

[Home](#) > [Shaykh Muhammad Jawad Mughniyyah: A Contemporary Jurisprudent](#) > [Shaykh Muhammad Jawad Mughniyyah: A Contemporary Jurisprudent](#) > Demise

Shaykh Muhammad Jawad Mughniyyah: A Contemporary Jurisprudent

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Abstract

Despite the many challenges and obstacles during his early life, Shaykh Muhammad Jawad Mughniyyah embarked on the path of Islamic knowledge and rose to become one of the more prominent jurisprudents in Lebanon in the last century. Authoring over sixty books, Shaykh Mughniyyah delved into many fields including the importance of unity amongst the madhahib. To this effect, he also met with other great leaders in the unity movement including Shaykh Shaltut. This biographical essay surveys his life and thoughts on various key issues including the importance of unity, the need for reviewing the process of ijtihad and the task of enhancing the Islamic seminaries.

Keywords: Muhammad Jawad Mughniyyah, Lebanese ulama, seminary, unity of the madhahib, reform, Zionism, ijtihad.

Family Background

It is believed that Shaykh Jawad carried his family name “Mughniyyah” owing to the reason that his ancestors arrived in Jabal Àmil in Lebanon in the 8th Islamic century from a region called “Mughniyyah” in Algeria. The Mughniyyah descendants are a famous and respected family in Beirut. A substantial number of prominent religious scholars are from the Mughniyyah family including Allamah Shaykh ‘Abd al-Karim ibn Shaykh.

Shaykh Mughniyyah’s father, Shaykh Mahmud, was among the esteemed personalities in Lebanon during his time. He was born in 1289 H. in the holy city of Najaf in Iraq and later accompanied his parents to Jabal Àmil in south Lebanon. After his primary education he returned to Najaf where he

attended the Islamic Seminary under the tutelage of revered scholars of his time such as Ayatullah Naini, Ayatullah Isfahani and Ayatullah Àgha Dhiya al-Din ‘Iraqi. He later returned to his country to reside in Maraka, a village in South Lebanon, where he busied himself in writing books and offering religious guidance to the community.

The author of the book Takmilah al-Amal al-Amal writes that Shaykh Mahmud was a researcher in academic issues and that very few Arabs during his time were able to attain his rank in elucidating various issues. He is also known to have composed Islamic poetry in Najaf. Shaykh Mahmud passed away at the age of forty-four and left several offspring including Shaykh Ahmad Mughniyyah, Shaykh ‘Abd al-Karim Mughniyyah and Shaykh Muhammad Jawad Mughniyyah who is the subject of our article.

Place of Birth and Childhood

Shaykh Muhammad Jawad Mughniyyah was born in the village of Tir Dabba in Sur (Tyre), Lebanon in the year 1324/1904. Sur is a town on the shores of the Mediterranean Sea and is one of the cities of ancient Phoenicia which was famous as a commerce centre. During the invasion by Alexander, inhabitants of this town valiantly resisted the invasion.

He was named “Muhammad Jawad”—a holy and respected name—by his father. The young Muhammad Jawad lost his mother, who was a descendent of Lady Fatima Zahra (‘a), the daughter of the Prophet of Islam (s), at the tender age of four. After her passing away, Muhammad Jawad accompanied his father to Najaf, Iraq where he studied various subjects including mathematics and Persian. After residing in Najaf for four years his father returned to Lebanon following the request of the inhabitants of ‘Abbasiyya.

Muhammad Jawad’s father was not in a financially stable position despite being among the prominent scholars in the region. He built his residential home with the help of the people in ‘Abbasiyya and financed it with a loan from Isma’il Saygh, a local blacksmith. Later Muhammad Jawad’s father leased the house to repay the loan. Unfortunately, he passed away in the year 1344 H. before he was able to pay off the loan. Muhammad Jawad, who was aged twelve at the time, was deeply grieved by the loss of his father. Shortly afterwards Isma’il Saygh took possession of the house to recover his money and distributed the family’s portion to the elder brother and the uncle of Muhammad Jawad. The young Muhammad Jawad together with his younger brother moved to their elder brothers’ home in Tir Dabba.

The change of residence and the loss of both his parents, were the only the beginning of the difficulties Muhammad Jawad would face. It is said he had no possessions of his own except his bed, which he lost when he moved to his brother’s house. Thereafter, he slept on the floor despite the harsh winter conditions, and as result, developed rheumatism. At times he went without food for days. Forced to seek his livelihood, certain records note that he began an enterprise selling traditional sweets (halwa) as well as books. It is not clear how successful he was in this venture but there are indications that his material conditions did improve to an extent.

Period of Studies

The will and strong desire to study remained high among Muhammad Jawad's priorities despite the tribulations and turbulence in his life. He obtained his primary education in Lebanon and studied several books including *Qatr al-Nida'* and *al-Ajrumiyyah*. To further his studies, he decided to enroll in the Islamic Seminary of the holy city of Najaf in Iraq to study under the tutelage of prominent scholars in that city. However, not having the financial means to fund his journey as well as being responsible for the outstanding taxes on pieces of land owned by his late father, he was unable to carry out with his decision immediately. Non-payment of taxes meant that he could not obtain official permission to travel abroad.

Nevertheless, Muhammad Jawad was fervent in his determination. Through seeking intercession of the Ahlul Bayt ('a), he was able to overcome these obstacles. He met an Armenian from Alexandria, residing in Lebanon, who was kind enough to transport him to Iraq without travel documents. Later when he began to write his memoirs, Muhammad Jawad recalled the considerate driver and paid tribute to him with these words: "Since that time, almost 30 years have elapsed. I will never forget him since I consider him the first person I ever met who loved his fellow human being."

After arriving in Iraq, Muhammad Jawad proceeded to Najaf for his studies. Having completed his elementary subjects, the young student attended the higher-level classes of Ayatullah Muhammad Husayn Karbalai, Ayatullah Sayyid Husayn Hamani and Grand Ayatullah Abu al-Qasim al-Khu'i. Muhammad Jawad was able to continue for 11 years under the tutelage of these great personalities in spite of his financial difficulties. However, when he received the news of the death of his elder brother, he was compelled to leave the holy city of Najaf and return to his home country, Lebanon. After the funeral and burial ceremonies, the community requested Shaykh Muhammad Jawad Mughniyyah, who had become well-versed in Islamic sciences and immersed in piety, to become the prayer leader in the place of his brother. Accepting this offer, he busied himself with leading the congregational prayers and teaching Qur'anic sciences and Islamic studies.

Shaykh Mughniyyah was disturbed by the lack of appropriate cultural traits of the inhabitants of that area. He also was not very pleased to have the community provide his income. Two years after staying in the area, he thanked the community and left in the year 1558 H., moving to the village of Tir Harfa in the Wadi al-Sarwa region. The area was known for its natural beauty and serenity—a highland forest home to many species of birds. Shaykh Mughniyyah considered this the most ideal setting for his studies and research. In the tranquility of the environment, and accompanied with only his writing material, books and kettle of tea, he began to study the works of famous European and Muslim scholars and philosophers such as Friedrich Nietzsche, Arthur Schopenhauer, Leo Tolstoy, Mahmud Aqqad, Taha Husayn and Tawfiq Hakim. Concurrent with these, he also authored several books including, *Kumayt wa Di'bil*, *The Present Status of Jabal Àmil* and *Tadhhiyyah*. He resided in that region for almost ten years until 1367 H. when he decided to relocate to Beirut.

Government Posts

Shaykh Muhammad Jawad Mughniyyah accepted important social positions and engaged in many activities when he arrived in Beirut at the age of 43. He was appointed a judge in the Shia Muslim court in Beirut. A year later, he was appointed a senior advisor in the High Court of Lebanon and in 1370 H. he accepted his designation as the head of the Shia court in Lebanon. During his time at the judiciary he offered exemplary services and was responsible for reforming many laws. He continued until 1375 H. when he decided to step back and take on more advisory positions. After three years, he declined all positions and switched his focus on research and writing.

Expeditions

Due to his extensive activities, Shaykh Muhammad Jawad Mughniyyah became well known as a distinguished scholar both among Shia and Sunni scholars. Apart from his study travels, Shaykh Mughniyyah visited many countries, though the details of these journeys are not known. In 1379 H., he traveled to Syria where he met Shaykh Abu Zahra. In the year 1382 H. he proceeded to Egypt and the following year to the holy city of Mecca in Saudi Arabia where he performed the hajj pilgrimage.

In 1385 H., Shaykh Mughniyyah went to Bahrain where it is said that he met and held talks with the senior ‘ulama. In the year 1390 H. he went to Iran to perform the *ziyarah* of the eighth Shia Imam, Imam Ridha (‘a) in Mashhad, and thereafter proceeded to the holy city of Qum where he resided for two years.

Regarding his stay in Iran, Shaykh Mughniyyah recalled: “When I was in the suburbs of Cairo, I considered the possibility of staying in Egypt till the end of my life. But the resulting effects of the Egypt–Israeli war compelled me to return to my country. While in Beirut I was at a loss on what to do with the remainder of my life which was receding day by day. It was during this time that I received an invitation from Ayatullah Shariatmadari to teach in the Dar al–Tabligh institute. I performed *istikhara* and the following verse came: And he said: ‘Indeed I am going to my Lord, he will guide me’. When I arrived at the Dar al–Tabligh institute in Qum, I was surprised by the high level seminary–academic activities in various religious subjects such as tafsir (exegesis), Nahj al–Balagha (Peak of Eloquence) and weekly sessions for the youth.” While in Qum, Shaykh Mughniyyah taught tafsir of the Holy Qur’an and other Islamic sciences and returned to Beirut in 1392.

Activities in Achieving Unity

The most important concern of Shaykh Mughniyyah on the crisis prevalent during his time was the unity of the Islamic Ummah. He was engaged in concerted efforts to bring about Muslim unity and used every opportunity to meet and engage in discourse with Sunni scholars.

In 1960, Shaykh Mughniyyah met with Shaykh Abu Zahra in Damascus Syria and in 1970 Dr. Mustafa

Mahmud visited him. Shaykh Mughniyyah also met and held talks with Shaykh Tamam and Shaykh Basi who were among the revered scholars of al-Azhar University in Cairo, Egypt. While in Qum, Shaykh Mughniyyah met with Shaykh al-Hasari.

With the aim of strengthening the proximity of Islamic schools of thought, Shaykh Mughniyyah traveled to Egypt in 1382 H. where he met and held talks with the Imam of the al-Azhar Mosque. He also met the then head of al-Azhar, Shaykh Mahmud Shaltut (d. 1384 H.). Shaykh Shaltut was among the founders of the movement of proximity of Islamic schools of thought and was in the forefront of calling for unity and solidarity among Muslims. The affection of the Shia ulama towards Shaykh Shaltut is because of his famous fatwa or edict on the permissibility of Sunnis following the Ja'fari Shia fiqh.

The relation between Shaykh Mughniyyah and Shaykh Shaltut dates back to 1368 H. when they exchanged a large number of letters between themselves, an indication of their shared conviction on the issue of Islamic unity. They met face to face in 1382 H. when Shaykh Mughniyyah visited Egypt, and where the two sides discussed extensively on Islamic unity and the ways to achieve it. On this issue, Shaykh Mughniyyah writes:

I went to Shaltut's house where he received and welcomed me warmly. When the issue of Shia Islam came up, he told me, 'Shia are the founders of al-Azhar and for a short period, Shia sciences were taught in al-Azhar until that was stopped. Thereafter al-Azhar was denied its illumination and benefits.' I told him, 'Shia Ulama respect you since they are well aware of your services to religion and your intrepid approach in expounding the concepts of justice and truth without fear of reproach from anyone.' I also told him, 'The Shia believe that after the Prophet (s) the right of ascension to the caliphate belonged to 'Ali ('a) but they also believe in refraining from stirring discord which will harm Islam just as Imam 'Ali ('a) refrained from it.' Shaykh Shaltut stood up and told those present, 'Sunnis do not appreciate this'.

In his endeavor to strengthen the proximity among Islamic schools, Shaykh Mughniyyah did not ignore the importance of informing religious scholars on each other's sect. He took practical steps towards this end. He believed that most of the Sunni Ulama were not conversant with the truth of Shia Islam and based their hostility on prejudice and rumors while the fact is that all Islamic sects have one aim which is virtue and proximity towards Allah. Shaykh Mughniyyah used to reply to the accusations against Shia Islam and with this he laid and reinforced the foundations of proximity. When he wrote books, it became clear that the Shias were nowhere deserving of the accusations which were being leveled against them. He was the first person to have refuted Muhibb al-Din al-Khatib's work entitled al-Khutut al-Aridhah, which was the first book against Shias published in Egypt. Because of authoring a rebuttal to this book, Shaykh Mughniyyah received many threatening letters.

Views on Zionism and U.S. Imperialism

Through his books and speeches, Shaykh Mughniyyah confronted many of the Zionist beliefs. Due to his understanding of the Qur'an and the Sunnah of Prophet Muhammad (s), he immediately understood the

evil nature of the Zionist regime. In his books on the issue of imperialists and global arrogance, he condemned the United States for supporting the Israeli regime.

Shaykh Mughniyyah gained cognizance on the real nature of the Zionists and said, “Generally they are a people with a racist ideology who consider themselves to be the chosen nation of God. Each of them considers himself as having the right to do and seize whatever he wishes, be it in the east or west. In the Jewish book of Talmud it is written that: ‘We are the nation chosen by God and we need two kinds of animals: The first kind are the beasts – the four-legged animals and the birds – while the second are the human animals who are other nations in the east and west’.”

In another article, Shaykh Mughniyyah mentioned the huge population of Muslims and their possession of an important world resource, namely oil. He criticized them for surrendering to the whims of the Israeli regime. He also harshly criticized the Arab leaders saying that their accommodating attitude towards the Israeli regime was a source of shame and ridicule to the Islamic ummah.

The writings of Shaykh Mughniyyah caused concern among the American officials in Beirut. They requested him to meet and hold talks with the U.S. president Roosevelt. In reply he said, “The U.S. is the fiercest enemy of Islam and the Arab nation. The U.S. brought the Israeli regime into existence and thus its hands are tainted with the blood of Palestinians. Our brothers are being killed by weapons given to Israel by the U.S. With all these, you are inviting me to visit the sixth fleet?” This bold, heroic and honorable move was widely discussed amongst the people to an extent that the Muharrir newspaper paid a glowing tribute to his action by writing about him, “This is the dear Arab”.

Thoughts and Ideas

Among the salient thoughts of Shaykh Jawad Mughniyyah we can mention his ideas on modernizing ijtiḥād (deducing facts from the Qurʾān and ḥadīth), the reform of the Islamic seminaries, the utilization of new methods in propagating religion and the need for an Islamic government. He arrived at the conclusion that life was in the midst of great changes and that Islam concurred with some of these changes while rejected others.

Regarding Shaykh Mughniyyah’s thoughts on ijtiḥād, Martyr Muhammad Baqir Sadr commented, “Now, for the first time, the issue of the social understanding of divine texts is being discussed freely. When I read a part of [Shaykh Mughniyyah’s] book, *Fiqh al-Imam Sadiq*, I see that this great scholar has discussed that issue and elaborated on the Jaʿfari sect in an eloquent and understandable manner. I believe the principles laid down by Shaykh Mughniyyah will solve emerging issues.”

On the need to reform Islamic seminaries, Shaykh Mughniyyah wrote an article titled, “The Struggle in al-Azhar between Reformists and Conservatives,” published in the magazine *Irfan* in 1954. Apart from expressing delight at the spirit of changes and reforms sweeping across al-Azhar University, he recommended a similar movement in Shia seminaries. His audience included all the Islamic seminaries

and religious institutions regardless of whether they were Shia or Sunni. Without blame on either sect, he commented on how there were both internal and external enemies of the seminaries and religious institutions. For him, the internal enemies were those who, in the name of religion, brought about an atmosphere of hopelessness and disappointment to the young students while the external enemies were those who took advantage of the state of neglect in the seminaries to introduce Western ideas, particularly in the fields of social discourse and the humanities.

Shaykh Mughniyyah believed that the books being used in the seminaries were uni-dimensional and often ignored pertinent academic issues being discussed in society. He also expressed regret that most of the Islamic seminary students were not acquainted with modern sciences. On the Islamic Seminary of Najaf he noted:

One of the peculiarities of this seminary is that it does not teach the modern sciences and it does not want to abandon the traditional setup. The seminary has remained at a standstill on issues affecting Muslims and other peoples of the world. For instance, it has remained silent in the face of colonial wars and weapons of mass destruction. The seminary is in need of reforms and this issue is now understood by lecturers and students.

Elaborating on the above, Shaykh Mughniyyah noted that in the Islamic seminaries in Qum and Najaf, there were many eminent scholars whose efforts and achievements were no different than those of inventors and scientists in other fields. However, these same scholars did not show much ingenuity in dealing with modern issues. He urged Islamic seminary students to read the literature of those hostile to Islam in order to understand and be aware of their conspiracies, noting that there was nothing un-Islamic in this approach. He believed that the seminaries ought to have a wide range of cultural activities in the society. They must produce and distribute magazines and journals for use all over the world. He also called for the incorporation of modern technology within the seminaries. Finally, he urged these institutions to have a more organized approach to education with exams and the like, and to introduce themselves to Islamic communities across the globe.

Shaykh Mughniyyah held the view that the Shia carried invaluable treasures, which would enable their jurisprudents to be very effective in dealing with all the day-to-day issues. He believed that jurisprudents must have the knowledge to solve modern and emerging problems of the people within the framework of Islam while issuing fatwas or edicts according to the contemporary times. He urged scholars to refrain from spending much time engaging in discourse on ancient subjects irrelevant to modern times.

To attain his goals, Shaykh Mugniya wrote several books including *Fiqh al-Imam Sadiq* and *Tafsir al-Kashif*. He was also profoundly influenced by the thoughts of Imam Khumayni, about which he wrote a book entitled *al-Khumayni wa al-Dawlat al-Islamiyyah* (Khumayni and the Islamic Government). Elsewhere, Shaykh Mughniyyah mentions the Islamic government as the best form of government while criticizing Western democracies. He viewed the Western democracies as a system where the destiny of a country was left in the hands of a select number of capitalists while the masses languished in

ignorance and poverty.

Works

Until the end of his life, Shaykh Muhammad Jawad Mughniyyah authored more than sixty books in various fields of study. He also wrote articles in many magazines and journals. His books are used in many universities in and outside of the Islamic world. Some of his books include:

1. The Prophets from an Intellectual Perspective
2. 'Ali ibn Abi Talib and the Qur'an
3. A New Approach to Islam
4. Shia and Rulers
5. Fiqh According to the Five Schools
6. The Fiqh of Imam Sadiq
7. The Philosophy of the Origin and End of the World
8. Imam Husayn and the Qur'an
9. Together with the Hero of Karbala, Zaynab
10. Tafsir al-Kashif
11. Exposition on the Nahj al-Balagha
12. Exposition on the Sahifa al-Sajjadiyya

Demise

Allamah Muhammad Jawad Mughniyyah left this transitory world and ascended to the Divine Mercy on the 19th of Muharram, 1400 H. after 76 years of sincere struggle for the advancement of Islam and the endless efforts towards the proximity of the five schools of Islamic thought. Two years before his demise, he was diagnosed with a heart ailment. The pure body of this righteous scholar was transferred to the holy city of Najaf accompanied by a retinue of ulama and people from various social strata who participated in his funeral. The bazaar of Najaf was entirely closed during his funeral.

The prayers for the departed soul were led by Grand Ayatullah Khu'i after which his body was interred in one section of the holy shrine of Imam 'Ali ('a). May Allah bless his soul and may the path he charted be filled by travelers always.

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