

Law and Tradition in Classical Islamic Thought: Studies in Honor of Professor Hossein Modarressi, edited by Michael Cook, Najam Haider, Intisar Rabb, and Asma Sayeed (Palgrave Series in Islamic Theology, Law, and History), (New York: Palgrave Macmillan, 2013), xix + 326 pp., ISBN: 978-0-230-11329-9, \$105.00 (hb)

Hossein Modarressi is one of the most unique professors in Islamic studies in Western academia. Trained as a traditional Shīʿī mujtahid in Qum and Najaf, and who became established as an interesting editor of texts and intellectual historian in the 1970s (many of those texts having been recently re-published from the Marʿashī Library in Qum and in the USA), he wrote a dissertation on Islamic law at Oxford and soon after was appointed at Princeton where he has become a leading specialist on Islamic law, especially Shīʿī law, as well as on the Shīʿī tradition, and trained generations of students in law and philosophy who are a credit to him. This festschrift comprises offerings by a number of his best students and colleagues at Princeton and beyond. The articles are divided into five parts that reflect his output and his interests. The first is on source studies – complementing his work on texts that he edited such as al-Jishumī’s *Risālat al-Iblīs*.¹ Part two is on the Shīʿī tradition on which he has contributed major studies on attitudes to the Qurʾān, on tradition, an influential bio-bibliography of the classical period, his controversial study of the occultation and his forthcoming definitive volume of his vision for Shīʿism.² Part three takes up his interests in Islamic law for which he is perhaps best known.³ Part four takes up his philosophical interests expressed in

¹ Abū Saʿd al-Hākim Muḥassin ibn Muḥammad ibn Karrāma al-Jishumī, *Risālat al-Iblīs ilā ikbuʿānibī l-manāḥis* (Qum: Marʿashī, 1986).

² “Early Debates on the Integrity of the Qurʾān: A Brief Survey,” *Studia Islamica* 77 (1993), 5-39, <http://dx.doi.org/10.2307/1595789>; “Rationalism and Traditionalism in Shīʿī Jurisprudence: A Preliminary Survey,” *Studia Islamica* 59 (1984), 141-158, <http://dx.doi.org/10.2307/1595298>; *Tradition and Survival: A Bibliographical Survey of Early Shīʿite Literature* (Oxford: Oneworld, 2003); *Crisis and Consolidation in the Formative Period of Shīʿite Islam: Abū Jaʿfar ibn Qiba al-Rāzī and His Contribution to Imāmīte Shīʿite Thought* (Princeton: Darwin Press, 1993); *Shīʿite Islam* (Oxford: Oneworld, 2014?).

³ *Kbaraj in Islamic Law* (Tiptree, Essex-UK: Anchor Press, 1983); *An Introduction*

his supervision of students and which came from his studies in the Shī'ī seminary. The final part on historical traditions takes up his interests on the histories of Qum and similar studies.⁴ A final part lists his bibliography and includes a short summary of the significance of his Persian works (recently re-printed) by Hossein Kamaly. Modarressi's output has been significant and his works have had a major impact in the field – such a festschrift is a wonderful testament to his contribution and the role that he has played through his students in forming the current field of Islamic studies.

The first part on source studies comprises three chapters that closely focus on a singular text or so. Etan Kohlberg looks at a report narrated by Abū Baṣīr on the merits of the Shī'a recorded in al-Kulaynī's *Rawḍat al-Kāfī* and reflects the method of *ḥadīth* source-critical analysis that seems to be representative of the 'Hebrew University school,' focusing on inter-textuality and the significance of texts for an understanding of the formation of the Shī'ī tradition. Behnam Sadeghi's piece on emendations to the 'Uthmānī orthography of the Qur'ān continues his recent work on the formation and canonization of the text mainly through a critique of earlier engagements with the issue, not least a famous article by Devin Stewart.⁵ Najam Haider's article on Mu'āwiya and his 'dropping' of the *basmala* in prayer complements his recent book on early Shī'ism and the role of ritual practices in the formulation of identity – and should probably be read alongside recent historiographical studies of Mu'āwiya by Khaled Keshk (Chicago PhD dissertation) and Ammar Nakhjuwani (Exeter PhD dissertation).

Part two comprises three rather different articles on the Shī'ī tradition. Hassan Ansari's chapter on the *Kitāb al-waṣīyya* of 'Īsā ibn al-

to Shī'ī Law: A Bibliographical Study (London: Ithaca Press, 1984); "Some Recent Analyses of the Concept of *Majāz* in Islamic Jurisprudence," *Journal of the American Oriental Society* 106 (1986), 787-791, <http://dx.doi.org/10.2307/603537>; "The Just Ruler or the Guardian Jurist: An Attempt to Link Two Different Shi'ite Concepts," *Journal of the American Oriental Society* 111/3 (1991), 549-562, <http://dx.doi.org/10.2307/604271>.

⁴ Id., *Qumnāma: Majmū'a-yi Maqālāt va Mutūn dar bāra-yi Qum* (Qum: Mar'ashī, 1364 HS [1985]).

⁵ Devin J. Stewart, "Notes on Medieval and Modern Emendations of the Qur'ān," in Gabriel S. Reynolds (ed.), *The Qur'ān in Its Historical Context* (London & New York: Routledge, 2008), 225-248.

Mustafād is a wonderful exercise in bibliography and excavation of the tradition. He notes that the title arises from a genre of texts closely associated with polemics on the imāmate, and suggests that the later tradition's assumption that he wrote such a work – derived partly from the report on the topic preserved in *al-Kāfī* – suggests an assumption that much of the material collated in *al-Kāfī* was not only orally transmitted but also compiled from earlier works that have not survived, somewhat like an earlier argument and discussion on the so-called four hundred texts (*uṣūl arba^{tu} mi^ʿā*) that supposedly constituted the compilation of *al-Kāfī*. Concomitantly, he suggests a process whereby texts accrued in the later tradition and were projected back to a more classical period – and may account, for example, for the Ṣafavid 'discovery' of texts, some of which have now been published as the 'sources' (*maṣādir*) for the *Bihār al-anwār* of al-Majlisī.⁶ Asma Sayeed's chapter on women in Imāmī biographical dictionaries is an expression of contemporary desires to recover women's voices and recent attempts to find authorities in the early period, not least to juxtapose them with the seeming lack of female authority in the modern period.⁷ She raises the seeming paradox of the oblivion of women's voices in a tradition whose founding figures include major female characters. The third contribution in this section by Michael Cook addressing a seemingly obscure point of legal and ritual practice about the inclining to the left in prayer that is predominantly but not exclusively associated with classical Shīʿī practice. It provides further evidence for where traditionalism seemed to clash with rationalism and the exact sciences and demonstrates Cook's meticulous concern with textual detail and scholarship – his annotation in end-notes is longer than the actual text!

Part three on law similarly brings together three contributions. Barber Johansen, a colleague of Modarressi at Harvard (since Modarressi beyond his chair at Princeton has affiliations and appointments at

⁶ Ansari notes that an uncritically reconstructed text has been published: *Kitāb al-waṣīyya: min al-uṣūl al-riwāʿiyya al-muʿtabara* (Mashhad: al-Maktaba al-Mutakhaṣṣiṣa bi-Amīr al-Muʾminīn, 2009).

⁷ On the question of authority there is now Mirjam Künkler and Roja Fazaeli, "The Life of Two *Mujtabidabs*: Female Religious Authority in Twentieth-Century Iran," in Masooda Bano and Hilary Kalmbach (eds.), *Women, Leadership, and Mosques: Changes in Contemporary Islamic Authority* (Leiden & Boston: Brill, 2012), 127-160.

Oxford, Columbia, and Harvard as well), looks at the construction of legal norms in Sunnī law and how meaning is derived for the law, an important topic given some recent reformist approaches to Islamic law. Intisar Rabb, drawing on her magisterial doctoral dissertation supervised by Modarressi on *qawā'id fiqhiyya*, considers how the system of legal maxims relates to a minimalist approach to law and the need to deal with the crisis that emerges from the absence of those who are authoritative on the law (such as a Prophet or Imām). Her article is a useful prism for approaching some of the major themes of contention in the study of Islamic law such as the tension between rationalism and traditionalism, or between legal monism and pluralism. Minimalism leads to a position where the 'right' answer to a question is the best one that conforms to core values established. This feeds well into recent debates on the ethics of Islamic law and the processes of refining legal practice and moral obligation. Khaled Abou El-Fadl's chapter makes the link to the contemporary clearer with a contribution on human rights discourse in law, and how the normative requirements of human rights and Islamic traditions may clash. His interest surprisingly lies less in a process of reconciling the two and more in understanding how the two traditions may well be mutually exclusive – and usefully addresses the plurality and heterogeneity of both traditions.

The three chapters in part four on the philosophical traditions are somewhat more indexical. Robert Wisnovsky, who wrote an excellent dissertation on causality in Avicenna under Modarressi's supervision, introduces a codex of the work of the Christian Baghdādī philosopher Yaḥyā ibn 'Adī preserved in the library of the Madrasa-yi Mervī in Tehran. It includes an edition and translation of the five *kephalaia*, and should be read alongside another article on the same codex in the recent festschrift for Dimitri Gutas.⁸ Sabine Schmidtke's article on two commentaries on the logical school text *al-Shamsiyya* by Najm al-Dīn al-Kātibī copied by David Maimonides provides further evidence for the importance of the Jewish-Muslim intellectual encounter and the relevance of the Firkovitch collection in St. Petersburg for texts that transmit the intellectual heritage of the Islamic traditions. She includes an inventory of the fragments and an edition in Arabic letters of the Judaeo-Arabic text. Asad Ahmed's useful article

⁸ Felicitas Opwis and David Reisman (eds.), *Islamic Philosophy, Science, Culture, and Religion: Studies in Honor of Dimitri Gutas* (Leiden & Boston: Brill, 2012).

on logic in the Khayrābādī school of India is an exercise in Islamic intellectual history in South Asia. He provides a map for transmission of logical reasoning and research through to the twentieth century. It will become a foundational article for any future study of the course of Islamic philosophical traditions in India.

The final part on historical traditions comprises three contributions by Modarressi's oldest associates, Roy Motahhedeh, Wilferd Madelung, his supervisor at Oxford, and Richard Bulliet, colleague at Columbia recently retired. The former's study of the ways in which the historiographical tradition imagined the past demonstrates how the Iranian medieval chroniclers conceived of a unified past in which biblical and pre-Islamic Iranian figures merged, in which Solomon and his miraculous throne became associated, via Takht-i Solaymān in Azerbaijan, with Persepolis (*takht-i Jamshīd*). He shows the accommodation of the Iranian past and how rulers in the medieval period drew upon different patrimonies to construct their own authority – as successors to Solomon, to Cyrus, and to 'Alī. Madelung's contribution is somewhat more narrowly focused on al-Ḥasan al-Nawbakhtī on astrologers. Known as the author of a heresiography, al-Nawbakhtī's *Kitāb al-ārā' wa-l-diyānāt* is lost but Madelung constructs his position based on later citations in works that Madelung knows well such as Ibn al-Malāḥimī's *Kitāb al-mu'tamad fī uṣūl al-dīn* which he edited with Martin McDermott.⁹ Bulliet's comparative study of conversion to Islam and Christianity takes up the theme that he discussed in a book some time ago.¹⁰ He looks at the role and elaboration of legal traditions within the diffusion of religions. He concludes that it is only once conversion leads to a majority for the imperial faith that legal traditions flourish and reach their culmination.

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⁹ A new, revised, and enlarged edition based on further manuscripts appeared recently in Tehran in 2012 – the original edition was printed in London by al-Hoda in 1991.

¹⁰ Richard W. Bulliet, *Conversion to Islam in the Medieval Period: An Essay in Quantitative History* (Cambridge, MA: Harvard University Press, 1979).