

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

يَرْفَعُ اللَّهُ الَّذِينَ آمَنُوا مِنْكُمْ

وَالَّذِينَ أُوتُوا الْعِلْمَ دَرَجَاتٍ

**Allāh exalts those of you who
believe and those who are given
knowledge to high ranks**

Holy Qur'ān (58 : 11)

MESSAGE OF THAQALAYN

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1. To provide a forum for scholars to make analytical studies of Islamic topics and themes.
2. To advance the cause of better understanding of the Qur'ān and the *Ahl al-Bayt*'s ('a) contribution to Islam.
3. To publish English translations of Arabic and Persian works of Muslim scholars.
4. To endeavor to find Islamic answers to questions relating to the social, political, and moral problems of today.

* * * * *

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SYSTEM OF TRANSLITERATION OF ARABIC CHARACTERS

CONSONANTS :

ء	'	ز	z	ق	q
ب	b	س	s	ك	k
ت	t	ش	sh	ل	l
ث	th	ص	ṣ	م	m
ج	j	ض	ḍ	ن	n
ح	ḥ	ط	ṭ	ه	h
خ	kh	ظ	ẓ	و	w
د	d	ع	‘	ي	y
ذ	dh	غ	gh		
ر	r	ف	f		

VOWELS :

Long: ا	ā	Short: ا	a	Doubled: يـ	iiyy (final from i)
آ	Ā	و	u	وـ	uww (final from ū)
و	ū	يـ	i	Diphthongs: وـ	au or aw
ي	ī			يـ	ay or ai

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Four Centuries of Influence of Iraqi Shi'ism on Pre-Safavid Iran

By Rasūl Ja'fariyān*

In the Name of Allah, the All-beneficent, the All-merciful

Preface:

The domination of the Sunni creed during the first nine Islamic centuries characterizes the religious history of Iran during this period. There were however some exceptions to this general domination which emerged in the form of the Zaydis of Ṭabaristan, the Buwayhids, the rule of Sulṭān Muḥammad Khudābandah (r. Shawwāl 703-Shawwāl 716/1304-1316) and the Sarbedāris. Nevertheless, apart from this domination there existed, firstly, throughout these nine centuries, Shi'i inclinations among many Sunnis of this land and, secondly, original Imāmi Shi'ism as well as Zaydi Shi'ism had prevalence in some parts of Iran.

During this period, Imāmi and Zaydi Shi'ism in Iran were nourished from Kufah, Baghdād and, later, from Najaf and Ḥillah. The character of these links is a topic which requires study. Identification of the channels of this nourishment and its duration and phases will assist us in the study of Shi'i ideas and their prevalence in Iran.

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The connection between Iraqi Shi'ism and Iran has existed continuously from the beginning until the present time. However, during the first nine centuries there are four high points in the history of this linkage:

First, the migration of a number of persons belonging to the tribe of the Ash'aris from Iraq to the city of Qum towards the end of the first/seventh century, which is the period of establishment of Imami Shi'ism in Iran.

Second, the influence of the Shi'i tradition of Baghdad and Najaf on Iran during the fifth/eleventh and sixth/twelfth centuries.

Third, the influence of the school of Hillah on Iran during the eighth/fourteenth century.

Fourth, the influence of the Shi'ism of Jabal 'Amil and Bahrayn (not mainly through the channel of Iraq) on Iran during the period of establishment of the Safavid rule.

From a historical point of view there does not exist much vagueness concerning the first and the fourth phases. But the second and the third phases stand in need of further study. During the fifth/eleventh and sixth/twelfth centuries, a large number of Shi'i scholars from the central (Ray and Qum), northern (Āmul and Sāri) and north-eastern (Bayhaq and Nayshābūr) parts of Iran brought Shi'ism to Iran following their sojourns in Iraq and the cities of Baghdad and Najaf. Some of them were pupils of Shaykh Mufid (d. 413/1022) and Sharif Murtaḍā (d. 436/1045) and many were pupils of Shaykh Ṭūsī (d. 460/1068) and his son, Abū 'Alī (alive in 511/1117), and other teachers of the Shi'i centre of Najaf.

For another time in the eighth/fourteenth century we are witness to the migration of a large number of Shi'i scholars of Iranian origin from the above-mentioned regions to Hillah. Many of them were pupils of 'Allamah Hilli (d. 726/1326) and his son, Fakhr al-Muḥaqqiqin (d. 771/1369), and they brought the works of these two Shi'i scholars to Iran and translated some of them into

Persian. This period of growth of Shi'ism in Iran is in marked contrast to the state of stagnation of Sunni thought in Iran in the aftermath of the fall of Baghdad, and during it we do not come across any vigorous work in Sunni *kalām* and *fiqh* in Iran. Rather, we witness the development of Sunni *taṣawwuf* followed by Shi'i *'irfān*.

Among the most important effects of this intellectual nourishment was the control of Iranian Shi'ism by Arab Shi'ism, with the result that during this period we do not find anything that may be termed as 'Iranian Shi'ism' with characteristics independent of Arab Shi'ism. Possibly some of the features of Iranian Shi'ism, such as the festival of Nowrūz, became more prominent than they were ever in Iraq, but the foundation and essence of Iranian Shi'ism is nothing but Arab Shi'ism. The present article is devoted to describing the second and third phases of this influence.

The Shi'i academic centre of Baghdad benefited from two sources. First was the Shi'i ḥadīth tradition, which was mainly drawn from Iran (Qum and Ray), and besides the works of Shaykh Ṣadūq other works were hardly any significant. The second source was the rationalist Shi'i school which had roots in Kufah and Baghdad itself. The Shi'i school of Baghdad drew its strength from what it had drawn from Kufah and Qum, especially from the time when the Buwayhids came to rule in Baghdad. After the Seljuqs came to power there during the first half of the fifth\eleventh century, the Shi'i school of Baghdad declined and the ensuing Shi'i-Sunni disturbances led to the migration of some Shi'i scholars. The real pillars of this school were Shaykh Muḥid (d. 413/1022) and Sayyid Murtaḍā (d. 436/1044) and, after them, Shaykh Ṭūsī. Each of these three played a basic role in the reconstruction of the intellectual foundations on which the Shi'ah tradition of the later periods was built.

Shaykh Ṭūsī (Abū Ja'far Muḥammad ibn al-Ḥasan ibn 'Alī

Ibn al-Ḥasan al-Ṭūsī) was born at Ṭūs in the Ramaḍān of the year 385/995.¹ After studying some of the texts in his native town or at Nayshābūr he set out for Baghdad in the year 408/1017. There, he was a pupil of Shaykh Mufid until the year 413/1022 and thereafter that of Sharif Murtaḍā until 436/1044. After Sharif Murtaḍā, he assumed the leadership of the Shi'i community until, during the Shi'i-Sunni riots and disturbances, his house and library were set on fire and these events compelled him to set out for Najaf in the year 448/1056.² He had the good fortune to transform the small and limited academic circle of this city³ during the rest of his life, until 460/1067, into a major centre of learning. After him his son and disciple, Abū 'Alī (alive in 511/1117), pursued the work of his father. During that time a large number of Shi'i scholars of Arab and Iranian origin had gathered at Baghdad and Najaf. Scholars like Sallār ibn 'Abd al-Aziz Daylami, Ibn Barrāj and Karjājaki were scholars of the second rank after Mufid, Sharif Murtaḍā and Shaykh Ṭūsī.

The academic fame of Najaf with its religious uniformity under the leadership of Shaykh Ṭūsī and that too by the side of the shrine of Amir al-Mu'minin 'Alī ('a) drew many students from Shi'i towns of Syria and Iran and strengthened this academic centre. Ibn al-Fūti writes that in his age the learned station of Shaykh Ṭūsī was universally acknowledged and students came from all towns to study under him.⁴

Shaykh Ṭūsī was the product of the academic efforts of the traditionalist and rationalist Shi'i schools of Iran (Qum and Ray) and Baghdad. He had studied under the most outstanding of Shi'i teachers such as Shaykh Mufid and Sharif Murtaḍā. He had begun the writing of his book *Tahdhib* in the lifetime of Shaykh Mufid himself and he wrote some of the best Shi'i works in the fields of *ḥadith*, *fiqh*, *tafsir*, *kalām* and *rijāl*, and abridged moreover some of the best existing works, such as Kashshī's *Rijāl* and Sharif Murtaḍā's *al-Shāfi*. Such a remarkable achievement was on the one

hand the product of the efforts of his predecessors and, on the other, it became the cause of the spread of Shī'i thought in the subsequent periods.

That which is of interest to us in this study is the spread of the ideas of the Shaykh in Iran. In fact, we may conceive of the Shī'i world of the time as a bird whose body was represented by Iraq with Ḥalab and Ray as its wings. Here we will try to trace the influence of Shaykh Ṭūsī on Shī'ism in Iran.

The Pupils of Shaykh Ṭūsī:

The first point that draws our attention pertains to the Iranian pupils of Shaykh Ṭūsī. It should be noted that some of the pupils of Shaykh Mufid and Sharif Murtaḍā were Iranians who were also later on pupils of Shaykh Ṭūsī or his contemporary scholars. Among these contemporaries of the Shaykh is 'Abd al-Jabbār Rāzī, to whom we shall refer later. Another was Sallār ibn 'Abd al-'Aziz Daylami (d. 446/1056), who came from Ṭabaristan and was a close disciple of Sharif Murtaḍā and who at times taught in his teacher's stead.⁵ He was the teacher of many Arab and Iranian scholars and a contemporary of Abū al-Ṣalāḥ Ḥalabī—or his teacher, according to some scholars. It is said that when the people of Ḥalab approached him for *fatwā* he would refer them to Abū al-Ṣalāḥ.⁶ His grave is at Khusrow Shāh near Tabriz,⁷ a point which is itself indicative of his visits to Iran.

Al-Ḥakīm gives biographical accounts of forty persons from among the pupils of Shaykh Ṭūsī. Many of them had obvious Iranian names and *nisbahs* pertaining to their native towns. Among them one finds such names as Qummi, Nayshābūri, Jurjāni, Āmulī, as well as Nasafī, Marwazī, Qazwini and Ābī. His non-Iranian pupils were from Iraq and Syria. Possibly some of them might have settled down in Iraq but were of Iranian origin, although it is possible that some of them came from families of Arab descent settled in Iran, such as the Ḥamdānis of Ray and Qazwin,⁸ as well

as the Khuzā'is who had settled in Iran for centuries. Some of them have left works in Arabic and Persian. It has been said about 'Abd al-Jabbār ibn 'Alī Rāzī that he had writings on *fiqh* in Arabic and Persian.⁹ It appears that their first generation wrote in Arabic but gradually they came to write books in Persian as well. Muḥammad ibn Ḥusayn Muḥtasib, one of the teachers of Muntajab al-Dīn, was the author of the book *Rāmishafzā-ye Āl-e Muḥammad*, a ten-volume work in Persian.¹⁰

As to the Iranian pupils of Shaykh Ṭūsī, among them were:

1. Ādam ibn Yūnus Nasafī.¹¹ According to Ibn Ḥajar, Muntajab al-Dīn mentioned him in the book *Rijāl al-Shī'ah al-Imāmiyyah* and considered him a pupil of Shaykh Ṭūsī.¹²

2. Aḥmad ibn Ḥusayn ibn Aḥmad Khuzā'i Nayshābūri. He was the father of 'Abd al-Raḥmān Mufīd, more of whom will be said later on. Aḥmad was among the pupils of Sayyid Murtaḍā, Sayyid Raḍī and Shaykh Ṭūsī who settled down in Ray. He is the author of several works, such as an *Amālī* in four volumes, *Uyūn al-Aḥādīth*, *al-Rawḍāh* in *fiqh*, as well as other works¹³ including *al-Arba'in 'an al-Arba'in fi faḍā'il Amīr al-Mu'minīn ('a)*.¹⁴

3. Ishaq ibn Muḥammad ibn Ḥasan ibn Ḥusayn ibn Bābawayh Qummi and his brother.

4. Ismā'il ibn Muḥammad ibn Ḥasan ibn Ḥusayn ibn Bābawayh Qummi. According to Muntajab al-Dīn, these two were among narrators of the works of Shaykh Ṭūsī and themselves authors of books in Arabic and Persian.¹⁵

5. Ḥasan ibn Ḥusayn ibn Bābawayh Qummi, known as Ḥasakā (resident of Ray). He was the grandfather of Muntajab al-Dīn, the author of *al-Fihrist*, and the Shaykh of many Shī'i scholars of Iran during the sixth/twelfth century. He had a school (*madrasah*) at Ray about which 'Abd al-Jalīl writes that "the school of Shams al-Islām Ḥasakā Bābawayh, the Senior preceptor of this sect (*pir-e īn tā'ifeh*) is near the Sarāi Ayālat and is a place for the holding of congregational prayers, recitations of Qur'ān,

and Qur'ānic instruction of children and sessions of preaching and *wa'z*.''¹⁶ Among his pupils was Abū 'Alī Ṭabrisī.¹⁷ Another pupil of his is his own son, 'Ubayd Allāh, father of Muntajab al-Dīn. 'Ubayd Allāh narrated the works of Ṭūsī through his father. An *ijāzah* by Shaykh Ḥasan ibn Ḥusayn Dūryastī (settled at Kashan) indicates that he had the *ijāzah* to narrate the Shaykh's *Mabsūṭ* through 'Ubayd Allāh, from his father, from Shaykh Ṭūsī, and the same chain of transmission is given for an Arab scholar named Shaykh Murshid al-Dīn Abū al-Ḥusayn 'Alī ibn Ḥusayn Sūrāwī.¹⁸ Another pupil of Ḥasakā was Sayyid Riḍā ibn Dā'i 'Aqīqī Mashhadī.¹⁹

6. Ḥusayn ibn Muẓaffar ibn 'Alī Ḥamdānī Qazwīnī (resident of Qazwin) (d. 498/1104). According to Muntajab al-Dīn, for thirty years he had studied all the works of Shaykh Ṭūsī under him.²⁰ Rāfi'i writes that he travelled to Iraq where he was a pupil of some of the scholars.²¹ Among his pupils were Sayyid Ṭālib ibn 'Alī ibn Abī Ṭālib Abhari *Faqīh*,²² Sayyid 'Abd Allāh Ibn Aḥmad Ja'fari Qazwīnī (*Shaykh al-Ṭalibiyyah fī waqtih*)²³ and Sayyid Abū al-Barakāt Muḥammad ibn Ismā'il Mashhadī,²⁴ and Amirkā ibn Abī al-Lajīm Qazwīnī 'Ijlī²⁵ (belonging to the Shi'i 'Ijlī family residing at Qazwin).²⁶

7. Sayyid Dhū al-Fiḳār ibn Muḥammad ibn Ma'bad Ḥasani Marwazī. He was a pupil of Shaykh Ṭūsī²⁷ and Sayyid Murtaḍā. Muntajab al-Dīn writes, "I saw him when he was one hundred and fifteen years old."²⁸ At some time he had travelled to Damascus where he was seen by Ibn 'Asākir who mentions him as "one of the Rafīḍīs."²⁹ He was among the teachers of Sayyid Faḍl Allāh Rāwandī³⁰ and Quṭb al-Dīn Rāwandī.³¹

8. 'Abd al-Jabbār 'Abd Allāh ibn 'Alī Muqrī' Rāzī, known as Mufīd. Muntajab al-Dīn refers to him as the *faqīh* of the Shi'ah of Ray (*faqīh aṣḥābinā bi al-Ray*) and says that he was a pupil of Sallār ibn 'Abd al-'Azīz and Ibn Barrāj. After being at Baghdad he returned to Ray where he engaged in training students and,

according to 'Abd al-Jalil, had four hundred pupils.³² 'Abd al-Jalil writes that "in the madrasah of Khwājah 'Abd al-Jabbār Mufid four hundred scholars of *fiqh* and *kalām* receive lessons of the Shari'ah."³³ In that case he must have been one of the important links between the schools of Baghdad and Najaf and the Iranian Shi'i community. Muntajab al-Dīn writes that he had works on *fiqh* in Arabic and Persian,³⁴ but we do not know their titles. Abū 'Alī Ṭabrisī, author of the *Majma' al-Bayān*, was his pupil as mentioned by himself.³⁵ Sayyid Ṭayyib ibn Hādī Shajari,³⁶ belonging to the Shajari Sayyids of Iran, was also his pupil.

9. 'Abd al-Raḥmān ibn Aḥmad ibn Ḥusayn Mufid Nayshābūrī Khuzā'i. The Khuzā'i family was one of the outstanding learned families of the day in Ray. Apart from the fact that the father of 'Abd al-Raḥmān was a pupil of Sharīf Murtaḍā and Shaykh Ṭūsī, his uncle, Muḥsin ibn Ḥusayn Khuzā'i, was author of several books.³⁷ Muntajab al-Dīn writes that he travelled east and west and heard traditions from Shi'i and Sunni scholars (*al-mu'ālīf wa al-mukhālīf*). Among his works were an *Amālī*, *Uyūn al-Akḥbār*, *Safinat al-Najāt*, etc. He had studied under Shaykh Ṭūsī, Sharīf Murtaḍā, Sharīf Raḍī, Karājaki, Ibn Barrāj, Sallār ibn 'Abd al-'Azīz,³⁸ and Shaykh Abū al-Muẓaffar Layth ibn Sa'd Asadi, a resident of Zanjān,³⁹ and 'Abd al-Bāqī Khaṭīb Baṣrī⁴⁰ and benefited as well from the teaching of some pupils of Shaykh Ṭūsī such as Abū Sa'd Maṣṣūr Ābī.⁴¹ He was a narrator of Abū al-Ṣalāh Ḥalabī's work, *al-Kāfi*, from its author.⁴² 'Abd al-Jalil writes about him, "The khwājah and *faqīh*, 'Abd al-Raḥmān Nayshābūrī, whose books, writings, pen and pronouncements are held in great esteem by Islamic sects."⁴³ 'Abd al-Raḥmān was an uncle of the father of Abū al-Futūḥ Rāzī, author of the famous exegesis, and he formed one of the original links of propagation of Shi'i learning of Iraq, especially that of Shaykh Ṭūsī, among Iranian Shi'ah.⁴⁴ After studies he returned to Ray where he managed a mosque. Two of his pupils were Murtaḍā and Muṭtabā, sons of Dā'i ibn Qāsim Ḥasani,

through whom Muntajab al-Dīn possessed the *ijāzah* of narration from 'Abd al-Raḥmān Mufid Nayshābūrī.⁴⁵ Muntajab al-Dīn also possessed an *ijāzah* through the same Murtaḍā to narrate the traditions and works narrated by Abū al-Ḥasan 'Alī ibn Hibat Allāh ibn 'Uthmān Mawṣili.⁴⁶ In the tradition in which his name is mentioned, the date of narration of the ḥadīth through him is mentioned as 476/1083 and the place of narration as his mosque in Ray.⁴⁷ To him is attributed the *Tabṣīrat al-'Awām*, the old Persian work on here biography (*fīraq wa madhāhib*),⁴⁸ an attribution which has rightly been questioned.

10. 'Alī ibn 'Abd al-Ṣamad Tamīmī Sabzawārī Nayshābūrī. He was the ancestor of the famous family of scholars of the sixth/twelfth century, one of whom was the author of the book *Dhakhīrat al-Ākhirah*, a work in Persian on supplications which has been edited and published by this author.⁴⁹ 'Alī ibn 'Abd al-Ṣamad and his sons and grandsons are mentioned in many chains of authorities (*isnād*) which we shall mention later on.

11. Muḥammad ibn 'Alī Fattāl Nayshābūrī, author of the book *Rawḍat al-wā'iẓīn* and a Qur'ānic commentary; the latter work is mentioned repeatedly by 'Abd al-Jalīl along with other outstanding Shi'i exegeses such as the *Tibyān* and the *Majma' al-Bayān*. Muntajab al-Dīn refers to him in two places, once in relation to his *tafsīr*⁵⁰ and in another place where he mentions the *Rawḍāt al-wā'iẓīn*.⁵¹ Muḥaddith Urmawī, on the basis of Ibn Shahr Āshūb's introduction to his *Manāqib*, where he mentions Fattāl as one of his teachers, believes that these two entries relate to one person.⁵² Āqā Buzurg Ṭehrānī writes that he narrated from Shaykh Ṭūsī.⁵³

12. Muntahā ibn Abī Zayd Ḥusaynī Jurjānī Kajjī. Muntajab al-Dīn mentions several individuals of this family.⁵⁴ 'Abd al-Jalīl writes that Sayyid al-Muntahā al-Jurjānī "was killed openly by the renegades" ('*malāḥidah*,' i.e. the Ismā'ilis)⁵⁵ and at another place he writes that the Ismā'ilis killed him in public, as well as Abū

Ṭālib Kiyā (at Qazwin) and Sayyid Kiyā Jurjānī, whose corpse was disinterred and burnt by them because they were Shi'is.⁵⁶ He was among the teachers of Ibn Shahr Āshūb and he mentions him with the name, Muntahā ibn Abī Zayd ibn Kiyābaki (Kiyāsaki or Kaysaki) Ḥusaynī Jurjānī.⁵⁷ Probably he might have met Shaykh Ṭūsī for, as mentioned by Afandī, his father, Sayyid Abū Zayd 'Abd Allāh Ḥusaynī Jurjānī, was a pupil of Sharif Murtaḍā and Sharif Raḍī.⁵⁸

13. Maṣṣūr ibn Ḥusayn Ābī, the minister of the Buwayhids. Muntajab al-Dīn mentions him among the pupils of Shaykh Ṭūsī.⁵⁹ He is the author of the precious literary work *Nathr al-durr*, which has been published in seven volumes.

Iranian Pupils of Abū 'Alī al-Ṭūsī:

Abū 'Alī Ḥasan ibn Muḥammad (alive in 511/1117), son of Shaykh Ṭūsī, studied his father's works under him and after his father assumed the leadership of the Shi'i community. He studied under his father along with several other outstanding scholars, Arab and Iranian. They were 'Abd al-Jabbār ibn 'Abd Allāh ibn 'Alī Rāzī, Ḥasan ibn Ḥusayn Bābawayh Qummi, and Muḥammad ibn Hibat Allāh Warrāq Ṭarābulusī. It has also been said that he stands at the head of the tradition of scholarly *ijāzahs* amongst the Shi'ah.⁶⁰ The Shi'ah would come from various regions to Najaf for acquisition of religious learning and studied under him.⁶¹ Most of the pupils of Abū 'Alī mentioned by Muntajab al-Dīn have Iranian names. Among them were:

1. Ardashīr ibn Abū al-Mājidayn Abū al-Mafākhīr Kābulī.
2. Ḥusayn ibn Faṭḥ Wā'iz Bakrābādī Jurjānī. After his studies he returned to Iran and, according to Abū al-Ḥasan Bayhaqī, went from Jurjān to Bayhaq. When there arose differences with the grammarians he returned to Jurjān where he died in 536/1141. He was a teacher in *fiqh* of Sadīd al-Dīn Ḥimṣī Rāzī as well as that of Ḥasan, son of Abū 'Alī Ṭabrisī.⁶²

3. Zafar ibn al-Dā'i ibn Zafar Ḥamdāni Qazwīnī.
 4. Rukn al-Dīn 'Alī ibn 'Alī ibn 'Abd al-Ṣamad Nayshābūrī Sabzawārī.
 5. 'Alī ibn Ḥusayn ibn 'Alī Jāsbi,⁶³ pupil of Abū 'Alī and Ḥasakā ibn Bābawayh.
 6. Luṭf Allāh ibn 'Aṭā' Allāh ibn Aḥmad Ḥasanī Nayshābūrī.
 7. 'Abd al-Jalīl Qazwīnī Rāzī, author of the book *Naqḍ*.
 8. Muḥammad ibn 'Alī ibn Ḥamzah al-Ṭūsī al-Mashhādī. Muntajab al-Dīn mentions him and his works.⁶⁴ Suggestion have been put forward concerning his being a pupil of Shaykh Ṭūsī, which are not acceptable in view of the period of his lifetime in the middle of the sixth/twelfth century.⁶⁵
 9. 'Imād al-Dīn Muḥammad ibn Abī al-Qāsim Ṭabari Āmulī Kajjī. Among his extant books is *Bashārat al-Muṣṭafā*, which reveals certain details from the viewpoint of his studies in Iraq and Iran. In his narrations he mentions the place of his teacher's narration together with the date. His extant work is in Arabic and his other works mentioned by Muntajab al-Dīn have also Arabic titles. He narrates traditions from some Arab and Iranian teachers in the generation of the pupils of Abū 'Alī Ṭūsī.⁶⁶ Afandi also gives some information about him and considers the *Fawā'id* annexed to the book *Mukhtaṣar al-Miṣbah* of Shaykh Ṭūsī in a version that he had seen as belonging to him.⁶⁷ From the years mentioned in the text of the book *Bashārat al-Muṣṭafā* it becomes clear that the author had been in these cities where he had studied and heard traditions: 508-509 in Āmul; from Rabi' al-Awwal to Ṣafar 510 in Ray; from Ramaḍān 510 to Ramaḍān 511 in Najaf; during Dhū al-Qa'dah and Shawwāl of 512 in Najaf; 512 in Kufah; 514 in Nayshābūr; 516 in Kufah; Muḥarram 516 in Najaf; Dhū al-Qa'dah of 518 in Ray; Rabi al-Awwal 520 in Āmul; 524 in Nayshābūr.⁶⁸
- He narrates from Abū 'Alī Ṭūsī more than from anyone else and his narrations from him are more than fifty-five. Later scholars, even Arab, narrate from him, including Yaḥyā ibn Bīṭriq,

author of *al-'Umdah*.⁶⁹

10. Abū 'Alī Faḍl ibn Ḥasan Ṭabrisī, author of the book *Majma' al-Bayān*. Several sources mention him to have been a pupil of Abū 'Alī Ṭūsī.⁷⁰

Other Arab scholars also had a role in the training of Iranian scholars. One of them was Abū al-Faḥ Muḥammad ibn 'Alī Karājaki, pupil of Sharīf Murtaḍā and Shaykh Ṭūsī, who had several Iranian disciples, including Zāfar ibn Dā'i ibn Mahdī 'Alawī Istarābādī,⁷¹ 'Abd al-Raḥmān ibn Aḥmad Nayshāburi, known as Mufīd,⁷² and Ḥasan ibn Ḥusayn ibn Bābawayh known as Ḥasakā, the grandfather of Muntajab al-Dīn,⁷³ as well as his father, 'Ubayd Allāh ibn Ḥasan.⁷⁴

Among Arab scholars of this period is 'Abd al-'Azīz ibn Niḥrīr, known as Ibn Barrāj, the judge of Tripoli, who had Iranian pupils, among whom were the father⁷⁵ and grandfather of Muntajab al-Dīn.⁷⁶ It is clear that these scholars carried out the transfer of the learning of the Shi'i centres of Baghdād and Najaf to other Shi'i centres, including Ḥalab.

Ja'far Dūryastī and Dissemination of Shi'i Learning of Baghdad in Iran:

Among the first outstanding Iranian scholars who transferred the Shi'i learning of Iraq to Iran is Abū 'Abd Allāh Ja'far ibn Muḥammad Dūryastī (born 380/990, alive in 473/1080),⁷⁷ who came from Dūryast, the locality called Darasht (or Ṭarasht) in present-day Tehran (which in those days was a village of Ray). His father, Muḥammad ibn Aḥmad, was among the narrators of Shi'i traditions, and traditions narrated by his sons have reached us in later sources, including *Bashārat al-Muṣṭafā*. Ja'far set out from Ray for Baghdad, where he studied under Shaykh Mufīd and Sayyid Murtaḍā.⁷⁸ He was a contemporary of Shaykh Ṭūsī and the Shaykh mentions him in his book on *rijāl*.⁷⁹ After years of studies he returned to Darasht and engaged in propagation of the traditions

of the *Ahl al-Bayt*. He is an intermediary in the *ijāzah* of narration between Shaykh Muḥid and Sayyid Murtaḍā ibn al-Dā'i Ḥasanī in the narration of Muḥid's *Kitāb al-Irshād*.⁸⁰ After his return to Iran he was held in extraordinary respect, so much so that, according to 'Abd al-Jalīl, Khwājah Nizām al-Mulk would go to Darasht twice a week to hear his traditions.⁸¹ He was the teacher of some Iranian scholars and propagator of Shī'i learning of Baghdad in this region. For instance, Abū Ja'far ibn Mahdī 'Ābid Ḥusaynī Mar'ashī narrates from him, and Shaykh Ṭabrisī, the author of *Majma' al-Bayān*, narrates from Mar'ashī from Dūryastī.⁸² Some of his Iranian pupils are: Aḥmad ibn Muḥammad Marashkī (related to Marashk or Mārashk, a village in the vicinity of Ṭūs), Ḥasan ibn 'Alī Ārābādī, Ḥasan ibn Muḥammad Ḥadiqī, Ḥasan ibn Ya'qūb Nayshābūrī, Zayd ibn Muḥammad Bayhaqī, 'Abd al-Jabbār ibn 'Alī Rāzī, Faḍl Allāh Rāwandī and several others.⁸³ Accordingly, he was one of the most outstanding pupils of the Shī'i school of Baghdad who disseminated Shī'i learning in Iran. His sons were also among scholars of this period. 'Abd Allāh, son of Ja'far Dūryastī, was an outstanding scholar and traditionist. He came to Baghdad in 566/1170 and returned to Ray after some years and there he died sometime after 600/1203.⁸⁴ His fame and prestige were such that his tomb still exists in Darasht and is a shrine frequented by visitors.⁸⁵ Khwājah Ḥasan, another son of Ja'far, was a powerful poet who composed poetry in Arabic, and several of his verses are cited by 'Abd al-Jalīl.⁸⁶ Khawājah Abū Ṭurāb, Ḥasan's son, was also a poet.⁸⁷

The Influence of Ṭūsī's School on Shī'i Scholars of Iran:

The ideas of Shaykh Ṭūsī continued to be regarded as being beyond criticism by his pupils and disciples as well as by the succeeding generations. This is a point which has been mentioned by Ibn Idrīs Ḥillī (598/1201). Naturally, this matter was also recognized by Iranian scholars. In the period when 'Abd al-Jalīl

Qazwīnī was involved in debates with the opponents of the Shi‘ah (about 560/1164) he takes recourse mainly in Shaykh Ṭūsī. Throughout his discussions—mostly relating to theological issues rather than to law (*fiqh*)—concerning main-current Shi‘ism, to which he refers to as an *uṣūlī* school, Shaykh Ṭūsī is his principal mainstay and source of recourse. In his criticism of the Shi‘i *Akhbārī* school (by which he means the extremist traditionist tendency), while referring to the disappearance of that tendency, he writes, “Should they exist anywhere, they try to conceal this matter from the *Uṣūlis* that ‘Alam al-Hudā, Shaykh Bū Ja‘far Ṭūsī and our latter-day scholars have repudiated them and they have blasted and routed them so that they may not dare to express it.”⁸⁸ These “latter-day scholars” were the same as the pupils of Shaykh Ṭūsī with whose Iranian generation ‘Abd al-Jalīl was in contact and who accepted the ideas of Shaykh Ṭūsī. He refers to “‘Alam al-Hudā, the Murtaḍā of Baghdad, and the great Shaykh Bū Ja‘far” as the intellectual authorities (*muḥaqqiqān*) of *Uṣūlī* Shi‘is.⁸⁹ His manner of reference to Shaykh Ṭūsī clearly indicates his dominance over the intellectual tradition of the Shi‘ah during this period. He writes, “Bū Ja‘far Ṭūsī is well-known and widely reputed. Residing in the neighbourhood of the sacred shrine of Amir al-Mu‘minin, he is the author of various works, a man of great respect and high station (*buzurg qadr wa rafti’ jāh*), whose statements and *fatwās* enjoy consummate trust and credibility.”⁹⁰ He considers such men as “Shaykh Bū Ja‘far Ṭūsī, Muḥammad Fattāl, Abū ‘Alī Ṭabrisī and Shaykh Bū al-Futūḥ Rāzī” to be the true interpreters of the teachings of the *Ahl al-Bayt*.⁹¹

Ṭabrisī, in the exegesis *Majma‘ al-Bayān*, draws much on Shaykh Ṭūsī’s *Tibyān*. Elsewhere, while mentioning the pioneers among outstanding Shi‘ah scholars, he begins with Mufid and Sharif Murtaḍā and refers to Ṭūsī as “Shaykh Abū Ja‘far Ṭūsī, *faqih*, scholar, *mufasssīr*, *muqri’*, *mutakallim*, who has written more than 200 works in different fields.” Thereafter he mentions some

outstanding Iranian scholars including some persons belonging to the Ḥamdani family residing at Qazwin and Ray, and then goes on to name "al-Shaykh al-mu'tamad Ja'far Dūryastī" and 'Abd al-Jabbār Rāzī, "who had more than four hundred eminent pupils," as well as several others.⁹²

The impact of the works of Shaykh Ṭūsī may be traced in different ways. It was indicated that one example of this impact was the influence of the Shaykh's *Tibyān* on Ṭabrisī's *Majma' al-Bayān*. Similar influences can be seen in works written on the subject of supplication (*du'ā*). The book *Miṣbāḥ al-mutahajjid* of Shaykh Ṭūsī was a comprehensive work on this topic and its abridgement, which was also made by him, was greatly popular in the Shi'i community. The influence of the *Miṣbāḥ* on the *du'ā* works of the sixth/twelfth century in Persian, such as the *Dhakhīrat al-ākhirah*, by 'Alī ibn Muḥammad ibn 'Alī ibn 'Abd al-Ṣamad Sabzawāri (alive in 533/1138), and the *Nuzhat al-Zāhid* (compiled in 596/1199) is quite visible. Shaykh Ṭūsī's *Mukhtaṣar al-Miṣbāḥ* was translated several times into Persian in the seventh/thirteenth century and afterwards. In one of its very old translations (ms. in Āyatullāh Mar'ashī Public Library, MS. No. 877) the translator writes at the beginning, "I translate it into Persian for the ease of its use for those who lack the knowledge of the Arabic language and seek to act upon its contents." There is another old translation in the same library (MS. No. 5987) whose prose is also old but its translator is not known. A manuscript of another old translation in the same library (MS. No. 8911) bears the date 961/1553.

The *Ijāzahs*:

The chains of Shi'i *ijāzahs* of the period following Shaykh Ṭūsī terminate mainly and mostly in him. Ibn Shahr Āshūb writes in the introduction of the *Manāqib*, "The *isnāds* of the books of our companions terminate mostly in Shaykh Ṭūsī".⁹³ As many of Shaykh Ṭūsī's pupils were Iranians, the names in these *ijāzahs*

represent the links between the Shaykh and later scholars. Ibn Shahr Āshūb, while mentioning the point that most *ijāzahs* originate in Shaykh Ṭūsī, gives a list of the intermediaries between himself and Shaykh Ṭūsī, most of whom are Iranians. It is to be noted that Ibn Shahr Āshūb carried out part of his studies in Iran and partly in Syria. These persons are: Abū al-Faḍl Dā'i Ḥusaynī Sarawī, Abū al-Riḍā Faḍl Allāh Rāwandī Qāshānī, 'Abd al-Jalīl ibn 'Isā ibn 'Abd al-Wahhāb Rāzī, Abū al-Futūḥ Ḥusayn ibn 'Alī Rāzī, Muḥammad and 'Alī, sons of 'Alī ibn 'Abd al-Ṣamad Nayshābūri, Abū Alī Faḍl ibn Ḥasan Ṭabrisī, and 'Alī ibn Shahr Āshūb Sarawī (his father). All of them are linked to Shaykh Ṭūsī through Abū 'Alī Ṭūsī, 'Abd al-Jabbār ibn 'Alī Rāzī, Sayyid Muntahā ibn Abī Zayd Kiyābaki, Muḥammad ibn Ḥasan ibn Fattāl Nayshābūri, Shahr Āshūb (his grandfather), and 'Abd al-Jabbār. Ibn Shahr Āshūb has also *isnād* through Arab scholars, such as Abū Ja'far Muḥammad ibn 'Alī ibn Muḥsin Ḥalabī, from Abū Ja'far ibn Kumayḥ, from his father, from Ibn Barrāj, from Shaykh Mufīd.⁹⁴

Ja'far ibn Muḥammad ibn Hibat Allāh ibn Namā Ḥilli narrates Shaykh Ṭūsī's book *Istibṣār* from his father, from his grandfather, from Ḥusayn Miqdādī, who narrates it from 'Abd al-Jabbār ibn 'Alī Rāzī.⁹⁵ 'Allāmah Ḥilli's chain of authorities for the works of Shaykh Ṣadūq and Shaykh Mufīd terminates in Ja'far ibn Muḥammad Dūryastī and from him leads up to Shaykh Mufīd.⁹⁶ He has another *isnād* for narration of the works of Shaykh Mufīd and Sayyid Murtaḍā consisting of Arab intermediaries.⁹⁷ Similarly, one of his chains of teachers in respect of the works of Shaykh Ṭūsī is through 'Imād al-Dīn Muḥammad Abī al-Qāsim Ṭabarī Āmulī, the author of *Bashārat al-Muṣṭafā*, who narrates from Abū 'Alī, son of Shaykh Ṭūsī.⁹⁸ Another *isnād* of his is through Burhān al-Dīn Muḥammad ibn Muḥammad Ḥamdānī Qazwīnī (resident of Ray), from Faḍl Allāh Rāwandī, from Dhū al-Fiḡār ibn Ma'bad Marwazī, from Shaykh Ṭūsī.⁹⁹ His *isnād* for the works of Sallār ibn 'Abd al-'Azīz is through Murtaḍā ibn Dā'i Rāzī.¹⁰⁰

'Abd al-Jabbār's name occurs in many *ijāzahs* relating to the narration of the works of Shaykh Ṭūsī.¹⁰¹ Similarly, the name of 'Alī ibn 'Abd al-Ṣamad Nayshābūrī, a pupil of Shaykh Ṭūsī, can be seen in many of these *isnād*. Quṭb al-Dīn Sa'id ibn Hibat Allāh Rāwandī, in the *isnād* of the traditions of his book *Qīṣaṣ al-Anbiyā'*, mentions his authorities, among whom a number are Iranian scholars who were pupils of Shaykh Ṭūsī, Abū 'Alī and 'Abd al-Jabbār Rāzī. The opening traditions of this book are narrated from 'Alī ibn 'Abd al-Ṣamad Nayshābūrī, who was his own teacher. Other traditions are narrated by him from Murtaḍā ibn Dā'i, from Ja'far Dūryastī, from his father, from Ibn Bābawayh¹⁰² and also from Dhū al-Fiqr ibn Aḥmad Ḥusaynī Marwazī, from Shaykh Ṭūsī,¹⁰³ and Abū 'Abd Allāh Ḥusayn Mu'addab Qummi from Ja'far Dūryastī.¹⁰⁴

In any case, the names of these Iranian scholars can be seen in the *ijāzahs* pertaining to the seventh/thirteenth century onwards. An important instance is the *ijāzah* considered to be from Sayyid Muḥammad ibn Ḥusayn ibn Abi al-Riḍā 'Alawī (pupil of Yaḥyā ibn Sa'id, author of *al-Jāmi' li al-Sharā'i'*) who gave it to Shams al-Dīn Muḥammad ibn Aḥmad, teacher of al-Shahīd al-Awwal.¹⁰⁵

This *ijāzah* mirrors very well the presence of Iranian scholars in the generation after Shaykh Mufid, Sharif Murtaḍā, Sayyid Raḍī and Shaykh Ṭūsī. They acquired their Shi'i learning in Iraq and delivered it to the scholars of Ḥillah. Here we will cite examples of the *isnād* mentioned in this *ijāzah*.

Muḥammad ibn 'Abd Allāh ibn Zuhrah > Ibn Shahr Āshūb Māzandarānī > Dhū al-Fiqr Marwazī > Muḥammad ibn 'Alī Ḥulwānī > Sayyid Murtaḍā.

Sayyid Muntahā Kiyāmaki Ḥusaynī > his father > Sharif Murtaḍā.

Muḥammad ibn Fattāl Nayshābūrī > his father > Sharif Murtaḍā.

Muḥammad Ḥusaynī Baghdādī > Quṭb al-Dīn Rāwandī > Ibn

A'raj Naqib > Ibn Qudāmah > Sharif Murtaḍā.

Muḥammad Ḥusayni Baghdādi > Quṭb al-Dīn Rāwandi > Murtaḍā ibn Dā'i Rāzi > Abū Ja'far Dūryasti > Sayyid Raḍi.

Ibn Shahr Āshūb Māzandarāni > Muḥammad and 'Alī, sons of 'Alī ibn 'Abd al-Ṣamad Nayshābūri > their father > Abū al-Barakāt Khūzi > Shaykh Ṣadūq.

Shādhān ibn Jibra'il Qummi > 'Imād al-Dīn Muḥammad Ṭabari > Abū 'Alī Ṭūsi > Shaykh Ṭūsi > Shaykh Mufīd.

Muḥammad Ḥusayni Baghdādi > Ibn Idris Ḥilli > Sharaf Shāh Ḥusayni > Abū al-Futūḥ Rāzi Khuzā'i > 'Abd al-Jabbār Rāzi > Shaykh Ṭūsi.

Muḥammad Ḥusayni Baghdādi > Shādhān ibn Jibra'il Qummi > Aḥmad Ḥamdawayh Qummi > Ḥasakā ibn Bābawayh > Shaykh Ṭūsi.

Sharaf Shāh Ḥusayni > Ḥusayn ibn Abi al-Faṭḥ Jurjāni > Abū 'Alī Ṭūsi > Shaykh Ṭūsi.

The chains of teachers mentioned in other *isnāds* which are mentioned in this *ijāzah* are also of a similar kind.

Ḥillah and Dissemination of Shi'ism in Seventh-Century Iran :

The third phase of the influence of Iraqi Shi'ism on Iran relates to the influence of the school of Ḥillah on Iranian Shi'i scholars during the eighth/fourteenth century. The city of Ḥillah was founded by Sayf al-Dawlah Ḥamdāni and with the support he extended to academic pursuits and scholars, it rapidly grew into an academic centre. The Shi'i concerns of this dynasty made this city a centre of attraction for Shi'i scholars and it gradually grew into a centre of the Shi'ah. For this reason this city has been one of the main centres of the Shi'ah from the sixth/twelfth to the ninth/fifteenth century and at times its position overshadowed even Najaf and other Shi'i centres. During the said period scholars belonging to this city were many and two of their most outstanding

thinkers were Muḥaqqiq Ḥilli (676/1277) and 'Allāmah Ḥilli (d. 726/1325).¹⁰⁶ The illustrious Ṭāwūs family belonged to Ḥillah and it was here that Raḍī al-Dīn 'Alī ibn Ṭāwūs was born in 589/1193. He later went to Baghdad, although he returned to Ḥillah in the years 643/1245 and 663/1264. Before them was Ibn Idrīs Ḥilli (d. 598/1201), whose book *al-Sarā'ir* acquired a prominent position despite the criticism which has been directed towards him. He had been critical of Shaykh Ṭūsī in *fiqh* and *tafsīr*.¹⁰⁷ Other famous families such as those of Āl Bīṭriq and Āl Sa'id (to this family belonged Muḥaqqiq Ḥilli) resided in this city. The prevalent academic language of the city was Arabic and its population was mainly Arab. Nevertheless, the literary links between Arabic and Persian, which were the result of frequent visits of Iranians to the city, led to close links between this city and Persian speakers and Iranian towns. For instance, Ṣafī al-Dīn Muḥammad ibn Ṭaḳṭaḳī, the author of *al-Fakhri*, whose family had been residing in Ḥillah for centuries, travelled to Iran and married an Iranian woman and he cites Persian verses in his book.¹⁰⁸ A perusal of Ibn Fuwaṭī's book *Majma' al-Ādāb* shows that there were many bilingual poets in this period who wrote poetry in Arabic as well as Persian.¹⁰⁹

The fall of the 'Abbāsīd caliphate occurred during this period and the Mongol Ilkhānids ruled over Muslims. Gradually they embraced Islam and among them Sulṭān Muḥammad Khudābandah embraced Shi'ism. When he wanted to become more familiar with the Shi'i creed, the fame of 'Allāmah Ḥilli was such that his name was proposed to the king who invited him to Sulṭāniyyah.

'Allāmah Ḥillī in Iran:

'Allāmah Ḥilli was fated to establish a close relationship with Iran. We know that the concept of 'Iran' acquired currency in literary, historical, and political literature in the era of the Ilkhānids. The 'Allāmah's relations were established with Iran due to the religious sentiments of Sulṭān Muḥammad Khudābandah and

his conversion to Shi'ism. The 'Allāmah lived for some time in Iran and stayed for a period at the king's court and wrote books in his name and in the defense of Shi'ism. In a brief treatise entitled *Bayān al-Ḥaqāyiq* that Rashīd al-Dīn Faḍl Allāh wrote in the year 709/1309 concerning ziyārah in a reply to a question posed by 'Allāmah Ḥilli, he mentions 'Allāmah Ḥilli with the words 'mawlānā al-mu'azzam malik al-ḥukamā' wa al-Mashāyikh, yagāneh wa dastūr-e Irān.'''¹¹⁰ The term *dastūr* here is in the sense of an important personality whose word is considered authoritative. The 'Allāmah's presence in Iran was after the time when Sulṭān Muḥammad Khudābandah developed a keen interest in a debate between Islamic creeds, and the 'Allāmah was invited as a Shi'i scholar to participate in these debates. Following Sulṭān Muḥammad Khudābandah's interest in Shi'ism, the station of the 'Allāmah and his son rose and the 'Allāmah remained for a period in the Sulṭān's court. Elsewhere we have given a description of 'Allāmah Ḥilli's presence in these debates and the 'Allāmah writings on the issues of *kalām* and their dedication to the Sulṭān.¹¹¹ That which is significant for the present study is the presence of the 'Allāmah in Iran and his journeys to various Iranian towns. To be certain, the 'Allāmah was in Iran in the year 709/1309. Moreover, that which can be gathered from the treatise of Rashīd al-Dīn is that the 'Allāmah gave an *ijāzah* to Tāj al-Dīn Muḥammad ibn Mawlā Zayn al-Dīn Muḥammad ibn Qāḍi 'Abd al-Wāḥid Rāzi in the Rabī' al-Thānī of this year.¹¹²

The 'Allāmah was also in Iran in the year 712/1312, for his book *al-Alfayn* was finished in the city of Jurjān in the Ramaḍān of 712/1312.¹¹³ The 'Allāmah also issued an *ijāzah* in Warāmin for Quṭb al-Dīn Rāzi, an outstanding Shi'ah philosopher and scholar, in the Sha'bān of 713/1313.¹¹⁴ From certain *isnād* it appears that the 'Allāmah was for a time in Qum, where he heard ḥadīth. The said *isnād* is mentioned in the book *'Awālī al-La'ālī* of Ibn Abī Jumhūr. There the *isnād* given, from the 'Allāmah upwards, is as

follows: “*Qāla ḥaddathanī al-Shaykh al-‘Allāmah al-fahhāmah, ustādh al-‘ulamā’, Jamāl al-Dīn Ḥasan ibn Yūsuf ibn al-Muṭahhar, qāla, ruwītu ‘an Mawlānā Sharaf al-Dīn Ishāq ibn Maḥmūd al-Yamānī bi-Qum, ‘an khālihi Mawlānā ‘Imād al-Dīn Muḥammad ibn Muḥammad ibn Faṭḥān al-Qummī, ‘an al-Shaykh Ṣadr al-Dīn al-Sāwī.*”¹¹⁵ Sulṭān Muḥammad Khudābandah established a mobile *madrasah*, named *Madrasah Sayyārah*, consisting of the ‘Allāmah and many scholars of that era, and they would move about from place to place in the company of the Sulṭān.¹¹⁶

During the lifetime of ‘Allāmah Ḥilli and his son, Fakhr al-Muḥaqqiqin,¹¹⁷ (682-771/1283-1369), a number of Iranians came to him for learning, and besides studies under him they would engaged in making copies of his books which were transferred to Iran. Here we will mention some of the pupils of ‘Allāmah Ḥilli and Fakhr al-Muḥaqqiqin.

1. Abū al-Futūḥ Aḥmad ibn Balkū ibn ‘Alī Āwī. He possessed an *ijāzah* from the ‘Allāmah and his son, dated 705/1305. He has written a manuscript of the *Nahj al-Balāghah* in 732/1331 at Iṣfahān.¹¹⁸

2. Jamāl al-Dīn Iskandar Istarābādī, pupil of Fakhr al-Muḥaqqiqin.¹¹⁹

3. Tāj al-Dīn Ḥasan ibn Ḥusayn ibn Ḥasan Sarābeshnawī Kāshānī, one of the pupils of ‘Allāmah Ḥilli. In an *ijāzah* that he wrote for his son in the year 763/1361 on the back of a manuscript of the ‘Allāmah’s book *al-Qawā‘id*, he mentions himself as being a pupil of the ‘Allāmah.¹²⁰

4. Ḥasan ibn Muḥammad ibn Bahā’ al-Dīn Sarābeshnawī, a pupil of ‘Allāmah Ḥilli, who possessed an *ijāzah* from him dated Jamādi al-Awwal 715/1315.¹²¹

5. Ḥusayn ibn Ibrāhīm ibn Yaḥyā Istarābādī. He possessed an *ijāzah* from the ‘Allāmah dated Ṣafar 708/1308.¹²²

6. Sharaf Ḥusayn ibn Muḥammad ibn ‘Alī Ṭūsī, one of the pupils of ‘Allāmah Ḥilli, who possessed an *ijāzah* from him dated

Dhū al-Ḥijjah 704/1305 and written on a manuscript of the *Irshād al-Adhhān*.¹²³

7. Ḥamzah ibn Ḥamzah ibn Muḥammad ‘Alawī Ḥusayni. Fakhr al-Muḥaqqiqin wrote his book *Taḥṣīl al-Najāt* on doctrine (*uṣūl al-dīn*) in the year 736/1335 for him. The following remark is mentioned in the book about the place of his residence: “*Ḥamzah ibn Ḥamzah al-‘Alawī al-mutawattin bi qaryati Sharīfābād min nāḥiyati Jāst min a‘mālī Qum*,” showing that he was a resident of Sharīfābād, in the vicinity of Qum.¹²⁴

8. Sayyid Ḥaydar Āmuli, the famous Shi‘i mystic and philosopher. According to what he has mentioned in his own exegesis, *al-Muḥīṭ al-a‘ẓam*, having studied at Āmul he proceeded to Khurāsān, and then to Istarābād and Iṣfahān, and thereafter, after spending twenty years in Āmul he set out for ḥajj and ultimately settled down in Najaf. He possessed two *ijāzahs* from Fakhr al-Muḥaqqiqin dated 759/1357 and 761/1359.¹²⁵ At Najaf he also had Iranian disciples including Naṣīr al-Dīn ‘Alī ibn Muḥammad ibn ‘Alī, who had been born at Kashan and settled down at Ḥillah and was buried at Najaf.¹²⁶

9. Fakhr al-Dīn Ḥaydar ibn ‘Alī ibn Muḥammad Bayhaqī. Fakhr al-Muḥaqqiqin wrote his *al-Risālah al-Fakhriyyah* in his name.¹²⁷

10. Tāj al-Dīn Abū Sa‘īd ibn Ḥusayn ibn Muḥammad Kāshī. A pupil of Fakhr al-Muḥaqqiqin, he had studied the ‘Allāmah’s *Tabṣīrat al-Muta‘allimīn* under him and was given by him an *ijāzah* dated Rabi‘ al-Thānī 759/1358.¹²⁸

11. ‘Alī ibn Muḥammad ibn Rashīd Āwī, a pupil of the ‘Allāmah, he possessed an *ijāzah* from him dated Rajab 705/Dec. 1305-Jan. 1306.

12. Ṣadr al-Dīn Abū Ibrāhīm Muḥammad ibn Ishāq Dashtakī. He possessed an *ijāzah* from the ‘Allāmah dated 15 Jamādī al-Awwal 724/1324 written on a manuscript of the *Qawā‘id*.¹²⁹

13. Rukn al-Dīn Muḥammad ibn ‘Alī ibn Muḥammad Jurjānī

Istarābādī, a resident of Ḥillāh and translator of Khwājāh Naṣīr al-Dīn Ṭūsī's book *al-Fuṣūl al-Naṣiriyyah* from Persian into Arabic. He was a pupil of 'Allāmah Ḥilli and commentator of one his works.¹³⁰

14. Muḥammad ibn Muḥammad Isfandyārī Āmulī, one of the pupils of Fakhr al-Muḥaqqiqīn who possessed an *ijāzah* from him dated 745/1344.¹³¹

15. Quṭb al-Dīn Muḥammad ibn Muḥammad Rāzī. He possessed an *ijāzah* from the 'Allāmah written in the year 713/1313 at Warāmin, near Ray.¹³²

16. Shams al-Dīn Muḥammad ibn Hilāl Āwī. He possessed an *ijāzah* from Fakhr al-Muḥaqqiqīn dated 705/1305.¹³³

17. Tāj al-Dīn Muḥammad ibn Muḥammad ibn 'Abd al-Wahid Rāzī. A pupil of the 'Allāmah, he possessed an *ijāzah* from him dated 709/1309.¹³⁴

18. Badr al-Dīn Maḥmūd ibn Muḥammad Ṭabarī, a pupil of 'Allāmah Ḥilli.¹³⁵

19. Nizām al-Dīn Maḥmūd Āmulī, a pupil of Fakhr al-Muḥaqqiqīn.¹³⁶

20. Diyā' al-Dīn Hārūn ibn Ḥasan ibn 'Alī Ṭabarī, he possessed an *ijāzah* from the 'Allāmah dated 17 Rajab 701/1302.¹³⁷

21. Zayn al-Dīn ibn 'Alī ibn Ḥusayn Istarābādī, a pupil of Raḍī al-Dīn 'Alī ibn Yūsuf, brother of 'Allāmah Ḥilli, who also possessed an *ijāzah* from him and copied some of 'Allāmah Ḥilli's works.¹³⁸

22. Ḥusayn ibn Ardashir ibn Muḥammad Ṭabarī, a pupil of Najīb al-Dīn Yaḥyā ibn Aḥmad ibn Sa'id Ḥilli. He also possessed an *ijāzah* from him dated 677/1278.¹³⁹

At present there exist a large number of manuscripts of the works of the 'Allāmah on *fiqh* and *kalām* pertaining to the eighth/fourteenth and ninth/fifteenth centuries which were either written in Iran or by Iranians residing in Iraq. Many of these persons were either pupils of 'Allāmah Ḥilli or had become

familiar with his thought through Fakhr al-Muḥaqqiqīn. Ḥasan ibn Ḥamzah Najafī wrote a manuscript of ‘Allāmah’s *Irshād al-Adhhān* in the year 837/1433. He has written an *ijāzah* on the back of the same manuscript indicating that his teacher was Zayn al-Dīn ‘Alī ibn Ḥasan Istarābādī, a pupil of Ḥasan ibn Diyā’ al-Dīn A’raj, who was a pupil of Fakhr al-Muḥaqqiqīn, who in turn was a pupil of his father, ‘Allāmah Ḥilli.¹⁴⁰

Here we will mention some of these manuscripts.

1. *Irshād al-Adhhān*: There is a manuscript of it in the hand of Ḥasan ibn Ḥusayn Sabzawāri dated 718/1318.¹⁴¹ Another manuscript, in the hand of Burhān al-Dīn Ḥusayn ibn Muḥammad al-Maḥmūd al-Faḥīru Qummi, is dated 730/1329, parts of which are in Persian.¹⁴² Other manuscripts of this work are as follows:

by Muḥammad ibn Ḥasan ibn ‘Alī Ṭabari, dated 736.¹⁴³

by Majd al-Dīn ibn Sharaf al-Dīn ibn Muḥith al-Dīn Iṣfahānī, dated 772.¹⁴⁴

by Ḥusayn ibn Ḥasan ibn Ḥusayn Ḥājī Asadābādī, dated 799, written at Istarābād.¹⁴⁵

by Sa’id ibn Ja’far ibn Rustam Jurjānī, dated Jamādī al-Thānī 772; it exists at the Khawānsārī Library at Najaf.¹⁴⁶

2. *Tahrīr Al-Aḥkām al-Shar’iyyah*: Its manuscripts are as follows:

by Aḥmad ibn Ḥasan ibn Yaḥyā Farāhānī, dated 23 Rabi‘ al-Awwal 759.

by Ḥusayn (or Ḥasan) ibn ‘Alī ibn Muḥammad Istarābādī, dated 28 Sha‘bān 726.

by Ḥasan ibn Ḥusayn ibn Ḥasan Sarābeshnawī, written at Bāb al-Wardah, Kāshān, and dated 22 Jamādī al-Awwal 735.

by Muḥammad ibn ‘Alī, dated 24 Ṣafar 737, and acquired in Rajab 762 by Muḥammad ibn Ni‘mat Allāh ‘Aqdā’i.

Another manuscript of this book bears a note by Muḥammad ibn Muḥammad ibn ‘Alī Āmuli and is dated 752. Another manuscript in the hand of Sulṭān Ḥasan Ḥusayni is dated 833 and it

was read in the presence of Zayn al-Dīn 'Alī ibn Ḥasan Istarābādī. Another in the hand of 'Imād ibn 'Alī Jurjānī is dated 12 Ṣafar 860.¹⁴⁷

3. *Istiqṣā' al-Baḥṭh wa al-Nazar fī Masā'il al-Qaḍā' wa al-Qadar*: A manuscript of it is in the hand of the Shī'i philosopher and mystic, Sayyid Ḥaydar Āmulī, a pupil of Fakhr al-Muḥaqqiqīn.¹⁴⁸

4. *Al-Alfayn*: A manuscript of it exists in the hand of Muḥammad ibn Aḥmad Makhlūf Madani written in 853 in the city of Sārī in the province of Māzandarān.¹⁴⁹

5. *Iḍāḥ al-Maqāṣid min Ḥikmat 'Ayn al-Qawā'id*: A manuscript of it in the hand of Ja'far Istarābādī is dated 707.¹⁵⁰

6. *Tabṣirat al-Muta'allimīn*: A manuscript of it bears a note, dated Rabi' al-Thānī 759, by Fakhr al-Muḥaqqiqīn, stating that the book had been read to him by Abū Sa'id Kāshī (*mawlānā al-a'zam afzal al-muḥaqqiqīn Sulṭān al-ḥukamā' wa al-mutakallimīn Abū Sa'id ibn al-imām al-sa'id 'Imād al-Dīn Yaḥyā ibn al-imām al-sa'id Fakhr al-Dīn Aḥmad Kāshī*). There he remarks that he had benefited more from Abū Sa'id than the latter had benefited from him (*wa kānat al-istifādatu minhu akthara min al-ifādati lahu*).¹⁵¹

7. *Al-Khulāṣah fī 'Ilm al-Kalām*: A manuscript of it is in the hand of 'Alī ibn Ḥasan ibn Raḍī 'Alawī Ḥusaynī Sarābeshnawī and is dated Dhū al-Ḥijjah 716 (at the end of the manuscript there is a note by 'Abd al-Malik ibn Ishāq ibn 'Abd al-Malik ibn Faṭḥān Wā'iz Qummi Kāshānī, dated Jamādi al-Thānī 804.)¹⁵²

8. *Risālah al-Sa'diyyah*: A manuscript of it, dated Rabi' al-Thānī 764, was written at Ardabil.¹⁵³ Another manuscript in the hand of Jamāl al-Dīn 'Alī ibn Majd al-Dīn Sadid Manṣūri Istarābādī is dated 865. Another was completed on 22 Ramaḍān 881 in Iṣfahān.¹⁵⁴

9. *Ghāyat al-Wuṣūl wa Iḍāḥ al-Subul*: A manuscript of it, in the hand of Muḥammad ibn Maḥmūd ibn Muḥammad Malik Ṭabari and dated Rabi' al-Awwal 704 (this date coincides with the lifetime

of 'Allāmah Ḥilli), was written at Sulṭāniyyah.¹⁵⁵

10. *Qawā'id al-Aḥkām fī Ma'rifat al-Ḥalāl wa al-Ḥarām*: A manuscript of it by Muḥammad ibn Ibrāhīm Ḥusaynī Dashtakī, a pupil of 'Allāmah Ḥilli, was written in the year 703 at the Madrasah Sayyārah and at the end he writes that the copy, made from the original, was completed on Tuesday, 22 Rabi 'al-Awwal in the year 713 at Sulṭāniyyah in the Ilkhānid Madrasah, known as Sayyārah. At the end it bears the note: "*faragha al-mustansikh min al-aṣl yawm al-thulāthā al-thānī wa al-'ishrīn min Rabi' al-Awwal sinah 713, bi al-Sulṭāniyyah, shayyada Allāhu arkāna dawlati bānīhā fī al-madrasat al-sharīfah al-Ilkhāniyyah al-musammāt bi al-Sayyārah*".¹⁵⁶ Another manuscript, written by Muḥammad ibn Muḥammad ibn Mahdī ibn Mukhlīṣ Qummi, is dated 7 Ramaḍān 718.¹⁵⁷ Another manuscript, dated 7 Ṣafar 728, is in the hand of Ḥusayn ibn Abi al-Ḥasan ibn Muḥammad ibn Ḥasan Kāshānī. Another manuscript bearing the date 732 is in the hand of 'Alī ibn al-Ḥusayn ibn 'Alī ibn Abi al-Majd Khawārazmī. Another in the hand of 'Alī ibn Fakhr al-Dīn Abi Ṭalīb Ṭabari is dated 746 (at the end of the manuscript there is an *ijāzah* in the hand of Fakhr al-Muḥaqqiqīn for the scribe, dated 760 and written at Ḥillah. This is indicative of the presence of Iranian students in the lectures of Fakhr al-Muḥaqqiqīn).¹⁵⁸ Another manuscript in the hand of Faḍl Allāh ibn Muḥammad ibn 'Alī al-Qummi and dated 814 was written at Najaf. Another, in the hand of Muḥammad ibn 'Alī ibn Ḥaydar ibn Ḥasan ibn 'Alī ibn Ṭāhir ibn Manṣūr Muqri' Kāshānī, is dated Shawwāl 849 (an *ijāzah* is written at its end in the hand of Aḥmad ibn Mu'in ibn Humāyūn ibn 'Alī al-Kāshī written at Kāshān.¹⁵⁹) Other manuscripts of this book written by scholars residing in Iran in the ninth/fifteenth century consist of: the manuscript written in 854 by Muḥammad ibn Ḥasan ibn Muḥammad ibn Sulaymān Ṭabari; the manuscript written in 859 by 'Alī ibn 'Abd al-'Azīz Istarābādī; the manuscript written in 880 by Muḥammad ibn Ḥasan Iṣfahānī; the manuscript written by Mu'in

ibn Muḥammad ibn 'Alī... ibn Dāniyāl al-Ruhqī in 898 at Kāshān.¹⁶⁰ (There exist more than seventy manuscripts of the *Qawā'id al-Aḥkām* written until the ninth/fifteenth century, something which is indicative of the large number of Shi'is who used it in different towns.)

The *Qawā'id al-Aḥkām* of 'Allāmah Ḥilli was translated once in 732/1331 in a period of ten months. The translator, Muḥammad ibn Muḥammad Abi 'Abd Allāh, known as Ḥājī, was apparently a pupil of 'Allāmah Ḥilli himself. A sole manuscript of it, written in 780, exists at Madrasah Khayrāt Khān, Mashhad.¹⁶¹

11. *Kashf al-Murād fī Sharḥ Tajrīd al-I'tiqād*: A manuscript of it by one of the pupils of the 'Allāmah was written in the Madrasah Sayyārah. Another manuscript by Shams al-Dīn Muḥammad ibn Maḥmūd ibn Muḥammad Āmulī (d. 753/1352), a pupil of 'Allāmah Ḥilli, was written for his teacher at the Madrasah Sayyārah and finished on Friday, 20 Muḥarram 713, in the city of Kirmānshāh.¹⁶² There are two other manuscripts of this book, one by Muḥammad ibn Muḥammad Isfandyārī Āmulī was written in 745 and was read to Fakhr al-Muḥaqqiqīn, and the other, by Abū Muḥammad ibn Muḥammad ibn Abi Turāb Warāmini, was written in 716.¹⁶³

12. *Mabādi' al-Wuṣūl ilā 'Ilm al-Uṣūl*: A manuscript of it in the hand of Hārūn ibn Ḥasan ibn 'Alī Ṭabarī is dated Sha'bān 700 (with a note in the 'Allāmah's hand on it). Another manuscript in the hand of Jamāl al-Dīn Abū al-Futūḥ Aḥmad ibn 'Abd Allāh Balkū ibn Abi Ṭālib, one of the pupils of the 'Allāmah, is dated Ramaḍān 703 and is accompanied with an *ijāzah* of the author for the scribe, dated 705.¹⁶⁴

13. *Mukhtalaf al-Shi'ah*: A manuscript of it in the hand of Ibrāhīm ibn Yūsuf Istarābādī is dated 702. Another manuscript in the hand of Muḥammad ibn Abi Ṭālib Āwī is dated 704. One manuscript in the hand of Ja'far ibn Ḥusayn Istarābādī is dated Ramaḍān 705.¹⁶⁵ Another one in the hand of Aḥmad ibn Ḥasan ibn

Yaḥyā Farāhānī is dated 733. Another manuscript in the hand of Maḥmūd ibn Muḥammad ibn Badr Rāzī is dated Shawwāl 737.¹⁶⁶

14. *Marāṣid al-Tadqīq wa Maqāṣid al-Taḥqīq*: A manuscript of it in the hand of Shams al-Dīn Muḥammad ibn Abi Ṭālib ibn al-Ḥājj Āwī, dated Jamādī al-Awwal 710, was written at Sulṭāniyyah. It is accompanied by an *ijāzah* from Fakhr al-Muḥaqqiqin (this manuscript was in the possession of Faṭḥ Allāh ibn Khawājagī Shirāzī Anṣārī and was gifted by him to his son Humām al-Dīn Muḥammad in 767/1365)¹⁶⁷

15. *Manāhij al-Yaqīn*: A manuscript of it in the hand of 'Alī ibn Ḥasan Ṭabari is dated Sha'bān 724.¹⁶⁸

16. *Minhāj al-Ṣalāh fī Ikhtisār al-Miṣbāḥ*: A manuscript of it in the hand of Muḥammad ibn 'Alī Ṭabari is dated Shawwāl 733.¹⁶⁹

17. *Minhāj al-Karāmah fī Ithbāt al-Imāmah*: A manuscript of it in the hand of Kamāl al-Dīn ibn 'Abd Allāh ibn Sa'id Jurjānī is dated Rajab 878 and bears a gloss written in Arabic and Persian between the lines.¹⁷⁰ (There is a translation of this book related to 8th/14th or 9th/15th century existing at the Farhād Mu'tamad Library and is mentioned in the periodical *Nuskhehhā-ye khaṭṭī*, published by Tehran University.¹⁷¹)

18. *Nihāyat al-Iḥkām fī Ma'rifat al-Aḥkām*: A manuscript of it was written at the Madrasah Sulṭāniyyah.¹⁷²

19. *Nahj al-Mustarshidīn*: A manuscript of it in the hand of Shams al-Dīn Muḥammad ibn Abi Ṭālib ibn al-Ḥājj Muḥammad ibn Ḥasan Āwī is dated 705. Another, in the hand of Jamāl al-Dīn Abū al-Futūḥ Aḥmad ibn Abi 'Abd Allāh Balkū Āwī, is dated 705. Another, in the hand of Aḥmad ibn Buzbāsh Dezfulī, is dated 824.¹⁷³

Notes:

1. It appears that he was in Nayshābūr all this time or for part of it, as he himself mentions that he had studied the book *Bayān al-Dīn* under Abū Ḥāzim Nayshābūrī, and this was at Nayshābūr. See

Tabātabā'i, 'Abd al-'Aziz, "Shakhsīyyat-e 'ilmī wa mashāyikh-e Shaykh Ṭūsī," *Mirāth-e Islāmī-ye Irān*, daftar 2 (Qum: Kitābkhāneh Āyatullāh al-'Uzmā Mar'ashi, 1374 H. Sh.), p. 378.

2. Ḥasan 'Isā al-Ḥakīm, *Al-Shaykh al-Ṭūsī, Abū Ja'far Muḥammad ibn al-Ḥasan (385-460)* (Baghdad, 1975), pp. 78-78.

3. *Ibid.*, pp. 98-101.

4. Ibn al-Fūti, *Talkhīṣ Majma' al-Ādāb* (Damascus: Wizārat al-Thiqāfah wa al-Irshād al-Qawmī, 1382), ed. Muṣṭafā Jawād, part 2, p. 815.

5. Al-'Āmili, al-Sayyid Muḥsin, *A'yān al-Shī'ah* (Beirut: Dār al-Ta'aruf, nd.), 11 vols., vol. 7, p. 171.

6. *Ibid.*

7. Al-Ṭehrānī, Āqā Buzurg, *Al-Dhari'ah ilā taṣnīf al-Shī'ah* (Mu'assasah-ye Maṭbū'āti-ye Ismā'īliyyān, nd.), 25 vols., vol. 1, p. 74

8. Such as Imam Abū al-Faraj Ḥamdānī, his son Shaykh Ḥusayn Ḥamdānī, Imam Abū Sa'id Ḥamdānī, known as Nāṣir al-Dīn (see 'Abd al-Jalīl Qazwīnī Rāzī, *Naqḍ* (Tehran: Anjuman-e Āthār-e Millī, 1358 H. Sh.) ed., Muḥaddith Urmawī, p. 210) and Burhān al-Dīn Muḥammad ibn Muḥammad Ḥamdānī Qazwīnī (see Majlisī, *Biḥār al-Anwār* (Beirut: Mu'assasat al-Wafā', 1403) 110 vols., vol. 104, p. 128, the *ijāzah* of the 'Allāmah to Banū Zuhrah).

9. Muntajab al-Dīn 'Alī ibn Bābawayh Rāzī, *al-Fihrist* (Qum: Maktabah Āyatullāh Mar'ashi, 1366), ed. Muḥaddith Urmawī and Samāmi Ḥā'iri, p. 75, no. 220.

10. *Ibid.*, p. 108, no. 394

11. *Ibid.*, p. 34, no. 6.

12. Ibn Ḥajar 'Asqalānī, *Lisān al-Mizān* (Beirut: Dār al-Ihyā' al-Turāth al-'Arabī, 1416) ed. Mar'ashli, vol. 1, p. 512.

13. Muntajab al-Dīn, *op. cit.*, p. 32, no. 1.

14. *Ibid.*, p. 30
15. *Ibid.*, p. 33, no. 4
16. 'Abd al-Jalil Qazwīnī, *op. cit.*, p. 34.
17. Karīmān, *Ṭabrisī wa Majma' al-Bayān* (Tehran: Tehran University, 1360 H. Sh.), vol. 1, pp. 290-291.
18. Afandī, Mirzā 'Abd Allāh, *Riyāḍ al-'ulamā' wa ḥiyāḍ al-fuḍalā'* (Qum: Maktabah Āyatullāh Mar'āshī, 1401), ed. Sayyid Aḥmad Ashkewarī, vol. 1, p. 179.
19. Muntajab al-Dīn, *op. cit.*, p. 64, no. 164.
20. *Ibid.*, p. 47, no. 73.
21. Al-Rāfi'ī, *al-Tadwīn fī Akhbār Qazwīn* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1408), ed. 'Aziz Allāh 'Uṭarudī, vol. 2, p. 462.
22. Muntajab al-Dīn, *op. cit.*, p. 73, no. 207.
23. *Ibid.*, p. 80, no. 337.
24. *Ibid.*, p. 106, no. 387.
25. Al-Rāfi'ī, *op. cit.*, vol. 2, p. 316.
26. See Urmawī, the endnotes to Muntajab al-Dīn's *al-Fihrist*, pp. 176-183.
27. Concerning Dhū al-Fiḡār's narration from Shaykh Ṭūsī, see Rāwandī, *Qīṣaṣ al-Anbiyā'* (Mashhad: Bunyād-e Pazhūhishhā-ye Islāmi 1409), ed. Ghulām Riḍā 'Irfāniyān, p. 142.
28. Muntajab al-Dīn, *op. cit.*, p. 62, no. 157; see also p. 42, no. 54.
29. Ibn 'Asākir, *Tārīkh Dimashq* (Beirut: Dār al-Fikr, 1415), vol. 17, p. 329. He writes that Dhū al-Fiḡār considered himself to have been born in the year 455/1063 at Marw. Should this date be correct, he should not be considered a pupil of Sharif Murtaḍā (d. 436/1044) or even that of Shaykh Ṭūsī (d. 460/1067).
30. See Rāwandī, *Diwān al-Sayyid al-Imam Ḍiyā' al-Dīn Abī*

al-Riḍā al-Ḥasanī al-Rāwandī (Tehran: Maktabat al-Majlis, 1334 H. Sh.), ed. Muḥaddith Urmawī, the editor's introduction, p. 25.

31. Rāwandī, *Qiṣaṣ al-Anbiyā'*, p. 73.

32. 'Abd al-Jalīl Qazwīnī, *op. cit.*, p. 210.

33. *Ibid.*, p. 35.

34. Muntajab al-Dīn, *op. cit.*, p. 75, no. 220.

35. Al-Ṭabrisī, *Majmā' al-Bayān* (Sidon), vol. 3, p. 413.

36. Muntajab al-Dīn, *op. cit.*, p. 73, no. 208.

37. *Ibid.*, p. 101, no. 360.

38. *Ibid.*, p. 75, no. 219.

39. *Ibid.*, p. 99, no., 348.

40. *Ibid.*, p. 76, no., 225.

41. *Ibid.*, p. 105, no., 376.

42. *Ibid.*, p. 44, no. 60.

43. 'Abd al-Jalīl Qazwīnī, *op. cit.*, p. 144.

44. See for instance, Muntajab al-Dīn, *op. cit.*, p. 106, nos. 385, 386.

45. Muntajab al-Dīn, *op. cit.*, p. 106.

46. *Ibid.*, p. 76, no. 224.

47. 'Abd al-Jalīl Qazwīnī, *op. cit.*, p. 495.

48. *Tabṣīrat al-'Awām* (Tehran: Asāṭir 1364 H. Sh.), ed. 'Abbās Iqbāl, "Introduction."

49. *Dhakhīrat al-Ākhirah* (Qum: Intishārāt-e Anṣāriyān, 1375 H. Sh.), ed. Rasūl Ja'fariyān.

50. Muntajab al-Dīn, *op. cit.*, no. 108, by the name Shaykh Muḥammad ibn 'Alī Fattāl Nayshābūrī.

51. *Ibid.*, p. 126, by the name Shaykh Shahīd Muḥammad ibn

Aḥmad, al-Fārisi. It is probable that there were two books with the title *Rawḍāt al-Wā'izīn*, one by Fattāl Nayshābūrī and another by Muḥammad Fārisi.

52. *Ibid.*, endnotes, pp. 436-437.

53. Al-Ṭehrānī, *al-Thiqāt al-'Uyūn fī Sādis al-Qurūn* (Beirut: Dār al-Kutub al-'Arabiyyah, 1975), p. 275.

54. *Ibid.*, pp. 103-104.

55. 'Abd al-Jalīl Qazwīnī, *Naqd*, p. 210.

56. *Ibid.*, p. 131.

57. See *Al-Manāqib*, vol. 1, p. 12.

58. Afandī, *op. cit.*, vol. 3, p. 229.

59. Muntajab al-Dīn, *op. cit.*, p. 105, no. 376.

60. Al-Māmaqānī, *Tanqīḥ al-Maqāl* (lithographed edition, 3 vols.), vol. 1, p. 306, no. 2627.

61. Al-Ṭehrānī, in the introduction to Shaykh Ṭūsī's *Kitāb al-ghaybāh* (Tehran: Maktabat al-Naynawā al-Ḥadīthah 1398), p. 11.

62. Karīmān, *op. cit.*, vol. 1, p. 294.

63. It should be noted that a generation of scholars belonging to the city of Jāsb lived during the sixth/twelfth century. In the published version of Muntajab al-Dīn's *al-Fihrist*, they are mentioned as "Ḥāsiti."

64. Muntajab al-Dīn, *op. cit.*, p. 107.

65. See Ibn Ḥamzah, *Al-Thāqib fī al-Manāqib* (Qum: 1411) ed. Nabil 'Alwān, Introduction, pp. 11-13.

66. Muntajab al-Dīn, *op. cit.*, p. 107, no. 388.

67. Afandī, *op. cit.*, vol. 5, pp. 17-18.

68. 'Imād al-Dīn Muḥammad ibn Abī al-Qāsim Ṭabari, *Bashārat al-Muṣṭafā* (Najaf: Maktabat al-Ḥaydariyyah, 1383).

69. Yūsuf Karkūsh, *Tārīkh al-Ḥillah* (Qum: Manshūrāt al-Raḍī, 1413), vol. 2, p. 13.

70. Karīmān, *op. cit.*, vol. 1, pp. 290-29.

71. Muntajab al-Dīn, *op. cit.*, p. 74, no. 214.

72. *Ibid.*, p. 75, no. 219.

73. *Ibid.*, p. 46, no. 46.

74. *Ibid.*, p. 77, no. 228.

75. *Ibid.*

76. *Ibid.*, p. 46, no. 46.

77. Concerning him see Muntajab al-Dīn, *Al-Fihrist* (Tehran: 1404), ed. 'Abd al-'Azīz Ṭabāṭabā'i, pp. 37-38, footnote; 'Uṭarūdī, *Mashāyikh-e fiḥ wa ḥadīth dar Jamārān, Kulayn, wa Darasht* (Tehran: 'Uṭarūd, 1373 H. SH.), p. 164. His name and *nisbah* are mentioned as follows in an *ijāzah*: "Ja'far ibn Muḥammad ibn Mūsā ibn Ja'far ibn Muḥammad ibn Aḥmad 'Abbāsī Dūryastī 'Absī;" see Majlisī, *Biḥār al-Anwār*, vol. 104, p. 157.

78. Muntajab al-Dīn, *op. cit.*, p. 45, no. 67.

79. Afandī, *op. cit.*, vol. 1, p. 110.

80. Majlisī, *op. cit.*, vol. 104, p. 25.

81. 'Abd al-Jalīl Qazwīnī, *op. cit.*, p. 145.

82. Afandī, *op. cit.*, vol. 1, p. 110.

83. 'Uṭarūdī, *op. cit.*, pp. 198-218. The names of many of these persons and their narrations from Dūryastī and others are cited in Rāwandī's *Qiṣaṣ al-Anbiyā'*.

84. Ḥamawī, *Mu'jam al-Buldān* (Beirut: Dār al-Kutub al-'Ilmiyyah 1410), vol. 2, p. 550, under the entry on Dūryast.

85. 'Uṭarūdī, *op. cit.*, p. 225.

86. 'Abd al-Jalīl, *op. cit.*, p. 231.

87. *Ibid.*, p. 145.
88. *Ibid.*, p. 568.
89. *Ibid.*, p. 504.
90. *Ibid.*, p. 191.
91. *Ibid.*, p. 526, see also p. 212.
92. *Ibid.*, p. 210, see also p. 40.
93. Ibn Shahr Āshūb, *Al-Manāqib*, (Beirut: Dār al-Aḡwā' 1991) vol. 1, p. 32; Asad Allah Dezfuli, *Manāqib al-Anwār* (lithographed edition), p. 5; Ṭabāṭabā'i, 'Abd al-'Aziz, "Shakhshiyyat wa Mashāyikh Shaykh Ṭūsi," *Mirāth-e Islāmī-ye Irān*, daftar 2 (Qum: Kitābkhāneh Āyatullah Mar'ashī, 1374 H. Sh.), pp. 373-374.
94. Ibn Shahr Āshūb, *op. cit.*, vol. 1, pp. 32-33.
95. Majlisi, *Biḡār*, vol. 104, p. 33.
96. *Ibid.*, vol. 104, pp. 69,70.
97. *Ibid.*, p. 136.
98. *Ibid.*, p. 100.
99. *Ibid.*, p. 144.
100. *Ibid.*, p. 71.
101. *Ibid.*, pp. 47-48.
102. Rāwandī, *Qiṣaṣ al-Anbiyā'*, pp. 52-65.
103. *Ibid.*, p. 73.
104. *Ibid.*, p. 120.
105. Majlisi, *op. cit.*, vol. 104, pp. 152-169.
106. Al-Ṭehrānī, *Al-Ḥaqāyiq al-Rāhinah fī al-Mi'at al-Thāminah* (Beirut: Dār al-Kitāb al-'Arabiyyah, 1975), pp. 52-53.
107. Al-Baḡrānī, *Lu'lu'at al-Baḡrayn* (Qum: Mu'assasat Āl al-

Bayt lil-Nashr wa al-Turāth, nd), p. 237.

108. Yūsuf Karkūsh, *op. cit.*, vol. 2, pp. 78-79.

109. See for instance, vol. 1, pp. 224, 368, 370, 395.

110. See 'Abd al-Ḥujjat Balāghī, *Tārīkh Nā'in* (Tehrān: Chāpkhāneh Maẓāhiri, 1368 H.), p. 21, see the facsimile of the first page of the treatise.

111. Ja'fariyā, Rasūl, *Tārīkh-e Tashayyu' dar Irān* (Qum: Intishārāt-e Anṣāiyan 1375), vol. 2, p. 662.

112. Majlisi, *Biḥār*, vol. 104, p. 142.

113. Ṭabāṭabā'i, 'Abd al-'Azīz, *Maktabat al-'Allāmah al-Ḥilli* (Qum: Mu'assasat Āl al-Bayt 1417), p. 53.

114. Majlisi, *Biḥār*, vol. 104, p. 138.

115. *Ibid.*, vol. 104, p. 9.

116. *Majma' al-Tawārīkh*, ms. in the Kitābkhāneh Melli-ye Malik, vol. 3, folio 237, cited in Manūchehr Murtaḍawī, *Masā'il-e 'Aṣr-e Ilkhānān* (Tehran: Intishārāt-e Āgāh, 1370 H. Sh.), p. 250.

117. Al-Ṭehrānī, *Al-Ḥaqāyiq*, p. 185.

118. *Ibid.*, p. 185.

119. *Ibid.*, p. 16.

120. *Ibid.*, p. 38.

121. *Ibid.*, p. 49.

122. *Ibid.*, pp. 54-55.

123. *Ibid.*, p. 58.

124. *Ibid.*, p. 65.

125. *Ibid.*, pp. 66-68.

126. *Ibid.*, p. 149.

127. *Ibid.*, p. 70.

128. *Ibid.*, pp. 86-87.
129. *Ibid.*, p. 178.
130. *Ibid.*, p. 194.
131. *Ibid.*, p. 199.
132. *Ibid.*, p. 200.
133. *Ibid.*, p. 208.
134. *Ibid.*, p. 210.
135. *Ibid.*, p. 211.
136. *Ibid.*, p. 214.
137. *Ibid.*, p. 235.
138. *Ibid.*, p. 139.
139. *Ibid.*, p. 55.
140. Ṭabāṭabā'i, 'Abd al-'Aziz, *Maktabat al-'Allāmah al-Ḥilli*, pp. 37-38.
141. *Ibid.*, p. 35.
142. *Fihrist-e Nuskhehhā-ye Khaṭṭi-ye Kitābkhāneh Majlis*, vol. 10, pp. 218-220.
143. Ṭabāṭabā'i, 'Abd al-'Aziz, *Maktabat al-'Allāmah al-Ḥilli*, p. 35.
144. *Ibid.*, p. 36.
145. *Ibid.*, p. 36; Ashkewari, *Fihrist-e Nuskhehhā-ye Khaṭṭi-ye Kitābkhāneh 'Umūmī Āyatullāh Mar'ashi*. (Qum: Kitābkhāneh 'Umūmī-ye Āyatullāh Mar'ashi 1368 H. SH.), vol. 17, p. 276
146. Al-Ṭehrānī, *Al-Ḥaqāyiq*, p. 86.
147. *Ibid.*, pp. 78-87.
148. *Fihrist-e Nuskhehhā-ye Khaṭṭi-ye Kitābkhāneh Majlis*, vol. 14, pp. 224-225.

149. *Ibid.*, vol. 5, pp. 4-8; *Ṭabāṭabā'ī*, 'Abd al-'Aziz, *Maktabat al-'Allāmah al-Ḥilli*, p. 154.

150. *Ṭabāṭabā'ī*, 'Abd al-'Aziz, *Maktabat al-'Allāmah al-Ḥilli*, p. 63.

151. *Ibid.*, pp. 72-73.

152. *Ibid.*, p. 116.

153. *Fihrist-e Nuskhehhā-ye Khaṭṭī-ye Kitābkhāneh Majlis*, vol 14, p. 225, no. 6342.

154. *Ṭabāṭabā'ī*, 'Abd al-'Aziz, *Maktabat al-'Allāmah al-Ḥilli*, p. 130.

155. *Ibid.*, p. 134.

156. *Ibid.*, p. 137.

157. Ashkewari, *op. cit.*, vol. 11, p. 275, no. 4273; *Ṭabāṭabā'ī*, 'Abd al-'Aziz, *Maktabat al-'Allāmah al-Ḥilli*, p. 139.

158. *Ṭabāṭabā'ī*, 'Abd al-'Aziz, *Maktabat al-'Allāmah al-Ḥilli*, p. 141.

159. *Ibid.*, p. 147.

160. *Ibid.*, pp. 149-150.

161. *Ibid.* p. 158.

162. Al-Ṭehrānī, *Al-Ḥaqāyiq*, p. 204; *Ṭabāṭabā'ī*, 'Abd al-'Aziz, *Maktabat al-'Allāmah al-Ḥilli*, p. 163.

163. *Ṭabāṭabā'ī*, 'Abd al-'Aziz, *Maktabat al-'Allāmah al-Ḥilli*, p. 164.

164. *Ibid.*, p. 169.

165. *Ibid.*, pp. 174-175.

166. *Ibid.*, p. 177.

167. *Ibid.*, p. 185.

168. *Ibid.*, p. 192.

169. *Ibid.*, p. 198.

170. *Ibid.*, p. 200.

171. The periodical *Nuskhehhā-ye khaṭṭī* published by Tehran University, vol. 3, p. 160; Ṭabāṭabā'i, 'Abd al-'Azīz, *Maktabat al-'Allāmah al-Ḥillī*, p. 203.

172. Ṭabāṭabā'i, 'Abd al-'Azīz, *Maktabat al-'Allāmah al-Ḥillī*, p. 207.

173. *Ibid.*, pp. 204, 206.

Talfiq* and the Adoption of *Rukhṣah

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Adoption of *Rukhṣahs* and Its Rules

Meaning of the Adoption of *Rukhṣahs*

Rukhṣah (relief) stands in contrast to ‘*azimah* (obligation). It denotes the rules enacted by Allāh to lighten the obligation of a *mukallaf* (a Muslim bound by Islamic rules and obligations) in certain cases that call for such a relief. In contrast, ‘*azimah* points to those general rules established by Allāh which are not peculiar to certain circumstances or *mukallafs*.¹ We do not intend, in our present discussion, to focus on this meaning of *rukḥṣah*. Here ‘*azimah* means a rule that is established for something with a primary status (‘*unwān awwalī*). In contrast, *rukḥṣah* is a rule that is made with a secondary status (‘*unwān thānawī*) in cases of emergency (*idṭirār*) or compulsion (*ikrāh*).

This term belongs to *uṣūl al-fiqh* and is not used in the sense intended by the holy Prophet of Islam (ﷺ) when he said:

“Verily Allāh likes His *rukḥṣahs* to be adopted just as He wishes that His ‘*azīmahs* are obeyed.”²

The afore-mentioned sense is not meant either by the following statement of Imam Muḥammad ibn ‘Alī al-Jawād (‘a):

“Verily Allāh gets furious with whoever does not follow His *rukḥṣah*.”³

The meaning that ‘*urf*’ (conventional understanding) perceives from these terms refers to non-obligatory - in contrast to obligatory - rules that are intended by most *riwāyahs* (traditions). However, some traditions point, through one or another evidence, to secondary (*thānawī*), in contrast to primary (*awwalī*), rules. Anyway, there is no doubt that the conventional (‘*urfi*’) sense is meant here.

According to al-Albānī, *rukḥṣah* generally denotes the permission given by Allāh to His servant in order to reduce his burden. This meaning is more encompassing than the definition and typology that scholars of *uṣūl* have agreed upon. It covers not only what is allowed despite the existence of a forbidding proof, but also what is changed from difficulty to leniency and ease. The purpose of such leniency may be to bestow comfort and abundance upon the weak, let alone the excused. Therefore, every burden contrasts with a rule to lighten that burden, and means the permission that Allāh enacted for those who need it, as He sanctioned ‘*azīmahs* for people who deserve that.’⁴

The phrase “adoption of *rukḥṣahs*” does not mean - as it comes to mind initially - action upon *shar‘i* permission in its cases. Nobody disagrees with this definition and the *Shāri‘* (Legislator, i.e., Allāh) encourages it. Sometimes, forgoing adoption of these permissions - like the permission to do *ifṣār* [break fast] in travel - may be *ḥarām* (unlawful). If it is correct to call it *rukḥṣah* it will be *ḥarām*, according to some schools of *fiqh* -the *Imāmī* school for example -to fast while traveling. What is meant by *rukḥṣah* here is the *mukallaf*’s right to examine the verdicts concerning different

cases and thereupon follow the one that is void of obligatory element in an attempt to combine two matters: first, commitment to *shar'ī* limits and avoiding sin, and second, making the duty as much easier as possible for himself by trying to find the verdict that is lighter and easier, and then following it in various cases.

When is conflict expectable?

The issue of search for *rukḥṣahs* reveals only in a broader framework, namely *talfiq* (combination) of verdicts. *Talfiq* may also be performed in the case of two obligatory rulings. This may generate for the *mukallaf* a greater benefit in matters that intrigue him, thus, making him follow this path as a way of availing himself of that benefit. Another case of *talfiq* may occur when two verdicts are consistent in expressing the same line. (We will discuss more about this matter later under the advantages of *talfiq*, *inshā' Allāh*.)

Consequently, *talfiq* and the adoption of *rukḥṣahs* are not two identical cases for there is no sense in *talfiq* by a *mujtahid* (Islamic jurist). Undoubtedly, when a *mujtahid* reaches the point where he takes, through his *istinbāṭs* (deductions), clear positions toward the problems in question, it will be obligatory on him to act upon his inferences and he will not be allowed to follow others' opinions. *Talfiq* and the adoption of *rukḥṣahs* provided by verdicts are conceivable only by non-*mujtahids*. This will be correct only if we believe in the permissibility of *taqlid* and do not take into consideration the view of those, including the *Ḥashawīds*, who assume its impermissibility. Even in this case, *talfiq* will not be likely if we consider it obligatory to follow the *a'lam* (most learned jurist) who meets all qualifications of his position and is without any peer. If this happens to be the case, he may not turn to others and there will be no sense in *talfiq* and adoption of *rukḥṣahs* by him.

Resorting to such methods is possible only when we do not believe in the necessity of following the *a'lam* or else when there are two or more individuals who equally occupy the highest level

of knowledge. If this is the case there will be immense opportunity for *talfīq* and adoption of *rukḥṣahs*.⁵

Now we start the main part of our discussion with the analysis of the preliminaries of the subject and then will draw our conclusion.

***Ijtihād* and *taqlīd* in *furū'* and knowledge of Islamic law**

Ijtihād means exhausting whatever is in one's power to deduce *shar'ī* rules or practical duties - whether based on *shar'* (Islamic law) or '*aql* (reason) - from their detailed evidence. It can also be defined as referring *furū'* (practical laws) to the principles that are relied on in *shar'*. Considering these definitions and ignoring the one that puts *ijtihād* as including also the knowledge of *ẓannī* (presumptive) opinions that are not relied on in *shar'*, we do not need to discuss about the constant necessity of *ijtihād* in detail. The reason is that *ijtihād* is definitely established by the *sharī'ah* [Islamic legal system], in consistence with its perpetuation and as an undeniable *kifā'ī* (collective) obligation, in order to preserve the spirit and essence of the laws of Islam and prevent them from appearing as outdated and obsolete. That is why the *sharī'ah* greatly encourages gaining knowledge in various branches of Islamic law. Allāh, the Exalted, says: "... *Why should not a company from each group of them go forth to gain competence for understanding the religion and warn their folk when they return to them so that they may take precautions.*" (*al-Tawbah* 9:122)

This verse testifies explicitly to the fact that *ijtihād* is a collective obligation (*wājib kifā'ī*) not an individual one (*wājib 'aynī*) - which is the opinion attributed to the scholars of Ḥalab. Besides, if it was an individual duty, it will cause enormous difficulty. The *sīrah* (practice of the infallible Imams) also endorses reference to the *fatwās* (verdicts) of companions and narrators.

The permissibility of *taqlid* for non-*mujtahids* is almost evident to such an extent that the author of *Kifāyah al-Uṣūl* stated that it was a natural function built in human creation.⁶ Another supporting indicator is the practice of the wise (*sirah al-‘uqalā’*). Similar was the situation of the early Islamic communities, that is considered as a *shar‘i* evidence in support of this claim. Of course, there are also proofs from the Qur’ān and the traditions of the Prophet to support it.

The impermissibility of a *mujtahid*, reference to the verdicts of others

When a student of Islamic sciences reaches the level of *ijtihād*, he is not allowed to turn to others for *taqlid*. In his treatise on *ijtihād* and *taqlid*, Shaykh al-Anṣārī claims consensus (*ijmā’*) over impermissibility. The evidence he presents in support of this claim is the general statements that apparently indicate the permissibility of following whomever that enjoys the *malakah* (deep-seated ability) of *ijtihād*, and its restriction to those who cannot acquire such competence.

Muḥaqqiq Qummī, the author of *al-Qawānīn al-Muḥkamah*, distinguishes between those who are able and those who are unable to perform such functions of *malakah*. Upon this differentiation, he allows the second group to follow the verdicts of others stating:

The explanation of those who absolutely forbid a *mujtahid* from *taqlid* is that it is obligatory on him, according to *ijmā’*, to act upon his conjecture (*ẓann*) when he can obtain it in some other way. The ordinary individual (*‘āmmī*) is excluded by proof and the rest remains. It also includes the rejection of *ijmā’* on what we are discussing and of the ability to achieve conjecture when time is short. Therefore, it becomes clear that the stronger opinion is represented by permissibility in

case of shortage (of time) and that the ruling be particular to it.⁷

In his commentary on the statement of Shaykh al-Anṣārī, Āyatullāh Khu'ī says:

The correct opinion is what he states because the real rules (*al-aḥkām al-wāqī'iyyah*) are binding for whoever enjoys the *malakah* of *ijtihād* through comprehensive knowledge (*al-'ilm al-ijmālī*), or through the establishment of evidence and proofs that support their positions as ways of obtaining knowledge. Thus, he must discharge himself of his assigned duties, in case of which, it will not be enough to follow the verdicts of others since it will not lead to assured compliance (*imtithāl*).⁸

It seems that the judgment of the wise concerning reference of the *jāhil* (ignorant) to the *ālim* (expert) also includes the case of a *mujtahid* who is hindered by some obstacle, i.e., shortage of time, etc., from performing *istinbāt*. This argument becomes clearer when we suppose a broader area about which he has not been able to make *istinbāt* so far.

Requirement of *a'lamīyyat* in the followed jurist

We mean by *a'lamīyyat* the greater ability of its holder, in comparison with others, in various aspects of *istinbāt*.⁹ This has been the well-known opinion of Shi'ī scholars, especially during the recent periods.¹⁰ As quoted from Muḥammad ibn al-Ḥasan,¹¹ among the adherents of this view are: Aḥmad, ibn Surayj, and al-Qaffāl (who were Shāfi'is), a group of *uṣūlis*, and al-Ghazzālī.¹²

A group of Shi'ī scholars after Shahid Thānī held that *a'lamīyyat* was not required.¹³ We can only point to some proofs in this regard and postpone the details to their proper places.

The reason for non-stipulation of reference to the *a'lam*, even when one knows that his verdict is different from those of others, is presented in the following ways:

- Sticking to the generality of the evidence provided in support of the permissibility of referring to a *fiqh* expert; It is even said that those to whom people in the past referred were often non-*a'lams*, although the difference among their verdicts was known. This formed a general trait during the centuries since the inception of Islam.
- That it is a very difficult task;
- The judgment of the wise; and
- The agreement and *ijmā'* of the companions on this issue.

The above justifications are subject to dispute. As for the first reason, it is expressed that the context of argument, is when it is known that there is a disagreement between the *'ālim* (knowledgeable) and the *a'lam* (most knowledgeable). We do not know whether reference in this case was based on the fact that it was supported literally by tradition, and thus, nothing remained except *iṭlāq* (generality) that could not include two contradictory matters - because such an inclusion entails the association of two opposite and contradictory issues (*al-jam' bayn al-ḍiddayn wa al-muta'aridayn*). There is no possibility either of believing in *takhyir* (choice) because renouncing the *iṭlāq* of two contradicting proofs has priority over abandoning the very proofs themselves. The reason is that these proofs -as argued by Āyatullāh Khu'i- have no *naṣṣ* (literal evidence) and *ẓāhir* (evident meaning). Instead, their denotations are through *ẓuhūr* (outward expression) and *iṭlāq*. Therefore, it is inevitably concluded that since they could not be combined in an *'urfī* (conventional) way, they are doomed to reject each other. Other justifications have been dismissed and disproved.

The rationales presented for the necessity of reference to *a'lam*

Rationale 1. The legitimacy of *taqlid* is proved by the Qur'ān and the *sunnah* or the *sīrah*. General *shar'ī* proofs may not include two contradictory issues. This is related to our case here, since we are discussing a situation in which we are aware of the disagreement between the verdict of the *'ālim* and that of the *a'lam*.

The rational practice, which is endorsed in this regard, is in line with reference to the *a'lam* when disagreement is known. When a non-*a'lam*'s verdict is stripped of *hujjiyyat* (authority), reference to the *a'lam* will become necessary after having known that *iḥtiyāt* (precaution) is not obligatory due to its unfeasibility. The late Āyatullāh Khu'ī is ostensibly the only scholar who relied on this argument.¹⁴

This reasoning we will mention when we will set forth the question of *tab'iḍ*. In brief, the opposite argument is that the presumption of *iṭlāq* including two contradictory verdicts is possible, for we are not aware of the existence of any approved rational *sīrah* in this regard. Rational individuals refer to experts, "particularly the closer ones," while they generally know of the disagreement between them and those who have greater expertise than themselves, regarding several criteria such as the issue of *tashīl* (facilitation) on one hand and the rational probability of conformity with reality, even if they prefer the other one.

In other words, no rational necessity is known for reference to the *a'lam* while the other one enjoys the required qualifications.¹⁵ Since we are discussing from a legal point of view that considers *ijtihād* as an acceptable, legitimate method, which is presumably provided in both, there would be no sense in equating this case with the cases of contradictory individual reasoning between two experts in crucial matters, as we usually see in the

writings of scholars. The reason is that we do not know of any *sharʿi* endorsement, especially considering this general *sīrah* of the faithful which is characterized by reference to any one of the companions or to the scholars who followed the Imams and who encountered no repudiation and valid prohibition of such a broad phenomenon that has been extended throughout the time. Even the Imams directed people to scholars without requiring *aʿlamiyyat*.¹⁶ Moreover, the difficulty of the issue increasingly appears to be real, especially assuming the vastness of Islamic territory, the abundance of scholars, and the fact that Islam looks at things comprehensively. This fact becomes particularly clear, upon consideration of the picture we quoted from the author of *ʿUrwah* regarding *aʿlamiyyat*.

It is worthwhile here to quote the statement of the great Shaykh Muḥammad Ḥasan Najafī in this regard: “The argument concerns the deputies during the *ghaybah* (occultation) period (of the 12th Imam) with respect to referring disputes to, and following the less competent of them while having or lacking knowledge of disagreement. The *ẓāhir* (apparent indication) is *jawāz* (permissibility) due to the *itlāq* of the proofs of *naṣb* (appointment) that is tantamount to the *ḥujjiyyat* (authority) of everyone of them for all of the people and also because of the constant *sīrah* concerning issuance of verdict and solicitation of verdict from them (*iftāʾ* and *istiftāʾ*) with respect to competence. The claim of priority (*rujḥān*) based on presumed advantage refutes the aforesaid proofs of *naṣb* while their prohibition is probable in many individual cases in which the opinion of the less competent of his time is mended by acceding to the more competent during the earlier periods and by other factors.

There is no proof - whether based on *ʿaql* (reason) or according to *naql* (i.e., *hadiths*) - for the necessity of acting upon this preference with respect to the matter because the preference is perhaps in the very legitimacy of reference to the less competent,

even if the conjectural opinion in support of the verdict of the more competent is stronger, like the testimony of two *ʿādils* (just Muslims). Then, assuming the absence of any rational obstacle, the generality (*iṭlāq*) of the proofs of appointment in the case of a *ʿlam* and the validity of his verdict regarding an occurrence entails the *ḥujjiyyat* of his conjecture concerning that occurrence in a general way, and that it accords with righteousness, equity, justice, and what is sent down by Allāh. Therefore, it is permissible to refer to him by the way of *taqlid*.as well.

Perhaps the very competence of the less learned and his function as an appointed deputy, whose *qabḍ* (action and intervention) and *wilāyat* (authority) have been given a power similar to that of the most competent, are irrefutable facts, about which one ought not to have any doubts, especially after looking at the authentic texts that apparently denote the appointment of any one who is characterized by the attributes mentioned above, and do not restrict it only to the most competent of them. Otherwise, as it is obvious in case of the least amount of contemplation, it has to be said: "Look at the most competent of you," not "to a man from you." Notwithstandingly, it is known that the authentic text in support of preference is stronger to the subject of our discussion here, that is, the reference of disputes for the first time (*ibtidāʾ*) and *taqlid* for that reason, whether the disagreement is known or not. It is unlikely that the companions relied on this scripts to prove this matter.

Even more remote than that is to base the argument upon the implicit *ijmāʿ* quoted from Sayyid Murtaḍā in *al-Dhārīʿah*, and the explicit one quoted from Muḥaqqiq Thānī in his commentaries on the "*Jihād*" chapter of *al-Sharāʿi* over the obligation of primary reference of disputes to, and following the most competent jurist. Some scholars indicate that the less qualified jurist has basically no *wilāyat* while a more qualified one exists, as the necessary result of the absence of any helpful *ijmāʿ* regarding such cases. However, it

appears that the contrary is correct because the Imams ('a) - despite their presence - used to direct people to their companions, e.g., Zurārah, Muḥammad ibn Muslim, Abū Baṣīr, etc. The Messenger of Allāh (ṣ) also delegated *qaḍā'* (adjudication) to some of his companions despite the presence of the Commander of the faithful, 'Alī ('a), who was the most competent of them.

It is stated in *al-Durūs*: "If the Imam is present somewhere and is asked to judge about a matter, he may, based on *ijmā'*, refer it to others." We have not confirmed this *ijmā'* through Muḥaqqiq Thānī, and the *ijmā'* of Sayyid Murtaḍā is based on the issue of *taqlīd* of the less qualified in the field of grand *Imāmah* (authority) despite the existence of the more qualified. He states at the end: "Therefore, appointing, following and referring of disputes to him will be permissible then, whether the disagreement is known or not."¹⁷

The late Shaykh Ḥurr 'Āmili, an *akhbārī*¹⁸ scholar, states in refutation of *uṣūlīs*: "Believing in *taqlīd* entails that the follower knows that the person whom he follows is an absolute *mujtahid*. Since gaining such a knowledge is obviously impossible for the follower, it entails imposing an unbearable task, and also requiring him to discern the *a'lam* among several *mujtahids*."¹⁹

The author of *Wilāyat al-Faqīh* states: "The opponents of the requiredness of *a'lamiyyat* can argue that the *sīrah* during the time of the Prophet (ṣ) and the Imams ('a) was to turn, and refer others, to anyone of their companions without requiring *a'lamiyyat*, although difference in their competence was evident."²⁰

The late Fāḍil Tūnī (d. 1071 h.) says in *al-Wāfiyah*: "And *taqlīd* means acceptance of the opinion of a person who may err without any reason or proof. A *muftī* (source of verdict) whose *fatwā* is solicited, is required, besides enjoying the qualifications mentioned above in the way mentioned above, to be a *thiqah* (reliable) *mu'min* (believer)."²¹ He absolutely does not address the condition of *a'lamiyyat*.

Rationale 2. Another explanation provided for the necessity of reference to the *a'lam* is based on *ijmā'*. This explanation is unacceptable in whatever way we interpret *ijmā'*. Whether we mean by it a unanimity of opinions or a consensus that reveals the opinion of the *ma'ṣūm* (infallible authority), it is incomplete here after it became clear that the opinions did not agree in this respect. Furthermore, a unanimity may be claimed, in certain periods, over the opposite of this opinion. The obviousness of the fact that it does not reveal the opinion of the *ma'ṣūm* ('*a*) is another problem.

Rationale 3. Another proof is composed of certain traditions including the following ones:

- *Maqbūlah* of 'Umar ibn Ḥanṣalah²² that signifies the priority of the judgment of the *afqah* (the most knowledgeable jurist) but is related to the subject of adjudication and not juristic ruling.
- What is stated in the epistle of Imam 'Alī ('*a*) to Mālik Ashtar which reads: "Select for judgment among the people the most competent of your folk."²³ This tradition concerns adjudication as well.
- The tradition that is mentioned in *al-Ikhtisāṣ*, quoting the Prophet (Ṣ) as saying: "Leadership does not befit anyone except those who are entitled for it. Therefore, whoever invites people to himself whereas there exists someone more knowledgeable than him, Allāh will not look at him on the Day of Judgement."²⁴ Not only this tradition is *mursal* but it is related to the field of *wilayat* and government.
- What is quoted from Imam Muḥammad ibn 'Alī al-Jawād, who told is paternal uncle: "O uncle! It is a very

serious matter before Allāh that you stand in front of him tomorrow and he says to you: "Why did you issue verdicts for my servants concerning what you had no knowledge, whereas there existed in the *Ummah* someone who was more knowledgeable than you?" This tradition is *mursal* and is not considered a valid proof. Moreover, it points, particularly, to a case in which the issuer of verdict lacks knowledge.

Rationale 4. It is also argued that since the *a'lam*'s verdict is closer to reality, it is the only one that must be followed. In response to this argument, the late Āyatullāh al-Khu'i stated that if this proximity was taken to mean that his verdict was actually closer, he would not accept it, and if it meant that his verdict had the potential of being closer, he would say that natural proximity had not been made a criterion either for *taqlid* or for its necessity.²⁵

Rationale 5. This rationale is a reference to the rational principle concerning the problem of a circle between *ta'yin* (specification) and *takhyir* (choice) between the *a'lam* and others. However, after the establishment of the *ijtihādī* proof (*sirah*) for us, there would be no room for reference to this principle due to its subordinate status. Surprisingly, some scholars referred to it directly before discussing any claimed *ijtihādī* proofs. The argument that this principle results in the specification of the *a'lam*, for example, calls for a discussion on which there is no room here for elaboration.²⁶

Anyway, as we said, the most popular opinion among the more recent scholars of the *Imāmī* school is the requisiteness of *a'lamiyyat*.²⁷

Rules of *Tab'īd* and *Talfiq*

By *talfiq* we mean non-restriction to the verdict of one *mujtahid*, and reference, when it comes to action, to the verdicts of more than one *mujtahid* concerning either compound inter-related actions or actions that are independent of each other.

Al-Albanī defines *talfiq* as acting in a form that *mujtahid* does not recommend, by combining, with respect to a single matter, two or more verdicts, and hence, achieving a compound entity adhered to by no one. An example could be one's *mash* (ritual wiping) in *wuḍū'* (ritual ablution), just on a part of his head's hair in accordance with the ruling of Imam Shāfi'i, and touching an *ajnabiyyah*²⁸ following Imam Abū Ḥanīfah's way (without his *wuḍū'* being nullified). This form of *wuḍū'* represents a compound entity that is addressed by none of the two jurists.²⁹

Clearly, al-Albanī talks about a single action in his example without *talfiq* being done in the case of interdependent parts. In fact, the individual in this case follows one authority regarding one part of *wuḍū'*, and complies to another authority concerning the touching of an *ajnabiyyah*. Naturally, whoever believes in the permissibility of *talfiq* in the case of an interdependent compound action, he certainly accepts it with regard to independent actions too.

The sources of *Imāmī fiqh* allude to the *talfiq* method as *tab'īd*, a term that I prefer due to the negative implications of the term *talfiq*.

The late Sayyid Muḥammad Kāzīm Yazdī states in *al-'Urwah al-Wuthqā* (question 33): "If there are two *mujtahids* who are equal in terms of knowledge, the *mukallaf* may follow whom-ever of them he wishes, and it will be permissible for him to discriminate with respect to different issues."

He further indicates in question 65: "In the case of agreement between two *mujtahids* the *mukallaf* has a choice to follow whom-ever of them he wishes, as he is allowed to discriminate even with

regard to the rules of a single action, and even if the verdict of one of the *mujtahids* endorses, for example, the necessity of *jilsah al-istirāḥah* (relaxation sitting)³⁰ and the desirability (*istiḥbāb*) of *tathlith* (triple recitation) of *al-tasbiḥāt al-arba'ah* (quadruple glorification hymns)³¹ whereas the other's verdict is contrary. In such a case, the follower may act according to the verdict of the former regarding the desirability of *tathlith* and according to that of the latter concerning the desirability of *jilsah*."

Imam Khumayni states: "If two *mujtahids* are alike in terms of knowledge, an ordinary person has the choice to refer to either of them. Moreover, it is also permissible for him to discriminate with respect to issues, following one *mujtahid* in certain matters and following the other in certain other matters."³²

The opinions expressed on the issue and its history

Shaykh al-Albani tried to present a survey of a number of opinions in this regard and stressed that although *talfiq* did not exist in the era of the Prophet (ﷺ) - since it is considered a phenomenon that cannot emerge during promulgation and inception of divine laws - it was practiced during the time of the Prophet's companions and their disciples (*tābi'in*). It frequently happened that someone asked a certain question from some of them, then asked other questions from others. Nothing has been narrated from any of them regarding the follower's obligation to observe the rules of the *madhhab* of whomever he follows. Such a view has not been known of any one of the Four Sunni Imams (Abū Ḥanīfah, Ibn Ḥanbal, Shāfi'i and Mālik ibn Anas) and other *mujtahids* either. Rather, the statements that have been quoted from them point to the contrary.

Al-Albani states as a digression: "It becomes clear from this that during the early Islamic period, the compliance by a solicitor of verdict with the opinion of one of the scholars from the

Prophet's companions regarding a certain issue, and his compliance with the opinion of another Companion or *tābi'ī* regarding another issue, was not called *talfiq*, although the result was a compound entity that was not believed by any of the two scholars. Rather, it resembles the overlapping of scholars' opinions in an unnoticeable and unintentional natural way, like the overlapping of words' in the Arabic language."³³ Hence, al-Albanī considered proposing the issue of *talfiq* in this form as a new phenomenon.

'Allāmah al-Kawākibī is quoted as challenging the opponents of *talfiq*'s permissibility in his book, *Umm al-Qurā'*, saying: "The fact is that what they call *talfiq* is nothing but *taqlid*." Then he adds: "And every follower is naturally unable to distinguish between the ranks of *mujtahids*. Therefore, he is allowed to follow some *mujtahid* with respect to every religious matter. Does any Muslim have the misimpression that Abū Ḥanīfah rejected to follow Mālik or to eat from the animal slaughtered by Ja'far? Never! Their personalities were greater that such prejudice could penetrate their minds."

Ibn Taymiyyah is quoted as making an argument that can be briefly put as the following: Obliging an ordinary *mukallaf* to follow the *a'lam* involves great difficulty and limitation. The ordinary people of every period still continue to follow one *mujtahid* in a certain issue, and another *mujtahid* in another issue, and another concerning a third issue, and so on in numerous cases. Nevertheless, no objection to such a practice of theirs has been recorded, neither they were ordered to search for the most learned and competent in their views.

Then, he alludes to the conventional view that commitment to a particular *madhhab* is not obligatory. Then, he goes on supporting this view by quoting different opinions.

It is appropriate here to quote a statement by Shaykh 'Abd al-'Alī Anṣārī in *Fawātiḥ al-Raḥmūt fī Sharḥ Musallam al-Thubūt* by ibn 'Abd al-Shakūr saying: "It is told that continuation is not

necessary and transference is valid. This is the truth that ought to be accepted. However, transference should not be done for entertainment since entertainment is definitely *ḥarām*, whether it is in the belief in a *madhhab* or else. The reason is that there is no obligatory duty but what Allāh decreed so, and the *ḥukm* (authority to rule) only belongs to him. He did not make it obligatory on anybody to follow the *madhhab* of anyone of the four Sunni Imams. Therefore, making such a thing *wājib* is considered a new *tashrī'* (legislation) and you may reason against it by saying that, based on *naṣṣ*, disagreement of scholars is a blessing and a relief for the creatures."

As for the Imamīs, apart from the permissibility of *tab'īd* that we quoted from one of their great scholars - and it is quoted from scholars other than him too - it is not *ma'rūf* (widely endorsed) among them. The reason is the enormous reputation of the verdict that admits the necessity of following the *a'lam* and the rarity of cases in which scholastic equality is known so, that such a situation can emerge.

Anyhow, the important matter is to reason for the issue and refer to the proofs of *ijtihād* and *taqlīd* in order to find out the truth. As for the aforementioned opinions, they can only be consulted with, if they do not amount to the level of an *ijmā'* that indicates the wish of the *Shāri'* (legislator).

Opinion of the late Āyatullāh al-Ḥakīm

Imam Sayyid Muḥsin al-Ḥakīm states in his *Mustamsak* commenting on *mas'alah* 33 of *al-'Urwah al-Wuthqā*: "I came to know that due to the disagreement of the *mujtahids'* verdicts, the *itlāqs* of the proofs of *ḥujjiyyat* ceased to be a source of reference and *ijmā'* became the exclusive reference. Therefore, the lawfulness of *tab'īd* depends on the inclusion of the case of *tab'īd* by the *ijmā'* on the *takhyīr* [choice] between them while such an inclusion by *ijmā'* is not clear and I do not know, at the time being, of any-

body claiming it. Some of the proofs presented by the opponents of *'udūl* (transference) in cases other than the one in which someone has followed the *mujtahid*, seem to imply the forbiddance of *tab'iq*. You can know this by yourself through conferring their statements. Another proof claiming that *sirah* was based on it during the era of the infallible Imams('a) is similar. Therefore, *tab'iq* is not void of problem.

Yes, if we consider *taqlid* a commitment to act upon the opinion of a particular *mujtahid*, nothing will be wrong with *tab'iq* because of the generality of the proofs of *hujjiyyat*.³⁴

Āyatullāh al-Ḥakim explains this point on another occasion too, saying what can be summarized as the following: *Taqlid* is to act relying on the opinion of others. If *mujtahids* agree with each other, every one of them may be followed and *ta'yin* (specification) will not be required. However, if they disagree, all of them cannot possibly be *hujjahs* because this entails mutual invalidation that leads to contradiction. No particular one may exist either, because no one has any advantage over others. *Tasāquṭ* (mutual dismissal) is also impossible since it is against *ijmā'* and *sirah*. Therefore, *hujjat* is the one whom he chooses; and this choice represents commitment, and commitment is the primary stage of *taqlid* not *taqlid* itself.³⁵

Commenting on *mas'alah* 65 of *al-'Urwah al-Wuthqā*, Imam al-Ḥakim states that one may find fault with an interrelated single action concerning which, action has been performed according to two verdicts, claiming that both verdicts oppose such an action. He answers to this objection by saying that after assuming the permissibility of *tab'iq*, the individual disagreement of each *mujtahid* concerning cases other than the one in which he is followed, does not damage the permissibility of such a *taqlid*. He then adds:

If you say that a *mujtahid* whose verdict is *jilsah al-istirāḥah* are not necessary issues, such a verdict only with respect to prayers that include the triple

tasbihs, just like the one whose *fatwā* is to confine oneself to a single *tasbiḥ* believes so only in the case of prayers that contain *jilsah al-istirāḥah*, the result of which would be that forgoing *jilsah al-istirāḥah* and confinement to a single *tasbiḥ* is not considered as acting upon the *fatwās* of the two *mujtahids* even in a combined form, I would say that relation among the parts in *thubūt* (emergence) and *suqūt* (dismissal) is not concomitant with relation between the two as verdicts.

Therefore, Āyatullāh al-Ḥakīm does not look at this as a problem. In his view, the problem is that proofs fall short of inclusion of two contradictory verdicts issued by two equal *mujtahids*. No *ijmā'* or *sirah* covers them to provide them with *ḥujjiyyah* (legitimacy) either. We can extend this idea to include a case in which we hold a *'lamiyyat* as unessential to *taqlid* and in which the verdicts of two scholars disagree with each other. However, even if we accept his basis about *taqlid* as being an action not a commitment to action, we can say that proofs include the two cases of contradiction between two verdicts due to the aforementioned *sirah* that prevailed during all earlier periods and endorsed reference to *mujtahids*. Naturally, this was done while the *mujtahids'* disagreement was known; a matter that determines the inclusion of this case too.

Opinion of the late Āyatullāh al-Khu'ī

Āyatullāh al-Khu'ī considers *taqlid* as reliance on another's opinion in action arguing that this sense is stressed by Arabic usage and comes to mind from traditions.³⁶

When he discusses the issue of equally competent *mujtahids* whose verdicts disagree and the context in which the proofs of *ḥujjiyyat* include both verdicts, he emphasizes that *takhyir* between them - although it is *'urf* widely accepted among the companions - is inadmissible. Therefore, *itlāqs* cannot possibly include two

contradictory matters, and the current rational *sirah* concerning *takhyir* between them is not proven. Instead, rational individuals rely on *iḥtiyāt* (precaution) and it has not been confirmed that the *sirah* of devout Muslims is connected to the time of *Shāri'*. Besides, since *ijmā'* is reported just by the narration of a single narrator, we cannot rely on it on the one hand, and on the other, it is a novel issue that has not been addressed by the scholars in their discussions.

We expressed the opinion that whoever deserves this widespread situation in all times, particularly during the early Islamic period, can claim, and even be perfectly sure of, the *sirah* of devout Muslims in this regard. The reason is that we may assume the inclusion of two contradictory verdicts by the proofs of *ḥujjiyyat*, not due to the consideration of *mukallaḥ* as being aware of the import of both verdicts together, which entails joining of opposites or contradictories (*al-jam' bayn al-ḍiddayn* and *al-naqīḍayn*), but by the way of concoction of the two verdicts. There would be no problem if the Legislator's tendency is directed at either of these two individual verdicts that satisfies his purpose. Or it has been said that the advantage of facilitation for *mukallaḥs* through referring them to different *mujtahids* in spite of knowing their disagreement creates a general tendency toward the *mukallaḥ's* action upon one of the verdicts that are arrived at through a legitimate operation. We do not find any fault or disagreement with any rational principle in this argument.

For instance, a government sets up various institutions for issuing orders while it is aware that the judgments of these institutions concerning interpretation of laws and detection of the intentions of a ruler sometimes differ. However, the government overlooks the unintentional infringements that result from this in order to actualize the supreme good, namely the implementation of its laws to the farthest possible extent. To put this point clearly, we

should consider the possibility that the ruler indicates this matter outrightly feeling no problem in accepting it.

As for the term *iḥtiyāt*, we may find no room for it in most general legal situations, especially when we consider the matter on a global human scale.

In the closing of his discussion about this topic, Āyatullāh al-Khu'ī assumes that the validity of each of the two verdicts is conditional upon commitment to it. This is a rational assumption positively (*thubūtan*) but he argues against it substantiatively (*ithbātan*) by saying that the evidence gives *ḥujjiyyat* to the verdict of the jurist without making it conditional upon the element of commitment to it.

Here, someone may argue that inspite of the lack of restriction by commitment in ordinary cases it may be claimed that '*urfi* understanding (common sense) resorts, in confrontation with a situation of disagreement between two cases, to such restriction.

This common sense becomes clearer when we consider what is mentioned in the traditions relating to expansion (*tawsi'ah*) with respect to two discrepant traditions, and to the *mukallaḥ*'s right to act upon every one of them he wishes by the way of submission naturally if we overlook what exists in their chains of transmission and generalize their indication to the tradition other than the two discrepant ones. Even if we do not generalize and their chains of transmission are not perfect they will indeed disclose a common sense form of understanding.

It might be said that those who believe in *taqlid* as commitment do not confront this problem. This group includes scholars such as the author of *al-Kifāyah* and that of *al-'Urwah* who says: "*Taqlid* is a commitment to an action according to the opinion of a certain *mujtahid* even if one has not been doing so until then."

However, sometimes it is said in this regard that what is considered here is instrumentality, even against the opinion of the aforementioned group, and that it is not meant to take commitment

as an independent subject by itself to make its inclusion by *itlāqs* possible.

Besides, according to the opinion of most scholars of the four schools of Sunni *fiqh*, there is no choice except to accept the permissibility of *talfiq* or *tab'īd* after they did not consider *a'lamiyyat* as a requirement on the one hand, and considered that all of them led to *ḥaqq* (truth). We have not obtained a firm evidence supporting the opinion of those who oppose *tab'īd*.

In his discussion of this subject, Sayyid al-Khu'ī distinguishes between two cases: the case of the lack of knowledge about the disagreement of the two verdicts, and the case of being aware of the disagreement while acting upon them in a single interdependent, compound form. Then, he allows it in the first case and does not allow it in the second one despite assumption of generalization of evidence for the validity of interdependent parts is also interdependent and, hence, if one performs some part according to someone's verdict and assumes that it is probably null and void in reality, and performs another part according to another's verdict and thinks that it is probably null and void, as well he doubts about the validity of his payers and has no legitimate proof regarding its validity. Since none of the *mujtahids* endorses its validity, he will have to redo it, and this is the meaning of revocation (*buṭlān*).

The opinion expressed by the late Sayyid al-Ḥakīm seems more plausible and we could not figure out the distinction between the two cases in this regard.

Adoption of *Rukḥṣahs*

We already said that this issue is a branch of *talfiq*. Therefore, when the discussion about its permissibility is exhausted, we will talk about the adoption of *rukḥṣahs*.

The author of *Fawātiḥ al-Raḥmūt* states: "It may be concluded from this - namely, from what was mentioned concerning the unnecessary of continuation to follow a specific school of *fiqh* -

that a *mukallaḥ* may follow their *rukḥṣahs*. He said in *Fath al-Qadīr*: “Perhaps, the opponents of transference objected only so that nobody adopts the *rukḥṣahs* of the schools of *fiqh*.” He stated: “No *shar‘ī* deterrent forbids it because a person has the right to choose a way that is the easiest for him provided that he has the right to go through it, or in other words, if *shar‘* poses no objection or prohibition against it.”³⁷

The author of *Fawātiḥ* adds: “But the adoption of *rukḥṣahs* should not be for the sake of entertainment: like playing chess by a Ḥanafī according to the opinion of Shāfi‘ī for the sake of *lahw* (amusement), or like drinking *muthallath* by a Shāfi‘ī in order to be entertained by it. Such an action may be *ḥarām* based on *ijmā‘* because seeking amusement is prohibited according to the explicit texts.”³⁸

Then what is the position toward this situation?

The permissibility of the adoption of *rukḥṣahs* is the consequence of the permissibility of *talfiq* even if *rukḥṣahs* are adopted on purpose. Therefore, what encouraged some scholars to oppose it? The following arguments may be mentioned as the motives behind such an objection:

First: That if such a process is allowed it will lead to frailty. The Human being has a strong tendency to alleviate the burden of his duties, therefore, if he takes advantage of *rukḥṣahs* he will lose the virtue of being a committed *mu‘min*.

Second: It will lead to trickery in matters of *shar‘* and provision of opportunity for committing *ḥarām* through combination of two *rukḥṣahs* for example.

Third: It leads to defiance of the order of the legitimate ruler.

Fourth: It causes damage and evil consequences (*mafsadah*).

Fifth: It generally leads to a situation that is certainly wicked and forbidden.

Sixth: Accusation of the follower of *rukḥṣahs* as a *fāsiq* (sinner) according to what is narrated from Imam Aḥmad Ibn Ḥanbal.

Seventh: It is not consistent with the exclusive limitation of *madhhabs* to the four well-known schools of Sunni *fiqh* and the *ijmā'* upon the necessity of following only one of them. It is noteworthy here that what is mentioned in the seventh reason is very odd. The adoption of *rukḥṣahs* does not contradict with the restriction of *madhhabs* in itself and there is no *ijmā'* on the necessity of compliance to only one of the four *madhhabs*. Besides, there is no *ijmā'* on the necessity of restriction of *madhhabs* to four schools of *fiqh* because none of the reasons that call for the restriction is justified although it could be claimed that they were justified previously. This is what we reject too, as many scholars and researchers have done so.³⁹

What I believe is that the reasons listed above exist in a general form in some cases. That is why scholars prohibit this very adoption by the way of elimination of excuses and outlawing to do *ḥarām*. Besides, some of these arguments and barriers - if actualized - establish a proof for rejection of all cases. This is what was mentioned in the fifth argument where a general knowledge is shaped that prevents action upon its sides.

The right conviction is that we cannot illegalize something that - if accomplished - agrees with *shar'ī* rules merely based on the argument that it is a matter in which deception is easy, or that it may lead to evil results, or defiance of *shar'ī* rule, except when these matters prevail in that case and in an extraordinary way.

The truth is that few people follow *rukḥṣahs* personally and with the intention of amusement, and we cannot rely here on poets and the tales of story-tellers. Therefore, the door is open by itself.

Some of the benefits that presumably result from the permissibility of *tab'īd* and adoption of *rukḥṣahs*

The presumable advantages of the permissibility of *tab'īd* may be summarized as follows.

First: We may not prohibit something that is opened by rules merely for the sake of facilitation. Why do we prevent an individual who can take advantage of the *rukḥṣah* of a *madhhab* that generally recognizes its legitimacy? Perhaps, there may be cases in which this *rukḥṣah* has a great effect as in marriage and divorce, for instance.

Second: Occasionally, planning an Islamic agenda for managing certain vital affairs calls for resorting to a certain verdict - and we do not insist on its inclusion of *rukḥṣah* - that is consistent with public good, and which forms a developed structure along with other verdicts, and is what we sometimes call inherent motives for the choice of verdict. This may be true in the case of issues like unification of the beginnings of the lunar months, or invalidness of divorce while one is angry, etc.

Third: A Muslim researcher, who looks for a vital doctrine like Islamic economic or social doctrines, may find consistent verdicts issued by several jurists that constitute a uniform aspect of a general guideline. In this case, the researcher can put forward this guideline in the form of an *ijtihādī* representation of that *madhhab*.

This is what the Martyr al-Ṣadr, who was a great scholar, did in his book, *Iqtisādunā*, explaining this phenomenon in the following way:

The exploration of economic doctrine is accomplished through an operation of *ijtihād* in understanding authentic texts (*naṣṣ*), classifying them, and reconciling their indications in a uniform manner, and we saw that

ijtihād differs and varies as a result of the *mujtahids*' difference, in the way they understand the authentic texts and resolve the contradictions that occasionally emerge among those texts, and the difference in the rules and general jurisprudential methodologies that they employ. We also saw that *ijtihād* enjoys a *shar'ī* characteristic and an Islamic attribute as long as it fulfills its obligation and provides a picture and defines its limits and contours in the framework of the Book and the *Sunnah*, and according to the general conditions that are not violable ...

It is concluded from what we said that the increase of our reserve with respect to Islamic economy and the emergence of numerous forms of it, are all legitimate and Islamic, and we can possibly select, in every field, the strongest element that we find in that form and the most powerful one in solving the problems of life and realizing the exalted ideals of Islam. This is an opportunity of inherent choice where a researcher holds his freedom and opinion.

Then he adds:

Taking advantage of this inherent opportunity and conferring the doer a right in selection in the general framework for *ijtihād* in Islamic law is sometimes a necessary condition from the technical viewpoint of exploring operation.

Then he asks:

Is it necessary that the *ijtihād* of each *mujtahid* - along with the rulings that it entails - reflects a certain economic persuasion and unified foundations that are consistent with the structure of those rulings and their nature? We reply to this question negatively because

the *ijtihād* on which inference of those rules is based is subject to error. As long as it is so, a *mujtahid*'s *ijtihād* may contain an element of law that is alien to the real nature of Islam. Therefore, we have to differentiate between the real nature of Islamic legislation - as the Prophet (ﷺ) brought it - and the *ijtihādī* form that is devised by a certain *mujtahid*.⁴⁰

So we say that allowing *tab'iq* and even the adoption of *rukḥṣahs* - in a way that excludes abuse - is a desirable matter, and Allāh is the Knower.

Notes:

1. Khallāf, *'Ilm Uṣūl al-Fiqh*, p. 138, quoted in Sayyid Muḥammad Taqī al-Ḥakīm, *al-Uṣūl al-'Āmmah lil-Fiqh al-Muqāran*.

2. Aḥmad ibn Ḥanbal, *Musnad*, chapter 2, ḥadīth 108.

3. Shaykh 'Abbās al-Qummi, *Safinah al-Biḥār*, vol. 1, p. 17, term "*rakḥṣa*."

4. *'Umdah al-Taḥqīq fi al-Taqlid wa al-Talfiq*, p. 114.

5. It may be said that *talfiq* is consistent with the opinion that reference to the *a'lam* is confined to cases in which the difference of the two *mujtahids* in verdict is known. However, if there is no knowledge of their agreement or disagreement, he will be free to choose either of the two. The problem with this argument is that our assumption here is that their difference is known, therefore, he may follow the relieving verdict instead of the binding one.

6. Ākhūnd al-Khurāsānī, *Kifāyah al-Uṣūl*, vol. 2, p. 359.

7. Āyatullāh al-Khu'ī, *al-Tanqīḥ fī Sharḥ al-'Urwah al-Wuthqā, Kitāb al-Ijtihād wa al-Taqlīd*, p. 30.

8. Mīrzā Qummi, *al-Qawānīn al-Muḥkamah*, vol. 2, p. 163.

9. Sayyid Muḥammad Taqī al-Ḥakīm, *al-Uṣūl al-'Āmmah li al-Fiqh al-Muqāran*, p. 659, quoting al-'Amīdī, *Iḥkām al-Aḥkām*, vol. 3, p. 173. The author of *al-'Urwah* says: "The meaning of *a'lam* is the one who is the most knowledgeable about the rules and evidence of the issues and the most familiar with similar cases and with traditions, and the best in terms of understanding traditions, and consequently, in terms of *istinbāt*."

10. The author of *Ma'ālim*, Shaykh Ḥasan the son of Shahīd Thānī, states (p. 388): "And if some of them were preferable in terms of knowledge and *'adālat* [probity], it will be *wājib* on him to follow him. This is the opinion of the companions whose word has reached us. Their reasoning is that confidence in the *a'lam*'s view is more probable and firmer. *Takhyīr* (choice) has been ascribed to some people as well."

11. *'Umdah al-Taḥqīq*, p. 54.

12. Ghazzālī, *al-Mustasfā*, vol. 2, p. 125.

13. Sayyid Muḥsin al-Ḥakīm, *Mustamsak al-'Urwah al-Wuthqā*, vol. 1, p. 26.

14. *Al-Tanqīḥ*, expositions of Gharawī, *Kitāb al-Ijtihād wa al-Taqlīd*, p. 142.

15. Imam Khumaynī put forward this idea in his *Tahdhīb al-Uṣūl* (vol. 2, p. 550) by saying: "Then, it is appropriate to discuss whether the priority given by *binā' al-'uqalā'* (the judgement of rational persons) to the opinion of *a'lam* in the case of disagreement, either in general or in detail, is by the way of necessity or due to the merit of *iḥtiyāt* (prudence)?" The probability of the latter

alternative is not remote because both opinions meet the criterion and conditions of *ḥujjiyyat* (authority) and *amāriyyat* (circumstantial indicativeness), but he returns and discusses what he brought up considering the affair of *shar'* as being so important that it may not be neglected.

16. This fact is attested to by numerous traditions in which the Imam ('a) refers to Muḥammad ibn Muslim al-Thaqafī, Abū Baṣīr, Yūnus ibn 'Abd al-Raḥmān, and Ma'ādh ibn Muslim, etc., while ignoring this condition. There is no sense in claiming that the Imam knew that they did not disagree in verdict. Further, it may be claimed, based on the nature of the situation, that there is no doubt in their difference. As an example, we quote the following tradition from *Mu'jam al-Rijāl* written by Āyatullāh Khu'i, (vol. 1, p. 96), quoted from the late al-Kashshī in chapter *Faḍl al-Riwāyah wa al-Ḥadīth*: "From Ja'far ibn Wahab saying: "Aḥmad ibn Ḥātam talked to me about Māhawayh saying: "I wrote to him - meaning the third Abū al-Ḥasan ('a) - asking him whom I obtained my religious knowledge from." His brother also wrote so. He replied to them writing: "I understood what you mentioned. Rely, in your religion, on whoever is great in his love for us and is highly advanced concerning our matter (*amrinā*). They will indeed suffice you if Allāh wills."

17. Shaykh Muḥammad Ḥasan Najafī, *Jawāhir al-Kalām*, vol. 40, p. 46.

18. *Akḥbārīs* are traditionists who perform their actions based on *iḥtiyāṭ* and do not believe in the necessity of following a *mujtahid*.

19. Shaykh Ḥurr 'Āmili, *al-Fawā'id al-Ṭusiyyah*, p. 411.

20. *Wilāyat al-Faqīh*, vol. 2, p. 179. Although he is discussing about "*qaḍā*", his statement includes, just like that of the author of

Jawāhir, the issue of verdict as well. However, the statement of the author of *Jawāhir* is more explicit and emphasizes the case in which disagreement is also known.

21. *Al-Wāfiyah* (new Qum edition), p. 299.

22. Shaykh Ḥurr 'Āmili, *Wasā'il al-Shi'ah*, ch. 9 of chapters concerning the characteristics of a judge.

23. *Nahj al-Balāghah* (Beirut), ch. 4, p. 30.

24. *Al-Ikhtiṣāṣ*, quoted in *Bihār al-Anwār*, vol. 2, p. 110.

25. *Al-Tanqīh*, p. 147.

26. See Sayyid Muḥammad Bāqir al-Ṣadr, *Durūs fi 'Ilm al-Uṣūl*, vol. 3, part 1, p. 185-87.

27. This opinion is held by the majority of members of the Assembly for *Fiqh* of *Ahl al-Bayt* ('a) based in Qum, the Islamic Republic of Iran.

28. A woman who is not *maḥram* with whom a man should observe strict rules in his relation with her. For instance, he may not look at any part of her body especially those parts other than face and hands, voluptuously or have sexual relationship with her, etc., unless they are married.

29. *'Umdah al-Taḥqīq*, p. 91.

30. *Jilsah al-istirāḥah* means to sit idle for a short time after performing the second of the two *sajdahs* (ritual prostrations) before rising for recitation of the next *rak'ah* in prayers.

31. *Tasbīḥāt al-arba'ah* are *subhāna Allāh, wa al-ḥamdu li-Allāh, wa lā ilāha illā-Allāh, wa Allāh Akbar*.

32. Imam Khumaynī, *Taḥrīr al-Wasīlah*, vol. 1, p. 6.

33. *'Umdah al-Taḥqīq*, p. 94.

34. *Mustamsak al-'Urwah al-Wuthqā*, vol. 1, p. 62.
35. *Ibid.*, pp. 11-13.
36. *Al-Tanqih, al-Ijtihād wa al-Taqlid*, expositions by Mirzā Gharawī, pp. 77-81.
37. Al-Ghazzālī *Hāshiyah al-Mustasfā* (published by Dār Ṣādir), vol. 2, p. 406.
38. *Al-'Urwah al-Wuthqā* (Tehran: al-Maktabah al-'Ilmiyyah), the eighth *mas'alah* of the sections on *taqlid*, p. 4.
39. One may refer here to what is written by our great mentor, Sayyid Muḥammad Taqī al-Ḥakīm in *al-Uṣūl al-'Ammah lil-Fiqh al-Muqāran*, p. 599.
40. Sayyid Muḥammad Bāqir al-Ṣadr, *Iqtisādunā*, vol. 2, p. 380.

The Codification of International Humanitarian Laws and the Concept of Humanitarian Laws in Islam

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Part 2

3. *Behavior toward Prisoners of War*

The prescriptions of Islam regarding the method of behavior with prisoners of war includes commandments whose contents are not reached by modern international law and common law. The first principles in determining the status of a *prisoner of war* is that the government of the enemy is responsible for protecting his health and security, and he is not placed under the control of the combatants who have taken him prisoner. There is explicit allusion to this matter in the Qur'ān: {*So when you meet in battle those who disbelieve, then smite the necks until when you have overcome them, then (make them) prisoners, and afterwards either set them free as a favor or let them be ransomed until the war terminates...*} (47:4). There is another verse of the Noble Qur'ān pertinent to

this: *{It is not fit for a prophet that he should take captives unless he has fought and triumphed in the land...}* (8:67). Attention should be paid to the fact that these two verse indicate one matter, and that is that before complete victory, the Muslim combatants must not make any effort in this regard, except for what the enemy does; but after complete victory, the taking of prisoners begins according to the orders of the first of the verses mentioned above. Some of the exegetes of the Qur'ān⁶¹ that these two verses are incompatible. They explain that the second verse forbids any kind of taking prisoners by a religious leader, who is obliged to annihilate the enemy as long as Allah's religion has not been completely established on the earth, and who is not allowed to keep individuals of the enemy alive as captives. But in our view, both verses point in one direction. The key to the solution of this problem is in the interpretation of the phrase "*yuthkhina fi al-'arḍ*" (*fought and triumphed in the land*). This phrase really means overcoming the enemy in the battlefield, not the sovereignty of Allah's religion over the entire face of the earth. What has been forbidden in the second verse is merely the taking of captives before the battle is over and victory won.

The first of the noble verses mentioned above requires that the fighting continue until the enemy is completely defeated and overcome. Then the Muslim forces are required to take prisoners. Once the battle is finished and the captives have been taken, the war is terminated, at which time one of two actions must be taken: either the captives are to be set free without any condition as an act of generosity, or ransom is to be taken for setting them free. Thus, the Islamic commandment is that one of the aims of war is taking captives from the enemy, and after that it is up to the imam. This means that a prisoner of war is a trust in the hands of the imam, who is responsible for his health and security. Hence, the imam's duty in this regard is determined. For this reason the Apostle of Allah said, "Beware lest anyone interfere in the affairs of his own

brother's prisoner of war and kill him." It has been reported that 'Abdullāh ibn 'Āmir⁶¹ sent a captive to Ibn 'Umar to kill. Ibn 'Umar said: "I seek refuge with God, if I should kill a captive."⁶² What he meant was that it is not permissible to kill prisoners of war who have been bound, and it is only the imam who may determine what to do with them.

The schools of Islamic jurisprudence are in agreement that if one who takes a captive kills him, he is responsible for it. However, there are different opinions about what kind and what amount of punishment this crime deserves. Al-Awzā'i is of the opinion that if a captive is killed prior to informing the imam (or governor), the killer deserves the exaction of both retribution and blood money according to the condition of the killed captive. Shāfi'i, to the contrary, is of the view that the payment of blood money is not called for, unless the captive killed was a woman or child.

Anyway, captivity does not bind a captive to dependence on a combatant, [that is, even though a captive may be in the custody of a combatant, the treatment of the captive is determined by Islamic law and not by the preference of the combatant]. In reality, a captive is a combatant who is not able to fight, because he has been caught by his enemy in his enemy's territory. In such a condition, naturally his captivity should be terminated by some practical method. Many of the jurists believe that there are four ways in which the imam may terminate the condition of captivity:

1. Releasing the captive out of kindness and high mindedness.
2. Taking ransom.
3. Enslavement.
4. Killing him.

However, on the basis of the meaning of the noble verses presented above, prisoners of war must be either ransomed or set

free out of chivalry. Hence, the last two options are highly dubious.

Releasing Prisoners out of Kindness

In my opinion, the release of prisoners of war out of human kindness has priority over all other ways of dealing with them, and must be taken into consideration by the imam. The imam is not permitted to choose another method unless it is required by the interests of the Muslims, for in the commandment of the Qur'ān, this policy is mentioned prior to the other policy, and the contents of this noble verse are: *{O Prophet! Say to those of the captives who are in your hands, 'If Allah knows anything good in your hearts, He will give you better than that which has been taken away from you and will forgive you, and Allah is Forgiving, Merciful.}* (7:70).

Releasing out of human kindness can be conditional or unconditional. In the first case, the prisoner of war must observe the given conditions. In the battle of Badr, the Prophet (ﷺ) released a poet named Abū 'Izzah on the condition that after his release he would not join any group at war with the Prophet. However, Abū 'Izzah joined the idolaters in the battle of Uḥud, and once again was captured by the Muslims, and he pleaded for forgiveness from the Prophet, who replied, "I swear by the unique God, another opportunity will not be given to you so that once again you may raise your head among the Meccans and say that I am the one who twice deceived the Apostle of God. A true Muslim is not bitten twice from the same hole."⁶³

Ransom

Ransom is of various kinds and subdivisions. Ransom can be money, property, instruments of war or other things. For example, in the battle of Badr, the ransom accepted was teaching ten children how to read. Likewise, it has been reported that 'Umar ibn

‘Abdul‘aziz released one hundred thousand prisoners of war in return for taking Constantinople. If the ransom set is the release of the Muslim captives held by the enemy, it is called a prisoner exchange. According to Islamic precepts it is not necessary that the number of prisoners released by each side be equal, even if the prisoners on both sides are Muslims. The Noble Prophet (ﷺ) released al-‘Aqili, who had become a Muslim, whose ransom was the release of two Muslims held by the enemy. According to Islamic tradition, it is permissible for representatives of the enemy to visit the place where the prisoners of war are being held in order to determine their number and the correctness of the announced figures. Likewise, according to Islamic policy, it is necessary that the means for the transportation of the prisoners be examined carefully every time they are used to make certain of their safety and fitness.⁶⁴

Execution of Prisoners

With regard to the question of whether it is allowable to execute prisoners of war, there is no consensus among the jurists; some allow it and some prohibit it. The first group bases its ruling on various narrations according to which the Prophet (ﷺ) has killed prisoners of war. Shāfi‘i and Abū Yūsuf⁶⁵ permit the killing of prisoners of war if this is necessary in order to uphold the religion of God and defeat the enemy, and this is how they explain the cases in which this action is reported to have been taken by the Prophet (ﷺ).

It seems that the narrations concerning the practice of the Prophet (ﷺ) related to prisoners of war are quite clear and free from any sort of ambiguity, because the cases in which the Prophet issued an order to kill a captive are very limited and rare. If the examples which exist are examined and considered carefully, it will be clear that even if the imam is completely at liberty to determine the fate of a prisoner of war, the punishment of death

was never used for a prisoner of war except for crimes committed by the captive before being taken prisoner outside the scope of the war, such as the crimes against the Apostle of Allah himself, or against Islam, which is not related to captivity. This matter, in fact, has been declared in article 85 of the Geneva Convention about prisoners of war as follows: "A prisoner of war who, prior to being taken prisoner, has committed a crime against the laws of the state which has taken him into custody, may be prosecuted, but during his imprisonment he must enjoy the benefits of these conventions."⁶⁶

If a prisoner of war had not committed any crime prior to capture, the imam may not execute him, even under the assumption that he is at complete liberty to determine the disposition of the captive. The objection that was alluded to above concerning the general interests of the Muslims is not applicable here, because the release of no prisoner could seriously harm the general Muslim interests. If it is only necessity that requires the execution of a prisoner of war, it is self-evident that this is only because of necessity, and is consistent with the laws of civilized communities, because, in any case, "necessity knows no law (*necessitas non habet legem*)."⁶⁷ Even this sort of exceptional case in practice would never occur, and in all plausibility, the Islamic jurists who allow the execution of prisoners of war do not have a very strong and valid case.

In the explanation of the exception mentioned above, it is necessary to note that, in any case, as long as the war is carried out within the framework of the determined provisions, it may never be considered as a crime. Therefore, the imprisonment of the prisoners of war is not to be considered as a form of punishment, but is solely to prevent them from continuing to take part in the fighting. For this reason, the Almighty Creator has never allowed a combatant to be put to death except in the field of battle and for no other reason may he be killed. The noble verse of the Qur'an

states: {...*but if they fight you, then slay them...*} (2:192). Therefore, the death sentence cannot be considered a punishment for a prisoner of war, for the prisoner is not in a condition of active combat. However, on a case by case basis, a prisoner may be punished for crimes committed prior to the fighting, and if he committed murder, he may be executed, because when taken into captivity he is under the control of the Islamic government which has the jurisdiction to prosecute him. Here we report a saying of Abū Yūsuf, "If a combatant is in detention, it is clear that it is unimaginable that he could harm the Muslims, and he cannot be prosecuted or blamed because of his participation in an act of war, unless he had committed a crime prior to being taken prisoner. In this case, he will be prosecuted only for the commission of his criminal act."⁶⁷

It is for this reason that the Apostle of Allah (ﷺ) prohibited the execution of Abū al-Bakhtari ibn Hishām, because he was calm and was not an attacker.⁶⁸ However, in the case of 'Uqbah ibn Abū, when the order for his execution was issued, he asked the Prophet (ﷺ), "O Muḥammad! Among all the Quraysh, would you just kill me?" And the Prophet answered, "Do you know what this man had done to me? When I was at the station of Ḥaḍrat Ibrāhīm and was in the position of *sajdah* (prostration), he put both of his feet on my neck and exerted so much pressure that I felt that my eyes became severely swollen. And another time, also when I was occupied with worship and prayer, he emptied the contents of the uterus of a ewe on my head, so that Faṭimah came and washed my head and removed it."⁶⁹ Of course, it is obvious that only 'Uqbah of all the prisoners was separated from them and executed on the imam's order, and that this was not to establish a tradition for the execution of prisoners of war. Rather, his execution was only because of the aggressive acts he committed against the Prophet (ﷺ). Al-Naḍir ibn al-Ḥārith was also executed. He was one of the most wicked and most obstinate of the idolaters. In reality, the two

individuals mentioned above were the only captives taken at the battle of Badr who were executed. Some of those prisoners were released without even taking ransom for them, among them Abū al-‘Āṣ ibn al-Rabi‘ al-Amūsā and Abū ‘Izzah, the poet.⁷⁰ It is no exaggeration to say that the prisoners of war who were executed were guilty of crimes which, in accordance with Islamic jurisprudence, included treason in time of war and crimes against humanity.

Although the jurists are not in agreement about the execution of prisoners of war, they do agree that if a polytheist embraces Islam after being taken prisoner, his life is to be spared.⁷¹

Enslavement

Truly, the acceptance and justification of human slavery is very difficult, although it is explicitly stated in the Qur’ān that the angels prostrated before Ḥaḍrat Ādam.⁷² This is difficult given that according to the certain principles of Islam, humans are free and equal. An Arab or a white has no preference over a non-Arab or a black, unless with regard to piety (*taqwā*). Another principle of Islam indicates that there is no compulsion in the acceptance of religion⁷³ and proof and demonstration must be presented well and reasonably.

In fact, the system of slavery, was imposed on Islam during an age of decline among human communities. It must be noted that the Qur’ān always speaks of slavery in the past tense. This imposition was due to the public mentality of the people of the world during that period of human history when slavery was current, and the Muslims faced great calamities and suffering because of it, for if a Muslim was captured by the enemy, he would be enslaved and subject to sale and purchase in the market of the slave traders. In his travelogue, Ibn Jarir writes that he witnessed the sufferings of Muslim women and children in the Italian slave markets who were subject to purchase and sale.⁷⁴ For this reason,

the Muslims had no choice but to respond in kind and permit slavery.

Nevertheless, the proper conditions of the slaves in conformity with the humanitarian provisions of Islam is by no means comparable with the inhumane and brutal conditions of the slaves held by the enemies of Islam. Wherever Islam has permitted slavery, it has severely limited it through the enactment of Islamic criteria and the obligation to treat slaves with kindness and generosity, so that Islam raises the dignity of the slave to the degree of his master or higher, and it maintains the rights of slaves to bring a suit of law to the courts of justice just like anyone else. The slave is not to be addressed as such, but as "servant" or "young man" (*fatā*). The Prophet (ﷺ) prohibited the use of the phrase "my slave or my pet". He was always advising the Muslims to call their slaves "my young girl" or "my young man". This sort of expression occurs in the Qur'ān: {*...then (he may marry) of those whom your right hands possess from among your believing maidens...*} (4:25).

From the point of view of the divine law of Islam, slaves may also lead congregational prayers.⁷⁵

'A'ishah, the wife of the Prophet (ﷺ), had a slave behind whom she prayed.⁷⁶

One day, it was asked of Abū Dhar⁷⁷ why he did not take the superior quality clothing of his slave for himself and give the slave clothing of an inferior quality. He answered, "I heard the Apostle of Allah (ﷺ) say: 'They are your brothers in religion, whom God has placed under your supervision; so anyone who has a brother under his supervision has to give him the same food he eats and the same dress he puts on, and should not ask him to perform work beyond his ability, and should help him in the performance of that work which arises.'⁷⁸

'Ali ('a) said to his own slave, Qanbar: "I am ashamed before God to wear clothing better than yours, because the

Messenger of God commanded, 'With whatever you are dressed, dress them, and with whatever you eat, feed them.'"⁷⁹

Imam Ṣādiq ('a) said, "When my father gave an order to his slave, he considered whether it was heavy work, and if so, he would say 'Bismi Allah' and he himself would enter into the work and help the slaves."⁸⁰ Reports such as these are too numerous to mention.

Islam had a broad program for releasing slaves according to which they would gradually be released after a short time (yet without producing an unacceptable reaction).

On one hand, Islam made many recommendations for the releasing of slaves to such an extent that the Prophet (ṣ) said: "Whoever frees a Muslim slave, God will release a member of his body from the fire of hell." This narrative has been repeatedly narrated with different wordings.⁸¹ There is also documentation that the Prophet (ṣ) considered it bad to keep a good and righteous slave, so that when one of his slaves performed a good deed, the Prophet (ṣ) would say, "Go free, I do not like to take one of the people of heaven into my own service."⁸²

In *Wasā'il* there is a section from whose reports it is learned that a slave who has faith is to be released automatically after seven years of service, regardless of whether his master would release him.

Furthermore, the great figures of religion have in practice encouraged people to release slaves, so that it has been written of 'Alī ('a), "Through his own efforts he released a thousand slaves."⁸³ In order to complete this aim, provisions have been enacted in Islam according to which there are certain conditions under which a slave must be freed regardless of whether his master is in agreement. For example, in the *fiqh* of Islam, there are two kinds of conditional release named *tadbir* (manumission by prior arrangement) and *mukātabah* (manumission by contract), each of which has detailed rules.

Tadbir occurs when the master releases his slave in the event of his own death, so that when the master dies, the slave is immediately released. *Mukātabah* occurs when the master agrees by contract to release a slave provided that the slave pays a certain amount (which is normally less than or equal to the price of the slave). It is noteworthy that if the slave is unable to pay the above mentioned amount, the Islamic governor must use a portion of the public treasury from *zakah* to release him.

These provisions indicate the intense interest of the Divine Lawgiver and Legislator of Islam in the freeing of slaves. On the other hand, in the books of Islamic jurisprudence one comes across many cases in which slaves are automatically released either because of duty or forcibly.⁸⁴

First: Automatic Freedom

A slave is automatically released in the following cases:

1. If someone releases a number of his slaves, this will be communicated to the others as if by contagion, and all of them will be released. This shows that very little excuse is needed in Islam for requiring the release of slaves.
2. If a man comes into possession of his own father, mother, grandparents, children, uncle or aunt, brother or sister, or nieces or nephews, they must be immediately released.
3. Whenever a slave becomes blinded, or paralyzed, or afflicted by leprosy, the rights of ownership of the master are negated, and his sustenance must be provided by the public treasury.
4. If a slave in *Dār al-Ḥarb* (enemy territory) professes Islam before his master, he is to be released.
5. If a master cuts off the ear or nose of his slave, according to the opinion of many, the slave is to be immediately released.
6. Whenever the *mawlā* (guardian, lord) and master of a concubine fathers a child by her, his right to sell the mother of his

child is negated, and he must retain her until she is freed with her portion of her inheritance from her master. It goes without saying that by this means the freedom of a great number of concubines has been provided.

7. If one of the parents of a child is free and the other is a slave, the child will definitely be free.

Second: Compulsory Freedom

There are many cases in which a Muslim is duty bound to release a slave or slaves, some examples of which that may be mentioned are , the expiation for breaking a vow, for illicitly breaking one's fast, and for murder.

It is apparent that with such a wide ranging program of provisions and recommendations in Islam in this regard, there exists the means for the gradual release of all slaves, so that finally future generations and their offspring will more than likely be free.

Those who ask why Islam has not issued a single, general, definitive order for the release of all slaves display a very shallow and ill considered thinking, which indicates a lack of experience in social issues, for apparently the complete currency and widespread use of slavery in those days and the occupation of people with the buying and selling of slaves, and given that the wealth of many was dependent on slavery, makes it completely obvious that a general emancipation would have been unenforceable. Consider how strange it is that for centuries in America they wanted to abolish slavery, leading to a bloody four year war in which many lost their lives and much blood was spilled. So, how could it be expected that with the appearance of Islam a law to immediately abolish slavery could have been put into practice in that dark and chaotic world without producing a terrible reaction?

In short, if we are careful we see that the program of Islam for the release of slaves is just and dignified, at the same time that

it is deep and effective, and it is enforceable in any environment or age without producing an unsuitable reaction.

At the end of this discussion I consider it appropriate to mention for my honorable readers the judgment expressed about this matter by Georgie Zaydan, the famous Christian historian, in his book on the history of Islamic civilization. He says:

Islam has been exceptionally kind to slaves. The Prophet of Islam gave many orders pertaining to the slaves, among them, he ordered, "Do not command a slave to do anything beyond his ability, and give him to eat of whatever you eat yourselves." In another place he said, "Do not refer to your slaves as "boy" and "girl", but as "my son" and "my daughter". With regard to slaves the Qur'ān also orders, "And serve Allah and do not associate anything with Him, and be good to the parents and to the near of kin and the orphans and the needy and the neighbour of (your) kin and the alien neighbour, and the companion in a journey and the wayfarer and those whom your right hands possess [1]; surely Allah does not love him who is proud, boastful." (4:36).

Islam severely prohibits harm to slaves. The penalty for inappropriate behavior toward slaves is that they are to be released by their masters. Slaves also have the right to purchase their own freedom in agreement with their masters. Islam has made special provisions for such agreements such that the will of the slave in such cases is favored. The text of the Qur'ān is explicit in this regard: *{And those who seek a deed [of emancipation] from among those whom your right hands possess, give them the writing if you know of goodness in them}* (24:33). The female slave who bears a son is to be set free upon the death of her master. Really, she is freed because of her own child.

Obviously, it is not possible to explain the rights of slaves in Islam in a few lines, and, unfortunately, a full and detailed explanation of this matter is beyond the scope of this article. My intention here has only been to show this fact, that slavery in Islam is considered something shameful, and Islam accepts the spirit of the humanitarian laws about this within its own noble and exalted framework. Even the term *riqq* (bondage), meaning slavery, is probably derived from the Arabic word *riqqah* which means munificence and decency, and not from the expression *istirqāq*, meaning enslavement. For this reason, it is not surprising that the Prophet did not forget the slaves, even when he was on his deathbed, and he ordered the community, "In behavior toward those who are weak, women and slaves, always be God-wary."⁸⁵

Just as we have said, slavery is really considered shameful in Islam, and naturally, with the removal of its cause, its existence should also be annihilated. Today, when slavery is prohibited in the international community, there is no doubt about the fact that slavery is no longer a matter relevant to the subject of prisoners of war generally dependent on the opinion of the imam. Muslims are not permitted to enslave their prisoners of war, and if they do so, it is as though they had violated the precepts of religion itself.

Laws of Prisoners of War Prior to Determination of Duty

Abū Yūsuf recalls that it is necessary to behave properly toward prisoners of war, and to make food and clothing available for them. In this regard the Qur'ān says: *{And they give away food, out of love for Him, to the poor and the orphan and the captive, | [saying], 'We feed you only for God's sake, we do not intend that you give us any recompense, nor thanks!'} (76:8-9).* And with regard to respecting the prisoners of war, the Prophet said, "Order each other to behave well with the prisoners of war."

In the battle of Badr, the Muslims observed these orders by giving the prisoners of war dates with fresh baked bread.⁸⁶ Ṣalaḥ al-Dīn Ayyūbī set free a large number of prisoners of war because he did not have sufficient food to feed them all, even though there was always the serious danger that they would rejoin their own forces.⁸⁷

Today, the imam or Islamic governor, due to the exigencies of the times, is not able to decide the fate of prisoners of war, but in the period of time recalled here, it is assumed that the laws for prisoners of war had to be observed and guaranteed by him, some of which are mentioned below.

A. Observance of Respect and Prohibition of Torture

The first guarantee, prior to anything else, is the observance of respect and the protection of the dignity of prisoners of war; and therefore, for no reason are they ever permitted to be tortured. It is reported that the Apostle of Allah said, "God will chastise those who torture others in this world." The Prophet's disgust at torture was expressed with regard to the problem of Suhayl ibn 'Amr al-'Āmirī who was a rough preacher who used all his arts and talents to attack the Prophet and his mission, so that 'Umar ibn al-Khaṭṭāb asked the Prophet for permission to pull out Suhayl's incisor teeth so that he would no longer be able to preach against the Prophet. In response the Prophet said, "I do not want him to be disfigured, because if I do that, God will disfigure me, even though I am His prophet."⁸⁸

B. Protection of the Unity of the Families of Prisoners

According to humanitarian principles, the unity of families of prisoners of war ought to be protected to the extent possible. For this reason, the *fuqahā* are in agreement on the opinion that it is not

allowable to separate a child from its mother that does not yet have its new teeth, or in other words, until the child is seven years old. However, some of the *fuqahā* consider it permissible to separate a married couple from each other in the division of the spoils of war, or when they are sold.

C. The Right of Correspondence between Prisoners and their Families

Prisoners of war have the right, if they so desire, to correspond with members of their own families. The guarantee of the right to correspondence stems from the guarantee of security given by the Prophet.

D. The Prohibition of Unfair Preference

Preference for some prisoners of war to the exclusion of others is never permitted. The view of Islam in this matter is completely explicit and clear. This is indicated by the fact that we are all children of Adam who was created from clay.

Nevertheless, the equality of human essences does not mean equality in social conditions. There are numerous verses of the Qur'ān pertaining to this. Among them are the following:

{And do not covet that by which Allah has raised some of you above others...} (4:32). *{These apostles, We have exalted some of them above the others,}* (2:253). *{Allah is benign to His servants; He provides sustenance to whomsoever He wills; and He is the Mighty, the Magnificent.}* (42:19). *{And We have exalted them over most of those whom We have created, by decree of exaltation.}* (17:70).

E. Justified Preferences

The realism of Islam does not allow that all prisoners of war be evaluated alike without taking into consideration their social conditions and positions of each of them, except that, in any case,

humanitarian considerations should be arranged according to the rights of each of them. When the daughter of al-Maḳūqas was captured, Maqrīzī said, "It is reported that the Apostle of Allah said, 'The daughters of sultans deserve special attention apart from the others. Show mercy toward all those who were once of high position and have fallen from it.'" Ibn 'Asākir reports that the Prophet of God said, "If a person of high rank falls into your hands as a captive, you are to behave graciously toward him." Islam considers kind behavior appropriate with the position of a captive in reality to be the observation of the least of the humane considerations which are the right of the captive. The prohibition against preference in the primary stages of the provisions of international humanitarian laws restricted the matter of preference to that based on an individual's nationality. However, since the basis of the prohibition of preference from that time to the present has been expanded, it has finally been declared in articles 44 and 45 of the Geneva Conventions with regard to prisoners of war⁸⁹ that the treatment of officers and other prisoners of war who have a similar rank is to be appropriate to their rank and position.

F. The Freeing of Prisoners Assumed to have Escaped

Finally, it is necessary to mention that in case a prisoner of war escapes to a place where he is secure, he is to be considered free, unless there is some treaty or promise to the contrary. In the case that there is a treaty, he will be bound to abide by it, for according to Islam, treachery is forbidden. The words of the Qur'ān in this regard are: {*Verily, Allah does not love the treacherous ones.*} (8:58).

Conclusions

That which has been offered here really does not even include a tenth of the innumerable international humanitarian laws

and precepts of Islam. These precepts really include in essence a general system, and are among its fundamental precepts. Therefore, no Muslim can use the excuse that he must transgress them for other compelling reasons, for the precepts of Islam in this regard are such that every Muslim combatant is personally responsible for the observance of the international humanitarian agreements and laws. No one is obliged to obey another's orders to commit a sin. It is reported that 'Alqamah ibn al-Mijzarah gave an order to follow the enemy after the battle of Dhū al-Q'ird. But the Prophet (ﷺ) recalled him with a portion of his people and he ordered the dispatch of another portion under the command of 'Abdullāh ibn Ḥadhāfah al-Sahmi. On the way, the latter commander lit a fire and told the individuals under his command: "According to the circumstances and my rank, I am giving you the order to jump into the fire." However, when some of them had actually readied themselves to obey his order, he laughed and said: "Don't move! I was only joking." When this occurrence was reported to the Prophet (ﷺ), he said, "Whenever you are given an unjustifiable order, do not obey it."⁹⁰

2. Despite the adverse reaction of some contemporary religious writers to the set of provisions of "human rights" and also "international humanitarian rights," I have a positive outlook on them. My positive and optimistic outlook is based on a generally optimistic view of the course of the changes in man with regard to spirituality. I believe that with regard to history, the direction of the course of spirituality of human kind is progressing and ascending, not declining and descending. In order to prove this claim, aside from philosophical demonstrations such as the teleological proof and other proofs, it is interesting that religious beliefs guide us to this same conclusion, for we know that one of the Names of God is *Hādī* (the Guide). The guidance of humanity is attributed to God in the Qur'ān and in other heavenly books, and

in many places in the Qur'ān, guidance is announced to be from Him, and where the term "guidance" appears, "Lord" is along side it.

If we take a view of man today as more brutal and wretched than yesterday, this would logically imply that God has not been successful in his guidance and training of man, and this is a foul implication! No, it is not so! The truth is to the contrary. Our opponents may point to the massacres carried out with the advanced weaponry of today and compare them with the battles of the past. But they neglect the question of Genghis Khan, for example, who with a simple sword let the blood of so many run. How many would he have killed daily if he had had the weapons of today? Would the number he sacrificed be no greater? Without a doubt, it is not so. Therefore, the advances in technology and in the possession of various different kinds of weapons must not be considered as meaning that man has become any more of a killer than he was in the past.

Another one of the divine Names is *Salām*, which means peace and calm. The Name will come to be manifest in the world. Will the manifestation of this Name be a sort of miracle or unnatural phenomenon that shall take place all at once? I do not think so.

In the opinion of this author, progress is occurring daily, and without question, man is gradually becoming embittered toward war, and people will eventually learn to live together in reconciliation.

The set of provisions of "human rights" and "international humanitarian rights" have been obtained by the man of today, but which man? Man today who is regularly becoming more virtuous than the man of yesterday. And if my friends do will not find fault with the essence of what I propose, it would be better for us to say that man is becoming more human. And this matter is the effect of the guidance of guides and their leaders, the divine prophets. We

say that the set of provisions of "human rights" and "international humanitarian laws" are a human achievement, and this is certain and undeniable. But what is the meaning and concept of this sentence? Does this mean that between the new findings and the teachings of the prophets there is an impenetrable solid wall, as though there were two completely separate phenomena here? To imagine so is ingratitude, for in reality it is the teachings of the divine prophets that have brought man this far so that he has reached an understanding of the ugliness of war and the goodness of peace and tranquillity. It is announced that war is to be forbidden and rejected, and in order to reduce the victims of conflict, provisions occasionally contrary to the principle of the prohibition of war are placed between the opposing parties.

We all know that after the two world wars, which had so many victims and so many casualties, a souvenir for man was brought in the year 1949, when people sat down in Geneva and made four contracts for the prevention of the haphazard killing of human beings, the prevention of unethical behavior toward the wounded and prisoners of war, and even toward the bodies of enemy soldiers, which have become famous as the fourfold Geneva Conventions. Later, in 1977, two other protocols were ratified to complete them. The collection of these provisions is known as the international humanitarian laws.

My question is this. In all the above mentioned provisions, is there anything but the precepts taught by the divine prophets? Jean Pictet, a Swiss legal expert who had overall responsibility for the preparation of the conventions and protocols, and who has provided extensive commentary on them, says: "I wanted to summarize all the rules of international humanitarian law in a sentence. Finally, that which I am able to offer is this principle: 'Do unto others as you would have them do unto you.'"⁹¹

What is interesting is that these are the same words as those spoken by the Prophet of Islam (ﷺ): "One is not a Muslim unless he likes for others that which he likes for himself."⁹²

This ḥadīth means that consideration and observance of the international humanitarian rules in Islam is to be counted as a part of faith, and after the five basic principles of Islam, it is one of its declared foundation pillars.

Notes:

60. Ibn Jarir Ṭabarī, *Jāmi' al-Bayān*, vol. 10, p. 42; Ṭūsī, *al-Tibyān*, vol. 5, p. 156; Zamakhsharī, *al-Kashshāf*, vol. 1, p. 352; Khaṭīb Sharbīnī, *al-Sirāj al-Munir*, vol. 1, p. 32; Abū Ḥayyān Andalusī, *al-Baḥr al-Muḥīṭ*, vol. 4, p. 519; Ṭanṭāwī, *Tafsīr al-Jawāhir*, vol. 5, p. 83; Jurjānī, *Tafsīr Gāzur*, vol. 18 (first ed.).

61. 'Abdullāh ibn 'Āmir (d. A. H. 59) was a commander of the army and governor of Baṣrah during the caliphate of 'Uthmān.

62. Yamani, "A Humanitarian International Law in Islam: A General outlook," *Michigan Yearbook of International Legal Studies*, vol. 7.

63. Ibn Hishām, *Sirah*, vol. 2, p. 56.

64. Yamani, *Ibid.*

65. Abū Yūsuf (d. A.H. 182) was a *Faqīh* of the Ḥanafī school and the chief justice during the reigns of the Caliph al-Mahdī and Hārūn al-Rashīd.

66. Cf., the Geneva Conventions of the third year, 1949, ratified August 1949, no. 3317.

67. Yamani, *Ibid.*

68. Ibn Sa'd, *Ṭabaqāt*.

69. Ibn Hishām, *Sīrah*, vol. 2, p. 25, 285, 286.

70. Ibn Hishām, *Sīrah*, vol. 3, p. 56.

71. Ibn Qudāmah, *al-Mughnī*, vol. 10, p. 402; and *al-Mudawwanah al-Kubrā*, vol. 3, p. 9, narrated from *al-Qānūn wa al-'Ilāqāh al-dawliyyah fī al-Islam*, Dr. Şubhī Maḥmaşānī, p. 254.

72. The Holy Qur'ān: (2:254).

73. Cf., Sayyid Muşţafā Muḥaqiq Dāmād, "Islamic Tolerance," presented at the Conference on Human Rights in Islam and Christianity, Tehran, 1990.

74. Cf., Ibn Jarīr, *al-Raḥlah* (Beirut: 1964), p. 280.

75. Jalāl al-Dīn Suyūṭī, *Tafsīr Durr al-Manthūr*, under the verse (4:25).

76. *Şaḥīḥ al-Bukhārī*, vol.1, p. 177.

77. Abu Dhar al-Ghifārī (d. A.H. 31) was one of the companions of the Prophet (Ş) honored and respected for his severe asceticism and piety.

78. Ibn Sa'd, *Ṭabaqāt* (Berlin), under Abū Dhar; *Biḥār al-Anwār*, vol. 15, p. 14.

79. *Biḥār al-Anwār*, *Ibid.*

80. *Ibid.*, vol. 15, p. 41.

81. *Wasā'il al-Shi'ah*, *Kitāb al-'Itq*, Bāb 1.

82. *Ibid.*, Bāb 28.

83. Muḥammad ibn Ya'qūb Kulaynī, *al-Kāfī*; Shaykh Ṭūsī, *al-Taḥdhīb*; Shaykh Şadūq, *Thawāb al-A'māl*

84. Cf., Shaykh Muḥammad Ḥasan Najafī, *Jawāhir al-Kalām*, *Kitāb al-'Itq*.

85. Ibn Hishām, *Sīrah*, vol. 1, p. 318.

86. Sarakhsi, *Ibid.*, p. 211.

87. Yamani, *Ibid.*

88. Ibn Kathir, *al-Badāyah wa al-Nihāyah*, vol. 3, p. 303 (in the story of the captives of Badr).

89. The Third Convention, 1949, Geneva; cf., footnote 10, articles 44 and 45.

90. Ibn Hishām, *Sīrah*, vol. 4, p. 318.

91. Pictet, *The Principles of International Humanitarian Laws* (International Red Cross, 1966), 455, 462.

92. Sarakhsi, *Sharḥ Siyar al-Kabir*, p. 44.

CONTEMPORARY PROBLEMS OF CHRISTIAN THEOLOGY IN ISLAMIC THOUGHT

BY DR. MUHAMMAD LEGENHAUSEN

Theology begins with the question of God. This is true for all the major theistic theological traditions: Jewish, Christian and Muslim. Typically, the theologian assumes that his readers believe in the faith he intends to systematize, defend, and elaborate. He assumes that they know who God is, and believe in Him. His task is to rationalize this faith, first by demonstrating God's existence.

In modern Christian theology, however, one finds much hesitation and doubt about whether this first theological task is at all appropriate. The particular arguments presented by Maimonides, Aquinas and Ibn Sinā have come under philosophical attack, and more fundamentally, the methods of demonstration employed by them have been attacked. Since the Reformation, there has been much doubt about the relevance of Greek logic and metaphysics to the project of elaborating the Christian faith.

Similar doubts have become widespread in the Muslim world. Even among the Shi'ah, who have continued to nurture a

philosophical or theosophical tradition, there are many who consider this tradition of thought inappropriate as a ground of doctrine. This sort of opposition to philosophy has a long history among the Shi'ah, and has been mounted by some '*urafā*', *muḥaddithīn*, *akhbāriyyīn*, and most recently by the *maktab-e tafkik*. Muslim detractors of philosophy, however, have not offered very much as an alternative to the philosophical groundwork for faith, but have tended to assume an innate acceptance of its basic elements.

The criticism of philosophy among Muslim thinkers is further complicated by two factors. First, what is generally criticized is the specific philosophical tradition in Islamic thought stemming from the works of Ibn Sinā, Sohravardī and Sadr al-Muta'allihin. This leaves open the possibility of a philosophical systematization of the faith along other lines. So, the second complication is the readiness of many critics of philosophy to elaborate philosophical theologies of their own. The classic example of this movement is Ghazzālī's repudiation of philosophy and his own philosophical elaboration of his creed, replete with proofs for the existence of God, for His uniqueness, and for various divine attributes.

Likewise, sufis in the tradition of Ibn 'Arabi have entered into a philosophical dialogue with peripatetic philosophy in which they have offered their own system of thought as a rational alternative to that of the philosophers, while retaining the methods of demonstration and many of the concepts employed by their opponents. Two brilliant examples of this trend are 'Abd al-Raḥmān Jāmi's *al-Durrah al-Fākhirah* and the correspondence between Khwājah Naṣīr al-Dīn Ṭūsī and Ṣadr al-Dīn Qūnawī.

However, because of the ongoing and ever increasing confrontation with Western thought and culture, doubts are raised about the entire enterprise of rational systematic theology. These doubts have a specific significance in the Western world due to the

historical movement from the Reformation, through the Enlightenment, to modern and post-modern thought. In the world of Islam, on the other hand, the significance of such doubts is radically altered by the fact that they are a foreign import in many ways at odds with the entire tradition of Islamic theology. It is true that some Muslims have demanded reliance on the Qur'ān and *aḥādīth* without the interference of rational demonstration in ways strikingly similar to the demands of Christian reformers, but the evolution of the rejection of philosophical theology in Christian thought has led to a style of Christian theology that has no counterpart in Islam; and additionally, the philosophical grounds for rejecting any form of rational theology in the West are to be found in schools of thought as diverse as existentialism and scientific realism, all of which enter discussions among Muslims as aliens.

Philosophical reflection, at least in a broad sense not limited to any specific school, has seemed to most Muslim theologians to be encouraged by the Qur'ān and *aḥādīth*, especially as interpreted by the Shi'ah. The Qur'ān is replete with exhortations to reflect upon its signs (*āyāt*), such as {Behold! How repeatedly we display the signs that they may understand.} (6:65), and remonstrations against those who fail to reason, such as {Indeed, We have created for hell many of the *jinn* and the men; they have hearts with which they do not understand...} (7:179). Because of the abundance of such verses,¹ it becomes impossible to justify a thorough anti-intellectualism on religious grounds in the context of Islamic culture. Muslim thinkers have not only taken encouragement from Islam to engage in intellectual pursuits, they have understood such *āyāt* as those mentioned above as a divine invitation to employ philosophical reflection for the purpose of understanding the Qur'ān and *aḥādīth*. Wisdom is prized by Muslims because the Qur'ān itself proclaims, {He grants wisdom to whomever He wills, and he who has been granted wisdom has been given abundant

good; and none shall mind it save those endowed with wisdom.} (2:269). Muslims may differ over how the term *ḥikmah* is to be interpreted in this *āyah*, and even if most will agree that it does not refer to the specific tradition of philosophical thought that has emerged through the centuries in Islamic thought, few will deny that intellectual reflection is accorded great religious value in Islam.

Likewise, there is a veritable ocean of narrations attributed to the Prophet (ﷺ) and Imams (‘a) extolling the intellectual virtues of wisdom, knowledge and reason. For example, it is reported that the Prophet (ﷺ) said, “The virtue of knowledge is more beloved to Allah than the virtue of worship.” (*Biḥār al-Anwār*, vol. 1, p. 167). As with the Qur’ān, the narrations both encourage the use of the intellect and pose problems for philosophical reflection. Muslim sages have made use of philosophical terms for the rational investigation of religion, and they have used terms drawn from the religious sources to articulate their philosophical reflections.² They have been inspired by the Qur’ān and *aḥādīth* to develop various philosophical ideas, and they have used philosophical ideas drawn from a variety of sources as aids to the understanding of scripture.

In the context of this sacred value placed on knowledge and the intellect, there remains plenty of room for discussion about what kinds of knowledge and wisdom are to be valued, what the intellect is and what are its functions. Muslim critics of philosophy may argue that philosophy has been used inappropriately to interpret scripture, or that it is sorely limited and must be supplemented by imagination to provide any understanding of religious topics, or that its demonstrations serve only as allusions to the divine. These sorts of points arise from within Islamic culture where they have been and continue to be debated. The Western critiques of natural theology have an entirely different flavor. Islamic culture has not produced a concept of *imān* like that of Christian faith as the latter is taken to stand independent of and

beyond reason and knowledge. Islamic culture has not produced any sort of theological anti-realism of the sort debated in Western circles. Islamic thought has not given rise to the atheism and agnosticism that have emerged from Christian culture and whose religious significance continues to be discussed by Christian theologians and philosophers.

For these and many other reasons, Western theological concerns arrive on the shores of the world of Islam as an invasion. The Muslim response often seems as pointless as that of a person who argues with the newscasters on television. Despite all the talk about interfaith dialogue, the dynamics of the ways in which the world of Islam confronts the West force Muslim intellectuals to consider Western ideas very seriously, even if the engagement is accompanied by anxiety and apprehension, while Western thinkers are generally quite content to ignore what goes on in the intellectual third world. Islamic theological reflection is shunted off as a specialty item for connoisseurs of esoteric. Dialogue is thus stifled, not because of ill will per se, but because there is no demand and no pressing need for Westerners to listen to Muslims, while Muslims cannot avoid listening to the Western discussions with which the entire world seems to reverberate.

One reaction this situation has provoked among some Muslims is a retreat into tradition. The glories of the past are recounted and redoubled with a firm intention to abandon the Satanic modern world in favor of a puritanical return to the pristine Islam of days gone by. This reaction is resisted by Muslims who would prove that Islam is perfectly well suited to serve as an ideology for the development of modern societies. There can be no escape from the repetitive counterpoint of these attitudes in social-religious thinking at least until the impact of Western thought in the Islamic world is sufficiently understood, accepted for what it is, and met by constructive critique and synthesis in harmony with the evolution of contemporary Islamic theology.

The heart and soul of the Muslim world is thoroughly imbued with religion. If Muslims are not to lose heart and lose their souls, the task of rational reflection on religion must be taken up again with full awareness of all the currents of thought that wash across the contemporary world of Islam.

The West must be understood not only as cultural invader, but as itself tormented by the twists of modern and postmodern thought that have led it to the verge of nihilism in more than one guise. In order for Muslims to orient themselves in the contemporary world, religion must be seen not as something to be merely defended, but as offering a way forward with valuable guidance for all of humanity. We cannot ourselves be saved unless we can invite the entire world to salvation, and before we can offer anything inviting, we need to understand the differences in our cultural and intellectual climates as well as the common problems they face. The invitation to salvation extended by Muslims need not take the form of offering a choice between death and Islam; what I mean by this is that we should not take the attitude that for the Muslim invitation to salvation to be successful it must result in formal conversion to the religion of Islam as ordained by Allah, *subḥānah wa ta'ālā*, through His final Prophet (ﷺ). The Qur'ān itself tells us to address the People of the Book in an effort to come to a common word upon which we can agree.³ The common word to which we invite the People of the Book must itself be understood as a means of salvation, at least in the sense that it offers a way out of the wretchedness faced by those who would deny it. In order for us to be saved, we must be able to understand from what it is we wish to be saved, and how religion may save us from it. From an eschatological point of view, salvation means escape from the fire of hell, but the power of this image should not cause us to neglect the worldly failings which culminate in hell and are presaged in the ugliness and cruelty the world too often manifests.

Despite all its secularism, the Western world is the inheritor of Christendom. Its values are rooted in references to divinity. The United States, for example, was built on foundations laid by those who had attempted to convene theocracies in the new colonies. So, the loss of certainty about God, let alone the idea of the death of God, threatens to undermine the humanity of Western man, unless some foundation for human values can be found to replace the theological structures many would be happy to see left in ruins.

This is reason enough for some Christians to seek to preserve their faith in God. But while it may provide sufficient motivation for the attempt, it cannot by itself provide answers to the intellectual doubts that pervade contemporary Western culture.

In addition to the doubts about God raised by philosophers primarily in criticisms of the proofs for His existence, the doubts raised by social critics have had a greater influence on the secularization of Western culture. While Voltaire (1694-1778) accepted that the concept of God was needed to maintain social order in his remark that if God did not exist it would be necessary to create Him, the Russian anarchist Mikhail Bakunin (1814-1876) exclaimed that if God did exist it would be necessary to destroy Him, because so much oppression had been carried out in His Name. If Voltaire's remark suggests that God may be little more than a convenient fiction, Bakunin suggests that the fiction may be quite inconvenient. The Marxist critique of religion has also been accepted by many who are skeptical of other aspects of Marxist doctrine. Today some feminists object to the concept of God as a prop for patriarchy, and homosexuals complain that prejudice against them is maintained by reference to God. In general, such thinkers quite correctly realize that an orientation toward God serves as a constraint on the satisfaction of various human desires, and is incompatible with what many consider to be of utmost value.

Western thought is caught between two competing claims to moral allegiance. On the one hand, there is the transcendent God Who demands absolute obedience as the ultimate authority. On the other hand, there is a secular ethos based on the values of human freedom and self-determination. Western religious liberals attempt an awkward compromise that would coerce the divine will to conform to humanistic values. Moral direction is derived from the human, and then the transcendent God is called in and would be forced into complicity. He is allowed to stand above the world, but not to interfere with human judgments about what is right and wrong. Deist theology is at least honest about this.

In Muslim culture, on the other hand, reference to God does not occur in the context of the doubts and secular values that plague the West, or at least not to the same extent. The major form in which secular values come into conflict with Islam is in the form of nationalism. Muslim intellectuals often see themselves as Arabs or Iranians or Indonesians or whatever, and only then as Muslims. Sometimes Islam is only accepted as an expression of national culture. They seek direction in life in terms of the historical development of their people or nation, and relegate religion to the private sphere of personal spirituality and ceremonies, on the model of what they perceive to be the role of religion in technologically advanced societies. The conflict is between religious and secular ideology which usually is discussed in terms of the scope of religion, but there is little of the direct confrontation with God common in the West. There is no death of God theology among Muslims.

Muslim modernists may advance harsh criticisms of Islam as it has been understood within their traditions, but they are not willing to extend the criticism to God Himself. Because of this, Western *angst* about God has not taken root in the world of Islam, *al-ḥamdu li-Allāh*, and questions about how to justify belief in God, which have figured so prominently in recent Western

philosophy of religion, appear curiously irrelevant to the primary theological concerns of Muslims.

Nevertheless, Muslim theology must begin to consider seriously the problems of Western philosophy of religion if Islam is to be presented as a way of salvation for all people, including those of the West. We can no longer rest content with the traditional proofs because the standards of reason to which they appeal are no longer universally accepted. This does not mean that traditional Islamic theology and philosophy can or should be simply swept aside, rather the issues of theology require a more fundamentally critical treatment than they are usually given. We need to begin by considering how the basic concepts of theology, concepts of God, man and the world, are treated in Islam and in Christian culture, and how rational reflection on these concepts and their different treatments in the Islamic and Christian traditions can help us to clear a path to theological understanding.

This means that our standards of rationality themselves must be subject to critical review and evaluation. The root of the most profound doubts about religious reason lie in the success of the empirical sciences and technology as they have developed in the West. When it is observed that the standards of reasoning employed in the sciences differ markedly from those used by theologians, it is natural to wonder if the former cannot suffice for all human purposes. The vindication of theological reasoning requires an explanation of how the progress of the natural sciences can be justified in its own terms. Theology can no longer afford to ignore the philosophy of science. Religion declares that God is the creator of the natural world. So, the methods that have been successfully used to unlock the secrets of the natural world must be understood as revealing the workings of His creation, at least on some level. What is needed, as Seyyed Hossein Nasr puts it, is a sacred science.⁴ Until a way is found to elaborate an understanding of the natural sciences as sacred, as governed by standards of

reasoning which are a branch of the more encompassing methods of rational reflection that apply to theology and philosophy as well as to mathematics, physics, medicine and cognitive science, theology will remain susceptible to the charge that its concerns are peripheral, or may be safely dismissed. Furthermore, since theology must draw upon the imagination as well as reason, it must show how its imaginative work can enlighten and deepen the dry findings of empirical research and applied mathematics.

The elaboration of the sciences as sacred does not require an uncritical acceptance of all that has been accomplished by secular science; to the contrary, it is through critical appraisal that the call for sacred science is to be vindicated. The program, however, must aim at integration rather than isolation and protection, for the strategy of isolating and protecting religion from critical confrontation with other areas of human knowledge has been largely responsible for the marginalization of religion in Western societies.

Traditional formulations of theology, whether Jewish, Christian, Muslim or Hindu, have not limited themselves to discussions of divinity; they have included cosmology as well. The theological affirmation of sacred cosmology must be regained in the encounter with modern science for theology to remain sound, for classical theological cosmologies have always freely made use of the current sciences of their times without entering into the details of astronomical data. Often, more than the basic outlines of religious cosmologies formulated under the assumption of a geocentric universe can be revised to accord with post-Copernican theories, because religious cosmologies are mostly concerned with the world as the creation and sign of God, regardless of its physical shape. Nevertheless, the physical shape of the cosmos assumed in the past was taken to have a symbolic value in harmony with the religious point of view, and this has not yet been recovered.

The legacy of theology is no less one of anthropology than cosmology. If the modern natural sciences have posed a challenge to theology's concern with cosmology, the modern human sciences threaten its anthropology. Indeed, anti-religious sentiments are much more prevalent among psychologists and sociologists than among physical scientists.⁵ Islam portrays man as a theomorphic being who due to negligence has fallen astray from his divine aim, and who has accepted a covenant with God by means of which he may obtain divine guidance to his own felicity through the reminders sent by God with His prophets ('a). This religious anthropology is not merely descriptive, it has practical implications for how we are to live, how we are to orient ourselves, how we may truly serve God. Morals and politics thus become as central to theology as its more theoretical claims about human and divine nature.

Here religion must confront the social critics mentioned earlier. If they have raised doubts about God on the basis of secular human values, the theologian must find a way to introduce religious values. In Islam this introduction has two dimensions with infinite ramifications: the exterior and the interior, *ẓāhir* and *bāṭin*, whose first division is that of *sharī'ah* and *ṭarīqah*. *Sharī'ah* is the exterior way, which includes Islamic law. The law itself is infused with values, for it tells us how we are to conduct ourselves in worship and in our dealings with others. It points toward an ideal of human flourishing in religious community under divine covenant in which the individual aspires to the complete submission of his or her own self in conformity with the law. Attention to the detail of the law is not a cold legalism by which the right to salvation is purchased, but a reflection of the pious heart seeking the completeness of submission to God. This means that the law itself is not to be understood as a mere canon of regulations, but as infused with value as the outward realization of the inner quest for the divine.

The inner quest itself is called *ṭarīqah*, which, like *sharī'ah* also means way or path. The verbal synonymy of these two terms indicates the inseparability of the inner and outward aspects of religion: it is logically impossible to walk down one without treading upon the other, for both are merely different names or aspects of divine guidance. The inner quest cannot take shape except within the framework of the outward precepts of religion; and the divine law becomes an empty formalism unless its observance is the outward expression of *taqwā*, the God-wariness described by Him, the Exalted, as the best provision for spiritual wayfaring:

وَتَزَوَّدُوا فَإِنَّ خَيْرَ الزَّادِ التَّقْوَى

And make provision, and verily the best provision is taqwā
(2:197)

The inner way or *ṭarīqah* is a quest with various stages along which one must pass, and the arrival at each station requires acquisition of a specific virtue. Here the world appears as the ground to be covered, the battle field for the greatest *jihād*, the struggle against the self. Man is understood not as a static essence, but as in a dynamic condition of transformation, or, in the terminology of Ṣadr al-Muta'allihin, substantial motion, whose human culmination is the perfected human being, *insān-e kāmīl*, the polished mirror of God, for whom the world itself is also transformed so that God is seen in all things.

The second division of exterior/interior involves the recognition that *sharī'ah* and *ṭarīqah* themselves each have exterior and interior aspects. For *sharī'ah* there is the external form of the law and the inward submission to it. The inward submission to the law is perfected through *ṭarīqah*, whose outward expression takes the form of the spiritual instructions given by the guide to the aspirant and whose inward form is the spiritual wayfaring itself, the passing through stations and states and the acquisition of virtue.

So, we find that Islam, like Judaism and Christianity, teaches of God and man and the world. Its theology includes cosmology and anthropology. The anthropological aspect has both theoretical and practical dimensions, and the practical has both exterior and interior through each of which, especially the latter, the concepts of God, the world and humanity are informed and deepened.

It is through this circle of ever deepening insight that Islam presents its own perspective on the most fundamental questions posed by man in every age. The questions are answered by drawing the questioner into a whirlpool of rational reflection, insight, value and practice. On the social level, the drawing in gives unity to the Muslim community, symbolized by the circumambulation of the Ka'bah during *hajj*. This is where the individual as well as the community focus themselves. So too, theological work must begin with its orientation toward God, circle about the related concepts of humanity and the world, and end, finally, with reference to Him, glory be to Him!

Theology presents itself in two modes. First, theology is doctrinal. It elaborates and systematizes credal statements. Secondly, theology is suggestive. It recommends the acceptance of its credal statements. We could put this another way by contrasting descriptive theology with prescriptive or normative theology. Descriptive or doctrinal theology is comparatively straightforward. Here we are busy with the attempt to understand the teachings of a religion, or the teachings of various interpreters of the religion, its theologians, exegetes and gnostics.

Normative theology is more difficult, because the standards of assessment immediately come into question. Traditionally the normative weight of theological reflection has been sought in the force of logical necessity. One must accept the claims of the theologian or suffer the eternal pain of contradiction. Whoever fails to accept the results of theological reasoning is threatened with the loss of his humanity, for humanity is defined in terms of

the reason upon which the theologian rests his case. This sort of approach seems offensively authoritarian to modern sensibilities, although why this should be so is seldom considered. Mathematicians and philosophers often present their results as the dictates of more or less pure reason, and no offense is taken, not even by the most liberal of Christians. So why should anyone be insulted or offended when the same sorts of methods are applied to religion? The answer to this question will be found when it is understood that the standards of reasoning employed by traditional theology have become subject of dispute. The sorts of arguments and the methods of reasoning about theological topics whose validity has been considered obvious in the Islamic traditions of theological reflection often fail to persuade those nurtured in modern Western culture. Insistence on the obviousness or self-evidence of our own standards of reasoning provides no remedy to this impasse. Our theological writings must offer those who do not share our views a way in, and we will not be able to provide such a port of entry until we become familiar with the intellectual geography of the points of embarkation of those whom we would have enter into conversation with us. If there is no common ground of sufficient breadth for meaningful discussion to take place, such ground will have to be constructed. Our language and the ways in which we use it to express our rational reflections will have to be expanded to the point that we are able to explain the views we oppose and why we oppose them, and at the same time are able to recast the claims of our own traditions of Islamic thought in forms accessible and attractive to others.

If we are to accomplish this task of constructing a normative Islamic theology through which the world may be invited to salvation, even though the world is largely intoxicated with modern or postmodern secular Western culture, a good place for us to begin work is by looking at the problems of Christian theology. Christian theology has been attempting to respond to modern

currents of Western thought for a long time. We should be willing to learn from its successes and failures. At the same time, many of the problems of Christian theology are familiar to Muslims. How are we to explain divine knowledge, evil, the creation of the world out of nothing, life after death, and most of the other facets of our creed? For most of the topics to be found in Islamic theology, discussions may be found among Christian philosophers and theologians. These common problems provide a point of contact. But in order to build upon these common issues to the point that Muslim theologians can address the concerns of those immersed in secular culture, the aim in reading what modern Christians have to say about the traditional problems of theology must be to try to see why the traditional arguments from their own tradition have come to seem inadequate, and what steps they deem appropriate to remedy these inadequacies.

It is of no use to come to the problems of Christian theology with the smug confidence that they can all be solved by means of the resources of the Islamic traditions of *kalām*, *falsafah* and *'irfān*. Likewise, there is no guarantee that the nation in possession of the most valuable natural resources will be able to effectively use those resources in order to pursue its own political and economic objectives. We must learn how to use our natural and intellectual resources effectively in the contexts of the contemporary economic, political and intellectual environments, and if we are to do this as Muslims, efficiency is to be measured in units of accordance and submission to the divine will. Neither economic power nor intellectual strength have any value for the Muslim unless he is able to place them at His service.

Once we come to understand what is novel in modern Christian treatments of traditional problems of theology, and why these novel elements have been adopted, our own Islamic theology will be enriched, even if only to the extent of incorporating a sufficient amount of new vocabulary to refute the modern ideas we

find unacceptable. This is a risky business, and its risks need to be faced conscientiously. If we are to be successful at it, we must remain critical at every stage of the process. No doubt there will be some unfortunate souls who, in the attempt to understand modern Christian thought about contemporary theological issues, will be swept away in the currents of thought that dominate the West. The worst way to learn is through repetition of the mistakes of others. Our learning of modern Western approaches to theological issues must be one whereby we become conversant with the language of modern religious concerns to the extent that we are able to express our own ideas in the new language. It is of no use to repeat the expressions of the language of modern Christian theology with an Islamic accent. The language must be mastered, and fluency in the language of modern Christian theology requires an effort no less than that needed to master a new language. The stage at which learning occurs through the repetition of stock phrases has long since past.

In creative writing, the phrase *finding one's voice* is used for the process of learning to master the techniques of writing to the point that one is able to develop one's own style and themes. Muslim theologians now have to find their own voices to express their concerns and views. It is not enough even to master the language of modern thought to the point of professional proficiency. The pen must be wielded with a flourish and beauty. However, as Muslims we have no desire to join the cacophonous choir of so many modern writers who seek their own voices for the sake of glorying in their own individualities. Our aim is to use our newly found voices to echo the refrains of the eternal divine message, so that the attention of our listeners turns from our voices to the message it carries.

So, the first step is to find common problems. This is easy. Next, we are to read contemporary Christian responses to these problems in order to gain fluency in the language of modern

religious thought in the Western world. This is difficult. After that (or simultaneously), we can try to begin to understand the new topics and problems and approaches to them to be found among contemporary Christian thinkers: environmental ethics, the social gospel, feminism, various topics of pastoral theology, process theology, reformed epistemology, anti-realist theology, and much more. No matter how difficult this is, it is absolutely necessary for Muslims to begin exploring these issues. We need to begin the task of trying to formulate answers to the questions our children will soon be asking. In order for those answers to have the degree of sophistication necessary to satisfy young inquisitive minds, the urgency of these questions in modern culture must be properly appreciated, the language in which these questions are framed must be one in which we are fluent, and we must be sufficiently well grounded in our own traditions so that we are able to utilize that fluency to articulate answers to the new questions grounded in the glorious Qur'ān and the teachings of the *Ahl al-Bayt* ('a), and we take refuge in Him, the Exalted, to preserve us from error.

Notes:

1. For a small sampling, see (2:219), (2:242), (2:266), (3:191), (6:98), (7:176), (7:179), (9:81), (9:122), (10:24), (12:2), (13:3), (16:11), (30:8), (39:42), (59:21).

2. See Seyyed Hossein Nasr, "The Qur'ān and *Ḥadīth* as source and inspiration of Islamic philosophy," in *History of Islamic Philosophy* (2 vols.), Seyyed Hossein Nasr and Oliver Leaman, eds., (London: Routledge) pp. 27-39.

3. (3:63).

4. Seyyed Hossein Nasr, *The Need for a Sacred Science* (Albany: State University of New York Press, 1993).

5. See David M. Wulff, *Psychology of Religion* (New York: John Wiley & Sons, 1991), 204f.

Islamic Personalities (2)

Sayyid ‘Abd al-Ḥusayn Sharaf al-Dīn

By Sayyid ‘Alī Shahbàz

“Call unto the way of your Lord with wisdom and good exhortation, and reason with them in the best way. Surely! your Lord best knows those who go astray from His path, and He knows best those who are rightly guided.” (Holy Qur’àn 16:125)

He was a legend in his own lifetime. Throughout his entire life span of 87 years he strived for Islamic unity with irrefutable proofs of reasoning, enlightening minds and souls and removing the misconception and prejudice of the past centuries. A product of the famous theological centre of holy Najaf, this bright sun of Jabal ‘Āmil (in modern day Lebanon), dazzled so brilliantly on the firmament of Islam that the rays of knowledge of the Prophet’s Household once again pierced the misty recesses of al-Azhar in Cairo, over seven and a half centuries after Ṣalāḥ al-dīn Ayyūbi had destroyed the libraries of the Fatimids and heated the public baths of Egypt with their books.

The colonialists naturally viewed him as a great obstacle in their nefarious designs against Islam and Muslims. Although the French who were in control of post-Ottoman Syria failed in their bid to take his life, they nevertheless did a great disservice to humanity by burning down his valuable library which among other books contained the labour of his scholarly efforts that were in the form of unpublished manuscripts.

This was Sayyid ‘Abd al-Ḥusayn Sharaf al-Dīn al-Mūsawī, whose lasting fame was ensured by the analytical book *al-Murāja‘āt*, a collection of his correspondence with Shaykh Salim al-Bishrī al-Mālikī, the doyen of scholars of Egypt’s al-Azhar University.

Compiled in the years between the two world wars, the book could not have come at a better time, considering the cultural decadence of the Muslims and the blinkers of bias that the bulky corpus of so-called *ḥadīth* literature had put on the vision and insight of Muslims. With its emphasis on the Holy Qur’ān and its appeal to scientific evaluation of the causes of discord among Muslims, Sharaf al-Dīn’s work thus helped in bridging the gap between the different denominations of the Islamic Ummah. Today *al-Murāja‘āt* has been translated into almost all major world languages, and it continues with all the more vigour, its presentation of facts that no rational person concerned about his faith and the course of his soul in the Hereafter, could ever refuse.

It could be said that what that great pan-Islamist of the 19th century, Sayyid Jamāl al-Dīn Asadābādī, had initiated in order to knit the ranks of Muslims, and the role his pupil, the Egyptian scholar Shaykh Muḥammad ‘Abduh, had played in re-introducing the *Nahj al-Balāghah* to the Sunni world through his *Sharḥ* or commentary on the collection of Imam ‘Alī ibn Abī Ṭālib’s (‘a) sermons, letters and maxims (published 1885), had been given a much needed boost by the scientific scrutinizing of facts between Sayyid Sharaf al-Dīn and Shaykh Bishrī.

Tashayyu' was being presented in a most analytical manner by a scholar of the school of the Prophet's Household with convincing arguments which left no room for the prejudiced, whether intentionally or ignorantly, to taint or taunt the beliefs of the Shi'ites. In fact so great was the impact of *al-Murāja'āt* that a new generation of scholars of Iran, Iraq, Lebanon, Egypt and Syria, rose to the occasion, and helped found in Cairo the *Dār al-Taqrīb* or Institute for Promoting Proximity between the Schools of Islam.

The result was, the Grand Shaykh of al-Azhar, Maḥmūd Shaltūt, in a historic verdict in 1959 acknowledged Tashayyu' as an acceptable juristic school of Islam, and declared that a Muslim is free to follow Ja'fari *fiqh* and need not confine himself to one of the four Sunni juristic schools -- Ḥanafī, Ḥanbalī, Shāfi'i and Mālikī.

Before continuing a review of the services rendered to Islam and Muslims by Sayyid Sharaf al-Dīn, it would be interesting to cast a glance at the history of Tashayyu' in his homeland, Lebanon. As readers of *Message of Thaḡalayn* are quite aware, in my article on Mir Ḥāmid Ḥusayn Mūsawī which appeared in the previous issue of this quarterly journal of Islamic studies, I had attempted a brief introduction of Tashayyu' on the basis of Prophet Muḥammad's (Ṣ) famous saying called *Ḥadīth al-Thaḡalayn* (tradition of the two weighty things), which lays emphasis on Muslims to adhere to the Holy Qur'ān (*kitāb Allāh*) and the Imams of his Household (*'itrat*) so as to avoid going astray. Instead of repeating what I had written before, here I would suffice by quoting part of the famous verdict of Shaykh Maḥmūd Shaltūt which should give those of our esteemed readers who are not properly aware, an idea of the meaning of Tashayyu' or the basis of the beliefs of those Muslims who prefer to follow the path of the Prophet's *Ahl al-Bayt*:

The word Shi'ah by which the followers of (Imam) 'Alī ibn Abī Ṭālib are known, is derived from the word *Mushayya'* which

means to follow...They are the well guided ones. Of these Shi'ah is the group which is known by the name Ja'fari or Imāmi Ithnā-'Ashari. This well known group follows the principles that are taken from the Book of God (the Holy Qur'ān) and the teachings of His Messenger Prophet Muḥammad (Ṣ) through their Imams in both fundamental belief and Islamic law...¹

In other words, it means Tashayyu' is the nectar of Islam and has remarkably preserved the pristine *sunnah* and *sirah* of Prophet Muḥammad (Ṣ), as passed down by his infallible progeny, for whom, unlike other Muslims, Islam was a household affair.

Tashayyu' in Lebanon

Historically and geographically speaking, Lebanon is a part of Syria and was established as a separate entity only in the 1940s (formal independence was declared on 1st January 1945) by the French colonialists, whose scheme was to carve out a Christian state in West Asia for the Maronites of Mount Lebanon. Therefore, it could be said that Islam appeared in Lebanon in the initial years after the passing away of the Prophet, when the majority of the people of Syria, who were monophysite Christians, accepted the new faith brought by the triumphant Arab armies following the defeat of the Byzantine emperor, Heraclius. The second caliph subsequently appointed Yazīd and after his death his brother Mu'āwiyah --the sons of Abū Sufyān that most avowed enemy of Prophet-- as governors of Syria. The crafty Mu'āwiyah ibn Abū Sufyān,² consolidated his rule in Damascus, adopting all the decadent and un-Islamic manners and customs of the former Byzantine rulers, but since the 3rd caliph was an Umayyud kinsman, his excesses were overlooked.

But then appeared on the Syrian scene, Abū Dhar, the Prophet's esteemed companion, as a forced exile from Medina. Abū Dhar was a great ascetic and along with Salmān, Miqdād ibn Aswad, 'Ammār ibn Yāsir and some other companions of the

Prophet, was known among the steadfast adherents (Shi'ites) of Imam 'Alī since the lifetime of the Messenger of Allah. The verbal duels between Abū Dhar the champion of pure Muḥammadan Islam, and Mu'āwiyah the political Muslim, are preserved in the books of history and need not be repeated. However, relevant to the subject of the article, it was Abū Dhar, who sowed in Syria, the seeds of Tashayyū' or the teachings of Islam, that were not tainted or touched by the likes of Abū Hurayrah and the forged traditions that the factories of Mu'āwiyah and the Umayyuds would soon produce, in order to confound the beliefs of unsuspecting Muslim masses.

Thus, Tashayyū' in Syria and Lebanon could be traced to Abū Dhar's efforts. In the subsequent centuries it was strengthened by migrations from the Ḥijāz as well as new adherents, especially during the rule of the Banī Ḥamdān in Aleppo and the Fatimids of Egypt, who exercised authority over the area. The region then passed under the hegemony of Turkish chieftains, the Christian Crusaders of Europe, the Kurdish Ayyubid sultans and later the Ottoman Turks of Anatolia, all of whom with rare exceptions, because of their apparent ignorance of the realities of Islam, showed an avowed aversion to the followers of the school of the *Ahl al-Bayt*.

Tashayyū' in Lebanon was centered mainly in Jabal 'Āmil and the Ba'labak region, and because of the rugged nature of the area, the people practiced their beliefs in semi isolation, though they were not free from the periodic bouts of persecution from their non-Shi'ite overlords. Nevertheless, Jabal 'Āmil gave to the world some of the greatest scholars of Islam, two of whom have been immortalized for the tragic martyrdom they suffered at the hands of the enemies of Islamic unity. The first was Shaykh Shams al-Dīn Muḥammad ibn Makki al-'Āmili, known as *Shahīd Awwal* or the First Martyr who was killed in Damascus in 786 A.H. (1384 A.D.). Prior to his martyrdom he was imprisoned for a year, during

which he wrote his masterpiece *Kitāb al-Lum'ah al-Dimashqiyyah* which continues to serve as a juristic manual at theological centres to this day.

The next great scholar of Jabal 'Āmil to attain the status of immortal martyrdom was Shaykh Zayn al-Dīn bin 'Alī al-Jabā'i al-'Āmili, subsequently known as *Shahīd Thānī* or the 'Second Martyr', who was treacherously beheaded in 966 A.H. (1559 A.D.) while being taken from Damascus to the Ottoman court in Istanbul for a debate with the Sunni '*ulamā*'.

The other prominent names to emerge from Lebanon in the following centuries are Shaykh Ḥasan, son of the Second Martyr, the Ibn Khatun family of scholars (of whom the renowned Shaykh Muḥammad Ibn Khatun settled in Haidarabad Deccan), Muḥaqqiq Thānī Shaykh 'Alī Karakī, Shaykh Bahā' al-Dīn Muḥammad al-'Āmili and Shaykh Muḥammad bin Ḥasan al-Ḥur al-'Āmili. The last three were among the waves of scholars who migrated to Safavid Iran and Iraq to spread the teachings of the Prophet's Household. Jabal 'Āmil, however, continued its role of producing outstanding scholars in every generation such as those of the Āl Ṣadr and Āl Sharaf al-Dīn families, who were Sayyids (direct descendants of the Prophet) and greatly venerated for their knowledge.

Family Background

Sayyid 'Abd al-Ḥusayn Sharaf al-Dīn was born in 1290 A.H. (1871 A.D.) in Kāzimayn, Iraq, where his father Sayyid Yūsuf was engaged in religious studies. There was scholarly strain in the young boy's blood since his mother was the daughter of Āyatullāh Sayyid Hādī Ṣadr and the sister of Āyatullāh Sayyid Ḥasan Ṣadr, two of the prominent '*ulamā*' of those days. Āl Sharaf al-Dīn and Āl Ṣadr, were branches of the same Mūsawī family, being descended from Ibrāhīm al-Murtaḍā the son of the 7th infallible Imam of the Prophet's Household, Mūsā al-Kāzim ('a).

The two branches had produced some of the leading scholars of Islam, and incidentally the great 5th century A.H. prodigies of Baghdad, Sharif Murtaḍā and Sharif Raḍī, also traced their lineage to Ibrahim al-Murtaḍā. Sayyid 'Abd al-Ḥusayn Sharaf al-Dīn who was 38th in line of descent from Prophet Muḥammad (Ṣ), was thus a fresh and unique face, and he has provided a lively account of the history of his family in his book titled *Bughyat al-Rāghibīn fī Āl Sharaf al-Dīn*.

At the age of 8, Sayyid 'Abd al-Ḥusayn Sharaf al-Dīn returned to his ancestral place Jabal 'Āmil after completion of his father's studies in Iraq. By the time he reached 17, and before leaving for the holy city of Najaf in Iraq for higher studies, he had learnt grammar, syntax, logic, *uṣūl*, and the art of rhetoric (*bayān*) from his father. The next fifteen years were spent in mastering the sciences of jurisprudence, philosophy, exegesis, *uṣūl*, *ḥadīth*, and the chain of narrators. Among his teachers were such learned men as Sayyid Muḥammad Kāzīm Yazdī, Sayyid Ismā'il Sadr, Ākhūnd Khorāsānī, Shaykh al-Sharī'ah Iṣfahānī and his own maternal uncle Sayyid Ḥasan Ṣadr.

Sayyid 'Abd al-Ḥusayn Sharaf al-Dīn soon established his reputation in Najaf as a brilliant scholar who never wasted a moment in his quest for knowledge. His restive spirit brought him into contact with the '*ulamā*' of Karbalā', Kāzīmāyn, Sāmarrā' and other cities of Iraq, which he used to visit in order to engage in discourses and exchange of viewpoints with them. His sharp memory, keen intellect and analytical brain coupled with his authority over *fiqh*, *uṣūl* and *ḥadīth*, brought him admiration from even his seniors. He later gave a book form to his debates and discourses with the '*ulamā*' of Iraq and titled it '*Madārik al-Aḥkam*'.

Probing of Facts

Upon his return home to Jabal 'Āmil from the theological centres of Iraq at the age of 32 around the year 1903 A.D., he found that his reputation as a young *mujtahid* had already preceded him. Syria, however, was a different turf when compared to Iraq and the young Sayyid 'Abd al-Ḥusayn Sharaf al-Dīn was too dynamic a scholar to limit himself to the Shi'ite areas of Jabal 'Āmil and Ba'labak. Therefore, having sensed the need of Islamic awakening, he settled in Tyoe and embarked on enlightening minds with the realities of Tashayyū' in order to promote affinity between the juristic schools of Islam. He had access to a vast corpus of literature in *ḥadīth*, *sunnah*, exegesis of the Holy Qur'ān and history, which he widely and authoritatively reflected in his writings. He did not contend himself with his learning but made it the base for rationalistic expansion of Islamic sciences, thus making new springs of knowledge to flow.

In fact, he gave practical shape to the sayings of the infallible Imams, that be *wu'āt al-aḥādīth* and not merely *ruwāt al-aḥādīth* (transmitters of traditions). *Wu'āt* is the plural of *wā'i* which means having a correct perception and comprehension. The First Martyr in his *al-Lum'ah al-Dimashqiyyah* has given a beautiful description of *wā'i*. As a contemporary researcher Muḥammad Riḍā Ḥakīmī says, the genuine *ḥadīth* is but an explanation of the universal outlook of the Holy Qur'ān, and that the knowledge of the human mind, however vast, is like a candle in front of the bright sun when compared to the wisdom of the Holy Book. The *ḥadīth* corpus thus requires proper probe and understanding and should be reciprocally substantiated by the contents of the Holy book for its genuine application, and this is what Sayyid Sharaf al-Dīn has tried to reflect in his works. He was not just a transmitter but a philosopher and reformer well versed in these sciences, which he gave new and practical meaning.³

Sharaf al-Dīn's efforts to split open the treasures of hidden knowledge bore fruits, because of his emphasis on the point that even the scholars of Sunni schools acknowledge as authentic, the traditions transmitted by the Prophet's *Ahl al-Bayt*. His keen mind dwelt on the dimensions of *wilāyat ḥaqqah* (authority of the divinely ordained), philosophy of politics and the source of difference between Tashayyu' and Tasannun, and analysed them.

Āqā Buzurg Tehrāni says in this regard:

Sharaf al-Dīn read with diligence and analytical probe all *ḥadīth* literature whether from the Prophet, his *Ahl al-Bayt* or his companions, both from the Sunni and Shi'ite sources, grasping their meaning and accurately outlining the issues as well as the obvious facts, that many scholars prior to him were ignorant of.⁴

His knowledge of, and researches in history, ably substantiated his efforts to enlighten scholars of the concrete facts, thereby exposing the forgeries that had taken place in the earlier centuries. One of his outstanding works in this regard was titled '*Abū Hurayrah*'. Sharaf al-Dīn in this book took a bold step by subjecting to close scrutiny the vast bulk of *ḥadīth* quoted in Sunni works from Abū Hurayrah, who had accepted Islam only during the last two years of the Prophet's life. The work is without the least prejudice and focuses on the life of Abū Hurayrah both before and after acceptance of Islam, his character, his inclinations, the period in which he lived and the political atmosphere of the times.

The dismantling of myths had an instant effect, and Shaykh Abū Rayyah, one of the leading Sunni '*ulamā*' of Egypt, wrote an identical research work titled '*Shaykh al-Maḍayrah*', in which he presented the bare facts of Abū Hurayrah's dubious personality and questioned the authenticity of most of his transmissions.

Āqā Buzurg in his voluminous account of scholars of the 14th century A.H., writes that Sayyid Sharaf al-Dīn subjected historical material to minute probe, sifting through the dusty

accumulation of history with scientific precision, till he had separated the realities of Islam from myths and stories.⁵

Quest For Islamic Unity

Sayyid Sharaf-al-Dīn had settled in the city of Tyre in southern Lebanon which had a sizable population of Sunni Muslims. In 1327 A.H., he published the book *al-Fuṣūl al-Muhimmah fī Tārīkh al-A'imma*, emphasizing on the necessity of unity between the Sunnis and Shi'ites after outlining the dispute and differences between them. One of the practical steps that he took towards Islamic unity was the celebration of Prophet Muḥammad's (ﷺ) birth anniversary on 12th of Rabi' al-Awwal, although according to the accounts of the *Ahl al-Bayt* the Prophet was born on the 17th of that month. He also used to visit the Sunni 'ulamā' of Tyre on this day and felicitate them on the occasion.

His contention was: why should Muslims who believe in One God, one Prophet, one Book and bow towards the same *qiblah* five times a day, be divided in juristic matters because of their ignorance of the basic facts of their faith?

He therefore set his eyes on broader horizons and in his quest for Islamic unity, he travelled to Egypt in 1331 A.H. (1912 A.D.). Egypt with al-Azhar as its religious centre, was the prime seat of learning in the Sunni world, and here he had the opportunity to discuss his views with Egyptian 'ulamā'. Here he found eager ears, considering the fact that he was visiting the 'Land of the Nile', 15 years after the death of that prime torchbearer of Islamic unity, Sayyid Jamāl al-Dīn Asadābādī, whose ideas and memory were very much alive in Egypt. During one of his speeches at al-Azhar on the differences between the Sunnis and Shi'ites, Sharaf al-Dīn used his now famous expression *Farraqat humā al-Siyāsah, Faltajma' humā al-Siyāsah*, which means 'Politics had separated them and Politics should join them'.

His speeches had a great impact on the Egyptian audience. The enlightened minds of al-Azhar welcomed his ideas, considering the crisis of identity the Islamic world was passing through on the eve of the First World War, with European colonialists looking for the slightest opportunity to ruin the life and beliefs of the Muslims. The Dean of al-Azhar, Shaykh Salīm al-Bishrī, a venerable scholar in his seventies, was impressed by the young 37 year old Sayyid, and thus was paved the ground for a dialogue which would eventually remove the misunderstanding of centuries.

Impact of al-Murāja'āt

The result of the meeting and the subsequent correspondence between these two open-minded scholars from two different juristic schools of Islam was the book *al-Murāja'āt*, containing 112 letters. It is not only a testimony of the analytical mind of Sayyid Sharaf al-Dīn, but stands as firm proof of the scholarly credibility of Shaykh al-Bishrī, who never for a moment showed the slightest bias for the school in which he had been brought up, and who after elaborate research and discussion acknowledged the concrete facts of Muḥammadan Islam.

Sayyid Sharaf al-Dīn says of his meeting with Shaykh al-Bishrī:

Long before the exchange of letters between me and Shaykh Salīm al-Bishrī, I was thinking of writing on such a topic, since from my early youth the idea of understanding and unity between Sunnis and Shi'ites was beating in my breast like the lighting which flashes in cumulus clouds... I always thought of finding ways of promoting understanding between Muslims and removing hatred from among them... We should all hold fast to the Rope of Allah and like brothers should tread the path of truth, and should support each other in the

building of a strong, civilized, knowledgeable and practical society.⁶

Shaykh al-Bishri, at the end of the lengthy correspondence with Sayyid Sharaf al-Din which spanned several years, said the following:

I bear witness that you believe in the same basic principles of faith and observe the same religious rites as did the Imams in the posterity of Muḥammad (ṣ). You have made this fact quite clear and have unmasked what was concealed. No sane person will have any doubt about it, and to create any doubt or confusion about it will be tantamount to intentionally misleading others. You have made the matter quite transparent and have enabled me to look through it... Before the truth dawned upon me through you, I was in great confusion and obscurity due to what I had heard about your religion from the mischievous and unjust spreaders of disconcerting news. When Allah kindly brought us together, I followed you till I came under the flag of guidance and the lamp in darkness, and when I departed from you I was prosperous and successful.⁷

As anyone who has read the *al-Murāja'āt* would know, the intention of these two great scholars was not to demonstrate their dogmatic expertise nor to stubbornly defend illogical concepts that had descended as part of faith from generation to generation, but it was to arrive at the ultimate truth in a calm and logical manner keeping with the instructions of the Holy Qur'ān. It was this scientific probing of facts that paved the ground for Shaykh Maḥmūd Shaltūt to issue in 1959 his famous verdict, part of which I quoted in the beginning of the article. Shaltut adds in his verdict:

The difference between the Ja'fari and Sunni schools is not greater than the difference among the Sunni schools themselves. They (the Ja'faris) believe in

the fundamental principles of Islam as they are stated in the Glorious Qur'ān and the teachings of the Prophet. They also believe in all the rules whose inclusion in the religion of Islam is self evident and whose recognition is required for being a Muslim and the denial of which excludes the person from Islam.²

Thus, Sayyid Sharaf al-Dīn's great work proved a ray of guidance for persons groping in sectarian darkness. The book is an undeniable proof of the truth of the path of the *Ahl al-Bayt* who provide a perfect frame for Islamic unity. The path of the Imams of the Prophet's Household, as pointed out in *al-Murāja'āt*, serves as an exquisite mirror for the teachings of the Holy Qur'ān, without which Muslims would be bereft of any worthy model, both in their struggle to build up the ideal society of Islam and for the eternal journey of their souls in the hereafter. The book admirably works as an open invitation towards unity and for closing of ranks among the different denominations of the Ummah in order to confront the plots of the enemies of Islam.

Multi-Sided Genius

The picture that emerges of Sayyid Sharaf al-Dīn is of a multi-faceted genius, who besides being a dynamic scholar, was a perfect moralist, an activist against colonialism and a poet in his own right. Perhaps the greatest tribute to his personality has been paid by his great contemporary Āqā Buzurg, who says:

What should one say about Sharaf al-Dīn's qualities. He is an enlightened *mujtahid*, a peerless *mutakallim*, a prominent philosopher, a learned exponent of *uṣūl*, a great exegete, a trustworthy *muhaddith*, an authoritative historian, an eloquent orator, a keen critic, a prolific writer. Yes Sharaf al-Dīn possess all these qualities and besides, he is a valiant *Mujāhid* of religion (Islam) and a foremost combatant

of the path of truth, which is borne out by his pen, his writings, his speeches, his arguments, and his services.⁹

These qualities naturally aroused the deep resentment of the French colonialists, who attempted an abortive assassination against this Sayyid. However, when he was forced leave for Palestine and Egypt, they destroyed his house and library, resulting in the loss forever of 19 of his unpublished books. The imperialists had torched the heritage of mankind. Among the books lost beyond retrieve was the 3-volume work titled *Sabil al-Mu'minin*, on the subject of Imamate, divinely ordained leadership and the political philosophy of Islam. The other important books were *Ta'liqah 'alā Ṣaḥiḥ Muslim* and *Tuḥfah al-Muḥaddithin fī mā Akhraja anhu al-Sittah min al-Muḍa'afin*. The two books indicate his wide knowledge of the *ḥadīth* corpus. The first was an annotation on *Ṣaḥiḥ Muslim* which is considered as one of the six authoritative books by Sunni Muslims. The second book which means 'Gift for Traditionists for Recognizing Weak Transmitters in the Six Authoritative Books', was a valuable research work on traditions quoted from persons considered unreliable.

During his sojourn in Egypt, his speeches against British Colonialism had profound effect on the public and were published in the *al-Manār* journal. From his exile in Egypt, Sayyid Sharaf al-Din issued *fatwās* calling for *jihād* against the French in Lebanon and Syria. The French colonialists responded by passing a death sentence against him in absentia. However, he was too great a man to be intimidated, and the fearful French relented and dropped all their wild charges, enabling the Sayyid to return home to Lebanon.

His scholarly insight although eternally ensured, he never felt content to bask in idle glory, and till the end of his fruitful life was active in different social spheres. One of his field of activities was education. Sayyid Sharaf al-Din, who finally left the mortal world in 1377 A.H. (1957 A.D.), placed great emphasis on reforming the educational system of independent Lebanon which the French

colonialists had tampered with, in order to produce laic and anti-religious elements. Thus a struggle, which in the words of Martyr Āyatullāh Bāqir al-Ṣadr, had begun for religious rights during the closing years of Ottoman rule, had to take the form of political struggle against the colonialists, the common enemies of all Muslims,¹⁰ and after independence of Lebanon, it continued in the social arena in order to safeguard the heritage, culture and beliefs of the Islamic society.

Notes:

1. Muḥammad Jawād Chirri: *The Shi'ites Under Attack*, published by The Islamic Centre of America, Detroit, Michigan, p. 109.

2. Both father and son had reluctantly accepted Islam as late as 8 A.H. after the surrender of Mecca some three years before the Prophet's death. On that day while issuing a general amnesty to all Meccan infidels who accept Islam the Prophet had called them *Ṭulaqā'* or freed slaves. The subsequent anti-Islamic behaviour of the Umayyuds in history leaves little doubt whether they were Muslims at all.

3. Muḥammad Riḍā Ḥakimi: *Sharaf al-Dīn*, published by Daftar-e Nashr-e Farhang-e Islāmī, Tehran.

4. Āqā Buzurg Tehrānī: *Nuqabā' al-Bashar*, vol. 3, p.1083.

5. *Ibid.*

6. Sayyid Sharaf al-Dīn: Preface to *al-Murāja'āt*.

7. *Al-Murāja'āt*, Letter no. 111.

8. Muḥammad Jawād Chirri: *The Shi'ites Under Attack*, p.109.

9. Āqā Buzurg Tehrānī: *Nuqabā' al-Bashar*, vol. 3, p.1085.

10. Sayyid Muḥammad Bāqir al-Ṣadr: Preface to *al-Naṣṣ wa al-Ijtihād*, another famous work of Sayyid Sharaf al-Dīn dealing with the fallacy of analogical opinion in relation to the explicit commands of the Qur'ān and the Prophet.

Book Introduction (1)

Preface to *Al-Ḥayāt*

By Muḥammad Riḍā Ḥakīmī

Translated by Shahyār Sa'ādat

With gratitude toward the Compassionate Creator, greetings to the holy spirits of prophets and saints and to the holy Soul of the age and luminous life of the world, the Founder of the Sovereignty of Qur'ān, Imam Mahdī, the Lord of the age ('*a*), we shall speak a few words concerning *al-Ḥayāt*, and then discuss certain issues that must be considered in regard to the present translation.

Al-Ḥayāt is a scholarly and specialized collection in which the teachings of Islam have been gathered and presented on the basis of the holy Qur'ān and *ḥadīth*. This collection is arranged and presented in such a manner that it shows the way to a free and progressive life, to both the individual and society; a life rooted in the very core of religion, with respect for man's high station, and which illuminates the ever changing nature of time and leads to the realization of the true nature of life.

This book deals with four principal pillars, which, from a complete quadruple and uphold the loftiest of aims. These pillars are:

- A. Religion
- B. Man
- C. Time
- D. Life

In its treatment of religion it is concerned with its essence. In its treatment of man it is concerned with his lofty nature. In its treatment of time it deals with its ever-changing reality. And finally, in its treatment of life, it deals with its serious content. For in the boundless ocean of life it is the proper interconnection of these four principles that leads one to the ultimate goal. Proper attention to these pillars leads to the flourishing of a healthy, humane and intellectually and spiritually vital existence. Such a life will always be an evolving one; and an evolving life always indicates that one is on the right path and moving towards the right destination. In short, then, it leads to a healthy, humane and creative existence in this world and immortal and divine existence in the hereafter. Furthermore, since without the reign of moral values the essence of religion could not be practiced, the lofty essence of man would not be appreciated, the constantly evolving nature of time would not be accepted and the serious content of life would not be considered, it becomes clear that what is required is intellectual and practical effort aimed at establishment and strengthening of an ethically sound system. No lofty ideal can be attained without the existence of an ethical system and religion too is in essence a call for the establishment of such a ruling system. Thus, *al-Hayāt*, which deals with the very essence of religion, endeavors to clarify the connection between the different aspects of Islam and the fundamental issue of the ruling system. It invites all

human beings to first attain a comprehensive understanding of Islamic values and then work toward the setting up of a righteous, humane, honest and Qur'ānic system of government throughout the world, so that these lofty values are put into practice and the attainment of a rich and felicitous life is made possible for all mankind.

The authors have, to the best of their ability, tried to investigate Qur'ānic verses and *Aḥādith* to see what answers they could find in them to questions concerning man's condition, responsibility and awareness. They have then tried to present these answers in such a systematic manner that they would lead to a better understanding of Islam, man, time and life.

It is appropriate to summarize here, with certain additions, what we have said about this book on an earlier occasion,¹ so that now it could be better understood by the Fārsi-speaking world.

1. Description

Al-Ḥayāt could be described as an encyclopedic collection representing a theoretical and practical system based on the essential tenets of Islam and containing answers to many of the questions that man must face in his constantly changing life, and his quest for the establishment of a righteous system of government.

In the title page of the original Arabic the book is introduced in the following manner:

It is an Islamic, scholarly and classified encyclopedia that describes a free and progressive way of life for both the individual and society and calls for establishment of a humane and just system of government worldwide.

2. Content

The contents of the book should be more or less clear from what has been said above. However, to clarify the substance of the book we can add that *al-Ḥayāt* constitutes a systematic world-view and a religious, intellectual and scientific system, derived from the very foundations of Islam; that is, the holy Qur'ān, and the teachings of the Prophet (ﷺ) and the infallible Imams ('a). It is also an index of the various problems and issues, individual and social, material and spiritual, faced by modern man in an ever changing world. Its objective is to establish a humane and highly developed society. It does not aim to preach or admonish, but rather to set forth a complete system along with the ways in which it should be carried out.

Thus, this book is not just a collection of Qur'ānic verses and *aḥādith*. It is a systematic presentation of the Islamic ideology and world-view, making sure all the while that the system presented is based entirely on a clear understanding of both the general and overall meaning of the Qur'ān and the *ḥadith* and also of their precise stance concerning a particular issue.² In other words, although such topics as divinities, doctrine and belief, science, politics, ethics, education, society, spirituality, art, history of philosophy, military and defense are discussed in the book, if, taken as a whole, it sets forth a unified school of thought. These discussions, therefore, are not disconnected treatments, but rather constitute a homogeneous, systematic school of thought and world-view and possess an intrinsic organic unity. We emphasize this point so as to give the reader a correct understanding of the central significance of this work. For if this fundamental "revitalizing and representing" viewpoint of the work is ignored, and it is, for instance, seen as a mere collection of *ḥadith*³, much of its illuminating power and vitality would be missed and the reader would lose the benefit of the life-giving teachings the authors have labored to present. The point to keep in mind, then, is that the

authors have tried to set forth Islamic ideology and doctrine and its teachings concerning the proper development of man and society, by relying on the two pillars of Islam: the Qur'ān and the *ḥadīth*

In the light of what has been said above, if *al-Hayāt* is published as planned, it may perhaps be called the most comprehensive and systematic encyclopedia of Islamic teachings and the clearest embodiment of an intellectual, theoretical and practical knowledge of the Qur'ān and the *ḥadīth*.

3. The Size of the Book and the Issues it Deals With

In the introduction to the Arabic text of the book it has been said that *al-Hayāt* shall be published in six volumes, but now we estimate that, God willing, the total volumes will be ten to twelve. Thus, it will have about one hundred sections and three thousand chapters, in addition to various annotations and references. These chapters shall deal with principles and truths set forth by the Qur'ān and the *ḥadīth*, including questions of world-view and doctrine, movement and transformation and man's dynamic and evolving existence. Among other things, the book covers issues dealing with:

- A. Life
- B. Man
- C. knowledge
- D. Science
- E. Guidance
- F. Training
- G. Education
- H. Politics and Government
- I. Economics
- J. Social Justice
- K. Ethics
- L. Worship
- M. Work and Activity

- N. Art
- O. Reform
- P. Society
- Q. Philosophy of History
- R. Human Evolution
- S. Revolution and Transformation
- T. Defense and Heroism

4. Religion and Mental Concepts

Religion and religious knowledge and perception is not a product of man's imagination or intellectual faculties. It is, in fact, the most profound and clear form of knowledge in harmony with the reality and innate nature, illuminating the human soul, and affecting it far more extensively and deeply than any intellectual concept or idea could ever do. Unfortunately, there have been numerous cases in the history of religion where mental concepts and ideas have been injected into the domain of true religious perception and have robbed it off its potential power to shape and positively influence both individual and social affairs.

A. In the Past

Numerous philosophical, intellectual and scientific schools and world-views have existed and continue to exist in the world today. It is possible that some of the principles and elements found in them have been taken from religious sources or close to religion in their treatment and discussion of certain subjects. However, it should be kept in mind that the basis of religion and true religious knowledge is entirely different from different schools of human thought, be they philosophical or mystical, ancient or modern. For the former has its origin in prophetic and divine knowledge and revelation, while the latter is rooted in man's imperfect and confused intellectual experience and knowledge.

In the history of Islam, since the era of translations of the works of Greek philosophy (from Greek and Syriac sources), neo-Platonic philosophy, gnostic writings, Indian thought, etc., and the spread of many foreign ideas among the Muslims, numerous schools of thought and world-views entered the realm of Islamic knowledge, thought and practice, and mixed with Qur'ānic knowledge and the teachings set forth in the *ḥadīth*, thus polluting the clear spring of divinely revealed faith, in both knowledge and thought and teaching and practice.

B. In the Contemporary Era

The intermingling and mixing mentioned above has acquired an added dimension during the last century, and especially in our own time. In the course of this century mankind has found itself faced with new problems and issues, causing religious thinkers to come up with solutions and responses and to set forth specific religious positions concerning them. In such circumstances, in many cases a mixture of three elements were presented as the religious response to these new challenges. These elements were the Muslim scholar's or thinker's religious knowledge, his personal and particular interpretation of the teachings of Islam, and, finally, his knowledge of other cultures, philosophies and schools of thought. Because of this, much of the response made by such thinkers and scholars was a mixture of Islamic and non-Islamic doctrines.

In addition to the problems and issues brought on by the modern world and the numerous philosophies and intellectual currents which flowed into the Muslim world (helped, by the way, by the colonial powers and their local henchmen, even to the extent of causing bloodshed), the general change and transformation that has accompanied the progress of the present century has brought on changes in sensibility, thought and perception throughout the world. Needless to say, the East, including the Muslim world, has

not been spared by this storm. Thus, many of the original tenets and beliefs were either destroyed or severely weakened and many fundamental principles of Islamic thought were subjected to interpretations palatable to the modern, imported intellectual tastes and sensibilities.

5. Guarding the Frontiers: the Great Task

In light of what was discussed above, the importance, or it would be even better to say, the obligation, of a return to the Qur'an itself and to the original texts of *ḥadith* is becoming clear. In the same way, one clearly recognizes the necessity of organizing and arranging these texts in such a systematic and accessible way that they may provide solutions to the difficulties, problems and questions faced by humanity today.

In these circumstances, the great and sacred obligation of defending *immortal truths* manifests itself. And this defense is nothing short of returning to the very essence of Islam and its original teachings, doctrines and principles in their pristine purity and unadulterated form, with the aim of presenting Islam anew in its original, constructive and comprehensive reality. Obviously, such an effort and a true defense of *immortal truths* will be successful when the problems and issues of the modern age are recognized and met by appropriate responses derived from the original texts, free of either dogmatism or deviation.

For the successful accomplishment of this great task two things are necessary: a fresh re-examination, and a fresh presentation. In the new re-examination of Islam we must take into account the intellectual and practical needs of the times and the constantly changing challenges that life presents man in different ages. In the fresh presentation of Islam, also, close attention must be paid to the way different nations, societies and ethnic groups feel, think and act.

The emphasis upon the necessity to return to the original texts is meant to protect the lofty teachings of Islam from pollution and corruption, so that the sacred, pure and life-giving message of God's revealed Word and the words of true religious leaders and guides, are maintained in their pristine purity. Moreover, emphasis upon the twin methods of "return" and "presentation," with complete adherence to the conditions set forth above, is meant to guarantee that these life-giving teachings continue to play a vital role in shaping the souls and societies of men.

The writing and presentation of *al-Hayāt* is a small step on the path leading to this great aim. It is an attempt to carry out this fresh re-examination and presentation and to set forth a method of arranging and organizing this Islamic texts and materials according to subject matter, with reference to Islam's fundamental ontological, practical, political, economic and educational teachings as they apply to the problems faced by modern man in the contemporary world. Thus, *al-Hayāt* is a fresh presentation of the Qur'ān and the *ḥadīth* in a form suited to the afore-mentioned conditions.

It is our sincere desire that scholars, researchers, those familiar with religious truths, thinkers, experts on exegesis of the Qur'ān, specialists in the field of *ḥadīth*, jurists, those seeking sound ethical guidelines, those who are in search of a true doctrine and school of thought, those who seek the path that leads to the truth, economists, sociologists, analysts of social and human affairs, writers, religious seminary teachers, university professors, seminary and college students, all others interested in human affairs, committed statesmen and architects of public opinion, in light of the issues and problems discussed above, and guided by their own insight and knowledge, endeavor to pave this luminous and divine path for all men and for all times. They must work to complete this unfinished work and to revive the revitalizing and liberating teachings revealed by God, thus saving the suffering

modern man, entangled as he is in a web of despair and confusion. It is precisely this that our infallible Imams ('a) referred to when they spoke of "guarding the frontiers" (*murābaṭah*).

6. Results

In view of what we have already said, it would perhaps be unnecessary to enumerate the results one would wish a work, such as this, to produce. However, we felt that it may be appropriate to include in our preface a short list of these for the benefit of our readers. The hoped-for results, then, are as follows:

A. Calling the attention of society to the original texts of Islam and setting before it its divinely revealed teachings and principles, so that modern society can be transformed along the lines set forth by them.

B. Revival of the great, epistemological, educational, and revolutionary heritage of Islam and presentation of it as an integrated system and a comprehensive world-view and ideology.

C. Demonstration of an organic interdependence among all the teachings of Islam and the fact that they constitute an indivisible and fully integrated whole.

D. Separating the true and original teachings of Islam from all the extraneous elements that have been added to, and mixed, with them, both in the course of history and also in the contemporary period, forming both the way these teachings have been perceived and the manner of their presentation.⁴

E. Allowing the bright rays of the sun of the Holy Book and the Tradition to illumine minds and hearts and to invite all human beings to turn toward the pure fountainhead of divine knowledge and intuitive perception.

F. Setting before man the exalted exemplar of healthy and creative human existence at a time when he has fallen prey to

various ideologies, philosophies and social systems, none of which, ultimately, can lead him to salvation and happiness.

G. Presentation of a rich collection of vital material, correctly understood and interpreted, for the purpose of developing different fields of Islamic jurisprudence, based on the firm foundation of *ijtihād* and aimed at its maintenance.⁵

In *al-Hayāt* the approach to Qur'ānic verses and the *aḥādīth* (narrations) is a comprehensive and integrated one. It does not involve taking up, let us say, 500 of the more than 6,000 verses of the Qur'ān, investigating them in view of the jurisprudential traditions concerning them. It concerns itself, rather, with all the verses and all the narrations. This approach can not only have a strong impact on the whole body of Islamic knowledge and on the religious practice and development of human Societies, but can also develop, enrich and deepen Islamic jurisprudence and independent reasoning in the Islamic legal system to a large degree. It may also serve to demonstrate the power of the Ja'fari school of jurisprudence in all the ever changing aspects of man's life, making it even more dynamic, active and flexible than it already is.

H. Helping to guide the proper and healthy development of the human sciences by virtue of the intrinsic worth of the content of the book: Qur'ānic verses and *aḥādīth*.

I. Contributing to a healthy and proper development of political science, and, on the strength of what is presented in volumes 3-4, to that of economics (in a special manner).

J. Helping those enthusiastic young seekers who wish to use the original sources but do not possess the prerequisite knowledge, and because of their sincere devotion, refuse to do so until they do.

Such, in brief, is the manner in which the present collection may lead to the realization of the ideals it embodies. It may specially serve to remind university and seminary students, professors and Islamic writers and thinkers to turn their attention to the pure and unadulterated fountainhead of true knowledge and

guidance, to drink from this spring and to behold the wonderful truths and insights it offers at every turn. It would indeed be a pity if such a treasure of knowledge, insight and guidance should be left ignored, untapped and unappreciated.

7. Our Plans for the Book

Our plans for *al-Ḥayāt* concern the following four phases:

- A. The original text
- B. Its Fārsi translation
- C. Its translation into other languages
- D. A commentary on the book

A. The Original Text

As it has already been stated, the text includes 10-12 volumes, of which two have already been published.⁶ The third and fourth volumes, dealing with Islam's policy on finance and economic justice, will soon be published. Our hope is that the rest of the volumes will gradually be published as well.

B. The Fārsi Translation

We had intended to translate *al-Ḥayāt* into Fārsi from the very beginning. The First two volumes have already been translated and following the publication of this volume we should be updated. Since this preface was written 14 years ago hope that the second volume will be published also.

C. Translation into Other Languages

Since we wish to present the teachings of Islam to as great an audience as possible, we have always been interested in seeing *al-Ḥayāt* translated into other major languages. Therefore, following the publication of the First volume, the authors invited Islamic scholars who, in addition to having excellent knowledge of Arabic, have full command over such other languages as Urdu, Japanese,

Chinese, French, German, English, Russian, Spanish, Italian, to translate the book. They were, however, also required to inform the authors before doing so.

D. Commentary

In order to make the intellectual and practical purport of the book better understood, and in response to numerous requests made by scholars and readers, the authors have begun to prepare a commentary on *al-Hayāt*. It is hoped that, assisted by the prayers of the pious and the efforts of the diligent, this end is soon attained and the *Commentary on al-Hayāt* is presented to the readers.

8. The Credibility of the Book

Concerning the credibility of the book it is necessary, for the sake of some of the readers, to point out a few facts.

A. The Verses of the Holy Qur'ān

As the reader may observe, at the beginning of each chapter or section, or when a particular topic is being introduced, verses of the Qur'ān are presented. Although in each case the aim has been to present examples of the most relevant verses and not all the verses dealing with the subject in question, the verses that have been presented provide the strongest possible supports for the arguments that follow.

B. The Inner Agreement of *Aḥādīth* with Qur'ānic Verses

The Qur'ānic verses mentioned in the book are followed by narrations from the Prophet (ﷺ) and the infallible Imams ('a), explaining, elucidating and interpreting the purport of the preceding verses. The harmony and concord evident, both among the *aḥādīth* themselves and between them and Qur'ānic verses, is a clear indication that the *aḥādīth* are in fact no other than clarifications and explications of the Qur'ān and the divinely revealed teachings. In this manner, the value of the *aḥādīth* and

their truth and veracity is established since they are shown to be clearly in agreement with the Qur'ān. Moreover, when the purport of a *ḥadīth* accords with divine revelation, then it is valid, even if it differs in outward form and mode of expression. This is indicated by the following words of Imam Ja'far al-Ṣādiq ('a):

Consider carefully our teachings, and that which has reached you from us, and if you find them in harmony with the Qur'ān, then accept them and practice them.⁷

C. Agreement of *Aḥādīth* within themselves

First: Harmony with *Aḥādīth* Attributed to the Prophet (ﷺ)

Another element that confirms the accuracy of the teachings and principles set forth in the narrations presented in this book is that they accord in inner meaning and purport with Prophetic narrations (*aḥādīth-e nabawī*). Many such narrations and their sources are presented in this book. Many of them are included in authoritative collections of narrations. Much of the content of these narrations is well-known to Muslims, and many of the words and phrases have been widely transmitted. In every case the narrations quoted from the Imams ('a) follow along the same lines, delineating the same world-view, doctrine and practice. Indeed, one of the basic causes of the spiritual grandeur and depth of the teachings of the Imams ('a) is that they are rooted in the Qur'ān and the teachings of the Prophet (ﷺ). In the words of Sharīf Abū al-Ḥasan Raḍī Mūsawī, the compiler of *Nahj al-Balāghah*:

The words of Imam 'Alī and his progeny are illumined by the light of divine knowledge and carry the sweet odor of the utterances of the Prophet (ﷺ)⁸

In a widely transmitted narration the Prophet (ﷺ) is reported to have uttered the following words:

I am the city of knowledge and 'Alī is the gate.

Imam Muḥammad Bāqir ('a) has said:

We recount to you narrations that we have learned from the Prophet (ﷺ)⁹

And finally, Imam Ja'far al-Ṣādiq has said:

Whatever narrations you have heard from me, can quote them from the Prophet (ﷺ)¹⁰

Second: Harmony Among *Aḥādīth* Quoted from the Imams ('a)

In addition to the harmony in meaning and significance observed between narrations quoted from the Imams and those traced to the Prophet (ﷺ), there exists also unanimity and concord in inner meaning among the former group. Dealing with particular topics and subjects, one encounters the same teaching or principle expressed by the same Imam ('a) in different narrations, stated either in the same words or in different ones. One also encounters the same idea in narrations quoted from different Imams ('a). For example, many of the teachings and ideas found in *Nahj al-Balāghah* and *Ghurar al-Ḥikam* can also be observed in other *aḥādīth* quoted from Amir al-mu'minin 'Alī('a). Furthermore, many of the same precepts and concepts have also been narrated from other Imams ('a), sometimes expressed in the same words. If we compare the major collections of *ḥadīth* this harmony and concord while dealing with specific topics becomes quite clear.

This very harmony in meaning and content leads to certainty that the doctrine and practice taught in these narrations is indeed that of the Prophet (ﷺ) and the Imams ('a). For instance consider the following cases. The First is presented in *Nahj al-Balāghah*, transmitted by that great scholar and collector of *ḥadīth*, Sharif Abū al-Ḥasan Raḍī Mūsawī (d.406 A.H.). The second can be

found in *Wasā'il al-Shi'ah*, narrated by another great authority on narrations, Shaykh Ḥurr 'Āmili (d.1104 A.H.).

The First, from Imam 'Ali ('a):

No poor has suffered hunger unless a rich has prospered.¹¹

The second, from Imam Ja'far Ṣādiq ('a):

Indeed, people would not be poor, nor needy, nor hungry, nor naked, but for the crimes of the rich.¹²

In short, we can say that the teachings of the Imams ('a) are commentaries upon, and explanations of, the Qur'ān and the *sunnah* of the Prophet (Ṣ). They clearly reinforce, clarify and explain each other. Such indeed is the path of the divinely revealed truth, of justice, illumination and deliverance.

D. The References

Another important matter is that of references. This is significant both for the ordinary reader and for experts and scholars, besides the fact that care in enumeration of references and sources, has intrinsic importance.

In the work at hand, the name of each *sūrah*, its number and that of the verse are indicated. Furthermore, the source of each narration is noted. These sources are all authoritative ones, especially since most of them, either directly or indirectly, are the work of ancient and great scholars. One such source are *Kutub Arba'ah* (the four most authoritative books of Shi'ah narrations). Other sources are equally authoritative. Where we have quoted *Biḥār al-Anwār* in many cases we have indicated the sources used by the late 'Allāmah Majlisi, may God have mercy upon his soul.¹³ Furthermore, in our use of the narrations quoted in *Biḥār* we have endeavored, when possible, to employ those gathered from the most reliable sources.

9. A Few Other Points

Although all that has been treated in this Preface has been discussed very briefly, still the section has become a bit lengthier than intended. The reason for this is that we have wished, in addition to the information provided in the Introduction, to draw an outline of *al-Ḥayāt* as a whole, so as to provide the reader a basic and accurate conception of the work and its fundamental aims.

At this stage we deem it necessary to add certain points about the text, the translation and some other matters, so as to give the reader a deeper insight into certain technical aspects of the work; information that may perhaps be of particular interest to seminary and university students.

A. About the Text

1. The verses and narrations presented are meant as examples demonstrating a particular teaching or principle. No thorough examination of all the related verses and *aḥādith* was intended.

2. In some cases other relevant verses and narrations can be added. Some of these we had missed and others we may include in our Commentary.

3. Sometimes, in discussing a particular subject much or the entirety of a verse has been presented although only a segment of it is relevant to the topic. In such cases, keeping in mind the question being discussed and the general current of thought being followed, one should concentrate on that segment of the verse which is related to the subject at hand to see what light it sheds upon the matter.

4. In some cases what was stated above concerning verses also applies to narrations. One is therefore advised to take due care.

5. Wherever verses are repeated, this repetition is superficial and not substantive, since every time a verse is used, a new and

different aspect of it, one pertinent to the topic under discussion, is being referred to.

6. In some cases, because of the meaning that can be logically deduced from them, the Qur'ānic verses presented, indicate the meaning and significance of the topic being discussed.

7. Wherever full understanding of a verse requires reference to a commentary, readers are well advised to do so. In other cases, an analytical exegesis of the verse is desirable, so that the interpretations of them set forth in *al-Ḥayāt* are better comprehended. These, we hope to present to our readers in the *Commentary*.

8. While carefully comparing the Fārsī translation with the original Arabic text, we discovered mistakes in pronunciation marks placed on Arabic words and also in their diction. Some of these were caused by errors of sight, others by slips of the pen, and still others by differences of opinion on how, exactly, should a particular Arabic word or sentence be read. It is hoped that the future prints of the book will be as free of such errors as possible.

B. An Explanation About Some of the Sources

A complete list of the sources used shall be given at the end of the book. Here we deemed a few explanations to be necessary:

1. When we speak of *Nahj al-Balāghah* the reference is to the edition published by Sayyid 'Alī Naqī Fayḍ al-Islām. We have given preference to this edition since it is the one most widely available in Iran, in contrast to Arab countries. We should also remind our readers that in the latest printings of this edition ten pages have been added to the text. In some cases, when the reader refers to this book, the newly added pages must also be consulted.

2. When we refer to '*Abduh*', we are referring to *Nahj al-Balāghah*, with the commentary of the famous Egyptian scholar,

Shaykh Muḥammad ‘Abduh. The edition we are referring to is a relatively old one: the al-Maktabah al-Tijāriyy al-Kubrā edition, published by Muṣṭafā Muḥammad at the Raḥmāniyyah Publications, Egypt, in the small size, in two sections. The first section consisting of 511 pages, and the second of 623, with no publication date recorded.

3. The *Ghurar al-Hikam* referred to here is the original Arabic text of the work, the Dār al-Thiqāfah al-‘Āmmah edition, Najaf, al-Nu‘mān Publications.

4. Wherever *Wasā’il* is mentioned, reference is being made to *Wasā’il al-Shi‘ah*, written by the great and famous scholar and expert on *ḥadith*, Shaykh Ḥurr ‘Āmili.

5. *Mustadrak*¹⁴ refers to *Mustadrak al-Wasā’il*, written by the great expert on narrations, Ḥājj Mirzā Ḥusayn Nūrī.

6. When reference is made to *Mustadrak-e Nahj al-Balāghah*, the allusion is to the book by that learned scholar, Shaykh Hādī Kāshif al-Ghiṭā’. We have so far encountered two editions of this work, in which page numbers are slightly different.

7. *Wāfi* here refers to *al-Wāfi*, the great collection of *ḥadith* written by that great scholar and expert in the field of narration, Mawlā Muḥsin Fayḍ Kāshānī. The author himself divided the book into fourteen sections and a conclusion.¹⁵ It has been published in three volumes in the large size. Since the author has numbered each section separately, we have, from the beginning of section two, indicated the section number within a circle on top of each page, below the page number. Thus, when the reader confronts the following in the footnotes: *Wāfi* 3 (S.14) /140., it means *Wāfi*, vol. 3 (of the Raḥli edition), section 14 (of the original divisions made by the author), page 140. Therefore, if he wishes to consult the source, he must pay attention to the number indicated in parenthesis.

In conclusion we must mention one more point. Since its publication, *al-Ḥayāt* (because of its worthy content: Qur'ānic verses and narrations), was well-received by students.¹⁶ Many of these requested their professors to include the book in their syllabus. This has been a source of great satisfaction to us, for it has meant partial realization of our aims. Our objective in presentation of this book has been to expose minds and hearts to the lofty teachings of the Imams ('a), so that minds and souls may be developed and edified in their light.

We hereby end our Preface with a prayer for the victory of the fighters of Islam, those who paint crimson the bloody dawn and write a calligraphy of blood on the face of the Sun.

Notes:

1. Spring of 1360 H.S.

2. It may be said that so far the Qur'ān and the *aḥādīth* have been used in the following contexts:

- A. *Fiqh*
- B. Sermons and ethical admonitions
- C. Theology and doctrine
- D. Exegesis of the Qur'ān
- E. Islamic history
- F. Other miscellaneous cases

In all the above cases reference has been made to only some verses of the Qur'ān and the *ḥadīth*, and even then in a haphazard and unsystematic manner, and not as a unified ontological and practical system.

3. There have been cases where readers have taken *al-Ḥayāt* to be just one more example of traditional and imitative collections of *ḥadīth*. As it was pointed out above, nothing can be farther from the truth, for the work in question is innovative and represents a fresh perspective. Moreover, we emphasize this point so as to facilitate a deeper and more effective understanding of the divine,

lofty and edifying teachings embodied in the sublime traditions and in the verses of the holy Qur'ān. It may also be well to point out here that if on occasion the reader finds us praising *al-Hayāt*, this is meant to call attention to the holy and liberating message which lies at its core, and in no way should it be construed as praising the result of our own labors. For we have done nothing and all our labors are only a feeble attempt to perform our duty and to pay our respects to the sun-like wisdom of the holy Qur'ān and ocean-like truths of the sublime traditions.

4. This has been so in spite of the fact that the Islamic system of thought and practice is perfect and self-sufficient and not in need of any outside doctrine or school of thought. In fact, the introduction of these alien theories and world-views and their mixing with original and pure principles and teachings of Islam has had a very harmful and stunting effect. This is not to deny the value of the various intellectual currents and trends in the cultural history of Islam, when their contributions are understood in their proper contexts. However, we still maintain that the demarcation line separating truly Islamic doctrines and beliefs from non-Islamic ones must be recognized and maintained. Indeed, we feel that defending these borders is a religious, divine, scholarly and constructive obligation.

5. Just as maintaining the system of *ijtihād* is universally accepted as a necessity, the expansion of its scope is also considered as no less crucial by those familiar with the subject. *Ijtihād* must be maintained, but it should not remain limited and turn into a form of imitation. It should be cognizant of the changing nature of the modern age, its culture, education, mentality, industry, work and economy. It must confront modern experience and the concrete, tangible realities of the modern world. If the great jurists of the past, may God bless their souls, had not paid attention to the issues and problems of their times, had not endeavored to expand the scope of Islamic jurisprudence and to transform it from the rules, principles and narrations contained in *Uṣūl Arba'ah mi'ah* (the 400 principles and epistles compiled by

Imam Ja'far Ṣādiq's ('a) students, into such works as *al-Mabsūṭ*, *Jawāhir al-Kalām*, Ḥājj Āqā Riḍā Hamadāni's *Ṣalāt* and Shaykh Anṣārī's *Makāsib*, our *fiqh* would have been dead by now. And if today we do not try to expand the scope of jurisprudence, be unaware of, or intentionally ignore, the social developments and realities of the age and not take account of them in our jurisprudential thinking, we have relegated our *fiqh* and *ijtihād* to the past. Just as the *mujtahid* must be a living man, *ijtihād* must be "alive" as well. If *ijtihād* does not expand its scope and does not deal with the realities of today in a logical manner, it will be unable to rule on issues and questions concerning these emerging fields of human affairs (because of "inapplicability of the ruling to the subject," as the jurists themselves put it). Such insufficiency will be especially pronounced in the cases of government, management, education, politics, economics and work. Faced by such incapacity, it either has to give up and surrender or, alternatively, resort to force, neither of which is real *ijtihād* and guidance. The final result of such circumstances is de facto isolation of *ijtihād*, even if a facade of presence is maintained.

6. First printing, in 3,000 copies, (Qum: Office for the Propagation of Islamic Culture, 1358 H.S./ 1399 H.Q./ 1979), with the financial assistance of the Islamic Publications Office.

Second printing, in 5,000 copies, (Beirut: al-Dār al-Islāmiyyah, 1359 H.S./ 1400 H.Q./ 1980), with the financial assistance of the Islamic Publications Office.

Third printing, in 15,000 copies (Qum: Islamic Publications Office, 1360 H.S./ 1401 H.Q./ 1981).

Fourth printing, in 15,000 copies (Qum: Islamic Publications Office, 1361 H.S./ 1402 H.Q./ 1982).

7. Shaykh Ṭūsī, *Amālī*, vol. 2, p. 152.

8. *Nahj al-Balāghah*, Introduction.

9. Shaykh Mufid, *Ikhtisāṣ*, p. 274.

10. Sayyid Ibn Ṭāwūs, *al-Ijāzāt; Biḥār*, vol. 2, p. 161.

11. *Nahj al-Balāghah*, sermon no. 1242; 'Abduh, vol. 2, p. 223; *Wasā'il*, vol. 6, p. 16. In some copies of *Nahj al-Balāghah*, for example in the 'Abduh copy, the above narration is quoted in the following manner: "Wherever there is a hungry poor man, his (sustenance) has been taken away by the rich."

12. *Wasā'il*, *Kitāb al-Zakāt*, vol. 6, p. 4.

13. The sources of *Biḥār al-Anwār* can be found in the extensive introduction to the first volume of the latest printing of the book.

14. "*Mustadrak*" literally means a supplement and refers to a book that is written following the publication of another one and contains issues, subjects and material pertaining to the first book but not presented in it. Of course, the writer of a *mustadrak* must pay careful attention to the conditions and guidelines adhered to by the author of the original work.

15. The Conclusion of *Wāfi* is a short treatise on the line of transmission of narrations quoted by Shaykh Ṣadūq and Shaykh Ṭūsī. The author himself considered this treatise as the fifteenth section of the book. *Wāfi*, vol. 3 (section 14), from p. 140.

16. The book was also well-received by certain scholars, both in Iran and abroad, because it presented a fully integrated and systematic world-view and school of thought.



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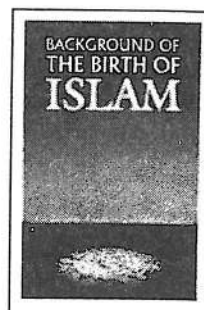
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