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*Beyond Dominant Paradigms in Ottoman
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A Tribute to Rifa'at Abou-El-Haj

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The Shi‘ite ‘ulama’, the *madrasas*, and Educational Reform in the Late Ottoman Period

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Jabal ‘Amil’s history is associated with renowned Shi‘ite *madrasas* (schools) and illustrious jurists who left their mark on the history of Twelver Shi‘ite law and jurisprudence. Jabal ‘Amil was part of the coastal range of Syria that stretched from the Mediterranean Sea in the west to Jabal al-Shaykh in the east and from Jabal al-Rihan in the north to Jabal al-Karmil in the south.¹ Jabal ‘Amil was shared during the Ottoman period by two governorships, namely, the *sancak* (region) of Sidon-Beirut which covered the northern districts and the *sancak* of Safad which covered the southern districts. Both belonged to the *eyalet* (province) of Damascus.² This study throws light on the socio-economic conditions in Jabal ‘Amil during the late Ottoman period, the complex relations of its Shi‘ite ‘ulama’ to the state, and their approaches to Ottoman educational modernism. This study elucidates also the transformation in Ottoman legal-doctrinal ‘orthodoxy’ and the activities of the Shi‘ite ‘ulama’ who claimed some power

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- 1 The size of the region identified as Jabal ‘Amil shifted considerably. The boundaries given above may correspond to the widest range it covered in the pre-modern period. See Muhsin al-Amin, *Khitat Jabal ‘Amil* (Beirut: Matba‘at al-Insaf), 61-68; ‘Ali al-Zayn, *Li-al-Bahth ‘an Tarikhina* (Lebanon: n.p., 1973), 160-1.
- 2 Stefan Winter noted the shift in the organization and boundaries of the *sancaks* and *eyalets* based on Ottoman needs; see Winter, *The Shiites of Lebanon under Ottoman Rule, 1516-1788* (Cambridge: Cambridge University Press, 2010), 120.

through both adjustment and dissent toward this ‘orthodoxy.’ It underscores the expansion in the public functions of the Shi‘ite ‘ulama’ from the 1870s until 1919-20, the optimism they expressed about the reign of Sultan Abdulhamid II (r. 1876-1909) and the general adaptations they made to Ottoman educational reforms.

The increase in Ottoman bureaucratic specialization and private ownership of land among the provincial elites were symptomatic of early modern centralization in the state (and nascent secularizing initiatives) during the seventeenth century, as Rifa‘at Abou-El-Haj has suggested.³ This development had long-term implications for the Ottoman educational system in the eighteenth century which adapted European educational methods (particularly French) with the hope of increasing the control of the ruling elites over state service in the provinces.⁴ By the nineteenth century the expanding and intricate Ottoman bureaucracy needed functionaries with the expertise to run it, and an educational system that could produce such type of expertise.⁵ The recasting of the educational reforms especially during the Hamidian era brought significant developments in the functions of the Shi‘ite ‘ulama’ of Jabal ‘Amil and their relations to the Ottoman state. With the encouragement of Ottoman provincial governors the ‘Amili ‘ulama’ founded and administered new *madrasas* that integrated “modern” teaching methods and introduced new subjects of study. These *madrasas* also taught publicly Twelver Shi‘ite doctrine, law and jurisprudence. This period marked an expansion in the official clerical and scholarly services which the Shi‘ite ‘ulama’ offered to lay society. The scope of this study does not permit an analysis of the local ‘Amili approaches to the larger question of legal and cultural *islah* (reform) or the social forces shaping it. Suffice to mention that the *madrasas* which embraced reform during this period considered such reform part of *tajdid*, “renewal” from within Islam’s discursive traditions. This was manifest in the preservation of the legal-religious sciences while introducing modern scientific fields of study and placing emphasis on literature. In terms of pedagogy, the *madrasas*

3 Rifa‘at Abou-El-Haj, *Formation of the Modern State: The Ottoman Empire, Sixteenth to Eighteenth Centuries* (New York: SUNY Press, 1991), 54.

4 Donald Quataert, *The Ottoman Empire, 1700-1922* (Cambridge: Cambridge University Press, 2000), 62.

5 Benjamin C. Fortna, *Imperial Classroom: Islam, the state, and education in the late Ottoman Empire* (Oxford: Oxford University Press, 2000), 81.

used simplified textbooks and set up shorter and more structured classes. On the long run, however, increasing secularization disrupted the shari‘a’s rubric and the ‘ulama’s functions as *muftis* and teachers. With the end of Ottoman rule the ‘ulama’ struggled to assert their relevance to a modernizing society and its young nation-state, Grand Liban, established under the auspices of the French in 1920.

Social Divisions and Land Reform in Jabal ‘Amil

The Ottoman administration had experienced increasing specialization and bureaucratic diversification since the late sixteenth century that marked the onset of its modernization.⁶ Abou-El-Haj suggested that modernization was not the outcome of a decision to Westernize in the nineteenth and twentieth centuries through the Ottoman Tanzimat (re-organization) but was a natural outcome of socio-economic transformation evident in the seventeenth century. He noted that the central treasury’s need for cash led to the spread of tax farming. The state relied on local elites across its provinces to supervise tax collection and expected them to “finance their own retinues of armed men” to help levy these taxes locally.⁷ The tax farmers, appointed initially for short periods of time, reached oppressive levels in extracting taxes from the taxpayers. This weakened the peasants’ ability to pay and undermined the tax farming system altogether.⁸ For this reason, life-term (instead of short-term) tax farming, known as *malikane*, was instituted in the eighteenth century by the state to protect the taxpayers and tenants against extreme exploitation and subsequently bring benefit to the state. In return for their supervision of tax collection, the provincial elites were granted land as private property. Yet the increase in *malikanes* became a source of worry to the Ottoman central administration.⁹ Some provincial elites had intensified their control of the peasantry, enjoyed greater autonomy from the state, and possibly started to profit from increased trade with Europe.¹⁰

6 Abou-El-Haj, *Formation of the Modern State*, 53-4, 64-5.

7 *Ibid.*, 64-5.

8 *Ibid.*, 54.

9 *Ibid.*

10 *Ibid.*, 65-8.

In the early nineteenth century another phase of Ottoman administrative and rural reform was underway. The Ottomans tried to collect taxes more effectively and reverse the debilitating effects of the tax farming system on the peasants. They also aimed to decrease the autonomy and arbitrary practices of tax farming officers and large landowners. In Jabal ‘Amil, Ottoman officials urged commoners and notables alike to register fixed areas of lands in their names. In this manner the Ottoman state was no longer preoccupied with whether the land was planted or not, as was the case with the *miri* (or ‘*ushr*) lands where tax was collected in kind. Rather the Ottomans levied directly a permanent annual tax on the land.¹¹ Ottoman land reforms, however, faced many hurdles because peasants had to come up with registration fees for the land and pay taxes on it. Some neglected to register these lands in their names or decided to sell them for a cheap price to the tax farming officers or large landowners.¹² This picture was compounded by the onset of World War I (1914-1918). The Ottoman army required that land taxes be paid in kind rather than in cash. Tarif Khalidi argued that in Jabal ‘Amil the agricultural produce was inaccurately assessed leaving the peasants and the *multazims* (tax collectors) with more than their “allotted portion of tax revenue at the expense of the militarized state.”¹³ He suggested that the ‘Amilis benefited from this system of taxation and improved their social conditions. The system may have introduced a new upper social stratum, namely, the *wujaha*, or notables made up of intermediary financial and administrative officials in the three major municipal districts of Jabal ‘Amil – Sidon, Tyre, and Marji’yun. It is doubtful, however, how profitable the underassessment of crops was for the ‘Amili peasants who struggled with taxes, forced military conscription, hunger, and epidemics during the World War. The Ottomans levied an *a‘shar* tax which was one-tenth of the value of agricultural production. It was the state’s share of peasant production from all cereals and fruits

11 Ja‘far al-Amin, “Al-Sayyid Ja‘far,” *Min Daftar al-Dhikrayat al-Janubiyya*, part 2 (Beirut: Dar al-Kitab al-‘Arabi, 1984), 106.

12 Mustafā Bazzi, *Jabal ‘Amil wa Tawabi‘uhu fi Shamal Filastin* (Beirut: Dar al-Mawasim, 2002), 40-3, 67-8, 82-3.

13 Tarif Khalidi, “Shaykh Ahmad ‘Arif al-Zayn and *al-‘Irfan*,” in *Intellectual Life in the Arab East, 1890-1939*, ed., Marwan Buheiry (Beirut: American University of Beirut Press, 1981), 122.

like figs and grapes, and from olive oil and bee production.¹⁴ Several notables competed over tax farming (*iltizam*) privileges from the Ottoman state which specified before the start of each agricultural season, the duration of a tax farming assignment. In order to avoid loss of profit, the *zu'ama'* (provincial chieftains or leaders) competing for *iltizam* started to divide the *a'shar* tax of all villages among themselves irrespective of who is given the *iltizam* in a particular year. Each *za'im* (pl. *zu'ama'*) then had a portion in the tax farmed village areas. He exempted at times influential village members from the *'ushr* tax or appeased them with money whenever his agents who were entrusted with the collection of the *'ushr* engaged in abusive acts to extract extra profit.¹⁵

'Amili society witnessed greater stratification and intra-elite divisions in the late Ottoman period. The *zu'ama'* of al-As'ad family dominated Jabal 'Amil's politics and divided tax farming revenues on peasant landholdings among themselves. Meanwhile, the *wujaha'* vied with the *zu'ama'* for power, deriving their social status from a combination of commercial activity and education.¹⁶ Khalidi explained that the *wujaha'* comprised the small urban grain merchants who became civil servants and *multazims* following the promulgation of the Ottoman land law of 1858.¹⁷ The two social strata, the *zu'ama'* and the *wujaha'*, at times overlapped and were identified together as the *afandiyya*.¹⁸ Among the *wujaha'* families were the 'Usayrans, al-Khalils, and al-Zayns.¹⁹ Their intermarriage with prominent 'ulama' families cemented alliances between a mercantilist culture and a tradition of Islamic-Shi'ite learning. It also expanded the power of the 'ulama' not merely as religious-legal guides but as social leaders. The growth in the commercial activities of the *wujaha'* came to restructure society away from its traditional feudal base which the *zu'ama'* controlled and justified ideologically.

14 Akram Ja'far al-Amin, ed., *Ja'far Muhsin Al-Amin: Sira wa 'Amiliyyat* (Beirut: Al-Farabi, 2004), 125. The state's share was usually estimated by a village committee appointed by the tax collector who was himself a *za'im* presiding over the political affairs of the whole region.

15 *Ibid.*

16 Khalidi, "Shaykh Ahmad 'Arif," 118.

17 *Ibid.*, 121.

18 A. al-Amin, ed., *Ja'far Muhsin*, 131.

19 *Ibid.*, 122.

The ‘ulama’ were a diversified body of *kuttab* instructors (teachers of the Qur’an), prayer leaders, scholars, seminarians, judges, jurists, and local or regional *mujtahids*. Some *mujtahids* were recognized as *maraji’*, that is, ideal sources of legal emulation for Shi‘ite believers.²⁰ A *mujtahid* is a jurist who has command of *ijtihad* (rational legal inference) deriving legal rulings on questions pertaining to worship and social contracts. “Houses of learning” (*buyutat al-‘ilm*) included clerics and *mujtahids* from the Muruwwa, Mughniyya, Sharara, al-Amin, and Sharaf al-Din families who cultivated juridical-legal learning and contributed to discursive Islamic traditions. Several ‘ulama’ were *sayyids* who claimed descent from the house of the Prophet but varied in their economic status and power. The *marja’*, Sayyid ‘Abd al-Husayn Sharaf al-Din (d. 1957), for instance, owned vast properties in Jabal ‘Amil and emerged as a local political leader in the early twentieth century. The *marja’* who competed with him, namely, Sayyid Muhsin al-Amin (d. 1952) was less affluent. He moved to Damascus where he established his famous school al-Muhsiniyya.²¹ He maintained his scholarly and teaching activities partly through the *awqaf* (religious endowments) set up by a group of Damascene merchants.

The conditions of the peasants in Jabal ‘Amil were hardly improved by the 1858 law. The peasants for the most part did not achieve a direct ownership of land or a stable source of livelihood due to the taxes, commissions, and fees they had to pay to intermediary chiefs and civil servants on the land. The ‘Amili peasants were not of equal economic standing for there were those who owned a small land and/or sheep that could barely cover their needs, and others who secured from their land and sheep a little more than their needs which they sold in the market. There were also the *falatiyya*, “untied” peasants without any land or animals who occupied the lowest stratum in ‘Amili rural society. They did not even own the means of their production and were hired temporarily for diverse tasks. Common peasants avoided marrying their daughters to *falati* men.²²

20 On the *marja’iyya* and Syro-Lebanese Shi‘ites, see Rula Jurdi Abisaab, “Lebanese Shi‘ites and the Marja’iyya: Polemic in the Late Twentieth Century,” *British Journal of Middle Eastern Studies* 36 (2009): 215-39.

21 Muhsin al-Amin, *A‘yan al-Shi‘a*, ed. Hasan al-Amin, vol.10 (Beirut: Dar al-Ta‘aruf, 1986), 362.

22 A. al-Amin, ed., *Ja‘far Muhsin*, 131.

The Shi'ite 'ulama', 'Heresy,' and the Ottoman State

The relationship of Ottoman state officials to the Shi'ite 'ulama' of Jabal 'Amil developed significantly over time but the full picture for the sixteenth century remains unclear. The period extending from 1516 until the 1570s is poorly documented. Data about Ottoman appointments of *qadis* in the 'Amili regions and the administrative procedures relating to questions of heresy and apostasy in the Syrian districts is sporadic. Ottoman archival sources for the late sixteenth and early seventeenth century are largely unexamined. What we do know is that the role of émigré 'Amili jurists in establishing Twelver Shi'ism as the state religion of Safavid Iran, the new adversary of the Ottomans in the sixteenth century, did not go unnoticed by the Ottoman state and its chief jurists. In his recent book *The Shiites of Lebanon under Ottoman Rule*, Stefan Winter illuminated the particular links which the Ottoman state drew between the jurists of Jabal 'Amil and the public defamation of the first two Caliphs, Abu Bakr and 'Umar, who represented Sunnite 'orthodoxy' and political legitimacy.²³ In Safavid Iran, leading 'Amili jurists such as al-Muhaqqiq al-Karaki (d. 940/1534) encouraged the public denunciation of these Caliphs as the enemies of *ahl al-bayt* (the Prophet's family) and the Imamis. In earlier studies, I discussed the significance of the polemical treatises which the 'Amili jurists in Iran produced to prove the blasphemy of the first two Caliphs and justify public cursing of them.²⁴ These treatises aimed to challenge the discourse of legal-doctrinal 'orthodoxy' underlying Sunnite rule, as well as draw sharper lines between an urban legalistic Shi'ism on the one hand, and various forms of Sunnism and heterodox Shi'ism in Iran, on the other.

The case of Zayn al-Din al-'Amili (d. 965/1558), an outstanding Shi'ite *mujtahid* (jurist) from Jabal 'Amil executed by the Ottomans, deserves a close look. It reveals that an Ottoman legal-doctrinal framework for heresy was applied to Shi'ite jurists under particular historical circumstances. Based on new sources examined by Richard Blackburn and Stefan Winter these circumstances can now be sought in state legitimacy, provincial

23 Winter, *The Shiites of Lebanon*, 14, 21-2.

24 For more on the 'Amili 'ulama's support for *tabarru'* (dissociation from the enemies of *ahl al-bayt*), see Rula Jurdi Abisaab, "The 'ulama of Jabal 'Amil in Safavid Iran, 1501-1736: Marginality, Migration and Social Change," *Iranian Studies* 27 (1994): 103-22; and *Converting Persia: Power and Religion in the Safavid Empire* (London: I.B.Tauris, 2004), chapter 1.

Ottoman politics, and local social events.²⁵ Known as al-Shahid al-Thani or “the Second Martyr,” Zayn al-Din was captured in Mecca and executed in Istanbul in 965/1558 at the hands of Rüstem Pasha, the Grand Vizier of Ottoman Sultan Süleyman (r. 926/1520-974/1566).²⁶ The main account of al-Shahid al-Thani’s life provided by his student Muhammad b. ‘Ali b. Hasan al-‘Awdi al-Jizzini reads as a biographical entry at times and at other times as a hagiography that emphasizes al-Shahid al-Thani’s *karamat* (miracles).²⁷ This valuable account mentions that al-Shahid al-Thani had a conflict with “the *qadi* Ma‘ruf” in Sidon before he took his trip to Istanbul in 952/1545.²⁸ Al-Shahid al-Thani avoided asking this *qadi* for an ‘*ard*, a letter which confirms a scholar’s credentials and integrity as the basis for

25 See Winter, *The Shiites of Lebanon*, 23-4; see also the *rihla* (travel) narrative of Qutb al-Din Muhammad b. ‘Ala’ al-Din Ahmad al-Nahrawali al-Makki (d. 990/1582) translated and studied by Richard Blackburn: Blackburn, *Journey to the Sublime Porte: The Arabic Memoir of a Sharifian Agent’s Diplomatic Mission to the Ottoman Imperial Court in the Era of Suleyman the Magnificent: The relevant text from Qutb al-Din al-Nahrawali’s al-Fawa’id al-saniya fi al-rihla al-madaniya wa-l-rumiya* (Beirut: Orient Institut, 2005).

26 Blackburn, *Journey to the Sublime Porte*, 208-10.

27 ‘Ali b. Muhammad b. al-Hasan b. Zayn al-Din al-‘Amili collected the extant parts of Ibn al-‘Awdi’s account titled, “Bughyat al-Murid fi al-Kashf ‘an Ahwal al-Shahid.” Al-‘Amili noted that a good part of “Bughyat” has been lost, thus “*al-saqit minhu kathir*,” see ‘Ali b. Muhammad al-‘Amili, *Al-Durr al-Manthur min al-Ma‘thur wa ghayr al-Ma‘thur*, vol. 2 (Qum: Matba‘at Mehr, 1978), 149-99.

28 Most of the available literary and travel works do not aim to provide a full record of the appointments of the *qadis*; see the example of al-Nahrawali’s depiction of *qadi* Akmal al-Din of the Muflih family in Blackburn, *Journey*, 60-1, 162f. New Ottoman sources will need to be examined before one is able to know whether the *qadi* Ma‘ruf is the same Shafi‘ite *qadi* of Safad, Nur al-Din al-Sahyuni (d. 971/1564). On the latter, see Al-Muhibbi, *Khulasat al-Athar fi A‘yan al-Qarn al-Hadi ‘Ashar*, vol.3 (Beirut: Dar Sadir, 1970), 25; Najm al-Din al-Ghazzi, *Al-Kawakib al-Sa‘ira bi-A‘yan al-Mi‘a al-‘Ashira*, ed. J. S. Jabbur, 3 vols. (Beirut: The American University Press, 1945-59), vol. 3, 207-9, 219. Al-Ghazzi’s biographical work focuses mostly on residents of Damascus. The entry on Ma‘ruf al-Qadi Nur al-Din (or Zayn al-Din) is short and sketchy with no mention of any of his judgeship posts. Abu al-Ma‘ali al-Taluwi mentions one post for Ma‘ruf in Safad; see al-Taluwi, *Sanihat Duma al-Qasr fi Mutarahat Bani al-‘Asr*, ed. Muhammad Mursi al-Khawli, 2 vols. (Beirut: ‘Alam al-Kutub, 1983), vol. 1, 179-84; vol.2, 226-7.

obtaining an endowed teaching post.²⁹ Al-Shahid al-Thani did not trust the *qadi* to present him in the best light; he thought that he may in fact jeopardize his professional aims. In this particular reference, the conflict between the *qadi* and al-Shahid al-Thani seems unrelated to the latter's activity as a Shi'ite *mujtahid*. The information about the 'ard is somewhat detailed and historically accurate. Normally, the district's *qadi* writes such an 'ard for a scholar who then presents it to the officials in Istanbul. Ibn al-'Awdi's account states also that the *qadi* and al-Shahid al-Thani were friends for some time (*kanat baynahu wa baynahu suhbatan wa mudakhala*) and does not show that al-Shahid al-Thani's Shi'ite identity was the reason for the conflict between them. This is the more significant given that Ibn al-'Awdi identified another person in the account as "extremely hostile to the Shi'ites."³⁰ In any case, al-Shahid al-Thani's favorable relations with one or more Sunnite 'ulama' in Istanbul allowed him to get a teaching post at an important *madrasa*, namely, al-Nuriyya in Ba'labak without recourse to the 'ard of the *qadi* of Sidon.³¹

Al-Shahid al-Thani was proficient in Shi'ite and Sunnite law and jurisprudence.³² He was well-integrated in Sunnite learning circles and drew vital connections to influential scholars which enhanced his career

29 Al-'Amili, *Al-Durr al-Manthur*, vol.2, 174. The extant text of "Bughyat al-Murid" states that al-Shahid al-Thani was already ambivalent about leaving Jabal 'Amil to Istanbul without informing the *qadi* of Sidon or asking him for an 'ard. He decided to send Ibn al-'Awdi, his student, to the *qadi*: "*Arsalani ilayhi li-asuqama 'ahu siyaqan yufhamu minhu al-i'lam bi-al-Safar wa la atlubu minhu 'ardan*" (He sent me to him to mention by passing [through conversation] what can be understood [by him] as a notification about [al-Shahid al-Thani's] travel without asking him for an 'ard." The account of the same incident provided by Devin Stewart carries translation errors. He wrote that al-Shahid al-Thani "had requested that Ibn al-'Awdi inform the Judge of Sidon, al-Qāḍī Ma'rūf al-Shāmī, that he would not be asking him for an 'ard." As the above Arabic sentence shows, al-Shahid al-Thani was careful not to aggravate the situation with the *qadi*. The *qadi*, however, insisted on the need for an 'ard and most likely wrote one which al-Shahid al-Thani discarded or refrained from using when he was in Istanbul; see Stewart, "The Ottoman Execution of Zayn al-Din al-'Amili," *Die Welt des Islams* 48 (2008): 289-347, at 312.

30 Al-'Amili, *Al-Durr al-Manthur*, vol. 2, 169.

31 *Ibid.*, vol. 2, 175.

32 *Ibid.*, vol. 2, 159-63.

opportunities.³³ Ironically, the same process which allowed al-Shahid al-Thani to gain respect and intellectual recognition in Syria led also to his demise. His practice of *ijtihad* (rational legal inference) on the basis of the Ja‘fari *madhhab* (school of law) became publicly known and hence treated by Ottoman officials as a threat to the ‘orthodoxy’ as defined at that time.³⁴ Knowledge about al-Shahid al-Thani’s *ijtihad* must have surfaced in connection to one or more of the following activities. The first was al-Shahid al-Thani’s private teaching of Shi‘ite law and jurisprudence to a small group of presumably Shi‘ite students at al-Nuriyya school in Ba‘labak.³⁵ The second activity which could have established his practice of *ijtihad* was his issuing of legal opinions to Shi‘ite believers or his private adjudication of legal cases. A third source of knowledge about the practice of *ijtihad* was al-Shahid al-Thani’s juridical and legal writings which circulated among Shi‘ite scholars and their *madrasas* but were accessible to Sunnite scholars.³⁶ We will delineate which of these activities led to the disclosure of al-Shahid al-Thani’s *ijtihad*. The recently found travel account of Qutb al-Din al-Nahrawali (d. 990/1582) gives a brief description of al-Shahid al-Thani’s execution and the role played by Hasan Beg Efendi, the judge of Damascus (and later Cairo and Mecca). It leaves much untold, however, about the persons who brought al-Shahid al-Thani to the attention of Hasan Beg and their relationship to al-Shahid al-Thani.³⁷ Al-Nahrawali was clearly uninformed about Jabal ‘Amil which he errone-

33 Al-Shahid al-Thani, *Rasa’il al-Shahid al-Thani*, vol. 2 (Qum: Maktab al-I‘lam al-Islami, 2000), 875; Ibn al-‘Imad al-Hanbali, *Shadharat al-Dhahab fi Akhbar man Dhahab*, vol. 8 (Beirut: Dar al-Fikr, 1988), 292-3.

34 That *ijtihad* was a main reason for al-Shahid al-Thani’s execution is highlighted by a few early Safavid chronicles including, Hasan-i Beg Rumlu, *Ahsan al-Tavarikh*, ed. ‘Abd al-Husayn Nava’i (Tehran: Intisharat-e Babak, 1357H/1938), 520-1.

35 Zayn al-Din al-‘Amili, *Munyat al-Murid fi Adab al-Mufid wa al-Mustafid* (Qum: Maktab al-I‘lam al-Islami, 1374/1995), 47; ‘Ali al-‘Amili, *Al-Durr al-Manthur*, vol.2, 182.

36 Blackburn, *Journey to the Sublime Porte*, 209.

37 *Ibid.*, 208-10. Al-Shahid al-Thani was cut off from his circle of students and family members after he was captured in Mecca. This can be gleaned from the notes written by al-Sayyid ‘Ali al-Sa’igh on the third volume of the *sharh* of *Shara’i’ al-Islam* which states that al-Shahid al-Thani was captured while in Mecca but adds no further information; see ‘Ali al-‘Amili, *Al-Durr al-Manthur*, vol. 2, 190.

ously refers to as “‘Amiri.”³⁸ He has scanty information about al-Shahid al-Thani’s contacts and activities prior to his interrogation at the hands of Hasan Beg.³⁹ On the accusations directed against al-Shahid al-Thani, al-Nahrawali wrote that one or more ‘ulama’ told Hasan Beg about al-Shahid al-Thani’s activity as a Shi‘ite *mujtahid*. These ‘ulama’ described him in the following manner: “*min kibar ‘ulama’ al-rafida wa huwa mujtahidu madhhabihim*” (among the major scholars of the recusants (Shi‘ites) and the *mujtahid* of their legal school).⁴⁰ As such, al-Shahid al-Thani was considered to have been deriving the law on the basis of *ijtihad*; a factor well-articulated in Ibn al-‘Awdi’s account.⁴¹

When Hasan Beg first interrogated al-Shahid al-Thani, he had no actual proof that al-Shahid al-Thani was a Shi‘ite *mujtahid*. There was no mention of any of al-Shahid al-Thani’s books or writings during the interrogation. This leads one to believe that the ‘ulama’ who insisted he was a Shi‘ite *mujtahid* were drawing upon information about his legal activities in Ba‘labak or Jabal ‘Amil.⁴² On the other hand, there is evidence that a large number of Shi‘ite works reached Damascus (even if they did not circulate widely) including more than 100 works possibly handwritten by

38 Blackburn, *Journey to the Sublime Porte*, Arabic MS on CD-Rom, 258.

39 For the corrections made on the date and place of death of al-Shahid al-Thani, see Rida al-Mukhtari’s introduction to Zayn al-Din al-‘Amili, *Munyat al-Murid*, 9-77; Ja‘far al-Muhajir, *Sittat Fuqaha’ Abtal* (Beirut: Al-Majlis al-Islami al-Shi‘i al-A‘la, 1994), 161-71, 182-3. Al-Muhajir argued that some elements in the prevalent account on al-Shahid al-Thani’s execution were invented. Devin Stewart considered the whole account “a fabrication;” “The Ottoman Execution of Zayn al-Din al-‘Amili.” Given the lack of any new substantive information on this question, Stewart’s claims for a full-scale fabrication reveal fallacious reasoning resting largely on the silence of data. The fabricated account, Stewart maintained, was pieced together by a Shi‘ite scholar in Iran from the “truncated version” of “Bughyat al-Murid.” No contemporary scholar has seen the “intact” version of “Bughyat” about which Stewart proclaims it “would certainly have contradicted the resulting account directly.” Such counterfactual arguments were compounded by Stewart’s reliance on the same account of “Bughyat” to derive other information about al-Shahid al-Thani’s life and career to support other arguments; see pp. 300, 312-313, 343.

40 Blackburn, *Journey to the Sublime Porte*, Arabic MS, 259.

41 See Al-Shahid al-Thani, *Rasa’il al-Shahid al-Thani*, vol. 2, 869.

42 Al-‘Amili, *Al-Durr al-Manthur*, vol. 2, 182.

al-Shahid al-Thani.⁴³ Damascus is an additional locale where al-Shahid al-Thani's scholarship could have been known. Facing the threat of death, al-Shahid al-Thani pretended in front of Hasan Beg to be a Shafi'ite Sunnite scholar.⁴⁴ It was some time after Hasan Beg accepted al-Shahid al-Thani's explanations and allowed him to leave his court unscathed that a group of Sunnite 'ulama' brought al-Shahid al-Thani's books to Hasan Beg to prove that the former was actually a *mujtahid* of the "rafidites" or recusants, the Twelver Shi'ites who rejected the caliphate of Abu Bakr and 'Umar.⁴⁵ On this basis, Hasan Beg furnished the ground for al-Shahid al-Thani's 'heresy' and resented being outwitted by al-Shahid al-Thani in front of other 'ulama'.

Within Shi'ite circles al-Shahid al-Thani was already known to practice *ijtihad* at the age of 33, that is, around 948/1541-42.⁴⁶ Al-Shahid al-Thani realized the gravity of practicing *ijtihad* under the Ottomans. When he was writing *Sharh al-Irshad* he did not show parts of it to anyone at first.⁴⁷ Meanwhile, among Sunnite scholars, Sunnite-based *ijtihad* was increasingly suppressed which adds a further complexity to al-Shahid al-Thani's case. Wael Hallaq argued that it was actually in the early sixteenth century, that a strong resistance to the claims of a Sunnite scholar to practice *ijtihad* emerged.⁴⁸ The Hanafi and Maliki 'ulama' insisted that *mujtahids* in the Sunnite schools of law were no longer to be found.⁴⁹ The tendency to reject *ijtihad* under the Ottoman Hanafi 'ulama', and the association which Ottoman officials made between Jabal 'Amil and Safavid Shi'ism during the sixteenth and seventeenth century played a significant role in al-Shahid

43 *Ibid.*, 204.

44 See Blackburn, *Journey to the Sublime Porte*, Arabic MS CD-Rom, 258.

45 *Ibid.*, 259.

46 See Al-'Amili, *Al-Durr al-Manthur*, vol. 2, 183.

47 *Ibid.* Other works which disclosed al-Shahid al-Thani's *ijtihad*-based scholarship is *Tamhid al-Qawa'id al-Usuliyya* where he derives the *far'* (branch of the law) from the *asl* (root).

48 Wael Hallaq, "Was the Gate of Ijtihad Closed?" in *Law and Legal Theory in Classical and Medieval Islam* (Ashgate: UK & USA, 1994), 27-29.

49 *Ibid.*, 28. Except for a small group of scholars, Shafi'ites continued to challenge the view that *mujtahids* have vanished. This may have given al-Shahid al-Thani another reason for claiming to be a Shafi'ite when he tried to explain his *ijtihad* activities and faced charges of Shi'ite heresy in Damascus.

al-Thani's execution in Istanbul.⁵⁰ Accusing al-Shahid al-Thani of heresy meant in this context that he violated the doctrinal-legal foundations of Sunnism as defined during the mid-sixteenth century and had thus challenged Ottoman political legitimacy.

During this period, 'Amili jurists suspected of practicing *ijtihad* and deriving legal rulings on the basis of the Ja'fari legal school, were considered by state officials to have violated Ottoman Sunnite legal-doctrinal 'orthodoxy.' Which public ritual, idea, legal practice, or political alliance was rendered "heretical" by Ottoman officials at a particular time is not always clear. Meanwhile, Shi'ite jurists like al-Shahid al-Thani have challenged the foundations of this 'orthodoxy' or manipulated elements of it to enhance their social power. Winter noted that the legal framework of heresy did not prevent the Ottomans from readily reinstating a tax farmer or emir from the Shi'ite Hamadas or Harfushes of Ba'labak-al-Hirmil for practical reasons.⁵¹ Shi'ite subjects were expected to mediate their needs and resolve their grievances through Sunnite legal courts. Privately, however, Shi'ite believers turned to their own 'ulama' for answers to a wide array of legal questions dealing with worship and social contracts. The 'Amili 'ulama' for the most part were able to manage their own local socio-religious affairs and maintain a sophisticated tradition of Islamic law and jurisprudence.⁵²

There is evidence for a spectrum of *taqiyya* practices among Ottoman Shi'ite 'ulama' which involves dissimulating one's Shi'ite affiliation in certain contexts. In scholarly circles, *taqiyya* meant at times that a Shi'ite scholar avoided public defense of Twelver Shi'ite positions against Sunnism even where the identity of the Shi'ite scholar in question was suspected by his Sunnite colleagues.⁵³ At other times, *taqiyya* was demanded from Shi'ite subjects by Ottoman officials themselves as was the case

50 Winter, *The Shiites of Lebanon*, 23-4.

51 *Ibid.*, 17.

52 Al-Shahid al-Thani, *Rasa'il al-Shahid al-Thani*, vol. 2, 882-3.

53 See Abu al-Wafa' al-Halabi b. 'Umar al-'Urdu, *Ma'adin al-Dhahab fi al-A'yan al-Mushariffa bihim Halab*, ed. Muhammad al-Tunji (Damascus: Dar al-Mallah li-al-Tiba'a wa al-Nashr, 1987), 288-9; Husayn b. 'Abd al-Samad al-'Amili, "Munazara ma'a ba'di 'ulama' Halab fi al-Imama," MS, in Ahmad al-Husayni, *Fihrist-i Nuskhahay-i Khatti-yi Kitabkhanay-i 'Umumi-yi Mar'ashi*, collection 1161 (Qum, 1975).

when the state required that Shi'ites avoid public defamation of Sunnite figures during 'Ashura' in the late Ottoman period.⁵⁴ It was clearly understood that Shi'ites carried out such a defamation and could not possibly be censored in their private homes and locales by the Ottomans or any other system of governance for that matter. *Taqiyya* was also practiced and legitimized when a Shi'ite jurist faced accusations of heresy by the Ottoman authorities and whose life was in real jeopardy.⁵⁵ To add but another dimension to the manifestation of *taqiyya*, Muhammad Amin Astarabadi (d. 1036/1626-7), an Iranian Shi'ite jurist used the term *taqiyya* to describe how he was censored by his co-religionists, the powerful 'Amili *mujtahids* in Iran and prevented from challenging their legal methods.⁵⁶

The Shi'ite and Sunnite 'ulama' were part of the same discursive Islamic traditions such as jurisprudence, theology, and science formed within and around the *madrasas*. For instance, during the sixteenth century the 'Amili jurists were keen on discoursing upon Shafi'ite juridical practices in order to find new ways to harmonize and systematize the sources of Shi'ite law.⁵⁷ It is easy to ignore the inexorable connections between Shi'ite and Sunnite scholars when relying on anti-Shi'ite polemics and *fatwas*.⁵⁸ Shared experiences of civil life and scholarly activity allowed Shi'ite scholars agency

54 Zaynab Isma'il, "Min al-Najaf ila Shaqra' Tariq Shi'r wa Thaqafa wa Din: kayfa kana al-intiqal wa al-'awda min al-hawza al-diniyya ila al-hawza al-mariksiyya?" *Al-Safir*, October 29, 2004, 2. The observations in this essay are based on 'Abdullah al-Amin's statements.

55 On *taqiyya* see al-Kulayni, *Usul al-Kafi* vol. 2 (Tehran: al-Maktaba al-Islamiyya, 1388H/1968), 174-5; Hossein Boroujerdi, *Jami' Ahadith al-Shi'a*, vol. 18 (Qum: Al-Matba'a al-'Ilmiyya, 1995), 371-2. Sunnite support for dissimulation is also manifest in several sources; see Abu Bakr al-Jassas al-Hanafi, *Ahkam al-Qur'an*, vol. 2 (Beirut: Dar Ihya' al-Turath, 1992), 289; al-Sarakhsi, *Al-Mabsut*, vol.24 (Cairo, 1906-1912), 45-6. Winter draws attention to the shifting context and features of *taqiyya* during the Ottoman period; see Winter, *The Shiites of Lebanon*, 25-6.

56 Muhammad Amin Astarabadi, *Al-Fawa'id al-Madaniyya (wa bi-dhaylihi Al-Shawahid al-Makiyya)* by Nur al-Din al-Musawi al-'Amili (Qum: Mu'assasat al-Nashr al-Islami, 2005), 573.

57 This was facilitated by the similarities between the Ja'fari and Shafi'ite legal schools; see Husayn b. Shihab al-Din al-Karaki, *Hidayat al-Abrar ila Tariq al-'Imma al-Athar*, ed. Ra'uf Jamal al-Din (Baghdad: Al-Maktaba al-Wataniyya 1977), 152-3.

58 Winter, *The Shiites of Lebanon*, 18.

and some measure of control. To complicate the picture even further, some Sunnite scholars seemed to have been described in Shi'ite sources as sympathetic to the Shi'ites or loyal to *ahl al-bayt* despite belonging to a Sunnite legal school. The example of Abu al-Ma'ali al-Taluwi (d.1014/1605), a Damascene *mufti* and poet is noteworthy. Shi'ite sources note that he believed in the Imamate of 'Ali b. Abi Talib and that he was a Shi'ite who nonetheless followed the Hanafi legal school in positive law.⁵⁹

The 'Amili 'ulama' and the state in the nineteenth century

From the late 1860s on, the Shi'ite 'ulama' of Jabal 'Amil entered a distinct phase in their relationship to the Ottoman state and Shi'ite believers. The Ja'fari legal school became licit and Shi'ite scholars received appointments as judges in Beirut (Burj al-Barajina), Sidon, Tyre, Marji'yun, al-Nabatiyya, Ba'labak, and al-Hirmil.⁶⁰ The scholars received land privately registered in their names in return for clerical and administrative services to the Ottoman state as judges and *muftis*.⁶¹ Ideally, the Shi'ite *mufti* was expected to be a *mujtahid*, that is, a licensed jurist trained in Najaf who mastered legal inference based on the rational procedures of the *usuli* school of jurisprudence. Yet, several Shi'ite *muftis* had expertise in one area of the law and normally consulted a *mujtahid* when issuing injunctions in other legal areas. The 'ulama' enjoyed a degree of juridical autonomy and arbitrated a large number of civil cases in accordance with the Ja'fari legal school.⁶² This development aimed to organize on a new basis socio-legal relations between Shi'ite subjects and the state.⁶³ The judges' functions were restricted to marriage and divorce, the implementation of dissimulation (*taqiyya*), inheritance (*mawarith*), wills (*wasaya*),

59 M. al-Amin, *A'yan al-Shi'a*, vol.6, 397-400; Ja'far al-Subhani and al-Lajna al-'Ilmiyya fi Mu'assasat al-Imam al-Sadiq, *Mawsu'at Tabaqat al-Fuqaha*, 12 vols. (Beirut: Dar al-Adwa', 1999-2000), vol. 11, 107; see also al-Taluwi's depiction of Hasan, son of al-Shahid al-Thani in *Sanihat Duma al-Qasr*, vol. 2, 87.

60 Isma'il, "Min al-Najaf ila Shaqra'," 2; 'Ali Hijazi, "Sha'ir al-Tahhaddi, al-Shaykh 'Ali Mahdi Shams al-Din," in *Wujuh Thaqafiyya min al-Janub*, part 2 (Beirut: Al-Majlis al-Thaqafi li-Lubnan al-Janubi, 1984), 41.

61 Bazzi, *Jabal 'Amil wa Tawabi'uhu*, 216-21.

62 Isma'il, "Min al-Najaf ila Shaqra'," 2.

63 *Ibid.*

and the administration of religious endowments (*awqaf*) or land possessions for children who are under the legal age (*wilayat al-awqaf wa al-qasirin*). A few ‘ulama’ owned land but most of them relied on community contributions.⁶⁴ Occasionally they received from Shi‘ite believers the tithe of one-fifth (*khums*), levied on war booty, jewelry, and valuable stones, mined treasure and products, net income, land sold to non-Muslims, and any financial source touched by unlawful dealings.⁶⁵ Yet, *khums* was not a reliable or systematic source of support for the ‘ulama’ and their students. Some ‘ulama’ who took up posts in *qada’* (judgeship) were able to finance their own schools and rely less on the *zu‘ama’s* contributions. The Shi‘ite *muftis* in particular obtained social visibility and became an important link between the locals and the Ottomans. The *mufti* could receive the *kharaj* land revenues of seven villages that amounted to a one-hundred *dunams* (a *dunam* is ca. 0.227 acres) for each village. These were registered in the personal name of the *mufti*. For one, Sayyid ‘Ali al-Amin (d. 1910), an ‘Amili jurist, who was appointed *mufti*, “revived” religious-legal learning in Shaqra’ in 1893 by building the ‘Alawi *madrasa* believed to have trained 400 students.⁶⁶

From the mid-nineteenth century onward the Ottomans permitted the performance of ‘Ashura’ as long as Shi‘ites practiced self-censoring and avoided public attack on the first three Caliphs and ‘A’isha, his wife.⁶⁷ Musa Amin Sharara (d. 1886) reorganized the ‘Ashura funereal councils in harmony with their counterparts in Iraq and held them regularly in Jabal ‘Amil. Ottoman officials expected the Shi‘ite *muftis* to maintain self-censorship with respect to Sunnite figures during ‘Ashura. Yet, the Ottomans were not consistent in their prohibition of aspects of the ‘Ashura’ ritual. Sometime during the 1880s or the 1890s the Shi‘ite *mujtahid* Sayyid Hasan b. Yusuf

64 Khalidi, “Shaykh Ahmad,” 120.

65 Najm al-Din Ja‘far al-Hilli known as al-Muhaqqiq al-Awwal (d. 676/1277), *Shara‘i‘ al-Islam fi Masa‘il al-Halal wa al-Haram* (Beirut: Dar al-Adwa’, 1969), 179-84.

66 Isma‘il, “Min al-Najaf ila Shaqra’,” 2; see also Sabrina Mervin, *Harakat al-Islah al-Shi‘i*, trans. Haytham al-Amin [from *Un re‘formisme chiite: Ule‘mas et lettres du Gabal ‘Amil (actuel Liban-Sud) de la fin de l’Empire ottoman a l’inde‘pendence du Liban* (Paris/Beirut/Damascus: Karthala/CERMOC/IFEAD, 2000)], 108-10.

67 See Muhammad Jabir Al Safa, *Tarikh Jabal ‘Amil* (Beirut: Dar al-Nahar, 1992), 245-6.

al-Husayni asked the *qaim-maqam* (district governor) of Sidon, a subdivision of the province of Beirut, to prevent a group of Iranian residents in al-Nabatiyya from holding the Passion Play. The latter known as *ta'ziya* and *a'mal al-shabih* enacted the events at Karbala' where Imam Husayn was martyred at the hands of the Umayyad ruler Yazid on the tenth day of the Islamic month of Muharram in 61/680.⁶⁸ The *qaim-maqam*, however, could not ban the ceremony because his superior, the *vali* of Beirut, wanted to fulfill the wishes of an influential group of Iranians in al-Nabatiyya. He permitted the Shi'ites to hold their religious rituals undeterred. The Passion Play was performed and not only Iranians participated in it but Arab 'Amilis as well. Meanwhile, 'Amili Shi'ites observed ceremonies marking the birth of the Mahdi and performed *hajj* (pilgrimage) to the shrines in al-'Atabat (Najaf, Karbala', al-Kazimayn, Samarra') and holy sites in Syria.

The implications of Ottoman legal reform for the 'Amili 'ulama' deserve some attention. A new application of the shari'a in legal matters was called upon to assist in the empire's centralizing thrust. The Ottoman reformists sought to reorganize legal administration in ways that placed the shari'a (Islamic legal principles) in both a synthetic as well as a competitive relationship with European legal codes—that in the long run deprived it of autonomous growth and efficacy. The promulgation of the *mejelle* was the initial step in the codification of the shari'a between 1869 and 1876, which involved fitting particular Islamic legal principles to a Western juridical system and turning them into law (especially in penal and commercial fields).⁶⁹ Though aiming to codify and standard-

68 Muhsin al-Amin, *Khitat Jabal 'Amil*, 146.

69 There are diverse positions on the question of Islamic legal reform in the Ottoman Empire; see Ruth Miller, *Legislating Authority: Sin and Crime in the Ottoman Empire and Turkey* (New York: Routledge, 2005). This work considered the resistance to modern reforms in the Ottoman Empire an expression of customary and conservative attitudes. Wael Hallaq deconstructs the notion of "reform" arguing that pre-modern Islamic institutions provided a multifaceted legal culture and a fluid medium of social negotiation; see Hallaq, "Can the Shari'a be Restored?" *Islamic Law and the Challenges to Modernity*, eds. Yvonne Y. Haddad and Barbara F. Stowasser (Walnut Creek: Altamira Press, 2004), 21-53; "What is Shari'a?" in *Yearbook of Islamic and Middle Eastern Law*, Centre of Islamic and Middle Eastern Law at the School of Oriental and African Studies, University of London, vol. 12 (2005-06): 151-80. Among the studies that support Hallaq's arguments

ize the state's relationship to Muslim and non-Muslim subjects, these changes created multiple and overlapping courts with diverse bases for adjudication as was the case with the shari'a, minorities, and consular courts.⁷⁰ With the emergence of the Ottoman Ministry of Justice in 1868, the modernizing state wrested from the 'ulama' a good part of their administration of the shari'a. Some 'ulama' tied to the empire's political center and provincial governorates were replaced by a group of legal experts thus losing their teaching posts and institutional base.⁷¹ Nonetheless, other 'ulama' took part in the process of modifying and rearranging areas of the shari'a to respond to the state's modernizing initiatives and hoped to offset European economic and cultural forays. Then it should come as no surprise that several Shi'ite 'ulama' at the time expressed optimism about Ottoman educational and legal reforms.⁷² Their social base and functions as teachers, judges, and *muftis*—as several of them attested—were positively altered by these developments. In retrospect, the transition relating to the reforms carried contradictory historical forces. On the one hand the modernizing 'ulama', driven by historical forces internal to their societies, adapted to the legal reforms. Yet, over the long term this adaptation undermined the shari'a, the socio-legal world that gave them public responsibilities and power. A number of 'Amili 'ulama' found justification for legal-cultural "*tajdid*" (renewal) in the *usuli* (rationalist) Shi'ite juridical tradition itself and argued that it was necessary for preserving the religion under changing

is Boğaç A. Ergene, *Local Court, Provincial Society and Justice in the Ottoman Empire: Legal Practice and Dispute Resolution in Çankırı and Kastamonu (1652-1744)* (Leiden: Brill, 2003).

70 On the structural legal changes brought by the Tanzimat, see Jun Akiba, "From Kadi to Naib: Reorganization of the Ottoman Sharia Judiciary in the Tanzimat Period," in *Frontiers of Ottoman Studies: State, province and the West*, eds. Colin Imber and Keiko Kiyotaki (London: I.B. Tauris, 2005), 43-60.

71 Wael Hallaq, "Can the Shari'a be Restored?" 21-24.

72 Compare the picture in Jabal 'Amil to the one provided by Selçuk Akşin Somel in *The Modernization of Public Education in the Ottoman Empire, 1839-1908* (Leiden: Brill, 2001), 4-5, 12-13. Somel argued that the students in Anatolia were disappointed by the failure to achieve a synthesis between modernization and Islam during the Hamidian period. The students saw the "*ilmiyye*-class" of religious scholars as antithetical to a modern curriculum.

historical circumstances.⁷³ The term “*islah*” (reform) underwent change and was approached differently by various intellectuals and sectors of the elite during the late Ottoman and French colonial periods. During the Hamidian era, the reformists had already placed value on cultural “progress” which valorized some experiences of European modernism. But the dominance of Eurocentric concepts of “progress” and intense clashes over “reform” became evident during the French colonial period especially with the formation of the modern nation-state in 1920.⁷⁴

The ‘ulama’, the *madrasas* and the Ottoman Public Schools

The ‘Amilis who pursued religious learning in the late Ottoman period were roughly drawn from three social strata. The first stratum included wealthy to self-sufficient families with a long tradition of learning, such as al-Amin, Mughniyya, Nur al-Din, and Sharaf al-Din.⁷⁵ Many of them were distinguished by their social status as *sayyids*, descendants from the house of the Prophet. Another stratum of learned ‘Amilis included members of the notables like Al Jabir, Al Safa, and al-Zayn, whose scholarly interests dated to the late Ottoman period.⁷⁶ In general they acquired mixed training in the religious-legal sciences and “modern disciplines” at the local

73 See Sabrina Mervin, *Harakat al-Islah al-Shi‘i*, 133-5. Mervin threw light on the changing use of the term “*islah*” (reform). On locating “*islah*” within the Islamic Tradition see Samira Haj, *Reconfiguring Islamic Tradition: Reform, Rationality, and Modernity* (Stanford: Stanford University Press, 2009).

74 See ‘Ali al-Zayn, “Bawadir al-Islah fi al-Najaf aw Nahdat Kashif al-Ghita’,” *Al-Irfan* 29 (1939): 181-3; Shaykh ‘Abd al-Husayn Sadiq, *Sima’ al-Sulaha’* (Sidon: Matba‘at al-‘Irfan, 1927); Muhsin al-Amin, “Thawrat al-Tanzih: ‘Risalat al-Tanzih’ taliha mawaqif min wa ara’ fi al-Sayyid Muhsin al-Amin,” ed. Muhammad al-Qasim al-Husayni al-Najafi (Beirut: Dar al-Jadid, n.d.).

75 See al-Amin, *A‘yan al-Shi‘a*, vol. 10, 333-446. A number of the *sayyids* of Al Ibrahim from ‘Aynatha were propertied clerics; see Mustafa Bazzi, *Jabal ‘Amil*, 230, 269. On Habib Al Ibrahim see al-Amin, *A‘yan al-Shi‘a*, vol. 9, 444; Kazim ‘Abbud al-Fatlawi, *Al-Muntakhab min A‘lam al-Fikr wa al-Adab* (Beirut: Mu‘assasat al-Mawahib li-al-Tiba‘a wa al-Nashr, 1999), 96-7. On ‘Abd al-Husayn Nur al-Din, see *A‘yan al-Shi‘a*, vol. 7, 445; Hasan al-Sadr, *Takmilat Amal al-Amil* (Qum: Matba‘at al-Khayyam, 1985), 256. For more on the economic standing of al-Amin family and its scholars, see Mustafa Bazzi, *Jabal ‘Amil*, 216-21.

76 Al Safa, *Tarikh*, 170.

madrasas and the Ottoman public schools.⁷⁷ In the last social stratum were students from families with a long tradition of legal-religious learning but of modest economic background like Muruwwa, Sharara, and Sadiq.⁷⁸ Shaykh Musa Sharara (d. 1886), for instance, was a reputed scholar in Bint Jubayl and founder of a *madrasa* but he did not own land.⁷⁹ A number of scholars from these strata moved away from clerical careers toward the end of the Ottoman period. They became philologists, historians, and poets, and expressed enthusiasm for particular features of the Enlightenment.⁸⁰

Early on young boys were sent to the *kuttab* schools of Jabal ‘Amil that specialized primarily in teaching the Qur’an and its recital, and incorporated the study of calligraphy, rules of writing, and arithmetic.⁸¹ A range of elementary classes in Arabic grammar, reading and writing, mathematics, and logic supplemented the study of the Qur’an. After this stage, students studied at one of the local Shi‘ite *madrasas* and some attended an Ottoman public school. A brief description of the *madrasa* here is useful. George Makdisi viewed the *madrasa* primarily as an institutional, religiously endowed “College of Law,” training students to become jurists.⁸² The ‘Amili

77 A few *madrasas* for religious-legal study emerged in Ba‘labak-al-Hirmil during this period. One of the last *madrasas* closed down after the death of its founder, Shaykh Husayn Zughayb in 1877. Legal study was also pursued at Sufi *zawiyas* (orders) in Ba‘labak; see Fu‘ad Khalil, *Al-Harafisha: Imarat al-Musawama, 1530-1850* (Beirut: Dar al-Farabi, 1996), 110-12.

78 There were several large landholders of the Muruwwa (pronounced and written as Muroeh) family in al-Zurariyya but the main ‘ulama’ of the Muruwwa family at the time were not among them; see Mustafa Bazzi, *Jabal ‘Amil*, 275. Students from the ‘Abdullah and al-Faqih families ranged in terms of their economic status and social standing.

79 Bazzi, *Jabal ‘Amil*, 212-13.

80 See M. al-Amin, *A‘yan al-Shi‘a*, vol. 10, 333-446.

81 Jihad al-Zayn, “Min Dhikrayat al-Shaykh ‘Ali al-Zayn,” *Min Daftar al-Dhikrayat al-Janubiyya* (Beirut: Dar al-Kitab al-Lubnani, 1981), 26.

82 George Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West* (Edinburgh: Edinburgh University Press, 1981), 1-3, 9. A number of studies have questioned Makdisi’s argument that science and philosophy were not guaranteed a serious place in the *madrasa* and were rather “ancillaries.” See Sally Ragep, “The Teaching of the Ancient Sciences in Medieval Islamic Societies: Marginal or Mainstream?” Unpublished Paper, Winter 2008, pp. 1-30; Ehsan Fazlioglu, “The Samarqand Mathematical-Astronomical School: A Basis for Ottoman Philosophy and Science,” *Journal for the History of Arabic Science* 14 (2008): 3-68. Several

Shi'ite *madrasas* placed primary emphasis on the legal-juridical Islamic sciences but they were far from being institutional "Colleges" supported by *awqaf* that normally guaranteed continuity in financial and scholarly administration.⁸³ The 'Amili scholars and historians described their schools simply as "*madrasas*" or "*al-madaris al-diniyya*" (religious schools) to distinguish them from public Ottoman schools. The urbanity of the Islamic *madrasa* painted by Makdisi stands in sharp contrast to the 'Amili *madrasa* which did not emerge around "the *masjid*... and its nearby *khan*" nor was managed by a bureau but rather by informal and formal networks of family, village, as well as scholarly communities.⁸⁴ Sayyid Muhsin al-Amin, the 'Amili *marja'* wrote,

Out of these *madrasas* emerged a great number of outstanding 'ulama' and to them many [students and scholars] migrated from far regions. The Mays *madrasa* at the time of al-Muhaqqiq al-Shaykh 'Ali al-Maysi, author of "*Al-Maysiyya fi al-fiqh*" had numerous *talaba* (students). From [this *madrasa*] graduated al-Shahid al-Thani, Zayn al-Din b. 'Ali al-'Amili al-Juba'i and that was in the early tenth century Hijri. These *madrasas* continued [teaching] in every century due to a succession of great scholars even though they did not have *waqf* (religious endowment) unlike the case in Syria, Iran, India, Egypt, Iraq and Morocco and other Muslim regions. In these areas most of the schools had religious endowments that secured the students' provisions and elicited the desire to seek learning. The *madrasas* of Jabal 'Amil lacked this [condition] except rarely ...and they [the *madrasas*] appeared and disappeared with the appearance and disappearance of [individual] teachers or those who took their place after their death.⁸⁵

Persian *madrasas* of the early sixteenth century did not seem to separate between the Islamic sciences and the so-called "foreign sciences," particularly mathematics, astronomy, and philosophy. The study of the "foreign sciences" did not "fade away" after the twelfth century; see Ghiyath al-Din al-Husayni, known as Khwandamir, *Habib al-Siyar fi Akhbar Afrad al-Bashar*, 4 volumes (n.p., n.d.). On the *madrasas* of Shiraz during the early sixteenth century, see Reza Pourjavady, "A Shi'i theologian and Philosopher of Early Safavid Iran: Najm al-Din Haji Mahmud al-Nayrizi and his Writings," Ph.D. diss. (Free University of Berlin, 2008).

83 The 'Amili *madrasas* did not have the same structure or range of posts which Makdisi described in connection to Shafi'ite *madrasas* such as al-Shamiyya and al-'Imadiyya; see Makdisi, *The Rise of Colleges*, 163-5.

84 *Ibid.*, 27-8.

85 M. al-Amin, *Khitat Jabal 'Amil*, 182.

The characteristics of the *madrasas* of Jabal ‘Amil reveal the limitations of overarching and formulaic depictions of the Islamic *madrasa*. In comparison to Makdisi, Michael Chamberlain emphasized the state’s sociopolitical manipulation of the *madrasas* in as far as they were established through religious endowments. He counterbalanced Makdisi’s emphasis on the charitable and scholarly dimensions of the *madrasas*.⁸⁶ The ‘Amili *madrasas*, however, were not amenable to state politics even if they witnessed scholarly competition and cross-regional rivalries. The autonomous scholarly impetus for founding these *madrasas* was evident in the pride which their founders derived from them and the thrust to keep the *madrasas*’ intellectual traditions alive. The local maintenance of a tradition of learning despite the lack of an institutional base draws our attention to diverse functions and dimensions of Islamic learning. Influential leaders extended at times financial support for the Shi’ite *madrasas*. A number of ‘ulama’ families also funded their own schools such as the Khatun family which was a large landholder especially in the village of Juwayya.⁸⁷

The ‘Amili *madrasas* were free under the late Ottomans to teach the religious-legal sciences pertaining to Twelver Shi‘ism. These *madrasas* taught the following: grammar/philology; morphology; and rhetoric (including the art of metaphors); logic; and Islamic theology. The latter covered the foundations of religion—the belief in unity and divine justice, the necessity for prophets in human society, the continuation of divine guidance through the infallible Shi’ite Imams, and the belief in resurrection on the day of judgment.⁸⁸ The *madrasas* also taught rational theology, metaphysics, jurisprudence, law, Qur’anic exegesis, arithmetic, history and literary arts.⁸⁹ Sabrina Mervin discussed the texts which students studied at the *madrasas* of Jabal ‘Amil before pursuing specialization in law and jurisprudence in Najaf.⁹⁰ It is difficult, however, to know from the sources all the texts introduced and those eliminated and the particular branches of study expanded at these *madrasas* during the Hamidian period.

86 Michael Chamberlain, *Knowledge and social practice in medieval Damascus, 1190-1350* (Cambridge: Cambridge University Press, 1994), 51-4.

87 Bazzi, *Jabal ‘Amil*, 198-199. Shaykh Yusuf b. Muhammad ‘Ali Khatun for instance owned around one third of the 19 houses in the village of ‘Aydib.

88 M. al-Amin, *Khitat Jabal ‘Amil*, 186.

89 *Ibid.*, 186, 188.

90 Mervin, *Harakat al-Islah*, 92-7.

The sources allow us to deduce only the general alterations made at these *madrasas* which we will highlight in the following section.

Educational Modernization and the ‘Amili *madrasas*

The Tanzimat (re-organization, reform) aimed to encourage the loyalty of religiously and ethnically diverse subjects to the Ottoman Empire, secure a steady flow of tax revenues, as well as withstand European economic and fiscal challenges.⁹¹ During the nineteenth century new economic and political conditions led, in conjunction with increased bureaucratic specialization, to alterations in the Ottoman educational system.⁹² The ‘Amili scholars viewed this phase of educational modernization favorably as a way first, to nurture Ottoman support for Shi‘ite teaching and judgeship and second, to preserve Islamic cultural traditions against European encroachment.

Benjamin Fortna suggested that Ottoman officials, particularly during the reign of Sultan Abdulhamid II (r. 1876-1909), hoped that a new Ottoman school system would revitalize the economy and reverse the elites’ decreasing control over trade exchanges with Western Europe.⁹³ Science and education, one Ottoman official argued, had permitted Europeans to persevere and accumulate wealth.⁹⁴ Science was imparted at the Ottoman schools with the conviction that it would remedy various socio-economic and political ‘ailments.’ Other factors spurred changes in the late Ottoman school system. In 1877-78 the Ottoman government suffered a blatant defeat at the hands of Russia. It was further disheartened by the implementation of the Public Debt Administration (1881) that was supervised by the European powers to ensure the Ottomans’ payment of debts.⁹⁵ Meanwhile, Ottoman governors and officials in Syria were raising complaints about

91 Ussama Makdisi, “After 1860: Debating Religion, Reform and Nationalism in the Ottoman Empire,” *International Journal of Middle East Studies* 34 (2002): 601-2; see also Eric Hobsbawm, *The Age of Empire, 1875-1914* (London: Vintage Books, 1987), 284.

92 Fortna, *Imperial Classroom*, 81.

93 *Ibid.*, 82.

94 *Ibid.*

95 *Ibid.*, 29.

the activities of European consulates.⁹⁶ An ‘Amili historian Muhammad Jabir Al Safa noted that respect for Ottoman authority in Syria began to crumble as European consuls used the complaints of the minorities to force Ottoman officials to bow to their commands.⁹⁷ Subsequently, Al Safa added, high ranking Ottoman officials visited the consulates to apologize and “happy was he who obtained the favor of [European] consuls!”⁹⁸ Al Safa found these developments objectionable.

Beirut was established in 1888 as an Ottoman province to attend partly to the increased activities of the Great Powers, especially the French, as well as to halt their infringement on Ottoman power through Christian missionary schools.⁹⁹ In Beirut, 90 percent of the 5,000 students attending well-financed French, British, American, Italian, and German schools were Ottoman subjects and a good number of these were Muslims.¹⁰⁰ Possibly, Muslim Ottoman subjects were gaining exposure to anti-Ottoman sentiments, as well as Eurocentric perceptions of Islamic society. Ottoman educational reformists found support among the ‘Amilis who wanted to circumvent the long-term effect of the missionary schools. Ottoman officials hoped also to adapt the efficient, high-level educational mechanisms set in place by minority groups such as the Greeks and Armenians.¹⁰¹

The Ottoman governor of Beirut expressed his alarm at the spread of foreign schools and suggested building Ottoman schools, some following the “old” style of Qur’an schools and others following a “new” elementary school (*ibtida’i*) system. Yet it was the introduction of the secondary schools (*i’dadi*) that helped create an integrated and relatively standardized system of imperial learning. Fortna’s observation that the imperial school of the late Ottoman period offered “a parallel system” to the *madrasa* and did not replace it seems accurate in the case of Jabal ‘Amil. The ‘Amili ‘ulama’ were involved in both types of schools simultaneously and

96 Fortna, *Imperial Classroom*, 52-4.

97 Muhammad Jabir Al Safa, *Tarikh Jabal ‘Amil* (Beirut: Dar al-Nahar, 1992), 178.

98 *Ibid.*

99 *Ibid.*, 50-1, f. 9. Beirut incorporated Latakia, Tripoli, Acre, and Nablus. In 1888, Tyre, a major city in Jabal ‘Amil, became a *kaza* (subdistrict) of the province of Beirut after being previously part of Damascus.

100 Fortna, *Imperial Classroom*, 52-4.

101 Al Safa, *Tarikh Jabal ‘Amil*, 71-3.

a number of them cultivated their distinct fields of study.¹⁰² For the most part, however, the ‘Amilis avoided the missionary schools.¹⁰³

The Shi‘ite ‘ulama’ of Najaf in Iraq established the *madrasa* of al-Kawthariyya in Jabal ‘Amil which functioned until 1842. It was followed by the *madrasa* of Juba‘ founded by ‘Abdullah Ni‘ma (d. 1886). Both schools focused on law and jurisprudence producing a host of *muftis*, philologists, judges, prayer leaders, and teachers.¹⁰⁴ Apparently, the *tajdid* which Ni‘ma envisaged was seen as part and parcel of *taqlid* (emulation) of the scholarly tradition of al-Shahid al-Thani.¹⁰⁵ After this time, Al Safa noted, Ottoman public schools based on “the new pedagogy” emerged. These schools were unknown to the ‘Amilis before the period of Midhat Pasha (1822-83), Syria’s *vali* governor (appointed 1878) who founded the *amiriyya* (state) schools, the *rushdiyya* schools (acting originally as secondary schools) in the centers of the sub-districts, and the *i‘dadiyya* in the centers of the districts and provinces. ‘Amili scholars viewed the state’s new-school pedagogy as a mark of a better era.¹⁰⁶ The ‘Amilis could have benefited more from these initiatives if schools were built in Jabal ‘Amil itself because most of them fell in the coastal governmental centers.¹⁰⁷ ‘Amili scholars praised Midhat Pasha’s initiatives in preserving Muslim pietistic traditions, encouraging the social-educational autonomy of Syria’s Arab population, and securing endowments for the purpose of religious learning.¹⁰⁸ Even though ‘Amili scholars used the terms “new” and “modern” to refer to changes in the methods of teaching, textbooks, and some fields of study, they did not view these changes as a break with the past tradition of Islamic learning.

102 Fortna, *Imperial Classroom*, 72-3.

103 Mervin, *Harakat al-Islah*, 192-3.

104 See Nawal Fayyad, *Safahat min Tarikh Jabal ‘Amil fi al-‘Ahdayn al-‘Uthmani wa al-Faransi* (Beirut: Dar al-Jadid, 1998), 40.

105 On Ni‘ma, see Mervin, *Harakat al-Islah*, 175.

106 Fortna, *Imperial Classroom*, 72; Somel, *The Modernization of Public Education*, 65.

107 The subdistrict (*kaza* or *qada’*) was the smallest administrative unit, which may have included a city and villages in its vicinity. It was governed by a *qaim-maqam* and its affairs were managed by a judge.

108 Al Safa, *Tarikh Jabal ‘Amil*, 171-2; Hani Farhat, *Al-Thulathi al-‘Amili fi ‘Asr al-Nahda* (Beirut: Al-Dar al-‘Alamiyya li-al-Tiba‘a wa al-Nashr wa al-Tawzi‘, 1981), 31.

The *madrasa* of Juba‘ in Jabal ‘Amil closed down in 1885 and students were directed to the *madrasa* of Hanawayh (close to Tyre) founded by Shaykh Muhammad ‘Ali ‘Izz al-Din (died circa 1886). Under his leadership the school tried to “adapt what is beneficial from the modern sciences and modern philosophy” and impart it to students.¹⁰⁹ It critiqued the teaching methods at the *madrasa* of Juba‘ where the students spent years acquiring Arabic grammar at the hands of teachers who could not simplify its obscure points.¹¹⁰ A graduate of this *madrasa*, Sayyid Muhammad al-Husayni (d. 1908) was described as “one of the makers of an intellectual renaissance” in al-Nabatiyya where he founded a *madrasa* in 1884 on “modern bases” reflecting some of the educational changes of the Hamidian era.¹¹¹ Aside from the legal-religious sciences, the *madrasa* instructed students in history, geography, and the Turkish language. Sayyid Muhammad Ibrahim also expanded the curriculum at this *madrasa* focusing on literature, poetry, logic, Avicennan philosophy, and natural science. The *madrasa* further introduced the work of *Kitab al-Naqsh fi al-Hajar* (*The Book of Stone Engraving*) by Cornelius Van Dyke (d. 1895), an American medical missionary living in Syria (which included the future Grand Liban).¹¹² His book, Mervin noted, functioned as an introductory text to modern physics and chemistry in addition to psychology.¹¹³ It is also possible that the *madrasa* used the eighth volume of *Kitab al-Naqsh* on logic. ‘Amili sources note that during the early twentieth century al-Nabatiyya became a scholarly entrepôt for the learned who came from Istanbul, Beirut, and Damascus.¹¹⁴

The *madrasa* of Bint Jubayl founded by al-Shaykh Musa Sharara (d. 1886) was instrumental in shaping future jurists and producing a host of school teachers and writers. At the *madrasa*, Sharara trained his assistants to provide their students with concise clarifications and succinct explanations of certain textbooks. He aimed to reverse the earlier approach of

109 Fayyad, *Safahat min Tarikh*, 40-1.

110 Mervin, *Harakat al-Islah*, 175.

111 Al Safa, *Tarikh*, 245.

112 *Ibid.*, 250.

113 Mervin, *Harakat al-Islah*, 169.

114 *Ibid.*, 249-52. The school was considered an important catalyst for proto-nationalist Arab thought; see Ja‘far al-Amin, “Al-Sayyid Ja‘far al-Amin,” *Min Daftar*, part 2, 103-4; Farhat, *Al-Thulathi al-‘Amili*, 29-30.

teaching at the *madrasa* based on broad lectures providing long and comprehensive elaborations on a text.¹¹⁵ Another school of importance was the Nuriyya *madrasa* founded in al-Nabatiyya where Sayyid Muhammad ‘Ali Nur al-Din (d. 1907) taught. Among its graduates were Ahmad Rida and Sulayman Zahir, two leading intellectuals with expertise in law, literature, history, and lexicography. In al-Nabatiyya al-Tahta another school emerged in 1891-92, namely, the Hamidiyya *madrasa* under the headship of Sayyid Hasan Yusuf Makki al-Husayni (d. 1906).¹¹⁶

The Hamidiyya *madrasa* was the first institutionalized *madrasa* supported by the Ottoman authorities and funded through the religious endowments of Haydar Jabir, a Shi‘ite benefactor. The *madrasa*’s founder, al-Husayni, called his school al-Hamidiyya in deference to Sultan Abdulhamid II. It attracted Muslims from both rich and poor backgrounds and synthesized secular fields with legal-religious training. In 1908 free primary (*ibtidai*) public schools were founded in Jabal ‘Amil.¹¹⁷ Sultan Abdulhamid II’s officials and bureaucrats, as Fortna argued, Ottomanized as well as “Islamized” the schooling system in such a way that in effect it was not the initial French “model” the Tanzimat reformers started with.¹¹⁸ At the ‘Amili *madrasas* dimensions of the “religious” and the “secular” were reworked in the curriculum and reflected in the academic composition of the teachers. Meanwhile, ‘Amili scholars continued to teach Shi‘ite doctrine, law, and jurisprudence.¹¹⁹ Al Safa explained that the Hamidiyya students, like others in the Empire pursuing Islamic legal and rational sciences, were exempted from serving in the Ottoman army. Scholars commended Ottoman support for Islamic traditions and the protection of religion. Apparently, the exemption from military conscription led to an increase in “fake students” whose only interest in legal-religious studies “was getting rid of arduous military service.”¹²⁰ Ottoman soldiers checked whether students who registered at these *madrasas* were attending classes regularly. The soldiers harassed at times the locals and extracted money

115 Al Safa, *Tarikh*, 245-6.

116 *Ibid.*, 251-3; Fayyad, *Safahat*, 41-2.

117 Al Safa, *Tarikh*, 168.

118 Fortna, *Imperial Classroom*, 9-11.

119 Farhat, *Al-Thulathi*, 115; see Khalil, *Al-Harafisha*, 127.

120 Al Safa, *Tarikh*, 255-6.

from them when they found out that a student was faking his enrollment in legal-religious classes. But the willingness of Ottoman officials to take such measures to ensure a central place for the Islamic *madrassa* in a modernizing society gained the respect of the ‘Amili ‘ulama’. Overall, these developments provided intellectual fervor for ‘Amili students and scholars.

Afterthought

The nineteenth century Ottoman educational reforms particularly during the Hamidian era opened a new public space for the ‘Amili ‘ulama’ as the Twelver Shi‘ites were accorded a sectarian Islamic status and relative juridical autonomy and power. The availability of stipends for students helped draw into the ‘ulama’s ranks students of various economic and social backgrounds.¹²¹ The new financial resources and judgeship posts, the “revival” of the legal-religious sciences, and the mixed learning experiences at the *madrassa* and the public Ottoman school increased the diversity of the learned ‘Amili community and the competition among influential *sayyid* families.

Following the defeat of the Ottoman Empire at the hand of European powers, the values shaped by European universalism and cultural progress gained inexorable authority in Islamic society. Universalism embodied the objective, permanent, and valid existence of scientific truths.¹²² Science, separated from philosophical thought, had a prophetic place as the highest revelatory mode of knowledge, as Immanuel Wallerstein argued.¹²³ Despite the assertion made by some nineteenth century ‘Amili reformists that *tajdid* was an Islamic principle promoting modern change, Western conceptions of ‘modern progress’ forced a new generation of intellectuals to rethink the foundations and boundaries of the larger Islamic tradition. This tradition, predicated on renewal and conservation simultaneously was disrupted by increasing secularization and more importantly the rise of the nation-state. A number of ‘Amili students at the local *madrasas* and Najaf’s seminary discontinued their clerical training after the end of the

¹²¹ *Ibid.*, 249-253.

¹²² J. M., “Siyar al-‘Ilm fi al-Najaf,” *Al-‘Irfan* 21 (1931): 498-9; Immanuel Wallerstein, “Eurocentrism and its Avatars: The Dilemmas of Social Science,” *New Left Review* 26/1 (November - December 1997): 96.

¹²³ Wallerstein, “Eurocentrism,” 96, 106.

Ottoman period.¹²⁴ These students turned to careers in modern poetry, literary criticism, journalism, history, and modern law, as these fields achieved independence from the *madrassa* and the seminary during the first half of the twentieth century.¹²⁵

124 Rula Jurdi Abisaab, "From the Shi'ite *hawza* (seminary) to Marxism: 'Amili Interpretations of anti-Colonial Modernism, 1920-1950,'" paper presented at the Middle East Studies Association annual meeting in Boston, 2006.

125 See, Al Safa, *Tarikh*, 244; Musa al-Zayn Sharara, "Min Dhikrayat al-Sha'ir Musa al-Zayn Sharara," in *Min Daftar al-Dhikrayat al-Janubiyya*, Al-Majlis al-Thaqafi li-Lubnan al-Janubi (Beirut: Dar al-Kitab al-Lubnani, 1981), 75; Mustafa Bazzi, *Muhammad Sharara: al-adib wa al-insan* (Lebanon: Hay'at Inma' al-Mintaqa al-Hududiyya, 1994), 11-12, 16-17, 26.