

Early Development of Shi'a Theology and Law

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April 24, 2005

As long as the Prophet (pbuh) was alive, the Muslims would just go to him and ask any questions they had regarding prayers or any of their worldly matters. That eventually gave rise to the body of *hadith*, which took nearly four hundred years to collect and to be compiled. Even though the majority of the *hadith* had been compiled by the end of the fourth century AH, some more collection and compilation went on for another three hundred years. That was because the later *muhadditheen* felt that some of the most authentic reports were left out of the early collections. The prime example of those is the *hadith* that are found for example in Haakim's al-Mustadrak and they are not to be found in Bukhari, Muslim and even in Tirmizi.

A Summary And An Introduction To Basic Principles Of Faith



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While that work was going on, there was another movement in effect. That was the discussion on the method of collection. Most Muslim scholars were driven by the facts of history, mainly the fact as to who actually ruled the Muslim state. That had naturally drawn the scholars towards the companions (*sahaba*) and later the followers (*tabi'oon*) of the companions of the Prophet. The family of the Prophet was sidetracked very early on from the actual governing machine. In spite of that, the members of the Prophet's family carried a lot of respect in the community. There was a thinking that some members of the family of the Prophet were the actual heirs of the Prophet's legacy, both in a worldly sense, as well as a spiritual one. This was based on Qur'anic verses and the Prophet's own statements.

As time passed, the importance of the family of the Prophet was reduced. However, that thinking continued, albeit among a minority of Muslims. It was that split in the intellectual, political, and spiritual thinking in the community that gave rise to the two main sects in Islam, the Sunni and the Shi'a.

The Sunni thinking upheld the right of the community to decide matters of spiritual as well as political dimensions by *shura* ('consultation'), the Shi'a, on the other hand, upheld the right of the *Ahlul-Bayt* to rule on all matters spiritual as well as political.

Two Different Methodologies

While the Sunni majority had differing opinions over time and many scholars emerged who published their works, the main thinking stayed with the basic methodology, that is, the community had the right to decide matters by *shura*. That gave rise to four major schools of law over a period of a century: Hanafi, Maliki, Shafi'i, and Hanbali. The first among them, namely Abu Haneefa, died in 150 AH, while the last of them, Ahmad b. Hanbal died in 241 AH.

In parallel with that, the discussion on theology was also going on. Many different schools emerged in Sunni Islam which argued about the basic faith (other than the law for practice). The two main branches emerged as the Orthodox and the Rationalist. The Orthodox school was identified with Al-Ash'ari. The Rationalist school was identified with the Mu'tazila.

There are differences between the four schools of Sunni law and the two schools of Sunni theology.

Very similar to those forces, there were forces running in the Shi'a community. However, as long as the twelve Imams lived, there was hardly any room for disagreement on the practice of law or the discussion of theology. All questions were invariably answered by the Imam of the time. Even if the Imam was living in difficult circumstances (like the fourth Imam after Karbala, the seventh Imam, and the eleventh Imam), there was always the opportunity for their followers to communicate with them. However, the Imams would encourage their disciples to engage in theological debate and watch over them. That practice has been specially identified with the fifth and the sixth Imams.

The Eleventh Imam was martyred in Samarra, Iraq, in the year 260 AH. It was soon after that the twelfth Imam went into his minor occultation. During the following 70 years,

the Imam kept in contact through one of the four *nawwab* (Uthman bin Sa'eed Umaari, his son Muhammad bin Uthman, Husayn bin Rawh Nawbakhti and Ali bin Muhammad Simmaari). After the death of the last *na'ib* (Simmaari, who died in 329), the community went through a crisis. That period has been well documented and a description of how the community leaders were able to emerge with a viable system to lead the Shi'a has been given by professor Hossein Mudarresi Tabatabai in his excellent work entitled *Crisis And Consolidation*, published by Darwin Press, Princeton, 1993.

The important thing to note is that the year 329 AH, which is the beginning of the major occultation of the twelfth Imam, is also the year of the death of the famous compiler of Shi'a hadith known as Al-Kafi. That means that Al-Kafi had already been compiled before the major occultation began. In fact, reports tell us that the book was actually named as Al-Kafi by the twelfth Imam himself. Some other books of hadith had also been compiled and their copies were kept by some of the Shi'a leaders before the Al-Kafi of Kulayni came to be widely known.

The Importance of Ijtihad

Now that the direct communication with the living Imam had stopped, there was a need to establish a new system of arriving at new and hitherto unknown problems in the community. That is the beginning of the institution of *ijtihad* in the Shi'a community.

As we said, the year of the beginning of the major occultation (ghaibat-el-kubra) is 329 AH. Two great Shi'a scholars passed away in that year: Muhammad bin Yaqoub Kulayni, as we said earlier, who is the author of the monumental work of hadith known as Al-Kafi, and Ali bin Babwayh Qummi (the father of Shaykh Sadooq). Their works are clear evidence that the 'ulema of that time were already working in earnest to collect religious literature attributed to the Imams for the benefit of the future generations.

Not only that, the actual work of collection of hadith for the purpose of documenting both *usool* and law had actually begun during the time of the Imams. The famous work known as *Usool Arba-Mi'a* (four hundred principles) had existed among the Shi'a scholars from the time of the fifth Imam. That in turn, was based on a document that is reported to

have been dictated by the Prophet of Islam to Imam Ali; and Imam Ali had written that down on paper (or whatever else was available as writing material).

Two other important works that were collected during the time of the minor occultation of the twelfth Imam are *Al-Mahaasin* of Ahmad bin Muhammad bin Khalid al-Barqi (d.280 AH), a collection of 2606 reports, and *Basa'ir ad-Darajaat* of Muhammad bin Hasan al-Saffaar (d. 290 AH), a collection of 1881 reports.

While the *Usool Arba-Mi'a* is a collection of the utterances of the Imams written verbatim and taken as dictation by their closest disciples, the two books mentioned above are basically collections of Imams' hadith with the relevant chain of narrators and transmitters.

In addition to that, we have to keep the fact in view that al-Barqi is known to have been a companion of both the ninth as well as the tenth Imams; and al-Saffaar is known to be a companion of the eleventh Imam. That means both of those scholars had the opportunity to hear the hadith of the Imams first hand, from the Imams themselves. Kulayni, obviously, did not have that opportunity. That is very obvious from their respective works. Both al-Barqi and al-Saffaar have compiled their books without any notes or introduction. In their view it was just important to preserve the utterances of the *masoomeen*. (Kulayni has taken reports from both of them.)

Kulayni, on the other hand, has written a detailed introduction in his *al-Kafi*. We can gauge the political, religious and intellectual condition of the community from Kulayni's introduction. Apparently, he wrote the book after he received a request from a friend who complained that there was a great degree of discord in the community about the conflict in the Imams' traditions. In reply, Kulayni produced his work and also wrote to that friend. From his introduction, it becomes obvious that the arguments between the Traditionalists and the Rationalists were in progress in the community. There were discussions also on the apparent contradictions in hadith reports. Kulayni collected all kinds of reports in his work. According to Andrew Newman, Kulayni did not consider it his job to sort out the apparent contradiction in some reports.

The first section in al-Kafi is *Kitab al-Ilm wal-Jahl*. This shows how important in Kulayni's view was the concept of reason, intelligence, or intellect in Islamic theology. However, when you read his work closely, it appears that he repudiates the view of the Rationalists (أصولي) in juxtaposition to that of the Traditionalist (أخباري).

That is a clear indication that the discussion between the ideas of Rationalism and those of Traditionalism were underway in Kulayni's time. However, at this time, there were no such groups representing the two philosophies. Scholars had ideas which they would express from time to time. Mostly, scholars themselves debated within their own thinking between the two views. That is why we find both views in the works of scholars of the time as late as Mulla Baqir Majlisi.

The Rationalists became the "*Usoolies*" and the Tradionists came to be known as the "*Akhbaris*" in later times.

We can also reflect upon this phenomenon. In the time just after the Major Occultation of the twelfth Imam began, the intellectuals, community leaders, jurists and scholars became concerned that the utterances of the *masoomeen* which had become a very definite part of law-giving and theological writings, may be lost. So they set about preserving them in writing. They could not see one thousand years down the road, not even five hundred years. That was because the firm belief among the Shi'a was that the twelfth Imam will reappear sooner rather than later and will eventually fill this earth with justice and equity. In the meantime, it was incumbent on the faithful to stay on the right path. The place where the twelfth Imam had disappeared at age six in 260 AH was actually known to the faithful in Samarra, Iraq. There are reports that the Shi'a would assemble in the morning and wait at the mouth of the cave till dusk hoping that the *Qa'em* would rise on that day. This practice was found to be present among the Iraqi Shi'a for some three hundred years after the beginning of the Major Occultation. As time passed, generations went by, new generations came along and new reports were discovered as to how and when the *Qa'em* would re-appear, that practice died out.

Also, as time passed and times changed, the community faced new problems; the need for *ijtihad* was felt more and more. The Rationalist had always pressed for that anyway. The

Mujtahids were working in earnest to find solutions to new problems. However, the Traditionalists view had not weakened to any considerable degree.

In the larger Sunni community, the debate between the Rationalists (the Mu'tazila) and the Traditionalists (i.e., the Ash'ari) had been opened up by Haroon ar-Rasheed during his reign. He himself favoured the Mu'tazila and declared himself to be one of them. Two famous Mu'tazila scholars are az-Zamakhshari, the author of the well-known *Tafseer al-Kashaf*, and Ibn Abil-Hadeed, the author of the monumental, 20 volume commentary on *Nahjul-Balagha*. Eventually, the Traditionalists won the day after a lot of debate, *takfeer* of the opponents, and some violence, ensued. It was that debate which had brought the issue of the creation of the holy Qur'an to fore. That is how the majority Sunni Muslims have been labeled as the Orthodox, because orthodoxy (traditionalism) prevailed in the community at the expense of rational thinking. There is definitely a concept of *ijtihad* among the Sunni Islam but it actually ends with the last of the four Imams of Fiqh, namely Ahmad bin Hanbal.

Modern Sunni thinking, though, is changing and there are forces which would want to open up the working of *ijtihad* once again. Leaders like Ibn Taymiyyah, Muhammad Abduhu and Muhammad Abdul Wahhab have actually done that already by their respective works.

In the Shi'a community things went the other way. In the beginning, most scholars debated within their own mind between the two views. They sometimes expressed their views. Then the Traditionalist view prevailed and the situation remained so for nearly half a millennium.

The debate really heated up at the beginning of the 11th century due to the work of Mulla Muhammad Amin Astarabadi (died 1033 AH). The Rationalists (i.e., the usoolies) were able to win the debate for good towards the end of the 12th century AH. Today in the world the great majority of the Ithna 'Ashari Shi'a are usoolies. However, the work of *ijtihad* was active all the same during that period.

The famous Indian Shi'a scholar of Awadh named Syed Dildar Ali (better known as the Ghufrani Ma'ab) was an Akhbari in the beginning. When he traveled to Najaf he had debates there and was finally convinced by the 'ulema of Iraq of the usefulness as well as the

necessity of the *usooli* views. He converted to that view and remained so for the rest of his life. For details, see *A Socio-Intellectual History of the Isna Ash'ari Shi'a of India* by professor A.A. Rizvi, Canberra, 1986.

While the collection and compilation of the hadith was in progress and scholars were spending more time and effort on collecting the hadith reports, the work of *ijtihad* had also begun. That, obviously, brought in the practice of *taqlid*. People among the laity looked for more learned men than they themselves were for religious questions. The need for *taqlid* became obvious due to the Occultation of the Imam. In parallel with that, the collection of hadith continued all the same.

Soon after Kulayni, came the pious and learned scholars like Shaykh Sadooq (d. 381 AH) who worked on compiling the traditions relating to *usool* as well as law. His work *I'tiqadatu-l-Imamiyya* has listed the major aspects of the Shi'a belief. That book has been translated into English by A.A. Fayzee and published by WOFIS, Tehran. His major work is *Man La Yahdhrahu Al-Faqeeh*, which is one of the four major works of Shi'a hadith.

Then comes Shaykh Mufeed (d. 413 AH), a capable disciple of Sadooq. Mufeed is best known for his work known as *Kitab al-Irshad*. It consists of the biography of the twelve Imams, but the true significance of the book is in the fact that Mufeed has recorded those specific hadith reports which authenticate the Imamatus of each Imam. He must have felt the need for such a book in his times.

Now both Sadooq and Mufeed are collectors of hadith thus they can both be viewed as the upholders of the *Akhbari* view. There is a curious fact about the pair. Mufeed wrote a commentary on his teacher's work cited above. In that, albeit politely and with due respect, he has disagreed with his able teacher on many points. For example, Sadooq writes that *Lawh* and *Qalam* are the names of two angels. Mufeed disagrees with that view and records his reasons. That is a very clear indication that 'ulema of that early time were engaging in the practice of *ijtihad*.

Then there are the two brothers Syed Murtadha (d. 436 AH) known as A'alam al-Huda and his younger brother Syed Radhi (d. 410 AH), the compiler of Nahjul-Balagha; both were taught by Shaykh Mufeed. There are some 72 known works which are attributed to Syed Al-Murtadha. One of them, *Az-Zari'a fi Usool ash-Shari'a*, is a book on *usool* al-Fiqh. The fact that *usool-e-fiqh* (the basic principles on which *ijtihad* is conducted) were being studied seriously and in detail, is an indication that the science of *ijtihad* had taken definite shape by his time.

Shaykh Abu Ja'far Toosi (d. 460 AH), who is the author of the other two major books of Shi'a hadith, namely *Al-Istibsar* and *Tahzeeb*, is also the founder of the school of jurisprudence at Najaf. At that time the teaching, learning and recognition of the *mujtahid* had become a very valid, tangible and well-known process. Najaf became an open university where students would come from all over the world and meet their peers and then go back after having studied with the best of them, disseminating the knowledge they had thus acquired. That is yet another indication of how intense the activity of *ijtihad* and *taqlid* had become by that time. That process has continued in many famous names to our times, like:

1. Ibn Shahr Ashoob (d. 588 AH), compiler of the biographies of the Imams
2. Ibn Tawoos (d. 664 AH), collector of supplications and prayers of the Imams
3. Sh. Abul Qasim J'afar bin Hasan the Muhaqqiq al-Hilli (d. 676 AH)
4. Sh. Hasan bin Yusuf Allama al-Hilli (d. 726 AH)
5. Shaheed al-Awwal Shamsudeen Muhammad bin Makki (d. 786 AH)
6. Zayn-ud-Deen Ali bin Ahmad Shaheed at-Thani (d. 966 AH)
7. Muqaddas Ardbeli (d. 993 AH)
8. Muhammad Baqir Majlisi (d. 1111 AH) the compiler of the monumental collection of hadith known as Bihar-ul-Anwaar (102 volumes). Majlisi gets the credit of collecting the Ziyarat of all the Imams and giving them wide currency.

The institution of *taqlid* and *ijtihad* owes a lot to the work of Mulla Sadra (Sadrud-Deen Shirazi, d. 1050 AH), who actually was a philosopher in Islamic sciences.

The title of *Ayatullah* and *Ayatullah al-Uzma* for the great *mujtahid* had not come into use until about early 1200's AH. A contemporary Iranian scholar named Aqeeqi Bakhsha'ishi

has compiled a book titled *Fuqh'ai Namdar-e-Shi'a*. This is a compilation of the biographies of the great Shi'a jurisconsults. He begins the list with Ali bin Babwayh Qummi (father of Sheikh Sadooq) and goes up to the *'ulema* of our own time. The first name to which the title of Ayatullah is appended is that of Syed Muhammad Mahdi Bahr-ul-Uloom who died in 1212 AH

Until the middle of the 13th century AH/19th century AD there would be only one great *mujtahid* at a time who would be known as the *Marja-e-Khalaiq* and would be known as the Ayatullah. Beginning with the 1960's more than one Mujtahids were recognized as the Marj'a (the place of return, meaning grand mujtahid), like Ayatullah Abul Hasan al-Isfahani (d.1365/1946), Ayatullah Brujardi (d. 1381/1962), Ayatullah Muhsin al-Hakeem (d.1390 AH/1970 A.D.), Ayatullahs Khui, Khomayni and Shariatmadar, Gulpaigaani and Shirazi, etc., who had lived and had taught mainly in the second half of the last century.

Citations

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