, many people expected most Shīʿah to support Shīʿī Iran in the Iran-Iraq war, but this did not occur. There have been uprisings since 1991 of Iraqi Shīʿīs against the Iraqi government, and there is certainly more communal identity among Iraqi Shīʿīs than in the past, but as in Pakistan this may be largely political and not necessarily permanent. In the recent past Shīʿīs were well-represented, sometimes on leadership levels, in the two main secular parties, the Baath and the Communist Party, and as in Pakistan many Shīʿīs, especially intellectuals, inclined to secularism. Also like their Pakistani

counterparts, many Iraqi Shīʿīs preferred a government whose laws and education were secular to one that would favor Sunnī Islam. Even though there has been a politico-ideological renewal of Shīʿī thought and action in Iraq in recent decades (somewhat parallel to that in Iran) and a decline of Shīʿī secular leftism and nationalism, nonetheless over time—and perhaps again in the future—Iraqi Shīʿīs have, if anything, been more tied to secular movements than have Sunnīs.[25]

In Turkey the Alevis, closely related to the Twelver Shīʿah to the point that many consider them Twelvers, have had their own myth supporting secularism. It says that they were the originators of Ataturk's secular programs and hence did not mind when he repressed some of their religious ceremonies. The Alevis tend strongly both to secularism and to leftism.

In Lebanon where, as in Iraq and the Gulf, news stories have stressed the activities of militant Islamist Shīʿīs, there have similarly been strong modern secularist trends. After World War II many young Shīʿīs turned to communism or Baath socialism, as in Iraq, and as in Iraq and Iran the rise of modern politico-religious thought dates mainly from the 1970s and has a strong anti-Marxist (whether socialist or communist) character. Even then secularism remained strong in both the leadership and membership of the Amal movement for many years. Once again, as in Iran and Iraq, religiopolitical tendencies have gained strength in the last two decades, especially since the rise of Mūsa Ṣadr in the mid-seventies. This does not, however, indicate any intrinsic or eternal antipathy to secularism on the part of Lebanese Shīʿīs, any more than it does in Iraq and Iran.[26] Communalism, stressing community unity around reinterpreted religious symbols, is an alternative strategy to secularism for minorities. Communalist Shīʿīs happen to be more visible than secularists, who often do not stress their Shīʿī identity when they enter secularist, socialist, or liberal movements. But again, neither secularist nor communalist strategies are permanent or intrinsic to a particular religious grouping.

The story of Iran indicates that minority status was not the only factor involved in Shīʿī secularism. In Iran many in the new middle class, particularly those with modern educations and professions, became in the past century secularist and even anti-religious. This was not just something forced on people by the Pahlavi shahs; many intellectuals and others supported the Pahlavi secularist program, and large elements of the Pahlavi program and ideology were put forth by intellectuals before being adopted by the Pahlavi regime. Secularism and anti-religiosity began among intellectuals, not among the Pahlavis. In the later nineteenth century several intellectuals, represented

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[25] Richard, *Shīʿite Islam*, 112, includes a quotation about Iraq stressing the commonalities between Shiʿism and communism and the appeal of communism among Shīʿī peasants in the 1950s and 60s. After this, partly in order to fight communist influence, there was a politicization of Shīʿism (113-119).

[26] On Lebanese Shiʿis see the chapters by A.R. Norton and H. Cobban in Cole and Keddie, *Shīʿism and Social Protest*; Ajami, *The Vanished Imam*; A.R. Norton, *Amal*; and Richard, *Shīʿite Islam*, Chap. 5.

best by the ex-Azalī Bābīs Mīrzā Āqā Khān Kirmānī and Shaykh Aḥmad Rūḥī, attacked Iranian religiosity and clerics among other evils.[27] Like anti-clerical Muslims such as the Caucasian intellectual Ākhundzādah, they operated outside Iran. The many anti-clericalists within Iran before Reza Shah such as Sayyid Ḥasan Taqīzādah had to be more circumspect (although Taqīzādah told me in an interview in 1960 that he had never known an important Iranian intellectual who was also a real believer). In the Pahlavi period, although many people favored secularism, it was still possible for the many people who favored secularism to court trouble by going too far. This was the case with the major intellectual Aḥmad Kasravī, who wrote critically of Shīʿism and was assassinated in 1946 by a member of the fundamentalist-terrorist Fidāʾīyīn-i Islām in open court. It would not be possible to argue that the Iranian new middle class and intellectuals were more secularist under the Pahlavis than were the same classes in predominantly Sunnī Turkey under their secular regimes. The point is rather that even when they were not in a minority position, Shīʿīs tended to produce large numbers of secularists.

I am less informed about other countries where Shīʿīs are represented, but would not assume without study that Shīʿīs were either more religious or less secularist than Sunnīs in these countries. Over the past century the opposite could be true, as it has been, predominantly, elsewhere.

What is really involved in the current stress on Shīʿī religiosity and neglect of Shīʿī secularism is an interpretation of the Khomeini-Islamic Revolution phenomenon (and related movements in other countries) as being exemplary of Shīʿism as such. It is true that the forms of Iran's revolution were intertwined with the particular evolution of Shīʿism in that country, but it should today be clear that Sunnī countries are equally characterized by Islamic movements that for Sunnīs as for Shīʿīs are at least as political as they are religious.

Conclusion

The Iranian revolution has caused many Shīʿīs over the world to become more self-conscious and internally organized. It has also helped spread a militant and revolutionary version of Shīʿism and of the Muḥarram celebrations. In addition, some Shīʿah outside Iran, such as those I spent time with in Pakistan, are today very likely to identify with Khomeini and the Iranian Revolution. In fact, the recent rise of religious politics among the Shīʿah of many countries results largely from the success of the Revolution, and may thus be temporary. Moreover, such identification does not necessarily mean that Shīʿīs are partisans of Islamic revolutions in their own countries. Some of the

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[27] Nikki R. Keddie, *Iran: Religion, Politics and Society* (London: Frank Cass, 1980), Chaps. 1 and 2: "Religion and Irreligion in Early Iranian Nationalism" and "The Origins of the Religious-Radical Alliance in Iran." See also Mangol Bayat, *Mysticism and Dissent: Socio-religious Thought in Qajar Iran* (Syracuse: Syracuse University Press, 1982).

pro-Khomeini Shīʿah I talked to in Pakistan were also secular liberals; some were believers in Shīʿī political action, which has greatly increased in Pakistan since the Iranian revolution; and only a small minority, mostly students, were revolutionaries. To a large degree Khomeini and his revolution are a source of communal pride for Shīʿah of widely varying political persuasions, with the convinced Khomeinists concentrated in the popular and bazaar classes and among students and teachers.

Regarding the central myth of the passion of Ḥusayn, one may also note that it lends itself easily to either a passive interpretation of identification with and empathy for the sufferers and martyrs, or to an activist interpretation of emulation of struggle for a righteous cause. For most of the history of Twelver Shīʿism the passive or quietist interpretation was predominant, while today the activist one prevails.

The dramatic and apparently religiously-oriented nature of some current Shīʿī movements tends to make people forget the strength of divergent trends among many Shīʿīs in the recent past and today such as secularism, liberalism, and socialism. Religiosity or "fanaticism" has not been especially characteristic of modern Shīʿīs. Rather, as in many areas of human belief and activity, there have been simultaneous contradictory trends, sometimes primarily representing different social classes and sometimes found within the same individual.

In regard to both myths about and myths within Shīʿism, the important thing is to understand that change is the only constant in history and society, and that no generalization that is supposed to cover all times or all places can be correct. Shīʿism has changed its organization and doctrinal emphases continually since it first arose, and if today it is often characterized by militancy, activism, and myths and doctrines appropriate to them, this does not mean that current interpretations of Shīʿism are any more permanent than were those of the past. In regard to both Shīʿīs and Sunnīs, there is a tendency to write as if the strength of Islamist trends can only increase and not diminish, yet Islamist politics are as subject to disillusion and change as are any other ideological politics, as beginning to be seen in Iran today.

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