The Stages of Development of Shi'a Jurisprudence[1]

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ABSTRACT: The science of jurisprudence dates back to the earliest Islamic era. It deals with an array of problems confronting society based on Islamic principles, morals, and practical laws. These precepts are manifested in the Qur'an and tradition as these are the main sources in which legal rulings derive from, and these rules are firmly abided by without exercising one's own opinion. In this article, the stages of the development of jurisprudence will be clarified, along with revealing its prominent authors, major collections of narrations, and the notions that drove scholars to enhance jurisprudential progress.

What sets the school of the Ahlul Bayt apart from other schools of thought is that it considers Islamic precepts manifested in the Holy Quran as well as Sunnah to be the main sources for the origin of legal rulings. This school sees the whole of the literature and narrations issued by the Prophet Muhammad and the Imams of his household to be what constitutes the Sunnah - a tradition which all must abide by and against which none can exercise their opinion. This school also deems it necessary that the whole process of jurisprudence is aimed at

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[1] This paper is the translation of an extract of the Introduction of the following: Hashemi, Sayyid Mahmud and the Board of Experts of the Comparative Islamic Jurisprudence Encyclopedia, *Comparative Islamic Jurisprudence Encyclopedia* (Mawsū'ah al-Fiqh al-Islāmī al-Muqārin), Qum: 1423 A.H. (2002), Islamic Jurisprudence Encyclopedia Institute. pp. 20-31.

understanding these precepts and narrations. There are two stages (or eras) during the course of the history of this jurisprudence: 1) The stage of the issuance of Islamic precepts (*fiqh* of narrations), and 2) The stage of jurisprudence within the framework of Islamic precepts.

The stage of the issuance of Islamic precepts

This era extended from the date of the appointment of the Noble Prophet throughout the imamate of the Imams until the beginning of the fourth century AH, during the major occultation of the twelfth Imam (aj). Within this timeframe a great amount of Islamic literature was compiled, enabling the jurists to deduce the rulings of all jurisprudential branches and issues based on the understanding of these literatures and Islamic precepts.

Most of the focus and effort of the Imams - especially from Imām Bāqir onwards - was spent on training the jurists and narrators of tradition to preserve religion and be its guardians.

The number of narrators of the Imams (beginning from Imam 'Alī (as) [d. 40 AH] until Imām Ḥasan al-'Askarī (as) [d. 260 AH]), that al-Sheikh al-Ṭūsī enumerates in his *rijāl* book reaches 5,436 narrators, 3217 were narrators of Imam al-Ṣādiq (as), with the remainder belonging to the rest of the Imams, including the narrators of Imām al-Mahdī (aj). The details are as follows:

1- Imām 'Ālī – 442 narrators.
2- Imām al-Ḥasan (as) – 41 narrators.
3- Imām al-Ḥusayn – 109 narrators.
4- Imām al-Sajjād – 173 narrators.
5- Imām al-Baqīr – 466 narrators.
6- Imām al-Ṣādiq – 3217 narrators.
7- Imām al-Kādhim – 272 narrators.
8- Imām al-Ridhā – 317 narrators.

9- Imām al-Jawād – 113 narrators.
10- Imām al-Hādī – 183 narrators.
11- Imām al-'Askarī – 103 narrators.
12- Imām al-Mahdī – 52 narrators.

Regarding the books of narrations compiled by the companions of the Imams, Seyyid Muḥsin al-Amīn [d. 1371 AH] says:

> The early Shī'a scholars who were contemporaries of the Imams from the time of the Commander of the Faithful (as) until the time of Abī Muḥammad al-Ḥasan al-'Askarī, have compiled over six thousand six hundred volumes on the narrations narrated from the Ahl al-Bayt, coming from the holy prophet, the city of knowledge…[1]

All of these books have been mentioned in *rijāl* books. For example, Sheikh Muḥammad b. al-Ḥasan b. al-Ḥurr al-'Āmilī [d. 1104 AH] has recorded them in the end of his fourth note of *Wasā'il al-Shī'a*. He in turn obtained this information from the biographies of the authors of these books, gathering what *rijāl* scholars say about each one and putting them together to yield this number.[2]

Some scholars have categorized these books into two groups: *uṣūl* (principles) and non-*uṣūl*. The *uṣūl* are the books in which the authors have compiled the narrations they have directly heard from an Imam, or have heard from a narrator who has narrated directly from the Imam. In other words, the narrations found in *uṣūl* books are ones that haven't been narrated from another book. Rather, only narrations heard from an Imam or from one who narrates directly from an imam have been relied on in compiling these books. On the other hand, non-*uṣūl* books are

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[1] *Al-Shia fī Masārihim al-Tārīkhī*: 422.
[2] See: *Wasā'il al-Shīa* 30:165.

ones to which or in which their authors have narrated their content even if it is a written book they are narrating from.

The authors of collections of narrations narrated from these books (both *uṣūl* and non-*uṣūl* ones) and compiled their own collections after the Imams. These books themselves would later become the main base, establishing the second stage of the school of the Ahl al-Bayt, the stage of jurisprudential fiqh (*al-Fiqh al-Ijtihādī*), which will be covered later. The majority of these *uṣūl* and other books have been gathered in the four major collections of narrations: *al-Kāfī*, *Man lā Yahḍuruhū al-Faqīh*, *al-Tahdhīb,* and *al-Istibṣār*. These collections encompass a great deal of narrations regarding legal rulings from the prophet or one of the infallible Imams. And this is one of the advantages of the fiqh of the Ahl al-Bayt. There are 16,199 narrations in *al-Kāfī* alone, 13,590 in *al-Tahdhīb*, 5,963 in *Man lā Yahduruhū al-Faqīh*, and 5,511 in *al-Istibṣār*.

After this came al-Sheikh al-Ḥurr al-ʿĀmilī in the eleventh century [d. 1104]. He gathered narrations from the four major narration collections, other books, and *uṣūl* into his encyclopedia of narrations titled "*Wasāʾil al-Shīa*", containing a total of 35,852 narrations.

Al-Mirzā al-Nūri [d. 1320 AH] was able to collect more narrations on legal rulings from other narration sources and added them to *Wasāʾil al-Shīa* to further complete it. He named this work of his "*Mustadrak Wasāʾil al-Shīʿah*", which contained a total of around 23,000 narrations. This means that the total number of narrations in these two encyclopedias of narrations on legal rulings is close to sixty thousand, rendering them unmatched in any school of thought.

After the completion of the compilation of noble narrations and literatures on Islamic law, the graduation of many great scholars and jurists under the Imams, the high reception of the school of the Ahlul Bayt (a) by the people, as well as the spread of the Shīʿa faith in every corner of Muslim countries, the later Imams began to make

preparations for the independence of *fiqh* and scholars. They began to pave the way for the gradual self-reliance of the Shī'a. This happened through the Imams ordering the people to refer to the scholars and narrators of their traditions. From then on, these individuals were called 'deputies' of the Imam (*Nuwwāb al-Imām*). The religious responsibility they would carry out was called 'general deputyship' (*al-Niyābah al-'Āmmah*) and the act of following their verdicts was referred to as *Taqlīd* (emulation).

This era, the era of the issuance of Islamic precepts, where it was possible to contact an Infallible (a) and attain knowledge and narrations from him directly or indirectly through one of his special deputies, ended in the year 329 AH, marking the beginning of the second *fiqhi* stage, the jurisprudential *fiqh* period.

It is important to note that the period of issuance (*ṣudūr*) possesses advantages and legal characteristics different than those in the second stage of jurisprudence, most notably:

1- Possession of the 'supreme imamate' and 'great authority' by the Prophet and the Imams after him, as well as their presence in this period, making it obligatory upon all to obey and refer to them in all affairs and abide by what they say, as the noble verse of the Quran says:

> O you who have faith! Obey God and obey the Apostle and those vested with authority among you. And if you dispute concerning anything, refer it to God and the Apostle, if you have faith in God and the Last Day. That is better and more favourable in outcome. (4:59)

2- The possibility of reaching the actual legal rulings of issues in this period by referring directly to them, asking about the realities, rulings, and secrets of religion.

3- The impermissibility of anyone exercising opinion against their word and judgment by anyone, because that would be an example of *ijtihād fī muqābil al-naṣṣ* (exercising jurisprudential opinion when there is legal evidence on an issue), which is forbidden and false both rationally and religiously.

4- The impermissibility of the jurists assuming any type of position, be it of judgment, issuing verdicts, governance, collecting religious alms or anything else, except by referring to the infallible first and being appointed by him.

5- When practicing jurisprudence and deduction of rulings, it is unacceptable for the scholars to initially refer to the general principles and rules - in order to reach the ruling of an issue without asking the infallible first - because of the possibility of there being restrictives (*muqayyid*) and qualifiers (*mukhaṣṣiṣ*) or an overruling precept (*ḥākim*). This would make the ruling they deduce from these general principles unbinding because such would be an instance of relying on generality without first searching for restricting conditions (*al-tamassuk bi al-ʿumūm qabl al-faḥṣ ʿan al-mukhaṣṣiṣ*) at a time when an Imam is present. Searching (*al-faḥṣ*) takes place only by inquiring him.

6- Jurisprudence in this era was characterized by the study, memorization, and transmission of tradition and narrations in addition to issuing verdicts based on their clear and apparent contents. Regarding complicated jurisprudential matters, the Imams were referred to, except when it was not possible, as was the case when the school of the Ahl al-Bayt gradually expanded and spread, entailing more suppression and surveillance by the rulers of the time.

This is an important characteristic of the jurisprudential process during the time of the infallibles. It makes it limited in its essence, the reason being that in that time, its sources couldn't be completed and finished. This is because there was always the possibility that the infallibles

would issue another restrictive, explanatory, or overruling precept. This would hinder the generality of the narrations the narrators had at hand, and make it impermissible for them to restrict themselves to these narrations which they had preserved or narrated in the process of jurisprudence.

This matter has also been referred to by some of the 'remedial' (*'alājī*) narrations that have obliged halting (*tawaqquf*) or precaution (*iḥtīyāt*) when faced with two contradictory narrations and putting the matter on hold until referring to the Imam (as).[1]

The stage of jurisprudence within the framework of Islamic precepts

From the time it began to advance and develop until its completion and maturity, jurisprudential *fiqh* has passed many stages in the hands of the jurists of the school of the Ahl al-Bayt (as). The stages are titled as follows: 1) The Establishment Stage 2) The Developmental Stage, 3) The Period of Independence and Completion, 4) The Period of Extremes, 5) The Period of Rectification and Moderation, and 6) The Period of Completion and Maturity.

1. Establishment Stage (Early fourth century – mid-fifth century AH)

Some of the most significant jurists of this period are:

1) Mūhammad b. Ya'qūb al-Kuleinī [d. 329 AH]
2) The two Ṣadūqs (Alī b. al-Ḥusein b. Bābwayh al-Qummi [d. 381 AH])
3) Ja'far b. Mūḥammad b. Qūlawayh [d. 368 AH]
4) Mūḥammad b. Aḥmad al-Kātib (Ibn al-Junayd al-Iskāfī) [d. 381 AH]

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[1] *Tahdhīb al-Aḥkām* 6:303.

5) Mūḥammad b. Mūḥammad b. al-Nu'mān (al-Mufīd) [d. 413 AH],
6) al-Sharīf al-Murtadhā [d. 436]
7) Abu al-Ṣalāḥ al-Ḥalabī [d. 446 AH]
8) Ḥamzah b. 'Abd al-'Azīz al-Daylamī (Sallār) [d. 463 AH]

What makes this period distinct is that the jurisprudential process therein was a recently developed one, showing itself in the distribution of the text of narrations in different *fiqhi* chapters. The process is shown as trying to draw conclusions from narrations through their own wording and text and reconciling contradictory narrations by 'conventional conciliation' (*al-jam' al-'urfī*) or preference (*tarjīḥ*), 'classifying as issued out of dissimulation' (*al-ḥaml 'alā al-taqiyyah*), etc. Other factors that contributed to such distinctness are as follows:

-   The compilation of two of the most important new *fiqhi* encyclopedias i.e. *al-Kāfī* and *Man Lā Yaḥdhuruh al-Faqīh*;

-   the presentation of verdicts (*fatāwā*) with the same wording as that found in the narrations, distributed in their respective *fiqhi* chapters and issues, as is the case with the book of *al-Sharāye'* of Ali b. Ḥusayn b. Bābiwayh, and the books of *al-Hidāyah* and *al-Muqni'ah* by his son, al-Sheikh al-Ṣadūq.

During this period, fiqh developed according to the new issues that would occur as well as new problems that would arise. And, based on the issues and divisions, other schools of thought (and their fiqhi literatures) had addressed, the branches of fiqh expanded. This in turn led to the independence of the fiqhi method from narrated fiqh, both in its compilation and presentation.

The compilation of two books in the field of 'Principles of Jurisprudence' (*Uṣūl al-Fiqh*), *al-Tadhkirah bi-Uṣūl al-Fiqh* (by al-Sheikh al-Mufīd) and *al-Dharī'ah ilā Uṣūl al-Shari'ah* (by al-Seyyid

al-Murtadhā), marked the beginning of the formation of the science of 'Principles of Jurisprudence' (*Uṣūl al-Fiqh*) and the isolation of its rules (literary, rational, and legal) from *fiqhi* issues, making this yet another development in this period.

Another discipline that was set into motion during this period was comparative *fiqh* involving other schools of thought; the works of *Kitāb al-I‘lām* (of al-Sheikh al-Mufīd) and *al-Intiṣār wa al-Nāṣiriyyāt* (of al-Seyyid al-Murtadā) are examples of books written in this discipline.

This period ends with the shining of al-Sheikh al-Ṭūsī in both the spheres of *fiqh* and *uṣūl al-fiqh*, surpassing the rest in terms of his jurisprudential competence and the rich scholarly heritage he produced. This prompted the beginning of a new stage and era in jurisprudence.

2. Developmental Stage (mid-fifth century – mid-seventh century AH)

This period begins with the final years of the life of Sheikh al-Ṭūsī [d. 460 AH] and continues until the emergence of al-Muḥaqqiq al-Ḥillī [d. 676 AH]. Some of the most prominent jurists of the period are: al-Sheikh Muḥammad b. al-Ḥasan b. al-Ṭūsī, Muḥammad b. Alī b. Abī Ḥamzah al-‘Alawī [d. 570 AH], al-Qāḍhī ‘Abd al-‘Azīz b. al-Barrāj al-Ṭarāblisī [d. 481 AH], Ḥamzah b. Alī b. Zuhrah al-Ḥusaynī [d. 575 AH], Quṭb al-Dīn al-Rāwandī [d. 573] and al-Sheikh Muḥammad b. Idrīs al-Ḥillī [d. 598 AH].

Some of the most important features of this period are the development of jurisprudential *fiqh* and it taking on the correct methodological form by al-Sheikh al-Ṭūsī. This was a result of him making jurisprudence systematic in the framework of legal evidences (*adillah shar‘īyyah*) and expressing his methodology in his *uṣūl al-fiqh* book: *‘Uddah al-Uṣūl*. In this period, four sources of jurisprudence and *fiqhi* evidence were introduced by *uṣūl al-fiqh* books in this period: The Quran, tradition

(*sunnah*), consensus (*ijmāʿ*) and intellect (*ʿaql*). What was meant by consensus was a type of consensus that contained the actual opinion of an infallible within or the infallible's opinion could be concluded from it. This would make such a consensus revealing of tradition, while what was meant by intellect was its axiomatic and definite judgments, not conjecture (*dhann*), analogy (*qiyās*) or discretion (*istiḥsān*).

This is how the jurisprudential process was refined by certain common, yet unorthodox, methods used by other schools of thought, and also of reliance on certain intellectual and theological discussions of the time. These discussions were substituted with reliance on the original jurisprudential method, meaning the deduction of legal rulings from the true legal sources which are the Quran and traditions issued by the Prophet and the infallible Imams.

One of the distinctive characteristics of this period is the compilation of two great narration collections by al-Sheikh al-Ṭūsī: *al-Tahdhīb*, which is an argumentative commentary of the narrations found in the book *al-Muqniʿah* (of Sheikh Mufīd), and *al-Istibṣār*, which is a book aimed at reconciling conflicting and contradictory narrations on legal issues. This led to Sheikh al-Ṭūsī becoming the one to put together all of the necessary tools needed for endeavors in jurisprudential *fiqh* both in theory and application.

This new methodology was applied in a vast and developed form in *fiqh* and all of its branches, something that clearly showed itself in the book of *al-Mabṣūṭ*. This enabled Sheikh al-Ṭūsī to establish the strength of Imamate *fiqh* and its sources on their ability to address different legal issues and branches no matter how diverse and varied they would become.

At the same time, another feature that characterized this period is the development and completion of comparative *fiqh*, represented in the book *al-Khilāf* by Sheikh al-Ṭūsī. A look at this book and comparing it

with the book *al-Intiṣār* by al-Seyyid al-Murtadhā will show the great amount of development that has been achieved in this regard.

Another feature of this period, is the attention given to Quranic studies, especially the science of '*Fiqh* of the Quran'[1], embodied in the commentary (*tafsīr*) of *al-Tibyān* by al-Sheikh al-Ṭūsī and *Fiqh al-Qurān* by Rāwandī, a major development when compared to previous Quranic-*fiqhi* works.

This period ends in the mid-seventh century with the shining of yet another great figure in jurisprudence and other sciences, al-Muḥaqqiq al-Ḥillī.

3. The Period of Independence and Completion (mid-seventh century – end of tenth century)

This period begins with the emergence of al-Muḥaqqiq al-Ḥillī Najm al-Dīn Ja'far b. al-Ḥasan [d. 676 AH] and extends till the 'Second Martyr' Zayn al-Dīn b. Alī b. Aḥmad al-'Amelī [d. 966 AH]. Some of the other prominent jurists of this period are al-''Allāmah al-Ḥillī al-Ḥasan b. Yūsūf b. al-Muṭahhar [d. 726 AH], his son Fakhr al-Muḥaqqiqīn Muḥammad b. al-Ḥasan [d. 771 AH], the 'First Martyr' Muḥammad b. Makkī al-'Amelī [d. 786 AH], al-Fādhil al-Miqdād Jamāl al-Dīn al-Suyūrī [d. 826 AH], al-Muḥaqqiq b. Fahd al-Ḥillī [d. 841 AH], al-Muḥaqqiq al-Karakī Alī b. al-Ḥusayn al-'Ameli [d. 940 AH] and others (may God be pleased with them).

What makes this period stand out is the independence of Imamate jurisprudence from corresponding with that of other schools of thought, both in subject matter and methodology. Except in works on comparative fiqh, only Shi'a heritage was relied on.

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[1]The science that examines the verses on legal rulings in the Quran [trans.].

In this stage, books such as *Maʿārij al-Uṣūl* by al-Muḥaqqiq al-Ḥillī and *Nihāyah al-Wuṣūl ilā ʿIlm al-Uṣūl* by al-ʿAllāmah al-Ḥillī were written on the science of *uṣūl al-fiqh*. They were distinguished by their originality, depth, and reliance on rules and principles derived from the narrations of the Ahl al-Bayt.

Also during this period, *fiqhi* thought came up with new theories in the science of *dirāyah*, resulting in a fourfold categorization of narrations (*al-ṣaḥīḥ*, *al-ḥasan*, *al-muwathaq* and *al-ḍaʿīf*), in addition to the compilation of new *rijāl* collections that were more precise than their predecessors, such works as the *rijāl* books of ʿAllāmah [726 AH] and Ibn Dāwūd [d. 747 AH].

Another feature of this period is the classification of legal issues based on a logical division and confinement into the four groups of worship (*ʿIbādāt*), bilateral contracts (*muʿāmalāt*), unilateral contracts (*Īqāʿāt*), and judgments (*aḥkām*).

The compilation of '*fiqhi* principles' (*al-qawāʿid al-fiqhiyyah*) and its isolation from legal issues and branches were another thing that took place in this period; the 'First Martyr' (Shahīd I) authored the book *al-Qawāʿid wa al-Fawāʾid*, and after him, al-Fāḍil al-Miqdād al-Suyūrī wrote *Naḍd al-Qawāʿid al-Fiqhīyah* and the 'Second Martyr' (Shahīd al-Thani) penned *Fawāʾid al-Qawāʿid*.

One other feature that sets this period apart is the expansion and precision employed in the application of *uṣūli* and *fiqhi* principles (*qawāʿid uṣūliyyah wa fiqhiyyah*) to legal issues, most notably in the *fiqh* of binary contracts. This can be observed by comparing the jurisprudential argumentative works of al-ʿAllāmah, his son, the two Martyrs, al-Muḥaqqiq al-Karakī and other great figures of this period with those of al-Mufīd, al-Murtaḍā, and al-Sheikh al-Ṭūsī.

In this stage, the method of comparative jurisprudential studies was continued in a broader and more accurate fashion, with 'Allāmah compiling the book *Mukhtalaf al-Shī'ah fī Aḥkām al-Sharī'ah* on the comparison of Shī'ah jurists *and the books of Taḍkirah al-Fuqahā'* and *Muntahā al-Maṭlab* with the theme of comparing different jurisprudential schools of thought.

During this period, the Imamate jurists took on the formulation and legislation of the *fiqhi* laws of government and Islamic rule according to the school of the Ahl al-Bayt (as). They also took on the role of 'general deputyship' of Imam Mahdī during his occultation either through attending to the different responsibilities of being Islamic legal authorities (*marja'iyyah*) or through their supervision of the government and its divisions, as was the case for al-Muḥaqqiq al-Karakī during the time of the Safavid dynasty.

4. The Period of Extremes (end of tenth century – end of twelfth century)

This stage begins with the era of al-Muḥaqqiq al-Ardibīlī (rah) [d. 993 AH] and continues until the end of the rise of *Akhbārism*, closing towards the end of the twelfth century.

The reason this period has been titled 'The Period of Extremes', is because it is therein that two opposing jurisprudential currents emerged, each rejecting the other. On the one hand, there was the rationalist idea that was severely against only referring to narrations [in jurisprudential argumentation], while on the other hand, there was the *akhbārī* notion that was totally against utilization of reason and the surface meanings of verses pertaining to legal rulings. Al-Muḥaqqiq al-Ardebīlī and some of his students, such as al-Seyyid Muḥammad b. Alī al-'Āmeli, author of *Madārik al-Aḥkām* [d. 1009 AH] and al-Sheikh Ḥasan b. Zayn al-Dīn, author of *Ma'ālim al-Dīn* [d. 1011], were the

pioneers of the jurisprudential current, the most notable features of which are as follows:

a) Consideration of the science of *Uṣūl al-Fiqh* and the employment of rational and philosophical reasoning for proving some of its issues.

b) Narrowing the scope of the authority (*ḥujīyah*) of 'single source narrations' (*khabar al-wāḥid*).

c) Doubt in the true value of many of the consensuses of the early jurists' views that were famous or widely accepted without question, and the rational and methodological critique of these views.

d) Utilization of rational and philosophical principles in jurisprudential arguments.

e) More dependence on absolute (*muṭlaq*) and unconditional (*'umūm*) precepts asserted in legal Qur'anic verses and definite tradition [i.e., tradition that has definitely been issued by the infallibles], and the derivation of legal verdicts (*fatāwā*) based on them and the refutation of any narrations that might restrict or qualify them as a result of strictness implemented in the *rijālī* authentication of their chains of narrators.

As for the latter jurisprudential current (the *akhbārī* notion) opposite to the first, it was represented by a group of scholars, some of which were: al-Amīn al-Astarābādī [d. 1033 AH], who is considered the peak of this pole of extremism, al-Muḥaddith al-Fayḍ al-Kāshānī [d. 1091 AH], al-Muḥaddith al-Ḥurr al-'Āmilī [d. 1104 AH] and al-'Allāmah al-Majlisī [d. 1111 AH].

The most important features of the *akhbārī* current are as follows:

a) The unreliability of rational and philosophical reasoning in jurisprudence and derivation of legal rulings, as in the case of

exercising personal opinion (*al-ijtihād bi al-ra'y*). Their employment was considered erroneous in the *fiqh* of the Ahl al-Bayt.

b) More utilization of narrations recorded in narration collections and deeming all of them as definite (*qaṭ'īyyah*) and authentic. This freed the scholar of unneeded *rijāli* and *uṣūl al-fiqh* discussions pertaining to the authority of narrations (*ḥujiyat al-akhbār*).

As a result of this importance given to narrations, some of these jurists embarked on the collection of narrations recorded by early scholars, compiling them into dense narration collections: *al-Wāfī* (by Fayḍ Kāshānī), *Wasā'il al-Shī'a ila Taḥsīl Masā'il al-Sharī'ah* (al-Ḥurr al-'Āmilī) and *Bihār al-Anwār li Durar Akhbār al-A'immah al-At'hār* (al-'Allamah al-Majlisī).

c) Denial of the authority of consensus (*ijmā'*) and counting it as one of the sources of legislation in the *fiqh* of other schools of thought.

d) The invalidation of *ijtihād* and *taqlid* (emulation/following the legal verdicts of a jurist) and making it obligatory to directly refer to the narrations of the infallibles [to learn of one's religious duties]. This was a stance belonging to the most radical of them, from which some of their scholars turned away, such as al-Muḥaddith al-Baḥrānī, author of *al-Ḥadā'iq al-Nāḍirah* [d. 1186 AH] and al-Sheikh Ḥusayn Āl 'Usfūr [d. 1216 AH].

This stage of 'extremism', in both of its poles, only constituted a very short period of the lifetime of the Imamate *fiqhi* school of thought; an exceptional state that befell this school and whose dark clouds and ignorance soon scattered and ceased. Both of these extremes vanished and disappeared; the Imamate jurisprudential *fiqh* returned to its genuine approach and original methods.

5. The Period of Rectification and Moderation (end of twelfth century – first half of thirteenth century)

This period begins with the efforts of a group of jurists to confront the *akhbāri* movement, most notably: al-Seyyid Ḥusayn b. Jamāl al-Dīn al-Khānsārī al-Kabīr [d. 1098 AH], al-Sheikh Muḥammad b. al-Ḥasan al-Shīrwānī [d. 1098 AH], his son Jamāl al-Dīn [d. 1125 AH], and his son's student Ṣadr al-Dīn al-Raḍawī al-Qummī [d. 1160 AH]. These individuals set the stage for the establishment of the comprehensive *uṣūl al-fiqh* school by the great jurist, al-Seyyid Muḥammad Bāqir al-Waḥīd al-Behbahānī [d. 1205 AH]. This school was able to put an end to the *akhbāri* jurisprudential current and put Imamate jurisprudential *fiqh* back on its sound *uṣūl al-fiqh* course.

Thus, on the one hand, al-Waḥīd al-Behbahānī was able to defend the views of the majority of the early Imamate jurists against the severe criticism that al-Muḥaqqiq al-Ardebīlī posed regarding some of their judicial verdicts. He also showed how a portion of al-Ardebili's critique was incorrect and unacceptable from a scholarly point of view.

He was also able to resolve the problem of authentication of narrators (*rāwī*) and chains of transmitters (*sanad*) in his *rijāl* book of *Manhaj al-Maqāl*.

At the same time, he firmly resolved to confront the *akhbāri* movement and all the arguments supporting it using Imamate *uṣūl al-fiqh*.

One thing that he succeeded in clarifying was the difference between *uṣūl al-fiqh* according to the Shia perspective and *uṣūl al-fiqh* according to the perspective of other schools of thought. He was also able to show the need for such a science and that without it, jurisprudence would be infeasible.

As a result of the open and continuous scholarly debates of al-Waḥīd al-Behbahānī and al-Muḥaddith al-Baḥranī (an *akhbāri*), the presence of these two great figures in Karbalā' and the Islamic seminary therein factored greatly into this awakening and its momentum. Their piety also played a major role in the disclosure of knowledge and realities to their students. Eventually, this led to al-Muḥaddith al-Baḥranī's inclination towards moderation and the acceptance of jurisprudential *fiqh* and consensus (*ijmāʿ*) – when it is revealing of tradition (which is what Imamate *fiqh* means by the term 'consensus') – and caused him to withdraw from some of the stances the first generation of *akhbārī*s had gone to extremes in.

A series of great jurists and scholars graduated from the school of al-Waḥīd al-Behbahānī such as al-Seyyid Muḥammad Mahdī Baḥr al-'Ulūm [d. 1212 AH], al-Sheikh Ja'far Kāshif al-Ghiṭā' [d. 1228 AH], al-Seyyid Muḥammad al-Mujāhid [d. 1242 AH], al-Muḥaqqiq Muḥammad Mahdī al-Narāqī [d. 1209 AH] and his son Aḥmad [d. 1244 AH]. In turn, more great jurists graduated from under these students, such as al-Sheikh Ḥasan b. Abd al-Raḥīm al-Ṭehrānī author of *al-Fuṣūl al-Gharawiyah* [d. 1250 AH], al-Sheikh Muḥammad Taqī al-Isfahānī author of *Hidayat al-Mustarshidīn fi Sharḥ Ma'ālim al-Dīn* [d. 1248 AH] and al-Sheikh Ḥasan al-Najafī author of *Jawahir al-Kalām fi Sharḥ Sharāye' al-Islām* [d. 1266 AH].

6. The Period of Completion and Maturity (mid-thirteenth century – present)

In reality, this period is seen as a continuation and extension of the previous period, the base of which was further consolidated by al-Waḥīd al-Behbahānī's school and his prominent students.

This stage went on to reach the pinnacle of maturity, depth and comprehensiveness through two generations of jurists of this school, especially one of the most outstanding of them, al-Sheikh Murtaḍā al-

Anṣārī (rah) [d. 1281 AH]. The progress made at this stage was to the extent that this period can be considered a new era in the history of *fiqh* and *uṣūl al-fiqh*. This matter becomes especially manifest when one compares the books of *al-Makāsib fi Fiqh al-Mu'āmalāt* and *Farā'id al-Uṣūl* by al-Sheikh al-Anṣārī with other works of the same themes by previous jurists from the same school; there is a great difference between them in content, methodology, and argumentation technique.

Many great jurists have graduated under al-Sheikh al-Anṣārī, most notably: al-Muḥaqqiq al-Shīrazī al-Kabīr [d. 1312 AH], al-Sheikh Ḥabibullah al-Rashtī [d. 1312 AH], al-Sheikh Mullā 'Alī al-Kanī [d. 1306 AH] and al-Sheikh Muḥammad Ḥasan al-Āshtiyanī [d. 1319 AH].

In turn, generations of jurists and jurisprudents graduated under these jurists, such as: al-Muḥaqqiq al-Khurāsānī author of *Kifāyat al-Uṣūl* [d. 1319 AH], al-Muḥaqqiq al-Hamedānī [d. 1322 AH], al-Seyyid al-Fishārakī [d. 1314 AH] and al-Mīrzā Muḥammad Taqī al-Shīrāzī [d. 1338 AH], all of which were also followed by a series of eminent jurists extending to the present.

Conclusion

The school of Ahlul Bayt considers the Qur'an and Sunnah as the main sources for the origin of legal rulings. Everyone is expected to abide by the traditions of the holy Prophet Muhammad and the Imams of his household. The purpose of the process of jurisprudence is to understand these principles and narrations. In the first stage of the issuance of Islamic principles, jurists deduced the rulings of all jurisprudential issues based on the understanding of the literature. This era extended from the time of the appointment of the Prophet until the beginning of the fourth century AH in which the later Imams prepared for the independence of fiqh, where people were ordered to refer to the deputies of the Imam, and follow their verdicts (*taqlid*). In this period, jurisprudence was characterized by the study, memorization, and

transmission of hadiths as well as issuing verdicts; the Prophet and Imams were present, making it obligatory upon all to obey and refer to them, as well as enabling people to reach actual legal rulings of issues; exercising opinion against their word was impermissible; jurists claiming any type of position was impermissible; and scholars initially referring to general principles and rules was unacceptable.

Since the task did not reach its completion, the new era of establishing jurisprudence within the framework of Islamic principles emerged, and this stage is divided into six sub-stages. Within these stages, the majority of these principles were gathered in four major collections of narrations: *al-Kāfī*, *Man lā Yaḥḍuruhū al-Faqīh*, *al-Tahdhīb,* and *al-Istibṣār*.