

**Turkish  
Journal of  
Shiite  
Studies**

*Şiilik Araştırmaları*

ISSN: 2687-1882

**Cilt / Volume: 1  
Sayı / Issue: 2  
Aralık / December 2019**

**Some Notes on the History of the Categorization of Imāmī Ḥadīth**

*İmāmî Hadîs'in Sınıflandırma Tarihi Hakkında Bazı Notlar*

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**Makale Bilgisi/Article Information**

**Makale Türü/Article Type:** Araştırma Makalesi / Research Article

**Geliş Tarihi / Received:** 17.11.2019

**Kabul Tarihi / Accepted:** 08.12.2019

**Yayın Tarihi / Published:** 31.12.2019

**Cilt / Volume: 1 Sayı / Issue: 2 Sayfa / Pages:** 215-233

**Atıf/Cite as:** Hasan Ali, Aun. "Some Notes on the History of the Categorization of Imāmī Ḥadīth", *Turkish Journal of Shiite Studies* 1/2 (Aralık 2019): 215-233.

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## Some Notes on the History of the Categorization of Imāmī Ḥadīth

### Abstract

The formative period of Imāmī law is generally placed in Buwayhid Baghdad. However, by the end of the Buwayhid era, Imāmī law had not yet developed all of the features that would enable future scholars to elaborate the law along particular methodological lines. In particular, it was not until the 7<sup>th</sup>/13<sup>th</sup> century that Imāmī scholars invented a typology to systematize the use of *ḥadīth* as an independent source of law. Because the bulk of substantive law rests on the Sunnah, and because the main source of Muslims' knowledge of the Sunnah is *ḥadīth*, it is argued that the moment when *ḥadīth* come to be regarded as an independent source of law is a strong indication of its formative period. While some scholars have tried to locate this development in an earlier stage of the development of Imāmī law, a careful examination of key passages in the relevant texts demonstrates that their argument is based on a misunderstanding of the nature of early bio-bibliographical writing as well as a misunderstanding of the arguments of critics of the typology.

**Key words:** Islamic Sects, Shia, Imamism, Hadith, Hilla.

### İmāmî Hadîs'in Sınıflandırma Tarihi Hakkında Bazı Notlar

#### Öz

İmamiyye fıkının gelişme dönemi genellikle Bağdad Büveyhileri dönemi olarak kabul edilir. Ancak Büveyhi döneminin sonunda İmamiyye fıku henüz tüm yönleriyle gelişmemiştir. Bu, sonraki araştırmacıların İmamiyye fıku belirli metodolojik sınırlarla belirlemesine olanak sağlamıştır. Özellikle, İmami alimlerin hadisi fıku bağımsız kaynağı olarak kullanımını sistemlendirdikleri tipoloji 7/13. asra kadar gerçekleşmemiştir. Kurumsal fıku büyük bir kısmı Sünete dayandığından ve Müslümanların Sünete dair temel kaynağı da hadis olduğundan, hadisin müstakil bir fıku kaynak olarak kabul edildiği zamanın fıku gelişimini belirlemek için kuvvetli bir işaret olduğu iddia edilir. Bazı araştırmacılar bu gelişmeyi İmamiyye fıku gelişiminin daha erken bir aşamasında bulmaya çalışsa da, ilgili metinlerdeki kilit pasajlara dair detaylı inceleme, onların argümanlarının erken dönem biyo-bibliyografik yazımın mahiyetini yanlış anladıklarını ve tipolojinin eleştirisindeki argümanları yanlış anladıklarını göstermektedir.

**Anahtar Kelimeler:** İslam Mezhepler, Şiilik, İmamiyye, Hadis, Hille.

## Introduction

The formative period of the development of Imāmī law is usually located in Buwayhid Baghdad.<sup>1</sup> There are several reasons why this is thought to be the case: First, two of the four major collections of *ḥadīth* were compiled during this period.<sup>2</sup> Second, several of the earliest systematic works on substantive law were either written in Buwayhid Baghdad or were directly connected to circles of learning in Buwayhid Baghdad.<sup>3</sup> And third, several important works on jurisprudence were written at this time.<sup>4</sup> One might also consider the fact that Abū Jaʿfar Muḥammad b. al-Ḥasan al-Ṭūsī is known as “Shaykh al-Ṭāʾifāh” an indication of the role that he is thought to have played in the development of Imāmī law and the importance that is attached to his historical moment.<sup>5</sup> To be sure, there are clear signs of the beginnings of a discursive formation around al-Ṭūsī in early works of substantive law.<sup>6</sup> My argument, however, is that, by the end of the Buwayhid era,

\* The idea for this article took shape in a graduate seminar taught by Wael Hallaq at McGill University in 2009. I would like to thank Professor Hallaq and Professor Rula J. Abisaab for their comments on an early draft. I would also like to thank the anonymous reviewer for their helpful comments. Of course, I alone am responsible for any errors. My ideas about Imāmī *ḥadīth* have evolved since that time and will be published in a forthcoming book co-authored with Hassan Ansari titled *Why Ḥadīth Matter: The Evidentiary Value of Ḥadīth in Imāmī Law (7<sup>th</sup>/13<sup>th</sup> to 11<sup>th</sup>/17<sup>th</sup> Centuries)*.

<sup>1</sup> Muʿizz al-Dawlah entered Baghdad in 334/946 and the Buwayhids held Baghdad until the coming of the Seljuks in 442/1051.

<sup>2</sup> These collections, collectively known as the Four Books, are: *Man lā Yaḥḍuruh al-Faqīh* by al-Shaykh al-Ṣadūq Abū Jaʿfar Muḥammad b. ʿAlī al-Qummī (d. 381/991); *al-Kāfi* by Abū Jaʿfar Muḥammad b. Yaʿqūb al-Kulaynī (d. 329/941); and *Tahdhīb al-Aḥkām* and *al-Istibṣār* both by Shaykh al-Ṭāʾifāh Abū Jaʿfar Muḥammad b. al-Ḥasan al-Ṭūsī (d. 460/1067). Only the last two can accurately be described as products of Buwayhid Baghdad. Gleave argues that *ḥadīth* in the Four Books are presented in a way that is amenable to juridical arguments and the derivation of legal opinions, blurring the line between what is a collection of *ḥadīth* and a work on substantive law. See Robert Gleave, “Between *Ḥadīth* and *Fiqh*: the ‘Canonical’ Imāmī Collections of *Akhbār*,” *Islamic Law and Society* 8, no. 3 (2001): 350–82.

<sup>3</sup> These works include: *al-Ishrāf fī ʿĀmmat Farāʾid Ahl al-Islām* and *al-Muqniʿah* by al-Shaykh al-Mufid Abū ʿAbd Allāh Muḥammad b. Muḥammad al-Ḥārithī al-ʿUkbarī al-Baghdādī, also known as Ibn al-Muʿallim (d. 413/1022); *al-Intiṣār* and *al-Masāʾil al-Nāṣiriyyāt* by al-Sharīf al-Murtaḍā ʿAlam al-Hudā Abū l-Qāsim ʿAlī b. al-Ḥusayn al-Mūsawī (d. 436/1044); *al-Kāfi fī l-Fiqh* by Abū l-Ṣalāḥ Taqī al-Dīn b. Najm al-Dīn al-Ḥalabī (d. 447/1055); *al-Marāsim* by Ḥamza b. ʿAbd al-ʿAzīz al-Daylamī (d. 463/1070), known as Sallār; *Jawāhir al-Fiqh* and *al-Muhadhdhab* by Saʿd al-Dīn Abū l-Qāsim ʿAbd al-ʿAzīz b. Nahrīr al-Tarābulisī (d. 481/1088), known as Ibn al-Barrāj; and *al-Jumal wa-l-ʿUqūd*, *al-Mabsūt fī Fiqh al-Imāmīyah*, *al-Khilāf* and *al-Nihāyah* by al-Ṭūsī.

<sup>4</sup> These include al-Mufid’s *al-Tadhkirah bi-Uṣūl al-Fiqh*—which is the earliest extant work on Imāmī jurisprudence—al-Murtaḍā’s *al-Dhariʿah ilā Uṣūl al-Sharīʿah*, and al-Ṭūsī’s foundational work in this discipline titled *Uddat al-Uṣūl*.

<sup>5</sup> Muḥammad b. al-Ḥasan al-Ḥurr al-ʿĀmilī (d. 1111/1699) attached a separate section entitled *Tadhkirat al-Mutabaḥḥirīn fī ʿUlamāʾ al-Mutaʾakkkhīrīn* on the biographies of scholars who came after al-Ṭūsī to his famous biographical work *Amal al-ʿĀmil*. Al-Ḥurr was probably the first scholar to draw a sharp distinction between *ʿilm al-rijāl* and *ʿilm al-tarājim*. See Jaʿfar Subḥānī, *Kulliyāt fī ʿIlm al-Rijāl* (Qom: Muʿassasat al-Nashr al-Islāmī, 1428), 13–16.

<sup>6</sup> For example, the section on *kitāb al-qāḍī ilā l-qāḍī* in Ibn al-Barrāj’s *al-Muhadhdhab* contains an allusion to “the books of our colleagues.” See Ibn al-Barrāj, *al-Muhadhdhab* (Qom: Muʿassasat al-Nashr al-Islāmī, 1404), 2:587–89. It is the first reference of its kind to occur in the discussions of this particular issue. This, then, is the first sign of intra-referencing, which is significant because intra-referencing is essential for the formation of *madhhab* qua discursive entity. Furthermore, a comparison of Ibn al-Barrāj’s discussion of *kitāb al-qāḍī ilā l-qāḍī* in *al-Muhadhdhab* with al-Ṭūsī’s discussion of the same issue in *al-Mabsūt* makes it clear that, not only was Ibn al-Barrāj referring to al-Ṭūsī, but his entire discussion of the issue was quoted from *al-Mabsūt*. See al-Ṭūsī, *al-Mabsūt fī Fiqh al-Imāmīyah*, ed. Muḥammad al-Bāqir al-Bihbūdī (Tehran: al-Maktaba al-Murtaḍawīyah, 1387-93/1967 or 68-73), 8:122–

Imāmī law had not yet developed all of the features that would enable future scholars to elaborate the law along particular methodological lines. It was not until the 7<sup>th</sup>/13<sup>th</sup> century that Imāmī scholars invented a four-fold typology to systematize the use of *ḥadīth* as an independent source of the law. This article comprises an outline of the debate over the origins and legitimacy of this typology, and an analysis of key passages to which both sides refer.<sup>7</sup>

The principal sources of Imāmī law are the Quran, the Sunnah, consensus and reason.<sup>8</sup> The Sunnah is comprised of the statements, deeds, and tacit consent of the “Ma‘šūmīn,” that is the Prophet Muḥammad, his daughter Fāṭimah, and the 12 Imams. Consensus means the agreement of all Imāmī scholars on a particular question of law. It is not an independent source but rather a way to discover the Sunnah.<sup>10</sup> Reason denotes categorical judgements of pure and practical reason. An example of the former is that the prerequisite of an obligation is also obligatory, and an example of the latter is that justice is good and injustice is evil.<sup>11</sup>

Of these four sources, the Sunnah is the most important because without it there simply would not be enough information for a substantial body of law.<sup>12</sup> Less than 500 verses of the Quran pertain to substantive law and most of them stand in need of either qualification or elucidation, for which Muslims normally have recourse to the Sunnah. The agreement of all Imāmī scholars can only be established in a small number of cases and reason fails to grasp the underlying basis of most laws (*aḥkām*) completely.<sup>13</sup> Surely, this is one of the reasons why Muslims concerned themselves with the documentation of the Sunnah in the form of *ḥadīth* relatively quickly.

25. This is noteworthy because Ibn al-Barrāj was a judge with nearly thirty years of experience and yet he still quoted his entire discussion of the issue from al-Ṭūsī. Finally, for nearly a century after the death of al-Ṭūsī, Imāmī scholars, “merely quoted and explained al-Shaykh’s statements and therefore have been called ‘*muqallida*’ (imitators).” Hossein Modarressi, *An Introduction to Shi‘i Law: A Bibliographical Survey* (London: Ithaca Press, 1984), 45.

<sup>7</sup> The broad outlines of the history of this debate are sketched out in Muḥyī al-Dīn al-Mūsawī al-Ghurayfī, *Qawā‘id al-Ḥadīth* (Qom: Maktabat al-Mufid, 1983). Therefore many of the passages that I cite from primary sources have also been cited in *Qawā‘id al-Ḥadīth*. However, whereas al-Ghurayfī argued that the four-fold typology was not invented in the 7<sup>th</sup>/13<sup>th</sup> century, my argument is exactly the opposite.

<sup>8</sup> The principal sources of Sunnī law are the Quran, the Sunnah, consensus and *qiyās*. For Sunnis, the Sunnah does not include the statements, deeds, or tacit consent of Fāṭimah or the 12 Imams; consensus is both a procedural and a textual source; and *qiyās* includes arguments in which the common factor (*jāmi‘*) between the original case (*aṣl*) and the new case (*far‘*) is not known certainly by way of a proof-text (*naṣṣ*). While this type of *qiyās* is known as *qiyās muḥarram* in Imāmī law, it is actually not a syllogism but an extension (*tamthīl*). See al-Sayyid Ṣādiq al-Shirāzī, *al-Mūjaz fī l-Mantiq*, trans. ‘Ali ‘Abdur-Rasheed (Madani E-Publications, 2006), 67–68.

<sup>10</sup> The way in which consensus discovers the Sunnah has been explained in at least twelve different ways. See Muḥammad Riḍā al-Muẓaffar, *Uṣūl al-Fiqh* (Najaf: Maktabat al-Amīn, 1382/1962), 3:94–96.

<sup>11</sup> In addition to pure and practical reason, reason also denotes “the universal practice of rational people” (*binā‘ al-‘uqalā‘*), a conception that has gained importance in the modern period.

<sup>12</sup> The underlying presumption is that every aspect of life falls within the purview of the law. The history of this presumption has not received sufficient attention in secondary scholarship.

<sup>13</sup> According to Muḥammad Bāqir al-Ṣadr, reason is only a potential source of law and no *ḥukm* has actually ever been derived on the basis of it. Muḥammad Bāqir al-Ṣadr, *al-Fatāwā al-Wāḍiḥah* (Beirut: Dār al-Ta‘āruf li-l-Maṭbū‘āt, 1399/1979), 1:98.

One of basically two ways in which Muslims come to know the Sunnah is through *ḥadīth*, the other being through established practices.<sup>14</sup> Since the bulk of substantive law rests on the Sunnah, and since the main source of Muslims' knowledge of the Sunnah is *ḥadīth*, a good way to look at the history of Imāmī law is to study the history of the use of *ḥadīth* in legal arguments. Moreover, from this point of view, we are justified in saying that the moment when *ḥadīth* come to be regarded as an independent source of law ought to mark its "formative period."<sup>15</sup> Before getting into how we will track the notion that *ḥadīth* are an independent source of law, a brief discussion of some general points about *ḥadīth* is in order.

### 1. *Ḥadīth* as an Independent Source of Law

A particular *ḥadīth* is either renowned (*mutawātir*) or not. A renowned *ḥadīth* is one that is known to have issued from a Ma'ṣūm. As such, it constitutes a compelling-reason (*hujjah*) for action in accordance with it.<sup>16</sup> The repudiation of such a *ḥadīth* places one beyond the pale of Islam.<sup>17</sup> The definition of "renowned" is deliberately left ambiguous. Al-Shahīd al-Thānī Zayn al-Dīn b. 'Alī al-'Āmilī (d. 966/1559), whose work in the science of Imāmī *ḥadīth* criticism was foundational, states:

*"The mutawātir is a report that has so many narrators that it is conventionally impossible for them all to have agreed upon its fabrication. This multitude must be fulfilled on all the levels or generations of reporters, in such a way that the beginning of the chain is the same as its end, and the middle of the chain is congruous with the two ends."*<sup>18</sup>

Naturally the question that arises is how many narrators are enough? Al-Shahīd al-Thānī addresses this question in two places. First, he states:

<sup>14</sup> By established practices I mean what is known as *'amal al-aṣḥāb*. The question is whether in the face of a weak chain the established practice of Imāmī scholars constitutes a compelling-reason for action in accordance with it. Conversely, what is the value of a *ḥadīth* with a strong chain that has not been implemented? Up until the time of Murtaḍā Anṣārī (d. 1281/1864) the prevailing view (*mashhūr*) was that established practice is indeed a sufficient proof. The reasoning behind this view was that if the scholars had not put a particular *ḥadīth* into practice even though its chain was strong, then they must have had a good reason to do so, i.e., there must have been compelling circumstantial evidence available to them. Note that this line of reasoning acknowledges that, at least among the early scholars, the criteria for the evaluation of the compelling nature of a *ḥadīth* was broader than an evaluation of its chain. This issue will resurface when we look at the history of the categorization of *ḥadīth*.

<sup>15</sup> Wael B. Hallaq and others have used "formative period" to mean a continuous period of development stretching back to the time of the Prophet. See Wael B. Hallaq, *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005), 1-7. The scholars who used it in this way were interested in when the formative period came to a close. I am using it to mean the historical moment when the law has all of its essential features, but without emphasizing the continuity of development. Let me be clear: I am not saying that later scholars did not build upon the work of earlier scholars, but it is a matter of emphasis. The way in which I use the phrase "formative period" lays stress on a particular nexus of historical and intellectual factors.

<sup>16</sup> There is, however, a debate over whether the knowledge arising from such a *ḥadīth* is of the necessary (*ḍarūrī*) or theoretical (*naẓarī*) type. For a summary of the views of different scholars, see 'Abd Allāh al-Māmaqānī, *Miqbās al-Hidāyah fī 'Ilm al-Dirāya*, ed. Muḥammad Riḍā al-Māmaqānī (Beirut: Mu'assasat Āl al-Bayt li-Iḥyā al-Turāth, 1411/1991), 96-98.

<sup>17</sup> See Muḥammad Hādī Āl Rāḍī, "Ḍarūrīyāt al-dīn wa-l-madhhab," *Turāthunā* 83/84 (1426): 93-183. For a broader view of the boundaries of Islam, see Hossein Modarressi, "Essential Islam: The Minimum that a Muslim is Required to Acknowledge," in *Accusations of Unbelief in Islam: A Diachronic Perspective on Takfīr*, eds. Camilla Adang, Hassan Ansari, Maribel Fierro, and Sabine Schmitdke (Leiden: Brill, 2016), 395-412.

<sup>18</sup> Al-Shahīd al-Thānī, *Dirāyat al-Ḥadīth*, in 'Abd al-Hādī al-Faḍlī, *Introduction to Ḥadīth*, trans. Nazmina Virjee (London: ICAS Press, 2002), 20.

“The number of reporters has not been stipulated or restricted to an exact figure, as some people believe, but rather it serves to generate certitude if it fulfills all the following conditions: that the listener be previously unaware of the content of the report that he is hearing, for if he were it would be tautological; that the listener’s mind be free of any suspicion about the report that may cause him to reject the multiple and successive nature of it; [and] that the reporters’ narration be based on personal perception, rather than presumption or logical deduction.”<sup>19</sup>

And second, he states:

“This [i.e. the number of reports needed to denote certainty] is not limited to an exact number. To be precise, it is the number that fulfills the specifications of the definition (which is that it be conventionally impossible for them all to have agreed upon fabricating it), and in some reports ten reporters or less may fulfill the specification, whereas in others it may only be fulfilled with a hundred, depending on their closeness to the definition of authenticity or the lack thereof.”<sup>20</sup>

His argument is essentially that, in order to instill certainty, a greater number of narrators may be required or a fewer number may be sufficient, so there is no basis for the stipulation of an exact figure.<sup>21</sup> The unwillingness to fix a minimum requirement should not be viewed as a deficiency in the concept. A certain amount of flexibility is needed to be able to incorporate what we might call “common knowledge” or “collective memory” into this category of truth.<sup>22</sup> Moreover, the concept actually serves to delimit the boundaries of a community within which different kinds of knowledge are produced, and not a body of knowledge per se, for what is held in common is naturally accretive.<sup>23</sup>

It is not the renowned *ḥadīth* itself, but rather the certainty (*‘ilm*) arising as a result of such a *ḥadīth* that constitutes the compelling-reason (*ḥujjah*) for action in accordance with it. Therefore, any *ḥadīth* that gives rise to certainty belongs to the same class. For example, *ḥadīth* accompanied by circumstantial evidence (*qarā’in*) yielding certainty of their issuance from a *Ma’šūm* also constitute a compelling-reason for action in accordance with them, even if they are not technically renowned. The significance of circumstantial evidence will be addressed later.

Any *ḥadīth* that is not renowned or accompanied by circumstantial evidence, that is every *ḥadīth* that does not yield certainty, belongs in a class called *akhbār al-āḥād* (sing. *khābar al-wāḥid*), which is best translated as non-renowned reports.<sup>24</sup> The majority of early scholars,

<sup>19</sup> Al-Shahīd al-Thānī, *Dirāyat al-Ḥadīth*, 20.

<sup>20</sup> Al-Shahīd al-Thānī, *Dirāyat al-Ḥadīth*, 96.

<sup>21</sup> Al-Qāḍī Abū Bakr Muḥammad b. al-Ṭayyib al-Bāqillānī (d. 403/1013) held that there should be more than four; Abū al-Ḥasan ‘Alī b. Sa’īd al-Iṣṭakhri (d. 404/1014) held that there should be at least ten; some scholars held that there should be 12; Abū l-Hudhayl al-‘Allāf (d. 235/849-850) held that there should be at least 20; others held that there should be at least 40, at least 70, and even more than 300. See al-Māmaqānī, *Miqbās*, 1:110-15 for references to primary sources.

<sup>22</sup> For a discussion of this category of truth as historical memory, see Hossein Modarressi, “Facts or Fables? Muslims’ Evaluation of Historical Memory,” *Studia Islamica* 114 (2019): 205–218.

<sup>23</sup> It is precisely because these *ḥadīth* delimit the boundaries of the community within which knowledge is produced that the repudiation of them places one beyond the pale of Islam. On the accretive quality of this category of knowledge, see ‘Al Rāḍī, “Ḍarūriyat al-dīn wa-l-madhhab,” 93–183.

<sup>24</sup> “Non-renowned report” is the best way to translate *khābar al-wāḥid* because, by definition,

including al-Murtaḍā and Muḥammad b. Manṣūr b. Aḥmad b. Idrīs al-Ḥillī (d. 598/1202), did not consider this type of *ḥadīth* a compelling-reason. However, some scholars who did not consider non-renowned reports to be compelling in and of themselves held that, if they were accompanied by circumstantial evidence giving rise to assurance of their issuance from a ma'ṣūm (rather than certainty), then they could still be used.<sup>25</sup>

Because we are tracking the notion that *ḥadīth* are an independent source of law, we will not be looking at the use of renowned *ḥadīth* or *ḥadīth* accompanied by circumstantial evidence, irrespective of whether this evidence give rise to certainty or certitude. The compelling-nature of such *ḥadīth* rests on factors that are external to the *ḥadīth* themselves so they are not really independent sources. Tracking the notion that *ḥadīth* are an independent source of law will involve us in the history of two disciplines whose *raison d'être* is the systematization of the use of *ḥadīth* in legal arguments, namely *'ilm al-rijāl* and *'ilm dirāyat al-ḥadīth*. The narrators of *ḥadīth* are scrutinized in *'ilm al-rijāl* and the categorization of *ḥadīth* on the basis of their chains of transmission is undertaken in *'ilm dirāyat al-ḥadīth*.

## 2. Evaluating *Ḥadīth* on the Basis of Their Chains

Some early scholars (*mutaqaddimūn*), including al-Ṭūsī, are said to have argued for the compelling-nature (*ḥujjīyah*) of non-renowned reports. Al-Ṭūsī argued that since Imāmīs had distinguished between reliable and unreliable narrators in bio-bibliographical works, it must be permissible to act in accordance with reports narrated by the reliable ones; if this was not the case, then there would not have been any reason to distinguish between reliable and unreliable narrators in the first place.<sup>26</sup> Al-Ṭūsī's argument rests on the presumption that bio-bibliographical dictionaries were composed solely for the purpose of scrutinizing narrators (*al-jarḥ wa-l-ta'dīl*). This, however, may not be the case and in order to understand why we will briefly discuss the difference between *'ilm al-rijāl* and *'ilm al-tarājim*.<sup>27</sup>

As noted above, *'ilm al-rijāl* is the discipline in which narrators are scrutinized in order to determine whether their narrations are acceptable or not. Therefore, the only relevant considerations are those having to do with the degree of one's trustworthiness and the network of one's contacts. Whether or not someone was a merchant or a poet is entirely irrelevant to this discipline. The biographies of notables, on the other hand, are the subject of *'ilm al-tarājim*. While a notable might also have been a narrator, the scope of *'ilm al-tarājim* is much wider than *'ilm al-rijāl*. A biographical entry might include mention of a scholar's stipend, the names of his children, and a list of his books, all of which have no bearing on the acceptability of his narrations. Furthermore, books of

it is any *ḥadīth* that is not *mutawātir*. Common translations such as "isolated" or "solitary" reports are therefore misleading.

<sup>25</sup> See al-Shahīd al-Thānī, *Dirāyat al-Ḥadīth*, 27; Ibn Idrīs al-Ḥillī, *Kitāb al-Sarā'ir al-Ḥawī li-Tahrīr al-Fatāwī* (Qom: Mu'assasat al-Nashr al-Islāmī, 1410), 1:41–54; al-Ḥasan b. Zayn al-Dīn, *Ma'ālim al-Dīn* (Qom: Mu'assasat al-Nashr al-Islāmī, 1416), 184–216.

<sup>26</sup> Al-Ṭūsī, *al-Uddah*, 58. Among the earliest scholars to write about narrators is Abū al-Ḥasan 'Alī b. Aḥmad al-'Aqīqī (d. 378/988), on whom see al-Sayyid Ḥasan al-Ṣadr, *Ta'sīs al-Shī'a li-'Ulūm al-Islām* (Baghdad: Sharikat al-Nashr wa-l-Ṭibā'ah al-'Irāqīyah, 1951), 243–44.

<sup>27</sup> See Subḥānī, *Rijāl*, 11–16 for a good overview.

*tarājim* are generally prosopographical rather than strictly biographical. “Biography seeks to understand the individual and those features of character which make him or her unique; prosopography seeks to record a group of individuals having certain features in common, and these individuals are viewed in relationship to the prevailing characteristic of the group.”<sup>28</sup> *ʿilm al-rijāl* and *ʿilm al-tarājim*, however, were not truly distinct genres until the 10<sup>th</sup>/17<sup>th</sup> century.<sup>29</sup> Therefore, one cannot safely presume that early bio-bibliographical dictionaries were composed solely for the purpose of scrutinizing narrators. It is quite possible, even likely, that they were written to inscribe a particular identity,<sup>30</sup> or to delimit the boundaries of a group whose collective practice constituted a compelling-reason for action.<sup>31</sup> Finally, al-Ṭūsī’s argument may be understood to mean the same thing as those among the majority who held that if non-renowned reports were accompanied by circumstantial evidence giving rise to certitude of their issuance from a Maʿṣūm, then they could still be used. In that case, al-Ṭūsī did not validate the use of non-renowned reports independent of circumstantial evidence and therefore could not have evaluated *ḥadīth* on the basis of their chains alone.

All of the later scholars (*mutaʿakhhirūn*) considered non-renowned reports compelling.<sup>32</sup> The difference between the early and later scholars on the compelling-nature of non-renowned reports is the basis of their disagreement over the accessibility of knowledge of the law. Scholars who denied that non-renowned reports possess a compelling-nature argued that knowledge of the law is inaccessible due to the scarcity of renowned (*mutawātir*) reports. As a result, we must deal in the realm of uncertainty (*ẓann*).<sup>33</sup> On the other hand, the “door to knowledge” remains open for scholars who held that non-renowned reports are compelling in and of themselves.<sup>34</sup>

Broadly speaking, there are four classes of non-renowned reports: *ṣaḥīḥ*, *ḥasan*, *muwaththaq* and *ḍaʿīf*. According to most scholars, this typology was invented in the 7<sup>th</sup>/13<sup>th</sup> or 8<sup>th</sup>/14<sup>th</sup> century. For early scholars, including *ḥadīth*-specialists (*muḥaddithūn*), a report was either *ṣaḥīḥ* or *ḍaʿīf*. By *ṣaḥīḥ* they meant it was accompanied by circumstantial evidence yielding either certainty or certitude of its issuance from a *ḥaṣṣ*; by *ḍaʿīf* they simply meant that it was not accompanied by any

<sup>28</sup> M. J. L. Young, “Arabic biographical writing,” in *Cambridge History of Arabic Literature: Religion, Learning and Science in the ʿAbbāsīd Period*, ed. M. J. L. Young, J. D. Latham and R. B. Serjeant (Cambridge: Cambridge University Press, 1990), 170.

<sup>29</sup> The work that marks this distinction is al-Ḥurr al-ʿĀmilī’s *Amal al-ʿĀmil fī ʿUlamā Jabal ʿĀmil*. See Subḥānī, *Rijāl*, 14.

<sup>30</sup> See Andrew J. Newman, *The Formative Period of Twelver Shiʿism: Ḥadīth as Discourse Between Qum and Baghdad* (Richmond: Curzon, 2000).

<sup>31</sup> See note 14 above.

<sup>32</sup> On the *mutaqaddimūn*-*mutaʿakhhirūn* typology, see Modarressi, *Introduction*, 23–24.

<sup>33</sup> This issue is discussed in jurisprudence under the rubric of *dalīl al-insidād*. The belief that knowledge of the law is uncertain at best is also supported by the opinion that the compelling-nature of the apparent meaning of a report (and the Qurʾān for that matter) is restricted to the original audience. This is the view that Abū al-Qāsim al-Qummī (d. 1213/1816) is said to have expressed in *Qawānīn al-Uṣūl*.

<sup>34</sup> This group also maintains that the compelling-nature of the apparent meaning of a report is not restricted to the original audience. It is important to bear in mind that what this group claims to have access to is tantamount to knowledge; it is not absolute certainty but it is better than uncertainty, rendering action in accordance with uncertainty impermissible.

such evidence. Regarding the early scholars' use of *ṣaḥīḥ* and *ḍa'īf*, al-Ḥasan b. Zayn al-Dīn (d. 1011/1602), an undisputed Uṣūlī, states:

*"The early scholars certainly did not know this typology for they had no need to resort to it in most cases because of the abundance of circumstantial evidence demonstrating the truthfulness of the report... So when the word "al-ṣiḥḥah" is used by early scholars they mean certainty (al-thubūt) or veracity (al-ṣidq)... They spoke at great length about the chains of narrations and they stated the basis of their opinions in their books, meaning that they did not distinguish between what is ṣaḥīḥ al-tariqah and what is ḍa'īf al-tariqah... relying, for the most part, on circumstantial evidence necessitating the acceptance of a ḥadīth whose chain is weak."*<sup>35</sup>

Yūsuf b. Aḥmad al-Baḥrānī (d. 1186/1772) and Muḥammad Muḥsin al-Fayḍ al-Kāshānī (d. 1091/1680), both Akhbārīs, expressed a similar view in *al-Ḥadā'iq al-nāḍirah* and *al-Wāfi* respectively.<sup>36</sup> All three of these scholars discussed the origin of the typology. Al-Ḥasan b. Zayn al-Dīn believed that Jamāl al-Dīn Ibn Ṭāwūs (d. 673/1274) was the first to categorize *ḥadīth* in this way and his student al-'Allāmah al-Ḥasan b. Yūsuf al-Ḥillī (d. 726/1325) followed suit.<sup>37</sup> Al-Fayḍ al-Kāshānī attributed the invention of the typology to al-'Allāmah himself.<sup>38</sup> Al-Baḥrānī and others felt it was either of the two, but could not determine which one.<sup>39</sup> In fact, it is evident that the typology existed before al-'Allāmah. Furthermore, Ibn Ṭāwūs collected all five of the major dictionaries of narrators in his book *Ḥall al-ishkāl fi ma'rifat al-rijāl*, lending credence to al-Ḥasan b. Zayn al-Dīn's opinion.<sup>40</sup> So while the spread of the typology may have been the result of the work of al-'Allāmah, it probably originated with Ibn Ṭāwūs in the 7<sup>th</sup>/13<sup>th</sup> century.<sup>41</sup>

The principal critics of the four-fold typology were Akhbārīs. Akhbārīs like al-Baḥrānī and al-Fayḍ al-Kāshānī anathematized the typology, arguing that *all* of the *ḥadīth* recorded in the Four Books, as well as other reliable compilations, are *ṣaḥīḥ*.<sup>42</sup> Their objections to the typology boiled down to two claims: First, all of the *ḥadīth* that were cited were accompanied by circumstantial evidence yielding certitude of their issuance from a ma'ṣūm. Therefore the totality of *ḥadīth* constitute a compelling-reason (*ḥujjah*) and it is illegitimate to categorize them because categorization presupposes that some of them, such as those with weak chains, are not compelling. Second, early scholars evaluated *ḥadīth* on the basis of circumstantial evidence. Therefore the evaluation

<sup>35</sup> Al-Ḥasan b. Zayn al-Dīn, *Muntaqā l-Jumān* (Tehran: Chāp-i Jāvid, 1379/1959), 1:13.

<sup>36</sup> Yūsuf al-Baḥrānī, *al-Ḥadā'iq al-nāḍirah fi Ahkām al-'Itrah al-Ṭāhirah*, ed. Muḥammad Taqī al-Īrwānī (Beirut: Dār al-Aḍwā', 1405/1985), 1:14–26; al-Fayḍ al-Kāshānī, *Kitāb al-Wāfi* (Qom: Manshūrāt Maktabat Āyat Allāh al-'Uẓmā al-Mar'ashī al-Najafī, 1404), 1:6–16.

<sup>37</sup> Al-Ḥasan b. Zayn al-Dīn, *Muntaqā l-Jumān*, 1:13.

<sup>38</sup> Al-Fayḍ al-Kāshānī, *al-Wāfi*, 1:6–16.

<sup>39</sup> Yūsuf al-Baḥrānī, *al-Ḥadā'iq*, 14–26.

<sup>40</sup> See Āqā Buzurg al-Ṭihrānī, *al-Dhari'a ilā Taṣānif al-Shī'a* (Beirut: Dār al-aḍwā', 1983), 7:64–65. These five works, collectively known as *al-uṣūl al-rijāliyyah*, are: *Ikhtiyār Ma'rifat al-Rijāl*, which is al-Ṭūsī's redaction of Abū 'Amr Muḥammad b. 'Umar al-Kashshī's (d. ca. 340/951) *Ma'rifat al-Nāqilīn 'an A'immat al-Ṣādiqīn*; *Rijāl al-Ṭūsī* and *al-Fihris*, both by al-Ṭūsī; *Rijāl al-Najāshī* by Abū al-'Abbās Aḥmad b. 'Alī al-Najāshī (d. 450/1058); and *al-Du'afā*, attributed to al-Ḥasan b. 'Ubayd Allāh al-Ghaḍā'irī (d. 411/1020). The attribution of *al-Du'afā* to Ibn al-Ghaḍā'irī is suspect so it is sometimes placed in a different class. See al-Sayyid Zuhayr al-'A'rajī, "Ta'rikh al-nazariya al-rijāliya fi al-madrasa al-imāmiya," *Turāthunā* 91/92 (1428): 100–112.

<sup>41</sup> On this question, see Asma Afsaruddin, "An Insight into the *Ḥadīth* Methodology of Jamāl al-Dīn Aḥmad b. Ṭāwūs," *Der Islam* 72, no. 1 (1995): 25–46.

<sup>42</sup> Yūsuf al-Baḥrānī, *al-Ḥadā'iq*, 1:14–26; al-Fayḍ al-Kāshānī, *al-Wāfi*, 1:6–16.

and categorization of *ḥadīth* based on their chains is a methodological innovation and innovation is forbidden. It is important to bear in mind that Akhbārīs claimed that early scholars attested to the reliability of the *ḥadīth* they recorded in their books and that their attestation was based on the existence of circumstantial evidence yielding certitude of their issuance from a Ma'ṣūm.

The scholars who advocated the four-fold typology conceded that one who is certain that the *all* of the reports did in fact issue from a Ma'ṣūm does not then need to scrutinize their chains of transmission. In the face of certainty, scrutinizing chains of transmission is not only unnecessary, it is invalid. This concession turns on the presumption that the individual *mujtahid* must be certain about the provenance of the *ḥadīth* that he adduces in an argument.<sup>43</sup> However, one who is not privy to the circumstantial evidence on the basis of which early scholars attested to the reliability of the *ḥadīth* they used, and therefore is not certain that all of the reports did in fact issue from a Ma'ṣūm, has no choice but to scrutinize their chains of transmission and rate their compelling-nature in accordance with the four-fold typology.<sup>44</sup> This argument is the basis on which later scholars accepted that non-renowned reports do possess a compelling-nature.

In response to the second claim, that the evaluation and categorization of *ḥadīth* on the basis of their chains is a methodological innovation, the advocates of the typology set out two arguments. The first of these arguments is ultimately pragmatic. It is said that the early scholars lived close to the period of the presence of the Imams, at a time when circumstantial evidence on the basis of which one could ascertain the provenance of *ḥadīth* was readily available to them. As such, there was no need to scrutinize narrators or categorize *ḥadīth*. Due to the passage of time, however, that circumstantial evidence was no longer available to later scholars, rendering the earlier method of validation inapplicable and leaving them with no choice but to rely on the scrutinization of chains and the categorization of *ḥadīth*. To be sure, in cases where later scholars had a reason to believe in the compelling nature of a particular non-renowned report, they did not scrutinize its chain nor did they rate it in accordance with the typology. In defense of the typology al-Ḥasan b. Zayn al-Dīn states:

*“The early scholars certainly did not know this terminology (iṣṭilāḥ), for they had no need to resort to it in most cases because of the abundance of circumstantial evidence demonstrating the truthfulness of the report. Even if a chain included weak narrators, [technically] ṣaḥīḥ ḥadīth were not so superior that they would have to be distinguished [from technically weak ḥadīth] by way of a typology or otherwise. When those traces (āthār) were wiped out and only their chains were left, later scholars were forced to distinguish those that were not suspect (al-khālī min al-rayb) [from those that were], and to determine which ones were far removed*

<sup>43</sup> Note that what they are committed to is not a methodology, but a particular notion of knowledge found in the early tradition and flowing out of a uniquely Shī'ī belief in the nature of the Imam. I will discuss this further in the conclusion.

<sup>44</sup> Such a person would then have to decide which kinds of *ḥadīth* possess a compelling-nature. The prevailing view (*mashhūr*) is that, with the exception of *ḍa'īf ḥadīth*, all *ḥadīth* possess a compelling-nature but in varying degrees. However, some jurists, like Ṣāhib al-Madārik Muḥammad b. 'Alī al-Mūsawī al-'Āmilī (d. 1009/1600), held that only *ṣaḥīḥ ḥadīth* possess a compelling-nature. See Yūsuf al-Baḥrānī, *Lu'lu'at al-Baḥrayn*, ed. al-Sayyid Muḥammad Ṣādiq Baḥr al-'Ulūm (Qom: Mu'assasat Āl al-Bayt, 1969), 45. Al-Baḥrānī speaks of Ṣāhib al-Madārik's method unflatteringly.

from doubt (*al-ba'īd 'an al-shakk*), so they adopted the aforementioned typology.<sup>45</sup>

This line of reasoning acknowledges that the typology is an innovation and appears to acknowledge that Imāmīs did not invent it, rather they “adopted” it from Sunnīs.<sup>46</sup> Moreover, underlying this line of reasoning is the belief that the method used by early scholars to validate *ḥadīth* was not a methodological imperative but simply a convention, albeit one that was better than the four-fold typology.<sup>47</sup>

Their second argument is that, for early scholars, there were actually two different kinds of compelling-reasons that could be gleaned from the available *ḥadīth*. The first of these was *ḥadīth* accompanied by circumstantial evidence.<sup>48</sup> The second kind was *ḥadīth* narrated by reliable narrators. The compilation of early bio-bibliographical dictionaries demonstrates that early-scholars did in fact scrutinize narrators.<sup>49</sup> In addition to the so-called foundational books (i.e. *al-uṣūl al-rijāliyyah*),<sup>50</sup> these early bio-bibliographical dictionaries include a book by Aḥmad b. Muḥammad al-Barqī (d. 274 or 280/887 or 893) known as *Rijāl al-Barqī*,<sup>51</sup> a number of books by Ibn 'Uqda Aḥmad b. Muḥammad (d. 333/945), including one called *Kitāb al-rijāl*,<sup>52</sup> and *al-Maṣābiḥ* by al-Ṣadūq (d. 381/991).<sup>53</sup> The gist of this argument, then, is

<sup>45</sup> Al-Ḥasan b. Zayn al-Dīn, *Muntaqā al-Jumān*, 1:13. See also al-Baḥrānī, *al-Ḥadā'iq*, 1:14–26.

<sup>46</sup> This is, of course, one of the Akhbārīs' objections.

<sup>47</sup> Obviously this belief is not shared by critics of the typology. It may be that Akhbārīs opposed methodological innovations but not changes in substantive law. See Robert Gleave, “Marrying Fatimid Women: Legal Theory and Substantive Law in Shī'ī Jurisprudence,” *Islamic Law and Society* 6, no. 1 (1999): 38–68. Gleave shows that al-Baḥrānī broke with tradition and ruled that a man could not be married to two *sayyidas* at once. The Uṣūlīs, then, are saying that methodological change is allowed and that history can modify the law in fundamental ways. To the best of my knowledge, no one has looked at the dispute between Uṣūlīs and Akhbārīs in this light and no one has suggested that they may have different conceptions of the relationship between history and law.

<sup>48</sup> For example, both al-Kulaynī and al-Ṣadūq authenticated *all* of the *ḥadīth* in *al-Kāfi* and *Man lā Yaḥḍuruḥu al-Faqīh* respectively, despite the fact that they both contain *ḥadīth* with weak chains. See al-Kulaynī, *al-Kāfi*, ed. 'Alī Akbar al-Ghaffārī (Tehran: Dār al-Kutub al-Islāmiyya, 1383), 2–9 and al-Ṣadūq, *Man lā Yaḥḍuruh al-Faqīh*, ed. al-Sayyid Ḥasan al-Mūsawī al-Kharsān (Tehran: Dār al-Kutub al-Islāmiyya, 1383), 1:2–5. See also al-Fayḍ al-Kāshānī, *al-Wāfi*, 1:6–16.

<sup>49</sup> This, however, does not mean that the probity of narrators was ever a sufficient proof. It is not self-evident that these dictionaries were compiled to facilitate the certification of *ḥadīth*. Recall that *rijāl* and *tarājim* were not distinct genres until much later. See Ja'far Subḥānī, *Kulliyāt fi 'Ilm al-Rijāl* (Qom: Mu'assasat al-Nashr al-Islāmī, 1428), 13–16.

<sup>50</sup> See note 40 above.

<sup>51</sup> See Abū al-'Abbās Aḥmad b. 'Alī al-Najāshī, *Rijāl*, ed. al-Sayyid Mūsā al-Shabbīrī al-Zanjānī (Qom: Mu'assasat al-Nashr al-Islāmī, 1407), 76–77 and al-Tūsī, *al-Fihrist*, ed. al-Sayyid Muḥammad Ṣādiq Āl Baḥr al-'Ulūm (Najaf, 1380/1960), 44–46. *Rijāl al-Barqī* is included at the end of published editions of *Rijāl Ibn Dāwūd*. See also Roy Vilozy, “Pre-Būyid Ḥadīth Literature: The Case of al-Barqī from Qumm (d. 274/888 or 280/894) in Twelve Sections,” in F. Daftary and G. Miskinzoda (eds.), *The Study of Shi'i Islam* (London and NY: Institute of Ismaili Studies, 2014), 203–230.

<sup>52</sup> See al-'Allāmah al-Hillī, *Khulāṣat al-Aqwāl fi Ma'rifat al-Rijāl*, ed. Jawād al-Qayyūmī (Mu'assasat Nashr al-Faqāha, 1417), 321–22. The description of this book, however, does not indicate that it was written to distinguish reliable narrators from weak ones. Based on its description, the purpose of this book appears to have been simply the identification, and not the categorization, of narrators. See Subḥānī, *Rijāl* 13–16. On the other hand, a chain comprised of reliable Imāmīs came to be considered *ṣaḥīḥ*, so it may have served this purpose after all.

<sup>53</sup> This book is said to have contained the names of narrators who narrated *ḥadīth* from the ma'sūmin. The final chapter is said to have contained the names of people to whom the twelfth Imam issued rescripts (*tawqī'āt*). See al-Najāshī, *Rijāl*, 389–92. To this list could be

that the evaluation and categorization of *ḥadīth* based on their chains of transmission is not entirely innovative. The mere compilation of these early works, however, does not demonstrate that they were written to facilitate the scrutinization of chains of transmission or that the probity of narrators was ever a sufficient proof in the minds of early scholars. In order for the argument to hold water both of these claims would have to be proven true.

This objection was not lost on the advocates of the typology and they adduced quotations from the works of early scholars to address it. For example, in the introduction to *al-Muqni'*, one of the earliest systematic works on substantive law, al-Ṣadūq states:

*"And I omitted the chain from it so that it would not be too heavy to bear, so that it would not be difficult to retain, and so that it would not tire the reader since what I explain therein [i.e. in the chain] exists in al-kutub al-uṣūliyyah and is apparent to the trustworthy, learned and thoughtful scholars, may God have mercy on them."<sup>54</sup>*

And in *al-Faqīh* he states:

*"And as for the report about ritual prayer on the day of Ghadīr Khumm, and the reward that has been mentioned in it for one who fasts on that day, our sheikh Muḥammad b. al-Ḥasan, may God be pleased with him, did not authenticate it, saying that it comes by way of Muḥammad b. Mūsā al-Hamdānī and he was not trustworthy (thiqāh). For us, every report that he did not authenticate is to be left aside as unreliable (matruk ghayr ṣaḥīḥ)."<sup>55</sup>*

Before moving on to additional quotations from early scholars that are used by the advocates of the four-fold typology to argue that early scholars did in fact evaluate and categorize *ḥadīth* on the basis of their chains, let us pause to consider the implications of the passages that I have just cited from al-Ṣadūq. The first passage is taken to mean that, while al-Ṣadūq did not include chains of transmission in *al-Muqni'* for the sake of brevity, he did establish the reliability of the *ḥadīth* that he included on the basis of their chains and therefore the later scholars' method of authenticating *ḥadīth* resembles the method of early scholars. In fact, this passage only proves that al-Ṣadūq composed *al-Muqni'* on the basis of written sources, i.e. the jotters in which the Imams' companions recorded the *ḥadīth* they heard from them.<sup>56</sup> His satisfaction

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added other works such as *Ma'rifat Akhbār al-Nāqilīn* by Muḥammad b. Mas'ūd al-'Ayyāshī (d. 320/932 or 330/942) and part of *al-Ikhtisās* attributed to al-Mufīd. On the authorship of *al-Ikhtisās*, see Hassan Ansari, "Nimūnah-iy az dafātir-i muḥaddithān: Kitāb al-ikhtisās mansūb bih Shaykh Mufīd," URL = <ansari.kateban.com/post/1233> (accessed November 29, 2019).

<sup>54</sup> Al-Ṣadūq, *al-Muqni' wa-l-Hidāya* (Qom: Mu'assasat al-Maṭbū'āt al-Dīniyya, 1377), 2. *Al-Kutub al-uṣūliyyah* definitely means the original jotters. This is an interesting remark because it suggests that the book was written for laymen. We know that al-Ṣadūq, whose generation dealt with the *ḥayra*, wrote at least one of his other books for laypeople so perhaps this too was written for laypeople. See al-Ṣadūq, *Kamāl al-Dīn* (Tehran, 1378/1958), 14–15. It is also interesting because it might be taken to mean that al-Ṣadūq did not believe that each and every jurist needs to concern himself with the chains, but could be satisfied with a general authentication.

<sup>55</sup> Al-Ṣadūq, *al-Faqīh*, 2:55. Again, this comment could be taken to show that al-Ṣadūq himself did not believe that he needed to authenticate each and every chain.

<sup>56</sup> These "jotters" or *uṣūl* have been the subject of several important studies including: Suhaylā Jalālī, "Pizhūhishi darbarah-yi uṣūl-i arba'mi'a," *Ulūm-i Ḥadīth* 6 (1376): 187–231; Majīd Ma'ārīf, *Pizhūhishi dar Tarīkh-i Ḥadīth-i Shī'ah* (Tehran, 1374), 169–234; Etan Kohlberg, "Al-Uṣūl al-arba'umi'a," *Jerusalem Studies in Arabic and Islam* 10 (1987): 128–66 and Modarressi's *Tradition and Survival*. The latter leaves little room to doubt that extant

with the reliability of the *ḥadīth* that he adduced, then, was based on the fact that they could be found in these jotters, not on a systematic evaluation of their chains. Finally, if the jotters were part of the circumstantial-evidence accompanying *ḥadīth*—and indeed they were—then this passage actually undermines the case for the typology.

In the second passage cited above, al-Ṣadūq's teacher is reported to have discounted a particular *ḥadīth* because it was related by someone that he considered untrustworthy. This is taken to mean that early scholars evaluated *ḥadīth* on the basis of their chains and therefore it is legitimate for later scholars to do so as well. But the Akhbārīs never claimed that early scholars did not care about the probity of the narrators from whom they took *ḥadīth*. They claimed that the judgement of early scholars was based on circumstantial evidence. Furthermore, a particular *ḥadīth* that was related by untrustworthy narrators could still be acceptable if it was accompanied by circumstantial evidence and we have seen that both *al-Kāfī* and *al-Faqīh* contain many such *ḥadīth*. Therefore, since one cannot eliminate *ḥadīth* simply because they are related by untrustworthy narrators, there is really no point in scrutinizing the chains in the first place. Furthermore, the passage under consideration clearly shows that al-Ṣadūq's decision to discount the *ḥadīth* about praying and fasting on the day of Ghadīr Khumm rested on his teacher's judgement. In conclusion, neither one of the two passages above address this objection satisfactorily.

In *Kāmil al-ziyārāt* Abū al-Qāsim Ja'far b. Muḥammad b. Qūlawayh al-Qummī (d. 368/978 or 979) states:

*“And we already know that we do not attend to everything that is narrated from them (i.e. the Imams) on this topic or any other topic; rather we only attend to that which has reached us by way of the trustworthy narrators (al-thiqāt) from among our colleagues, God have mercy on them. And I did not adduce a single ḥadīth in it (i.e. this book) narrated by deviants (al-shudhdhādḥ min al-rijāl)...”*<sup>57</sup>

Again, the Akhbārīs never claimed that early scholars did not care about the probity of the narrators from whom they took *ḥadīth*. What they contested is the systematic dismissal of *ḥadīth* with weak chains. Ibn Qūlawayh's remark does not address this point.

In the course of his discussion of the compelling-nature of a non-renowned report whose narration cannot be discredited, al-Ṭūsī states:

*“And what also points to the legitimacy (ṣiḥḥah) of what we said is that we find that the Imāmīs (al-tā'ifāh) distinguished the narrators relating these reports; they trusted the trustworthy among them and they judged the weak narrators to be weak; they distinguished those whose ḥadīth and narrations are to be relied upon from those whose reports are not to be relied upon; they praised the praiseworthy among them and censured the blameworthy; they said that the ḥadīth of so-and-so are suspect, so-and-so is a liar, so-and-so is confused (mukhlīt), so-and-so held contrary*

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collections of *ḥadīth* were based on these jotters. More recent scholarship has undertaken the task of tracing the sources of later compilations. More recent scholarship has undertaken the task of tracing the sources of later collections. See Hassan Ansari, *L'imamat et l'Occultation selon l'imamisme: études bibliographique et histoire de textes* (Leiden: Brill, 2017).

<sup>57</sup> Abū al-Qāsim Ja'far b. Muḥammad b. Qūlawayh al-Qummī, *Kāmil al-Ziyārāt*, ed. Jawād al-Qayyūmī (Mu'assasat al-Nashr al-Islāmī, 1417), 37.

[legal] views and beliefs, so-and-so is a Wāqifi,<sup>58</sup> so-and-so is a Faṭaḥī,<sup>59</sup> and other suspicions which they cast, and they wrote books about that. And we selected narrators from a group of what they related of works in their lists, to the extent that, if one of them denied a ḥadīth, he looked at its chain and held it to be weak on the basis of its narration. This was their convention from then and now, continuously. So if it were not permissible to act upon what is free from suspicion and what is related by trustworthy narrators, there would not have been any difference between them and others and such a report would have been discarded like others, and there would not have been any benefit for them to do what they did, i.e. for them to have judged some narrators to be untrustworthy and others trustworthy and to have preferred the reports of some of them over others, and in the establishment of that [fact there is] a proof (dalīl) of the legitimacy of what we chose.<sup>60</sup>

The advocates of the four-fold typology believed that this passage, which is found in one of the earliest works on jurisprudence, clearly shows that the division of narrators into categories (e.g. trustworthy, weak, “praiseworthy” and blameworthy) was a method that was not only known to early scholars (i.e. scholars who came before al-Ṭūsī), but put into practice as well. Ibn Ṭāwūs only improved upon what early scholars had done by applying the word “ṣaḥīḥ” to trustworthy Imāmīs, “ḥasan” to “praiseworthy” Imāmīs, “muwaththaq” to trustworthy non-Imāmīs, and “da‘īf” to anyone who did not fall into these three categories in order to distinguish narrators from one another.<sup>61</sup> Subsequently, the ḥadīth themselves came to be described in these terms. Therefore, it is argued, Ibn Ṭāwūs did not *invent* anything, but simply did what the early scholars had always done, scrutinizing the chains of transmission and acting in accordance with indications in earlier works that every report narrated by trustworthy channels is a compelling-reason.

### 3. Circumstantial Evidence

The best way to understand the thinking behind a consideration of circumstantial evidence in evaluating a report is to take a classic example: Someone informs you that Zayd has died. This report may be true or false, but you are inclined to believe it because (a) you know that Zayd was sick; (b) you heard Zayd’s “womenfolk” whaling loudly; (c) you saw Zayd’s family dressed in black; and (d) you saw that their collars were rent. Al-Ṭūsī discussed four pieces of circumstantial evidence that point to the acceptability (ṣiḥḥah) of non-renowned reports in his *al-Uddah*: (1) agreement with dictates of reason (‘aql); (2) conformity to an explicit text (naṣṣ) in the Qur’ān; (3) agreement with renowned Sunnah; and (4) agreement with the uniform practice of Imāmīs.<sup>62</sup> Both the

<sup>58</sup> “Wāqifi” designates any group that believed that one of the Imams other than the twelfth Imam was the *qā’im*, particularly those who believed that al-Kāzīm was the *qā’im*. See al-Ḥasan b. Mūsā al-Nawbakhtī, *Shī’a Sects*, trans. Abbas Kadhīm (London: ICAS Press, 2007), 138–39. See also Mehmet Ali Buyukkara, “The Imāmī-Shī’ī Movement in the Time of Mūsā al-Kāzīm and ‘Alī al-Riḍā,” Ph.D. diss., University of Edinburgh, 1997.

<sup>59</sup> The Faṭaḥīs held that, after al-Ṣādiq his eldest son ‘Abd Allāh al-Aṭṭah was the rightful Imam. See al-Nawbakhtī, *Shī’a Sects*, 132–35.

<sup>60</sup> Al-Ṭūsī, *al-Uddah*, 58.

<sup>61</sup> Although I have translated *mamdūḥ* as praiseworthy here and in the passage from al-Ṭūsī above, technically it may refer to someone who is not Imāmī. See al-Māmaqānī, *Miqbās*, 2:212.

<sup>62</sup> Al-Ṭūsī, *al-Udda fi Uṣūl al-Fiqh*, ed. Muḥammad Riḍā al-Ansārī (Qom: al-Muḥaqqiq, 1417/1996 or 1997), 1:143–45. These four, however, point to the acceptability (ṣiḥḥah) of

advocates of the four-fold typology and its critics agree that, with the passage of time, the circumstantial evidence accompanying *ḥadīth* was lost. Yet, with the exception of the fourth one, it is difficult to see how the circumstantial evidence that al-Ṭūsī discussed could be affected by the passage of time. To be sure, these were not the circumstantial evidence that were lost.

The early scholars applied the term “*ṣaḥīḥ*” to every *ḥadīth* that was supported by reliable evidence. Such *ḥadīth* included: a *ḥadīth* found in many of the four-hundred jotters (*al-uṣūl al-arbaʿ miʿa*);<sup>63</sup> a *ḥadīth* that was repeated in the same jotter with several chains; a *ḥadīth* found in the jotter of one of the *aṣḥāb al-ijmāʿ*;<sup>64</sup> a *ḥadīth* found in a book that had been presented to an Imam and gained his approval;<sup>65</sup> and a *ḥadīth* taken from a book that was well-known among the trustworthy and relied upon predecessors.<sup>66</sup> Unlike the circumstantial evidence discussed in *al-ʿUddah*, this circumstantial evidence could point to the authenticity (*ṣiḥḥah*) of the *ḥadīth* itself. So then what is meant by the disappearance of circumstantial evidence on basis of which early scholars authenticated the *ḥadīth* that they used is mainly the disappearance of early, written sources. Furthermore, this explains why we find so many *ḥadīth* recorded in the Four Books that could not be authenticated by later scholars on the basis of their methodology even

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the contents of the report, not to the acceptability of the report itself, for it is still possible for the report itself to have been fabricated. See al-Māmaqānī, *Miqbās*, 1:142.

<sup>63</sup> See Kohlberg, “Al-Uṣūl.”

<sup>64</sup> The *aṣḥāb al-ijmāʿ* are a group of eighteen narrators from among the companions of Muḥammad al-Bāqir, Jaʿfar al-Ṣādiq, Mūsā al-Kāzīm and ʿAlī al-Riḍā whose narrations Imāmī scholars unanimously agreed to authenticate. They are conventionally divided into three groups: the companions of al-Bāqir and al-Ṣādiq, the companions of al-Ṣādiq alone, and the companions of al-Kāzīm and al-Riḍā. The first group includes: Zurāra b. Aʿyan al-Shaybānī al-Kūfī, Maʿrūf b. Kharrabūdh al-Makkī, Burayd b. Muʿāwiyah al-ʿIjlī, al-Fuḍayl b. Yasār al-Baṣrī, Muḥammad b. Muslim al-Ṭāʿifi al-Kūfī, and Abū Baṣīr ʿAbd Allāh b. Muḥammad al-Asadī/Abū Baṣīr Layth b. al-Bakhtarī al-Murādī. The second group includes: Jamīl b. Darrāj al-Nakhaʿī, ʿAbd Allāh b. Muskān al-ʿAnazī, ʿAbd Allāh b. Bukayr b. Aʿyan al-Kūfī, Ḥammād b. ʿIsā al-Juhānī, Ḥammād b. ʿUthmān al-Nāb, and Abān b. ʿUthmān al-Aḥmar al-Bajalī. The third group includes: Yūnus b. ʿAbd al-Rahmān, Ṣafwān b. Yahyā al-Bajalī, Muḥammad b. Abī ʿUmayr al-Azdī al-Baghdādī, ʿAbd Allāh b. al-Mughīra al-Bajalī, Aḥmad b. Muḥammad b. Abī Naṣr al-Bizantī al-Kūfī, al-Ḥasan b. Maḥbūb al-Sarrād al-Kūfī/al-Ḥasan b. ʿAlī b. Faḍāl b. Ayyūb al-Azdī/ʿUthmān b. ʿIsā al-Rawāsī. The agreement is reported in *Rijāl al-Kashshī*, which dates back to the 4<sup>th</sup>/10<sup>th</sup> century and is considered one of the foundational biographical dictionaries. See al-Shahīd al-Thānī, *Dirāyat al-Ḥadīth*, 206–11 for details.

<sup>65</sup> Examples of such books include *Kitāb al-Farāʿid* attributed to ʿAlī and presented to al-Riḍā (Kulaynī, *Kāfī*, 7:324). This book is also known as *Kitāb ʿAlī* and *Kitāb al-Diyāt*. See Hossein Modarressi, *Tradition and Survival* (Oxford: Oneworld, 2003) 12–13 for further details. Other examples include a book called *al-Jāmiʿ* or simply *Kitāb* by ʿUbayd Allāh b. ʿAlī al-Ḥalabī presented to al-Ṣādiq (Modarressi, *Tradition*, 380–81); *Kitāb Yawm wa-Laylah* by Yūnus b. ʿAbd al-Rahmān presented to al-ʿAskarī (al-Ṭūsī, *Ikhtiyār Maʿrifat al-Rijāl*, ed. al-Sayyid Mahdī al-Rajāʿī (Muʿassasat ʿĀl al-Bayt, 1404), 4:779–90; al-Najāshī, *Rijāl*, 446–48; Muḥammad b. al-Ḥasan al-Ḥurr al-ʿĀmilī, *Wasāʿil al-Shīʿah*, ed. Muḥammad al-Rāzī (Tehran: al-Maktaba al-Islāmiyyah, 1451), 18:71–72); and a book by al-Faḍl b. Shādhān that was also presented to al-ʿAskarī (al-Ṭūsī, *Ikhtiyār*, 4:817–22).

<sup>66</sup> Al-Mamaqānī, *Miqbās*, 1:139–41. Examples of such books include *Kitāb al-Ṣalāt* by Ḥarīz b. ʿAbd Allāh al-Sijistānī (al-Ṭūsī, *Fihrist*, 88; al-Najāshī, *Rijāl*, 142–43; al-ʿAllāma al-Ḥillī, *Khulāṣa*, 134; Modarressi, *Tradition*, 244–47); the books by al-Ḥasan and al-Ḥusayn b. Saʿīd b. Ḥammād al-Ahwāzī, known as Banī Saʿīd (see al-Najāshī, *Rijāl*, 58–60, according to whom they wrote thirty books in all; al-Ṭūsī, *Ikhtiyār*, 4:827; al-Ṭūsī, *Fihrist*, 78 and 83–84; Ibn Dāwūd al-Ḥillī, *Rijāl Ibn Dāwūd* (Tehran: University of Tehran Press, 1342), 107–08 and 123–24; Ibn al-Nadīm, *al-Fihrist*, ed. Yūsuf ʿAlī Ṭawīl (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1416/1996), 369), and ʿAlī b. Mahziyār (Abū al-Qāsim al-Khūʿī, *Muʿjam Rijāl al-Ḥadīth* (Beirut: Dār al-Zahrā, 1403/1983), 13:192–205; al-Najāshī, *Rijāl*, 253–54); and a book by Ḥafṣ b. Ghiyāth al-Qaḍī (al-Najāshī, *Rijāl*, 134–35).

though the compilers themselves authenticated the entire content of their books.

### Conclusion

The claim that the four-fold typology was invented in the 7<sup>th</sup>/13<sup>th</sup> century is, in all likelihood, true. The argument of those who advocate this typology is that, with the passage of time, the circumstantial evidence that had been available to early scholars began to disappear. This meant that the normal method of validating *ḥadīth* was no longer applicable and a new method had to be invented if the scholars were to continue to have recourse to *ḥadīth*. This argument rests on the presumption that the attestation of early scholars is not sufficient, a presumption which the Akhbārīs flatly rejected. In other words, the dispute was about whether or not the conviction that arose as a result of circumstantial evidence could be dispatched to later generations. For the advocates of the four-fold typology, who were Uṣūlīs, the individual *mujtahid* himself must be assured of the reliability of a *ḥadīth* in order to use it in a legal argument. This particular move towards individual certitude was part of a larger epistemic shift that took place in Ḥillah in the 7<sup>th</sup>/13<sup>th</sup> century. In the discipline of jurisprudence, al-Muḥaqqiq al-Ḥillī Najm al-Dīn Abū al-Qāsim Ja'far b. al-Ḥasan al-Ḥillī (d. 676/1277) was crucial to the epistemological reorientation of Imāmī legal reasoning and al-'Allāmah al-Ḥillī made it incumbent upon the faithful to know the principles of religion through rational proofs.<sup>67</sup> My larger argument, then, is that this shift is what actually constitutes the “formative period” of Imāmism, of which the categorization of *ḥadīth* is one aspect. This change was crucial because it gave rise to the distinction between *mujtahids* and *muqallids*, which the later Uṣūlī camp relied on to overcome the Akhbārīs in the 12<sup>th</sup>/18<sup>th</sup> century. Furthermore, what the advocates of the four-fold typology were actually advocating is methodological innovation,<sup>68</sup> and the possibility of methodological innovation is what gave rise to the flowering of jurisprudence under Murtaḍā Anṣārī and his followers.<sup>69</sup>

<sup>67</sup> On al-Muḥaqqiq, see Robert Gleave, “Imāmī Shī'ī Refutations of Qiyās,” in Bernard G. Weiss (ed.) *Studies in Islamic Legal Theory* (London: Brill, 2002), 267–92; on al-'Allāmah al-Ḥillī, see Wilfred Madelung, “Imāmism and Mu'tazilite Theology,” in T. Fahd (ed.), *Le Shī'ism imāmīte*. Colloque de Strasbourg 1968 (Paris: Presses Universitaires de France, 1970). Ideally, we should be able connect all of these developments to social, political and economic realities in post-Mongol Ḥillah. My preliminary hypothesis is that changes in theology were also inspired by a desire to streamline the sciences in accordance with the principle of knowledge. This also points to important connections between disciplines, a fact that has not received sufficient attention in the scholarship.

<sup>68</sup> For example, in *Miqbās* al-Māmaqānī mocks the idea that every development is a blameful innovation. Al-Māmaqānī, *Miqbās*, 1:139

<sup>69</sup> It is well-known that, with the decline of rational theology among Imāmīs and its incorporation into philosophy after the Ṣadrian turn, a number of important questions that had historically been discussed in theology came to be discussed in jurisprudence. This is what is meant by “the school of the modern Uṣūlīs.” The relationship between causality and freedom is one of this school's most important discourses. There are essentially two camps: those who defend Mullā Ṣadra's view and those who criticize it. These two camps are represented by Muḥammad Kāzīm Khurāsānī (d. 1329/1911) and Muḥammad Ḥusayn Nā'inī (d. 1355/1936) respectively. See Mohsen Araki, “Causality and Freedom,” *Al-Tawhid* 17, no. 2 (2003).

The Mongol invasions created a space for Imāmīs to assert their theological and legal identities.<sup>70</sup> Faced with this opportunity, these scholars had to decide how to deal with the problem of uncertainty. The insistence in the early tradition on acting in accordance with knowledge (*‘ilm*) and not acting in accordance with uncertainty—which is directly connected to a uniquely Imāmī conception of the nature of the Imam—led them to accept the typology. On the basis of this typology scholars could maintain their stance on acting in accordance with knowledge.<sup>71</sup> Acting in accordance with knowledge, then, turns out to be an enduring principle that Imāmīs could not give up so they made methodological adjustments. Finally, the objective of the law is to determine the right course of action in the absence of a Ma’šūm. Likewise, the typology was adopted to come to terms with uncertainty, in this case the loss of written sources. In this sense the four-fold typology is a truly essential part of the basic problematic that law seeks to address.

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<sup>70</sup> Oljeitu’s conversion to Shī’ism symbolizes this change. On his conversion, see Judith Pfeiffer, “Conversion Versions: Sultan Oljeitu’s Conversion to Shī’ism (709/1309) in Muslim Narrative Sources,” *Mongolian Studies* 22 (1999): 35–67.

<sup>71</sup> See Gleave, “Imāmī Shī’ī Refutations of Qiyas.”

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