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Rula Jurdi Abisaab

SHI‘I JURISPRUDENCE, SUNNISM, AND THE TRADITIONIST THOUGHT (*AKHBĀRĪ*) OF MUHAMMAD AMIN ASTARABADI (D. 1626–27)

Abstract

In the early 17th century, the Shi‘i juristic tradition experienced the first coherent refutation of *uṣūliyya*, the *ijtihādī* rationalism used by the mujtahids, at the hands of Mulla Muhammad Amin Astarabadi (d. 1626–27). The latter rejected the efforts of leading Iraqi and Syrian jurists to apply *ijtihād* (rational legal inference), hadith categorization, and *dirāya* (scrutiny and stratification of accounts) in deriving Shi‘i law. The main studies on Astarabadi’s *akhbārī* (traditionist) movement treat it as a reaction to the “influence” of Sunnism on the mujtahids or to their excessive “borrowings” from it, and stress the traditionists’ abhorrence of assimilating any aspect of Sunnism. Underlining the shortcomings of these explanations, this article presents Astarabadi’s thought as a discursive development within the Shi‘i juristic tradition, which is part of the grand Islamic tradition. Astarabadi became skeptical of the mujtahids’ epistemology and methodology and was concerned that they jeopardized God’s law and hence the believer’s salvation. He protested the Safavid monarchs’ legitimation of *uṣūlī* legal authority, the latter’s hierarchical features, and, ultimately, the sociopolitical domination of the ‘Amili mujtahids from Jabal ‘Amil in Syria (or modern-day South Lebanon), starting with al-Muhaqqiq al-Karaki (d. 1534).

Scholars in the field of Shi‘i legal studies have presented medieval Shi‘i intellectual developments, particularly in legal theory and juristic thought, as late and conscious “borrowings” from “Sunnism,” which they have treated as a monolithic entity.¹ A number of scholars have also presented certain developments in medieval Shi‘i jurisprudence as pure reactions to sectarianism and Sunni political domination. This conceptual framework has dominated modern scholarship on Astarabadi’s traditionist² movement, which left its imprint on hadith, jurisprudence, and law in Iran, Iraq, Bahrain, Mecca, Medina, and Syria over centuries. An adequate understanding of the rise and formation of this movement must address basic questions about the Shi‘i juristic tradition during Astarabadi’s time and its relationship to its Sunni counterpart. It must also account for the transmission and transformation of juristic knowledge across the locales and communities that form the grand Islamic tradition. A close assessment of the primary sources on Astarabadi’s life and intellectual make-up reveals several flaws in the above conceptual

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framework and offers new ways of interpreting his attack on *ijtihādī* rationalism and the mujtahids. This article uses Talal Asad's notion of "discursive tradition" as a framework for understanding the main arguments and aims of the early traditionist movement.

The article begins by considering the main features of a discursive tradition and then illustrates how Astarabadi's traditionist thought can be viewed as a discursive development within the Shi'ī juristic tradition. This development responded primarily to problems internal to that tradition, which clearly shares fundamental elements with its Sunni counterpart. Collective and incremental legal-juristic activities formed an Islamic tradition that was confined by collective textual references and interpretive approaches.³ The scholars who developed this tradition accorded these references and approaches the power of discursive change. In this way, the tradition was simultaneously a site of preservation and of transformation. Pedagogical practices tied to a set of foundational texts like the Qur'an and the hadith—receiving extensive commentary over a period of centuries—and the activities of exemplary individuals, such as the imams and their companions, provided a conceptual link between past and present.⁴

This notion of discursive tradition allows us to capture the interconnections between texts, practitioners (hadith scholars, jurists, exegetes, etc.), and historical context. Moreover, it helps us to see how a tradition is permeated by relations of power that shape the ideas of jurists at particular moments in time. As Asad has suggested, power plays an important role in shaping a tradition, especially legal power that defines (and is defined by) institutions and a range of practices.⁵ Relations of power determine how a tradition is situated in relation to other traditions and which legal approaches and practices become hegemonic.⁶ While all Shi'ī jurists across time and place held legal power, Astarabadi considered *ijtihādī* rationalism as practiced by the mujtahids in Safavid Iran to be politically and socially hegemonic. *Ijtihādī* rationalism had indeed become the dominant framework for deriving the law in Iran during the 16th and early 17th centuries.

The "discourses" of the Shi'ī juristic tradition, whether rationalist (those of the mujtahids) or traditionist (those of Astarabadi), attempt to furnish orthodoxy and orthopraxy. This process is shaped by historical conditions and, dialectically, shape them. Particular intellectual streams contributed to Astarabadi's traditionist thought, as did sociopolitical changes in Safavid Iran. Astarabadi's education in Shiraz and Najaf (and probably earlier in Astarabad) were critical to his intellectual make-up, exposing him to central debates in hadith scholarship, *kalām* (doctrinal theology), and jurisprudence, but also to criticisms that several Iranian and Iraqi scholars directed toward al-Muhaqqiq al-Karaki and, to a lesser extent, al-Shahid al-Thani (d. 1558), another outstanding 'Amili mujtahid. Meanwhile, the most important sociopolitical change was the rise of the Safavid state in 1501. Embracing Twelver Shi'ism as its official religion, the Safavid state attracted numerous 'Amili mujtahids to work within its rubric, ensuring a proper implementation of the shari'a and conformity to Shi'ī doctrine and rituals. For the first time in Shi'ī history, the state was playing a critical role in the promotion of certain jurists and legal approaches and the marginalization of others. Astarabadi's thought was partially a reaction to the intrusions of the state, which had facilitated the prevalence of *ijtihādī* rationalism among the 'ulama' since the time of Shah Tamasp, the second Safavid sovereign (r. 1524–76). The latter played an important role in promoting al-Muhaqqiq al-Karaki and supported his claims to exclusive legal authority.

The Shi'i juristic tradition treats the Qur'an and hadith as originary sacred texts and the primary bases for deriving God's law. Shi'i jurisprudence (*uṣūl al-fiqh*) is furthermore bound by the foundations of religion (*uṣūl al-dīn*), namely, the oneness of God, prophethood, the imamate, resurrection, and justice, which are the least amenable of all doctrines to alteration. The authority of the Prophet and the imams is integral to this tradition as it emerged in the early Islamic period. The 'Alids and later Shi'i sympathizers designated the imams as legatees of the Prophet, thus stressing their genealogical and divine link to him. The significance of this link is conveyed through the words of Imam Ja'far al-Sadiq (d. 765): "My hadith is my father's hadith, my father's hadith is my grandfather's hadith . . . and the Prophet's hadith is God's word."⁷ The early jurists treated Imams 'Ali, al-Baqir, and al-Sadiq as transmitters of the seminal principles of the tradition, validating a particular use of 'aql (reason) and *ijmā'* (pl. *ijmā'āt*, consensus) but rejecting *qiyās* (understood as unjustified analogy) and *ra'ī* (discretionary opinion).⁸ In turn, the imams' companions transmitted these principles to a Shi'i public.⁹ Early hadith scholars such as al-Kulayni (d. 941) and al-Saduq (d. 991–92) were concerned with the preservation and transmission of the originary statements of the imams. At the same time, they used a measure of reasoning¹⁰ to convey some of the textual proofs for discerning Shi'i law.¹¹ The social demand for pious interpreters of the imams' originary statements extended power to the Shi'i scholars and jurists as agents of orthodoxy and orthopraxy. Jurists as well as other scholars came to organize legal knowledge¹² about acts of worship and social contracts—knowledge understood to approximate God's intended law.

By the 11th century, the paradigmatic elements of the Shi'i juristic tradition took form. The law was derived from the originary texts through legally revealing verses and imami accounts, considered to be embodiments of *uṣūl*, or precedents, guiding the approach to succeeding legal questions. The latter were treated as *furū'*, antecedents or branches of the law. The derivation of the law necessitated fundamental knowledge of Arabic grammar,¹³ the Qur'anic verses subject to abrogation,¹⁴ and exegesis of sections of the Qur'an¹⁵ and hadith that bear on law.¹⁶ The derivation of the law also required knowledge of the conditions and rules of consensus. If it became apparent that the 'ulama' had reached consensus on the ruling of a particular question, this ruling would be enforced in succeeding contexts and periods.¹⁷ Starting in the 13th century (though consolidated only in the 14th century), the rational principles of *ijtihād* served as another source for the derivation of the law.¹⁸ Among the *ijtihād* principles adopted by Shi'i jurists was *istiṣhāb al-hāl*, the presumption of continuity in a legal situation until a new condition or reason appears to prompt a change in this presumption.¹⁹ The jurist utilized all of these sources to decide whether a legal act should be deemed obligatory (*wājib*), abhorrent (*makrūh*), recommended (*mandūb*), permissible (*mubāh*), or prohibited (*ḥarām*).²⁰ He could also decide to suspend the ruling on a legal act. As Wael Hallaq has noted, a "wide spectrum of interpretive possibilities" existed "within the divine limitations of the law."²¹ Juristic activity encompassed diverse interpretive techniques, orientations, epistemic justifications, and methodologies, which ranged from linguistic-based hermeneutics to complex forms of reasoning and Greek logic. Legal practices were legitimized through recourse to the imams, foundational texts, and exemplary scholars.²²

Approaching Shi'i legal-juristic activities as a "discursive tradition"²³ allows us to revisit traditionism in light of the shared spaces of the Shi'i and Sunni traditions and

in light of their boundaries. It also helps us to reassess Astarabadi's objection to the mujtahids' use of Sunni concepts and tools, which he saw as undermining the sacred texts of the Shi'i tradition and hence the coherence of the tradition itself. Finally, it illuminates Astarabadi's challenge to the mujtahids' legal power and dominance in Iran. Challenging their legal power went hand in hand with the denunciation of *ijtihādī* epistemology.

THE HILLI-ʿAMILI DISCURSIVE DEVELOPMENT

The demise of the Abbasid Caliphate and the decentering of political Sunnism under the Il-Khanids (r. 1256–1335) brought about a practical association between the rulers and Shi'i 'ulama' such as Ibn Tawus (d. 1266), Nasir al-Din Tusi (d. 1274), and al-ʿAllama al-Hilli (d. 1325).²⁴ Patronized by the Il-Khanids, the scholars of the city of Hilla were expected, much like their Sunni counterparts, to implement the shari'a and organize the sociolegal life of Muslims. This expectation encouraged the expansion of the law and the justification of its sources, leading the scholars to reconsider previously rejected forms of legal reasoning and to examine the body of imami *akhbār* (accounts). Meanwhile, confusion emerged among the jurists over the role of imami consensus and the scope of syllogistic reasoning in the derivation of the law. Disagreement over the certainty of some imami accounts and their use in legal inference needed to be resolved. For reasons I will highlight in the following section, the methods used in *kalām* and certain features of Shafi'i Sunni jurisprudence seemed useful in such circumstances.

During the 13th century, two areas of scholarship, namely, hadith and *rijāl* (biographical analysis, lit. the study of men), opened to new discursive possibilities. Ibn Tawus, for instance, attempted to stratify imami accounts on the basis of empirical criteria, an effort beyond anything attempted by al-Shaykh al-Tusi (d. 1067).²⁵ Meanwhile, al-Muhaqqiq Najm al-Din al-Hilli (d. 1277) paved the way for a reorganization of juristic tools and resources using systematic forms of legal reasoning.²⁶ After al-Muhaqqiq, al-ʿAllama identified a set of rationalist procedures or principles used in *ijtihād* to derive the law and revised the conditions of imami consensus.²⁷ To be sure, al-ʿAllama rejected some Shafi'i legal concepts and tools readily available to him through the grand Islamic tradition, but he adopted those needed by the Shi'i tradition at that historical juncture.²⁸ The legal authority of the jurist also underwent change. Common believers were now expected to become *muqallidūn* (emulators) of the mujtahid(s) in regard to various areas of Shi'i substantive law.²⁹ The principles of *ijtihād* and *taqlīd* (emulation) helped to secure methodological and theoretical integrity for the tradition, defining the new features of Shi'i legal orthodoxy.³⁰ Among the specific requirements delineated by al-ʿAllama for the practice of *ijtihād* was the scholar's knowledge of and conformity with all legal rulings supported by an imami consensus.³¹ By al-ʿAllama's time, *ijtihād* had achieved an authoritative place in Shi'i jurisprudence.

During the 14th century, the madrasas of Jabal ʿAmil in southern Syria formed a major center of discourse on the scholarship of Hilla. This development reached its peak in the 16th century, when leading ʿAmili scholars turned their attention to the verification of the four hadith collections, the organization of juristic sources, and the development of substantive law and its principles.³² In his major work on Shi'i law, the ʿAmili jurist al-Shahid al-Awwal (d. 1384) adapted the thematic organization of *al-Mukhtasar*

al-Nafi' (The Useful Summary) by al-Muhaqqiq al-Hilli. 'Amili scholars such as al-Shahid al-Thani (d. 1558), al-Karaki, and Sahib al-Ma'alim (d. 1602) applied diverse aspects of al-'Allama's *ijtihādī* legal thought and methods of hadith verification, as well as those of Ibn Tawus, who distinguished between *ṣaḥīḥ* (sound), *ḥasan* (good), *muwaththaq* (reliable), and *ḍa'īf* (weak) accounts,³³ thereby shaping the "science" of *dirāyat al-ḥadīth* and developing its link to the juristic tradition.³⁴ *Kalām* and logic received a more selective and varied assessment from *uṣūlī* scholars in Hilla and Jabal 'Amil. For instance, Ibn Tawus did not consider the study of *kalām* necessary for the jurist.³⁵ Unlike al-'Allama, the 'Amili jurists considered *kalām* and logic to be fields that depend on legal studies, that is, that serve the development of the tools and methods associated with *ijtihād*. Al-Shahid al-Thani, for his part, argued that logic is not fully reliable and that its study has limited benefits.³⁶ He integrated only some categories of logic into his line of *ijtihādī* rationalism. Meanwhile, he was faced with contradictions in more than one consensus upon which many rulings in Shi'ī law were based.³⁷ He grew skeptical of such consensuses, reaching the conclusion that they were invalid because they had not been established for all eras and their *tawātur*, or ability to provide certitude, could not be proven.³⁸ Instead, he maintained, scholars had to reexamine *ijmā' al-imāmiyya* (imami consensus) in order to determine if a given imam's opinion is reflected in it.³⁹ By this time, and following these discursive streams in areas of hadith, law, and *kalām*, *ijtihādī* rationalism had brought more coherence to the Shi'ī juristic tradition.⁴⁰ It also had given the mujtahids significant authority, which surpassed the authority claimed by past jurists through consensus.⁴¹ The mujtahids confirmed the verified consensus of the early 'ulama' through the ages, yet they called other incidents of consensus into question.

These developments had important implications for the Shi'ī tradition and the legal authority of the mujtahids. The opinions of a deceased mujtahid were theoretically inadmissible for future legal inference, encouraging the constant renewal of the law through *ijtihād*.⁴² What is more, the Safavid state, through its espousal of Shi'ism and its patronage of the 'Amili mujtahids during the 16th century, gave these latter the opportunity to apply Shi'ī law officially as well as to expand their sociopolitical roles in society. Consequently, Shi'ī law was placed in closer and clearer relationship to legal theory.⁴³ Unsurprisingly, the first works devoted to *al-qawā'id al-fiqhiyya* (legal principles) appear with the 'Amilis.⁴⁴ These works reflected a practical need for making available to the jurist the widest range of legal cases possible and the diverse rulings on these cases, as well as the need to address new ones.⁴⁵

Thus, *uṣūliyya* or *ijtihādī* rationalism (as I called it earlier) came to dominate Shi'ī legal culture and the madrasas from the 14th century onward, largely through the efforts of al-'Allama al-Hilli and his students and followers. Through the labors of the 'Amili mujtahids in Iran and Iraq and their service to the Safavid state, *ijtihād* became the basis for a wide range of legal rulings.

However, the domination of the mujtahids did not go unchallenged during the Safavid period. A growing skepticism about *uṣūlī* epistemology emerged in a few circles of learning in Iraq, Iran, and the Hijaz in the late 16th century. This skepticism intersected with a resistance to the mujtahids' legal authority. Astarabadi carried out the earliest and most potent attack on the mujtahids in Iran in his *al-Fawa'id al-Madaniyya* (Medinese Benefits). The traditionism he promoted, much like its dialectical opposite, the *uṣūliyya*,

emerged out of discursive developments in several intertwined Islamic fields, especially hadith, law, *kalām*, and logic. Astarabadi challenged the epistemic authority claimed by the mujtahids, striving for a different “orthodoxy” based directly on the corpus of imami hadith. In order to dislodge the role of *ijtihād* in deriving Shi‘i law, Astarabadi had to debunk the use of Greek logic and theological reasoning in acquiring knowledge of God’s law and legal action based upon this knowledge. To understand how Astarabadi pursued this goal we must first turn to his life and scholarly background.

ASTARABADI: SCHOLARLY FORMATION AND SOCIAL DISSENT

The early schooling of Astarabadi in the Islamic sciences probably started in his home in Astarabad in northeastern Iran, where Shi‘ism was well established.⁴⁶ Between 1598 and 1601–2, he obtained *ijāzas* (certificates) from Muhammad Sahib al-Madarik⁴⁷ (d. 1600) and Hasan Sahib al-Ma‘alim, two ‘Amili mujtahids who resided in Najaf.⁴⁸ Astarabadi studied hadith and *rijāl* with these scholars and became well acquainted with intra-*uṣūlī* differences in approaching hadith, including those centering on aspects of al-‘Allama’s and al-Shahid al-Thani’s methods. Shortly after (in 1601–2), Astarabadi was in Shiraz, where he spent another four years studying jurisprudence and possibly *kalām* with Shah Taqi al-Din Muhammad al-Nassaba al-Shirazi (d. 1610–11).⁴⁹ Many of the young *mutakallimūn* (theologians) of Shiraz had taken part in the polemical divide between Jalal al-Din Dawwani (d. 1502) and Sadr al-Din Dashtaki Shirazi (d. 1498).⁵⁰ Astarabadi, however, refuted the arguments of both scholars on questions of ontology and the nature of God’s knowledge.⁵¹

The scholars of Shiraz gradually found themselves competing with the legal scholarship and authority of the early ‘Amili mujtahids, particularly al-Karaki. Ghiyath al-Din, the son of Sadr al-Din Dashtaki, clashed with al-Karaki over his calculation of the qibla (the direction of prayer), while others challenged al-Karaki’s ruling on Friday prayer.⁵² With respect to Friday prayer, al-Karaki considered its performance optional rather than obligatory in the absence of the Imam. He insisted, however, that designated mujtahids qualified to act as the deputy of the Hidden Imam—like himself—must lead Friday prayer. The scholars of Shiraz were growing resentful of al-Karaki’s claim to exclusive legal authority, which was endorsed by Shah Tahmasb (r. 1524–76), and were questioning the state’s patronage of the mujtahids.⁵³

In addition to *kalām*, hadith scholarship was finding its way to Shiraz at the time and played a significant role in discursive developments within jurisprudence itself. It is unclear how Shiraz started to host hadith scholars from Bahrain, but these scholars’ approaches to hadith scholarship were at odds with hadith categorizations promoted by the ‘Amili mujtahids. A pioneer in hadith study, Majid al-Sadiqi al-Bahrani (d. 1619) emigrated from Bahrain to Shiraz and lived there until his death.⁵⁴ ‘Ali b. Sulayman b. Hasan al-Qadami al-Bahrani (d. 1654), known in Iran as “Um al-Hadith” (proficient hadith scholar), studied closely with Shaykh-i Baha’i (d. 1621) in Isfahan and then imparted his knowledge of imami reports to students and scholars in Shiraz, which he visited many times.⁵⁵ The importance of hadith collection and editing grew after this period not only in Shiraz but also in other Iranian locales. Out of all these diverse and discursive streams grew Astarabadi’s skepticism about *ijtihādī* rationalism, only to

be sharpened by a concern for the status of the foundational texts in the hands of the mujtahids and under a Shi'i-based state.

Between 1606 and 1616, Astarabadi was in Mecca where he studied *fiqh*, hadith, and *rijāl* with the last of his teachers, Mirza Muhammad b. 'Ali Astarabadi (d. 1616), known as Sahib al-Rijal.⁵⁶ Astarabadi highlighted how he and Mirza Muhammad envisaged a prophetic role for themselves in "reviving" traditionism and removing "all the confusions obstructing its way, for I [Mirza Muhammad Astarabadi] had this aim in mind but God Almighty has decreed that such an aim be accomplished through your [Astarabadi's] pen."⁵⁷ In 1616 or after, Astarabadi moved to Medina where he devoted himself to editing imami hadith.⁵⁸ Around seven years later he returned to Mecca, where he passed away in 1626–27.⁵⁹

Astarabadi's skepticism about *ijtihādī* rationalism was accompanied by antipathy toward the Arab émigrés, namely, the 'Amili mujtahids, starting chronologically with al-Karaki and ending with Shaykh-i Baha'i. Writing several decades after al-Karaki's death, Astarabadi evoked the qibla issue, siding in this instance with Mir Giyath al-Din Dashtaki.⁶⁰ Al-Karaki, he argued, committed "many errors," including the "destruction of the qiblas present in the land of the 'ajam (Persians) since the time of the imams' companions. These qiblas were established by pious scholars who were experts in the mathematical sciences, such as al-Fadl ibn Shadhan," a 9th-century Iranian theologian and hadith transmitter praised by the eleventh imam, al-Hasan al-'Askari (d. 874).⁶¹ Also during the reign of Shah Tahmasb, the scholar and *ṣadr* (administrator of religious endowments) Mir Jamal al-Din Muhammad Astarabadi (d. 1524–25) became estranged from al-Karaki.⁶² Despite Astarabadi's objection to Mir Jamal al-Din's *uṣūlī* leanings, he described him with deference as "*al-sanad al-'allāma al-awḥad al-sayyid . . . qaḍḍasa allah sirrahu*" (the pillar, unique scholar, and sayyid . . . May God sanctify his soul). This description contrasts with his description of al-Karaki whom he simply referred to as "*al-fāḍil al-shaykh 'Alī*" (the virtuous Shaykh 'Ali).⁶³ Elsewhere, Astarabadi cited a hadith praising the virtues of the Persians and stressing their superiority over the Arabs:

Renowned reports from the pure imams—God bless them—stated that the Imam of the age, the law of the era and time—May God pray for him and greet him—will bring a new revelation that will have harsh consequences for the Arabs. Most of his [the Imam's] soldiers will be of Persian descent. This is a God-given virtue, which He offers to whomever He wishes. [Surely,] those who are God-fearing receive benefits.⁶⁴

In the same vein, Astarabadi cited a hadith by Imam al-Sadiq: "Had the Qur'an been revealed to the Persians, the Arabs would not have believed in it. It was, however, revealed to the Arabs and the Persians believed in it. This demonstrates the virtue of the Persians."⁶⁵ Clearly, Astarabadi's refutation of the 'Amili mujtahids, which started as a scholarly disagreement, took on personal and ethnic overtones. He seemed also to have protested the dominance of the mujtahids' methods and ideas in Iranian circles. Astarabadi stated explicitly to one of his students that scholars in Iran did not dare express opinions at odds with the powerful jurists who possessed "a cursory knowledge" of hadith.⁶⁶ Under these conditions, *taqiyya* (dissimulation), he maintained, was necessary in the "land of the Persians ('ajam)!" Evidently, diverse social and intellectual streams shaped scholarly resistance to the mujtahids and contributed to the nascent *akhbārī-uṣūlī* conflict.

In *al-Fawa'id al-Madaniyya* (Medinese Benefits), Astarabadi laid claims to the imami juristic tradition and called for a break with the *uṣūlī* Hilli-ʿAmili trend and its legal orthodoxy. New arguments and interpretations do not always lead to a break with the existing tradition. Astarabadi never challenged imami doctrine or the basic textual sources of the Shiʿi juristic tradition, namely, the Qurʾan and the imami hadith preserved in the collections of al-Kulayni, al-Saduq, and al-Shaykh al-Tusi. Needless to say, some of these textual sources, paradigmatic tools, and methods of interpretation are shared (discursively) by various Sunni traditions. Diverse traditionist scholars emerged in Iran and other Shiʿi societies but, similar to Astarabadi, they remained largely within the fold of the Shiʿi juristic tradition.

In this section, I shed light on how Astarabadi used intra-*uṣūlī* disagreements to challenge the epistemic foundations of *uṣūlism* itself. Central to the *uṣūlīs*' syllogistic reasoning was the understanding that establishing certainty (*ʿilm*, *yaqīn*, *qaṭʿ*) about an act excludes the possibility that its opposite may occur, namely, doubt or ignorance (*jahl*), which leads to error.⁶⁷ But several traditionists objected to this definition of *yaqīn* as a new usage introduced by logicians who equated it with absolute certainty.⁶⁸ In the legal domain, Astarabadi argued, only revelation and the imams' sayings are known with absolute certainty, whereas the rest is known with conventional certainty (*al-yaqīn al-ʿādī*)—that is, the most common form of certainty.⁶⁹ Common or conventional certainty overlaps with one dimension of the term *ẓann* as used by the mujtahids, namely, probative knowledge. This debate had important ramifications for the understanding of human acquisition of language and God's role in it. Ibn Shihab al-Din al-Karaki, a moderate traditionist, rephrased Astarabadi's view on human utterances and their meanings.⁷⁰ He argued that human knowledge is divided into two types, the absolutely certain (*yaqīnī*) and the conventional (*ʿādī*), "so if you wish you can call it *ʿilm* and if not you can call it *ẓann*, for there is no problem in the linguistic usage after you know that it [human knowledge] is sufficient for verifying legal rulings."⁷¹ Robert Gleave notes that the "epistemological difference between the two approaches," namely the *uṣūlī* and the *akhbārī*, is "in part, terminological."⁷² Yet, Ibn Shihab al-Din's statement can be deceptive, not least because he tried to find common ground between the two groups. In reality, disagreements over terminology derived from deep differences over the relationship between knowledge, authority, and the Shiʿi juristic tradition.⁷³ Traditionists like Astarabadi contested the *uṣūlīs*' manner of defining terms such as *ʿilm* or *ijtihād*, based on logic and philosophical reasoning.⁷⁴ A traditionist scholar, according to Ibn Shihab al-Din, would not object to the term *ijtihād* if it simply meant "striving" to obtain legal rulings on the basis of God's words and those of the Prophet and the imams.⁷⁵ Astarabadi questioned the mujtahids' adaptation of rules of practical reason and correlation (*mulāzama*) favored by logicians, such as the impossibility that God would prescribe something and its opposite.⁷⁶ The reasoning of the jurists could not, in Astarabadi's view, replace the textual evidence provided by the hadith. He did not hesitate to support the silence of the law, that is, the suspension of a ruling (*tawaqquf*) on human acts, which are concealed in the hadith. It was impermissible, in his view, to issue a legal opinion on the basis of reason in the absence of an imami account supporting such an opinion.⁷⁷ As such, Astarabadi stressed the "sanctity" of these imami

accounts preserved in the early hadith collections, and strived to canonize them.⁷⁸ We should keep in mind, however, that Astarabadi was not opposed to rationalism per se or philosophical reasoning in the area of *kalām*, for it is well known that he wrote a number of *kalām* works. This position can be explained by the fact that, unlike his view of the shari'a, God's law, Astarabadi did not consider *kalām* integral to human salvation. Consequently, he considered the struggle over the definition of juridical terms such as *'ilm* and *ijtihād* to be a struggle over the essence of God's law and, as such, metaphysics.⁷⁹

Astarabadi further challenged several *ijmā'āt* that had emerged among the mujtahids and their use in legal inference. The teacher of Astarabadi, Sahib al-Madarik, integrated features of the methodology of al-Muqaddas al-Ardabili (d. 1585), who, on the basis of a rational argument, questioned the exclusion of any imami report.⁸⁰ On the question of consensus Sahib al-Madarik noted that if it could not be ascertained that the imam's statement is reflected in the agreement of the 'ulama', this agreement did not constitute a consensus.⁸¹ Legal proof, he added, is confined to the Qur'an, the Sunna, and *al-barā'a al-aṣṭiyya*, the continued annulment of a legal state until an indicant about it appears. The general agreement of the 'ulama' does not constitute proof.⁸² Astarabadi agreed with his teacher's doubts about the legitimacy of the consensus of later 'ulama', but he rejected categorically the idea that *barā'a* was a principle of legal reasoning, explaining that it "excludes any legal obligation where it is not known if there is such an obligation."⁸³ Lack of knowledge that an act is obligatory or the absence of evidence that it is obligatory is not proof that such an act is legally unbinding, as the mujtahids argued.⁸⁴ The act may still be recommended. Astarabadi found the assumptions and conclusions of the mujtahids misleading and rejected the procedural principles of *ijtihād*.⁸⁵

In the area of hadith, Astarabadi objected to the stratification of imami accounts at the hands of the *uṣūlīs*, starting with al-'Allama.⁸⁶ He pointed to the view of Sahib al-Ma'alim that it is of little benefit to try to implement new terms for categorizing the accounts when the meanings of these terms have not occurred in the accounts themselves.⁸⁷ Yet Astarabadi went further than Sahib al-Ma'alim in attacking the whole endeavor of hadith verification, or *dirāya*, and the approach to *khābar al-wāḥid*, that is, an account which does not provide certitude.⁸⁸ He argued that the early 'ulama', such as al-Murtada, Ibn Idris, and al-Muhaqqiq al-Hilli, used *khābar al-wāḥid* when it was supported by *al-qarīna al-mūjiba li-l-qaṭ' al-'ādī*, namely, a proof that provides conventional certainty that it issued from the Imam.⁸⁹ Otherwise, *khābar al-wāḥid* is inadmissible as a source for deriving legal opinions. Astarabadi pointed approvingly to Sahib al-Ma'alim's view that most of the accounts found in the early hadith compendiums were sound even when they appeared to be of the *khābar al-wāḥid* type.⁹⁰ In another instance, however, Astarabadi took Sahib al-Ma'alim to task for accusing the early hadith scholars of relying on *khābar al-wāḥid* in legal principles and substantive law.⁹¹ Upon reflection, Astarabadi denied the possibility that the early 'ulama', who were closer to the time of the imams, could have relied on nonauthoritative accounts. He rejected the mujtahids' attempts to scrutinize these accounts on the basis of empirical criteria or rational arguments and attacked Shaykh-i Baha'i on this question.⁹² By doing so, he hoped to re-establish the canonic status of the early hadith collections.

Finally, Astarabadi rejected claims that the mujtahids were necessary models of legal emulation for the common believer, citing an account traced back to Imam al-Sadiq that states that, “[w]e are to impart to you the general principles (*uṣūl*) and you have to derive (*tufarri‘ū*) their particulars.”⁹³ For the mujtahids, “we” referred to the imams and “you” referred to the mujtahids as legal experts obligated to derive the *furū‘* (substantive law) from general principles for the benefit of the believer.⁹⁴ The *far‘*, or branch of law, shares an attribute with the *aṣl* (pl. *uṣūl*), the legal root, so to speak, which embodies the original norm and legal example.⁹⁵ The mujtahids worked to identify the *ratio legis*, or the common attribute, between the two, allowing the ruling in the original case to be carried over into the new case. Astarabadi argued that the hadith from Imam al-Sadiq addressed Shi‘i believers as a whole rather than the mujtahids, and showed that God provided believers with general religious rules (*qawā‘id kullīyya*). The believers—and not the mujtahids—were therefore responsible for deriving opinions about questions pertaining to them.⁹⁶ On this basis, Astarabadi argued that the laity (*ra‘īyya*) must all be emulators of the infallible Imam. No one is permitted to turn to a self-acclaimed mujtahid for a ruling on a particular issue if this ruling lacks the support of a sound tradition.⁹⁷

Astarabadi’s traditionist response to the mujtahids was also partly motivated by his view that *ijtihād* had created social and political divisions due to the derivation of contradictory rulings on one and the same question.⁹⁸ He accommodated only limited differences among the muftis, who were themselves qualified *ruwāt* (hadith transmitters). These differences resulted from vague linguistic points and contradictory accounts in instances where the imams practiced dissimulation (*taqiyya*), concealing their true ruling on a legal matter.⁹⁹ Yet mujtahids, in Astarabadi’s view, relied on their own probabilistic inference in preferring one ruling over another.¹⁰⁰ In his view, rationalist legal procedures promised certainty when in fact they were arbitrary and deceiving.

Ultimately, Astarabadi declared the mujtahids to be beyond the pale of Shi‘ism and relegated them to a state of eternal damnation.¹⁰¹ Astarabadi’s tone took the form of a premonition in which he implored the Shi‘a to save their souls from the deluge of the mujtahids’ legal heresy. Challenge to “orthodoxy” is indeed a feature of maintaining as well as changing a tradition, as discussed in the first section of this article. Astarabadi accused the dominant practitioners within the tradition, namely the mujtahids, of heresy and thus the violation of “orthodoxy” as he defined it. He found fault in the mujtahids’ attempt to weaken several reports in the hadith corpus and verify others through rational arguments. It was not adaptations from Sunnism per se that were at stake for Astarabadi, but rather how such adaptations undermined the imams’ hadith as a source of law and as the key to understanding the Qur’an itself. This rift was shaped by the rise of the Safavid state and its support for a systematic conversion to Twelver Shi‘ism based on the shari‘a.

THE SAFAVID STATE, LEGAL AUTHORITY, AND THE JURISTIC TRADITION

In the earlier sections, I highlighted central elements of Astarabadi’s traditionist thought and the general intellectual streams that shaped it. I will examine these elements and streams at length in a future study. Here, suffice it to note that Astarabadi built upon intra-*uṣūlī* disagreements to develop his attack on the epistemic and metaphysical features

of *ijtihādī* rationalism.¹⁰² Disputes over the integrity of the juristic tradition were also shaped by the structure of power under the Safavids as well as social and scholarly conflicts. These conflicts revolved around four main points. First, the state’s espousal of *ijtihādī* rationalism and its patronage of the ‘Amili mujtahids set in motion new historical processes. *Ijtihādī* rationalism claimed an important epistemic status while a hierarchical form of legal authority privileging the mujtahids emerged during the 16th century. The Safavid state disrupted the informal negotiations of legal authority that existed among various ‘ulama’ prior to the 16th century, indirectly politicizing some of the scholarly debates within and outside the madrasas.

Second, several 16th-century scholars and landed elites rejected the ‘Amili mujtahids’ domination of important clerical posts in Iran.¹⁰³ S. A. Arjomand has illuminated the social base of some of the early critics of the ‘Amilis, which, although unnecessary to repeat here, adds an important layer to the sociopolitical struggles of the time.¹⁰⁴ Suffice it to mention that the jurists and *mutakallimūn* who challenged al-Karaki protested against a range of legal rulings on questions about, for example, the direction of prayer, land tax, acceptance of the ruler’s gifts, and Friday prayer.¹⁰⁵ Astarabadi’s skepticism about *ijtihād* became entangled with power struggles and personal antagonisms.¹⁰⁶ He tended to group the “Arab” jurists together, holding them collectively responsible for corrupting the juristic tradition.¹⁰⁷ The hadith, he pointed out, sang of the “the virtues of the Persians” as the true preservers of ordinary Shi‘ism.

Third, Astarabadi, Ibn Shihab al-Din, and al-Fayd, who were very different kinds of traditionists, all stressed the moral responsibility of the mujtahids for causing social divisions and public confusion due to their issuance of multiple and contradictory rulings on one and the same legal question, such as that related to Friday prayer.¹⁰⁸ The mujtahids had in fact expressed diverse views on Friday prayer, supporting its obligatory or optional performance with or without the presence of a designated jurist.¹⁰⁹ Astarabadi blamed *ijtihādī* rationalism for public confusion, arguing that during the early Islamic period, reliance on one’s independent reasoning caused sedition and wars among Muslims.¹¹⁰ Consequently, he feared that the mujtahids’ legal authority would destroy the religion.¹¹¹

Fourth, Astarabadi contested the orthodoxy of the *uṣūlī* tradition on the basis that hadith scrutiny and *ijtihād* would render foundational texts and exemplary scholars superfluous. Such disputes appear to be common when discursive traditions are defended or renewed, or when new ones appear. Astarabadi’s outrage at the mujtahids’ attempt to sift the hadith may support Mohammad Tavakoli-Targhi’s suggestion that his traditionist movement was concerned with the canonization of early hadith sources.¹¹² Astarabadi’s views resonated with some scholars who feared that the exclusion of the opinions of earlier jurists would diminish the authority of the exemplary scholars—those ‘ulama’ who were closer to the imams’ time—and their texts. This sentiment motivated al-Muqaddas to question al-Karaki’s view that emulating a dead mujtahid was impermissible.¹¹³ Al-Muqaddas’ student, ‘Abd Allah b. Husayn al-Tustari (d. 1612), seemed unsettled about holding Friday prayer, practicing *ijtihād*, or for that matter sifting and categorizing the accounts.¹¹⁴ A number of scholars in Najaf, ‘Atabat, and Hindustan came thus to question the mujtahids’ views, refocusing their efforts on revalidating the accounts in the early hadith collections.¹¹⁵

The picture I have offered thus far about the rise of traditionism in Safavid Iran can now be compared to earlier accounts of traditionism.

WAS TRADITIONISM A “REACTION” TO SUNNISM?

Traditionism never really fell outside the boundaries of the Shi‘i juristic tradition or lost its vital connections to the grand Islamic tradition. As a discursive Islamic tradition, Shi‘i jurisprudence must, then, naturally expect practitioners to adapt, reformulate, ignore, or debunk positions readily available to them through Sunni jurisprudence. The Shi‘a’s polemic with the Sunnis was part and parcel of a creative process, namely, bringing inner coherence to their own tradition and laying claims to the grand Islamic tradition. This point is illustrated by Michael Cook’s observation that just as al-Shahid al-Awwal was adapting “a work of the Maliki Qarafi (d. 1285),” he “refutes his arguments on this question, one by one.”¹¹⁶

In the last decade, several scholars have tried to provide an explanation for the rise of traditionism. In a brief statement in *Inevitable Doubt*, Robert Gleave suggests that, “[t]he reasons for the erosion of this adherence to certainty can be traced to practical necessity from juristic difference, or the need to enhance scholarly authority, or an emerging feeling that the adherence was intellectually untenable, or the influence of Sunni legal theory upon Shi‘ism.”¹¹⁷ Juristic difference, one should note, has always been part and parcel of the discursive activities of jurists within the tradition. The main question is, how does a “difference” turn into a distinct legal movement that poses a challenge to an authoritative trend within the tradition? Is the difference a break with the tradition itself? As for “the need to enhance scholarly authority,” Gleave leaves it largely unexplained. This picture is further compounded by the absence of a social context for traditionism or reference to any historical condition that could have shaped “scholarly authority.”¹¹⁸ Strangely, Gleave tends to look for one broad explanation for the emergence of all of the diverse traditionist writings. The third tentative reason provided by him for traditionist skepticism—a “feeling” that certainty about the prevalent juristic system had become “intellectually untenable”—is not only vague but also cyclical. The last possibility, namely, the “influence of Sunnite legal theory,” is repeated elsewhere in Gleave’s book but without further elaboration.¹¹⁹ It ties in with Gleave’s overall view that major developments in the Shi‘i juristic tradition were either an emulation of “Sunnism” or a reaction to it.¹²⁰

In comparison with Gleave, Devin Stewart offers an elaborate account of the rise of traditionism, which he attributes to a fear of “any scholarly interchange between the two groups [Sunnis and Shi‘a] that would lead Shi‘is to think highly of the Sunnis’ works or doctrines.”¹²¹ It is hardly possible that Astarabadi’s insistence on the primacy of the imams’ transmitted words and his doubts about the accuracy of the mujtahids’ rational inferences could have been caused by such a superficial concern. Unlike *ijtihādī* rationalism, traditionism, Stewart maintains, moved further away from “Sunnism.” Moojan Momen, however, argues that had traditionism “succeeded” in Safavid Iran, it would have brought Shi‘ism closer to Sunnism.¹²² These contradictory views do not distinguish between the diverse forms of Shi‘i traditionism and treat Shi‘ism and Sunnism as monolithic entities. Hasan Ansari, Robert Gleave, and I each have discussed various differences that existed between traditionist scholars.¹²³ Furthermore, among the traditionists were those who expressed positions that resonated with distinct Sunni ones. This fact is hardly surprising given the profound connections that Sunnis and Shi‘a have to the grand Islamic tradition, despite their varied relations to the structure of power and shifts

in their legal orthodoxies. For his part, Astarabadi seems to uphold a view expressed by the Ash'ari scholar Badr al-Din al-Zarkashi (d. 1392) that obligation and prohibition for legal actions can only be known through the shari'a and that what is enjoined or rejected by reason may not conform to scripture.¹²⁴ Despite the differences between Astarabadi's and Ibn Taymiyya's approaches to *kalām*, they clearly shared a pious fear of the "heretical" implications of logic and forms of syllogistic reasoning, stressing their threat to the faith.¹²⁵ The discursive connection between these two scholars becomes even more interesting when one learns that Ibn Taymiyya, as Wael Hallaq has argued, had thorough knowledge of the arguments of the Shi'ī scholar Hasan al-Nawbakhti's (d. 912–22) refutation of logic.¹²⁶

In the area of Qur'anic exegesis, Todd Lawson has argued that the structure of exegetical works written by Safavid traditionists resembled to a great extent a Sunni category of exegesis known as *al-tafsīr bi-l-ma'thūr* that relies on the Qur'an, the reports, and earlier exegetes' explanations rather than personal opinion.¹²⁷ Other Safavid traditionists engaged with the works of Sunni scholars such as al-Ghazali and Ibn 'Arabi. The work *al-Mahajja al-Bayda' fi Tahdhib al-Ihya'* (The Pilgrim's White Path in the Refinement of the Book of Revival), written by the traditionist scholar Muhsin Fayd Kashani (d. 1680–81), was profoundly inspired by al-Ghazali's *Ihya' 'Ulum al-Din* (Revival of the Religious Sciences).¹²⁸ This did not prevent Fayd from criticizing certain aspects of *Ihya'* through an enhancement (rather than a refutation) of it. Fayd's criticisms of al-Ghazali must be seen in light of his belief that al-Ghazali wrote *Ihya'* before converting to Shi'ism. Muhammad Taqī Majlisi (d. 1659–60), another traditionist scholar, expressed admiration for Ibn 'Arabi and considered him a Shi'a.¹²⁹ 'Ali al-Shahidi, a mujtahid, was convinced that Astarabadi's writings and Fayd's *Safinat al-Najat* (Ark of Salvation) were stimulated by *Ihya'*.¹³⁰ In other words, the mujtahids accused the traditionists of Sunni "influence" in the same way as some traditionists accused the Hilli and 'Amili mujtahids of Sunni "influence."

How do we make sense, then, of the discourse of "Sunnitization" leveled by the traditionists against the mujtahids? It is part and parcel of scholars advancing new claims to the Shi'ī juristic tradition and distancing themselves from the *ijtihādī* legal orthodoxy that dominated Iran during the first half of the 17th century. Accusations of Sunnitization can be illuminated by Talal Asad's suggestion that "[w]henever Muslims have the power to regulate, uphold, require, or adjust *correct* practices, and to condemn, exclude, undermine, or replace *incorrect* ones, there is the domain of orthodoxy."¹³¹ The integrity and authority of the juristic tradition, in Astarabadi's view, can be sustained not through *ijtihād* but rather through the certainty derived from the hadith itself as the embodiment of the words of the imams.¹³² This certainty can be lost once the hadith is empirically scrutinized on a par with its Sunni counterparts.¹³³ In Astarabadi's view, the methods used by the *uṣūlīs* for *hadith* verification were tantamount to legal heresy, an abandonment of originary Shi'ism.¹³⁴

By adopting Asad's notion of "discursive tradition" we can view Astarabadi's traditionism as a set of discourses aiming to base the authority of the Shi'ī juristic tradition on the original hadith of the imams. His traditionist thought set the Shi'ī juristic tradition further apart from the Shafi'ī one, upon which the mujtahids drew, but it nonetheless converged with other significant Sunni positions evident in the grand Islamic tradition.

SUMMARY AND CONCLUSIONS

In this paper, I discussed the Shi'ī juristic tradition as a discursive entity regulated by particular conventions, practices, methods of interpretation, and modes of reasoning. I addressed the conceptual limitations of presenting traditionism as a reaction to Sunni "influence" or "emulation." Traditionism emerged at a time when the Shi'ī juristic tradition had achieved relative coherence and authority vested in the mujtahid-*muqallid* relationship.¹³⁵ Astarabadi presented his dialectic break with rationalism as a "revival" or re-admission of pure and originary imamism. To be sure, traditionism maintained discursive ties to earlier trends within the Shi'ī and grand juristic tradition of Islam.¹³⁶ Astarabadi's traditionism was not, however, a mere resumption of past leanings in legal, hadith, and *rijāl* scholarship, since it was concerned with refuting *ijtihād*, which was not developed before the 13th century.¹³⁷ As Asad's understanding of discursive tradition helps us to see, the Safavid traditionists who saw themselves as "reviving" the past were in fact asserting new positions about "what is apt performance" and "how the past is related to present practices."¹³⁸

Astarabadi's traditionism had important implications for the orthodoxy of the juristic tradition, the role of the state in legal authority, and the believer's responsibility in emulating the mujtahid. God's law was to be confined to those areas and cases illuminated by the imami accounts; a ruling had to be suspended when in doubt. The mujtahids, by comparison, considered most areas of human legal behavior more or less governable.¹³⁹ More importantly, *uṣūlī* epistemology, in Astarabadi's view, interfered with metaphysics. The divine intention of the law compels the mufti to constrain the boundaries of substantive law and thus proclaim the failure of logic and syllogistic reasoning in recovering God's law. In certain ways, this attack on the mujtahids was also a protest against the Safavid state, which tied itself to them during the 16th century, endorsing their legal authority and rewarding them with economic gains and social influence.

NOTES

¹ See Norman Calder, "Doubt and Prerogative: The Emergence of an Imami Shi'ī Theory of Ijtihad," *Studia Islamica* 70 (1989): 61–62, 67. On the one hand, Calder insisted that the seminal phase of *ijtihādī* rationalism "owed much if not everything to Sunni tradition." On the other hand, he accurately noted that this phase was shaped by an internal need to refine Shi'ī legal authority. By contrast, Devin Stewart and Robert Gleave presented such adaptations as passive borrowings from Sunnism. Stewart argued that Astarabadi rejected such "borrowings" due to his hostility toward Sunnism and his fear that the Shi'a would find some merit in Sunni works. See Devin J. Stewart, *Islamic Legal Orthodoxy: Twelver Shi'ite Responses to the Sunni Legal System* (Salt Lake City, Utah: University of Utah Press, 1998), 127; Stewart, "The Genesis of the Akhbari Revival," in *Safavid Iran and Her Neighbors*, ed. Michel M. Mazzaoui (Salt Lake City, Utah: Utah University Press, 2003), 170–71, 184; and Stewart, "Notes on Zayn al-Din al-'Amili's Munyat al-Murid fi Adab al-Mufid wa-l-Mustafid," *Journal of Islamic Studies* 21 (2010): 235–70. See Robert Gleave, *Scripturalist Islam: The History and Doctrines of the Akhbari Shi'ī School* (Leiden: Brill, 2007), 6, 12, 157; and Gleave, "Imami Shi'ī Refutations of Qiyas," in *Studies in Islamic Legal Theory*, ed. Bernard G. Weiss (Leiden: Brill, 2002), 274.

² The term *traditionist* is used in this paper specifically to mean *akhbārī*.

³ Talal Asad, "The Idea of an Anthropology of Islam," *Occasional Papers Series* (Washington, D.C.: Center for Contemporary Arab Studies, Georgetown University, 1986), 14–17; Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore, Md.: Johns Hopkins University Press, 1993), 38–39, 53; Ovamir Anjum, "Islam as a Discursive Tradition: Talal Asad and His Interlocutors," *Comparative Studies of South Asia, Africa and the Middle East* 27 (2007): 659, 661–62. On the development of the concept of "tradition" in the works of Alasdair MacIntyre and Talal Asad, see Jean Porter, "Tradition

in the Recent Work of Alasdair MacIntyre,” in *Alasdair MacIntyre*, ed. March C. Murphy (Cambridge: Cambridge University Press, 2003), 39–43. A number of scholars, including some of Asad’s students, have explored distinct aspects of “discursive tradition.” See Samira Haj, *Reconfiguring Islamic Tradition: Reform, Rationality, and Modernity* (Stanford, Calif.: Stanford University Press, 2009); Charles Hirschkind, “Heresy or Hermeneutics: The Case of Nasr Hamid Abu Zayd,” *Stanford Humanities Review* 5 (1996): 35–50; Hirschkind, *The Ethical Soundscape: Cassette Sermons and Islamic Counterpublics* (New York: Columbia University Press, 2006); Salwa Ismail, *Rethinking Islamist Politics: Culture, the State and Islamism* (London: I. B. Tauris, 2003); and Saba Mahmood, *Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton, N.J.: Princeton University Press, 2005).

⁴Asad, “The Idea of an Anthropology of Islam,” 14–17.

⁵See Anjum’s assessment of Asad’s ideas in “Islam as a Discursive Tradition,” 659, 661–62.

⁶See Mahmood, *Politics of Piety*, 115–17.

⁷Muhammad b. Ya‘qub al-Kulayni, *Usul al-Kafi*, vol. 1 (Beirut: Dar al-Ta‘aruf li-l-Matbu‘at, 1990), 53; al-Mufid, *al-Irshad*, vol. 2 (Beirut: Dar al-Mufid, 1993), 186–87. See also Calder, “Doubt and Prerogative,” 59.

⁸Ahmad b. Muhammad b. Khalid al-Barqī, *al-Mahasin*, vol. 1 (Qum: al-Majma‘ al-‘Alami li-Ahl al-Bayt, 1995), 338; al-Kulayni, *Usul al-Kafi*, 1:56–58. On al-Baqir, see Arzina Lalani, *Early Shi‘ī Thought: The Teachings of Imam Muhammad al-Baqir* (London: I. B. Tauris, 2004), 116–18.

⁹See Hossein Modarressi, *Tradition and Survival: A Bibliographical Survey of Early Shi‘ī Literature* (Oxford: Oneworld, 2003), 153, 160, 186–87, 191, 228, 245–47, 317–18, 323–24; and Lalani, *Early Shi‘ī Thought*, 114–25.

¹⁰For a nuanced account of methods and ways of reasoning nurtured within the early Shi‘ī tradition, see Aun Hasan Ali, “Imamite Rationalism in the Buyid Era” (master’s thesis, McGill University, 2006), 13–35.

¹¹Al-Saduq wrote numerous *jawābāt* (responsa) to legal questions raised by Shi‘a in regions like Wasit, Basra, Kufa, Baghdad, Nishapur, and Egypt. See also *Man La Yahduruhu al-Faqih*, vol. 1 (Mashhad: Majma‘ al-Buhuth al-Islamiyya, 1988), 2–3. Al-Saduq conveyed the ‘illa (reason) for doctrines and legal obligations through the *aḥādīth*. See al-Saduq, ‘Ilal al-Shara‘i‘ (Beirut: Manshurat al-Fajr, 2007), 194–214.

¹²Wilfred Madelung delineated an early Shi‘ī self-awareness on questions of Islamic law, which played an indirect role in the verification of legal sources. See Wilfred Madelung, *The Succession to Muhammad: A Study of the Early Caliphate* (Cambridge: Cambridge University Press, 1997), 108. See also Modarressi, *Tradition and Survival*, 153–55.

¹³Al-‘Allama, *Mabadi‘ al-Wusul ila ‘Ilm al-Usul*, ed. ‘Abd al-Husayn Muhammad ‘Ali Baqqal (Tehran: al-Matba‘a al-‘Ilmiyya, 1984), 64–88; al-Shahid al-Thani, *Munyat al-Murid fi Adab al-Mufid wa-l-Mustafid*, ed. Rida al-Mukhtari (Qum: Maktab al-‘Ilam al-Islami, 1989), 289–90, 365–83.

¹⁴See al-Muhaqqiq al-Karaki, *Tariq Istinbat al-Ahkam*, ed. ‘Abd al-Hadi al-Fadli (Najaf: Matba‘at al-Adab, 1971), 8–16.

¹⁵Al-Karaki, *Tariq Istinbat*, 9.

¹⁶Logic was a main area of study among the scholars of Hilla during the 13th and 14th centuries. *Al-Jawhar al-Nadid*, al-‘Allama’s commentary on the section dealing with logic in Nasir al-Din Tusi’s *Tajrid al-‘I‘iqad*, was studied at the Shi‘ī madrasas. On works of logic, see Haydar Watwat al-Husayni, “Madrasat al-Hilla wa-Tarajim ‘Ulama‘iha min al-Nushu‘ ila al-Qimma (500–950 H),” part 5, *Turathuna*, nos. 3 & 4 [99–100], Year 25 (Qum, 1430), 204, 207–8.

¹⁷Al-Karajaki, *Kanz al-Fawa‘id*, 29–30; Shaykh Mufid’s *al-‘Ilam (bi-ma Ittafaqa‘ ‘alayhi al-Imamiyya min al-Ahkam al-Shar‘iyya)* (Qum: Kungareh-yi Jahani-yi Shaykh Mufid, 1992) is a comprehensive account of Sunni and Shi‘ī instances of consensus. On conditions of consensus, see al-‘Allama, *Mabadi‘*, 195–98.

¹⁸Al-‘Allama, *Mabadi‘*, 219; al-Karaki, *Tariq Istinbat*, 17.

¹⁹Wael Hallaq, *A History of Islamic Legal Theories: An Introduction to Sunnī Usūl al-Fiqh* (Cambridge: Cambridge University Press, 2003), 113–15. One type of *istiṣḥāb* is *al-barā‘a al-aqliyya*, namely, the continued annulment of a legal state until an indicant about it appears. See also Hossein Modarressi, *Introduction to Shi‘ī Law* (London: Ithaca Press, 1984), 10; and al-‘Allama, *Mabadi‘*, 242, 250–52.

²⁰See al-Shaykh al-Tusi, *al-Istibsar*, 1:97–98; al-Shaykh al-Tusi, *al-Istibsar*, 2:165–66; al-Shaykh al-Tusi, *al-Istibsar*, 3:60; al-‘Allama, *Kitab Nahj al-Haqq wa-Kashf al-Sidq* (Qum: Mu‘assasat al-Tiba‘a wa-l-Nashr Dar al-Hijra, 2001), 379; and Aun Ali, “Imamite Rationalism,” 9–11, 61–77.

²¹Wael Hallaq, “*Usul al-Fiqh: Beyond Tradition*,” in Hallaq, *Law and Legal Theory in Classical and Medieval Islam*, vol. 12 (Burlington, Vt.: Ashgate, 1994), 178.

²²This was evident through al-Shaykh al-Tusi's verification of consensus as a source for the law and al-'Allama's development of *ijtihād*.

²³The approach to "discursive tradition" developed in this paper owes no small part to my conversations with my students, Aun Ali and Pascal Abidor.

²⁴George Edmund Lane, *Early Mongol Rule in Thirteenth-Century Iran: A Persian Renaissance* (New York: Routledge, 2003), 32–35, 220–23, 250–52; Bertold Spuler, *The Muslim World: The Mongol Period*, trans. F.R.C. Bagley (Leiden: Brill, 1969), 19–43.

²⁵Muhyi al-Din al-Musawi al-Gharifi, *Qawa'id al-Hadith* (Qum: Mu'assasat Al al-Bayt, 1988), 15–16; al-A'raji, "Tarikh al-Nazariya al-Fiqhiyya," 270–71.

²⁶Al-Muhaqqiq al-Hilli, *Ma'arif al-Usul*, 179–85.

²⁷Calder, "Doubt and Prerogative," 61–67.

²⁸Al-'Allama, *Mabadi'*, 215–17, 223–24, 244–45. The adaptation of particular Shafi'i features was facilitated by the similarities between the Ja'fari and the Shafi'i schools of law. See Husayn b. Shihab al-Din al-Karaki, *Hidayat al-Abrar ila Tariq al-Ayimmah al-Athar*, ed. Ra'uf Jamal al-Din (Baghdad: Mu'assasat Ihyā' al-Ahya', 1977), 152–53.

²⁹Al-'Allama, *Mabadi'*, 246–47.

³⁰Compare Shi'i jurisprudence to its Sunni counterpart. See Wael Hallaq, *Authority, Continuity, and Change in Islamic Law* (Cambridge: Cambridge University Press, 2001), 85, 121–22.

³¹'Allama, *Mabadi'*, 240. If an Imami jurist is silent on a particular ruling, the consensus of his contemporaries is void.

³²Ali Tabataba'i, *Riyad al-Masa'il*, vol. 1 (Qum: Mu'assasat al-Nashr al-Islami, 1992), 77–82.

³³*Ibid.*, 78–97. On the works of Ibn Tawus, see Etan Kohlberg, *A Medieval Muslim Scholar at Work: Ibn Tawus and His Library* (Leiden: Brill, 1992).

³⁴Al-Shahid al-Thani, *al-Diraya* (Tehran: al-Majma' al-'Ilmi al-Islami, 1984), 4–8; al-Baha'i, *al-Wajiza fi al-Diraya*, ed. Majid al-Gharbawi, no. 32 & 33, Year 8 (Qum, 1992), 387–439.

³⁵Kohlberg, *A Medieval Muslim Scholar*, 55.

³⁶Al-Shahid al-Thani, *Rasa'il al-Shahid al-Thani*, ed. Rida al-Mukhtari, vol. 2 (Qum: Markaz al-Abhath wa-l-Dirasat al-Islamiyya, 2001), 762–67.

³⁷Al-Shahid al-Thani, "Tahqiq al-Ijma' fi Zaman al-Ghayba," in *Rasa'il*, 2:841–42.

³⁸Al-Shahid al-Thani notes other reasons for the invalidity of their consensus. See "Mukhalafat al-Shaykh al-Tusi li-Ijma'at Nafsihi," 847–58.

³⁹Al-Shahid al-Thani, "Tahqiq al-Ijma'," 843.

⁴⁰Al-Shahid al-Thani, "Takhfif al-'Ibad fi Bayan Ahwal al-Ijtihad," eds. Rida al-Mukhtari and Husayn al-Shafi'i, in *Rasa'il*, 1:10–12; al-Shahid al-Thani, "Taqlid al-Mayt," eds. Rida al-Mukhtari and Abbas al-Muhammadi, 34–35. In agreement with al-'Allama, al-Shahid al-Thani argued that it was permissible to emulate a dead mujtahid whenever living jurists are prevented from practicing *ijtihād*. See pp. 20–21.

⁴¹See Asad's discussion of power and shifts in orthodoxy in "The Idea," 14–17.

⁴²Al-Karaki, *Tariq Istinbat*, 18; al-Shahid al-Thani, "Takhfif al-'Ibad," 20–21.

⁴³Modarressi, *Introduction*, 49–51.

⁴⁴Tabataba'i, *Riyad al-Masa'il*, 1:78–79.

⁴⁵See al-Shahid al-Awwal, *al-Qawa'id wa-l-Fawa'id*. It is useful to compare it with *al-Mabsut* by Shaykh al-Ta'ifa.

⁴⁶Munshi, *'Alam-arayi 'Abbasi*, ed. M. I. Rizvani, vol. 1 (Tehran: Dunya-yi Kitab, 1998–99), 237–40; C. E. Bosworth and S. Blair, *Encyclopedia Iranica*, s.v. "Astarabad," vol. 2, Fasc. 8, 838–39; Rasul Ja'fariyan, *Kavishha-yi Tazeh dar Bab-i Ruzgar-i Safavi* (Qum: Markaz-i Tahqiqat-i Adyan va-Madhab-i Howzeh-yi 'Ilmiyyah, 1964–65), 269–300.

⁴⁷The scholarship of al-Muqaddas al-Ardabili, the teacher of Sahib al-Madarik, shaped the latter's critique of some features of the *usūlīs'* approach to hadith.

⁴⁸Muhammad Amin Astarabadi, *al-Fawa'id al-Madaniyya* (Qum: Mu'assasat al-Nashr al-Islami, 2005), 13–14; Mirza Afandi al-Isbahani, *Riyad al-'Ulama' wa-Hiyad al-Fudala'*, ed. al-Sayyid Ahmad al-Husayni, vol. 2 (Qum: Matba'at al-Khayyam, 1981), 44, 399; Mirza Afandi al-Isbahani, *Riyad al-'Ulama'*, 5:35–37; Hasan Ansari, "Zindigi-namah va-Athar-i 'Allama Muhammad Amin Astarabadi," in *Da'irat al-Ma'arif Buzurg Islami*, vol. 10, no. 4002 (Tehran: Markaz-i Da'irat al-Ma'arif Buzurg Islami, n.d.).

⁴⁹Astarabadi, *al-Fawa'id al-Madaniyya*, 27–28; Muhammad Yusuf Walih Isfahani, *Khuld-i Barin: Iran dar Ruzgar-i Safaviyyan*, ed. Mir Hashim Muhaddith (Tehran: Bunyad-i Mawqafat-i Duktur Mahmud Afshar, 1993), 412; Sayyid 'Abd al-Husayn Khatunabadi, *Waqa'i' al-Sinin wa-l-A'wam* (Tehran, 1973), 489.

⁵⁰Reza Pourjavady, *Philosophy in Early Safavid Iran: Najm al-Din Mahmud al-Nayrizi and His Writings* (Leiden: Brill, 2011), 1–24.

⁵¹Muhammad Amin Astarabadi, "Danishnamah-yi Shahi," *Kitabkhana-yi 'Umumi-yi Mar'ashi Najafi*, Qum, MS no. 10144, 10–21. Astarabadi discusses questions of ontology (existence and essence) and epistemology (mental existence, the thing in and of itself [*nafs al-amr*]) defending the commentary of Qushchi on Tusi's *Tajrid al-I'tiqad* and Jurjani's glosses on Qutb al-Din al-Razi's commentary on Urmawi's *Matali' al-Anwar*. See Reza Pourjavady, *Philosophy in Early Safavid Iran*, 97n85.

⁵²Rula Jurdi Abisaab, "Karaki," *Encyclopedia Iranica*, vol. 15, Fasc. 5, 544–47.

⁵³Rula Jurdi Abisaab, *Converting Persia: Religion and Power in Safavid Iran* (London: I. B. Tauris, 2004), chap. 1 and 2.

⁵⁴Ali b. al-Hasan al-Biladi, *Anwar al-Badrayn fi Tarajim 'ulama' al-Qatif wa-l-Ahsa' wa-l-Bahrayn*, ed. M. al-Tabasi (Najaf: Matba'at al-Nu'man, 1957–58) 119–20.

⁵⁵*Ibid.*, 85–88; Yusuf al-Bahrani, *Lu'lu'at al-Bahrayn*, ed. M. S. Bahr al-'Ulum (Manama: Maktabat Fakhravi, 2008), 15–17.

⁵⁶Astarabadi, *al-Fawa'id al-Madaniyya*, 59.

⁵⁷Astarabadi, "Danishnamah-yi Shahi," 5.

⁵⁸Astarabadi, *al-Fawa'id al-Madaniyya*, 28.

⁵⁹See Ansari, "Zindigi-namah," 1–2.

⁶⁰*Ibid.*, 2.

⁶¹Astarabadi, *al-Fawa'id al-Madaniyya*, 364–65.

⁶²The quarrel between Mir Jamal al-Din and al-Karaki took place around the time when the latter was advancing his commentary on al-'Allama's *al-Qawa'id*. See Ja'fariyan, *Kavishha-yi Tazeh*, 287.

⁶³Astarabadi, *al-Fawa'id al-Madaniyya*, 49–50, 78.

⁶⁴*Ibid.*, 542. See also pp. 532–34.

⁶⁵*Ibid.*, 542.

⁶⁶*Ibid.*, 573.

⁶⁷Rula Jurdi Abisaab, "Epistemic and Legal Questions: the *akhbārism* of Mulla Muhammad Amin Astarabadi (d. 1626–7)" (paper presented at the ISIS Biennial Conference, Los Angeles, Calif., 27–29 May 2010).

⁶⁸Astarabadi, *al-Fawa'id al-Madaniyya*, 183; Ibn Shihab al-Din, *Hidayat al-Abrar*, 12–13.

⁶⁹Astarabadi, *al-Fawa'id al-Madaniyya*, 105–6.

⁷⁰Gleave, *Scripturalist Islam*, 276. Gleave highlighted Ibn Shihab al-Din al-Karaki's view that humans supplement God's original role in assigning meaning to utterances on the basis of *madhhab al-tawzīgh (al-tawzī)* ("allotment"—i.e., God and humanity are "allotted" certain roles in the development of language). "He [Astarabadi] claims it to be the chosen opinion of most scholars (*akhtārahu [ikhtārahu] al-akthar*)." See *Hidayat*, 240–41.

⁷¹Ibn Shihab al-Din, *Hidayat*, 14.

⁷²Gleave, *Scripturalist Islam*, 88.

⁷³The traditionist jurist, al-Hurr al-'Amili (d. 1692–93) did not consider the *akhbārī-ūṣūlī* disagreement to be terminological. See his *al-Fawa'id al-Tusiyya* (Qum: al-Matba'a al-'Ilmiyya, 1983), 445–50.

⁷⁴Astarabadi, *al-Fawa'id al-Madaniyya*, 258–59.

⁷⁵*Hidayat*, 193–94.

⁷⁶Astarabadi, *al-Fawa'id al-Madaniyya*, 456–68; Modarressi, *Introduction to Shi'i*, 3–4.

⁷⁷Astarabadi, *al-Fawa'id al-Madaniyya*, 104–5.

⁷⁸In private discussions with the author, Mohammad Tavakoli-Targhi made an interesting connection between 19th- and 20th-century *akhbārī* trends and canonization as a response to the powers of the state.

⁷⁹Astarabadi, *al-Fawa'id al-Madaniyya*, 569–71; Astarabadi, "Danishnamah-yi Shahi," 9.

⁸⁰Modarressi, *Introduction to Shi'i*, 53.

⁸¹Astarabadi, *al-Fawa'id al-Madaniyya*, 59.

⁸²*Ibid.*

⁸³*Ibid.*; Jurdi Abisaab, "Epistemic and Legal Questions."

⁸⁴Modarressi, *Introduction to Shi'i*, 10.

⁸⁵*Al-Fawa'id al-Madaniyya*, 100, 230, 276–77, 289.

⁸⁶*Ibid.*, 122–23; Sahib al-Ma'alim developed the categorization of hadith formally started by Ibn Tawus. See Sahib al-Ma'alim's work, *Ma'alim al-Din wa-Maladh al-Mujtahidin*, ed. Sayyid Mundhir al-Hakim (Qum: Mu'assasat al-Fiqh li-l-Tiba'a wa-l-Nashr, 1997–98); Tabataba'i, *Riyad al-Masa'il*, 1:78–79; Astarabadi, "al-Hashiya 'ala Usul al-Kafi," collected by Mawla Khalil Qazvini and ed. 'Ali Fadili, *Mirath-i Hadith-i Shi'a*, vol. 8 (Qum: Mu'assasa-yi Farhangi-yi Dar al-Hadith, 1961–62): 262.

⁸⁷Astarabadi, *al-Fawa'id al-madaniyya*, 128.

⁸⁸*Khabar al-wahid* is translated at times as "a solitary account." Al-Shaykh al-Tusi accepted *khabar al-wahid*, arguing that if it is supported by a *dalil qat'i*, a proof that provides certainty, then it is possible to derive God's law on its basis. Al-Shaykh al-Tusi, *Uddat al-Usul*, ed. Muhammad Mahdi Najaf, vol. 1 (Qum: Mu'assasat Al al-Bayt, 1982–83), 337, 367–72. Al-'Allama presented this position in *Mabadi'*, 205.

⁸⁹Astarabadi, *al-Fawa'id al-Madaniyya*, 479.

⁹⁰*Ibid.*, 135.

⁹¹*Ibid.*, 132–37.

⁹²*Ibid.*, 495.

⁹³*Ibid.*, 312.

⁹⁴See al-Shahid al-Thani, "al-Iqtisad wa-l-Irshad ila Tariq al-Ijtihad fi Ma'rifat al-Mabda' wa-l-Ma'ad wa-Ahkam Af 'al al-'Ibad," in *Rasa'il*, 2:776, 779–81.

⁹⁵Hallaq, *A History of Islamic Legal Theories*, 83–86.

⁹⁶Astarabadi, *al-Fawa'id al-Madaniyya*, 313.

⁹⁷*Ibid.*, 313–14. Compare to al-Shahid al-Thani, "al-Iqtisad," *Rasa'il*, 2:779–81.

⁹⁸Astarabadi, *al-Fawa'id al-Madaniyya*, 319.

⁹⁹*Ibid.*, 301, 318–25.

¹⁰⁰Khawansari, *Rawdat*, 1:316.

¹⁰¹Astarabadi, *al-Fawa'id al-Madaniyya*, 195–98. Astarabadi also quotes several hadith from *al-Mahasin* and *Basa'ir al-Darajat* stressing the moral implications of issuing legal opinions without certainty not only for the believer but also for the mufti. Bahrani, *Lu'lu'at al-Bahrayn*, ed. M. S. Bahr al-'Ulum (Beirut: Dar al-Adwa', 1986), 117–19.

^{102c}Allama, *Mabadi'*, 248; al-Shahid al-Thani, "Takhfif al-'Ibad," 1:10–12; al-Shahid al-Thani, "Taqlid al-Mayt," 34–35. In agreement with al-'Allama, al-Shahid al-Thani argued that it was permissible to emulate a dead mujtahid whenever living jurists are prevented from practicing *ijtihad*. See pages 20–21.

¹⁰³Rula Jurdi Abisaab, "al-Karaki," *Encyclopedia Iranica*, 544–47; Ansari, "Zindiginamah va Athar-i Allama Muhammad Amin Astarabadi," 2.

¹⁰⁴S. A. Arjomand, *The Shadow of God and the Hidden Imam* (Chicago: University of Chicago Press, 1984), 126–31; Rasul Ja'fariyan, *Kavishha-yi Tazeh*, 86–90.

¹⁰⁵Abisaab, "al-Karaki."

¹⁰⁶Astarabadi, *al-Fawa'id al-Madaniyya*, 495.

¹⁰⁷*Ibid.*, 532–34, 542.

¹⁰⁸Astarabadi, *al-Fawa'id al-Madaniyya*, 573; Fayd al-Kashani, *Dah Risalah*, ed. Rasul Ja'fariyan (Isfahan, 1992), 281; Shihab al-Din al-Karaki, *Hidayat al-Abrar*, 3–4. See also Newman, "Fayd al-Kashani and the Rejection of the Clergy/State Alliance," in *The Most of the Shi'a: The Institution of Marja' al-Taqlid*, ed. Linda Walbridge (London: Oxford University Press, 2001), 34–52.

¹⁰⁹Abisaab, "Karaki," *Encyclopedia Iranica*; al-Karaki, "Salat al-Jum'a," in *Rasa'il al-Muhaqqiq al-Karaki*, ed. M. al-Hassun, vol. 1 (Qum: Mu'assasat al-Nashr al-Islami, 1988), 158–60; al-Shahid al-Thani, "Salat al-Jum'a," ed. R. Mukhtari and G. al-Qaysari, in *Rasa'il*, 1:1–78; "al-Hath 'ala Salat al-Jum'a," ed. M. al-Nawruzi, in *Rasa'il*, 1:3–31; Astarabadi, *al-Fawa'id al-Madaniyya*, 557, 573.

¹¹⁰Astarabadi, *al-Fawa'id al-Madaniyya*, 190–91, 204–30.

¹¹¹See al-Bahrani, *Lu'lu'at*, 117–18.

¹¹²Private discussions with the author.

¹¹³Ja'fariyan, *Kavishha-yi Tazeh*, 42.

¹¹⁴Al-Amin, *A'yan al-Shi'a*, 3:82–83; Hossein Modarressi, "Rationalism and Traditionalism in Shi'i Jurisprudence: A Preliminary Survey," *Studia Islamica* 59 (1984): 155.

¹¹⁵Muhammad Taqi Majlisi, *Lawami'i Sahibqarani* (Qum: Isma'iliyan, 1994–99), 38.

¹¹⁶Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press, 2004), 294n276, 294n279, 295n284, 296n296.

- ¹¹⁷Robert Gleave, *Inevitable Doubt: Two Theories of Shi'i Jurisprudence* (Leiden: Brill, 2000), 247–48.
- ¹¹⁸See Gleave, *Scripturalist Islam*, xix–xx, 156–57, 296.
- ¹¹⁹Gleave, *Inevitable Doubt*, 4.
- ¹²⁰*Ibid.*, 2–3, 32; Gleave, *Scripturalist Islam*, 6, 12, 156–57, 157n67; and Gleave, “Imami Shi'i Refutations,” 274.
- ¹²¹Stewart, “The Genesis of the Akhbari Revival,” in *Safavid Iran and Her Neighbors*, ed. Michel M. Mazzaoui (Salt Lake City, Utah: Utah University Press, 2003), 184. See also p. 169.
- ¹²²Moojan Momen, *Introduction to Shi'i Islam* (New Haven, Conn.: Yale University Press, 1985), 222.
- ¹²³Rula Jurdi Abisaab, *Converting Persia*, 107–14; Hasan Ansari, “Jayigah-i Fiqhi/Usuli-yi Sayyid 'Abdullah Shubbar wa Sahm-i u dar Niza'i Usuli/Akhbari,” accessed 2 January 2013, <http://ansari.kateban.com/entry1878.html>; Ansari, “Jayigah-i al-Kafi dar mayan-i Imamiyya,” accessed 2 January 2013, <http://ansari.kateban.com/entry842.html>; Gleave, *Scripturalist Islam*, 237–44.
- ¹²⁴Muhammad Amin Astarabadi, *al-Fawa'id al-Madaniyya (wa-bi-Dhaylihi al-Shawahid al-Makkiyya)* by Nur al-Din al-Musawi al-'Amili (Qum: Mu'assasat al-Nashr al-Islami, 2005), 328–29. See Badr al-Din al-Zarkashi, *Tashnif al-Masami' bi-Jam' al-Jawami'*, ed. Abi 'Amr al-Husayni b. 'Umar b. 'Abd al-Rahim, vol. 1 (Beirut: Dar al-Kutub al-'Ilmiyya, 2000), 45–48; and Ja'far al-Subhani, *Risala fi al-Tahsin wa-l-Taqbih al-'Aqliyya* (Qum: Mu'assasat al-Imam al-Sadiq, 1999–2000), 127–29.
- ¹²⁵See Wael Hallaq, *Ibn Taymiyya against Greek Logicians* (Oxford: Clarendon Press, 1993), introduction; Astarabadi, *al-Fawa'id al-Madaniyya*, 34, 192–93, 256–58.
- ¹²⁶See Hallaq, *Ibn Taymiyya*, xlii–xliii.
- ¹²⁷Todd Lawson, “Akhbari Shi'i approaches to *tafsir*,” in *Approaches to the Qur'an*, ed. G. R. Hawting and A. A. Shareef (New York: Routledge, 1993), 176, 186–87.
- ¹²⁸See Muhsin Fayd Kashani, *al-Mahajja al-Bayda' fi Tahdhib al-Ihya'*, ed. 'Ali Akbar al-Ghaffari (Qum: Mu'assasat al-Nashr al-Islami, 1994), 1.
- ¹²⁹See Muhammad al-Husayni, *al-Ruh al-Mujarrad* (Tehran: n.p., 2002), 326; 'Ali al-Shahidi, “al-Siham al-Mariqa,” fol. 8a–12b.
- ¹³⁰'Ali al-Shahidi, “al-Siham al-Mariqa min Aghrad al-Zanadiqa,” MS, in Ahmad al-Husayni, *Fihrist-i Nuskhaha-yi Khatti-yi Kitabkhana-yi 'Umumi-yi Mar'ashi*, collection 1576 (Qum, 1975), fol. 8a–12b; Muhammad 'Ali Mu'adhdhin Sabzavari, *Tuhfah-yi 'Abbasi: The Golden Chain of Sufism in Shi'i Islam*, trans. M. H. Faghfoory (Lanham, Md.: University Press of America, 2008), 157n37.
- ¹³¹Asad, “The Idea,” 15–16.
- ¹³²Astarabadi, *al-Fawa'id al-Madaniyya*, 136–39.
- ¹³³He argued that the hadith of various Sunnite groups lacked certainty, that is, being of the *khbar al-wāhid* type. See Astarabadi, *al-Fawa'id al-Madaniyya*, 123.
- ¹³⁴*Al-Fawa'id al-Madaniyya*, 98–99, 104–5, 192–201.
- ¹³⁵Abisaab, *Converting Persia*, 106–9.
- ¹³⁶Madelung considered *Kitab al-Naqd* by 'Abd al-Jalil al-Qazwini (d. 12th century) to be proof for an *akhbārī-ūṣūlī* division at least since the 12th century. See Madelung, “Imamism and Mu'tazilite Theology,” in *Le Shi'isme Imamite*, ed. T. Fahd (Paris: Paries Presses Universitaires de France, 1970), 13–30. Stewart accepted Madelung's position in *Islamic Legal Orthodoxy* (pp. 182–84) but in “The Genesis,” he attributed the division to al-Shahid al-Thani's Sunni “borrowings” (pp. 170–71). Newman argued earlier that the *akhbārī-ūṣūlī* division existed during the 9th century, noting its political significance. See Newman, “The Akhbari/Usuli Dispute in Late Safavid Iran, Part 2,” *BSOAS* 55 (1992): 250–53, 259–60.
- ¹³⁷Ibn Abi 'Aqil, for instance, is described as “*awwal-i kesī ast az mujtahidān-i Imāmiyya*” (one of the first imami mujtahids) and someone who used syllogistic reasoning even if he did not develop Shi'i *ijtihād* as we know it. See Qadi Nurullah Shushtari, *Majalis al-Mu'minin* (Tehran: Kitabfurushi-yi Islamiyya, 1955), 427–28; Markaz al-Mu'jam al-Fiqhi, *Hayat ibn Abi 'Aqil al-'Umani* (Qum: Sharaf, 1992), 6–8; and Astarabadi, *al-Fawa'id al-Madaniyya*, 91, 97, 111–13. In *Rijal al-'Allama*, Muhammad b. Zakariyya b. Dinar (d. 910) is described as an “*akhbārī*” though he was distinguished from narrators of hadith (p. 156). To be sure, the meanings of *akhbārī* and *ūṣūlī* changed over time and across genres and scholarly contexts, but they gained a specific meaning in the Safavid period.
- ¹³⁸Asad, “The Idea of an Anthropology,” 14–15.
- ¹³⁹See Astarabadi, *al-Fawa'id al-Madaniyya*, 104–5, 325–27, 332–40.