Review: The Just Ruler or the Guardian Jurist: An Attempt to Link Two Different Shi’ite Concepts
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Reviewed work(s):
   The Just Ruler (al-sultān al-ʿādil) in Shiʿite Islam: The Comprehensive Authority of the Jurist in Imamite Jurisprudence by Abdulaziz Abdulhussein Sachedina
Published by: American Oriental Society
Stable URL: http://www.jstor.org/stable/604271
Accessed: 18/03/2009 20:16

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Shi’ism and Sunnism, the two main divisions of Islam, originally parted ways on the question of the leadership of the Muslim community after the Prophet. Those who recognized the caliphs as the legitimate rulers came to be known as the Sunnites, while the Shi’ites regarded the Prophet’s cousin, Ali, and the Imams from among his descendants, as the true successors to the Prophet and, consequently, as the supreme religious and political authority of the community. With the exception of a very short period, however, the Imams never gained actual power. The last Imam disappeared in the year A.H. 260/873-74 A.D., and is to reappear when conditions permit the establishment of truly Islamic government. The Shi’ite community has since regarded all temporal rulers to be illegitimate. Clearly, if a legitimate government could exist, the Imam himself would have to reappear as the sole Just Ruler (al-Sultan al-'Adil). In the absence of the Imam, some religious and social affairs of the Shi’ite community were to be administered, according to a well-supported opinion in Shi’ite law, by righteous Shi’ite jurists. This latter concept is referred to in the Shi’ite tradition by the term wilāyat al-faqīh, the guardianship of the jurist. Some twenty years ago, however, this concept was reevaluated and developed in Shi’ite law to authorize the establishment of an Islamic government by jurists in the absence of the Imam. A recent book attempts to link the legal discussions on that concept to certain historical developments within the Shi’ite community, in order to reconstruct a clear-cut Shi’ite theory of government.

THE JUST RULER OR THE GUARDIAN JURIST: AN ATTEMPT TO LINK TWO DIFFERENT SHI‘ITE CONCEPTS*
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Shi‘ism and Sunnism, the two main divisions of Islam, originally parted ways on the question of the leadership of the Muslim community after the Prophet. Those who recognized the caliphs as the legitimate rulers came to be known as the Sunnites, while the Shi‘ites regarded the Prophet’s cousin, ‘Ali, and the Imams from among his descendants, as the true successors to the Prophet and, consequently, as the supreme religious and political authority of the community. With the exception of a very short period, however, the Imams never gained actual power. The last Imam disappeared in the year A.H. 260/873-74 A.D., and is to reappear when conditions permit the establishment of truly Islamic government. The Shi‘ite community has since regarded all temporal rulers to be illegitimate. Clearly, if a legitimate government could exist, the Imam himself would have to reappear as the sole Just Ruler (al-Sultan al-'Adil). In the absence of the Imam, some religious and social affairs of the Shi‘ite community were to be administered, according to a well-supported opinion in Shi‘ite law, by righteous Shi‘ite jurists. This latter concept is referred to in the Shi‘ite tradition by the term wilāyat al-faqīh, the guardianship of the jurist. Some twenty years ago, however, this concept was reevaluated and developed in Shi‘ite law to authorize the establishment of an Islamic government by jurists in the absence of the Imam. A recent book attempts to link the legal discussions on that concept to certain historical developments within the Shi‘ite community, in order to reconstruct a clear-cut Shi‘ite theory of government.

IN HIS INTRODUCTORY REMARKS, Professor Sachedina says:

The present study deals with the concept of the Just Ruler in Twelver Shi‘ism in the light of the political and legal jurisprudence worked out by Imamite scholars from the early days of the Shi‘i Imams to the present time. . . . In the present work I have filled a crucial gap in the existing literature on the development of the Shi‘i juridical authority as it emerges from the study of the political jurisprudence produced during the different periods of the Twelver Imamite history. The concept of “guardianship” (wilāya) in general, and

the “guardianship” of a jurist (wilāyat al-faqīh) in particular, has its genesis in the early history of Imamite jurisprudence. (p. 6)

The book is thus an investigation into the origins of the idea of the “guardianship of the jurist,” the legal foundation of the version of Islamic government that came into existence in Iran just over a decade ago. Because of the scarcity of works on Shi‘ism in English, the author has included much additional material that gives the reader a better understanding of the background, even though it is not directly relevant to the topic. Throughout the work, especially where various Shi‘ite personae are introduced, extra material has been added to make the book more accessible for the general reader, though at times it makes the main argument difficult to follow. Nevertheless, it is an informative work on Shi‘ism and Islam in general.

Many of Professor Sachedina’s arguments and conclusions are, however, problematic. Eager to read into

the past certain modern Shi'ite viewpoints, he at times tends to impose his own thinking on historical facts and theoretical ideas, leading to many judgments with which other students of the field may not agree. The book is also very inaccurate in details. To present all of the past certain modern Shi'ite viewpoints, he at times which deal more closely with legal concepts (chaps. 3-6 and the appendix), would require many pages. What follows is an examination of the introduction and the first two chapters, which are of a more general nature.

THE INTRODUCTION

The introduction includes a brief survey of the developments of what the author calls “Imamite political jurisprudence” (pp. 9-25). To see how this brief survey works, let us take one example and examine the author’s description of the first stage of Shi'ite jurisprudence:

The earliest Imamite jurist whose name occurs on several occasions in connection with the authority of a jurist in the works of Mufid is Ibn Junayd [sic = Ibn al-Junayd] al-Iskafi (d. 381/991). He lived during the Short Occultation of the last Imam (A.D. 874-941). . . . According to Najashi he was the leader of the Imamites to whom the khums (“the fifth”) that belonged to the 12th Imam was entrusted. Before he died he left it to his daughter in the form of a trust. Mufid studied with him. Al-Khatib al-Baghdadi mentions Ibn Junayd as the leader of the Imamites and places his date of death is 332/943, and that he died in al-Karkh [note: cited by Qummi, Kun, 1:26-27]. Bihabahani, in his Sharh al-mafatith, commenting on Ibn Junayd, says that he was among the Imamite jurists who are said to have ruled on some issues on the basis of al-qiyas (analogical deduction) [note: It was also this kind of ijtihad based on qiyas that was criticized by the Akhbari jurist Muhammad Amnu al-Astarabad in his Fawaid (sic = al-Fawa'id) al-madaniyya. See Khwansari, Rawdlat, 1:197ff. where he discusses the contents of Fawaid]. This comment is meant as a criticism of Ibn Junayd because, unlike the Sunni school of al-Shafi'i, the Imamite usul does not recognize al-qiyas as one of the sources of law. According to the Shi'i scholars of usul, qiyas . . . can give rise to diversity of opinion and thereby affect believers’ practice adversely. Ibn Junayd wrote a detailed work on fiqh entitled Tahdhib al-shia’a, which survived in an abridged version, made by himself, entitled al-Mukhtara fi al-fiqh al-ahmad. It was this latter work that was known to Mufid and others.

Another “ancient” Imamite jurist whose opinions have been cited by later jurists is al-Hasan b. ‘Ali b. Abi ‘Aql al-‘Umam al-Hadhdha, a contemporary of Ibn Junayd and Kulayni. According to Najashi, he was among the first Imamite scholars to compose a work on usul al-fiqh, entitled al-Mutamassik bi habi’ al-arasul. (pp. 9-10)

Almost every sentence in this passage is problematic.

1. The name of Ibn al-Junayd never occurs in any work of Mufid in connection with “the authority of a jurist,” as our author claims. Rather, it always occurs in connection with Ibn al-Junayd’s acceptance and practice of the Sunnite legal concept of qiyas.

2. The chronology is quite confusing, and the author cites various contradictory sources. If Ibn al-Junayd actually died in 381/991, then the claim that he lived during the Short Occultation, that is, between the years 260/874 and 329/941, is problematic. At most, his childhood and early adolescence may have coincided with the last years of that period. If he died in 332/943, then Mufid, who was born in 338/950, could not have been his pupil. Moreover, according to Mufid, in his Saghaniyya, Ibn al-Junayd was in Nishapur in the year 340/952; how then could he have died before that? The author does not address these contradictions between the different reports he puts together.

This case is in no way an exception. Later in the work, there are more striking examples. Consider this instance: “It was during the time of al-Sadiq that Shi’ite mutakallimun like Ibn al-Rawandi (d. 245 or 298/859 or 910) and Abü ’Isa al-Warraq (d. 247/861) formulated belief in the clear designation of the Imam” (pp. 83-84). How could men who died in the middle or at the very end of the 3d/9th century have formulated anything during the time of al-Sadiq, who had died one hundred or more years before, in the year 148/765?

3. The sentence the author attributes to Najashi’s book does not appear there at all. Najashi says only: “He was a prominent figure in our community [lit., among our colleagues]. . . . I heard some of my masters mentioning that a sum of money and a sword which belonged to the 12th Imam was with him, and that he willed them to his female slave and they perished.” Nowhere does Najashi say that Ibn al-Junayd was the leader of the Imamites, that the leaders of the Imamites were entrusted with “the khums that belonged to the 12th Imam,” or that what Ibn al-Junayd had in his possession and willed to his female slave was from the khums. As is well documented in early sources, the Shi'i community in those days used to donate portions of its wealth to the Imams as a gift, bequest, or
The rationale behind a law so that the law can be understood by jurists (as well as the common practice of the Shi'ite jurists). The Shaficite school debated for centuries whether the payment of the khums involves uncertainty. The function of qiyas is to discover the rationale behind a law so that the law can be applied in any similar instance where that rationale exists. The Shi'ites argue that qiyas discovers a probable rationale, not a definite one, and that mere human presumption cannot determine the law of God.

Amīn al-Astarābādī did not limit his criticism to the kind of ijtihād that was based on the Sunnite concepts of qiyās. Rather, he opposed any kind of rational argument in law, as is well known to any student of Shi'ite law and is also clearly explained in the very source the author quotes.

The overwhelming thrust of current opinion among the Shi'ite scholars in the 4th–5th/10th–11th centuries was that this mode of reasoning was not allowed. The argument against qiyas in its general sense of deductive reasoning, or ijtihād. The argument disappeared in Shi'ite tradition after the early centuries, when the Shi'ite schools adopted some aspects of rational argumentation in law. Already for many centuries the common argument against qiyas in its more specific Sunnite sense has been that this mode of reasoning involves uncertainty. The function of qiyas is to discover the rationale behind a law so that the law can be understood by jurists (as well as the common practice of the Shi'ite jurists). The Shaficite school debated for centuries whether the payment of the khums involves uncertainty. The function of qiyas is to discover the rationale behind a law so that the law can be applied in any similar instance where that rationale exists. The Shi'ites argue that qiyas discovers a probable rationale, not a definite one, and that mere human presumption cannot determine the law of God.

The whole of the khums does not belong to the Imam, as the author asserts, but only half of it. Shi'ite jurists debated for centuries whether the payment of this share is obligatory during the Occultation at all and, if so, whether it could be paid to a Shi'ite jurist. The overwhelming thrust of current opinion among the jurists (as well as the common practice of the Shi'ite community) is that this share is to be paid to the Shi'ite jurists; but there is no substantial historical evidence to support the view that this practice goes back more than two centuries.

Al-Khaṭṭāb al-Baghdādī never mentions Ibn al-Junayd in his book. Our author has erred seriously in the quotation he cites on the authority of Qummī's Kunā. In this latter work, after the biography of Ibn al-Junayd ends, Qummī mentions two other scholars who shared the title of Iskāfī with Ibn al-Junayd; one was Abū ʿAll Muhammad b. Hammām b. Suhayl b. Bīzhan al-Iskāfī, whom the Khaṭṭāb mentions in his Taʾrīkh Baghdādī, 3:365, saying that he died in 332. Thus the reference in Qummī's Kunā is to a totally different person.

Ibn al-Junayd's acceptance and practice of qiyās is very well known and is mentioned in many early Shi'ite sources, such as the two Kitāb al-Rijāls by Najāshī and Tūsī that the author frequently cites, and in most Shi'ite biographical works. I do not see the point in quoting an unfamiliar, unpublished late-18th-century work of law (Bihbahānī's Šarḥ al-Mafāṭīḥ) to document a fact widely known in Shi'ite tradition.

Qiyās is accepted as a valid method of legal reasoning by all four schools of Sunnite law, although some use it less frequently than others. The Hanafite school is especially famous for its keen interest in qiyās. It is thus not clear why the author restricts the practice to the Shāfī'ite school.

What the author quotes as the Shi'ite basis for the rejection of qiyās was the argument of the opponents of rational argumentation in law in the first centuries of Islam, early Shi'ite included. This was an argument against qiyās in its general sense of deductive and inductive reasoning, or ijtihād. The argument disappeared in Shi'ite tradition after the early centuries, when the Shi'ite schools adopted some aspects of rational argumentation in law. Already for many centuries the common argument against qiyās in its more specific Sunnite sense has been that this mode of reasoning involves uncertainty. The function of qiyās is to discover the rationale behind a law so that the law can be understood by jurists (as well as the common practice of the Shi'ite jurists). The Shaficite school debated for centuries whether the payment of the khums involves uncertainty. The function of qiyas is to discover the rationale behind a law so that the law can be applied in any similar instance where that rationale exists. The Shi'ites argue that qiyās discovers a probable rationale, not a definite one, and that mere human presumption cannot determine the law of God.

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The first chapter of *The Just Ruler in Shi'ite Islam* is devoted to the question of “the deputyship of the Shi'ite Imams” and examines the condition of the Shi'ite community during the lifetime of the Imams. The chapter seeks to prove that the theory of “the comprehensive authority of the jurist” was already well shaped by the end of that period. Professor Sachedina tells us that the transmitters of Shi'ite hadith during the 2nd/8th century were appointed by the Imams as their “personal representatives” and were considered by the community as the “functional imams” and parts of the “apostolic succession.” To prove this point, he quotes from some biographical works to the effect that certain individuals were referred to by the Imams as trustworthy transmitters of hadith or reliable sources of information on religious matters. According to the author, this “gave [these individuals] enormous power in administering the social as well as the religious structure of the Shi'a community” (p. 49), and was tantamount to their being appointed as “functional imams” (p. 43), eventually leading to the point that “the well-authenticated jurist was also an imam recognized by the will of the Imamite community” (p. 46).

All of these points have been inferred, in the words of the author, from the “implicit” and “indirect” sense of a few statements ascribed to the Imams in early sources. But he totally ignores much better documented and explicitly expressed Shi'ite views for those periods in which “nobody stands in the position of the Imam except an Imam” (see, for instance, Ibn Bābawayh, *Ikmal al-dīn*, 57). Furthermore, the author pays no attention to the fact that referring to any individual as a trustworthy transmitter of hadith or reliable source of religious information cannot by itself be taken to mean that the person was appointed as the Imam’s “personal representative” (pp. 39 and 49). As a matter of fact, there were at that time cases of the Shi'ite community being warned not to trust those individuals in any matter other than their transmission of hadith. Furthermore, it is well known that most of the deputies who were directly and explicitly appointed by the Imams, including the four deputies of the Period of Minor Occultation, were not eminent scholars or well-authenticated jurists.

Already in the first pages of this chapter, some of the book’s main problems are quite manifest, and these persist to the end of the work. Failure to pay proper attention to the history of the development of Shi'ite thought has led the author to assume that throughout its history Shi'ism was characterized by the same doctrines, legal and jurisprudential theories, and terminology as characterize it today, and by the practices, customs, and ceremonies that currently prevail among the Shi'ite communities, especially among those of the Indian subcontinent. The author’s bold ascription of his own understandings and self-made terminology to Shi'ism creates a situation in which a student of the field with some knowledge of the background will at times be puzzled by assertions, as well as ideas and terms, that are unfamiliar and previously unheard of in Shi'ite tradition.

**New Terminology.** An example is the Urdu-sounding combination *'ilm sahih, imān sahih*, which is employed throughout this work, and presented in a manner that suggests it is one of the most important Shi'ite terms and central to Shi'ite doctrine. Nowhere does the author identify the source of this strange term. We will see later that the idea behind this phrase is also wrong.

Another example is the term *rijāl*, which, as an abbreviation of *'ilm rijāl al-hadith*, is used in Islamic tradition to denote a branch of hadith literature that deals with the biographies of the transmitters of hadith; otherwise, the term is always used in its general lexical sense. The companions of the Imams are normally referred to in Shi'ite tradition by the term *asīhāb al-a'imma*; those who were also transmitters of hadith are called *ruwāt*, too. Throughout the present work, however, the word *rijāl* is used as a Shi'ite title for the prominent disciples of the Imams, although this is neither a general Islamic nor a specific Shi'ite usage of the word. The author himself vacillates in his use of the term. He sometimes uses it as equivalent to the “qualified eminent personage” (p. 56), at other times as equivalent to the “transmitters of the Imam’s knowledge” (p. 52), *ruwāt* (p. 59), or *fuqahā’* (p. 248). These are, however, different categories. Many prominent figures around the Imams were not *fuqahā’* or *ruwāt*; rather they were theologians or notables of the society. The author even translates an alleged statement by a close disciple of the sixth Imam who complained that the Imam was not fully conversant with *kalām al-rijāl* (i.e., with the nature of the debates that were going on in the society) to mean that he “does not have insight into the speech of the *rijāl* (the eminent transmitters of the teachings of the Imams)” (p. 48)!
In a similar category is the author's assertion that the sons and brothers of Zurarra b. A'yan, a leading Shi'i figure of the 2d/8th century, "formed the large and well-known family of the Banu Zurarra" (p. 42) or "bayt al-zurara" [sic] (p. 49). This was a well-known Shi'i family of Kufa during the first centuries of Shi'i history, but the family was called Al A'yan, not Banu Zurarra, or bayt al-zurrara, as the author asserts. After all, most members of the family were Zurara's brothers and nephews, not his descendants.

Anachronistic Usage and Misinterpreted Terminology.

The author compounds the problem by describing ideas and developments of early stages of Shi'i thought with terms that were introduced into the Shi'i tradition only in a much later period. This is the case with the terms ijtihad and mujtahid, which were repudiated by the Shi'ites until the late 7th/13th century. He also misinterprets other terms, including some that are essential to a proper understanding of Shi'i thought. An example is the term ashab al-ijma (people of consensus), which in Shi'i 'ilm dirayaat al-hadith refers to a group of transmitters of hadith whose trustworthiness is a matter of consensus among all Shi'ites. In most instances in this work the author distorts the term to ahl al-ijma'. In addition, he has misinterpreted it as "those who had participated with the infallible Imam in reaching a legally authoritative consensus" (pp. 46, 59, 67, 155, 157, 246, 258, etc.) and on the basis of that misunderstanding has drawn many erroneous conclusions. Astonishingly, the reference given for this misinterpretation on p. 256, n. 45, is Rijal al-Kashshih, 238 and 373 (read 375). But what is said on these pages of Rijal al-Kashshih (and on p. 556, as well, which the author has missed) is completely different. Moreover, the author's interpretation is quite alien to the Shi'i understanding of the concept of imamate. The Imam in Shi'i doctrine is the supreme source of knowledge. All others, no matter how learned and prominent, must follow and submit; there is no room for "reaching such consensus."

Another problematic usage is the term "reason." The author always confuses its correct philosophical usage in Shi'i law with "reasoning." Hence, he claims that the role of reasoning "is limited to the establishing of the intrinsicality of a ruling derived on the authority of revelation to that derived on the authority of reasoning. For instance, through ijtihad reasoning should be able to establish the intrinsicality between the prohibition regarding fasting on two particular days of festival . . . and the reason behind this prohibition" (p. 44).

A quick glance at the short explanation of the sources of Shi'i law in the beginning of my Introduction to Shi'i Law could have prevented this mistake.

There are similar problems with other terms of usul al-fiqh in other chapters. The author interprets the concept of ijmâ manqûl (which he consistently and erroneously refers to as manqûl) as the consensus that "can be attained through investigation of the works of the jurists in all periods of Imamite jurisprudence" and hence "differentiated from the consensus that was derived at the beginning of the lifetime of the Imams." Then he speaks of the mutawâtir and "single" categories of the first type of consensus (p. 200; partly repeated on pp. 202–3, 213). All of these interpretations are wrong. The existence of consensus among the jurists is sometimes proved by one's personal investigation of the works of the jurists, in which case it is called ijmâ manqûl ("acquired" consensus, a consensus whose existence has been established through investigation), or else consensus is reported only by some sources. Before such consensus can be testified to by one's personal investigation, it is jurisprudentially tantamount to da'wa 'l-ijma (claim of the existence of a consensus), in which case it is called ijmâ manqûl bi-naql al-dhâd, or else in many sources, in which case it may achieve the degree of ijmâ manqûl bi 'l-awâtur.

The author interprets hadith mursal as "tradition traced back without interruption to one of the associates of the Imams" (p. 155). But it actually means a tradition that does not have a chain of transmission at all, or one whose chain has been interrupted somewhere between the quoting source and the Prophet or Imam.

The author falls victim to similar mistakes regarding some of the terminology used in the works of fiqh. A Shi'i legal work of the 5th/11th century, for example, mentions the term khalişat al-imâm ("successor" of the imam), a title whose holder, according to that same work, is not necessarily a righteous Muslim (ādîl). In that context, this title clearly refers to the governors, appointees, and administrative representatives of the Imam in various parts of the Muslim state, should the Imam be the holder of the actual power, as was the case with the first Imam, 'Ali. But the author, eager to read present-day viewpoints into the books of the past, asserts that the sentence refers to the Shi'i jurists, which leads to confused and erroneous statements, for
example, to the “recognition of the delegation of the Imam’s juridical authority to the jurist who is referred to as the khalifat al-imām” (p. 169) or to assertions that “the phrase khalifat al-imām . . . was used for the Imamite jurists” (p. 219). The sequence of conclusions does not stop here, but continues: “According to the classical usage of this phrase, the jurist as the khalifat al-imām could assume authority similar to that of the caliph among the Sunnites” (p. 219). No matter that the phrase appears only in a work of Tūsī and not at all in the writings of his two teachers, Mufīd and Sharīf al-Murtadā. The discoveries continue: “This tradition enabled the Baghdad jurists of the classical age (Mufīd, Sharīf al-Murtadā and Tūsī) to regard the Imamite jurist as the khalifat al-imām (the successor of the Imam [in Occultation]) whose authority among the Shi’a was comparable to the authority of the imam among the Sunnī community” (p. 169).

The concept of wilāyā (authority) is classified in later Shi’ite tradition into the two categories of “creative” (takwīniyya) and “legislative” (tashrīfiyya), the latter sometimes also called “conventional” (ritibāriyya). The first category refers to the belief that the Prophet and the Imams were supernatural creatures, the second refers to their religious authority. The common opinion in mainstream Shi’ite thought today is that the Prophet and the Imams had both categories of wilāyā, although there are disagreements on the scope and limits of their supernaturality. Another tendency, which has existed in Shi’ism since the time of the Imams, opposes this idea and limits the authority of the Prophet and the Imams to religious matters or very severely restricts their supernaturality. The author’s account is very unclear about these concepts (e.g., pp. 97–98, 249) and needs to be corrected.

There are also errors with respect to the terminology of the works of fiqh that refer to various legal authorities or generations of Shi’ite lawyers in the past. An example is an ascription the author makes on the authority of Sabzawārī to Abū ʿAlī al-Tūsī, whom the author identifies as “Tūsī’s grandnephew” (pp. 186–87). As Sabzawārī explicitly mentions, the whole of that long discussion is by al-Shaykh ʿAlī, a title that always refers to Karakī (d. 940/1534) in the legal works of the Safavid period. How can the author mistake a Shaykh ʿAlī who quotes from the jurists of the 8th/14th century with an Abū ʿAlī of the 6th/12th century? Furthermore, the only jurist Abū ʿAlī in Tūsī’s family is his son, whom the author mentions on page 13 as such. A similar example is the term mutaʿākhkhiru ʿl-mutaʿākhkhirīn (moderns of the moderns) which is interpreted on page 248 as referring to the jurists of the Qājar and post-Qājar periods. In fact, it is a term whose point of reference is two centuries wider and covers all jurists since the beginning of the 11th/17th century.

Factual Errors. The book betrays historical errors as well. For example, the author bases his theories concerning the development of Shi’ite political thought on his assumption that the Buyids were Imamite Shi’ites (e.g., pp. 56, 57, 62, 92, 101, 105, 113, 114, 120, 205, 233). He frequently speaks of the “Imamite political authority conceded by the Buyid sultans” (p. 56) and the “establishment of Twelver Shi’ī temporal authority of the Buyid sultans” (pp. 114, 205, 233). He maintains that the emergence of this Imamite dynasty made the jurists change their political ideas and even introduce terms such as mutaghallībīn (an old term in Islamic tradition for any caliph or ruler who does not meet all legal conditions for the holder of the office of imamate, but who nevertheless has control of the office) new to Shi’ite political jurisprudence. However, it has already been well established by Herbert Busse and other historians of that period that the Buyids were not Twelver Shi’ites. There is also clear evidence of this in the works of the Buyids’ Shi’ite contemporaries, such as Ibn Bābawayh.

The author places the Akhbarī-Usulī encounter in Shi’ism in the Qājar era (pp. 199, 264, n. 29); but the final defeat of the Akhbarī school took place several decades before the beginning of that era. He speaks of the Waqifiyya-Qatīyya dispute during the imamate of Mūsā al-Kāzim (p. 54), but the whole dispute started after the death of that Imam. Indeed, the point of the dispute was whether he had actually died or not. On page 55, there is an erroneous reference to the “last two Imams” after the death of the eleventh Imam. Al-Nāṣir al-Uṭrūsh is said to have been “killed in 304/916–17” (p. 259). He died then; he was not killed. Muhammad Ḥasan al-Najafī (d. 1266/1849) is said to have been a student of Bihbahānī (pp. 22, 243) and a colleague and contemporary of Kāshif al-Ghitā (p. 243). In fact, Najafī was a student of the latter, and never studied with Bihbahānī, who died when he was still a child. Yūsuf al-Bahrānī (d. 1186/1722) is said to have been a contemporary of Najafī (p. 244), but Bahrānī was already dead before Najafī was born. The date given for Kashshī’s death, 369/979–80 (p. 75), is not confirmed, to the best of my knowledge, by any other source.

Misquotations. More striking are misquotations from early sources, as in the following examples: “Kashshī reports that at the time when this Imam [Mūsā al-Kāzim] was imprisoned by the ʿAbbāsids Hārūn al-Rashīd, an amount of 30,000 dinārs for khums had
been deposited with his two agents in Kūfa” [note: Kashshī, Rījāl, 459] (pp. 54–55, 257, n. 65). The relevant sentence in Rījāl al-Kashshī reads as follows: “thalathān alf dinār zakāt amwdlihim,” that is, 30,000 dinars for zakāt, not khums. The error seems to derive from the author’s general assumption that khums has always been the only source of religious revenue in the Shi‘ite community.

The author asserts on the authority of Ṭūsī’s Fihrist, 72ff., and Qummi’s Kunā, 2:96, that the Fathite community of Kūfa was led by “‘Ali b. al-Ṭāhī al-Khazzāz and others among the Banū al-Zubayr and Banū al-FAdāl [sic = Banū Faḍḍāl]” (p. 52). There is no mention of the Fathites or any of these persons on page 72 or the pages immediately following on Ṭūsī’s Fihrist, nor any reference to ‘Ali b. al-Ṭāhī al-Khazzāz anywhere in that book or in Qummi’s Kunā. I do not even recall any reference in the Shi‘ite sources to a Fathite family or Banū al-Zubayr.

Many other such examples can be found in the introduction and other chapters. Consider these few examples. Under the name of “Sallār al-Daylamī al-Tabaristānī” (p. 12) the author mentions that “al-Tabaristānī is mentioned by Suyūtī, Bughyat al-wi‘ā [sic; in the bibliography, p. 275, the full title is given as Bughyat al-wi‘ā fi taβaqdt al-lughawiyyin wa al-nuhdā! The correct title is Bughyat al-wi‘ā fi taβaqdt al-lughawiyyin wa ‘l-nuhdā]” (p. 252). There is not the slightest reference to what the author cites, on that page or anywhere else in that source. Moreover, the attributive form for ʿTabaristānī is Ṭabarī, not Ṭabaristānī.

The author writes that “ʿAllāma Hillī in the introduction to his Muntahā, in explaining the abbreviations of the names that appear in his work, says that he uses al-shaykh when he refers to . . . al-Ṭūsī or al-Mu‘īdh [note: ʿAllāma, Muntahā, 3–4]” (p. 10). The relevant sentence reads: qad yāʾt fi kīyābah ḥādhā ilāq lafzi ‘l-shaykh wa naʾī bihi ‘l-imām . . . al-Ṭūsī wa ‘l-mu‘īd wa nurdu bihi ‘l-shaykh Muhammad b. Muhammad b. al-Nu‘mān (In this book there is a mention of the unqualified title of al-shaykh by which we mean . . . Ṭūsī, and of [the title of] al-mu‘īd by which we mean Muhammad b. Muḥammad b. al-Nu‘mān) (Muntahā, 3, 1.19).

The author writes that in his Sarāʾir, Ibn Idrīs “favored the use of a ‘single’ mutawātir tradition . . . or a ‘single’ tradition whose transmission on the authority of the Imam could not be doubted” (p. 14). What Ibn Idrīs himself says is quite different, namely, that he favors only “sunnat rasūlīh al-mutawātira al-muttafaq ʿalayhā” (Sarāʾir, 2) (the Prophetic tradition which is mutawātir [widely transmitted in each generation] and is accepted by everybody). The bizarre combination of the two completely opposite terms, “single” and mutawātir, is also completely new.

The author asserts that knowledge of comparative law “was supposed to serve practical needs and, more importantly, help create a sense of unity in the sectarian milieu to which both Sharīf al-Murtada and Ṭūsī make reference in the introduction to their works on comparative law [note: Sharīf, Intisār, 91; Ṭūsī, Khilāf, 7]” (p. 76, see also p. 157). I was unable to find any reference to this point in the introduction of either of the two works cited above.

The author quotes Ṭūsī as having said in the introduction to his Mabsūt that the Imamite jurists “had put traditions together without transmitting the actual wording, so much so that legal decisions based on such traditions failed to include the sense of the words of the tradition” (p. 85). The relevant sentence in that book actually says the opposite: li-annahum alifū ’l-akhbār wa mā rawawalu min šarīḥī ṭ-alfāz, hattā anna mas‘alatan law ghuyyira lafžuhā wa ‘ubbirā ‘an ma‘nāhā bi-ghayri ʿl-lafži ʿl-ma‘tād lahum la-ʿajiba minḥā (They became accustomed to the traditions and the actual wording of what they transmitted, so much so that if the wording of a legal question was changed and its sense was expressed with a wording different from the one that they were accustomed to, they would be surprised). Ṭūsī then says that for the same reason, in his K. al-Nihāya which he had compiled previously, he adhered almost entirely to the same transmitted wording so that the traditional Imamite jurists would not panic.

At times, however, the author prefers to present his findings in a different way, as reflected in the following example. Speaking about Shahīd I, he states that the relationship between him and the Sarbidār ruler, ʿAli b. Muʿayyad, “is implicitly indicated in the legal decisions that appear in Shahīd’s various works on jurisprudence, more particularly in al-Lum‘a al-dimashaqiyya” (p. 17). He gives no documentation nor any further description of these “implicit indications.”

Misconceptions. Other examples in chapter 1 and in the following chapters reveal the author’s unfamiliarity with Shi‘ite viewpoints and positions. The author writes, for instance, that the Imams “were not, according to the law, entitled to receive other forms of benevolent charity [i.e., apart from khums] such as sadaqāt (voluntary alms)” (p. 53). This is wrong. The only item that the Imams could not use for their personal needs—although they could still receive it to use for other purposes—was zakāt, the obligatory alms. But voluntary alms often provided quite a significant source of revenue for the Imams, as the historical evidence shows.
The author clearly confuses *sadaqa* as a legal term for *zakāt* (tithe, obligatory alms) with its common usage denoting voluntary charity in present-day Urdu and Persian. Similarly, when quoting the story of 'Abd Allāh b. Ja'far, who thought that one should pay a religious tax of two and a half dirhams on one hundred dirhams (p. 52), the author seems unaware of the actual problem with that opinion, namely, that according to Islamic law nothing less than two hundred dirhams is taxable.

He asserts that "*khulafāʾ al-jawr* or *al-zalama* is the title applied to those rulers ['oppressors' in the previous sentence] under whom, according to the Shi'iites, the world was filled with injustice" (p. 99). What he ascribes to the Shi'ites is their opinion regarding the situation of the world right before the twelfth Imam (Mahdī) reappears, not that of all periods of history, under all rulers. After all, the term “unjust” in the above case (see p. 35) does not mean “oppressor,” rather it means “illegitimate.”

The author declares *istislah* (taking into consideration the public interest) to be one of the “Practical Principles” of Shi'ite *usūl al-fiqh* (p. 267, n. 82; see also p. 161, where the sentence gives the impression that *qiyyās* and *istislah* are considered to be among the sources of *ijtihād* in Imamite law). This is totally erroneous. The “Practical Principles” are *barāʾa, ihtiyāṭ, takḥyīr, and istiṣghāb*.

He thinks that *ʾisma* (perfect immunity from error and sin, a Shi'ite requirement for the Imam) is “a logical conclusion of *ʿadāla*” (p. 267). *ʿAdāla* is, however, a human quality. It is a power of self-restraint against sin. *ʿIṣma*, on the other hand, is a supernatural quality. One who possesses it is protected (maʾṣūm) by God against sin and error. The two qualities are, therefore, from two completely different worlds.

Speaking of the associates of the Imams who transmitted Shi'ite traditions, the author tells us that “without the acceptance of the Imamate [one] could not qualify to be included among the *rijāl*, the learned class, who formed the chain of transmission that could be traced back to the Imams” (p. 34). This is untrue. Many of the most reliable and widely recognized trustworthy transmitters of the Shi'ite *hadīth*, including some of the transmitters regarding whose reliability the Shi'ites are in consensus, were not Imamites. Though Sunnites, Fathites, Waqifites, and others, they nevertheless formed some of the strongest “chains of transmission that could be traced back to the Imams.” The Shi'ite works on the biographies of the transmitters of *hadīth* include many non-IImamites who are described without reservation as reliable. Some of them were respected as great authorities of Shi'ite law by the Imamite community of their time. It suffices to mention that among the traditions of the four main collections of Shi'ite *hadīth*, which are the most important sources of Shi'ite law, some 800 are quoted on the authority of the Waqīfite ʿUthmān b. ʿĪsā, another 800 from the Waqīfite Ḥasan b. Muḥammad b. ʿAmīr, some 600 from the Fathite ʿAlī b. Ḥasan b. Faḍḍāl, some 500 from the Fathite ʿAmīr b. ʿAbd Allāh b. Ḥabala. Contrary to the author's theory of the “sound belief,” some of the persons that Muḥammad names, in his *Risāla fi ʿl-radd ʿalā ʾashāb al-ʿadālā* as “the prominent jurists and leaders of the religion,” such as ʿUthmān b. ʿĪsā and ʿAlī b. Ḥabala, are Waqīfites and Fathites. ʿAlī b. Ḥasan b. Faḍḍāl (d. after 277/890), whom Najāshī calls the “jurist of our community in Kūfā, their prominent and their reliable [man], and the one whose word was listened to among them,” was a Fathite, not a Twelver. The same is true of the nine scholars that Kashshī mentions as the “jurists among our colleagues” (p. 345) and the other three that he describes as ʿudūl (p. 563), that is, righteous and reliable sources of transmitted knowledge.

The author also maintains that the practice of the loyal associates of the Imams was a source of law by itself. This, he concludes, “corroborates my observation that the close associates of the Imams formed a link in the ‘apostolic succession’ by setting precedents for the derivation of a *ṣharīʿa* law” (p. 35). However, the practice of the companions of the Imams has not been given any specific value in Shi'ite law. The Shi'ite position in that respect is that any practice (by a companion of the Imam or by any other person), that the Imam has seen but has not disapproved of while he was able to do so is permissible, not because of anything intrinsic to the practice itself but because it has met with the Imam's tacit consent. The only difference, in the case of the prominent companions, is that some of their social practices and the Imams' reactions to them have been recorded in biographical material in the early sources. Such material is absent in most other cases.

Because it deals with the authentication of the traditions, *ʿIlm al-rijāl*, a discipline that discusses the biographical material about the transmitters of *hadīth*, is an important branch of Islamic religious literature. It examines the chronology and the degree of trustworthy-ness of all transmitters of *hadīth*, regardless of their sectarian affiliation or gender. Many of the author's
statements about the function of this branch of Islamic scholarship sound extremely confused, in this chapter and elsewhere. This confusion is reflected, for example, in his assertion that “this study has received much attention in Imami Shi‘ism because of its preoccupation with the question of leadership” (p. 43) or in his assertion that “women were also included in the rijāl because of the precedent set by the inclusion of Fātima, the daughter of the Prophet, in ‘apostolic succession’ in Shi‘ism” (p. 43). The author seems unaware that the inclusion of women transmitters of hadith is a common feature in Sunnite books on rijāl and that it has nothing to do with Fātima’s “inclusion in apostolic succession.”

CHAPTER TWO

The second chapter (pp. 58–88) deals with the developments of the religious sciences in the Shi‘ite tradition and the process of centralization of the religious leadership in Shi‘ism during the first two centuries after the Occultation. The author bases his interpretations and conclusions on the concepts that he developed in the first chapter. A good part of the chapter is devoted to a discussion of the Shi‘ite science of hadith and its development (pp. 52–80), notably to attempt to isolate this branch of Shi‘ite scholarship from the main body of Islamic ‘ilm al-hadith. The author tries to find Shi‘ite significance for some general concepts of hadith science, such as the two concepts of isnād (pp. 58–60) and ijāza (pp. 61–64), and to think of “Shi‘ite” reasons for some general developments in this literature, such as the compilation of large collections of hadith. This phenomenon started simultaneously in both Sunnism and Shi‘ism as a result of the great popularity that hadith enjoyed during that period and not, as the author asserts (p. 63), because of the occultation of the twelfth Imam, of practical issues concerning his authority, or of sectarian debates in the 10th century. Besides, the compilation of collections of the “transmitted sayings of the ‘Alid Imams” had already been started well before the beginning of the 10th century, by scholars such as Barqī and Bazaṃī.

There are many other problems with almost every paragraph of this chapter. A few examples will have to suffice. On the first page (p. 58), as well as in the glossary (p. 250), the two concepts of ‘ulum naqiyya and manqūlat are treated as interchangeable, with both referring to “transmitted religious sciences.” This is erroneous. The word manqūlat clearly means reports or traditions, whereas the term ‘ulum naqiyya refers to religious sciences, a concept that includes Qur‘ānic studies, hadith literature in general, fiqh, and usūl al-fiqh, some of which are not necessarily transmitted, in contrast to ‘ulum ‘aqīlyya (rational sciences) such as logic and philosophy.

On page 59, the author says that the “office of imamate in Shi‘ism was established through the process of al-nass al-sarīḥ, (explicit designation).” The correct term, used in all sources, is al-naṣṣ al-jalī, “clear designation.” The significance of the qualification jalī (clear) is to be found in early sectarian debates and writings on that topic. (A similar error occurs on page 62 where the term mafrūḍ al-tā‘a is used and interpreted as someone with “the right of enforcing obedience.” The correct term is muftarad al-tā‘a. It means someone to whom obedience is required, like the Prophet or Imam). In the same paragraph, the naṣṣ is described as the chain that links the Imams, “or more precisely, ‘chain of gold,’ as described by ‘Alī al-Ridā, the eighth Imamite Imam” (p. 59). Nowhere did ‘Alī al-Ridā call naṣṣ or anything else a “chain of gold.” There is a report on the unity of God, quoted from ‘Alī al-Ridā, on the authority of his forefathers, going back to the Prophet. This report later came to be known as “the tradition of the chain of gold,” apparently because a Sāmānīd ruler had it written in gold to be put in his shroud (Majlīsī, Bihār al-anwār, 49:127). There is a considerable difference between this and what the author asserts.

Speaking about the life of the Shi‘ite community of Baghdad in the early centuries of Islam, the author tells us that the khums (the Shi‘ite income tax at the rate of 20 percent) “was the main source of revenue for Shi‘ī leaders. . . . Students, who came from different places to learn under these great masters were supported financially by the khums” (p. 61). Again, the author attempts to apply current situations and practices to the Shi‘ite community of the past. As was explained earlier, only half the tax, which is traditionally called “the share of the Imam,” is to be used for purposes such as supporting students. Even as such, the whole financial institution of “the share of the Imam,” as it works nowadays in the Shi‘ite community, is a very recent development, although the author tries to apply it to the 4th/10th century. In fact, it was probably established after the victory of the Uṣūlī school over the Akhbarī movement, late in the 12th/18th century. The Akhbarīs usually held that the Shi‘ites are exempt from the payment of the share of the Imam during the Occultation. What is definitely clear from historical evidence is that until the end of the Safavid period (early 12th/18th century) the students of Shi‘ite madrasas always lived on religious endowments, not on the khums, as the author assumes.
Another example of this kind is the author's assertion later in this chapter that

From the early days of the Shi`ite Imams the word majlis connoted the gathering in which all believers participated in mourning the death of al-Husayn. . . . There are numerous works on majlis by almost all renowned figures of the Imamite school, the contents of which indicate that they were lectures to a gathering that included lay persons. . . . The stories about Ibn B`b`uya's having been born by a miracle performed by the Imam, Muftid's confirmation as the learned authority by the Imam, or the defense of Tus`i's work on fiqh by the first Imam, `Ali—all were told in these gatherings. (p. 77)

It would seem that the author makes all of these claims based on his assumption that current practice was the same in the past. He himself remarks in the same paragraph that "it is remarkable that this institution is still nowadays the major medium . . . in the Shi`i world." Otherwise, how could he know that the word majlis took on this sense at the time of the Imams? How else could he garner all of this precise information about the contents of the majlis in the early centuries? None of this material is found in any of the works written as majlis by "the renowned figures of the Imamite school," such as Ibn B`bawayh, Muf tid, Tus`, and his son. The contents of all these works clearly indicate that they were lectures to a gathering of learned people. Incidentally, only a few of the "renowned figures of the Imamite school" and not "almost all," as the author claims, have written books on this topic.

The author asserts that "asl, a technical term among Imamite hadith scholars, refers to a work comprised of only traditions that had been heard directly from the Imams; kitab includes hadith reports related on the authority of the Imams, but taken from another transmitter" (p. 63, also pp. 45, 246). This has been uncritically adopted from a confused assertion by some late Imamite hadith scholars, refers to a work comprised of almost all traditions that had been heard directly from the Imams; kitab includes hadith reports related on the authority of the Imams, but taken from another transmitter. The author clearly fails to distinguish between the two concepts of numerousness of chains of transmission (kathrat al-asn) and lengthiness of a chain (tul al-sanad).

The author's accounts of how the two institutions of isnad and ijaza worked (pp. 59–66) reveal misconceptions about basic elements of ilm al-hadith. On isnad, there are even misunderstandings about the most elementary concept of the "chain of authority [or transmission]." That is, the order of transmitters who quote a report to one another in successive generations. These transmitters are the intermediaries between the author of a 5th/11th century book, for instance, and the ultimate authority of a statement, the Prophet or the Imam. A shorter chain of transmitters is considered in ilm al-hadith to be preferable, as it reduces the possibility of errors resulting from the reports being passed through many generations. This kind of report is called c`ali I-sanad. Professor Sachedina understands the concept of "chain of transmission" as the contemporary transmitters of one generation who quote a statement from the Imam. Thus we have conclusions such as these:

A tradition transmitted with a long chain of narrators appended has preponderance over one with a short chain[]. The reason is that the longer sanad, it is contended, would probably lead to the certainty necessary for the inclusion of this tradition as evidence for a legal ordinance[]. The long sanad, in addition, would reduce the possibility of error on the part of numerous transmitters of the same text[]. On the other hand, the isnad that is traced back to the Imam with fewer intermediaries is regarded as superior to one that has passed through too many hands, because, again, the possibility of an error is greatly diminished when the report is narrated by a few contemporaries of the Imam[]. (p. 138)

The author clearly fails to distinguish between the two concepts of numerosness of chains of transmission (kathrat al-asn) and lengthiness of a chain (tul al-sanad).

On the institution of ijaza, the author assumes that a teacher of hadith would have to edit the copies...
his students made from his oral reports and that “it was only after this kind of editing that the student who had put the traditions in writing could receive permission to transmit them to others” (p. 64). This is clearly a confusion between the way a book used to be transmitted and the way individual traditions were reported.

In the second case, there was no need for permission at all, except if the student wanted to quote material that the teacher had already recorded in writing in the form of taḥammul al-hadīth bi ʾl-qirāʿa or bi ʾl-ijāza, not taḥammul al-hadīth bi ʾl-samāʾ, the latter of which was overwhelmingly the case in the transmission of hadīth during the early centuries.

The author’s accounts of the compilation and arrangement of the main four Shiʿīte collections of hadīth are very problematic too, especially in regard to Ibn Bābawayh’s Man lā yahdūruhu ʾl-faqīḥ (pp. 67–70). (The author, like some others, prefers Ibn Bābūya.) It would require many pages to explain all the problems with this section. Many of the quotations about Ibn Bābawayh’s life that the author has incorporated into the discussion here are also inaccurate. He asserts, for instance, that “[i]n a rescript received from the Imam, Ibn Bābūya was praised as an excellent jurist whom God turned to the advantage of the community [note: Tūsī, Fīhrīst, 184]” (p. 67). There is no mention anywhere in Tūsī’s Fīhrīst of such a rescript. Two different versions of a note that was allegedly sent by the third agent of the twelfth Imam to Ibn Bābawayh’s father are quoted in Tūsī’s Ghayba and Ibn Bābawayh’s Ikmal al-dīn. According to the first, the father was assured of “two jurist sons” and, according to the other, of “a blessed and beneficial son.” The author has turned the sentence into what is seen above.

The next sentence of the same paragraph reads: “Ibn Bābūya’s father . . . met ʿAlī b. Muhammad al-Sammārī, the last agent of the twelfth Imam in the year 328/939–40 [note: Tūsī, Rījāl, 482].” There is no reference to any meeting between Ibn Bābawayh’s father and the last agent of the twelfth Imam in the sources cited above or elsewhere. All that is mentioned is that the father was in Baghdad sometime during that year.

The next sentence reads: “Ibn Bābūya had visited Baghdad in 355/965 and before that in 352/962–63, when he also travelled to Kūfah, Hamdān [sic = Hamadān] and Mecca [note: Najāshī, Rījāl, 276–79].” It is true that Ibn Bābawayh visited Baghdad in 352/962–63; but there is no reference to that trip at all in the sources mentioned in the note, that is, Rījāl al-Najāshī.

On p. 70, Ibn Bābawayh’s Man lā yahdūruhu ʾl-faqīḥ is said to have been used by the Shiʿītes in the past “as a reference for their religious lives in many parts of the Islamic world, in the same way in which the risālas . . . are in use today.” That book never had such a status. It was rather K. al-Šarāʾī’ī by Ibn Bābawayh’s father that served for a long time as a popular reference for religious rules.

The author’s description of the development of religious sciences in the Shiʿīte tradition continues to touch upon the time of Muḥammad who studied with “ʿAlī b. ʾĪsā al-Rūmānī [sic = Rummānī]” and “Ghulām Aḥī al-Jaysh” (p. 70). The latter combination, however, is not a name or a title; rather, it means “the pupil of Abu Ḥajjāṣ.” The name of this pupil is Tāhir, student of Abu Ḥajjāṣ Muẓaffar b. Muḥammad b. Aḥmad al-Balḵī (d. 367/977–78).

In the same paragraph, the author asserts that “in the year 355/965–66 [Muḥammad] obtained the ijāza from Ibn Bābūya to transmit and spread his traditions.” What the biographical sources mention is that Muḥammad related hadīth on the authority of Ibn Bābawayh, which means that he studied with him. No mention is made of anything like “ijāza to spread his traditions” or of any specific date or place for Muḥammad’s study with Ibn Bābawayh.

On page 71, Sachedina states that Tūsī’s Tahdid al-ahkām contains not only legal but also theological narratives, which is not true.

Next, he states that Muḥammad wrote a detailed work on the principles of law entitled al-Tadhkira bi-ʿusūl al-fiqh (p. 71). This assertion conflicts with what Muḥammad’s student, Tūsī, said in the introduction to ʿUddat ʿusūl, that Muḥammad’s work on ʿusūl al-fiqh was a short treatise (mukhtasar).

Further down on page 71 the author asserts that “of all the early theologians, Sharīf al-Murtada maintained a rather negative attitude to hadīth reports.” This attitude was common among all earlier theologians, Muʿtazilites (with a few exceptions) and Shiʿītes. The author himself quotes from Sharīf al-Murtada that “all generations of Imamite scholars” (i.e., rational thinkers, as against reporters of tradition) agreed on the unreliability of “single traditions.” In the next sentence, the author says that “he [al-Murtada] was also [emphasis added] opposed to the use of . . . khabar al-wāḥid.” It is unnecessary to point out that what he mentions before and after the word also is one and the same thing.

On page 72, he speaks of “ijtihād in Tūsī’s usage” and as a task the latter “undertook” in his ʿUddat ʿusūl. It was said above that the term ijtihād preserved its negative sense (which corresponded to the two concepts of raʿi and qiyyās) in Shiʿīte jurisprudence until the 7th/13th century; thus, what one finds in Tūsī’s works about ijtihād is against its use in law. Therefore, the author’s allegation in the following paragraph that
Tuši followed al-ijtiḥād al-muṭlaq is also problematic. Likewise, contrary to what the author asserts in the next paragraph, “the trend towards authentication” of single traditions could not lead to the cessation of ijtihād in the sense that the Shi‘ite jurists adopted. His descriptions, in the same paragraph, of the different tendencies in Shi‘ite law reveal similar confusions. This is particularly evident in his statement about those who accepted the khabar al-wāhid and “implicitly” regarded the authority of traditions in juridical methodology as necessary to ensure uniformity of jurisprudence.”

In the next paragraph, the author quotes from Tuši, on the authority of his teacher Muḥd, that “Abū al-Husayn al-Harawi [sic = al-Harūnī] al-‘Alawī . . . reverted from this school to the Sunni school of thought” (pp. 72–73). The note cites Tusi’s Tahdhīb al-ahkām, 1:2ff. However, Tuši remarks there that the man converted to another doctrine (dāna bi-ghayrīhi), not that he became a Sunnite. The man must be the same as Abu ‘l-‘Husayn Ahmad b. al-Ḥusayn al-Ḥarūnī al-‘Alawī, al-Mu‘ayyad bi ‘llah (d. 411/1021), a contemporary of Muḥd, who started as an Imamite but later converted to Zaydism under the influence of his teacher, Abu ‘l-‘Abbās al-Ḥasanī.

In the following paragraph (p. 73), mutawdtir (a tradition widely transmitted in each generation) is translated as a tradition “reported in an unbroken line,” which is the lexical sense of the term. And hadith maqtā’ (a tradition whose chain of transmission does not go back to the Prophet or Imam in an unbroken line) is considered to be a valid source for legal documentation, although all scholars of hadith classify this type of tradition as unreliable.

In the following paragraph, the author differentiates between Tuši’s method and Ibn Bābawayh’s. According to the author, both omitted the chains of transmission of the hadith they quoted, but Tuši nevertheless appended a list of his various “ways of transmission” to compensate for his omissions (p. 73). Actually, both scholars followed that procedure. Tuši clearly followed the precedent of Ibn Bābawayh, who listed his chains of authority in an appendix at the end of his Man là yahduruhu ‘l-faqih.

The discussion continues in the same way to the end of this chapter, and then to the end of the book.

* * *

Miscellaneous Inaccuracies

As already evident in the examples given above, The Just Ruler suffers from widespread inaccuracies in detail, in addition to many major misconceptions and misrepresentations. The inaccuracies are of all types: historical, religious, biographical, bibliographical; of dates, documentation, pronunciation of names, translation, Arabic grammar, etc. Examples of some were noted above; here are examples of other categories.

In the field of translation, the word su‘ila in Rijāl al-Kashshi (p. 163, l. 1), which means “he was asked” has been translated as “I asked” (p. 50, l. 13); the word shaqī (wretched and ill-fated) as “the one who has wrongly assumed the position of a judge!” (p. 129); the sentence ṭāḥ al-amr bī ‘l-ma‘rūf wa ‘l-nahy ‘an al-munkar (to obligate enjoining good and forbidding evil) as “to obligate doing al-amr and avoiding al-nahy” (p. 143), which means that no one should do nahy ‘an al-munkar; the title of al-Masad ‘il al-Nāṣiriyāt (questions [from the legal opinions] of al-Nāṣir [al-Uṭrūṣ]) as “rulings [drawn from the jurisprudence] of al-nāṣiriyāt[?]” (p. 76); and the term istihlāb al-‘adam (continuation of negative status) as “absence of istihlāb or link” (p. 215), a translation that actually corresponds to ‘adam al-istihlāb.

In the field of documentation and bibliographical data, there is, for instance, a reference on p. 253 (n. 41) to Hamid Algar’s article on Bihbahānī in The Encyclopaedia of Islam, 5:134–35; the article is actually in fascicules 3–4 of the Supplement. On p. 267 (nn. 69 and 70), Rijāl al-Kashshi, pp. 155 and 344 are cited, although the relevant material appears on pp. 368 and 556. On page 253 (n. 47, referring to p. 22, l. 28), a book entitled al-Nūr al-sātī is attributed to Shaykh “Alī Kāshif al-Ghiṭā’ (d. 1254/1838); it is actually by another, later scholar of the Kāshif al-Ghiṭā’ family (see Tḥrānī, Dharī‘a, 24:369–70). On page 253 (n. 36), the author criticizes a title that reads al-Muhadhdhab al-bārī fi shar‘ mukhtaṣar al-shardī‘ī by saying that “this seems to be erroneous, for Muḥaqqiq has not left us an abridgment of his Sharā‘ī‘ī; but he has a work entitled al-Mukhtaṣar al-nāfī‘ī.” This latter is in fact an abridgment of the Sharā‘ī‘ī, as Muḥaqqiq himself explicitly states in the introduction to his Mu‘tabār: ḫattā ittifaqa lanā ikhtisār kitāb al-sharā‘ī‘ī bi ‘l-mukhtaṣar al-nāfī‘ī. This mistake could have been avoided by a glance at Tḥrānī’s Dharī‘a, 6:193, 14:57, or 20:213. On page 267 (n. 76), the ṭāḥ is attributed to Ibn Fahd al-Hillī; it is actually by Fakhr al-Dīn, the son of ‘Allāmah. On page 273, Bulghat al-faqīh is attributed to Muhammad Mahdī Bahr al-‘Uṭūm (d. 1212/1797); it is by a different person from a much later period. The author also says that Anṣārī’s Farā‘ī‘id al-ustūl is known as al-Rasā‘i‘al-arba‘a‘a (p. 273); rather, it has always been known simply as al-Rasā‘i‘al.

Of a similar category are the errors in the details of publication in the selected bibliography. Examples include “Qumm, 1387/1962” for Khumaynī’s K. al-Bayc.
(p. 274), instead of Najaf (it was not published in Iran before the revolution); the date of 1386 for his Makāsib (p. 274), instead of 1381; “Beirut, 1381/1971” for Āmilī’s Wasā’il (p. 273), instead of Tehran (the Beirut edition appeared later). More interesting is the date of publication of Khwānsārī’s Mashārīq al-shumūs; it is given as 1112/1700 (p. 274), that is, more than a century before the practice of printing books began in Iran.

Moreover, all data given for any book of more than one volume is always for an unspecified volume. Examples include “Tehran, 1384/1964” for Majīṣī’s one-hundred-plus-volume Bihār al-anwār (p. 275) whose Tehran edition started in 1376/1956 and took some twenty years to complete, and “Tehran, 1392/1972” for Najāfī’s 43- (not 42- [as mentioned here on pp. 22 and 275]) volume Jawāhir (p. 275) whose above-mentioned edition started in 1377/1957 and was completed over some twenty years in three different places: Najaf, Qum, and Tehran. The same is true with Khū’ī’s 23-volume Mu’jam, Ḥākim’s 14-volume Mustamsak, Tūsī’s 10-volume Tahdīhīb and 8-volume Mabsūt, Khwānsārī’s 8-volume Rawādīt, Aghā Buzurg al-Tīhrānī’s 25- (not 20-) volume Dharī’ al-sāliḥa; Shahīd II’s 10- (not 8-) volume Najaf edition of Rawda, Bahr al-‘Ulūm’s 4- (not 3-) volume Rījāl, and many others.

Some names are given incorrectly. The name of Shahīd I is given as Makkī b. Shams al-Dīn (p. 16), instead of Mūhammad b. Makkī; ‘Abd al-Jabbār al-Qazwīnī (p. 259, n. 66), instead of ‘Abd al-Jalīl; Abū al-Majd al-Halābī (p. 274), instead of Ibn Abī ‘l-Majd; Mashhad al-saqqāt (p. 13), instead of Mashhad al-siqt; al-Mu’jaz (pp. 13), instead of al-Mūjaz; Siwūrī (pp. 17 and 174), instead of Suyūrī; Jābī (p. 19), instead of Juba’ī; Jumaylī (pp. 45, 155), instead of Jamīl or Jumayyll; Fadāl (p. 52), instead of Faḍdāl; Abū Rāfī al-Qubī (p. 63), instead of Abī Qibī; Ma’d (p. 87), instead of Ma‘add; Bizāntī (pp. 154 and 155), instead of Bazanī; Mughārīa (pp. 155), instead of Mughīrā; al-Sābīrī (pp. 155, 255), instead of al-Sabūrī; and al-Shu‘bī (p. 205), instead of al-Sha‘bī.

**Inconsistent Usages**

The book also suffers badly from various kinds of inconsistencies. Dates, for instance, are supposed to be according to both the Islamic and Christian calendars, but this rule has been violated in many cases where the latter alone is used (e.g., pp. 23, 25, 54, 55, 244). In some cases the Islamic and Christian dates do not agree, as with Āli b. Yaqtīn’s date of death, which is given as 182/789–90 (p. 54), the date of publication of Khumaynī’s K. al-Bay’ as 1387/1962 and of his Makāsib as 1386/1961 (p. 274), of Sharīf al-Murtadhā’s In-

*tisār* and Nāṣiriyyāt, respectively, as 1276/1895 and 1276/1896 (p. 275), and of Mufīd’s Irshād as 1351/1971 (p. 275). The first date in this latter case must be according to the hijrī shamsī calendar, although it is not so specified.

The Arabic definite article is omitted in some cases where grammatical rules dictate that it be retained; it is preserved, or even erroneously added, in others. Other grammatically incorrect combinations appear as well. Examples include al-Zurāra (p. 49), instead of Zurāra; al-Fadāl (p. 52), instead of Faddāl; al-‘Aqīl (p. 71), instead of ‘Aqīl; Abū Salāḥ (pp. 12, 143, 146, 206, 274), instead of Abu ‘l-Salāḥ; wilāyat al-takwīnī (pp. 97, 249), instead of al-wilāyat al-takwīniyya or simply wilāyat takwīniyya; quwwa ‘ilmīyya and quwwa ‘amalīyya; Muhammad b. Abū ʻUmayr (p. 155), instead of Abī ʻUmayr; Muhammad b. Abū Nasr (p. 155), instead of Abī Naṣr; al-mutawallā ‘alayh (p. 174), instead of al-muwallā ‘alayh; Fawā’id al-madaniyya (p. 252), instead of al-Fawā’id al-madaniyya; ‘Urwa al-wuthqā (p. 254), instead of al-ʻUrwa al-wuthqā; nāḥi al-hadīth (p. 254), instead of al-nahī al-hadīth; usālī al-‘āmma (p. 267), instead of al-ūsālī al-‘āmma; riṣālī al-hadīth (pp. 254, 256, 274), instead of riṣālī al-hadīth; shāriʿat al-ghurrā; mukhtasar al-nāfī (p. 274), instead of al-Mukhtasar al-nāfī; Sharīf al-irshād al-‘allāma (p. 273), instead of Sharḥ irshād al-‘allāma; Sahīfa al-kāmilā (p. 250), instead of al-Šahīfa al-kāmilā; masāʿil al-sharīʿyya (p. 250), instead of al-masāʿil al-sharīʿyya (but the correct phrase is ilā taḥṣīl masāʿil al-sharīʿa); Taṣfīr al-kabīr (p. 276), instead of al-Taṣfīr al-kabīr; and Taḥaqāt al-kabīr (p. 274), instead of al-Ṭaḥaqāt al-kabīr. At times the same word or name in a single passage or on one page appears in both forms, with and without a definite article (e.g., pp. 10, 13, 23, 48, 67, 122, 132, 146, 150).

Style is inconsistent. The forms Shiʿī, Imamī, Sunnī, Fathī, Wāqīfī, etc., are used, as are Shiʿite, Imamite, Sunnite, Fathite, Wāqīfite, or else al-Shaftī, al-Hanafī, al-Maliki and al-Hanbalī (e.g., p. 87). Again, two of these forms sometimes appear, even for a single word, in the same passage or even line. Arabic words are used lavishly throughout this work, often unnecessarily, since in most cases they are not technical terms. These words are usually translated; often a word is translated numerous times throughout the work, although sometimes with variations. The English equivalent is usually given in brackets, but sometimes it is the Arabic; and at times both the term and the translation are given in Arabic. For example, on page 55, the word *fugahā* has been translated as “mujtahīds,” although many times before and after it is translated as “jurists,” which is a
much better equivalent since it also includes those who
do not believe in *ijthād*. After all, the Shi‘īte *fuqahā‘*
of the period of Minor Occultation, which is the sub-
ject of discussion in that passage, would never call
themselves *mujtahids*, as was explained before.

There are numerous instances of factual inconsisten-
cies in this work. The eleventh Imam dies in 873–74 on
page 54, but categorically in 874 on page 55; Ibn
Bābawayh dies in 381/991 on page 44, but in 381/991–
92 on page 67; Muḥfīd dies in 413/1022 on page 63, but
in 414/1023 on page 44; Karakī dies in 937 or 941/1530
or 1534 on pages 18 and 196, but in 937/1530–31 on
page 268; Majlisī dies in 1110/1698 on page 20, but in
1111/1699–1700 on page 198; Najafī dies in 1266/1849
on pages 22 and 203, but in 1266/1848–9 on page 198;
Kashshī dies in 369/979–80 on page 75, but in an
unspecified year of the first half of the 4th/10th century
on page 29; *al-Jawāmi‘ al-fiqhiyya* is published in
1276/1859 on pages 274 and 275 (line 34), but in
1276/1895 or 1896 on page 275 (ll. 43, 45). The same
man is Burayd al-‘Ijlī on pages 40 and 50, but Yazīd
al-‘Ijlī on page 155; Sammarī on page 68, but Samarrī
on page 258. It was noted above that Shaykh Abū ‘Alī
al-Ṭūsī is the son of the senior Ṭūsī on page 13, but his
grandnephew on page 186.

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The topic of this book is one of the most interesting
concepts of Shi‘ism and has great relevance at present.
This book does not, however, constitute “an exhaustive
and judicious treatment” (to use Professor Hamid
Algar’s words in praise of this work printed on the dust
jacket) of this theme in English. There is, however, a
real demand in the West for such a study. In this sense
the book really does fill, in Professor Sachedina’s
words, a crucial gap in the existing literature on Shi‘ism
and Islam in general, and I hope that the above points
will help produce a revised and more useful version of
this informative and much needed work.