

Translator's Introduction

Al-Khu'i's Early Life and Education

Ayatollah al-Sayyid Abu al-Qasim al-Khu'i (b. November 1899), the author of this work, *The Prolegomena to the Qur'an*, was the highest religious authority for the second largest community of Muslims, the Twelver Shi'ites. Twelver Shi'ites follow the line of twelve Imams after the Prophet Muhammad (d. 632). The last of these Imams disappeared in the tenth century C.E., only to return at some future date as the Mahdi, the messianic deliverer. To his Shi'ite followers, al-Khu'i, like other learned, pious scholars of the Shi'a, was a general deputy of the last hidden Imam, invested with the juridical-religious authority to guide the community, pending his return as the messianic leader. As such, he was one of the most widely acknowledged Shi'ite scholars in this century.

Following his early education in his birthplace, Khu'i, in Azerbaijan, Iran, in 1911 he joined his father, al-Sayyid 'Ali Akbar al-Musawi, who had migrated to Najaf the previous year, after the violent conflict over the goals of the 1906 Constitutional Revolution in Iran.¹ Here, at the age of thirteen, he started his formal religious education in Arabic studies (grammar, syntax, and rhetoric), logic, theology (kalam), Qur'anic exegesis (tafsir), traditions (hadith), legal theory (usul), and applied law (fiqh). In the traditional centers of Shi'ite learning, both in Iraq and Iran, the curriculum for attaining the status of mujtahid (jurist consult) comprised three levels: 'the preliminaries'(muqaddamat), 'the technicalities' (Sutuh),² and 'the advanced studies' (bahth al-kharij). Depending on the student's talents and intellectual preparation, the final stage—namely, bahth al-kharij (comparable to advanced graduate studies) can be reached within a span of nine to ten years.

Al-Khu'i followed the academic course of highly talented Shi'ite youths and achieved advanced standing within a short time. By 1918 he was engaged in graduate studies to enable him to teach Islamic sciences in the colleges of the city of Najaf. Najaf, the site of the mausoleum of the Shi'ite Imam 'Ali b. Abi Talib (d. 660) in southern Iraq, has been the center of traditional Shi'ite scholarship in theology, philosophy, and jurisprudence for over a thousand years. Moreover, it is famous for its libraries, bookstores, and collections of rare manuscripts on Shi'ite law and theology. Before the political turmoil in Iraq and

the troubled relationship between Iran and Iraq in the aftermath of the Iranian revolution and the Iran–Iraq war in the 1980s, Najaf's religious colleges had some 10,000 students³ from all over the world, who were engaged in receiving the best instruction in highly developed juridical and related Islamic subjects under some of the most prominent Shi'ite savants.

In his emigration to Najaf, al-Khu'i was following a long-standing tradition among the Shi'ite scholars of Iran of acquiring advanced learning in Islamic jurisprudence in order to research, teach, and protect the religious law through their exegetical power.⁴ After a number of years of apprenticeship under his father, he completed the first two levels of his juridical studies. From 1918 on, he attended advanced lectures in methodology by the leading mujtahids, the famous ayatollahs Shaykh al-Shari'a, Mahdi al Mazandarani, Muhammad Husyan al-Gharawi, Qiya' al-Din al-'Iraqi, and Muhammad Husayn al-Na'ini. In these sessions he also presented technical lectures on deductive jurisprudence in the presence of his teachers, thereby acquiring the prestigious credential of *ijtihād* that enabled him to formulate independent legal opinions through rational interpretations of the sources of Islamic law in all areas of Islamic legal application.

In the Shi'ite tradition of religious learning, the written authorization (*ijāza*) that the senior members of the religious establishment granted for teaching and formulating independent opinions as an expert exegete of the juridical corpus brought with it social empowerment.⁵ Any high-ranking mujtahid who had attained scholarly prestige, in addition to a standing in personal piety by virtue of sound faith and character, and an acquaintance with the circumstances of the age, was regarded as possessing the required qualifications to guide the community in spiritual and mundane affairs. Moreover, such a mujtahid was entrusted with administering all the religiously imposed taxes used in creating and maintaining piously founded institutions like mosques, seminaries, and hospices. Such religious prestige and financial independence were among the major factors that led the religious institution, under a prominent mujtahid, also known as *ayatollah* (literally, "miraculous sign of God," because of his learning and piety) in Shi'ism, to assert its autonomy without needing any government to legitimize its supervisory role. An *ayatollah* could, and does, attract a large number of young mullas to join his "study circle" (*Hawza 'ilmiyya*). Upon their graduation, they become his representatives to the communities to which they are sent as spiritual guides. His religious moral–legal rulings are available in book form, in a "Practical Guide," known as *tawdiz al-masa'il* (Clarification of Rulings) for quick reference. When the Shi'ites acknowledge an *ayatollah* as their leading scholar, the latter's rulings in any matter become binding on them. Moreover, the wealthy in the community send their religious offerings to him. This social empowerment has made some of the leading members of this class the focal point of popular movements to redress political and economic injustices prevailing in nations with a large Shi'ite population, like Iran, Iraq and Lebanon. ⁶

The Shi'ite Leadership under al-Khui

The Sunni Muslims have very little sense of loyalty to their government-appointed religious leaders. By contrast, the distinctive Shi'ite conception of autonomous religious leadership in relation to the state has allowed the lay Shi'ite believers to look upon their politically and financially independent ayatollahs as a focus of emulation in all areas of their religious, social, and political life. The civil structure of the Shi'ite community is, in theory, divided into those who lead, the scholars (mujtahid), and those who are led, the lay believers (muqallid)⁷ This process through which the acknowledgment of a Shi'ite scholar as a *marja' al-taqlid* ("a supreme legal authority accepted as a living referent for society") takes place is known as *taqlid* (a declaration of a lay believer to emulate a living jurist's rulings [fatwa] in all fields of applied law). The requirement of *taqlid*, as formulated by al-Khu'i, meant that all the lay believers who were obviously devoid of religious-legal knowledge must follow the rulings of a mujtahid, without which the acts performed as part of one's religious observances could be rendered invalid.⁸

This requirement to refer to the *marja' al-taqlid*, as al-Khu'i formulated it, had a practical and pragmatic dimension. The Shi'ite religious leadership in view of the last Shi'ite Imam's invisible existence—was conceived in terms of a collective responsibility that could be shared by several well-qualified mujtahids. The leadership was understood as a kind of general deputyship on behalf of the hidden Imam, without any specific designation of a leading "specialist" in matters of religion. This lack of specificity with respect to who leads the community was detrimental to the community's sense of religious autonomy and unity, especially when the Shi'ite dynasties that ruled Iran from the sixteenth century came to power. The Shi'ite rulers manipulated religious leadership through patronization for their political ends. More over, in a political move, these rulers followed the Sunni state policy of reducing the once independent Shi'ite religious leadership to an officially appointed administrative position. However, not all mujtahid s succumbed to such statecraft. One way to preserve the leadership's independence was to keep the community autonomously loyal to the religious leaders by engaging in a fresh interpretation of the legal doctrines that required the believers to specify their religious leader in order to render their religious acts valid.

In the nineteenth century, reforms were introduced in the procedures for determining and centralizing the scholar most qualified to exercise juridical authority under the most qualified jurist, in the absence of the last Imam. If the religious leadership and the community were to steer clear of the menace of the Shi'ite rulers, some legal mechanism that would require the generality of the Shi'ite to declare their allegiance to the mujtahid was necessary. Hence the requirement to emulate a leading mujtahid, through an explicit declaration of *taqlid*, was formally made part of the believer's religious obligation. Without such a declaration, as al-Khu'i's previously cited opinion reveals, their religious acts were invalid. This process of *taqlid* allowed a specific Shi'ite mujtahid to emerge as the supreme religious leader solely through the acknowledgment of the community, without the Shi'ite rulers' interference.

In modern Shi'ism, such a strict understanding of the necessity of *taqlid* undoubtedly entails the growing

influence of the marja', who also receives voluntary religious taxes levied on the believers through the contacts maintained between the marja' and his lay followers. The marja', in large measure, is responsible for providing cohesion in maintaining the spiritual-moral identity and the related social-political identity of the Shi'ite community. He manages the community's religious affairs by providing it with legal-moral guidance in the "Practical Guide" he publishes; and he supervises its financial affairs by appointing his agents (*wukala'*), mostly recruited from among his disciples in his "study circles," to collect and distribute religious taxes for capital projects in various parts of the Shi'ite world in accord with his explicit instructions. Hence, according to a well-established Shi'ite convention, even before an ayatollah dies, the community leaders have, more or less, formed a consensus on the next person to occupy that prestigious position so as to provide the necessary continuity in the sensitive and crucial juridical leadership.

In due course, both the supervisory and managerial roles of the mujtahid were legitimized under the juridical doctrine of *wilayat al-faqih* ("the guardianship of the jurist"), which was strictly limited in scope to the realms of applied Islamic law. This included issuing legal opinions (*fatwa*) when the mujtahid was consulted; arbitrating personal conflicts among the community members; and managing the affairs of minors and legally incompetent persons. However, this "guardianship" did not include political governance as it came to be interpreted by the Ayatollah Khomeini in response to the quietism of the senior mujtahid in the face of the corrupt governments of Iran in the 1950s.

The highly contested political role under the rubric of "guardianship" of the jurist was a culmination of the reforms that had been introduced earlier in the century to legitimize the political involvement of the marja' in directing the Shi'ite society toward modernization and activist ideas regarding social responsibility in Islam. For the first time in the history of Shi'ite Islam, Khomeini's juridical inference regarding the "governance," and not merely the "guardianship," of the qualified jurist ensured the enforcement of Shi'ite activist ideology in the context of a modern nation state of Iran under the mujtahid's social and political leverage.⁹

Although al-Khu'i emerged as an independent, leading authority in Shi'ite jurisprudence quite early in his career, his wide recognition as the marja' al-taqlid did not materialize until 1970, the year in which the renowned Ayatollah Muhsin al-Hakim died. In the late 1970s, al-Khu'i's widely acknowledged juridical-spiritual leadership was faced with the revolutionary call to rise against the unjust governments of the region—a message preached by Ayatollahs Khomeini and Mu'ammad Baqir alSadr. The latter was among the prominent students of al-Khu'i in jurisprudence. The return of Khomeini to Iran in February of 1979, televised worldwide, provided a first glimpse of the new political position assumed by a Shi'ite mujtahid for the Muslim communities around the globe.

The relevance of the marja' leadership to the existing social and political conditions became a critical question for the followers. They exerted enormous pressure on al-Khu'i not only to respond to issues related to the community's everyday religious life but also to direct them in political matters, thereby

asking him to abandon his heretofore politically cautious attitude toward the rulers of Iran and Iraq. Al-Khu'i had resisted the revolutionary wave of the 1970s. He now had to consider taking a critical stance and confronting the corrupt and oppressive political regimes. It was precisely in the assumption of the activist political role by the marja' al-taqlid that al-Khu'i differed with Ayatollah Khomeini.

In 1979, after the Iranian government had criticized al-Khu'i for his failure to support the validity of "the governance of the jurist," as advocated by Khomeini, I had written a letter to al-Khu'i and had sought a clarification of his position on the right to governance for a marja' al-taqlid. In accordance with his view of the quietist role for the jurist, restricted to providing religious and moral guidance to the community, he argued that there was no documentary evidence, in the well-attested juridical sources, to support Khomeini's interpretation of a constitutional role for a jurist in a modern nation-state. In fact, he firmly believed that Shi'ite men of religion should keep away from state affairs in which they have to compromise with political powers in matters over which they have little control. Moreover, although fully aware of the success of some prominent members of the religious class in combating Communist influences among educated Shi'ites in Iraq in the 1940s and 1950s, al-Khu'i was also aware of the dangers of political activism under the increasingly authoritarian regime in Baghdad. Many of the militant Communists of the 1950s were sons and relatives of men in the lower ranks of the religious class, who had suffered a decline in prestige and prosperity because of the new and remote economic and political forces that were transforming the shape of Iraqi commerce and industry. ¹⁰ The Communist uprisings of the 1950s thus coincided with the declining role of the Shi'ite men of religion, whose appeal to the common people to abide by the commands of religion had no effect on either the Communists or the Nationalists, influenced as they were by modern secular ideologies. ¹¹ In other words, al-Khu'i, in line with long tradition among senior ayatollahs in Najaf, advocated a limited role for the marja' al-taqlid in the area of spiritual-moral guidance, a role resembling that of the politically quietist leadership of the Shi'ite Imams under various de facto Sunni governments in the classical age (ninth–eleventh centuries). Avoiding politics was not just a prudent way of surviving the unpredictable behavior of the political actors in the region; it was a religious and a moral obligation to keep Islam and Muslims safe from the factional entanglement of the turbulent Middle East politics.

In the 1950s and 1960s, Islamic education and the leadership it had nurtured in the past in Iraq became considerably enfeebled. Increasing numbers of young students in the seminaries, dissatisfied with the intellectually impoverished and socially irrelevant traditional curriculum, abandoned Najaf to pursue modern education and to acquaint themselves with modern thinking in the universities. Meanwhile, in spite of the economic prominence of many Shi'ites, the vast majority remained economically underprivileged, even as the influence of religious leaders dwindled. The Shi'ites suffered the hardships attendant on their lot as the "poorest of the poor." ¹²

In the early 1970s, a new generation of activist and militant Shi'ite organizations and leaders emerged in response to this situation. Their initial raison d'être was the development and implementation of programs by which social and economic hardships could be eased. ¹³ The rise of these groups followed

a period in which Ayatollah Muhammad Baqir al-Sadr promulgated his activist interpretation of the Shi'ite ideals of justice and equity among learned scholars, as well as lay believers. In the early 1970s, al-Sadr and his disciples interpreted sacred Shi'ite history in such a way as to mobilize the Shi'ite masses to form and join socially and politically activist Shi'ite organizations such as *al-da'wa al-islamiyya* (the Islamic Call) and *al-Mujahidin* (the Islamic Fighters).¹⁴ Most of the prominent *mujtahids*, however, remained bound to the traditional restraints of Shi'ism that required them to maintain their probity by shunning politics.

However, the situation in Iraq, following the success of the Iranian revolution in 1978–79, deteriorated quickly, bringing large numbers of Shi'ites into the streets of the major cities of Iraq. This was known as the *intifada* (uprising) of the Shi'ites in Iraq, which no ayatollah, however politically quietist, could afford to ignore. The campaign of repression against the Shi'ites reached its height when, following his house arrest on June 12, 1979, the Ayatollah al-Sadr issued a fatwa declaring that it was obligatory for Muslims to engage in a jihad against the godless Ba'th Party.¹⁵ A number of prominent religious leaders were executed and some were expelled in July 1979. The political turmoil turned into violent demonstrations under the Shi'ite leaders of the Islamic movements who constantly sought al-Sadr's directive in dealing with the regime. The climax was reached when al-Sadr, writing during his house arrest, explicitly required the Shi'ites to take radical steps in order to redress their condition in Iraq:

In the present situation, Islam needs not reform, but revolution. The reformatory calls that built religious schools and published books are now peripheral, although they served a good purpose.¹⁶ The main battle that Islam is fighting now is against its (Ba'thist) enemies. . . . The only way to change the propaganda (run by the government-controlled education and media) is to change the rulers.¹⁷

The political turmoil that followed this call for an all-out jihad against the regime ended in the imprisonment and swift execution of Ayatollah al-Sadr and his sister, Bint al-Huda, on April 8, 1980. There is very little information about al-Khu'i's reaction to these grim developments. However, the Shi'ite activists who were expelled to Iran and Syria in the aftermath of al-Sadr's execution were strongly critical of his quietist stance in the face of Shi'ite repression by Saddam Hussein's forces, which continued into the 1980s. The systematic repression of the *mujtahids* and other leaders that was carried out by Saddam left little doubt that nothing could prevent him from completely annihilating the Shi'ite establishment by executing its major benefactor, al-Khu'i, especially if al-Khu'i, under immense pressure from the revolutionary leaders in Iraq, issued a similar fatwa to revolt against the unjust government of Iraq. Circumstantial evidence suggests that Iraqi authorities were just waiting for such an opportunity to get rid of al-Khu'i, as they had done with the other prominent and influential leaders in Najaf and Karbala.¹

Following the execution of Ayatollah al-Sadr, al-Khu'i asked for permission to leave Iraq. But he was denied an exit permit and all the religious donations that were in his care, amounting to some two million dollars, were confiscated by the Iraqi government.¹⁸ His communication with the outside world was severed and his students were arrested, while some others were executed, along with his teaching

assistants and administrative staff. This treatment, despite his avoidance of politics and his advanced age, was a great blow to al-Khu'i's leadership, and it diminished his ability, in his position as the marja' al-taqlid, to act as the patron to and benefactor of seminarians and lay members of the community.

The 1978–79 revolution was followed by the Iranian–Iraqi war which lasted from 1980 to 1988. During this war, the conditions remained most unfavorable for al-Khu'i, with his large following on both sides. He and other politically quietist mujtahids¹⁹ were frequently criticized by Iranian officials for downplaying the political aspect of the leadership of a mujtahid under the doctrine of "the governance of the jurist" that was being consolidated through the constitutional process in Iran.

The end of the Iran–Iraq war (in 1988) afforded some respite from the state–run atrocities against the Shi'ite population. In August 1990, Kuwait was invaded with no apparent justification under any pretext in the Islamic law. There is no concrete information available, for the early part of that crisis, as to how Saddam sought religious justification by pressuring the Shi'ite or Sunni leaders of Iraq. We certainly know, however, that al-Khu'i declared illegal all transactions involving stolen goods from Kuwait that were being sold in the markets in Iraq.²⁰ This was an indirect way of saying that the invasion of Kuwait was an unjust war against fellow Muslims and, accordingly, that the spoils of war could not be regarded as lawful for possession or sale.

Saddam Hussein's defeat in the Gulf War in 1991 by the American–led coalition put al-Khu'i under extraordinary pressure to comply with Saddam's orders to put down the Shi'ite insurrection and to legitimize his political ventures, including the invasion of Kuwait. In the aftermath of the war, the policy of the Iraqi government was to control all the Shi'ite activities in the holy cities of Najaf and Karbala' in order to subvert the Shi'ite culture's protest against the repressive authority. In early March 1991, Saddam's power was faced with a severe internal revolt orchestrated by Iran, the U.S. government, and some of its Arab allies. Saddam's political survival was indeed in question. Najaf, Karbala', and other Shi'ite towns in the south experienced unrest, and there were clearly signs that people intended to overthrow Saddam. At the peak of the uprising, when Najaf appeared to be consolidating under the Shi'ite leaders, al-Khu'i sanctioned the establishment of a "Supreme Committee" of nine people who would oversee Iraq's security and try to stabilize political and social affairs. The committee's role was limited to governing Shi'ite affairs; in no way did al-Khu'i envision "the governance of the jurists" that was formalized in Iran.²¹ On March 21, 1991, Saddam resorted to his repressive tactics. He forced al-Khu'i to appear on national television and asked him to appeal to the Shi'ites to end their insurrection. Such a statement from the marja' al-taqlid was primarily intended to undermine Shi'ite confidence in their already weakened leadership. Additionally, it was supposed to send a signal to the Shi'ite movements who were trying to overthrow Saddam, telling them that they could not count on the backing of the most senior religious leadership to legitimize their insurrection. Undoubtedly, al-Khu'i's appearance with Saddam was a public humiliation of the Shi'ite religious leadership. The insurrection that had been encouraged by the United States was ruthlessly crushed, while the international coalition looked the other way, allowing Saddam to exact his vengeance on his own civilians.²² The Iraqi forces loyal to Saddam pounded Najaf

and Karbala' with artillery and tank fire, killing hundreds of people, destroying homes, gardens, mosques, and Shi'ite shrines.[23](#)

The Crisis of Leadership in the Aftermath of al-Khu'i's Death

Al-Khu'i's death on August 8, 1992, marked the end of an era in the history of Najaf and of Shi'ite leadership of the *marja' al-taqlid*. Indeed, for more than half a century, al-Khu'i's leadership had represented a politically moderate, intellectually productive period of Shi'ism in Najaf. In addition, his policy of pursuing the community's social and educational welfare around the globe, by means of the religious offerings of wealthy Shi'ite donors, earned him enormous respect and popularity as the *marja' al-taqlid*. Although he had distanced himself from the political activism of Ayatollah al-Sadr, he provided sponsorship and funding for Bint al-Huda's social work and educational projects for women in Najaf. Al-Khu'i recognized the contribution Bint al-Huda was making through her regular journal articles and her lectures among women. It was not customary for anyone in al-Khu'i's position to endorse the activist vision of the Muslim woman, such as that of Bint al-Huda, who represented the legitimate demands of the religiously oriented women in society.[24](#)

In the 1980s, practical considerations prompted lay and religious leaders among al-Khu'i's Persian and Arab followers in Europe and North America to establish the Al-Khoei Benevolent Foundation in order to supervise the large number of religious endowments and other tangible and intangible assets that were, until that time, managed by al-Khu'i's personal representatives. [25](#) The trustees of the foundation, who were personally appointed by al-Khu'i, included highly successful businessmen. They expanded the mandate of the foundation, registered as a not-for-profit corporation, by empowering the board to solicit, raise, accept, administer, invest, and reinvest the religious funds, and handle other properties. Hence, the Al-Khoei Benevolent Foundation has expanded its activities in many parts of the world and has successfully established centers and schools in London and New York. It has also engaged in humanitarian activities that include feeding Afghani war victims and digging wells in East Africa, as well as voicing concerns at U.N. sessions in regard to human rights violations against the Shi'ites in Iraq and Iran.

Al-Khu'i's death left the Shi'ite community with an evident vacuum in religious leadership. Until 1979, a set process for acknowledging religious leadership was in operation among the Shi'ites. With the emergence of the Islamic Republic of Iran, following the revolution in that year, the acknowledgment of Shi'ite leadership has become intertwined with the endorsement of the Iranian government.

Since the death of al-Khu'i, the question of the religious leadership under the leading ayatollahs has flared up more than once. The deaths of such senior members of the Shi'ite religious establishment as Ayatollah Gulpaygani (d. 1993) and Ayatollah Araki (d. 1994), following the death of al-Khu'i in 1992, have left the community with several prominent candidates from among the succeeding generation of scholars—mostly among al-Khu'i's disciples—whose leadership, primarily for political reasons, remains to be accredited by both lay and religious experts who represent various interest groups in the worldwide

Shi'ite community. To be sure, the question is critical in the apparent absence of a consensus in regard to which leading authority in the Shi'ite community should adorn "the mantle of the Prophet."

The traditionally recognized criteria for determining the qualifications of a mujtahid who could assume the position of the *marja' al-taqlid* are dominated by the conservative spirit of the Shi'ite centers of religious learning in Qumm and Najaf. There is an ostensible lack of vision in this spirit for the future of the widely dispersed Shi'ite community. Moreover, the conservative spirit is the main reason that the religious centers have not been able to produce a set of objective criteria and a well-defined mechanism to allow for the smooth transition from one ayatollah to another in today's highly technical world.

A further complication in determining the *marja' al-taqlid* has arisen since the Iranian government gave a formal enactment to the position of the *marja' al-taqlid* under "the governance of the jurist" in the Iranian national constitution. Whether the Iranian government admits it or not, the determination of the *marja' al-taqlid* has become part and parcel of Iranian national politics. There is no doubt that this enactment was prompted by the fact that the Iranian government has a direct stake in the determination of the mujtahid who assumes the supreme religious authority of the Shi'ite faith. In the Iranian context, the institution of the *marja' al-taqlid* has been responsible for providing the necessary Islamic legitimacy for the Shi'ite nation-state of Iran. In addition, the institution is, in large measure, responsible for providing cohesion in maintaining the related spiritual-moral and social-political identities of the Iranian Shi'ites. It is precisely this nationalistic orientation of the *marja' al-taqlid* that is at odds with the generally held belief among Shi'ite Muslims that it is a universally acclaimed position in the Islamic law, the *Shari'a*. The Iranian endeavors to obtain worldwide Shi'ite acknowledgment of its version of "the governance of the jurist" is not supported by other leading mujtahids and their followers among the Shi'ite community at large.

Consequently, since al-Khu'i's death, the question for the Shi'ite community around the world is not merely whether to determine who is next in line as *marja' al-taqlid*. Rather, it is a more practical concern: How should the community avoid becoming entangled in the national politics of Iran, or for that matter Iraq, in deciding the most-qualified source of their spiritual-moral emulation? Historically, the community, with its long experience of living under unfriendly governments and at times as a persecuted minority, has safeguarded its religious autonomy without having to bow to any pressures to get a particular ayatollah acknowledged. Shi'ites, whether in Iran, Iraq, or elsewhere, are fully aware that the selection of the *marja' al-taqlid* is an individual religious duty imposed on a believer as a matter of conscience, rather than an obligation that can be enjoined by the collective decision of the government or community leaders. Accordingly, it is a vexing question for a believer to recognize a right *marja' al-taqlid*.

With the formalization of the supreme religious office of the mujtahid in the national constitution of Iran, as far as the *marja' al-taqlid* is concerned in matters of Islamic law, both the Iranian government and the Shi'ite community are left with the inadequate and mostly unwritten traditional system of transference of the religious authority to the next mujtahid. Whereas the problem of such inadequacy may not cripple the

everyday religious lives of the Shi'ite community at large, for a country like Iran it is an urgent national issue. In the absence of traditionally recognized criteria for assuming the supreme juridical office of the marja' al-taqlid, Iran has acknowledged, albeit tacitly, the constitutionally promulgated position of the religious ideological "guide" in addition to the traditional and mostly ceremonial position, as far as the government's day-to-day functioning is concerned, occupied by the marja' al-taqlid. The emergence of al-Khu'i's disciple Sayyid 'Ali al-Husayni al-Sistani as the marja' al-taqlid of the majority of the Shi'ites outside, and probably within, Iran, is a source of embarrassment for the government: Al-Sistani, like al-Khu'i, has not conceded the legal validity of the political power vested in a marja' al-taqlid through the concept of the governance of the jurist.

In the popular imagination, the presumption that a qualified mujtahid is a general deputy of the twelfth hidden Imam facilitated the upgrading of the institution of the marja' al-taqlid from a position of a supreme legal authority accepted for emulation to an authority invested with all kinds of constitutional and political powers. Naturally, such an expansion in the marja's authority was less problematic in a community that had come to believe that the hidden Imam is in constant communication with the leading mujtahids, guiding and protecting them from committing errors of judgment. These popular beliefs cannot be underestimated in their overall influence on the formation of the Shi'ite political culture. The sense of loyalty between the religiously acknowledged leader and the community of the believers is indeed a unique feature of Shi'ite culture.

The "nationalization" of the transnational, judicially founded position of the marja' that bound the Shi'ites together regardless of their national or ethnic affiliations, in the modern nation-state of Iran, continues to pose questions of legitimacy. By ordaining a constitutional position for the supreme religious authority, Iran was indirectly engaged in appropriating the loyalty of the entire Shi'ite community for the nation-state of Iran. It overlooked the religious implications of creating the modern territorial state under the inherently transnational and transcultural concept of the governance of the jurist, which admitted that with the obligation of acknowledging the supreme holder of that position came the God-given right of the Shi'ite Muslims to live under his rule. The Shi'ite rights to Iran, then, would be on the same principles that allowed the Jews in the diaspora to claim a divinely ordained right to migrate to Palestine. Such an oversight among the Muslim religious leaders is not surprising. Muslim scholars even now continue to think in terms defined by the Islamic legal tradition, which actually never conceived of the world as a community of nation-states. The Sharr'a always spoke in terms of the Umma, the religiouspolitical community under God's representative on earth. The presuppositions that govern the establishment of the modern sovereign state, however, treat territorial integrity as the fundamental principle of the claim to independent statehood.

In addition, the promulgation of the position of the marja' al-taqlid in the constitution made a mujtahid a state functionary, thereby requiring the government to fill his position with a qualified candidate. By using the model of leadership provided by Khomeini himself, who was able to fill both the traditional and the constitutional roles of the state marja' al-taqlid, the government of Iran was ironically laying the

foundation for the future division of the Shi'ite religious leadership into a governmental and a nongovernmental marja'. As observed by al-Khu'i and other leading ayatollahs at that time, the traditional independence of the marja' from government control was bound to be compromised with the establishment of the state marja', leaving the community at large to continue to choose its own preferred marja'.

To be sure, the regularization of the marja' through the state-created and -filled position was designed to overcome the problem of the plurality of the marja', some of whom had not even endorsed the political role of the jurist. Without first having such an agreement in place, the smooth functioning of the state was impossible. The conventional juridical individualism and resulting independence enjoyed by the mujtahid s in discovering the divine purposes for the Muslim community could, and did, create an explosive situation, with a far-reaching impact on the future of the Islamic republic under an ayatollah.

To minimize the occurrence of such a division in the religious leadership in a nation-state, the concept of the governance of the jurist, as expounded by Khomeini, made it obligatory that if and when a qualified marja' al-taqlid existed, he should assume the function of governance, at which point the entire community was under a religious obligation to obey him in all his directives in the interest of Islam and Muslims. The interest of Islam and Muslims, of course, had to be defined by the holder of that office.

Political and juridical problems aside, the institution of the marja' in the modern history of the worldwide Shi'ite community has been plagued by two fundamental problems: (1) the irrelevance of many of the traditional religious directives that affect interpersonal relations and the ensuing law of transactions in the modern world, and (2) the self-serving attitudes that have characterized the immediate family members and close associates of the leading ayatollahs. The loss of confidence in the institution that has been known for its austere, puritanical lifestyle, in addition to the deaths of several leading members of the religious establishment in the first half of the 1990s, have brought to the fore the age-old question about the reforms necessary to make the marja' relevant in the most challenging times for the community around the globe.

Al-Khui's death, then, accelerated the decline of Najaf as the major center of religious scholarship and the home of modern Shi'ite leadership, which has clearly shifted to Qum in Iran. Najaf chose to follow Ayatollah al-Sistani, one of the close disciples and associates of al-Khu'i, whereas Qum found another prominent disciple of al-Khu'i, Sayyid Muhammad al-Ruhani (d. 1997), to be among a handful of mujtahid s that were qualified to assume the supreme religious authority of the marja' al-taqlid. Besides his constituencies in Iraq, Kuwait, and, to a certain extent, Lebanon, al-Sistani seems to be gaining followers in Iran. In other words, al-Khu'i's political and religious legacy is being continued both at the level of leadership and among the followers.

Al-Khu'i's Legal and Exegetical Thought

Al-Khu'i's rigorous quietism allowed him to pursue his scholarly agenda during the most tumultuous periods in the social and political history of the Shi'ites of Iraq. His position that the politicization of religion should be avoided at all costs was based on his conviction that religion belonged to the domain of personal conscience, which must be protected from governmental interference. At the same time, he was aware of the challenges faced by Muslims who were living under all kinds of secular ideologies that were inimical to their religious heritage. The attraction to Communism among the downtrodden Shi'ite youths and the exploitation of the revolutionary potential of Shi'ism by the Communist leaders of Iraq in the 1950s were still fresh in the memories of many religious leaders of Najaf. Hence, al-Khu'i's major concern in his scholarly endeavors was to respond to the situational aspects of the daily lives of ordinary believers in modern times. Besides his numerous academic works in the field of Islamic jurisprudence,²⁶ it was a search for an expansive methodology in the derivation of fresh rulings (*furu'*) in applied law that led him to embark on a creative examination of traditional sources of Islamic law. Without such an extended methodology that would aim at restoring diminished confidence in the substantial role of human reasoning, it was impossible to formulate fresh judicial decisions that were needed to guide the community that was being modernized at an ever-increasing pace. The key to this intellectual search lay in approaching the Islamic revelatory sources, like the Qur'an and the traditions ascribed to the Prophet and the Imams, with a view toward decoding the principles (*usul*) and the rules (*qawa'id*) behind the deduced judgments (*ahkam*) of the paradigm cases in the juridical corpus.

In this connection, al-Khu'i was reflecting the impact of Shaykh Murtada al-Ansari (d. 1864), whose methodology in deducing fresh rulings, as expounded in *al-Rasa'il* (The Treatises), had revised earlier works and defined practical ways to solve contemporary problems.²⁷ The teachers whose graduate lectures (*bahth al-kharij*) al-Khu'i had attended were also the founders of independent schools in legal theory, already foreshadowed in *al-Ansari's al-Rasa'il*. The last of these renowned teachers who developed al-Ansari's juristic principles was al-Na'ini (d. 1942) whose lectures, which al-Khu'i edited and published in two volumes, under the title *Ajwad al-taqirrat* (Out standing Lectures),²⁸ became the foundation of his own original research in the field of legal principles. In the years that followed, he published several important volumes critically evaluating the works of his teachers and other scholars in the field and asserting his independent methodology in formulating new judicial decisions. The most problematic area in the methodology was the verification of transmitted sciences (*al-'ulum al-naqliyya*) as far as evidential evaluation (*hujjiyya*) was concerned. The reason for this was that the admission of any tradition (*hadith*) as evidence for a judicial decision depended on its being established as authentic. Accordingly, the method of ascertaining the authenticity of a tradition (*hadith*), through investigating the "chain of transmission" (*isnad*) that was appended to each report, and through examining its internal consistency, was an indispensable part of the juristic process. The discipline that prepared a mujtahid to methodically investigate this type of documentary evidence in support of a judicial decision is known as *'ilm al-rijal*—that is, "scrutiny of the transmitters" who appear in the chains of transmission that originate

from the Prophet and the Imams. Investigation of the biographies of the individual transmitters provided information about their veracity and the authenticity, or lack of it, of what they related in the form of the traditions from the Prophet and the Imams.

Al-Khu'i's monumental, multi volume study known as *Mu'jam rijal al-hadith* (Biographical Dictionary of the Narrators of the Traditions) is a unique contribution in the field of *'ilm al-rijal*.²⁹ In this work he proposed a new method of ascertaining the reliability of traditions that were questioned, for instance, for lack of corroboration or were vitiated because of a missing link in the chain of transmission. The intellectual process of authentication is admittedly based on a juristic presumption about the transmitter's good intention, as long as the substance of the report does not contradict the ethos of Islamic revelation. Al-Khu'i identifies this method of establishing the admissibility of a tradition as a proof of the derivation of a judicial opinion as less than certain, but probably closer to the truth of the matter under investigation.

To be sure, the Qur'an, as the revelation from God, enjoyed a superior position in the hierarchy of sources given for the derivation of legal rulings. Hence, more so than the traditions, the Qur'an could provide a methodological breakthrough in ascertaining the validity of the juristic deduction that "whatever is affirmed by reasoning is also affirmed by the revelation." This latter rule is known as the "rule of correlation" (*qai 'idat al-mulizama*), which allowed a jurist to infer a ruling purely on the basis of reason.³⁰ In other words, there was no reason to deny a substantial role for reasoning in unraveling the effective causes behind divine legislation (*'ilal al sharay'i*), in order to guide the future concerns in society.

It is important to bear in mind that the contextual exegesis of the Qur'an, founded on its major ethos as a "living" guide for the believers, was quite often overshadowed by the restrictive traditions ascribed to the Prophet, in which the ability of human reasoning to discover the philosophy of legislation was circumscribed by an insistence on authoritative traditions to reveal divine purposes for humanity. For jurist theologians like al-Khu'i, deeply rooted in the study of legal theory in which reason played a significant cognitive role in distinguishing objective good and evil, it was obvious that contemporary juridical deliberations to illuminate the divine intention in legislation were bound to be deficient without a creative interpretation of the evidential function of the Qur'anic text in its most immediate sense. Hence, al-Khu'i took it on himself to compose a multivolume exegesis of the Qur'an, on the basis of his awareness of the need for such a treatment from the perspective of a legal theorist. Unlike another major work on the Qur'anic exegesis by his contemporary, 'Allama Mubammad Husayn Tabataba'i, whose interests in his *al-Mizan fi tafsir al-qur'an* (The Scale of Interpretation in the Exegesis of the Qur'an) were far more comprehensive including theological, philosophical, mystical, and linguistic expositions of the Qur'an-al-Khu'i's interests, as is evident in this book, were informed by his preoccupation with Muslim legal thought. The first step was to establish the uninterrupted transmission of the text to confirm its authenticity, after which it would be possible to argue for a fresh legal-theological exegesis. This is exactly what this book, the original volume and this first published translation of al-Khu'i's work, seeks to

accomplish.

The Qur'anic Exegesis

Al-Khu'i's book is entitled *al-Bayan fi tafsir al-qur'an* (literally, The Elucidation of the Exegesis of the Qur'an, but technically, The Prolegomena to the Exegesis of the Qur'an); it is among the less well known of his publications in the area of legal methodology and application. I was a visiting scholar in the Faculty of Shari'a at the University of Jordan in 1990–91 when I received a personal message from the Ayatollah al-Khu'i from Najaf, Iraq, through his son, Sayyid Muhammad Taqi, requesting me to undertake this translation. My first reaction was that there existed a large body of works, in English, on the history of the Qur'an and on the specific issues related to its interpretation, and, hence, that this book would add very little to modern Qur'anic studies. But as I went through the synopsis provided at the beginning of each chapter, I realized that al-Khu'i had treated many of the critical topics connected with the collection and canonization of the text that had received little attention in the works of contemporary Muslim exegetes.^{[31](#)}

From his own autobiographical note in *Mu'jam rijal al-hadith*, it is evident that the reform of the Najaf curriculum in legal studies was among al-Khu'i's tasks of high priority. In this program of reform, besides advocating rigorous methods and criteria in the scrutiny of the reporters of transmitted sciences, along with new methods of teaching and learning at all levels of legal studies, it was the teaching of the mostly neglected sciences related to the Qur'an and its interpretation that was critical for training the new generation of mujtahids. He urged his students to pay close attention to the Qur'an, to its history and contextual aspects. To be sure, his interest in the Qur'an was founded on his search for an expansive methodology in jurisprudence. Additionally, he wanted to provide a definitive introduction to the exegesis of the Qur'an from the Shi'ite point of view, especially since the existing literature on the subject comes mainly from the Sunni point of view.

Of all the subjects that have been commonly treated in the history of the Qur'an perhaps most controversial has been the question of the occurrence of alteration (*tahrif*) in it. The controversial nature of the subject is indeed evident from the polemical tone of most of the works written by Sunni scholars of the Qur'an. In the disputations between the different Muslim groups, the extremist Shi'ites alleged that the unjust rulers had omitted or inserted things in the Qur'an with the object of falsifying evidence of the truth about the Shi'ite position in the matter of the successor to the Prophet. The Sunni response made the same charge against the Shi'ites that they had introduced in their reading of the Qur'an: arbitrary alterations of the text by omitting parts of it, interpolations, or a wrong exposition of the true sense. Such charges and countercharges implied that the Prophet had left more than may be found in the Qur'an.^{[32](#)} These intrafaith disputations led to the inevitable and extremely dangerous conclusion for the future authority of the scripture that there is either material missing from the Qur'an that ought to have been included or material added to it that ought to have been excluded. Obviously, if any Muslim admits alteration in the Qur'an, it vitiates its evidential status for Muslim life. Consequently, the Shi'ites have

responded to the Sunni polemics with their own.

Accusations against the Shi'ites remain part of the Sunni-Shi'ite polemics epitomized in modern times by the highly contentious book *Al-Shi'a wa al-qur'an* (The Shi'a and the Qur'an), which was written by Ihsan Ilahi Zahir and published and circulated by Sunni authorities to discredit Shi'ite membership in the Muslim community.³³ The question of alteration in the history of the collection of the Qur'an has been shelved; because of the canonization of the text under 'Uthman (d. 656), the matter is regarded by the Sunni scholars as closed. For the Shi'ites, who are vigorously defending their membership in the larger Muslim community, the matter of alteration is far from being closed. After all, in such polemical exchanges, the Sunni majority retains the upper hand in instituting systematic discrimination against the Shi'a.

For a scholar like al-Khu'i, then, to take up the discussion about alterations, drawing on evidence from Sunni sources, is not only intended to establish the Shi'ite claim to authenticity of their creedal statement about the Qur'an but also meant to challenge the Sunni claim over the custodianship of the authentic version of the Qur'an.

A related question in this connection is the opinion expressed in some of the Shi'ite traditions regarding the extent of the Qur'an, which implies that "alteration" in the sense of "omission" had indeed taken place under the Sunni authorities. For instance, Shi'ite sources speak about a tradition that goes back to the Imam Muhammad al Baqir (d. 728), who is reported to have told his followers that anyone who claims that he has collected the complete text of the Qur'an is a liar, since no one other than 'Ali b. Abi Talib or other Shi'ite Imams collected all of it the way it was revealed. The tradition implies that there exists another version of the Qur'an, more complete and accurate than the one that is now in the hands of the people. How does one explain such traditions in the Shi'ite sources without contradicting the generally held creedal statement among Shi'ite theologians that the present Qur'an is complete?

In *The Prolegomena*, al-Khu'i takes up the subject of the extent of the Qur'an in all of its complex historical development. First he provides a convincing interpretation of the events and factors that led to the ultimate canonization of the text. Then he discusses the early readers of the Qur'an who were responsible for its transmission. There were, in all, ten well-known readers accepted by the Sunnis as reliable transmitters. With his unusual command over materials in the field of *'ilm al-rijal* (scrutiny of the transmitters), al-Khu'i establishes the problem of internal incoherence in their biographies and in their claims about the methods of transmitting the Qur'an. He then takes up the reading of the Qur'an adopted by each one, carefully analyzing the variants linguistically and stylistically, to demonstrate that, contrary to their claim of its uninterrupted transmission (*tawatur*), the reading was based on a single transmission (*ahad*) and fraudulent documentation.

The discussion about different readings leads him to assess the validity of a long standing belief among Sunni historians of the text that the Qur'an was revealed in seven "styles" (*ahruf*). What was the truth about the so-called seven styles, or "dialects"? Was not the Qur'an transmitted, as the Qur'an asserts, in

the "clear Arabic" of the people to whom it was revealed? Al-Khu'i takes up the transmission of the belief about the seven *ahruf*, examines its documentation and internal congruity, and shows it to be a case of fabrication designed to vindicate the variants in the several readings attributable to their having been relayed through a single transmission by the ten readers. He examines the various senses in which the Muslim tradition uses the term "alteration," providing examples from the history of the compilation of the text in each of its various significations. After a critical investigation of these significations, he comes to the conclusion that the present text of the Qur'an, although possessing variant readings that do no damage to the original message, is the one that was transmitted personally by the Prophet himself. In this way he makes a distinction between the process of transmission that took place under the Prophet's personal guidance and its subsequent codification in seven readings under the early caliphs.

Al-Khu'i's own conviction about the collection and transmission of the Qur'an by the Prophet during the latter's lifetime appears, at several points in the book, as a rebuttal of the traditionally held Sunni account that credits the early caliphs with that meritorious act. In this and other sections of *The Prolegomena*, al-Khu'i's textual analysis of the classical Muslim sources appears to have been undertaken phenomenologically, with an extreme sensitivity toward the Qur'an as the divinely inspired book, whose history of collection was at times impaired by the ideological considerations of the authors.

The exegesis of the Qur'an is essentially founded on a historical method in which the sources that provide evidential documentation are examined thoroughly to ascertain their reliability. Each piece of evidence is further analyzed for its internal consistency before it is admitted as a valid argument in support of a particular thesis. Undoubtedly, in all this intellectual activity, one cannot fail to observe al-Khu'i's implicit scholarly pre-commitment namely, to reaffirm the intellectual credentials of a Shi'ite mujtahid as an authoritative exegete of the Islamic revelation. In Islamic scholarly circles, such a reaffirmation requires the author to refute attacks, both internal and external, on the integrity of Islamic revelation.

Internally, al-Khu'i was responding to the Sunni refutation of the Shi'ite position about the belief in the actual extent of the Qur'anic revelation. According to some rare Shi'ite opinions, certain sections of the Qur'an that included praise for 'Ali b. Abi Talib, the Imam of the Shi'a, were intentionally suppressed by Sunni readers.³⁴ Externally, he was responding to Christian scholarship on Islam—produced in large measure by missionaries— which had challenged the very claim of divine origin of the Islamic revelation and regarded the Qur'an as Muhammad's own creation.

The first three chapters of *The Prolegomena*, entitled "Miracle of the Qur'an," "Erroneous Impressions concerning the Miracle of the Qur'an," and "Discussion about Other Miracles," are certainly in response to external criticism leveled at the Muslim scripture by non-Muslims; the rest of the book responds to Sunni criticisms against the Shi'ites. In addition, the latter chapters, specifically Chapters 8 on, provide the corrective to Sunni views about the history of the revealed text. Although al-Khu'i's command of Sunni materials that deal with the history of the Qur'an is rigorous and compelling in regard to internal criticism,

his polemical treatment of the biblical materials from the Old and the New Testaments in response to external skepticism toward the Qur'an is cursory. There is little, if any, reference to the biblical scholarship that regards different books of the Bible as being compiled in different stages of their development before their ultimate canonization.

The polemical dimension of traditional Muslim scholarship can be gauged precisely in its attitude toward other Abrahamic scriptures. The "theological" approach prevalent in all centers of traditional Islamic religious learning finds expression in The *Prolegomena* in the way comparisons between the Qur'an and other revelations are tackled. Biblical sources are evaluated in terms of their being acclaimed as divinely inspired texts, whereas their present state reveals interpolations that distort their true intent for worldly gains. In the final analysis, such biblical citations are brought into focus to enhance the validity of the belief about the Qur'an being the inimitable miracle of Islam and its founder.

Of all the traditional sources used to interpret the Qur'an, Muslims found that the exegesis based on the traditions (*hadith*) that recounted the explanations of specific passages of the Qur'an was most acceptable because it seemed to recapture the essential meaning of the text under discussion. However, what was actually taught by the Prophet was not always easy to determine because quite often there existed various contradictory interpretations of the same passage. The traditions represented various political and theological trends in the community. The Sunnis accepted only those reports related on the authority of certain narrators who were regarded by them reliable; by contrast, the Shi'ites admitted only those who represented their own viewpoint. No opinion was accepted as an authoritative documentation for the specific exegetical opinion on the Qur'an if it did not meet the ideological-sectarian criterion. Consequently, in the history of the Qur'anic exegesis, the interpretation based on the traditions was most prone to factional considerations and prejudices.

Although al-Khu'i uses both Sunni and Shi'ite traditions to prove his points, he mainly relies on the Sunni traditions to highlight the problems that surround their transmission and evidential value. Thus, for instance, in his detailed discussion about the problem of identifying abrogating and abrogated verses of the Qur'an with certainty, he relies heavily on Sunni sources to refute Sunni claims of abrogation of particular verses on the basis of evidence provided by the traditions. The subject of abrogation also provides him with the opportunity to present the Shi'ite views derived from the very passages that were regarded by the Sunnis as being abrogated. Hence, al-Khu'i endeavors to prove that Sunni judicial decisions on critical issues in inter human relationships that had to do with capital punishment, offensive warfare, the validity of a divorce based on a triple-repudiation, and the invalidity of temporary marriage were derived from traditions that claim abrogation of the Qur'anic passages that deal with these matters. There is a fundamental methodological concern in al-Khu'i's criticism in this connection namely, Can the tradition become the source of Qur'anic abrogation? The question has been debated among Muslim jurists because of its implication for the position of the Qur'an when compared with the traditions. Nevertheless, al-Khu'i's purpose in raising this theoretical question is, understandably, to demonstrate the validity of some rulings—for instance, on temporary marriage—derived from the so-called abrogated

verses, after making a rigorous scholarly appraisal of the sources used as contrary evidence by the Sunni authors.

Juridical Significance of the Exegesis

Al-Khu'i was essentially a jurist. His interest in the Qur'an was in discovering, through the historical knowledge of the language of the Qur'an and those who spoke it, the relationship of the divine message to social exigencies and other human conditions. Although it is in large measure a work of history, there is an implicit admission in *The Prolegomena* that understanding the variations and disagreements among Muslim exegetes requires an understanding of the political and social forces that influenced their interpretations of the "occasions of revelation" (*asbab al-nuzul*). These interpretations, in turn, were motivated by the distinct positions on the creed that were held by the individual commentators engaged in reading specific creedal and juridical inquiries into the meaning of the Qur'an.

The best example is provided by al-Khu'i's treatment of the abrogation (*naskh*) of the verse which actually instituted temporary marriage (*mut'a*) in the Qur'an. The inherently subjective nature of any historical enterprise is underscored as a major factor in al-Khu'i's continual interest in unfolding the understandings of earlier commentators of the verses that deal with the disputed institution of temporary marriage in the Muslim community.

Al-Khu'i underscores an important prerequisite in one's approach to the Qur'an as a vital source for moral-spiritual guidance—namely, that there is a constant need to explain the historical setting of the revelation so as to uncover the principles that were applied in the development of Muslim society and its ever-expanding legal and ethical scope. In this intellectual process of providing exegetical principles for searching for historical precedents and for extracting the doctrinal and juridical principles from precise references in the Qur'an that are relevant to contemporary situations, *The Prolegomena* stands within a long and creative history in the development of the Qur'anic exegesis in Islam.

The Present Translation

This translation is based on the book's first Arabic edition, which was published in Beirut in 1974 and also contains the exegesis of the first chapter of the Qur'an. I have omitted that in the translation because the book is complete, in its central theme, as *The Prolegomena* to an Exegesis of the Qur'an, without that section. All the references have been carefully checked and collated for the accuracy of the citations and for completeness of bibliographical information. I have added my elaborations to the translation using square brackets. The citations from the Qur'an and other texts are part of the original text. There are a number of appendices to which the author makes references in the footnotes. However, they are, in most cases, footnotes that provide extensive references to the sources and the variations therein. Accordingly, where appropriate, I have summarized them in the endnotes.

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The present translation would have been impossible without the moral encouragement that I received from the Ayatollah al-Khū'i and his son, Sayyid Muhammad Taqi al-Khū'i (d. 1995). Sayyid Majid al-Khū'i, his younger son and the director of the Al Khoei Benevolent Foundation, provided important documentation for the Ayatollah al-Khū'i's life and career in Najaf and the missing bibliographical information on some rare sources cited in *The Prolegomena*. Of course, Sayyid Fadhil al-Milani, my teacher and friend, was always there when I needed him to disentangle some textual problems connected with Ayatollah al-Khū'i's juridical style of writing.

[1.](#) The sketchy biographical information in this book is derived from an autobiographical note on him in his *Mu'jam rijal al-hadith* (Najaf: Matba'at al-Ji.dab, 1981), vol. 22, pp. 22–26. On the other hand; he provides detailed information about his education, his teachers, and his own teaching in Najaf.

[2.](#) Chibli Mallat, *The Renewal of Islamic Law: Muhammad Baqer as-Sadr, Najaf and the Shi'i International* (Cambridge: Cambridge University Press, 1993), pp. 39–41, calls these levels study cycles and lists all the texts that are studied at each level of the mujtahid's education. The level of *Sutuh* (plural of *Sath*) signifies an "unfolding" of the technical terminology that is applied in the deductive jurisprudence. Hence, I have identified this level with "the technicalities." Yitzhak Nakash, *The Shi'is of Iraq* (Princeton: Princeton University Press, 1994), p. 245, also gives the details of the three stages and correctly identifies the *sutuh* as involving rational jurisprudence and principles of deductive jurisprudence.

[3.](#) The number of students at Najaf in the late nineteenth and early twentieth centuries fluctuated between eight thousand and twelve thousand, depending on the political conditions in the city. Nakash, *The Shi'is of Iraq*, pp. 241–42, discusses these numbers in the context of the development of the religious colleges under the leadership of some prominent mujtahids at the turn of the century. That number dwindled to some eight hundred after the Gulf War. Following the Shi'ite insurrection in 1991, the remaining students disappeared. During my May 1996 visit to the holy cities of Iraq, some local students were gradually beginning to acquire the traditional education privately.

[4.](#) Hamid Algar, *Religion and State in Iran 1785–1906: The Role of the Ulama in the Qajar Period* (Berkeley: University of California Press, 1969) gives a detailed account of the jurists' regular visits to the holy cities of Iraq for higher learning under the well-known mujtahids.

[5.](#) Abdulaziz Sachedina, *The Just Ruler in Shi'ite Islam: The Comprehensive Authority of the Jurists in Imamite Jurisprudence* (New York: Oxford University Press, 1988), pp. 61–64; I discussed the *ijaza* system and its importance in the traditional educational system pursued in the Muslim seminaries.

[6.](#) Sachedina, "Activist Shi'ism in Iran, Iraq, and Lebanon," in *Fundamentalisms Observed*, ed. Marty Martin and Scott Appleby (Chicago: University of Chicago Press, 1991), pp. 403–56; also, Yann Richard, *Shi'ite Islam* (Cambridge: Blackwell, 1995), pp. 77–109 offers useful insights into the development of the activist posture in the context of the Shi'ite tradition of religious professionals.

[7.](#) Mallat, *The Renewal of Islamic Law*, p. 44.

[8.](#) Al-Khū'i, *al-Masail al-muntakhaba: al-'ibadat wa al-mu'amalat* (Beirut: Dar al Andali's, 1971) p. 2.

[9.](#) Sachedina, *The Just Ruler*, pp. 227–29.

[10.](#) Hanna Batatu, *The Old Social Classes and the Revolutionary Movements of Iraq* (Princeton: Princeton University Press, 1978), pp. 22–24.

[11.](#) Sachedina, "Activist Shi'ism," p. 441.

[12.](#) Batatu, *Old Social Classes*, p. 47.

[13.](#) Chibli Mallat, "Iraq," in *The Politics of Islamic Revivalism: Diversity and Unity*, ed. Shirin T. Hunter (Bloomington: Indiana

University Press, 1988), p. 74.

[14.](#) Ibid., pp. 76–77.

[15.](#) For a detailed discussion of the revolutionary fervor that existed at this time in the major Shiite centers in Iraq, see Joyce N. Wiley, *The Islamic Movement of Iraqi Shi'as* (Boulder, CO.: Lynne Rienner, 1992), chap. 3.

[16.](#) This was an indirect hint in regard to al-Khu'i's quietist reform program in Najaf.

[17.](#) Wiley, *The Islamic Movement*, p. 54.

[18.](#) Ibid., p. 57.

[19.](#) Ayatollahs Muhammad Rida Gulpayagani (1889–1993), 'Abd Allah Musawi Shirazi (1901–91), and Hasan Tabatabai Qummi (b. 1911) are among the few senior mujtahids who disagreed with the constitutionally formalized "governance of the jurist" in Iran.

[20.](#) This fatwa was communicated by Sayyid Majid al-Khui

[21.](#) Nakash, *The Shi'is of Iraq*, pp. 276–77.

[22.](#) Ibid., pp. 275–76.

[23.](#) Ibid., pp. 278–79.

[24.](#) A detailed biography of Bint al-Huda, written by Ja'far Husayn Nizar, is entitled *Adhra' al-'aqida wa al-madhha: al-shahida bint al-huda* (Beirut: Mu'assasa Ahl al-Bayt, 1985); it lists her articles in the monthly journal *al-Adwa'* (published in Najaf), to which she and other supporters of the political ideas of Ayatollah al-Sadr contributed regular articles. She wrote about her vision of an ideal Muslim woman for the present-day Muslim society.

[25.](#) Al-Khoei Benevolent Foundation, *Al-Khoei Foundation: Concepts and Projects*, 1992. (London: Al-Khoei Foundation, 1992).

[26.](#) The list of his publications in this area, which include several volumes, is extracted from his lectures by his prominent students and is published under the title of *al-taqirrat* (Lectures) or *al-tanqih* (Reexamination of Lectures). Some other works were in the form of commentaries on the famous works of jurisprudence by the great doctors in the field. For the significance of *taqirrat*, see note 28.

[27.](#) Sachedina, *The Just Ruler*, pp. 210–215.

[28.](#) In the last century, several books have been published under the title of *al-taqirrit*. These books resemble the classical texts that were entitled *amili*, meaning "dictated, edited" works in the field of traditions (Hadith). The latter works were written, during a meeting of a teacher of traditions and students, by the teacher himself or through his dictation; hence, the listener would disseminate the book in the name of the teacher. On the other hand, *taqirrat* are the highly academic lectures delivered in the presence of the students, requiring students to memorize them, learn them, and then transcribe them at another meeting. Such works were regarded as the students' compilations. Hence, whereas *amall* works were credited to the teachers of Hadith, *taqirrat* works were ascribed to the students of *usul*. See Agha Buzurg Tihirani, *al-Dhari'a ila taanif al-shi'a* (Beirut: Dar al-Adwa', 1972), vol. 4, pp. 366–67.

[29.](#) The work has been published in 24 volumes (completed in 1969) by Matba' al-Adab, in Najaf, and has been reprinted several times.

[30.](#) For this and other rationally derived rules, see Hossein Modarressi Tabataba'i, *An Introduction to Shi'i Law* (London: Ithaca Press, 1984), pp. 3–4.

[31.](#) Among the Western scholars on the subject of the collection of the Qur'an, John Burton, *The Collection of the Qur'an* (Cambridge: Cambridge University Press, 1977), has done some revisionist scholarship on the history of the Qur'an, which in many ways shares al-Khu'i's main thesis about the Qur'an having received its present form under the Prophet himself.

[32.](#) On the subject of the extent of the Qur'an in the context of the history of its collection, and the traditions relating the subject among early Muslims, see: Burton, *Collection of the Qur'an*, p. 130 and 145. The author cites early sources like al-Bukhari, Ibn Abi Dawud, and Ibn Hajar who report the debates between the followers of the 'Ali and the other companions.

[33.](#) Apparently, the author was killed in Lahore, Pakistan, for writing still another polemic that criticized the Shi'ites, which was entitled *al-Shi'a wa al-tashayyu': Firaq wa ta'rikh* (*The Shi'a and Shi'ism: Sects and History*). This was published several times and distributed to the pilgrims in Mecca.

[34.](#) Joseph Eliash, "The Shi'ite Qur'an: A Reconsideration of Goldziher's Interpretation," *Arabica*, vol. 16 (1969), pp. 15–24, examines the Sunni views about the Shi'ite Qur'an that had an impact on the Western scholarship that took such views at

their face value. Eliash brings out the official Shi'ite views about the extent of the Qur'an and offers a corrective to Goldziher's earlier work about two extra chapters in the Rampur, India, and manuscript of the Qur'an.

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