

Part 7: The Intellectual Legacy of the Shi'ah

Lesson 24: The Intellectual Legacy of the Shi'ah

The importance of writing and compilation in the sacred laws of Islam is proverbial to all and sundry. For, one of the most significant ways of transferring knowledge and learning is through writing. The Arab society, prior to the advent of Islam had acquired the least benefit from this blessing, and only very few were able to read and write.^{[1](#)}

But the need to record and put into writing the verses of the Qur'an for learning and teaching were only felt immediately after the Prophetic mission and the receipt of revelations. As Ibn Hisham has narrated:

Before 'Umar ibn al-Khattab became Muslim, his sister, Fatimah bint al-Khattab and her husband Sa'id ibn Zayd had become Muslims and covertly and away from the attention of 'Umar, Khabbab ibn Irt was teaching them *Surah Ta Ha* on a writing parchment which was called *sahifah*.^{[2](#)}

In Medina, the Noble Messenger (S) had selected a group of Muslims who were able to put into writing the divine revelation. The Commander of the Faithful 'Ali ('a), in addition to being the regular scribe of the revelation, the Holy Prophet (S) constantly explained to him the definitive verses {*muhkamat*} and allegorical verses {*mutashabihat*}^{[3](#)} as well as the abrogator {*nasukh*} and abrogated {*mansukh*} verses.

'Ali ('a) had also written a book entitled, "*Sahifah al-Jami'ah*" as dictated by the Messenger of Allah (S), which encompassed the lawful {*halal*} and the unlawful {*haram*}, obligatory {*wajib*} and recommended {*mustahab*} acts, as well as laws and that which the people need in this world and in their life in the hereafter.^{[4](#)} Two other books—one entitled "*Sahifah*" about penalties {*diyyat*} and another book entitled "*Fara'idh*"—have also been attributed to the Imam.^{[5](#)}

Other companions of the Holy Prophet (S) also compiled collections of his sayings and traditions, which they called "*sahifah*". Abu Hurayrah has been narrated by Bukhari to have said:

Of all the companions of the Prophet, I have the most number of narrating the Prophet's *hadiths* with the exception of 'Abd Allah ibn 'Amru because he used to write whatever he would hear from the Prophet while I was not writing them.^{[6](#)}

After the demise of the Prophet (S), however, the second caliph 'Umar ibn al-Khattab prohibited the writing of *hadith*.^{[7](#)} This state of affairs persisted until such time that 'Umar ibn 'Abd al-'Aziz during the latter part of the first century AH annulled this prohibition and he wrote to Abu Bakr ibn Hazm to record in writing the *hadiths* of the Messenger of Allah (S).^{[8](#)}

This task was not realized until the end of the first half of the second century AH because according to Ghazzali, the first writers of books on *hadith* among the Ahl as-Sunnah were Ibn Jarih, Mu'ammār ibn Rashid, Malik ibn Anas, and Sufyan ath-Thawri^{[9](#)} who were related to the second half of the second century AH and the years of their demise were 150, 152, 179, and 161 AH respectively.

Yet, this process was never suspended among the Shi'ah, and great Shi'ah among the companions of the Prophet (S) such as Salman al-Farsi, Abu Dharr al-Ghiffari and Abu Rafi' al-Qibti made the pioneering steps in the field of writing and composition. Ibn Shahr Ashub says,

Ghazzali believes that the first book written in the Muslim world is the book of Ibn Jarih on the works and types of exegeses {*tafasir*} narrated from Mujahid and 'Ata' in Mecca. Next to his book is the book of Mu'ammār ibn Rashid San'ani in Yemen; then, the book *Muwatta'* of Malik ibn Anas in Medina; followed by the book *Jami'ah* of Sufyan ath-Thawri. This is not correct, however, for the first book in the Muslim world is written by the Commander of the Faithful ('a) who compiled the Qur'an. Next to him, Salman al-Farsi, Abu Dharr al-Ghiffari, Asbagh ibn Nubatah, and 'Abd Allah ibn Abi Rafi' had also made steps in writing and composition. And after them, Imam Zayn al-'Abidin ('a) composed the *Sahifah al-Kamilah*.^{[10](#)}

Ibn Nadim also regard the first account of writing among the Shi'ah as related to the first century AH.^{[11](#)} In view of the Shi'ah's lead in writing, composition and compiling the Prophetic works, Dhahabi in describing the status of Aban ibn Taghlib thus says: "If the reliability of persons such as Aban is not accepted because of his inclination to Shi'ism, so many of the Prophetic works and *hadiths* will perish."^{[12](#)}

As such, the jurists and *hadith* scholars {*muhaddithun*} of the Ahl as-Sunnah, particularly the founders of the four schools of thought {*madhahib*}, in addition to utilizing intermediaries to Imam as-Sadiq ('a), had also learned from the Shi'ah *muhaddithun* and received *hadiths* from them.^{[13](#)}

Meanwhile, regarding the number of books written by Shi'ah during the first three centuries AH, the author of *Wasa'il ash-Shi'ah* has said:

"The scholars and *muhaddithun* during the period of the pure Imams ('a), from the time of the Commander of the Faithful ('a) up to the time of Imam Hasan al-'Askari ('a), have written six thousand and six hundred books."^{[14](#)}

The Shi'ah during those periods made remarkable accomplishments in the various fields of knowledge of the day such as literature, lexicography, poetry, sciences of the Qur'an {*ulum al-qur'an*}, exegesis {*tafsir*}, *hadith*, principles of jurisprudence {*usul al-fiqh*}, scholastic theology {*ilm al-kalam* or simply *kalam*}, history, life conduct of the Prophet (S) {*sirah*}, *rijal*, and ethics.

They have made many writings and literary works while leading in most fields. Abu'l-Aswad Daw'ili, a Shi'ah poet, was the founder of the science of Arabic syntax {*nahw*}.¹⁵ He was the first to put the dots in the copies of the Qur'an.¹⁶ The first book on lexicography among the Muslims is *Kitab al-Ayn* written by Khalil ibn Ahmad¹⁷ who has been one of the Shi'ah scholars.¹⁸

In the field of the life conduct {*sirah*} and battles {*maghazi*} of the Prophet (S), the first book was written by Ibn Ishaq who, according to Ibn Hajr, was a Shi'ah.¹⁹

After undertaking this cursory glance, we shall now explain a bit about the sciences of *hadith*, jurisprudence and scholastic theology that the Shi'ah school has a particular disposition, keeping into account its fundamentals and principles in these fields.

Hadith

Next to the Qur'an, the *hadith* or the *sunnah* which is the second source of Islamic jurisprudence, means the saying, action and tacit approval of the Infallibles ('a). The Ahl as-Sunnah confine the *hadith* to only the saying, action and tacit approval of the Prophet (S). The Shi'ah, however, regard the saying, action and tacit approval of the infallible Imams ('a) as proof {*hujjah*} and part of the corpus of *hadith*.²⁰

Now, we shall survey the works on *hadith* during the period of the presence of the Imams ('a) in four categories, which consist of four phases:

First Category

Based on the opinion of Najashi, the first category of the Shi'ah *hadith* recorders were Abu Rafi' al-Qibti, 'Ali ibn Abi Rafi', Rabi'ah ibn Sumi', Sulaym ibn Qays Hilali, Asbagh ibn Nabatah Majashi'i, and 'Abd Allah ibn Hurr Ju'fi.²¹ They were among the companions of the Commander of the Faithful, Imam al-Hasan and Imam al-Husayn ('a).

Second Category

According to some scholars, there were twelve persons who had written books and treatises among the companions of Imam as-Sajjad and Imam al-Baqir ('a).²² One may mention Aban ibn Taghlib among them. He occupied a special station in the eyes of the pure Imams ('a) so much so that Imam al-Baqir ('a) said to him: "In the mosque of Medina you give religious edicts {*fatawa*} to the people as I want individuals like you to be seen among my Shi'ah."²³

Najashi says, “Aban ibn Taghlib, may Allah be pleased with him, was one of the forerunners in the various fields of knowledge such as the Qur’an, jurisprudence, *hadith*, literature, lexicography, and syntax.” Aban has written about these fields such as his *Tafsir*, *Gharib al-Qur’an* and *Kitab al-Fadha’il*.[24](#)

The same is true regarding Abu Hamzah ath-Thumali about whom Imam as-Sadiq (‘a) has said: “Abu Hamzah was like Salman (al-Farsi) of my time.”[25](#) Among his books and treatises are *Kitab an-Nawadir*, *Kitab az-Zuhd* and *Tafsir al-Qur’an*.[26](#)

Third Category

The time of Imam as-Sadiq (‘a) was a period of scientific progress and advancement in the Muslim society while the Shi’ah had enjoyed relative freedom. According to Shaykh al-Mufid, the number of students of Imam as-Sadiq (‘a) was approximately four thousands.[27](#)

Hasan ibn ‘Ali Washa’, a companion of Imam ar-Ridha (‘a) says that he has seen nine hundred people in Masjid Kufah who have all been narrating *hadiths* from Imam as-Sadiq (‘a).[28](#) So, out of the Imam’s replies to the questions posed to him, four hundred books have been written[29](#) all of which have been known as *Al-Asl* {The Principle or Essence}.

There have also been other books, apart from the ones mentioned, in various fields and sciences written by the companions and students of Imam as-Sadiq (‘a).

Fourth Category

During this period which was after the time of Imam as-Sadiq (‘a), many books on *hadith* have been written. For example, Husayn ibn Sa’id al-Kufi, a companion of Imam ar-Ridha (‘a), has written thirty books on *hadith*.[30](#)

Muhammad ibn Abi ‘Umayr, another companion of Imam ar-Ridha (‘a), has written ninety four books while Safwan ibn Bajli, a companion of both Imam ar-Ridha and Imam al-Jawad (‘a), have authored thirty books most of which have the titular appellation of *Jami’* {collection, compendium or anthology}. The latter compilers of *hadith* such as Thiqat al-Islam al-Kulayni, Shaykh as-Saduq and Shaykh at-Tusi have benefited from those books in writing their own collections.

Lesson 24: Summary

The importance of writing in the sacred laws of Islam is proverbial to all and sundry. With the receipt of the divine revelation, the need for recording it in writing was felt, and a number of scribes of the revelation were known.

The Commander of the Faithful (‘a) and a number of other companions of the Prophet (S) had compiled some collections of the *hadiths* of the Prophet (S) which were known together as *Sahifah*.

Among the Ahl as-Sunnah, the first books on *hadith* have been related to the second half of the second century AH because the second caliph ‘Umar ibn al-Khattab had prohibited the writing of *hadith*. This prohibition among the Shi‘ah, however, did not prevail, and the first writers among the companions of the Prophet (S) were Salman al-Farsi, Abu Dharr al-Ghiffari and Abu Rafi‘ al-Qibti.

Shi‘ah up to the time of Imam Hasan al-‘Askari (‘a) had written six thousand and six hundred books.

We shall survey the works on *hadith* written by the Shi‘ah during the whole period of the presence of the pure Imams (‘a) in four categories that consist of four phases.

First category: Companions of the Commander of the Faithful, Imam al-Hasan and Imam al-Husayn (‘a).

Second category: Companions of Imam as-Sajjad and Imam al-Baqir (‘a).

Third category: Companions of Imam as-Sadiq (‘a).

Fourth category: Companions of Imam al-Kazim, Imam ar-Ridha, Imam al-Jawad, Imam al-Hadi, and Imam Hasan al-‘Askari (‘a).

Lesson 24: Questions

1. How was the writing of the Qur’an during the time of the Prophet (S)?
2. Were the companions of the Prophet (S) keeping written records of his *hadiths*?
3. Which period were the first writers of the books on *hadith* among the Ahl as-Sunnah related to?
4. Who were the pioneers in writing among the Shi‘ah?
5. What is the number of the books written by the Shi‘ah up to the time of Imam Hasan al-‘Askari (‘a)?
6. The first category of the Shi‘ah scholars of *hadith* {*muhaddithun*} was the companions of which of the infallible Imams (‘a)?
7. How was the writing of *hadith* during the time of Imam as-Sadiq (‘a)?
8. The books on *hadith* collectively known as *Jami‘* {collection, compendium or anthology} were related to which period?

1. ‘Abd ar-Rahman ibn Muhammad ibn al-Khaldun, *Al-Muqaddimah* (Beirut: Dar Ihya’ at-Turath al-‘Arabi, 1408 AH), p. 417.

- [2.](#) Abu Muhammad ‘Abd al-Malik ibn Hisham, *As-Sirah an-Nabawiyah* (Beirut: Dar al-Ma‘rifah, n.d.), vol. 1, p. 344.
- [3.](#) Surah Al ‘Imran 3:7: “It is He who has sent down to you the Book. Parts of it are definitive verses, which are the mother of the Book, while others are metaphorical.”
- [4.](#) Abu’l-‘Abbas Ahmad ibn ‘Ali ibn Ahmad ibn al-‘Abbas Najashi, *Fihrist Asma’ Musanfa ash-Shi‘ah* (Rijal Najashi) (Qum: Islamic Publications Office affiliated to the Society of Teachers of the Islamic Seminary in Qum, 1407 AH), p. 360; Abi ‘Ali al-Fadhl ibn al-Hasan Tabarsi, *l’lam al-Wara bi A’lam al-Huda* (Qum: Mu’assasah Al al-Bayt Li Ihya’ at-Turath, 1417 AH), vol. 1, p. 536.
- [5.](#) Shaykh at-Tusi, *Tahdhib al-Ahkam* (n.p: Maktabah as-Saduq, 1376 AHS/1418 AH), vol. 1, pp. 338, 342.
- [6.](#) *Sahih al-Bukhari* (Beirut: Dar al-Fikr Li’t-Taba’ah wa’n-Nashr wa’t-Tawzi’, n.d.), vol. 1, p. 36.
- [7.](#) Asad Haydar, *Al-Imam as-Sadiq wa’l-Madhab al-Arba’ah*, 2nd edition (Beirut: Dar al-Kutub al-‘Arabiyyah, 1390 AH), vol. 1, p. 544.
- [8.](#) *Sahih al-Bukhari*, vol. 1, p. 36.
- [9.](#) Ibn Shahr Ashub Mazandarani, *Ma‘alim al-‘Ulama’* (Najaf: Manshurat al-Matba’ah al-Haydariyyah, 1380 AH), p. 2.
- [10.](#) *Ibid.*
- [11.](#) Ibn Nadim. *Al-Fihrist* (Beirut: Dar al-Ma‘rifah Li’t-Taba’ah wa’n-Nashr, n.d.), p. 307.
- [12.](#) Shams ad-Din Muhammad ibn Ahmad Dhahabi, *Mizan al-I’tidal* (Beirut: Dar al-Fikr Li’t-Taba’ah wa’n-Nashr wa’t-Tawzi’, n.d.), vol. 1, p. 4.
- [13.](#) ‘Abd al-Hamid ibn Abi’l-Hadid, *Sharh Nahj al-Balaghah*, researched by Muhammad Abu’l-Fadhl Ibrahim (Beirut: Dar Ihya’ at-Turath al-‘Arabi, 1378 AH), vol. 1, p. 18.
- [14.](#) Muhammad ibn al-Hasan al-Hurr al-‘Amili, *Wasa’il ash-Shi‘ah*, 6th edition (Tehran: Maktabah al-Islamiyyah, 1403 AH), vol. 20, p. 49.
- [15.](#) *Al-Fihrist*, p. 61.
- [16.](#) Bastani, *Da’irah al-Ma‘arif* (Beirut: Dar al-Ma‘rifah, n.d.), vol. 1, p. 788.
- [17.](#) *Al-Fihrist*, p. 63.
- [18.](#) Muhammad ibn ‘Ali Ardebili al-Gharawi al-Ha’iri, *Jami’ ar-Ruwah* (Qum: Manshurat Maktabah Ayatullah al-‘Uzma al-Mar’ashi an-Najafi, 1403 AH), vol. 1, p. 298.
- [19.](#) Shahab ad-Din ibn ‘Ali ibn Hajar al-‘Asqalani, *Tahrir Taqrib at-Tahdhib*, 1st edition (Beirut: Mu’assasah ar-Risalah, 1417 AH/1997), vol. 3, pp. 211–212.
- [20.](#) Shaykh Zayn ad-Din Shahid ath-Thani, *Dhikra ash-Shi‘ah fi Ahkam ash-Shari‘ah*, lithography, p. 4; *Ar-Ri’ayah fi ‘Ilm ad-Dirayah*, 1st edition (Qum: Manshurat Maktabah Ayatullah al-‘Uzma al-Mar’ashi an-Najafi, 1408 AH), pp. 50, 52.
- [21.](#) *Fihrist Asma’ Musanfa ash-Shi‘ah* (Rijal Najashi), pp. 4–9.
- [22.](#) These twelve persons were Bard al-Askaf, Thabit ibn Abi Safiyyah Abu Hamzah ath-Thumali, Thabit ibn Hormuz, Bassam ibn ‘Abd Allah Sayrafi, Muhammad ibn Qays Bajli, Hujr ibn Za’idah Hadhrami, Zakariyya ibn ‘Abd Allah Fiyadh, Abu Juham al-Kufi, Husayn ibn Thawir, ‘Abd al-Mu’min ibn Qasim al-Ansari, ‘Abd al-Ghaffar ibn Qasim al-Ansari, and Aban ibn Taghlib. See ‘Abd ar-Rahim Rabbani Shirazi, *Muqaddamah Wasa’il ash-Shi‘ah*, 6th edition (Tehran: Maktabah Islamiyyah, 1403 AH), p. ٥.
- [23.](#) *Fihrist Asma’ Musanfa ash-Shi‘ah* (Rijal Najashi), p. 10.
- [24.](#) *Ibid.*, p. 11.
- [25.](#) *Ibid.*, p. 115.
- [26.](#) *Ma‘alim al-‘Ulama’*, p. 30.
- [27.](#) Shaykh al-Mufid, *Al-Irshad*, trans. Muhammad Baqir Sa’idi Khurasani, 2nd edition (Tehran: Kitabfurushi-ye Islamiyyeh, 1376 AHS), p. 525.
- [28.](#) *Fihrist Asma’ Musanfa ash-Shi‘ah* (Rijal Najashi), pp. 39–40.
- [29.](#) Abi ‘Ali al-Fadhl ibn al-Hasan Tabarsi, *l’lam al-Wara bi A’lam al-Huda* (Qum: Mu’assasah Al al-Bayt Li Ihya’ at-Turath, 1417 AH), vol. 1, p. 535.
- [30.](#) *Ma‘alim al-‘Ulama’*, p. 40.

Lesson 25: The Science of Jurisprudence

The totality of man's actions, which is his relationship with God and fellow men, is in need of rules that embrace the science of jurisprudence. The laws of Islam have a divine origin emanating from the will of God. Of course, the will of God is never dependent upon contract and consent. It is rather based on intrinsic and true felicity and adversity. The Noble Messenger (S) is the messenger of God and his decree is the decree of God:

﴿وَمَا يَنْطِقُ عَنِ الْهَوَىٰ ۖ إِنْ هُوَ إِلَّا وَحْيٌ يُوحَىٰ﴾

“Nor doth he speak of (his own) desire. It is naught save an inspiration that is inspired.”¹

And it is based on the verse, ***“Obey Allah and obey the Apostle and those vested with authority among you”²*** that obedience to ‘those vested with authority’ {*uli’l-amr*}—the true successors of the Prophet (S)—has been placed along with obedience to God and the Messenger (S). The statements of the infallible Imams (‘a) are nothing but an inspiration from God, and like the statements of the Prophet (S), obedience to them is obligatory.

The State of Jurisprudence during the Period of the Companions and the Followers {*tabi’un*}

But after the demise of the Prophet (S) when the true path of Islam was changed and people were kept away from the rightful successors of the Prophet (S), they refer to the companions {*sahabah*} of the Prophet (S) concerning religious issues and problems. Of course, a number of the *sahabah* were forerunners in this matter. As Ibn Sa’d says, during the caliphate of Abu Bakr, ‘Umar, ‘Uthman, ‘Ali, ‘Abd ar-Rahman ibn ‘Awf, Mu’adh ibn Jabal, Ubayy ibn Ka’b, and Zayd ibn Thabit issued religious edicts {*fatawa*}.³

The pure Imams (‘a) and a number of the Shi’ah among the *sahabah* such as ‘Abd Allah ibn al-‘Abbas and Abu Sa’id al-Khudri were also recognized generally by the Ahl as-Sunnah as jurists and well-informed of the laws of Islam, and were referred by them.⁴

Of course, during that period, the Shi’ah used to refer to the infallible Imams (‘a) and leaders of the *Ahl al-Bayt* (‘a) in matters of jurisprudence and Islamic teachings in general. So, jurisprudence and *ijtihad*⁵, as they are applied today, were not existent then. But after the end of the period of the *sahabah*, on account of the emergence of new issues in jurisprudence, a number of the Followers {*tabi’un*} (the generation succeeding the *sahabah*) had engaged in matters of jurisprudence {*fiqh*} and the term *faqih* {jurist or jurisprudent} was applied to them. Among them were the “seven jurists” of Medina.⁶

The State of Jurisprudence among the Shi'ah

The state of jurisprudence among the Shi'ah was different owing to the presence of the infallible Imams (‘a) and *ijtihad*, then discussed among the Ahl as-Sunnah, was not developed among the Shi'ah.

It can be said in general that the Shi'ah jurisprudence during the periods of the presence of the infallible Imams (‘a) up to the end of the minor occultation {*ghaybah as-sughra*} has been at the period of settlement and preparation for *ijtihad*.⁷ With the presence of the infallible Imams (‘a), keeping open the door of knowledge and accessibility of the textual sources, the need for *ijtihad*, which largely depends on intellectual bases, had not been much felt then.

Shi'ah jurisprudence on the basis of *ijtihad* was first founded by Ibn Abi ‘Aqil ‘Ummani (died in the first part of the fourth century AH), a contemporary of al-Kulayni. After him, Muhammad ibn Junayd Askafi (died mid-fourth century AH) continued his way and fortified the edifices of *ijtihad* and juristic deduction {*istinbat*}.

They are known as the “*Qadimayn*” {the two seniors}. Shaykh al-Mufid (died 413 AH) and Sayyid Murtadha ‘Alam al-Huda (died 436 AH) also followed the path of *ijtihad* until it was the turn of Shaykh at-Tusi (460 AH). The Shi'ah jurisprudence attained a glorious stage through this great man. Apart from writing reliable books on *hadith*, *At-Tahdhib* and *Al-Istibsar*, he also strived to collect books on jurisprudence and *ijtihad*, authoring such books on jurisprudence as *An-Nihayah*, *Mabsut* and *Khilaf*.

Of course, it does not mean that *ijtihad* and jurisprudence had never been discussed during the presence of the pure Imams (‘a). As a matter of fact, some people had no direct access to the pure Imams (‘a) due to location and peculiar conditions.

So, in this regard, the pure Imams (‘a) presented to the people the criteria by which to identify the jurists to whom they could refer in case of necessity, dealing in a sense with the preliminary *ijtihad* as well as answering the inquiries of people. For example, it is stated in the *Maqbulah* of ‘Umar ibn Hanzalah that he asked Imam as-Sadiq (‘a) about two persons from among the Shi'ah who were in conflict over religious issues such as liability and debt {*dayn*} and inheritance {*mirath*}.

The Imam said, “They have to look for a person who could narrate our *hadiths*, give opinion about what we declared lawful {*halal*} and unlawful {*haram*}, and know our decrees {*ahkam*} for I declare such a person as the judge and arbiter for you.”⁸

Sometimes also the pure Imams (‘a) would appoint certain persons to whom the Shi'ah refer in matters of jurisprudence and religious laws. For instance, according to Shaykh at-Tusi, ‘Ali ibn Musayyab said to Imam ar-Ridha (‘a): “There is a long way and I cannot come to you whenever I want. From whom should I ask about your religious decrees?”

The Imam replied: “{You may ask} from Zakariyya ibn Adam as he is trustworthy in {matters of} religion

and the world.”⁹ Similarly, Imam al-Baqir (‘a) commanded Aban ibn Taghlib to sit in the mosque and issue religious edicts {*fatawa*} for the people.¹⁰

The Beginning of Ijtihad

During the period of the pure Imams (‘a), they used to teach their students the principles of jurisprudence {*usul al-fiqh*} and the rules of deducing them. For this reason, books attributed to the infallible Imams (‘a) have been written by Shi‘ah scholars; for example, the book *Usul Al ar-Rasul* written by Hashim Khwansari; *Usul Asliyyah* authored by Sayyid ‘Abd Allah ibn Muhammad-Ridha Husayn; and the book *Fusul al-Muhimmah* on the principles of the Imams (‘a) penned by Muhammad ibn al-Hasan Hurr al-Amili.¹¹

In the books on *rijal*, some of the great companions of the pure Imams (‘a) have been described as jurists {*fuqaha*}. For example, Najashi thus says about Fadhl ibn Shadhan: “...He was one of our reliable companions among the jurists {*fuqaha*} and scholastic theologians {*mutakallimun*}.”¹²

The Jurists among the Companions of the Imams (‘a)

Shaykh at-Tusi has introduced eighteen persons from among the companions of Imam al-Baqir, Imam as-Sadiq, Imam al-Kazim, and Imam ar-Ridha (‘a) as the Imams’ jurist-companions, describing them as “jurists among the companions of Abu Ja‘far (‘a),” “jurists among the companions of Abu ‘Abd Allah (‘a),”),” and “jurists among the companions of Abu Ibrahim and Abu’l-Hasan ar-Ridha (‘a).”

In continuation, Shaykh at-Tusi has added that the Shi‘ah have consensus of opinion regarding the authenticity of their narrations and acknowledge their expertise in jurisprudence among the companions of the pure Imams (‘a). He then introduced them in three categories.

First category: The jurists among the companions of Imam al-Baqir (‘a) such as Zurarah known as Kharbud, Barid, Abu Basir Asadi, Fadhl ibn Yasar, and Muhammad ibn Muslim at-Ta’ifi, among whom Zurarah was the most learned. The six were also considered among the companions of Imam as-Sadiq (‘a).

Second category: The jurists among the companions of Imam as-Sadiq (‘a) such as Jamil ibn Darraj, ‘Abd Allah ibn Maskan, ‘Abd Allah ibn Bakir, Hammad ibn ‘Isa, and Hammad ibn ‘Uthman.

Third category: The jurists among the companions of Imam al-Kazim and Imam ar-Ridha (‘a) such as Yunus ibn ‘Abd ar-Rahman, Safwan ibn Yahya, Biya‘ as-Sabiri Muhammad ibn Abi ‘Umayr, ‘Abd Allah ibn al-Mughayrah, Hasan ibn Mahbub, and Ahmad ibn Muhammad ibn Abi Nasr.¹³

In the section about the reports {*akhbar*} of the Shi‘ah jurists and their written books, Ibn Nadim has also mentioned a number of the jurists among the companions of the pure Imams (‘a), saying: “They are sheikhs who have narrated *fiqh* from the Imams.” He has then mentioned them, viz. Salih ibn Abu’l-

Aswad, ‘Ali ibn Ghurrab, Abu Yahya Layth Muradi, Zurayq ibn Zubayr, Abu Salmah al-Basri, Isma‘il ibn Ziyad, Abu Ahmad ‘Umar ibn ar-Radhi‘, Dawud ibn Farqad, ‘Ali ibn Ri‘ab,

‘Ali ibn Ibrahim Mu‘alli, Hisham ibn Salim, Muhammad ibn Hasan al-‘Attar, ‘Abd al-Mu‘min ibn Qasim al-Ansari, Sayf ibn ‘Umayrah Nakha‘i, Ibrahim ibn ‘Umar San‘ani, ‘Abd Allah ibn Maymun, Qadah, Rabi‘ ibn Madrak, ‘Umar ibn Abi Ziyad Abzari, Zaykar ibn Yahya Wasiti, Abu Khalid ibn ‘Amru ibn Khalid Wasiti,

Hariz ibn ‘Abd Allah Azadi Sijistani, ‘Abd Allah Halabi, Zakariyya Mu‘min, Thabit ʔarari, Mathna ibn Asad Khayyat, ‘Umar ibn Adhinah, ‘Ammar ibn Mu‘awiyah Dahni ‘Abdi Kufi, Mu‘awiyah ibn ‘Ammar Dahani, and Hasan ibn Mahbub Sarad, for each of whom one book has been mentioned. [14](#)

Lesson 25: Summary

The totality of actions of man is in need of rules which embrace the science of jurisprudence.

After the Holy Prophet (S) when the people were kept away from the rightful successors, they referred to the companions {*sahabah*} of the Prophet (S).

By the end of the period of the *sahabah*, a number of jurists {*fuqaha*} emerged from among the Ahl as-Sunnah.

But the condition of jurisprudence {*fiqh*} among the Shi‘ah was different because the Infallibles (‘a) were present and the need for *ijtihad* was not so much felt. Jurisprudence during these periods was at the stage of preparation for *ijtihad*. In fact, jurisprudence base on *ijtihad* was first discussed at the time of Ibn Abi ‘Aqil ‘Ummani during the fourth century AH.

Of course, during the periods of the Imams (‘a) a sort of *ijtihad* was also discussed. At times, the pure Imams (‘a) would teach the way and method of *ijtihad* to their companions. For this reason, books on the principles of jurisprudence {*usul al-fiqh*} attributed to those personages were written.

Shaykh at-Tusi has introduced eighteen persons from among the companions of Imam al-Baqir, Imam as-Sadiq, Imam al-Kazim, and Imam ar-Ridha (‘a) as “jurists among the companions of the Imams (‘a)”.

Lesson 25: Questions

1. What was the condition of jurisprudence during the period of the *sahabah*, and who did the Shi‘ah refer to in matters of jurisprudence?
2. What was the condition of jurisprudence among the Shi‘ah during the presence of the Infallible Imams (‘a)?
3. How has the initiation of jurisprudence taken place among the Shi‘ah?

4. How many were the jurists {*fuqaha*} among the companions of the pure Imams ('a)?

1. Surah al-Najm 53:3-4.
2. Surah an-Nisa' 4:59.
3. Muhammad ibn Sa'd, At-Tabaqat al-Kubra (Beirut: Dar Ihya' at-Turath al-'Arabi, 1410 AH), vol. 2, p. 267.
4. Ibid., pp. 279, 285.
5. Ijtihad: juristic derivation of laws applicable to new conditions on the basis of the general principles laid down in the Qur'an and the Sunnah. {Trans.}
6. Ibn Sa'd has said: "Those who were referred to by the people in Medina and whose statements were trusted by the people were Sa'id ibn Musayyab, Abu Bakr ibn 'Abd ar-Rahman, 'Urwah ibn Zubayr, 'Abd Allah ibn 'Abd Allah ibn 'Utbah, Qasim ibn Muhammad, Kharijah ibn Zayd, and Sulayman ibn Sayyar. Ibid., p. 23.
7. Ayatullah Ibrahim Jannati believes that the Shi'ah jurisprudence from the advent of Islam up to the present has passed through eight periods:

First period: the period of the emergence of the elements of ijtiḥad starting from the migration {hijrah} of the Prophet (S) to Medina up to 11 AH.

Second period: the period of contrivance and preparation for the application of ijtiḥad starting from the demise of the Prophet (S) up to the end of the minor occultation {ghaybah as-sughra}.

Third period: the period of conceiving the fundamental rules and common elements of ijtiḥad beginning with the time of Ibn Abi 'Aqil (died 329 AH) up to the time of Shaykh at-Tusi (died 460 AH).

Fourth period: the period of application of the common elements of ijtiḥad in the textual sources commencing from the time of Shaykh at-Tusi up to the time of Nawadah Aw Ibn Idris (died 598 AH).

Fifth period: The period of expansion of the argument concerning issues on ijtiḥad starting from the time of Ibn Idris up to the time of Wahid Behbahani (died 1205 AH).

Sixth period: The evolutionary period of ijtiḥad beginning with the time of Wahid Bahbahani up to the time of Shaykh al-Ansari (died 1281 AH).

Seventh period: The period of profound thinking in matters of ijtiḥad commencing from the time of Shaykh al-Ansari up to the time of Imam Khomeini.

Eight period: The period of general application of ijtiḥad with modern methodology started by Imam Khomeini. Ayatullah Ibrahim Jannati, Idwar-e Ijtihad, 1st edition (Tehran: Sazman-e Intisharat-e Kayhan, 1372 AHS), starting from chapter 2.

8. Muhammad ibn al-Hasan al-Hurr al-'Amili, Wasa'il ash-Shi'ah, 6th edition (Tehran: Maktabah al-Islamiyyah, 1403 AH), vol. 18, p. 99, kitab al-qadha', abwab sifat al-qadhi, bab 11, hadith 1.
9. Shaykh at-Tusi, Ikhtiyar Ma'rifah ar-Rijal (Rijal Kashi), researched by Sayyid Mahdi Raja'i (Qum: Mu'assasah Al al-Bayt at-Turath, 1404 AH), vol. 2, p. 857.
10. Abu'l-'Abbas Ahmad ibn 'Ali ibn Ahmad ibn al-'Abbas Najashi, Fihrist Asma' Musanfa ash-Shi'ah (Rijal Najashi) (Qum: Islamic Publications Office affiliated to the Society of Teachers of the Islamic Seminary in Qum, 1407 AH), p. 10.
11. Sayyid Hasan Sadr, Ta'sis ash-Shi'ah Li 'Ulum al-Islam (Tehran: Manshurat al-A'lamī, n.d.), p. 310.
12. Fihrist Asma' Musanfa ash-Shi'ah (Rijal Najashi), p. 307.
13. Ikhtiyar Ma'rifah ar-Rijal (Rijal Kashi), vol. 2, pp. 376, 507, 830.
14. Ibn Nadim, Al-Fihrist (Beirut: Dar al-Ma'rifah Li't-Taba'ah wa'n-Nashr, n.d.), p. 308.

Lesson 26: The Science of Scholastic Theology

{‘ilm al-kalam}

The science of scholastic theology {‘ilm al-kalam} is the science about the totality of doctrines that every Muslim must believe. In other words, it is the science that deals with the discussion and study of the principles of religion {usul ad-din}.

The first difference in the principles of religion over the issue of Imamate {imamah} emerged immediately after the demise of the Holy Prophet (S). Shahrastani says, “The most significant difference in Islam is the difference over the Imamate, and over none of the other principles of religion was swords unsheathed.”^{[1](#)}

Nawbakhti also says:

The Messenger of Allah (S) passed away in Rabi‘ al-Awwal^{[2](#)} ten years after the migration {hijrah} at the age of 63 and with 23 years of apostolic mission... At the time, the ummah of Islam was divided into three groups: A group was called “Shi‘ah” which was composed of the followers {shi‘ah} of ‘Ali ibn Abi Talib (‘a) from which all the Shi‘ah subgroups separated. The second group claiming leadership and rule were the “Ansar” and the third group was inclined toward Abu Bakr ibn Abi Quhafah, saying: “The Holy Prophet (S) did not specified a certain person as the successor, and left the decision for it to the ummah.”^{[3](#)}

As such, there have always been discussions and debates between the Shi‘ah and other Muslims over the issue of Imamate.

Yet, the difference on other principles and fundamentals of the religion emerged during the latter part of the first century and early second century AH.

As Shahrastani says:

Difference on the principles emerged during the last days of the sahabah such as Ma‘bad Jahanni, Ghilan Damishqi and Yunus Aswari regarding predestination {qadr}, the relationship of good {khayr} and evil {sharr} to predestination. Wasil ibn ‘Ata’, a student of Hasan al-Basri and ‘Amru ibn ‘Ubayd, had added things to the questions of predestination.^{[4](#)}

Among the scholastic {kalami} sects during those periods were the Wa‘idiyyah, Khawarij, Murji‘ah, and Jabariyyah.

Of course, the scholastic discussion had reached its optimal point when Wasil ibn ‘Ata’ separated from the assembly of Hasan al-Basri and founded the Mu‘tazilah sect.^{[5](#)} In this manner, the Mu‘tazilah school, based mainly on rational deductions, was against the Ahl al-Hadith which was called “Hashawiyyah”.

It was so until such time that at the end of the third century AH, Abu'l-Hasan al-Ash'ari separated from the Mu'tazilah school and engaged in defending the Ahl al-Hadith school of thought within rational frameworks, and his school became known later as the Ash'ari school.⁶ After that, the Mu'tazilah made no progress, and kept on withdrawing in face of the Ahl al-Hadith so much so that now, the official scholastic theology of the Ahl as-Sunnah is the Ash'ari scholasticism.

The Shi'ah scholastic theology is the oldest of all Muslim scholastic schools. 'Ali ('a), the first infallible Imam acknowledged by the Shi'ah has discussed the questions on beliefs such as monotheism {*tawhid*}, predestination and freewill, and Attributes of God, and this kind of discussions has been recorded in *Nahj al-Balaghah* in the language of the Imam himself.

The scholastic discussions about Imamate among the Shi'ah, however, commenced immediately after the demise of the Holy Prophet (S) in defending the right of the Commander of the Faithful ('a) (over the issue of Imamate and caliphate). As narrated by Shaykh as-Saduq, the first to defend the right of 'Ali ('a) vis-à-vis the architects of Saqifah were twelve persons from among the great companions of the Prophet (S).

Few days after the event of Saqifah, they debated with Abu Bakr at the Mosque of the Prophet (S) and cornered him.⁷ After them, a person such as Abu Dharr al-Ghiffari had also not remained silent vis-à-vis the usurpers of the right of the Commander of the Faithful ('a) to such an extent that 'Uthman ibn al-'Affan was finally convinced to banish him to Sham and Rabdhah.

'Abd Allah ibn al-'Abbas, the Prophet's ('a) cousin, a student of 'Ali ('a), exegete {*mufassir*} of the Qur'an, scholar, and an outstanding Hashimite statesman, was one of the defenders of the Shi'ah school and always championing the rightfulness of 'Ali ('a) to such an extent that 'Umar ibn al-Khattab found fault with him for always saying, "Our right has been usurped."

Ibn al-'Abbas became blind in his old age and one day he heard some people in a certain place uttering abusive language against the Commander of the Faithful ('a). He said to his son 'Ali: "Hold my hand and take me there." When he was near them, he addressed them, saying: "Which of you was abusing God?!" They replied, "None." He asked, "Which of you was abusing the Prophet?" "None," they answered.

He inquired, "Which of you was abusing 'Ali?" This time they responded, "All of us." He said, "Bear witness that I heard the Messenger of Allah (S) saying: "He who abuses 'Ali abuses me, and he who abuses me abuses God, and he who abuses God shall be thrown in an inverted position by God to the hellfire." He then returned and while walking, he asked his son, "How do you see them?" His son recited this poem:

نظروا اليك باعين محمّره نظر التيوس الى شفار الجازر

They are looking at you with a 'reddish look' like the gaze of the animal to be slaughtered to the lancet of the slaughterer.

Ibn al-‘Abbas said, “You continue.” His son said:

خزر الحواجب ناكسي اذقانهـم نظر الذليل إلى العزيز القادر

They were humiliated and disgraced; they are looking at you like that of the subject to his master.

Ibn al-‘Abbas said, “You continue!” His son answered, “I can say nothing more.” Ibn al-‘Abbas himself recited this poem:

احياؤهم خزى على أمواتهم و الميتون فضيحة للغابر

Their living ones are the source of abjectness for their dead ones while their dead ones were the source of disgrace for their ancestors.[8](#)

Among the companions of the Commander of the Faithful (‘a), prominent figures such as Sa‘sa‘ah ibn Sawhan, Maytham at-Tammar, Kumayl ibn Ziyad, Awis Qarni, Salim ibn Qays, Harith Hamdani, and Asbagh ibn Nabatah also engaged in defending the right of ‘Ali (‘a), debating with the enemies of the Imam in this regard.

Meanwhile, concerning the first person among the Shi‘ah to have written a book about scholastic theology, Ibn Nadim and Ibn Shahr Ashub regard Isma‘il ibn Maytham at-Tammar to be the first author on Shi‘ah scholastic theology as he has written the books *Al-Imamah* and *Al-Istihqaq* on this subject.[9](#) The late Sayyid Hasan Sadr, however, considers ‘Isa ibn Rawdhah as the first Shi‘ah writer on scholastic theology.[10](#) Of course, the oldest existing book on Shi‘ah *kalam* is the book *Al-Aydhah* of Fadhl ibn Shadhan an-Nayshaburi (died 260 AH) who was among the companions of Imam al-Hadi and Imam al-‘Askari (‘a).

During the period of Imam as-Sadiq (‘a), this science, like other sciences, also flourished tremendously and a number of his students such as Hisham ibn Hakam, Hisham ibn Salim, Mu‘min Taq, Fadhal ibn Hasan, and Jabir ibn Yazid Ju‘fi, among others, excelled in this field writing many books and treatises in this regard. They had discussions and debates with the scholars of other schools.

Fadhl ibn Shadhan an-Nayshaburi has been among the most outstanding Shi‘ah scholastic theologians {*mutakallimun*}. He met Imam ar-Ridha, Imam al-Jawad and Imam al-Hadi (‘a), and has written many book on the subjects of *kalam*, beliefs and deviant schools of thought.[11](#)

Hasan ibn Nawbakhti (died 310 AH) was one of the Shi‘ah *mutakallimun* and among his books is *Firq*

Lesson 26: Summary

Scholastic theology {*kalam*} deals with the discussion about the principles of religion {*usul ad-din*}. The first difference in religion was over the question of Imamate {*imamah*} which emerged immediately after the demise of the Prophet (S) and the event of Saqifah. But the difference on other principles and fundamentals is related to the end of the first century AH.

Scholastic {*kalami*} discussions reached their optimal point after the founding of the Mu'tazilah school of thought.

The Shi'ah *kalam* is the oldest Muslim scholastic school because the scholastic discussions about the Imamate started immediately after the demise of the Prophet (S) on account of defending the rightfulness of 'Ali ('a).

The first book on *kalam* among the Shi'ah was written by 'Isa ibn Rawdhah while the oldest existing book on *kalam* is *Al-Aydhah* of Fadhl ibn Shadhan.

The Shi'ah *kalam* flourished much during the period of Imam as-Sadiq ('a) and some of his companions excelled in it.

Lesson 26: Questions

1. The first difference among the Muslim has been over which principle?
2. When did the scholastic discussions among the Shi'ah commence?
3. The first Shi'ah book on *kalam* has been written by whom?

1. Shahrastani, Kitab al-Milal wa'n-Nihal (Qum: Manshurat ash-Sharif ar-Radi, 1364 AHS), vol. 1, p. 30.
2. What is more popular is that the Messenger of Allah (S) passed away on the 27th of the lunar month of Safar.
3. Nawbakhti, Abi Muhammad al-Hasan ibn Musa. Firq ash-Shi'ah. Najaf: Al-Matba'ah al-Haydariyyah, 1355 AH/1936.
4. Kitab al-Milal wa'n-Nihal, p. 35.
5. Ibid., p. 500.
6. Ibid., pp. 85-86.
7. Shaykh as-Saduq, Al-Khisal (Qum: Manshurat Jami'ah al-Mudarrisin fi al-Hawzah al-'Ilmiyyah, 1403 AH), pp. 461-465.
8. Sayyid 'Ali Khan ash-Shirazi, Ad-Darajat ar-Rafi'ah fi Tabaqat ash-Shi'ah (Qum: Manshurat Maktabah Basirati, n.d.), p. 127.
9. Ibn Nadim, Al-Fihrist (Beirut: Dar al-Ma'rifah Li't-Taba'ah wa'n-Nashr, n.d.), p. 249; Ibn Shahr Ashub Mazandarani, Ma'alim al-'Ulama' (Najaf: Manshurat al-Matba'ah al-Haydariyyah, 1380 AH/1961), p. 62.
10. Sayyid Hasan Sadr, Ta'sis ash-Shi'ah Li 'Ulum al-Islam (Tehran: Manshurat al-A'jami, n.d.), p. 350.
11. Abu'l-'Abbas Ahmad ibn 'Ali ibn Ahmad ibn al-'Abbas Najashi, Fihrist Asma' Musanfa ash-Shi'ah (Rijal Najashi) (Qum: Islamic Publications Office affiliated to the Society of Teachers of the Islamic Seminary in Qum, 1407 AH), p. 306.
12. Ibid., p. 63.

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