REVIEW ARTICLE

THE JUST RULER OR THE GUARDIAN JURIST: AN ATTEMPT TO LINK TWO DIFFERENT SHIᶜITE CONCEPTS*

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Shiᶜism 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 Shiᶜites regarded the Prophet's cousin, ᶜAlī, 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 Shiᶜite 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-Sulṭān al-ᶜĀdil). In the absence of the Imam, some religious and social affairs of the Shiᶜite community were to be administered, according to a well-supported opinion in Shiᶜite law, by righteous Shiᶜite jurists. This latter concept is referred to in the Shiᶜite tradition by the term wilāyat al-faqīh, the guardianship of the jurist. Some twenty years ago, however, this concept was reevaluated and developed in Shiᶜite 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 Shiᶜite community, in order to reconstruct a clear-cut Shiᶜite theory of government.

IN HIS INTRODUCTORY REMARKS, Professor Sachedina says:

> The present study deals with the concept of the Just Ruler in Twelver Shīᶜism in the light of the political and legal jurisprudence worked out by Imamite scholars from the early days of the Shīᶜī Imams to the present time. . . . In the present work I have filled a crucial gap in the existing literature on the development of the Shīᶜī 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 Shiᶜism 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 Shiᶜite 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 Shiᶜism and Islam in general.

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

the past certain modern Shiᶜite 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 these points, especially those relating to the chapters 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 Shiᶜite jurisprudence:

> The earliest Imamite jurist whose name occurs on several occasions in connection with the authority of a jurist in the works of Mufīd is Ibn Junayd [*sic* = Ibn al-Junayd] al-Iskāfī (d. 381/991). He lived during the Short Occultation of the last Imam (A.D. 874–941). . . . According to Najāshī he was the leader of the Imamites to whom the *khums* ("the fifth") that belonged to the twelfth Imam was entrusted. Before he died he left it to his daughter in the form of a trust. Mufīd studied with him. Al-Khatīb al-Bagdhādī mentions Ibn Junayd as the leader of the Imamites and places his date of death in 332/943, and that he died in al-Karkh [note: cited by Qummī, *Kunā*, 1:26–27]. Bihbahānī, in his *Sharh al-mafātīh*, 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-qiyās* (analogical deduction) [note: It was also this kind of *ijtihād* based on *qiyās* that was criticized by the Akhbārī jurist Muhammad Amīn al-Astarābādī in his *Fawā³id* (*sic* = *al-Fawa³id*) *al-madaniyya*. See Khwānsārī, *Rawdāt*, 1:197ff. where he discusses the contents of *Fawā³id*]. This comment is meant as a criticism of Ibn Junayd because, unlike the Sunnī school of al-Shāfiᶜī, the Imamite *usūl* does not recognize *al-qiyās* as one of the sources of law. According to the Shīᶜī scholars of *usūl*, *qiyās* . . . can give rise to diversity of opinion and thereby affect believers' practice adversely. Ibn Junayd wrote a detailed work on *fiqh* entitled *Tahdhīb al-shīᶜa*, which survived in an abridged version, made by himself, entitled *al-Mukhtāra fī al-fiqh al-ahmadī*. It was this latter work that was known to Mufīd and others.

> Another "ancient" Imamite jurist whose opinions have been cited by later jurists is al-Hasan b. ᶜAlī b. Abī ᶜAqīl al-ᶜUmānī al-Hadhdhā³, a contemporary of Ibn Junayd and Kulaynī. According to Najāshī, he was among the first Imamite scholars to compose a work on *usūl al-fiqh*, entitled *al-Mutamassik bi habl āl al-rasūl*. (pp. 9–10)

Almost every sentence in this passage is problematic.

1. The name of Ibn al-Junayd never occurs in any work of Mufīd 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 *qiyās*.

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 Mufīd, who was born in 338/950, could not have been his pupil. Moreover, according to Mufīd, in his *Sāghāniyya*, Ibn al-Junayd was in Nīshāpūr 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-Sādiq that Shīᶜite *mutakallimūn* like Ibn al-Rāwandī (d. 245 or 298/859 or 910) and Abū ᶜIsā al-Warrāq (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-Sādiq, who had died one hundred or more years before, in the year 148/765?

3. The sentence the author attributes to Najāshī's book does not appear there at all. Najāshī 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 Najāshī 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 Shiᶜite community in those days used to donate portions of its wealth to the Imams as a gift, bequest, or

waqf endowment. It is not even clear to what "it" refers in the author's sentence "he left *it* to his daughter"; is it the *khums* in general, property taken as *khums*, or "entrustment" with the *khums*?

4. The whole of the *khums* does not belong to the Imam, as the author asserts, but only half of it. Shi^{c}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^{c}ite jurist. The overwhelming thrust of current opinion among the jurists (as well as the common practice of the Shi^{c}ite community) is that this share is to be paid to the Shi^{c}ite jurists; but there is no substantial historical evidence to support the view that this practice goes back more than two centuries.

5. Al-Khatīb 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 ^{c}Alī Muḥammad b. Hammām b. Suhayl b. Bīzhan al-Iskāfī, whom the Khatīb mentions in his *Ta'rīkh Baghdād*, 3:365, saying that he died in 332. Thus the reference in Qummī's *Kunā* is to a totally different person.

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

7. *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 Shāfi^{c}ite school.

8. What the author quotes as the Shi^{c}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^{c}ites included. This was an argument against *qiyās* in its general sense of deductive and inductive reasoning, or *ijtihād*. The argument disappeared in Shi^{c}ite tradition after the early centuries, when the Shi^{c}ites 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 applied in any similar instance where that rationale exists. The Shi^{c}ites argue that *qiyās* discovers a probable rationale, not a definite one, and that mere human presumption cannot determine the law of God.

9. 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^{c}ite law and is also clearly explained in the very source the author quotes.

10. The abridged version of Ibn al-Junayd's legal work is entitled *al-Aḥmadī fī 'l-fiqh al-Muḥammadī* (or *al-Mukhtaṣar al-Aḥmadī fī 'l-fiqh al-Muḥammadī*, as in some sources) not *al-Mukhtāra fī al-fiqh al-ahmadī*, as recorded here. It has *not* survived but has been lost since the late 8th/14th century.

11. *Tahdhīb al-Shī^{c}a* was the major legal work of Ibn al-Junayd and was obviously very well known among the Shi^{c}ite scholars in the 4th–5th/10th–11th centuries, as is quite clear from the detailed index that Najāshī gives for all its chapters. One part of it was still extant in the early 7th/13th century. Clearly that book should have been known to Ibn al-Junayd's student, Mufīd. On what basis does our author conclude that "it was this latter [abridged version] that was known to Mufīd" and not the original which was clearly a much more important work? The author has misunderstood a reference in *Rijāl al-Sayyid Baḥr al-^{c}Ulūm* (3:206), one of his major sources for this section. That work describes the abridgment as "the one which reached the newcomers [*muta'akhkhirūn*]." However, in Shi^{c}ite tradition this term refers to those scholars who lived after the 7th/13th century and does not include Mufīd, who died early in the 5th/11th century.

12. The same source (*Rijāl al-Sayyid Baḥr al-^{c}Ulūm*, 2:220) explains that Ibn Abī ^{c}Aqīl and Ibn al-Junayd belonged to two different generations, as documented by the fact that the latter was a teacher of Mufīd, whereas Ibn Abī ^{c}Aqīl was a teacher of Mufīd's teacher.

13. Najāshī never said that Ibn Abī ^{c}Aqīl wrote any book on *uṣūl al-fiqh*, let alone that "he was among the first Imamites" to do so.

14. Ibn Abī ^{c}Aqil's above-mentioned work is, in fact, a book on law, not on *uṣūl al-fiqh*. There are other examples of this kind of misleading account of the contents of books in this work. For example, the author speaks about "Sharīf al-Murtaḍā's *fiqh* work *al-Dhakhīra*" (p. 12), a book that is about *kalām* theology, not *fiqh*. He states that "Abū al-Hasan al-Isfahānī's *Nihāyat al-dirāya* and *al-Uṣūl ^{c}alā nahj al-hadīth* [*sic* = *al-nahj al-ḥadīth*] deal with the ^{c}ilm al-hadīth whereas *Ḥāshiya ^{c}ala al-makāsib* of Ansārī deals with applied law" (p. 254). The first two works

are on *uṣūl al-fiqh*, not on *ʿilm al-ḥadīth*, as our author asserts. Moreover, all of these works are by Muḥammad Ḥusayn al-Iṣfahānī al-Gharawī, known as al-Kumpānī, who was quite a different person.

<div align="center">CHAPTER ONE</div>

The first chapter of *The Just Ruler in Shiʿite Islam* is devoted to the question of "the deputyship of the Shīʿite Imams" and examines the condition of the Shiʿite 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 Shiʿite *ḥadīth* 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 *ḥadīth* 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 Shīʿa 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 Shiʿite views for those periods in which "nobody stands in the position of the Imam except an Imam" (see, for instance, Ibn Bābawayh, *Ikmāl al-dīn*, 57). Furthermore, the author pays no attention to the fact that referring to any individual as a trustworthy transmitter of *ḥadīth* 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 Shiʿite community being warned not to trust those individuals in any matter other than their transmission of *ḥadīth*. 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 Shiʿite thought has led the author to assume that throughout its history Shiʿism was characterized by the same doctrines, legal and jurisprudential theories, and terminology as characterize it today, and by the practices, customs, and ceremonials that currently prevail among the Shiʿite communities, especially among those of the Indian subcontinent. The author's bold ascription of his own understandings and self-made terminology to Shiʿism 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 Shiʿite tradition.

New Terminology. An example is the Urdu-sounding combination *ʿilm sahīh, īmān sahīh*, which is employed throughout this work, and presented in a manner that suggests it is one of the most important Shiʿite terms and central to Shiʿite 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 *ʿilm rijāl al-ḥadīth*, is used in Islamic tradition to denote a branch of *ḥadīth* literature that deals with the biographies of the transmitters of *ḥadīth*; otherwise, the term is always used in its general lexical sense. The companions of the Imams are normally referred to in Shiʿite tradition by the term *aṣḥāb al-aʾimma*; those who were also transmitters of *ḥadīth* are called *ruwāt*, too. Throughout the present work, however, the word *rijāl* is used as a Shiʿite title for the prominent disciples of the Imams, although this is neither a general Islamic nor a specific Shiʿite 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 *fuqahāʾ* (p. 248). These are, however, different categories. Many prominent figures around the Imams were not *fuqahāʾ* 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 Zurāra b. Aᶜyan, a leading Shiᶜite figure of the 2d/8th century, "formed the large and well-known family of the Banū Zurāra" (p. 42) or "*bayt al-zurāra*" [*sic*] (p. 49). This was a well-known Shiᶜite family of Kufa during the first centuries of Shiᶜite history, but the family was called *Āl Aᶜyan*, not Banū Zurāra, or *bayt al-zurāra*, as the author asserts. After all, most members of the family were Zurāra'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 Shiᶜite thought with terms that were introduced into the Shiᶜite tradition only in a much later period. This is the case with the terms *ijtihād* and *mujtahid*, which were repudiated by the Shiᶜites until the late 7th/13th century. He also misinterprets other terms, including some that are essential to a proper understanding of Shiᶜite thought. An example is the term *ashāb al-ijmāᶜ* (people of consensus), which in Shiᶜite ᶜ*ilm dirāyat al-hadīth* refers to a group of transmitters of *hadīth* whose trustworthiness is a matter of consensus among all Shiᶜites. In most instances in this work the author distorts the term to *ahl al-ijmāᶜ*. 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 *Rijāl al-Kashshī*, 238 and 373 (read 375). But what is said on these pages of *Rijāl al-Kashshī* (and on p. 556, as well, which the author has missed) is completely different. Moreover, the author's interpretation is quite alien to the Shiᶜite understanding of the concept of imamate. The Imam in Shiᶜite 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 a legally authoritative consensus with the Imam." The author seems to have relied upon and misunderstood an argument in the Shiᶜite works of *usūl al-fiqh* on the legal basis for the validity of consensus; that argument relates to a completely different matter.

Another problematic usage is the term "reason." The author always confuses its exact philosophical usage in Shiᶜite law with "reasoning." Hence, he claims that the role of reason "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 *ijtihād* 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 Shiᶜite law in the beginning of my *Introduction to Shīᶜī Law* could have prevented this mistake.

There are similar problems with other terms of *usūl al-fiqh* in other chapters. The author interprets the concept of *ijmāᶜ manqūl* (which he consistently and erroneously refers to as *manqūlī*) 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 arrived at during the lifetime of the Imams." Then he speaks of the *mutawātir* 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 *ijmāᶜ muhassal* ("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 *daᶜwa 'l-ijmāᶜ* (claim of the existence of a consensus), in which case it is called *ijmaᶜ manqūl* (reported *ijmāᶜ*). This latter category is sometimes reported in a few works, in which case it is *ijmāᶜ manqūl bi-naql al-āhād*, or else in many sources, in which case it may achieve the degree of *ijmāᶜ manqūl bi 'l-tawātur*.

The author interprets *hadīth 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 Shiᶜite legal work of the 5th/11th century, for example, mentions the term *khalīfat al-imām* ("successor" of the imam), a title whose holder, according to that same work, is not necessarily a righteous Muslim (ᶜ*ādil*). 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, ᶜAlī. But the author, eager to read present-day viewpoints into the books of the past, asserts that the sentence refers to the Shiᶜite 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 *khalīfat al-imām*" (p. 169) or to assertions that "the phrase *khalīfat 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 *khalīfat 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 Ṭūsī and not at all in the writings of his two teachers, Mufīd and Sharīf al-Murtaḍā. The discoveries continue: "This tradition enabled the Baghdad jurists of the classical age (Mufīd, Sharīf al-Murtaḍā and Ṭūsī) to regard the Imamite jurist as the *khalīfat al-imām* (the successor of the Imam [in Occultation]) whose authority among the Shīʿa was comparable to the authority of the imam among the Sunnī community" (p. 169).

The concept of *wilāya* (authority) is classified in later Shiʿite tradition into the two categories of "creative" (*takwīniyya*) and "legislative" (*tashrīʿiyya*), the latter sometimes also called "conventional" (*iʿtibāriyya*). 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 Shiʿite thought today is that the Prophet and the Imams had both categories of *wilāya*, although there are disagreements on the scope and limits of their supernaturality. Another tendency, which has existed in Shiʿism 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 Shiʿite lawyers in the past. An example is an ascription the author makes on the authority of Sabzawārī to Abū ʿAlī al-Ṭūsī, whom the author identifies as "Ṭūsī'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 Ṭūsī's family is his son, whom the author mentions on page 13 as such. A similar example is the term *mutaʾakhkhiru 'l-mutaʾakhkhirīn* (moderns of the moderns) which is interpreted on page 248 as referring to the jurists of the Qājār and post-Qājār 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 Shiʿite political thought on his assumption that the Buyids were Imamite Shiʿites (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 *sultāns*" (p. 56) and the "establishment of Twelver Shīʿī temporal authority of the Buyid *sultāns*" (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 *mutaghallib* (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 Shiʿite political jurisprudence. However, it has already been well established by Herbert Busse and other historians of that period that the Buyids were not Twelver Shiʿites. There is also clear evidence of this in the works of the Buyids' Shiʿite contemporaries, such as Ibn Bābawayh.

The author places the Akhbārī-Uṣūlī encounter in Shiʿism in the Qājār era (pp. 199, 264, n. 29); but the final defeat of the Akhbārī school took place several decades before the beginning of that era. He speaks of the Wāqifiyya-Qatʿiyya 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. Muḥammad 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-Ghitāʾ (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-Baḥrānī (d. 1186/ 1722) is said to have been a contemporary of Najafī (p. 244), but Baḥrānī 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 ʿAbbāsid Hārūn al-Rashīd, an amount of 30,000 dīnārs for *khums* had

been deposited with his two agents in Kūfa" [note: Kashshī, *Rijāl*, 459] (pp. 54–55, 257, n. 65). The relevant sentence in *Rijāl al-Kashshī* reads as follows: "*thalāthūn alf dīnār zakāt amwālihim*," 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 Shiᶜite community.

The author asserts on the authority of Ṭūsī's *Fihrist*, 72ff., and Qummī's *Kunā*, 2:96, that the Fatḥite community of Kūfa was led by "ᶜAlī b. al-Ṭāhī al-Khazzāz and others among the Banū al-Zubayr and Banū al-Faḍāl [*sic* = Banū Faḍḍāl]" (p. 52). There is no mention of the Fatḥites or any of these persons on page 72 or the pages immediately following on Ṭūsī's *Fihrist*, nor any reference to ᶜAli b. al-Ṭāhī al-Khazzāz anywhere in that book or in Qummī's *Kunā*. I do not even recall any reference in the Shiᶜite sources to a Fatḥite 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-wiᶜā* [*sic*; in the bibliography, p. 275, the full title is given as *Bughyat al-wiᶜā fī tabaqāt al-lughawiyyīn wa al-nuhā*! The correct title is *Bughyat al-wuᶜāt fī ṭabaqāt al-lughawiyyīn wa 'l-nuhāt*]" (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 Ṭabaristān is Ṭabarī, not Ṭabaristānī.

The author writes that "ᶜAllāma 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-Mufīd [note: ᶜAllāma, *Muntahā*, 3–4]" (p. 10). The relevant sentence reads: *qad yaʾtī fī kitābinā hādhā iṭlāq lafẓi 'l-shaykh wa naᶜnī bihi 'l-imām . . . al-Ṭūsī wa 'l-mufīd wa nurīdu bihi 'l-shaykh Muḥammad b. Muḥammad b. al-Nuᶜmān* (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-mufīd* by which we mean Muḥammad b. Muḥammad b. al-Nuᶜmān) (*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 rasūlih al-mutawātira al-muttafaq ᶜalayhā*" (*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 of Baghdad to which both Sharīf al-Murtadā 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 *Mabsūṭ* 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 alifu 'l-akhbār wa mā rawawhu min ṣarīhi 'l-alfāẓ, ḥattā anna masʾalatan law ghuyyira lafẓuhā wa ᶜubbira ᶜan maᶜnāhā bi-ghayri 'l-lafẓi 'l-muᶜtād lahum la-ᶜajibū minhā* (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 Sarbidārī ruler, ᶜAlī b. Muʾayyad, "is implicitly indicated in the legal decisions that appear in Shahīd's various works on jurisprudence, more particularly in *al-Lumᶜa al-dimashqiyya*" (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 Shiᶜite 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 ṣadaqa 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 ʿAbd Allāh b. Jaʿfar, 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 Shiʿites, the world was filled with injustice" (p. 99). What he ascribes to the Shiʿites 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 *istiṣlāḥ* (taking into consideration the public interest) to be one of the "Practical Principles" of Shiʿite *uṣūl al-fiqh* (p. 267, n. 82; see also p. 161, where the sentence gives the impression that *qiyās* and *istiṣlāḥ* are considered to be among the sources of *ijtihād* in Imamite law). This is totally erroneous. The "Practical Principles" are *barāʾa, iḥtiyāṭ, takhyīr,* and *istiṣḥāb.*

He thinks that *ʿiṣma* (perfect immunity from error and sin, a Shiʿite 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 (*maʿṣūm*) 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 Shiʿite 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 Shiʿite *ḥadīth*, including some of the transmitters regarding whose reliability the Shiʿites are in consensus, were not Imamites. Though Sunnites, Fatḥites, Wāqifites, and others, they nevertheless formed some of the strongest "chains of transmission that could be traced back to the Imams." The Shiʿite works on the biographies of the transmitters of *ḥadīth* include many non-Imamites who are described without reservation as reliable. Some of them were

respected as great authorities of Shiʿite law by the Imamite community of their time. It suffices to mention that among the traditions of the four main collections of Shiʿite *ḥadīth*, which are the most important sources of Shiʿite law, some 800 are quoted on the authority of the Wāqifite ʿUthmān b. ʿĪsā, another 800 from the Wāqifite Ḥasan b. Muḥammad b. Samāʿa, some 600 from the Fatḥite ʿAlī b. al-Ḥasan b. Faḍḍāl, some 500 from the Fatḥite ʿAmmār al-Sābāṭī, some 520 from the Wāqifite Ḥumayd b. Ziyād, some 400 from the Fatḥite ʿAlī b. Asbāṭ, and some 250 from the Wāqifite ʿAbd Allāh b. Jabala. Contrary to the author's theory of the "sound belief," some of the persons that Mufīd names, in his *Risāla fi 'l-radd ʿalā aṣḥāb al-ʿadad*, as "the prominent jurists and leaders of the religion," such as ʿUthmān b. ʿĪsā and Karrām al-Khathʿamī, are Wāfiqites and Fatḥites. ʿAlī b. al-Ḥasan b. Faḍḍāl (d. after 277/890), whom Najāshī calls "the jurist of our community in Kūfa, their prominent and their reliable [man], and the one whose word was listened to among them," was a Fatḥite, 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 *sharʿī* law" (p. 35). However, the practice of the companions of the Imams has not been given any specific value in Shiʿite law. The Shiʿite 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 *ḥadīth*, is an important branch of Islamic religious literature. It examines the chronology and the degree of trustworthiness of all transmitters of *ḥadīth*, 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 Imāmī Shīᶜism 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 Fāṭima, the daughter of the Prophet, in 'apostolic succession' in Shiᶜism" (p. 43). The author seems unaware that the inclusion of women transmitters of *ḥadīth* is a common feature in Sunnite books on *rijāl* and that it has nothing to do with Fāṭima's "inclusion in apostolic succession."

CHAPTER TWO

The second chapter (pp. 58–88) deals with the developments of the religious sciences in the Shiᶜite tradition and the process of centralization of the religious leadership in Shiᶜism 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 Shiᶜite science of *ḥadīth* and its development (pp. 52–80), notably to attempt to isolate this branch of Shiᶜite scholarship from the main body of Islamic *ᶜilm al-ḥadīth*. The author tries to find Shiᶜite significance for some general concepts of *ḥadīth* science, such as the two concepts of *isnād* (pp. 58–60) and *ijāza* (pp. 61–64), and to think of "Shiᶜite" reasons for some general developments in this literature, such as the compilation of large collections of *ḥadīth*. This phenomenon started simultaneously in both Sunnism and Shiᶜism as a result of the great popularity that *ḥadīth* 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 ᶜAlid Imams" had already been started well before the beginning of the 10th century, by scholars such as Barqī and Bazanṭī.

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 *ᶜulūm naqliyya* and *manqūlāt* are treated as interchangeable, with both referring to "transmitted religious sciences." This is erroneous. The word *manqūlāt* clearly means reports or traditions, whereas the term *ᶜulūm naqliyya* refers to religious sciences, a concept that includes Qurʾānic studies, *ḥadīth* literature in general, *fiqh*, and *uṣūl al-*

fiqh, some of which are not necessarily transmitted, in contrast to *ᶜulum ᶜaqliyya* (rational sciences) such as logic and philosophy.

On page 59, the author says that the "office of imamate in Shīᶜism was established through the process of *al-nass al-sarīh*, (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 *mafrūd al-ṭāᶜa* is used and interpreted as someone with "the right of enforcing obedience." The correct term is *muftaraḍ al-ṭāᶜa*. 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 ᶜAlī al-Ridā, the eighth Imamite Imam" (p. 59). Nowhere did ᶜAlī al-Riḍā call *naṣṣ* or anything else a "chain of gold." There is a report on the unity of God, quoted from ᶜAlī al-Riḍā, 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 Sāmānid ruler had it written in gold to be put in his shroud (Majlisī, *Biḥār al-anwār*, 49:127). There is a considerable difference between this and what the author asserts.

Speaking about the life of the Shiᶜite community of Baghdad in the early centuries of Islam, the author tells us that the *khums* (the Shiᶜite income tax at the rate of 20 percent) "was the main source of revenue for Shīᶜī 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 Shiᶜite 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 Shiᶜite 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 Akhbārī movement, late in the 12th/18th century. The Akhbārīs usually held that the Shiᶜites 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 Shiᶜite *madrasa*s always lived on religious endowments, not on the *khums*, as the author assumes.

Another example of this kind is the author's asser-
tion later in this chapter that

> From the early days of the Shiᶜite Imams the word
> *majlis* connoted the gathering in which all believers
> participated in mourning the death of al-Husayn. . . .
> There are numerous works on *majālis* 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
> Bābūya's having been born by a miracle performed by
> the Imam, Mufīd's confirmation as the learned author-
> ity by the Imam, or the defense of Tūsī's work on *fiqh*
> by the first Imam, ᶜAlī—all were told in these gather-
> ings. (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 Shīᶜī
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 *majālis* by "the renowned figures of the
Imamite school," such as Ibn Bābawayh, Mufīd, Tūsī,
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 fig-
ures 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 *hadīth* scholars, refers to a work comprised of
only traditions that had been heard directly from the
Imams; *kitāb* includes *hadīth* reports related on the
authority of the Imams, but taken from another trans-
mitter" (p. 63, also pp. 45, 246). This has been uncriti-
cally adopted from a confused assertion by some late
Shiᶜite authors. *Asl* is not a Shiᶜite term. Rather, it is a
general and widely used term of ᶜilm al-hadīth. It
means notebook, jotter, that is, a notebook in which
the collector of *hadīth* writes down all reports he hears
from his sources, a rough, unordered copy. *Kitāb* is a
book, that is, a collection put together in a kind of
order and compiled as a book. According to biographi-
cal accounts, many of the Shiᶜite *asl*s were written by
people who never met any of the Imams, and some of
the few surviving examples of that type of work include
quotations from sources other than the Imams. The
traditionists who only had *asl*s, were merely *ruwāt*
(reporters), whereas the compilers of *kitāb*s were au-

thors (some left a part of the reports they heard still in
the original raw form as *asl*, too). This is why these
individuals were classified under different categories in
some early biographical dictionaries.

The author asserts that, according to the majority of
Sunnite legal thinkers, ᶜ*adāla* (roughly, "righteous-
ness") in religious leadership was not necessary (p. 67).
All Sunnite legal thinkers, however, stipulate that
ᶜ*adāla* is a necessary prerequisite for assuming religious
leadership. The case of prayer that the author later
mentions is a completely different matter, as explained
in Sunnite law.

The author's accounts of how the two institutions of
isnād and *ijāza* worked (pp. 59–66) reveal misconcep-
tions about basic elements of ᶜ*ilm al-hadīth*. On *isnād*,
there are even misunderstandings about the most ele-
mentary concept of the "chain of authority [or trans-
mission]," 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 ulti-
mate authority of a statement, the Prophet or the
Imam. A shorter chain of transmitters is considered in
ᶜ*ilm al-hadīth* to be preferable, as it reduces the possi-
bility of errors resulting from the reports being passed
through many generations. This kind of report is called
ᶜ*ālī 'l-sanad*. Professor Sachedina understands the con-
cept 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 neces-
> sary 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
> *isnād* that is traced back to the Imam with fewer inter-
> mediaries 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 numerousness of chains of transmission
(*kathrai al-asānīd*) and lengthiness of a chain (*tūl
al-sanad*).

On the institution of *ijāza*, the author assumes that
a teacher of *hadīth* 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 *tahammul al-hadīth bi 'l-qirā²a* or *bi 'l-ijāza*, not *tahammul al-hadīth bi 'l-samāᶜ*, 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 Shiᶜite collections of *hadīth* are very problematic too, especially in regard to Ibn Bābawayh's *Man lā yahduruhu al-faqīh* (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, *Fihrist*, 184]" (p. 67). There is no mention anywhere in Tūsī's *Fihrist* 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 *Ikmāl 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 these accounts into what is seen above.

The next sentence of the same paragraph reads: "Ibn Bābūya's father . . . met ᶜAlī b. Muhammad al-Sammarī, the last agent of the twelfth Imam in the year 328/939–40 [note: Tūsī, *Rijāl*, 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 Kūfa, Hamdān [*sic* = Hamadān] and Mecca [note: Najāshī, *Rijāl*, 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, *Rijāl al-Najāshī*.

On p. 70, Ibn Bābawayh's *Man lā yahduruhu 'l-faqīh* is said to have been used by the Shiᶜites in the past "as a reference for their religious lives in many parts of the Islamic world, in the same way in which

the *risāla*s . . . are in use today." That book never had such a status. It was rather *K. al-Sharā²iᶜ* 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 Shiᶜite tradition continues to touch upon the time of Mufīd who studied with "ᶜAlī b. ᶜIsā al-Rūmānī [*sic* = Rummānī]" and "Ghulām Abī al-Jaysh" (p. 70). The latter combination, however, is not a name or a title; rather, it means "the pupil of Abu 'l-Jaysh." The name of this pupil is Tāhir, student of Abu 'l-Jaysh Muzaffar b. Muhammad b. Ahmad al-Balkhī (d. 367/977–78).

In the same paragraph, the author asserts that "in the year 355/965–66 [Mufīd] obtained the *ijāza* from Ibn Bābūya to transmit and spread his traditions." What the biographical sources mention is that Mufīd 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 Mufīd's study with Ibn Bābawayh.

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

Next, he states that Mufīd wrote "a detailed work" on the principles of law entitled *al-Tadhkira bi-usūl al-fiqh* (p. 71). This assertion conflicts with what Mufīd's student, Tūsī, said in the introduction to ᶜ*Uddat al-usūl*, that Mufīd's work on *usūl al-fiqh* was a short treatise (*mukhtasar*).

Further down on page 71 the author asserts that "of all of the early theologians, Sharīf al-Murtadā maintained a rather negative attitude to *hadīth* reports." This attitude was common among all earlier theologians, Muᶜtazilites (with a few exceptions) and Shiᶜites. The author himself quotes from Sharīf al-Murtadā 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-Murtadā] was *also* [emphasis added] opposed to the use of . . . *khabar al-wāhid*." 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 ᶜ*Uddat al-usūl*. It was said above that the term *ijtihād* preserved its negative sense (which corresponded to the two concepts of *ra²y* and *qiyās*) in Shiᶜite 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

Ṭūsī followed *al-ijtihād 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 Shiᶜite jurists adopted. His descriptions, in the same paragraph, of the different tendencies in Shiᶜite 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 Ṭūsī, on the authority of his teacher Mufīd, that "Abū al-Husayn al-Harawī [*sic* = al-Hārūnī] al-ᶜAlawī . . . reverted from this school to the Sunni school of thought" (pp. 72-73). The note cites Ṭūsī's *Tahdhīb al-ahkām*, 1:2ff. However, Ṭūsī remarks there that the man converted to another doctrine (*dāna bi-ghayrihi*), not that he became a Sunnite. The man must be the same as Abu 'l-Husayn Ahmad b. al-Husayn al-Hārūnī al-ᶜAlawī, al-Muʾayyad bi 'llāh (d. 411/1021), a contemporary of Mufīd, who started as an Imamite but later converted to Zaydism under the influence of his teacher, Abu 'l-ᶜAbbās al-Hasanī.

In the following paragraph (p. 73), *mutawātir* (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 *hadīth maqtūᶜ* (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 *hadīth* classify this type of tradition as unreliable.

In the following paragraph, the author differentiates between Ṭūsī's method and Ibn Bābawayh's. According to the author, both omitted the chains of transmission of the *hadīth* they quoted, but Ṭūsī nevertheless appended a list of his various "ways of transmission" to compensate for his omissions (p. 73). Actually, *both* scholars followed that procedure. Ṭūsī clearly followed the precedent of Ibn Bābawayh, who listed his chains of authority in an appendix at the end of his *Man lā yahduruhu 'l-faqīh.*

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 inaccuracy in detail, in addition to many major misconceptions and mis-

representations. 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 *suʾila* in *Rijāl al-Kashshī* (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 *ījāb al-amr bi 'l-maᶜrūf wa 'l-nahy ᶜan 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 ᶜan al-munkar*; the title of *al-Masāʾil al-Nāsiriyyāt* (questions [from the legal opinions] of al-Nāsir [al-Utrūsh]) as "rulings [drawn from the jurisprudence] of *al-nāsiriyya*[?]" (p. 76); and the term *istishāb al-ᶜadam* (continuation of negative status) as "absence of *istishāb* or link" (p. 215), a translation that actually corresponds to *ᶜadam al-istishāb*.

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-Kashshī*, 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-sātiᶜ* is attributed to Shaykh ᶜAlī Kāshif al-Ghiṭāʾ (d. 1254/1838); it is actually by another, later scholar of the Kāshif al-Ghiṭāʾ family (see Ṭihrānī, *Dharīᶜa*, 24:369-70). On page 253 (n. 36), the author criticizes a title that reads *al-Muhadhdhab al-bāriᶜ fī sharᶜ mukhtasar al-sharāʾiᶜ* by saying that "this seems to be erroneous, for Muhaqqiq has not left us an abridgment of his *Sharāʾiᶜ*; but he has a work entitled *al-Mukhtasar al-nāfiᶜ*." This latter is in fact an abridgment of the *Sharāʾiᶜ*, as Muhaqqiq himself explicitly states in the introduction to his *Muᶜtabar: hattā ittafaqa lanā ikhtisār kitāb al-sharāʾiᶜ bi 'l-mukhtasar al-nāfiᶜ*. This mistake could have been avoided by a glance at Tihrānī's *Dharīᶜa*, 6:193, 14:57, or 20:213. On page 267 (n. 76), the *Īdāh* is attributed to Ibn Fahd al-Hillī; it is actually by Fakhr al-Dīn, the son of ᶜAllāma. On page 273, *Bulghat al-faqīh* is attributed to Muhammad Mahdī Bahr al-ᶜUlūm (d. 1212/1797); it is by a different person from a much later period. The author also says that Ansārī's *Farāʾid al-usūl* is known as *al-Rasāʾil al-arbaᶜa* (p. 273); rather, it has always been known simply as *al-Rasāʾil*.

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 ᶜĀmilī's *Wasāʾil* (p. 273), instead of Tehran (the Beirut edition appeared later). More interesting is the date of publication of Khwānsārī's *Mashāriq 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 Majlisī's one-hundred-plus-volume *Biḥār al-anwār* (p. 275) whose Tehran edition started in 1376/1956 and took some twenty years to complete, and "Tehran, 1392/1972" for Najafī'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 Khuʾī's 23-volume *Muᶜjam*, Ḥakīm's 14-volume *Mustamsak*, Ṭūsī's 10-volume *Tahdhīb* and 8-volume *Mabsūṭ*, Khwānsārī's 8-volume *Rawḍāt*, Aghā Buzurg al-Ṭihrānī's 25- (not 20-) volume *Dharīᶜa*, Shahīd II's 10- (not 8-) volume Najaf edition of *Rawḍa*, Bahr al-ᶜUlūm's 4- (not 3-) volume *Rijāl*, 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 Muḥammad b. Makkī; ᶜAbd al-Jabbār al-Qazwīnī (p. 259, n. 66), instead of ᶜAbd al-Jalīl; Abū al-Majd al-Ḥalabī (p. 274), instead of Ibn Abī 'l-Majd; Mashhad al-saqt (p. 13), instead of Mashhad al-siqṭ; al-*Muᶜjaz* (p. 13), instead of al-*Mūjaz*; Sīwurī (pp. 17 and 174), instead of Suyūrī; Jabaᶜī (p. 19), instead of Jubaᶜī; Jumayl (pp. 45, 155), instead of Jamīl or Jumayyil; Fadāl (p. 52), instead of Faḍḍāl; Abū Rāfiᶜ al-Quṭbī (p. 63), instead of al-Qibṭī; Maᶜd (p. 87), instead of Maᶜadd; Bizantī (pp. 154 and 155), instead of Bazanṭī; Mughayra (p. 155), instead of Mughīra; al-Sābirī (pp. 155, 255), instead of al-Saburī; and al-Shuᶜbī (p. 205), instead of al-Shaᶜbī.

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 ᶜAlī b. Yaqtīn's date of death, which is given as 182/789–90 (p. 54), the date of publication of Khumaynī's *K. al-Bayᶜ* as 1387/1962 and of his *Makāsib* as 1386/1961 (p. 274), of Sharīf al-Murtaḍā'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-Faḍāl (p. 52), instead of Faḍḍāl; al-ᶜAqīl (p. 71), instead of ᶜAqīl; Abū Salāh (pp. 12, 143, 146, 206, 274), instead of Abu 'l-Ṣalāḥ; *wilāyat al-takwīnī* (pp. 97, 249), instead of *al-wilāya al-takwīniyya* or simply *wilāya takwīniyya*; *quwwa ᶜilmī* and *quwwa ᶜamalī* (p. 162), instead of *quwwa ᶜilmiyya* and *quwwa ᶜamaliyya*; Muḥammad b. Abū ᶜUmayr (p. 155), instead of Abī ᶜUmayr; Muḥammad b. Abū Naṣr (p. 155), instead of Abī Naṣr; *al-mutawallā ᶜalayh* (p. 174), instead of *al-muwallā ᶜalayh*; *Fawāʾid al-madaniyya* (p. 252), instead of *al-Fawāʾid al-madaniyya*; *ᶜUrwat al-wuthqā* (p. 254), instead of *al-ᶜUrwa al-wuthqā*; *nahj al-hadīth* (p. 254), instead of *al-nahj al-ḥadīth*; *usūl al-ᶜāmma* (p. 267), instead of *al-uṣūl al-ᶜāmma*; *al-rijāl al-hadīth* (pp. 254, 256, 274), instead of *rijāl al-ḥadīth*; *sharīᶜat al-ghurra* (p. 274), instead of *al-sharīᶜa al-gharrāʾ*; *mukhtasar al-nāfiᶜ* (p. 274), instead of *al-Mukhtaṣar al-nāfiᶜ*; *Sharh al-irshād al-ᶜallāma* (p. 273), instead of *Sharḥ irshād al-ᶜallāma*; *Sahīfa al-kāmila* (p. 250), instead of *al-Ṣaḥīfa al-kāmila*; *masāʾil al-sharᶜiyya* (p. 250), instead of *al-masāʾil al-sharᶜiyya* (but the correct phrase is *ilā taḥṣīl masāʾil al-sharīᶜa*); *Tafsīr al-kabīr* (p. 276), instead of *al-Tafsīr al-kabīr*; and *Tabaqāt al-kabīr* (p. 274), instead of *al-Ṭabaqāt al-kubrā* or *Kitāb al-ṭabaqāt 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 Shīᶜī, Imāmī, Sunnī, Fathī, Wāqifī, etc., are used, as are Shiᶜite, Imamite, Sunnite, Fathite, Wāqifite, or else al-Shāfiᶜī, al-Hanafī, al-Mālikī 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 *fuqahāʾ* has been translated as "*mujtahid*s," 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 *ijtihād*. After all, the Shiᶜite *fuqahāʾ* of the period of Minor Occultation, which is the subject of discussion in that passage, would never call themselves *mujtahid*s, as was explained before.

There are numerous instances of factual inconsistencies 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; Mufīd 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-Jawāmiᶜ 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-ᶜIjlī on pages 40 and 50, but Yazīd al-ᶜIjlī on page 155; Sammarī on page 68, but Samarrī on page 258. It was noted above that Shaykh Abū ᶜAlī 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 Shiᶜism 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 Shiᶜism 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.